

MacInnes, Allan Iain (1987) *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*. PhD thesis.

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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.

By

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Volume I

Submitted for the Degree of Ph.D.
in the University of Glasgow,
September 1987.

This research was conducted in the Department of Scottish History,
University of Glasgow.

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Acknowledgements

For their advice and assistance, but above all, for their forbearance, I should like to thank my two supervisors in the Department of Scottish History, Professors I.B. Cowan and A.A.M. Duncan. A debt of gratitude is also owed to family and friends for encouraging me to persevere and complete this thesis.

In conducting my research, I received magnanimous assistance from the ducal family of Hamilton, most notably from Lord Hugh Douglas-Hamilton, not only in affording me access to the family muniments at Lennoxlove but in agreeing to place a considerable quantity of documents on temporary deposit with the Scottish Record Office for perusal at my convenience. The staff in the Scottish Record Office - at Register House and West Register House, Edinburgh - merit my appreciation for their unstinting assistance, as do the staff in Strathclyde Regional Archives, Glasgow and the Hamilton District Library, Hamilton. The librarians and archivists at the National Library of Scotland and the British Museum, as at the universities of Edinburgh and Glasgow, must especially be thanked for allowing me courteous and uncavailing access to original sources in manuscript and print. Particular mention must be made of Mr N. Higson, archivist at the Brynmor Jones Library, for furthering my research by constructive guidance through the Scottish source material lodged at the University of Hull.

Last, but by no means least, I am in immeasurable debt to Jeanette Mouat, Taynuilt, for the efficiency, diligence and circumspection she exhibited in typing this thesis.

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Summary

Our main feare to have our religion lost,
our throats cutted, and our poor countrey
made an English province.¹

As graphically articulated by Robert Baillie, minister of Kilwinning in Ayrshire (and subsequently principal of the university of Glasgow), the apprehensions which motivated the Scots to promulgate the National Covenant on 28 February 1638, were as much nationalist as religious. The primary purpose of this thesis is to argue that although religion, more specifically the imposition of liturgical innovations, was undoubtedly the issue which precipitated the termination of Charles I's thirteen year personal rule, the Scots were collectively reacting against innovatory policies conceived at Court, policies intent on the fundamental restructuring of Scottish government and society as well as the implementation of economic no less than religious uniformity throughout the British Isles.

The failure of Charles I was not just a matter of political presentation, though his authoritarian style of government was instrumental in provoking Scots to revolt in defence of civil and religious liberties.² The emergence of the Covenanting Movement entailed a substantial rejection of Charles' personal rule both with respect to policy content and political direction. Paradoxically, the elite who manufactured revolution in name of the Covenanting Movement were to draw on lessons learned from Charles I in promoting the central reorientation of Scottish government between 1638 and 1641. During these years, marked ostensibly by the imposition of constitutional checks on absentee monarchy in Kirk and State and the replacement of the Court by the National Covenant as the political reference point for Scottish society, the revolutionary essence of the Covenanting Movement demonstrably lay in its organisational capacity to exert unprecedented demands for ideological conformity, military recruitment and financial supply.

Accordingly, this thesis is intent on providing not just an

exhaustive and detailed reconstruction of mainstream political developments between 1625 and 1641, but also a systematic and comprehensive analysis of the conduct of the personal rule, the emergence of the Covenanting Movement and the radical nature of the Scottish revolution which was to serve as the model for terminating the personal rule of Charles I in England and Ireland. Occasional comparisons and contrasts are drawn where apposite with contemporaneous political developments elsewhere in Europe.

A brief introduction sets the scenes with regard to past commentaries on the origin and organisation of the Covenanting Movement during the reign of Charles I. Thereafter, the first three chapters define the flexible nature of the political nation in Scotland and expound its aspirations nationally and internationally in the wake of the union of the Crowns in 1603, aspirations which were compromised politically by James VI's departure south but not undermined critically until the accession of Charles I in 1625 as an absentee monarch ill-versed in the composition of the Scottish body politic and manifestly insensitive to its personal fears of provincialism.

The single most fractious yet least comprehensive issue of the personal rule was the Revocation Scheme - Scotland's equivalent to the Schleswig-Holstein question. Although a lord justice-clerk of the last century has complemented Charles I for setting the whole law of tithes (teinds) on a sound footing,³ the aspects of the Revocation Scheme which mattered to his Scottish subjects were its specious introduction, its authoritarian implementation, its technical complexities and, above all, its wholesale disregard for landed title and privilege. Three chapters have been devoted to unravelling its comprehensive scope but limited impact and another three to its political ramifications, notably its permeation of a climate of dissent and its progressive sapping of the will of the Scottish administration to uphold monarchical authority.

Fiscal aspects dominate the next three chapters. Charles'

dogmatic pursuit of economic uniformity is identified as marking a critical shift, the moving of the disaffected element within the political nation to open collusion verging on civil disobedience to obstruct the implementation of directives from Court. The pursuit of uniformity, especially evident in Charles' promotion of the common fishing and tariff reform, coupled to his cavalier disregard for the establishment of sound money in Scotland, served not only to induce economic recession but to differentiate between the royal interest and the national interest.

This crucial differentiation which was to underwrite the Scottish revolution was simultaneously carried a combustible stage further by Charles' censorious management of his coronation parliament, by his exemplary prosecution of James Elphinstone, Lord Balmerino, as a leader of the disaffected element and by his public endorsement of episcopally inspired campaigns to eradicate nonconformity in the Kirk. The rallying of the disaffected element and their mounting of public demonstrations against liturgical innovations, as manifest by the rioting which greeted readings from the Service Book in Edinburgh during the summer of 1637, form the substance of the next three chapters and are complemented by the subsequent two which trace the progressive emergence of the Tables from a vehicular organisation for public protest into a provisional government resolved on a radical interpretation of the National Covenant. In spite of the apparent conservatism of its framing, this document was in essence both a nationalist and radical manifesto to secure the fundamental reordering of government in Kirk and State while reasserting the political independence of the Scottish people.

Rather than seek to retread ground well served by political narratives of the Covenanting Movement following its emergence in 1638, the last three chapters prior to the conclusion scrutinise the revolutionary attainments of the elite directing the cause from the first constitutional defiance of Charles I at the general assembly of 1638 through recourse to hostilities between Covenanters and Royalists

during the Bishops' Wars of 1639-40. Having brought to bear sufficient military and political pressure to oblige Charles I to concede diplomatic recognition for the Scottish state as an independent identity within the British Isles, a concession furthered by the willingness of the Covenanted leadership to export revolution, the entrenchment of oligarchic control over Scottish affairs was consummated by the parliament of 1641.

Because the contrasting political fortunes of Charles I and the Covenanted Movement nationally are appraised summarily in the penultimate chapter, the formal conclusion takes the unconventional format of providing a regional perspective - that of the west of Scotland - to successive government by Crown and Covenant between 1625 and 1641. Although local particularism persisted throughout these sixteen years, there was a significant difference in the regional response to centralised directives before and after 1638. That the grievances of the west tended to coalesce with the rest of Scotland in the course of the personal rule suggests that Charles I regionally as well as nationally was the political architect of his own downfall. By way of contrast, despite unprecedented ideological, military and financial demands, the Covenanted Movement retained wholesale support in the west for its national endeavours through its reinvigoration and reorientation of local government - along lines attempted but never satisfactorily accomplished by Charles I.

1. The Letters and Journals of Robert Baillie, 1637-62, D. Laing, ed., 3 vol., (Bannatyne Club, Edinburgh, 1841-42), vol. I, 66.
2. M. Lee, jnr., The Road to Revolution: Scotland under Charles I, 1625-37, (Urbana & Chicago, 1985), passim.
3. J. Inglis, The Historical Study of Law, (Edinburgh & London, 1863), 13-14.

Abbreviations and Conventions

<u>APS</u>	<u>Acts of the Parliament of Scotland</u>
<u>CSP</u>	<u>Calendar of State Papers</u>
HMC	Historical Manuscripts Commission
HMSO	His/Her Majesty's Stationery Office
NLS	National Library of Scotland
<u>RCRB, Extracts</u>	Extracts from the Records of the Convention of Royal Burghs
<u>RMS</u>	<u>Registrum Magni Sigillii Regnum Scotorum</u> <u>(Register of the Great Seal of Scotland)</u>
<u>RPCS</u>	<u>Register of the Privy Council of Scotland</u>
<u>RSCHS</u>	<u>Records of the Scottish Church History Society</u>
<u>SHR</u>	<u>Scottish Historical Review</u>
SHS	Scottish History Society
SRA	Strathclyde Regional Archives
SRO	Scottish Record Office
<u>TRHS</u>	Transactions of the Royal Historical Society

- 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 (m) 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.
- Numerals: All monetary quantities, like page references in the notes at the end of each chapter, are expressed in arabic numerals. Roman numerals capitalised are used to denote volumes of printed works, lower case for volumes of manuscripts (MSS). Folio references (ff) revert to arabic numerals.
- Quotations: All abbreviations in manuscripts, pamphlets and broadsheets and other printed texts are extended, but otherwise the original spelling and punctuation are retained.

Introduction

On Sunday 23 July 1637, a riotous reception was accorded, in St Giles cathedral and other Edinburgh churches, to the first reading of the Service Book. This tumultuous rejection of the liturgical measures which Charles I, on the strength of his prerogative, wished to introduce into the Church of Scotland was supplemented, in the following months, by nationwide petitioning against ecclesiastical innovations and their unconstitutional imposition. By the end of the year, opposition forces convening in Edinburgh had composed themselves into a body, known as the Tables, to receive petitions of grievance from the localities and to co-ordinate resistance to the Crown at national and local levels. This body, consisting of commissioners drawn from the four estates of the nobility, gentry, clergy and burgesses, was instrumental in issuing, on Sunday 28 February 1638, the National Covenant. The Covenanting Movement was thereby formally launched as an overt attempt to defend and preserve the reformed religion, in association with the liberties and laws of the kingdom. General assemblies were to be the ultimate authority for ecclesiastical affairs and parliaments, likewise, for matters of state.

A general assembly which, though called by the king, met under the management of the Tables at Glasgow in November 1638, continued to sit in defiance of a royal order to dissolve and proceeded to establish presbyterianism, at the expense of episcopacy, as the means of government for the Kirk. By resorting to arms during the summers of 1639 and 1640, in what became known as "The Bishops' Wars", the Covenanting Movement forced the Crown to accede to its ecclesiastical measures. By invading and occupying the north of England, the Covenanters precipitated the calling of the English parliament, thereby triggering a further constitutional crisis for Charles I. After the conclusion of lengthy peace negotiations with the Crown, at ^{London}~~Ripon~~ in August 1641, the Covenanters were able to exploit the political situation in England to demand and gain full control of government in the State. At the parliament in Edinburgh during the autumn, Charles conceded that the appointment of his councillors, executive officials and members of the judiciary, should be subject to parliamentary

approval. This new right of the legislature was implemented in November 1641. Thus, within the space of four years, the Covenanting Movement had organised a revolution which effectively limited the sovereignty of the Crown. Moreover, as public subscription to the National Covenant had become compulsory from 1639, the Movement had entrenched itself as the politically dominant force in Scottish society.

Within a broader chronological perspective, the origins and organisation of the Covenanting Movement was but a further development of the theme which had dominated Scottish history since the Reformation: namely the search, from 1560, for 'a political equilibrium' in the relationship between Kirk and State.¹ At the one extreme was the presbyterian claim for the autonomy of the Kirk, whose supreme government was to reside within general assemblies rather than be entrusted to bishops as erastian agents of the Crown. At the other extreme was the autocratic ambition of the monarchy to subordinate all constitutional forums, parliaments as well as general assemblies, to the exercise of the royal prerogative. The emergence and establishment of the Covenanting Movement marks the fulcrum point in this constitutional struggle. As a result, contemporary commentaries on the fractious events of the sixteen years between 1625 and 1641, whether recounted by activists or mere observers, assume and reflect this political polarisation.

Moreover, commentators in the following decades, especially after the Restoration of the monarchy in 1660, were not immune from partisanship or the manipulative use of hindsight when recording events or revising memoirs. With the constitutional establishment of limited monarchy and presbyterianism at the Revolution, there was, from 1690, a gradual decline in the political dominance exercised by the relationship between Kirk and State. Yet no amicable settlement was finally resolved until the late nineteenth century. Writings on the Covenanting Movement, meanwhile, continued to be tinged with a denominational bias which ranged from political aversion to religious

hagiography. Furthermore, despite the abundance of source material, of both official records and private collections, to set against the prevailing political and religious climate when commentaries were originally written and subsequently published, a 'dearth of specialist inquiries' into the early Covenanting Movement has produced a rather superficial ~~consensus~~[§] of opinion in the modern interpretation of its origin and organisation.²

In 1639, Charles I was reported to have asserted that 'the seeds of Sedition were sown by the plotters of their Covenant, made under the pretence of Religion, long before any of the grievances or pretended innovations in Religion complained of by them were ever heard amongst them'.³ Yet, since public opposition to the Crown was demonstrably initiated on religious issues, the origins of the Movement have been traditionally interpreted on essentially ecclesiastical grounds. The works of W.L. Mathieson and J.K. Hewison mark a gradual admission within Scotland that political grievances contributed to the growth of opposition and eventually to the constitutional crisis which terminated the personal government of Charles I.⁴ The British impact of the emergent Covenanting Movement has tended to concentrate on the political effects which followed the intervention of the Covenanters in England. However, it was an Englishman, S.R. Gardiner, who pioneered a greater modern awareness of the Movement's political origins within Scotland as well as the revolutionary trigger which it loosed in England.⁵ It was left to a Welsh bishop, David Mathew, to broaden the political and ideological background of the Covenanting cause by a perceptive - if occasionally idiosyncratic - examination of the social and religious geography of Scotland prior to the establishment of the Movement.⁶ Nevertheless, the appreciation of the Covenanting organisation by these historians has tended to derive from the Movement's dominance of political events rather than from its capacity to mobilise support within the localities.

Greater balance in the interpretation of the origins of the

Covenanting Movement has been given by the reappraisal of G. Donaldson, which sets ecclesiastical issues against the growth of constitutional opposition.⁷ The resentment aroused by the fiscal as well as the political policies of the Crown are also touched upon. It is his central contention, that 'essentially the covenanting movement was, and as its history unfolded, it long continued to be, an aristocratic and conservative reaction'. This has led to a rather cursory treatment of both the influence and political management of the Tables and of the seizure and retention of political initiative by the Covenanters. As a result, the progress of the Movement tends to be charted without its organisational structure being analysed.

In a recent study, D. Stevenson comprehensively demonstrates that lay control was the dominant feature influencing the course of the Covenanting Movement.⁸ Yet the common unity of purpose throughout the country behind the Covenanting cause, which he finds 'striking', is never fully developed in relation to the ability of the Covenanters to organise support at the grass-roots. Accordingly, the radical nature of the Movement tends to be confined to ecclesiastical issues, the Covenanters being pushed only by circumstances and the pace of events, rather than by ideological commitment or political design, to accomplish a constitutional revolution. The element of constitutional discontent in the Movement's origins is correspondingly played down, though the political, fiscal and administrative estrangement within the country from the policies of royal government are seen as important precursors to the unrest occasioned by the religious issues. The possible existence of social factors in the origins of the Movement is dismissed by his assertion that 'the causes of the revolt were "social" only insofar as a variety of motives led Scottish society to unite to an unusual extent against its head'. Such a restrictive definition tends, on the one hand, to confine social history to issues affecting the lower classes not normally involved in central politics. On the other hand, it ignores the customary inclination of political leadership to follow social standing within a pre-industrialised society. Scotland throughout the seventeenth century undoubtedly

remained a basically agrarian country. Hence, the denial of social causation amounts to a rejection of any fundamental threat inherent in the non-ecclesiastical policies of Charles I to the status and resources of the nobility, gentry and burgesses who, along with the clergy, composed the political nation of Scotland. Moreover, such an analysis affords comfort to the revisionist and irredentist who anachronistically wishes to interpret the Covenenting Movement as a religious reaction, by regarding Scotland as being impervious to the economic forces which were affecting the rest of contemporary Europe. Thereby, the long-term social consequences of inflation in the late sixteenth century are specifically rejected and consideration of the political problems so accumulated for the public financing of government is avoided.⁹

A welcome awareness of the profound influence exercised by social change on the foundations of Scottish politics is made in the most recent study of the Covenenting Movement by W. Makey.¹⁰ The impact of inflation, coupled to the secularisation of the kirklands is seen as bringing about, from the mid-sixteenth century, not only a vast transfer of wealth which undermined feudal privilege, but also the gradual erosion of the traditional decentralised framework of government in Scotland. The appearance of institutional stability concealed this 'silent revolution' until the outbreak of the Covenenting Movement. Even then, the initial semblance of unity within the Movement on political and ecclesiastical issues masked a divergence between the feudal superstructure and the increasingly commercialised fabric of society. Politically, the Covenenting Movement remains reactionary, being interpreted initially as an aristocratically dominated reaction against the promoters of revolutionary social change. In the first place, the Covenanters were opposed to the 'sheer radicalism' of the anglicised faction among the bishops whose promotion of liturgical reform was part of a wider programme of episcopal aggrandisement which included traditional clerical claims to recover the patrimony of the Kirk from lay control. Secondly, the Covenanters were opposed to the 'subtly different

radicalism' of an absentee monarch whose policy of liberating the gentry from the influence of the nobility responded to the shift in resources from feudal to commercial interests. Thereby, Charles I sought to bring about a more centralised structure of government while repairing the impoverished finances of the Crown.

However, such an analysis can lead to the revolutionary potential of the objective forces initiating social change being over-stressed and the radicalism of the subjective forces organising political opposition being underestimated. The reassessment of social causation is not helped by the blatant assertion that 'the price rise was much greater in Scotland than anywhere else'. No reference is made to any comparative statistics for the rates of inflation in other European countries. The estimation of a ten-fold increase in prices, during the century which culminated in the Covenanted Movement, relies on the indexing of agricultural goods - commodities more noted for their volatility than their reliability as price indicators - as against the more accurate measurement provided by consumer durables. In considering the massive transfers of wealth, primarily through secularisation, as 'catastrophic', it must be borne in mind that such a shift of resources was essentially between classes. Though the gentry were now arguably as wealthy a class as the nobility, individual levels of wealth still favoured the smaller number of nobles, particularly when combined with rigorous management of estates. Indeed proprietary exploitation of resources to maximise income was common to both classes, and as such, can be regarded as a progressive source of stability within landed society. A more traditional source of stability, bolstering feudal privilege, were ties of affinity, whether through kinship or local association, between nobility and gentry. Such ties also applied outwith landed society in the customary regulation of estate management between landlords and tenants. Moreover, even in areas where landlords sharply increased rents in sporadic or belated attempts to keep pace with inflation, stability within Scottish society was in no small measure preserved by emigration. Although the continent remained the traditional outlet

for frustrated social expectations, an alternative was provided in the early seventeenth century with the plantation of Ulster. Therefore, it was not an inherently unstable society in which the Covenanting Movement originated: though this is not to deny the importance of social tensions in helping the Movement flourish.

Furthermore, the stress on social causation carries the danger of determining political attitudes according to social class. The initial aristocratic dominance of the Covenanting Movement, in accordance with customary social leadership, does not mean that the nobles any more than the gentry were averse to the exercise of radical measures through the Tables. The objectives of the Covenanters were not conservatively confined to the establishment of presbyterianism and limited monarchy. To effect these constitutional ends, the Tables were prepared to formulate and apply a more centralised style of government than ever practised by the bishops or attempted by Charles I. The revolutionary essence of the Covenanting Movement is recorded in an unpublished, and hitherto unacknowledged, blueprint drawn up prior to the commencement of the general assembly which met at Glasgow in November 1638. To ensure both the political and military victory over Charles I, the Tables, as the central executive for the cause in Edinburgh, was linked to the localities by a hierarchical series of committees for the mobilisation of manpower and finance, the provision of military training, and the management of elections.¹¹ Of the opponents of the Covenanters, the contemporary most cognizant of the rigorous efficiency of their radical organisation was James, third marquis (later first duke) of Hamilton, whose perception is not invalidated by his much maligned political leadership. Having been appointed King's Commissioner to the fateful assembly at Glasgow, he struggled forlornly for the next three critical years as the main co-ordinator of the Crown's attempts to wrest the political initiative in Scotland from the Covenanters.¹² The primacy of political factors requires to be emphasised, therefore, both in the forging of the common front among Covenanters against the bishops and Charles I, and in the break-up of solidarity between

radicals and conservatives after 1641.

The diverse nature of the beginnings of the Covenanting Movement, the social composition of its support, and the extent to which it was radically motivated and structured during the initial sixteen years of the reign of Charles I, remain to be thoroughly investigated. A further unfulfilled requisite is a regional case-study, outwith the milieu of Edinburgh, the capital, concentrating on the extent to which the emergent Covenanting Movement enjoyed the support of the local community and was in turn responsive to local aspirations.

With these ends in view, no analysis of the origins and organisation of the Covenanting Movement can proceed without prior consideration being given to the social structure of Scottish politics: to examine the nature of the political nation which was moved to oppose Charles I. Furthermore, the accession of James VI to the English throne in 1603 was accompanied by the absorption of the Scottish Court into that of England and its consequent redundancy as the central reference point for political activity within Scotland. In this respect, the capacity for dissent within the political nation after the Union of the Crowns can be encompassed within divergent parameters; set on the one hand by the political, religious and economic aspirations of Scottish society and on the other, by the central direction of government in the interests of absentee kingship. Moreover, the crisis in the constitutional relationship between the Crown and the political nation was not a uniquely Scottish phenomenon. In determining the position of Scotland within any contemporary spectrum of European crisis, cognizance must be taken of the special tensions manifested by the conflicting forces of nationalism and provincialism which contributed to the emergence of the Covenanting Movement.

1. P.H. Brown, Surveys of Scottish History, (Glasgow, 1919), 31.
2. I.B. Cowan, 'The Covenanters: a revision article', Scottish Historical Review, [SHR], XLVII, (1968), 35-38.
3. W. Balcanqual, ed., A Declaration concerning the Late Tumults in Scotland, (Edinburgh, 1639), 6; hereafter, Large Declaration.
4. W.L. Mathieson, Politics and Religion: A Study in Scottish History from the Reformation to the Revolution, 2 vol., (Glasgow, 1902); hereafter, Mathieson, Politics and Religion; J.K. Hewison, The Covenanters, vol. i, (Glasgow, 1908).
5. S.R. Gardiner, Personal Government of Charles I, 1625-37, vol. i, (London, 1877); The Fall of the Monarchy of Charles I, 1637-42, 2 vol., (London, 1882).
6. D. Mathew, Scotland under Charles I, (London, 1955).
7. G. Donaldson, Scotland: James V to James VII, (Edinburgh History of Scotland, vol. 3, Edinburgh and London, 1965); hereafter, Donaldson, James V to James VII.
8. D. Stevenson, The Scottish Revolution, 1637-44, (Newton Abbot, 1973).
9. H.R. Trevor-Roper, 'Scotland and the Puritan Revolution', in Religion, the Reformation and Social Change, (London, 1972), 392-444.
10. W. Makey, The Church of the Covenant, 1637-51, (Edinburgh, 1979).
11. National Library of Scotland, [NLS], Salt & Coal: Events, 1635-62, MS.2263.
12. R.K. Marshal, ed., Hamilton MSS, A Calendar of Correspondence, vol. I, (1563-1644); hereafter, Hamilton Correspondence Calendar, I. The Hamilton Papers at Lennoxlove, including calendared correspondence which I consulted in full, will be referred to hereafter as Lennoxlove, Hamilton Papers. The papers brought in for my perusal from Lennoxlove to the Scottish Record Office [SRO], were prefixed TD 75/100 or TD 76/100 and will be referred to hereafter as SRO, Hamilton Papers, followed by their index numbering during temporary deposit. Although these papers have now been permanently deposited in the SRO, I have adhered to their original classification, both at Lennoxlove and as temporary deposits.

Chapter I The Political Nation

Government in Scotland depended less on long established central institutions than on the consensus provided by co-operation between the Crown and the four estates of the nobility, gentry, burgesses and clergy, who collectively composed the political nation, each representing a social class with separate privileges and vested interests. On the one hand, the orientation of government was decentralised, following more the practice of Germanic States within the Holy Roman Empire than the centralised conformity expected in England. On the other hand, the particularist interest of each social class contained variations of group and individual status definable not only on a political basis, but also on feudal, judicial and even ecclesiastical grounds. The latter categorisation was rooted in the secularisation of the property of the medieval Church during the sixteenth century, the others in the theory of medieval kingship. Class within this context, and especially when applied to landed society, is to be viewed more in the vertical terms of feudal title, kinship and social deference, than in the horizontal terms of material resources and cultural consciousness.

The most important estate within the political nation was that of the nobility. The theoretical values governing nobility in Scotland - such as personal virtue, public authorisation, valour and skill in military affairs or knowledge and learning, and an unblemished pedigree on either side for eight generations - followed Germanic, or rather Imperial, precepts. In practice, the designation was reserved, as in England, for the peerage and did not encompass untitled members of landed society as elsewhere in Europe.¹ Every duke, marquis, viscount, earl and lord was individually summoned to parliament to give counsel and consent to major issues of royal policy. From the fifteenth century, the new rank of parliamentary lord emerged to broaden this basis of consultation. As well as being politically expedient, such an obligation was rooted in the feudal duty of tenants-in-chief to advise their king, as their superior, in return for the lands and resources heritably bestowed on them by charter.² Moreover, the king was not only the ultimate superior of Scottish land,

but was regarded as the upholder of justice and the source of all temporal government. Grants of charters to the nobility, therefore, had the two-fold effect of decentralising government through the royal gift of judicial privileges and, simultaneously, providing an objective definition of status, based not on gradations of rank, but on the amount of judicial control individual nobles could exercise over their heritable resources.

Within the ranks of the nobility, each territorial lordship was bounded by a jurisdiction usually that of a barony court. By the seventeenth century, the main concern of such courts was basically estate management. The barony court administered and interpreted the customary relationships on which the rural economy operated. The court had also supplementary powers to try actions arising from petty debt and rent arrears as well as breaches of the lord's peace, the punishment for which ranged from forfeiture of tenants' holdings or escheat of their possessions to fining or even imprisonment. Its criminal competence was confined to cases of theft and slaughter where the offenders in either instance were caught red-handed, the respective summary penalties being corporal and capital punishment. By the early seventeenth century the former was exercised occasionally, the latter rarely. The lord was no more than an ordinary litigant in cases affecting his own interests and was expected to attend regularly at the sheriff court in whatever shire his barony lay. In turn, the lord could repledge cases from the sheriff court in which his tenantry were cited and over which he had judicial competence.

The primary responsibility of the Crown within such a baronial framework was the harmonising of local interests. In the event of baronial divergence, sheriff courts and justice-ayres could hear appeals on the grounds of partial justice or deal with civil and criminal cases beyond the competence of the barony court. However, this framework was complicated from the later middle ages by the heritable annexation of the office of sheriff by leading noble families and the infrequency with which judicial circuits were

conducted. Civil litigation was as a result increasingly attracted to the Court of Session. The Privy Council took cognizance of serious crimes, though the actual trial of capital offences was usually before a tribunal specifically appointed by the Crown.

A regional alternative existed for certain localities. Higher rights of public justice, encompassed within a regality court, had been heritably bestowed on leading nobles since the later middle ages. In addition to the usual baronial privileges, such nobles had the same civil jurisdiction as sheriffs and the criminal competence of justice-ayres within their own estates: namely, the right to try the four pleas of the Crown - rape, murder, arson and robbery. Only charges of treason were reserved for the Crown. Furthermore, the lords of regality could be given judicial rights over lands and baronies outwith their own estates. Such baronies, though losing their jurisdictional autonomy, continued to operate ^{within} ~~with~~ the hierarchical framework of the regality. Thus, lords of regality acquired the right to repledge from the local and central courts of the Crown not only cases affecting their tenantry, but also those citing neighbouring barons and landlords within their judicial spheres of influence. In return for the exclusion of royal officials, the exercise of regalian privilege demanded the development of procedural competence and administrative sophistication. Within extensive regalities, internal administration - financial and secretarial, as well as judicial - was conducted by chamber and chancery. Apart from annexed baronial courts, ordinary courts within the regality were presided over by bailies - occasionally a heritable office within another landed family - and higher jurisdiction was implemented through the establishment of judicial circuits.³ Moreover, regalian administration was continually evolving in co-operation with the Crown. Ordinary taxation was traditionally assessed on the landed resources of the four estates and was collected by government agents within each shire. When James VI decided to impose a levy on financial loans in 1621, regalities as well as shires were used as distinct land wards for the assessment of this extraordinary tax on personal income, their

officials being directly accountable to the Exchequer for its collection.⁴

The secularisation of church property provided the major extension of landholding during the sixteenth century. The main beneficiaries among traditional noble families were those who had acquired, as lay commendators, a life interest in the landed resources of the late medieval Church. When James VI annexed the temporal property of the pre-Reformation Church to the Crown by an act of 1587, he inserted the provision that church property already in the hands of lay commendators should be heritably erected into temporal lordships. The king was also given parliamentary approval to make heritable grants from the considerable portion of kirklands which were annexed, with the hint that further lordships of erection could be created as a special mark of Crown favour. As a result, temporal lordships became the most important avenue for elevation into the peerage. Although James had an act passed in 1606 which removed episcopal temporalities from the scope of the 1587 act, he reserved the right to create lordships of erection from secularised monastic property.⁵ Indeed, by using temporal lordships to reward officers of state, James was able to draw lesser members of the landed classes into the service of the Crown. Thus, within the ranks of the peerage, he built up a nobility of service with a vested interest in the maintenance and intensification of royal government. At the same time, by delegating baronial and regalian rights to lordships of erection, James continued to underwrite the decentralised orientation of government in Scotland. At James VI's death in 1625, twenty-one abbeys, eleven priories, six nunneries and one preceptory, either separately or conjointly, had been erected into temporal lordships. Indeed, of the fifty-four major ecclesiastical foundations in Scotland, only one (Dunfermline abbey) had been retained, but not wholly preserved, by the Crown.⁶

The acquisition and heritable possession of land was the traditional source of wealth and power. The nobles' control over land created a wide nexus of social and political clientage. However,

before an appraisal can be made of their pervasive territorial influence, distinction must be drawn between lands directly managed as property and those perpetually tenanted, or subinfeudated, as superiority. The lands which composed the property of the nobility were worked and leased by the peasantry as removable tenants, either by rentallers who possessed their holdings for life, or by leaseholders who possessed their holdings for a fixed number of years. The superiority of the nobility consisted of lands bestowed irredeemably to feuars who, as heritable tenants, were deemed members of the landed classes. Moreover, although the heritable as well as the removable tenants came within the jurisdiction of both the barony and the regality, the feuars, in keeping with their status as landowners, were not bound to observe the dictates of estate management from either court. Furthermore, rigorous exploitation of landed resources or of judicial privilege on the part of the nobility was diluted by ties of kinship and customary association with their tenantry. This was particularly evident in the designation kindly-tenant, applied to possessors and lesser proprietors whose families had enjoyed long and continuous settlement on the estates of the nobility. Another instance was the lord of regality's ability to repledge neighbours as well as tenants from royal courts, thereby bringing them within his protection. In turn, kinship and customary association reinforced social and political deference towards the nobility. Such ties could be extended territorially outwith the estates and the jurisdictional bounds of the nobility by family bonds of blood and marriage among the landed classes. Longstanding affinities towards neighbouring families and communities were manifested as relationships of kindness.

The secularisation of the kirklands during the sixteenth century affords particularly striking testimony to the continuing importance of kinship and kindness within Scottish society. Indeed, secularisation primarily augmented the territorial spheres of influence of the nobility rather than their economic resources. Prior to the heritable conversion of lay commendatorships into lordships of erection, nobles who had acquired church property sought

to protect their interests by apportioning about a third of all kirklands within their control among their families and customary associates. Kindness was further cultivated among the longstanding tenants of ecclesiastical foundations by the wholesale feuing. Around sixty-five per cent of all kirklands ^{Chertosa} ~~to~~ ^{went} to the existing possessors.⁷

The general expectation that lay commendators, and subsequently lords of erection, would feu their kirklands ^{while retaining only the} ~~as~~ superiority left little for their own immediate exploitation as property. Moreover, the feuing of kirklands coincided with a period of persistent inflation which depreciated, but not necessarily decimated, the value of landed incomes, particularly within those temporal lordships where feuing had been accompanied by the commutation of provender rents into fixed monetary payments. This combination of feuing and inflation has been interpreted as promoting a collective transfer of wealth away from the nobility - and also the Crown - towards the rest of landed society by the early seventeenth century. However, although the traditional equation of landed wealth and landed power was undoubtedly distorted, a temporal lord still retained the largest share of the actual income generated on his estate - individual estimates vary from a fifth to a third.⁸ Furthermore, although the feuing of kirklands in alliance with inflation eventually eroded customary social relationships, there was no immediate restructuring of customary expectations. Land was still regarded as a source of political and social clientage as much as it was viewed as a commercial asset. Thus, the territorial spheres of influence of James, first duke of Hamilton, during the 1640s, were encompassed by a five-fold classification of kinship and kindness: twenty-eight household men, of whom all but nine were Hamiltons, apparently responsible for the routine management of his extensive estates in the central Lowlands, particularly in the shires of Lanark (including Lesmahagow priory), Stirling and Linlithgow (West Lothian), as well as on the isle of Arran; one hundred and twenty-three of his surname, seemingly neighbours, feuars and foremost removable tenants;

thirty-eight neighbours and feuars, none of whom were Hamiltons, cited as gentlemen and loyal dependants; fifty removable tenants, associated by kindness not kinship; and seventeen retainers who actually ran his household.⁹

Nevertheless, since feu-duties were fixed in perpetuity and rent rises were less responsive to the market than to custom, the nobility were particularly concerned to expand as well as to conserve their landed resources. A further sphere of influence accrued from the secularisation of the kirklands. During the middle ages, the teinds - the nominal tenth (tithe) of all revenues produced within the bounds of the parish - though giving economic definition to the parochial framework of the pre-Reformation Church, had been grossly appropriated by ecclesiastical foundations, especially the monasteries and cathedral chapters.¹⁰ Any church whose parsonage (or major) teinds were appropriated invariably had its right of patronage annexed. The creation of lordships of erection had led to the secularisation of these parochial rights, thereby the patron of the parish church became also the titular of the parish teinds. Thus, temporal lords acquired ecclesiastical status as titulars of the teinds. In essence, this prescriptive development apportioned the same parochial rights to the titulars as were already possessed heritably by the Crown and by some landlords, in their capacity as lay patrons, over the minority (fourteen per cent) of parishes where the teinds had remained unappropriated.¹¹

However, there were significant divergences in the practical exercise of these parochial rights between the lay patrons and the titulars. Lay patrons tended to exercise their ecclesiastical superiority over single parishes where, not infrequently, the geographic bounds of the parish and the landlord's barony court coincided. Titulars tended to exercise their ecclesiastical superiority over a large number of parishes which were not always grouped together nor, of necessity, did the temporal lords have exclusive jurisdiction within these geographic bounds. Within every

parish, the lay patron or the titular had the disposal of the teinds of other landowners, designated ecclesiastically as heritors. Each heritor within the parish of a lay patron was usually a feuar. Thus the patron to whom he paid his teind was also the landlord (or feudal superior) to whom he paid his feu-duty. Even where the heritor held his lands directly from the Crown as a freeholder, he usually had a family or customary association with the lay patron who had disposal of his teind. In parishes which either contained, or lay adjacent to, the domain of the temporal lord, a similar nexus prevailed between the titular and the heritors. However, where a temporal lordship was geographically dispersed and titularship was not exercised over a consolidated group of parishes, a considerable portion of the heritors were not bound to the titular by ties of feudal superiority, kinship or kindness. Indeed, some were not only freeholders, but possessed baronial rights and even headed their own local nexus of kinsmen and customary associates.¹² Thus, the lords of erection, in their capacity as titulars, exercised a control over other men's lands which was perennially contentious. Hence, like the ecclesiastical institutions which they had replaced, the titulars continued the expeditious practice of farming the teinds to a speculative group of middlemen, the tacksmen. In return for the security afforded by long leases, the tacksmen, who were often prominent local landowners, guaranteed the temporal lord a definite income from the teinds as well as the stipends for the ministers of every parish within his titularship.¹³

In sum, the territorial spheres of influence of the nobles, when converted into political power, made them the traditional leaders of society. The nobility did not expect to rival or supplant the monarchy, nor necessarily seek to control the agencies of central government. But without their active co-operation, royal authority had little effective power within the localities.

After the nobility, the most influential estate within the localities, though the most recently established in national politics,

was the gentry. This collective term, as applied to members of landed society individually designated as lairds, was coming increasingly into common usage in the early seventeenth century, Charles I being among its most active promoters. Again, like the nobility, any definition of the gentry as a social class has feudal, judicial and ecclesiastical connotations. Feudally, the gentry consisted, on the one hand, of the lesser or untitled barons and the freeholders who heritably held their lands directly from the Crown and on the other, of the feuars who heritably held their lands within the superiority of other landowners. Judicially, though the lesser barons had the privilege of holding barony courts, they, like all freeholders, were expected to give regular attendance at the sheriff or regality court within whose bounds their estates were located. Feuars, especially those owing suit to a barony court, were not necessarily required to give regular attendance at sheriff or regality courts. Ecclesiastically, all the gentry - apart from a select few possessing rights of lay patronage - were committed to paying teinds in their capacity as heritors.

The gentry, unlike the nobility, were not individually summoned to parliament, but had to suffice with the election of commissioners, usually two, from each shire to represent their estate. It was not until the end of the sixteenth century that shire commissioners were actively summoned to parliament, where each shire was allowed only one vote. Since the gentry were the last constituent group within the political nation to become regular attenders at parliament, they ^{can be regarded as a} ~~were designated the~~ fourth estate. However, the political estate neither encompassed nor directly represented the gentry as a distinct social class. The parliamentary franchise in the shires was restricted to those gentry who, as lesser barons and freeholders, paid taxes direct to the Crown and whose estates were rated for such purposes at not less than forty shillings old extent. Freeholders whose lands were rated at less than forty shillings old extent were unenfranchised and had to rely on kinship and customary association for the representation of their interests. The feuars

paid taxes indirectly, as reliefs to their feudal superiors in proportion to their landholdings. Accordingly, their interests were deemed to be represented in parliament by the nobility.¹⁴ Lairds entitled to participate in the election of shire commissioners composed a political elite who, as the shire gentry, may superficially be identified with the mainstays of county government in England. Those lairds not entitled to participate in shire elections, who had to rely on the virtual representation of their interests, may accordingly be identified with the parish gentry. Nevertheless, contemporary divisions among the English gentry cannot meaningfully be transplanted into Scotland, given both the nature of the parliamentary franchise and the tradition of decentralised government in the State.

The restriction of the franchise to a freehold of forty shillings old extent was based on a traditional, even anachronistic, land rating. The old extent of an estate was distinct from both its current income, or rental, and its heritable liability, or feu-duty. The original application of old extent, as a rating for ordinary taxation on secular estates, was continued into the seventeenth century. By medieval convention, the barons - greater and lesser - and the freeholders paid a third of all taxation levied by the Crown, half was collected from the ecclesiastical foundations, with the burghs being accountable for the remaining sixth. Old extent was the distinctive basis for evaluating the rate of taxation necessary to fulfil the quota of one-third from the secular estates. Thus, the first ordinary taxation of Charles I in 1625 rated the estates of barons and freeholders at thirty shillings for every one pound-land of old extent.¹⁵ However, the linking of the parliamentary franchise to old extent meant that the electoral entitlement of the gentry was fraught with anomalies.

Electoral participation was effectively confined to those lairds who held their lands from the Crown by tenures in vogue when secular estates were initially assessed for taxation in the middle ages, that is by the traditional tenures of ward and relief and of

blench. Both tenures had resulted from the commercialisation of the military and personal obligations as specified in royal charters: the former into incidental casualties paid during delays in heritable succession (non-entry) and minorities (wardship), and for the marriage of heirs; the latter into a fixed, though usually nominal or even idiosyncratic, annual payment. However, the much increased feuing of Crown lands from the late fifteenth century as well as kirklands during the sixteenth century had led to the popularising of feu-ferme, a tenure which marked a further commercialisation of the feudal relationship between superior and heritable tenant. As a feuar, the heritable tenant had his annual feu-duty fixed in perpetuity, in return for an ~~annual~~^{initial} payment to his superior of an entry-fine (grassum) - which was usually a direct multiple of his feu-duty. The electoral exclusion of gentry holding by feu-ferme was not merely a matter of technical significance. For the feuing of royal property to removable tenants by successive monarchs meant their immediate social elevation into the ranks of the freeholders rather than the feuars. In like manner, the Crown's annexation of ecclesiastical estates in 1587 converted feuars of annexed kirklands into freeholders. These synthetic freeholders could not acquire the political status of shire gentry since they owned lands on which taxation had never been levied directly. Their freeholds, therefore, had never been valued to old extent. This anomaly was intensified from the 1590s after the Crown decided that all such synthetic freeholds were, for the purposes of taxation, to be retoured to old extent. By this process, a notional old extent was derived by local comparison rather than independent assessment: the feu-duty of each synthetic freehold was deducted from its current rental, the resultant free rent was then matched with that of a neighbouring estate traditionally valued to old extent. Freeholders on the proper and annexed lands of the Crown, though denied the franchise until after the Restoration, thereby became directly and distinctively liable for taxation.¹⁶

Undoubtedly, the greatest anomaly of the restricted franchise was that feuars of kirklands were debarred from electoral participation

on the grounds of legal status. Yet they had accrued landed resources from the wholesale secularisation of the ecclesiastical estates which often matched, and occasionally outstripped, the freeholds of the shire gentry. Not only did the feuars of kirklands constitute a large numerical presence within landed society, but secularisation had offered an opportunity for individual lairds to augment their existing landed resources. However, the Crown preferred to rectify fiscal rather than electoral anomalies arising from secularisation, particularly the blurring of the distinction between secular and spiritual categories of taxpayers. Rather than overhaul the distinctive conventions for levying taxation, royal policy from the late sixteenth century laid down that secularised kirklands - other than synthetic freeholds annexed to the Crown - were still to be taxed as part of the spiritual quota. Hence, kirklands, together with the separate category of synthetic freeholds, continued to provide around half of all taxation collected during the personal rule of Charles I.¹⁷ Feuars of kirklands remained indirect payers of taxation, relieving the temporal lords and the bishops in proportion to the free rents derived from their estates after the deduction of feu-duties. Their parliamentary enfranchisement, therefore, remained out of the question.

Unresolved electoral anomalies were a manifestation that the gentry, as a political estate, were neither as powerful nor as cohesive as the nobility. Indeed, the tendency of the gentry to act in association with, rather than independently of, the nobility, had meant that the enactment first summoning shire commissioners to parliament in 1428 had - with the ^{probable} exception of the Reformation parliament in 1560 - remained inoperative until its reiteration in 1587. Thereafter, the restricted franchise had a latent potential as a source of political frustration, especially among the feuars of kirklands who can be regarded as the main beneficiaries of secularisation. Their superiors initially profited from high entry-fines and the opportunity to increase rents formerly paid by removable tenants. In the longer term, the feuars gained not only heritable security of tenure, but fixed feu-duties and their estates

were exempt from the managerial dictates issued by barony and regality courts. Thus, the feuars were provided with a valuable hedge against inflation and, simultaneously, with an opportunity to profit personally from the steady increase in grain prices which, for almost forty years, characterised the rule of James VI. Moreover, the gentry as a whole did not lack social assertiveness nor the ability to mount their own political initiative. They had constituted the major social class among activists in the political and religious movement known as the Congregation, which had been primarily responsible for mobilising support within Scotland for the Protestant Reformation, a cause for which few members of the nobility were more than lukewarm.¹⁸ Hence, the regular appearance of shire commissioners in parliament by the turn into the seventeenth century was symptomatic of a growing awareness among the gentry that they were not just a distinct social class, but a separate political estate.

Although the gentry were still in the process of establishing themselves as a political estate in the early seventeenth century, their leading social position within the localities had been actively deployed in the service of the Kirk since the Reformation. In particular, as the nobles were reluctant to undertake local administrative duties outwith their heritable jurisdictions, the gentry were continuously encouraged to serve as elders on kirk sessions. Thus, the gentry, along with the ministers, were responsible for the religious welfare of Reformed congregations through their collective exercise of discipline within every parish. Moreover, as the State increasingly underwrote the commitments of the Kirk to social welfare and education, the gentry, in their capacity as heritors, were held financially accountable for the efforts of kirk sessions to apportion relief to the deserving poor in times of dire necessity, like the famine of 1623, and to establish schools in every parish after 1633.¹⁹ Participation as elders, or less routinely, as heritors in association with the kirk session on an augmented parochial executive, was not restricted to the shire gentry. Feuars, as well as freeholders and lesser barons, were not only offered greater opportunities for

official employment in the Kirk than in the State, but also gained experience of a more centrally orientated structure of government uncluttered by heritable jurisdictions. In turn, the Kirk can be regarded as more responsive to the vast expansion in the ranks of the gentry effected by the secularisation of the kirklands. These new proprietors brought a commercial, as distinct from a traditional, attitude towards landownership into the service of the Kirk. Within the localities, therefore, the Kirk was becoming attuned to the proprietary aspirations of the gentry whereas the State seemingly remained thirled to the feudal privileges of the nobility.²⁰

The distinctive role of the gentry within the Kirk was thrown into sharper relief by the failure of the Crown to harness their administrative energies to the service of local government. In 1609, James VI launched a scheme for justices of the peace which, though based on his experience of such officials in England, had been first projected in 1587. 'Some godlie, wyse and vertuous gentilmen of good qualitie' were commissioned to oversee, prevent and try all incidents which disrupted or threatened the peace within every shire. After meeting initial hostility from the barons and the burghs who discharged their tenants from acknowledging the peace commissions, James modified their composition to include nobles and bishops. He then re-launched the scheme in 1612 as a local supplement rather than an alternative to existing heritable jurisdictions. Landed gentlemen whose rent exceeded one thousand merks Scots were to be referred to the Privy Council for breaches of the peace, making them effectively exempt from the jurisdiction of the peace commissions. Once a sheriff had punished an offender, the justices could not impose a stiffer penalty for the same offence and thereby counteract any undue local influence brought to bear in the original trial. Barons and lords of regality could repledge their tenants from trial before the justices within fifteen days of the date of an offence, even although the apprehension of offenders had been left entirely to the justices. Barons and lords of regality were also entitled to the fines imposed on any of their tenants following trial by the peace commissions. Justices of the

peace were allowed neither to infringe the traditional privileges of royal burghs nor to interfere with their profits of justice through the trial of crimes which came within the competence of burgh courts. So constricting was the scope of their revised powers, that the justices complained that they were 'bot as serjeandis and officearis to the uthir judgeis in the countrey'. Hence, despite a further parliamentary ratification for peace commissions in 1617, the scheme met with so little enthusiasm from the gentry that less than half the Scottish shires had commissions still functioning by 1625 - on which a mere handful of gentry were left to serve as justices of the peace.²¹

In seeking to define the social composition of the gentry one problem, however, remains. The pervasive secularisation of the kirklands provided the major avenue of upward mobility into the landed classes throughout the sixteenth century. Over half the feuars who gained ownership of kirklands came from the ranks of the removable tenantry, the vast majority of whom acquired no more land than that which they already occupied and cultivated.²² This social movement resulted in a diverse and dispersed grouping of portioners and 'bonnet-lairds' whose status was that of lesser proprietors, but whose respective agricultural holdings were indistinguishable from those of tenant-farmers. By the seventeenth century, the two most prevalent forms of agricultural holdings in Scotland were the multiple-tenant and the single-tenant townships (ferme-touns). The holding of the portioner was equivalent to a share in the former, that of a 'bonnet-laird' may be identified with the latter. Indeed, some tenant-farmers, who formally enjoyed no security of heritable tenure as rentallers and lease-holders, possessed more land. As a virtual aristocracy within the ranks of the peasantry, they often held more shares than the portioners or individually tenanted more townships than the 'bonnet-lairds'. The holdings of these tenant-farmers were either sub-tenanted to other peasant farmers and crofters or cultivated with the help of their own labour pools, drawn from their household servants and day-labourers, mainly cottars - who, in return for their daily labour, occupied tied cottages and cultivated small plots of

ground within the townships.²³

Distinction in status between the proprietor and the removable tenant may, perhaps, be suggested by the designation 'of' a certain land for the former and 'in' a particular township for the latter.²⁴ But this can be no more than a rough and ready guideline. For in the same way that barons and freeholders could actually feu lands from a superior while continuing to hold the bulk of their lands from the Crown, so feuars could also lease from other landowners. Although the designation 'of' tended to be confined to landowners, it was probably most applicable to a proprietor who held sufficient lands in feu to be considered a laird. The designation 'in' continued to be applied indiscriminately to lesser proprietors, that is portioners and 'bonnet-lairds', as well as to tenant-farmers of substance. The term 'goodman of' a particular township was often reserved for individuals within this latter category who would seem to have formed a separate, albeit amorphous, social class between the gentry and the peasantry. In England, though the legal terminology applicable to landholding differed, there was an analogous problem of meaningfully classifying the lower ranks of landed society and the upper echelons of the peasantry.²⁵ After the Union of 1603, no doubt fortified by a growing awareness of English social divisions, a certain currency was gained for the term yeomen in relation to this amorphous class within official circles.²⁶ By mid-century, however, it was the Kirk rather than the State which was promoting recognition of the yeomen as a distinct social class. While their political standing remained negligible, their active support was sought as elders in rural parishes where there was either a shortage of resident gentry or a reluctance among local lairds to serve on kirk sessions.²⁷

Outwith landed society, the one remaining political estate among the laity was that of the burgesses. Indeed, since commercial activity still tended to be concentrated within the towns in the early seventeenth century, the burgess estate may be regarded as representing the commercial interest. The more important towns, that is nucleated

settlements of both political and economic potential, had been erected into burghs during the middle ages. As corporate feudal entities, the burghs held their privileges of government and trade either directly from the Crown or, by royal licence, within the superiority of a secular or ecclesiastical landlord.

From the end of the thirteenth century, burghs holding directly from the Crown had gradually acquired administrative and fiscal autonomy. In return for a fixed annuity, the burgh-ferme, a teneurial variant of feu-ferme without entry-fines - since the burgh community never died - royal officials were excluded from the internal government of the king's burghs. Subsequently, the fixed value of the burgh-fermes to the Crown had relatively depreciated against the revenues retained by the towns - such as land rents, court fees, petty customs and burgess fees - which accrued to the common good, that is the funds for each town's common works and common affairs. Although the Exchequer doubled the revenues it derived as burgh-fermes by successfully demanding increased annuities from the foremost towns at the end of the sixteenth century, its endeavours to establish a right of supervision over each town's common good was collectively resisted by the burghs throughout the seventeenth century. The Crown's major source of regular income from the burghs remained the great customs exacted as export duties on staple wares within every town's trading precinct. Originally, these precincts, which amounted to a monopoly trading area around each town, had sometimes extended to at least the whole of the shire in which the king's burgh was located, but had often been diminished by the Crown's continuous erection of neighbouring towns into burghs. Thus, the collection of great customs tended to be fragmented rather than augmented. Moreover, a comparable revenue was ultimately yielded to and retained by the burghs from the less onerous but more wideranging petty customs which were resourcefully, and often ingeniously, extended to virtually every transaction by land or sea.²⁸

In addition to its regular income from burgh-fermes and

great customs, the Crown exacted contributions from the burghs towards extraordinary expenditure incurred in the national interest. Such assiduous tapping of commercial wealth had resulted in commissioners from the burghs becoming established as the third estate in parliament during the fourteenth century. The burgh commissioners were neither assigned nor expected a decisive influence in the formulation of royal policy. But, in return for their contribution of a sixth of all taxes levied by the Crown, the burghs, in effect the mercantile community, gained a monopoly over foreign trade. These political and trading concessions led to those burghs which held from the Crown being re-classified as royal burghs after 1400. In the case of the existing king's burghs, parliamentary representation was, in part, merely being extended to corporate tenants-in-chief. However, the prime consideration in this re-classification was the superior ability of the royal burghs to make meaningful corporate contributions to the fiscal quota generally apportioned to the burghs. Nevertheless, certain dependent burghs, namely St Andrews, Glasgow and Brechin, who held from ecclesiastical superiors and already possessed similar trading privileges to the king's burghs, were progressively allowed parliamentary representation, thereby lessening the common fiscal obligations of the royal burghs.

The emergence of the royal burghs led also to the re-classification of the dependent burghs, whose privileges of government and trade were bestowed on superiors rather than the corporate community. Dependent burghs had tended to evolve from the estate management of the barony courts, their marketing privileges being located at a convenient town within the bounds of a barony and their areas of trading monopoly were usually confined within baronial precincts. From the mid-fifteenth century, such burghs acquired a standardised status as burghs of barony. Whereas the corporate communities within the royal burghs organised their commercial life around both foreign and local trade, the communities within the burghs of barony merely appended a local trading superstructure onto their main corporate pursuit of agriculture. It was this greater capacity

to generate wealth rather than different tenurial conditions which in practice demarcated the royal burgh from the burgh of barony. For the effective control of the superiors was progressively lessened in the later middle ages through the spread of feu-ferme in the allocation of lands within their burghs. Feuing afforded the burgesses greater participation in the corporate management of their communities: an analogous development to the greater individual control acquired by portioners and 'bonnet-lairds' from the feuing of lands which they had formerly held as tenant-farmers.

Undoubtedly, burghs of barony did provide a stimulus to the creation of local markets which, when combined with the extra source of income their superiors derived from commerce, fostered a spirit of rivalry and emulation within the landed classes. Indeed, the functioning tally of such burghs prior to the Reformation more than doubled that of the forty-five royal burghs.²⁹ Despite individual rivalry, which was occasionally formidable, the burghs of barony never posed any wholesale threat to the overseas trade of the royal burghs. Within the localities, however, the trading precincts of the burghs of barony cut across the traditional monopolies of the latter. Hence, from 1552, the burgess estate sought greater formulation and promotion of their common interests through the Convention of Royal Burghs. The conservator of the Scottish staple in the Netherlands, which traditionally acted as the main overseas agency for the wholesale distribution and purchase of merchandise, was appointed by and became accountable to the Convention.³⁰ Through its legalisation, the Convention, like parliament, upheld the trading monopolies of the royal burghs, especially the merchants' monopoly over foreign trade, on the grounds that all who infringed this privilege were not only defrauding the merchants but were also lessening the revenues available to the Crown. Whenever taxation was levied by the Crown, the Convention assumed responsibility for allocating the amount each burgh was to be assessed to meet their estate's fiscal quota. Any royal burgh excluded from the Convention's stent-rolls was effectively denied parliamentary representation and could no longer be guaranteed

access to foreign trade.

Through the existence of their Convention, the royal burghs appeared to compose the most cohesive class interest among the political estates. Although the other estates were each able to meet and consult on national issues when authorised by the Crown, only the burgesses met formally on a regular basis several times a year to legislate on matters of common interest, to impose stents for the promotion of trading embassies overseas, and to protect as well as to administer their political and economic privileges. Thus, the Convention both facilitated the formulation of common policy and ensured a continuing momentum behind every issue brought before parliament by the burgesses. Elections of parliamentary commissioners by the town-councils of every royal burgh were conducted under the auspices of the Convention which was also responsible for the allocation of commissioners to each burgh and monitoring their subsequent attendance at parliament. From the late sixteenth century, no royal burgh sent more than one commissioner to the Convention other than Edinburgh, the capital, which was allowed two on account of its unrivalled commercial prosperity and its watching brief over the interests of the royal burghs during the intervals between Conventions. In the interests of internal harmony, this practice was adopted as the standard for parliamentary representation by 1621.³¹ For the respective positions of the burghs on the stent-roll after Edinburgh cannot be taken as an accurate indicator of their relative prosperity nor, therefore, of their numerical entitlement to commissioners.³² In effect, the burgh estate in parliament was limited to around fifty commissioners.

Yet the royal burghs were still able to exert a significant concerted influence on any matters affecting their interests. Usually, the burgh estate in parliament comprised the same commissioners despatched by the royal burghs to the Convention. Moreover, in contrast to England which lacked any comparable institution to the Convention, the influence of the burghs in

parliament was not diluted by 'carpet-bagging'. All commissioners were drawn from the ranks of the burgesses and answerable to the Convention, thereby their collective exposure to political manipulation by the landed interest was minimised. The nobility and gentry, however, were not without political influence over the affairs of individual burghs. Rather than elect a burgess as provost, an office which normally carried no fiscal responsibilities, several burghs preferred to bestow the title of ~~lord~~-provost on a powerful neighbouring lord or laird.³³

In essence, the royal burghs were corporate pockets of vested interests. Internal government was entrusted to town-councils, with jurisdiction over the burgh courts being exercised by the magistrates, namely the bailies, who were also responsible for the allocation, either by feu or lease, of the lands and tenements within each burgh. In addition, the admission of burgesses came within their general competence whereas the administration of 'unfree' lands or suburbs attached to, but outwith, the burghs was specifically assigned to individual bailies. Only merchants and craftsmen, the freemen of the burghs, who promoted and defended their vocational interests through the cellular organisation of their guilds, were eligible for the status of burgess. All other inhabitants were classified as indwellers and, like strangers, were either denied any marketing privileges or subjected to specially onerous local tariffs. Because of their superior ability to accumulate capital from their trading ventures, the merchants, through their guild, aspired to dominate the town-council as well as monopolise the overseas trade of each burgh. Moreover, the jurisdictional competence of the burgh court enabled the mercantile community to consolidate their control over the corporate life of the burgh. Its main concerns were the regulation of internal marketing standards, the keeping of order within the burgh, and the preservation of good neighbourhood to counter such perennial hazards as fire and inadequate sanitation. Nevertheless, the jurisdictional competence of the merchants was effectively limited to the physical confines of the burgh. Unlike the barony court, the burgh court

could not repledge from royal officials, though an assize of burgesses was used in royal courts from the fifteenth century for the trial of townspeople indicted for offences committed outwith their burgh's bounds. Outwith the market place, the merchants exercised no judicial control over the rural community within the burgh's trading precinct. From the mid-sixteenth century, burgesses were exempt from service on any inquest or assize for the trial of crimes committed within the shires by persons other than townspeople.³⁴

The privileged position of the merchants within the royal burghs was enhanced and preserved with the co-operation of the Crown. Town-councils were permitted to become self-perpetuating oligarchies from the later fifteenth century. The retiring town-council chose their successors and the magistrates in every burgh were chosen by the combined old and new councils, together with a token representative from each craft. Furthermore, a rigid social divide between merchants and other burgesses was usually maintained by the requirements for entry into the merchant guild: namely, an apprenticeship of at least eight years accompanied by high entry fees beyond the resources of most craftsmen. Indeed, a craftsman could only become a merchant, and thereby participate in the town-council, by renouncing his craft.³⁵ In most major burghs by the sixteenth century, the defence of mercantile privileges was personally entrusted to the dean of guild. As head of the mercantile community, the dean acquired jurisdiction over commercial transactions and marketing standards, involving not only cases between merchants or mercantile contracts with mariners, but also cases concerning indwellers or strangers who attempted independently to engage in trade. Moreover, the dean of guild's court was subject to no other jurisdiction save the Court of Session.³⁶

Even the right to fix the price of craftsmen's work was vested in town-councils from the fifteenth century. Craft guilds, however, continued to proliferate as protective institutions. Primarily, the craft guilds were concerned to safeguard the vocational monopoly of their members against competition from rural artisans and

indwellers and to act as a mutual assurance society against pauperism. Accordingly, the need to promote the skills of each craft and to maintain standards of good workmanship was met by restricting entry into each guild. Although the crafts' rates were lower than those of the merchants, high entry fees were again demanded and each craftsman was allowed only a limited number of apprentices at any one time. Entrants to the crafts had to undergo long periods of training - up to thirteen years as apprentices and journeymen - prior to their full acceptance into a guild.³⁷ By assiduous organisation in the course of the fifteenth century, crafts began to acquire seals of incorporation from burgh courts which bestowed on the deacon of each craft disciplinary authority over the activities of his guild. The right of deacons to try offenders for breaches of the rules and privileges of their crafts was subject to appeals to the burgh court. While the jurisdiction of the deacons was never as diverse or comprehensive as that of the dean of guild, the deacon convener of all crafts was able to try any case affecting the general privileges of craftsmen.³⁸

During the sixteenth century, the combined effects of inflation, the entrenchment of craft guilds as self-governing incorporations and the economic aspirations of the landed interest, progressively eroded the political hegemony exercised by the merchants within the burgh estate and, indeed, the commercial dominance of the royal burghs. The general rise in prices produced an element of social insubordination. A series of mob riots within the burghs in mid-century had even been exploited politically by the exponents of the Reformation. However, the craft guilds also exploited such unrest to exact economic and political concessions from the mercantile oligarchies. The town-councils' fixing of market prices were increasingly relaxed and usually only exercised after consultation with the appropriate craft. Furthermore, commencing with Edinburgh in 1583, local accords or setts were negotiated within the major burghs, whereby craftsmen were assured of minority representation on the town-councils, though magisterial positions were normally restricted to

the merchants. The old council continued to elect the new.³⁹ By the early seventeenth century, the craft guilds in each of the major burghs had organised themselves within a Trades House. Thus, the common interests of the crafts were not only articulated coherently, but also consolidated powerfully into a continuous lobby of the town-council.

Stimulated by the pressures of inflation on their rather inelastic incomes from feus and rents, proprietors seeking to exploit the market potential of their estates mounted an external threat to the commercial privileges of the royal burghs which materialised in several directions. Hence, burghs of barony continued to be founded. Although as many as forty per cent of such foundations in the century after the Reformation were still-born 'parchment burghs', the viability of the remainder bolstered the continuing vitality of earlier creations. As a result of this baronial endeavour, a network of local markets had been established by the early seventeenth century - albeit mainly in the Lowlands. Moreover, a new category of dependent burgh, namely the burgh of regality, was established in the later sixteenth century. The burgh of regality differed from that of barony more in terms of social aspirations than economic substance or privilege. Like the burghs of barony, regalian burghs ranged from ecclesiastical corporations, which had been relatively prosperous prior to the Reformation, to small rural communities primarily concerned with the communal pursuit of agriculture rather than trade. The proliferation of burghs of regality, especially with the creation of lordships of erection from 1587, marked a desire among proprietors to create larger market monopolies within their jurisdictional bounds: that is, trading precincts which accorded more with their status as lords of regality than that of a mere baron. Nevertheless, the greater the expectations this new category of burgh generated among proprietors, the stricter their communal privileges were supervised by their lords. Thus, the burghs of regality faced a more immediate threat to their stability as self-governing corporations than the commercial hostility of the royal burghs, however sustained.

Nonetheless, the commercial competition which the royal burghs encountered within the localities was not restricted to the burghs of barony and of regality. By licensing weekly markets and annual fairs in towns and rural communities which lacked burghal status, the Crown enabled local gentry, who lacked baronial jurisdiction, to develop the commercial potential of their estates. The mushrooming of such licenses by the mid-seventeenth century, though technically curtailing the trading precincts of the royal burghs, had the effect of extending marketing facilities into remote areas of Scotland. The royal burghs inevitably regarded this competition from local markets, like that from the dependent burghs, as a grievance, tantamount to a breach of privilege. Yet the consistently vigorous defence of the political and economic interests of the royal burghs by the Convention never amounted to the maintenance of a closed shop. Positive discrimination was continuously, albeit sparingly, practised in favour of the more prominent and prosperous dependent burghs which had the commercial capacity to participate in overseas trade. The addition of a dependent burgh to the stent-roll helped curtail smuggling and spread the burden of fiscal liabilities borne by the royal burghs. Contribution to the burghs' quota of taxation served as a precursor to parliamentary representation and eventually to the dependent acquiring the status of royal burgh.⁴⁰

The commercial activities of urban communities, allied to the general thrift and frugality of their lifestyles and their amenability to discipline, would seem in Scotland, as elsewhere in Europe, to have afforded a special affinity for Calvinism. That the leading towns served as the vanguard for the development of Reformed principles, as propagated through the pulpit and rigorously implemented through the kirk session, was demonstrated by the model scheme for presbyteries in 1581. The supervision of neighbouring kirk sessions by higher ecclesiastical courts was based on thirteen of the most prominent burghs in the Lowlands, selected not just for their accessibility from surrounding rural parishes, but on account of the support forthcoming from their inhabitants for such an experiment.⁴¹ Yet these burghs

cannot necessarily be regarded as the domicile of 'the most modern and progressive elements' within Scotland, ~~in so far as~~ ^{not necessarily} their support for Calvinism, from its reception at the Reformation, was accompanied by the promotion of a capitalist mentality.⁴²

The unique feature of Calvinism among Christian theologies was that it allied the individual believer's striving for assurance of salvation to a strict adherence to worldly asceticism and the diligent exercise of his lawful calling. In particular, the Calvinist doctrine of predestination has been seen as a psychological sanction for the modern capitalist ethos. For the elect were constantly required to demonstrate their perseverance in the faith and self-confidence in their own assurance by the productive pursuit of their chosen vocations as well as by formal attendance to their religious obligations. That each individual was accountable for his systematic use of time was a predominant theme of Scottish pastoral theology by the seventeenth century. Moreover, though neither prosperity nor poverty were especially deemed distinguishing marks of the elect, Scottish Calvinists did not condemn the accumulation of wealth as inherently evil. Indeed, prosperity was seen as a trial for the truly pious. The elect were distinguished from the reprobate by their attitude towards prosperity, in that their piety was manifest by their productive use of worldly wealth. Anyone who acquired wealth through ascet^{ic}ism and diligence was actively discouraged from dissipating his prosperity by conspicuous consumption. Yet he was not actively exhorted to give away a large proportion to charity. Calvinism, in short, laid stress not on good works, but on hard work. For the prosperous, therefore, there was apparently little alternative to the investment of wealth to promote the further accumulation of capital.⁴³ Nonetheless, however much the accumulation and investment of capital was sanctioned by Scottish Calvinists in the seventeenth century, the creation of a capitalist mentality was, at best, a piecemeal and gradual development.

Through their involvement in commerce, the merchants in

particular and the burgesses in general were the main accumulators of liquifiable capital in Scotland. Yet their working of money was not necessarily, nor even directly, conducive to the economic individualism of the capitalist entrepreneur. The commercial activities of the mercantile community may still be depicted as traditionalist in the century after the Reformation. Rather than maximise individual profits, they preferred to share trading ventures in order to minimise risks. Moreover, although their partnerships tended to last only as long as each venture, their co-operative inclinations were strengthened by family ties. Habitual and informal alliances between relatives and friends served as a surrogate for the lack of consolidated commercial firms and insurance societies.⁴⁴ Furthermore, burgesses in public office were not noted for their progressive spirit. Those who served as elders on kirk sessions tended to be drawn from the oligarchic town-councils. Though the burgesses, of all the estates, were most adept at the collective articulation of their interests, the Convention was more concerned to preserve and perpetuate privilege than to advocate social and political reform. Nor were the finances of burghs run on particularly modern principles of management in the late sixteenth and early seventeenth centuries, when the common good of most towns was appreciating at a greater rate than the coinage was being debased by inflation. Yet burgh accounts were characterised by a lack of ready money, by the need to earmark funds to implement specific projects, by a continuous recourse to loans on the security of the common good and by inadequate and often erroneous accounting.⁴⁵

Despite the commercial propensities of urban communities, strong affinities existed with rural society in the neighbourhoods of royal as well as dependent burghs. Most burgesses outwith the commercially specialised confines of Edinburgh possessed crofts and small-holdings. Indeed, in some of the smaller royal burghs, the burgesses placed as great an emphasis on agriculture as trade. Such was the importance of rents and feus from lands, mills and fishings that they accounted for at least half the total revenues of many burghs, including those closely involved in trade. Kinship and

customary association also played an important part in maintaining favoured status in town as in country. The acquisition of an apprenticeship which, in turn, led to the status of burgess, was most readily available to the sons of merchants and craftsmen and then, in order to preserve the matrimonial prospects of the daughters of existing burgesses at a premium, to their sons-in-law. Conversely, marriage afforded a means of short-circuiting entry into the burgess estate for the younger sons of the gentry and the yeomen whose material prospects, as members of landed society, were poor. Fines for the admission of new freemen were viewed less as a source of revenue than as a means of regulating entitlement to the privileges of a burgess. For the prospect of gainful employment in trade and commerce did attract a steady flow of recruits from the countryside to the craft and merchant guilds. Whereas the crafts tended to attract apprentices from a non-landed background, the superior potential of the merchants to accumulate capital led to the younger sons of local gentry being enlisted into the mercantile community.⁴⁶

In terms of material wealth, the resources of the merchants were generally on a par with all but the richest of the nobility, though they consciously refrained from the high levels of expenditure and conspicuous consumption prevalent within landed society. As a result, their frugality facilitated a degree of social mobility and intercourse from the towns into the neighbouring countryside. On the one hand, the prospect of handsome dowries induced lairds to marry merchants' daughters. On the other hand, merchants moved onto the land either through marriage, which depended as much on social opportunity as capital, or by direct purchase of an estate, which depended on a readily available land-market. Yet no more than eight per cent of all ^{charters for} kirklands had passed into the hands of burgesses in the course of the sixteenth century.⁴⁷ A more indirect, but steadier, means of social advancement for merchants - and to a lesser extent for lawyers and wealthy craftsmen from the larger burghs - came from the provision of mortgages for nobles and gentry. A dependence on agriculture and customary practices of estate management meant that

both during and after a period of inflation, the landed classes were not always able to maintain their social - and even their political - position from the rather inflexible revenues at their immediate disposal. The merchants, as the major source of liquid capital in the early seventeenth century, were most able to profit from this situation, especially as the relaxation of usury which followed the Reformation allowed them to exact interest at the annual rate of ten per cent. Sums lent in mortgage to the nobility and gentry were usually secured by heritable bonds on the revenues of their estates. As the lender, the merchant would be infeft in a portion of the borrower's estate until sufficient revenue was exacted to repay the capital sum and the interest arising - both components being known respectively as the wadset and the annualrent. Failure to repay the debt within the specified time, usually varying from seven to thirteen years, led to the title as well as the revenues of the estate, or at least that portion which remained unredeemed, passing permanently into the hands of the merchant.⁴⁸

Moreover, the acquisition of estates by merchants often had the social effect of assimilating their aspiration to those of existing members of landed society, leading, at its most conservative, to their eventual withdrawal from commerce. However, to see this as a general European phenomenon, by which 'the bourgeois felt that he belonged ultimately only to the rank towards which he aspired', underestimates the affinities between those merchants who remained active in commerce and neighbouring nobles and gentry.⁴⁹ For the mercantile community, regardless of their landed aspirations, became enmeshed in the local interests of landed society, who, in turn, became involved in the affairs of towns in the vicinity of their estates. Traditionally, the nobles and other politically committed members of landed society had maintained prestigious lodgings in towns of national or regional prominence. By the early seventeenth century, however, it had become fashionable for the gentry to erect houses of more modest character in smaller towns in order to retain a watching brief over the commercial as well as the social life of their localities.⁵⁰ Thus,

without any fundamental alteration to the traditional structure of the Scottish economy or the social fabric of the political nation, merchants and other wealthy burgesses sought social respectability through the acquisition of a rural estate, while nobles and gentry, as a means of supplementing their landed incomes, were occasionally induced to become partners in the financing of trading ventures.

The remaining political estate, the clergy, were more noted for their material acquisitiveness than their spiritual zeal by the later middle ages: a condition which promoted the secularisation of the kirklands as well as the Reformation during the sixteenth century. Nevertheless, the Reformation in Scotland, which was carried out in defiance of the Crown, confirmed the clergy's ideological influence over the political nation. As elsewhere in Europe, the Reformation was a response to a general desire for spiritual nourishment, a concern for the more efficacious cure of souls. Yet the success of the movement had depended on and was shaped by political rebellion. In their justification of the Scottish Reformation, foremost clerical polemicists, like John Knox, had appealed for support not only from the nobility, as the natural leaders of society, but from the political nation as a whole. In essence, this was achieved by emphasising a minor aspect of Calvinist teaching, namely the ^{qualified} duty of the lesser magistrates to resist tyranny in the head of state, which was broadcast as the right to take arms against an ungodly Crown. Thus, the Reformation in Scotland provided the political nation with the ideological basis for resistance to monarchy in order to correct or repress any deviation from godly government.⁵¹

Moreover, since the Reformation was not maintained by princely dictate, the new Kirk was able to mould its own government according to its own conceptions of best scriptural warrant, jettisoning medieval precepts and practices which were deemed contrary to the founding spirit of the apostolic church. Whereas the government of the Church of England from the time of Elizabeth can be regarded as both royal and episcopal, that of the Kirk has best been

described as 'conciliar and anti-erastian'. Its ecclesiastical authority was separately vested in a hierarchical structure of representative courts which culminated nationally in the general assembly.⁵²

Although the Scottish Reformation marked a distinct break in polity as well as doctrine between the medieval Church and the Kirk, the clerical estate continued to be represented in parliament; albeit technically. The clergy had been traditionally represented by bishops, abbots and priors who, in addition to being spiritual lords, received individual summons as tenants-in-chief of the Crown and possessed temporal jurisdictions as barons or even as lords of regality. Despite secularisation, abbacies and priories continued to be represented by lay commendators, whose right to sit as clerical commissioners was confirmed in 1597. However, after the passing of the annexation act of 1587 - which initiated lordships of erection whose holders joined the estate of the nobility - the practice of lay commendators sitting in parliament was gradually eroded and eventually ceased by 1621. The right of parliamentary attendance of the pre-Reformation prelates was inherited by Protestants, as ^{administrative} ~~titular~~ bishops. Even when episcopacy was eclipsed within the Kirk - following the annexation of their property to the Crown in 1587 and then the initial establishment of presbyterianism in 1592 - titular bishops continued to sit in parliament, paving the way for the full spiritual restoration and reconsecration of the bishops in 1610. Indeed, the Kirk during the presbyterian hegemony was not altogether averse to the idea of parliamentary bishops to ensure meaningful representation for clerical interests. Thus, James VI had a ready made excuse in 1597 when he proposed to increase the number of titular bishops in parliament. Nine years later, he passed an act for the restitution of the estate of bishops, restoring their landed resources and jurisdictions in order to maintain their parliamentary status.⁵³

This programme of restoration, though piecemeal, was highly contentious. Where James VI believed that ecclesiastical policies

could be resolved in parliament, with the bishops representing the clerical estate, a vociferous minority within the Kirk, led by Andrew Melville, sought supreme ecclesiastical authority to be vested in general assemblies. Where James conceived an erastian framework of government for the Kirk, with the bishops as agents of the Crown, the Melvilleans preferred to adhere to a presbyterian framework of courts, structuring government from local kirk sessions through district presbyteries and regional synods to national general assemblies. Where James ultimately believed that supreme government in Kirk and State was part of his prerogative, the Melvilleans believed that Kirk and State were two distinct kingdoms, the former exercising moral supervision over the latter.

The ecclesiastical controversy which dominated the last decade of the sixteenth century and the first of the seventeenth was, however, governed more by empirical than ideological considerations. The authorisation of presbyterianism by the 'golden act' of 1592 was essentially a compromise between the aspirations of the Crown and the Melvilleans. Though weighted in favour of the latter, no recognition was accorded to the Melvillean resurrection of the Gelasian theories of Church independence - first advocated by the papacy in the early middle ages. The supremacy of general assemblies in ecclesiastical affairs was licensed by parliament. Although there were to be annual general assemblies, the Crown retained the right to appoint the time and place of their meeting. No contingency provisions were adequately established if the Crown, when present at an assembly, declined to appoint its next meeting. James, therefore, retained an effective lever for insinuating royal control over the Kirk and restoring authority to the episcopacy. His nomination and endowment of parliamentary bishops was accompanied by a tampering with assemblies which was designed to frustrate and isolate the Melvilleans. So successful was this policy that, by the end of 1606, six of the fourteen ministers who had been imprisoned for attempting to constitute an assembly at Aberdeen in July 1605 without royal approval were banished from Scotland, while Melville and eight other presbyterians

who had gone to London to protest against this hectoring were arbitrarily detained. By 1607, James had inveigled ~~synods~~^{presbyteries} into accepting ~~bishops~~^{bishop-as} as constant moderators which, in turn, gave ~~bishops~~^{him} the opportunity to appoint constant moderators for the ~~presbyteries~~^{synods}. Three years later, episcopacy was further fortified by the creation of Courts of High Commission which provided civil sanction for ecclesiastical censures. The restoration of spiritual powers to the episcopacy was given formal approval by the general assembly at Glasgow. Thus, James had achieved an ecclesiastical settlement in accord with his wishes by 1610.⁵⁴

Yet James VI had preferred to graft diocesan control onto the existing framework of government rather than totally abolish presbyterianism. Notwithstanding the omission of any reference to the bishops being subject to the censure of general assemblies in the parliamentary ratification of James' overhaul of ecclesiastical polity in 1612, the assembly was never formally superseded as the highest legislative authority for the national affairs of the Kirk. In turn, a spirit of moderation and co-operation characterised the subsequent relationships of synods and presbyteries with the bishops. These regional and district courts continued to exercise ecclesiastical discipline under episcopal oversight.⁵⁵

In any case, contention between Kirk and State was not designed to produce a system of political apartheid. Protagonists on both sides were essentially advocating alternative means of governing the Christian Commonwealth, not the separation of the Scottish people into adherents of the Kirk or the State. Underlying the whole controversy was a basic co-operation between laity and clergy within local communities, as manifest in the running of kirk sessions by lay elders and ministers. Strengthening the bonds between such prominent members of local communities were their common social as well as ecclesiastical affinities. The emphasis during divine service on the preaching of the word, more than the administration of the sacraments, allowed the eldership scope for authoritative pronouncements on the

manner and content of sermons in keeping with their position of social leadership within the parish. Conversely, the growing attainment of the Reformed ideal of an all-graduate profession by 1600 imparted an authentic mark of learning to the ministry. Their religious leadership with the parishes was further consolidated by their family ties of kinship and local association with the landed classes; by their inter-marriage with the families of the gentry and burgesses; and by their acceptance of lay patronage and titularship of the teinds for both parochial placement and the provision of stipends.⁵⁶

Moreover, apart from a few well-endowed sons of the gentry among the clergy, all ministers had a minimum landholding within their parishes of a manse and glebe - a house, with four acres of kirkland provided by their patrons. The increasing level of personal income and assets recorded in ministers' testaments during the opening decades of the seventeenth century suggest a growing involvement in landholding and, perhaps, commerce. Ministers were prepared both to acquire land by purchase and to lend money in support of other landowners, taking advantage themselves of the relaxed ecclesiastical attitudes to usury which had accompanied the Reformation. Landed affinities were especially prevalent among the episcopacy. Most bishops were men of property, independently acquired or inherited prior to the restoration of their temporal lordships in 1606. Testaments of the restored Jacobean episcopate reveal substantial financial resources matched, among the clergy, only by ministers in the wealthier parishes of the leading towns and cities.⁵⁷ Like prominent families among the gentry, the bishops were linked to the nobility either as cadets or as customary associates. Thus, despite their Protestant persuasions, they exhibited the traditional characteristics of the 'somewhat ancestral type of Scottish churchman'.⁵⁸

Regardless of the particular ascendancy of episcopacy or presbyterianism, the position of Protestantism as the national faith of Scotland was undoubtedly consolidated by the Kirk's hierarchical

structure of representative courts. In addition to the maintenance of religious standards within the ministry, the ecclesiastical courts exercised a moral oversight of family life with the aim of fostering and encouraging the household as the basic unit of religious worship. The household, however, was viewed more in terms of the nuclear family than that of the extended family traditionally associated with the retinues of the nobility. Hence, the Protestant appeal to the political nation was patently more suited to the gentry and burgesses. While the discipline of the Kirk could effectively be brought to bear against gentry and burgesses, the nobility were not so amenable to presbyteries and synods counteracting their traditional dominance of local communities or censuring their defiance of kirk sessions. The ultimate and socially, most contentious, sanction of the Kirk was that of excommunication which carried the civil consequence of outlawry. From 1605, James VI had insisted that no excommunication of a noble could proceed without the consent of the Privy Council. In like vein, the general assembly of 1610 was obliged to agree that no sentence of excommunication could proceed without episcopal approval. The real design of this measure was to deny the incidental power of outlawry to ministers. Its success was reflected in the steady decline in the number of excommunications instigated by presbyteries in the last fifteen years of James VI's reign.⁵⁹

As well as differences with the nobility over the exercises of discipline, the clergy also had a certain divergence of interests with the gentry and burgesses which can be traced to the actual operation of the ecclesiastical courts. Although lay commissioners continued to attend general assemblies in the early seventeenth century, they did so as representatives of the whole membership of the Kirk, drawn from the political estates, rather than as nominees of the synods and presbyteries. The lack of lay participation in the intermediate courts of the Kirk suggested by this situation was essentially a reflection on the administrative routine of both synod and presbytery. While synods never usually met more than twice a year, they lasted several days, dealing mainly with the oversight of

presbyteries and the disciplining of ministers. In the opening decades of the seventeenth century, synods had been able to attract lay commissioners to deliberate issues of regional importance. But their attendance was never sustained and would seem to have lapsed by 1620. This may, in part, be attributable to the dampening effect which the restoration of the episcopacy had on ecclesiastical controversy at diocesan level.

The main concern of the presbytery, which was expected to meet weekly was to serve as an exercise for the regular maintenance of doctrinal orthodoxy among the ministry and to oversee the work of the kirk sessions within its bounds. It was a court of referral for contumacious sexual offenders, Sabbath-breakers and non-church goers. It had a special concern to discipline Catholic recusants and to search out priests and witches. The attendance of lay elders at presbyteries was never regular before 1600 and there would seem to be little evidence for their presence thereafter. As only ministers were censurable by presbyteries for absence, this may be taken as an admission that the working of these district courts was intrinsically the concern of the ministers. In any case, support and sympathy for the work of the presbytery from landed society within its bounds was arguably of greater importance than the actual attendance of lay elders.⁶⁰

The national influence of the Kirk was qualified geographically as well as socially. The hierarchical structure of representative courts had still not been fully implemented in the Highlands and Islands by 1625. In most large rural parishes, special difficulties were encountered in establishing a regular ministerial service to dispersed communities, remote and even periodically isolated by climatic vicissitudes from their parochial churches. Within the Highlands and Islands, the Kirk's operations were at no more than a missionary level. Within the Lowlands, where parishes tended to be smaller and settlements more nucleated, the Kirk was at its most vital and entrenched.⁶¹

Outwith the framework of its representative courts, the Kirk exercised a further influence, nationwide, over matters of material welfare of particular concern to the wealthier classes. For in 1609, James VI had restored consistorial jurisdiction to the bishops. The archbishops of St Andrews and Glasgow each elected two commissioners to the central commissary court in Edinburgh which had exclusive control over all cases of divorce. Local commissary courts, operating within each diocese under episcopal supervision, had special competence over wills and testaments, and also over contracts engaged under oath.⁶²

The Calvinist principles which inspired the Scottish Reformation have been depicted as politically and socially 'subversive', supplementing the 'silent havoc' wreaked by the price rise of the late sixteenth and early seventeenth centuries.⁶³ Undoubtedly, Protestantism and inflation were the two major influences shaping the development of the political nation, challenging the traditional dominance of the nobility in the country and the mercantile community in the towns. Nevertheless, despite the growing assertiveness of the gentry and the craftsmen, and even the emergence of the yeomen as a distinct social class, the political nation did not break up under the strain of competing vested interests or frustrated aspirations. The four estates remained interdependent, both traditionally and commercially. Protestantism was not just a means of promoting commercial acumen, of cultivating an alternative form of government to the decentralised structure of the State, or of providing, as a last resort, an ideological check on the ungodly exercise of royal authority. The profession and exercise of the Protestant faith constituted, above all, the cement which consciously bound together the political nation and justified their control over the rest of Scottish society. Within this context of respect for lesser magistrates, it has been estimated that the ratio for ministers exhorting their congregations to wholehearted obedience, as against reminding masters of their obligations to their servants, was 10:1 during the seventeenth century.⁶⁴ Protestantism, indeed, was to be of paramount political importance in projecting and preserving national

identify when Scotland was faced by an international shift in economic power in favour of northern Europe and, simultaneously, confronted by the threat of provincial relegation following the Union of the Crowns in 1603.

Notes

1. NLS, Sir James Balfour on Nobility, Adv.MS.15.2.14; J.P. Cooper, ed., The Decline of Spain and the Thirty Years War, 1609-48/59, (The New Cambridge Modern History, IV, 1970), 16-17.
2. R.S. Rait, The Parliaments of Scotland, (Glasgow, 1924), 176-77, 183-85.
3. P. MacIntyre, 'The Franchise Courts', in An Introduction to Scottish Legal History, (The Stair Society, Edinburgh, 1958), 374-80.
4. SR0, Accounts of Compositions for Concealed Rents - Taxations, Ordinary and Extraordinary, 1621 & 1625, E 65/12.
5. APS, III, (1567-92), 431-37, c.8; IV, (1593-1624), 281-84, c.2.
6. Register of the Privy Council of Scotland, second series, I, (1625-27), cxlv-cxlvii; Donaldson, James V to James VII, 219-21. Of the remainder, two abbeys were still in the hands of lay commendators; six abbeys and four priories were annexed to the bishoprics; one priory and one preceptory were secularised as tenandries (ie freeholds) rather than as lordships.
7. The feuing of kirklands has been comprehensively dealt with in a series of articles by M.B. Sanderson, (i) 'Some Aspects of the Church in Scottish Society in the era of the Reformation: Illustrated from the Sherifffdom of Ayr', RSCHS, XVII, (1970), 81-97; (ii) 'Kirkmen and Tenants in the era of the Reformation', RSCHS, XVIII, (1972), 26-42; (iii) 'The Feuars of Kirklands', SHR, LII, (1973), 117-36.
8. Mackay, The Church of the Covenant, 1637-51, 4-6, 181-82.
9. SR0, Hamilton Papers, TD 76/100/3/109.
10. I.B. Cowan, 'The Development of the Parochial System in Medieval Scotland', SHR, XL, (1961), 50-55.
11. APS, III, 433, c.8; IV, 64, c.10; 614, c.15.
12. Lists of heritors liable to relieve their superiors and titulars for taxation in five lordships of erection between 1631 and 1634 reveal that, in eighty-six (twenty-seven per cent) out of three hundred and seventeen instances, the dues specified were solely teinds. This sample would imply that more than a quarter of the territorial control exercised by lords of erection, in their

- capacity as titulars of the teinds, was over other men's lands. [RPCS, second series, IV, (1630-32), 595-96, 641-43, 645-46; V, (1633-35), 586-90].
13. cf. G. Chalmers, Caledonia: An Account, Historical and Topographic, of North Britain, (London, 1824), 500-912. A lay patron could also use his control over the disposal of teinds to exact a tack from whomever he had presented as minister, thereby acquiring the teind for his own use in return for a guaranteed stipend to the minister.
 14. Sir R. Gordon of Sibbald, 'Discourse on the Government of Scotland before the Late Troubles', in Geographical Collections relating to Scotland made by Walter Macfarlane, Sir A. Mitchell, ed., II, (SHS, Edinburgh, 1907), 393-94; Rait, The Parliaments of Scotland, 206-10; W.C. Dickson & G. Donaldson, ed., A Source Book of Scottish History, III, (Edinburgh, 1961), 227-31.
 15. SR0, Accounts of the Collectors of Taxation granted in 1625, E 65/10.
 16. J.D. Mackie, ed., Thomas Thomson's Memorial on Old Extent, (The Stair Society, Edinburgh, 1946), 78-86; W. Ferguson, 'Electoral Law and Procedure in Eighteenth and early Nineteenth Century Scotland', (University of Glasgow, Ph.D. thesis, 1957), 54-56; Rait, The Parliaments of Scotland, 210-11. Furthermore, there was no equitable method of assessing electoral entitlement, untrammelled with anomalies, so long as freehold land rather than the gentry as a social class was held to be represented in parliament. By a decision of the court of Exchequer in 1585, a forty shillings land in Lothian was regarded as being equivalent to a holding of eight oxgangs or one ploughgate, which was standardised as one hundred and four acres of arable land regardless of its cultivable quality. [C. Innes, Lectures on Scotch Legal Antiquities, (Edinburgh, 1872), 283-84]. In reality, the cultivable area of an estate varied with respect to soil conditions and geographic location, causing the dimensions of the oxgang to vary regionally from four to fifty acres. [R.E. Zupko, 'The weights and measures of Scotland before the

Union', SHR, (1977), 132]. Therefore, this quantitative distinction for electoral participation could only be upheld between freeholders within shires sharing a common measurement of arable acreage.

17. SR0, Accounts of the Collectors of Taxation granted in 1625, E 65/10. The spirituality paid 42.6 per cent and synthetic freeholders on Crown lands 6.2 per cent.
18. A Source Book of Scottish History, III, 207-31.
19. A. Edgar, Old Church Life in Scotland, II, (Paisley, 1886), 7, 53, 69-73; RPCS, XIII, (1622-25), 257-61, 815-40; A Source Book of Scottish History, III, 375-81; R. Mitchison, 'The Making of the Old Scottish Poor Law', Past & Present, 63, (1974), 64-67.
20. Makey, The Church of the Covenant, 1637-51, 11-12.
21. APS, III, 459, c.57; IV, 434, c.14; 535-46, c.8; RPCS, IX, (1610-13), 75-80, 305, 326-29, 525-26; RPCS, second series, I, 658-60, 670-75, 677-78; VIII, (1544-1660), 297-305.
22. Sanderson, SHR, LI, 120-23.
23. I.D. Whyte, Agriculture and Society in Seventeenth Century Scotland, (Edinburgh, 1979), 137-45.
24. Sanderson, RSCHS, XVII, 41.
25. F.M.L. Thompson, 'The Social Distribution of Landed Property in England since the Sixteenth Century', Economic History Review, second series, XIX, (1966), 506-07.
26. cf. RPCS, IX, 29; XIII, 744.
27. cf. SR0, Synod Records of Moray, 1623-44, CH 2/271/1.ff.236.
28. G.S. Pryde, ed., Ayr Burgh Accounts, 1534-1624, (SHS, Edinburgh, 1937), xv, xviii-xxii, xlii-xliii, lii-liii.
29. G.S. Pryde, ed., The Court Book of the Burgh of Kirkintilloch, 1658-94, (SHS, Edinburgh, 1963), xxxvii-lxviii.
30. S.G.E. Lythe, The Economy of Scotland, 1550-1625, (Edinburgh & London, 1960), 78-79.
31. Rait, The Parliaments of Scotland, 250-58, 269-70.
32. Glasgow was ranked only eighth in status among the royal burghs after the Restoration (NLS, Genealogy & Religion, Adv.MS.16.1.1), yet consistently paid the second highest contribution towards

the burghs' quota of ^{extraordinary} ~~taxations~~ from the reign of Charles I (SR0, Accounts of the Collector of the Extraordinary Taxation granted in 1625 and 1630, E 65/11 & /14; Account of the Collector of Taxation granted in 1633, E 65/17).

33. Ayr Burgh Accounts, 1534-1624, xxiii, xxviii, xlv-xlvi, lxx, xcvi-xcviii.
34. G.S. Pryde, 'The Burgh Courts and Allied Jurisdictions', in An Introduction to Scottish Legal History, 385-89.
35. T.C. Smout, A History of the Scottish People, 1560-1830, (London, 1970), 159-60, 165-66; W.C. Dickinson, G. Donaldson, I.A. Milne, ed., A Source Book of Scottish History, II, (Edinburgh, 1963), 215-16.
36. Pryde in An Introduction to Scottish Legal History, 391-92.
37. Smout, A History of the Scottish People, 1560-1830, 172-74.
38. A Source Book of Scottish History, II, 216; Pryde in An Introduction to Scottish Legal History, 392.
39. A Source Book of Scottish History, II, 217.
40. The Court Book of the Burgh of Kirkintilloch, 1658-94, lviii-lxxxix; Rait, The Parliaments of Scotland, 258-59.
41. A Source Book of Scottish History, III, 38. The apparent exception was the town of Chirnside in Berwickshire. Its selection, however, can most probably be attributed to its proximity to the burgh of Berwick which, though the natural social and commercial focus of the county, was annexed to England.
42. R.H. Tawney, Religion and the Rise of Capitalism, (London, 1969), 113-14.
43. G. Marshall, Presbyteries and Profits, (Oxford, 1980), 65-103.
44. Smout, A History of the Scottish People, 1560-1830, 168-69.
45. Ayr Burgh Accounts, 1534-1624, lii-liii, cxii-cxxii.
46. Smout, A History of the Scottish People, 1560-1830, 159-60, 170-71, 175; Ayr Burgh Accounts, 1534-1624, xxix-li.
47. Sanderson, SHR, LII, 118.
48. H.H. Monteath, 'Heritable Rights', in An Introduction to Scottish Legal History, 185-88.

49. H. Kamen, The Iron Century, Social Change in Europe, 1550-1660, (London, 1971), 178, 196-97.
50. J.G. Dunbar, The Historic Architecture of Scotland, (London, 1960), 181-89; Geographical Collections relating to Scotland made by Walter Macfarlane, II, 17, 274.
51. G.H. Sabine, A History of Political Theory, (London, 1968), 366-70; G.R. Elton, ed., Renaissance and Reformation, 1500-1648, (New York, 1968), 219-223, 229-32.
52. J. Kirk, '"The Politics of the Best Reformed Kirks": Scottish achievements and English aspirations in church government', SHR, LIX, (1980), 22-53.
53. Rait, The Parliaments of Scotland, 167-68, 171; A Source Book of Scottish History, III, 232-33.
54. Donaldson, James V to James VII, 199-209; I. Dunlop, 'The Polity of the Scottish Church, 1600-37', RSCHS, XII, (1956), 161-84.
55. W.R. Foster, The Church before the Covenants, (Edinburgh & London, 1975), 56; Dunlop, RSCHS, XII, 169-70, 173-74.
56. Mathew, Scotland under Charles I, 47-48.
57. Foster, The Church before the Covenants, 43-45, 133, 167-70.
58. Mathew, Scotland under Charles I, 31-33.
59. Dunlop, RSCHS, XII, 173-74; Foster, The Church before the Covenants, 100-05.
60. Dunlop, RSCHS, XII, 167-69, 170-73; Foster, The Church before the Covenants, 88-100, 113-20.
61. H. Scott, ed., Fasti Ecclesiae Scoticae, IV, (Edinburgh, 1923), 1-139; VII, (Edinburgh, 1928), 166-209; A. MacGrigor, ed., Reports on the State of Certain Parishes in Scotland, 1627, (Maitland Club, Edinburgh, 1835), 153-89.
62. G. Donaldson, 'The Church Courts' in An Introduction to Scottish Legal History, 370-71.
63. Mackey, The Church of the Covenant, 1637-51, 5-11.
64. Marshall, Presbyteries and Profits, 73.

The successful exercise of kingship by James VI in Scotland was based essentially on his management of affairs as a 'practical politician', not on his abilities as a theorist or polemicist.¹ Before 1603, however, James VI had been an ardent propagandist of divine right monarchy in order to counter dissent within Kirk and State occasioned by demands for presbyterian autonomy or by fractiousness among the nobility and, simultaneously, to promote his dynastic claim to the English throne. His polemics emphasised his preference to maintain the royal supremacy by co-operative persuasion rather than by coercive force. After 1603, the equilibrium of the component interests of Scottish society continued to rest upon the political entente created by the personal forbearance of James. He accepted the locally orientated patterns of organisation in Kirk and State as his basis for adaptation. Thus, episcopacy was grafted onto the framework of presbyterianism. At the same time as he intensified the scope of royal government, he confirmed and bestowed hereditary titles and jurisdictions over secularised kirklands, benefiting traditional noble families as well as lesser members of the landed classes drawn into royal service. Above all, by such expressions of solidarity with the ruling elite, James nullified fractiousness among the nobility and isolated clerical extremists. Hence, the explosive alliance of religion and politics which had made the Reformation possible was prevented.

In constitutional terms, the union of the Crowns - itself a misnomer - was a purely dynastic event. James' initial schemes for political union and closer economic integration were little desired by the parliaments of both Scotland and England and were effectively terminated by a wrecking motion in the House of Commons, in August 1607, which unacceptably demanded the assent of the Scottish estates to a complete incorporating union under English law.² Nevertheless, the dynastic union, which created the most enduring political feature of the seventeenth century, that of absentee monarchy, was not without its immediate political cost to Scotland.

Although the union of the Crowns was a demonstrable enhancement of James' prestige as a monarch, there was a marked decline both in his appeals to, and ~~sensitivity of~~ ^{responsiveness to}, public opinion within Scotland after 1603.³ In part, this can be attributed to James' pre-occupation with the government of England where he succeeded more in aggravating rather than solving his inherited difficulties in matters of royal finances, parliamentary privilege and religious dissent. More particularly, the familiar presumption among prominent Scottish politicians in both Kirk and State to criticise royal policies tended to be replaced by the adulation and flattery of Scottish and English favourites and their clients once the Court moved south.⁴ Scottish interests generally tended to be subordinated to those of England. Most markedly, Scotland was effectively deprived of a foreign policy from 1603 in the strategic interest of securing England's northern flank.⁵

Furthermore, the removal and absorption of the Scottish Court affected the conduct of executive government within Scotland. Indeed, it can appear that 'Scottish independence was in a large part illusory', as Scotland was ruled, though not administered, from what was essentially the English Court.⁶ James, himself, contributed to this notion by his exaggerated claim before the English parliament, in March 1607, concerning the facility of governing Scotland from the Court. 'Here I sit, and govern it with my pen: I write, and it is done and by a clerk of the Council I govern Scotland now - which others could not do by the sword'.⁷ On this occasion, however, James VI and I was attempting to placate the resentment and suspicions aroused among English politicians by the influx of Scots to positions of prominence at Court. In actuality, the government of Scotland after 1603 did not depend simply on the royal word. On the one hand, James ensured that his copious and didactic instructions for government could be speedily conveyed to the Privy Council and their diligence in administration monitored by his prompt establishment, from May 1603, of a postal service between London and Edinburgh. The lack of royal complaints with the service over the next twenty-two years can be attributed to

its efficient maintenance by the Privy Council.⁸ On the other hand, the efficacy of royal government in Scotland depended also upon the personal initiatives of leading civil servants, the most notable - rewarded with lordships of erection - being successively Sir George Home, earl of Dunbar and Alexander Seaton, earl of Dunfermline.

From 1603 until his death in 1611, Dunbar was the effective political manager of Scotland. His office of treasurer within the Scottish administration was combined with his position at Court as master of the wardrobe in the royal household and even as a member of the English Privy Council. Through continuous travel and liaison between Edinburgh and the Court, Dunbar uniquely influenced the implementation of royal policy, dominating the Privy Council in Scotland at the same time as he personally retained the confidence of the king at Court. In the eleven years following the death of Dunbar, Dunfermline's dislike of travel led to a decisive shift in political management. As chancellor, he preferred to entrench his chairmanship of the Privy Council while utilising the postal system between Edinburgh and London for his own benefit. Through regular correspondence with royal favourites until his death in 1622, he assiduously cultivated allies at Court, with their advice drawing up proposals for government which the king would find acceptable.⁹ Thus, although James retained his definite ideas on the ruling of Scotland and implemented them from the Court, neither effective decision making nor administrative initiative was totally surrendered by central government in Edinburgh. Indeed, through the influence of leading civil servants and courtiers, Scottish government after 1603 was increasingly being managed by cabal.

Moreover, the migration of the Court, allied to the monopolising of central government by cabal, had a disruptive effect on the customary harmony between Crown and nobility, the prerequisite for ordered government within the Scottish localities. The traditional nobility less frequently attended the Privy Council, the

formal remnant of the Scottish executive. As the most important grouping within the political nation, they had been attracted to central government in Edinburgh through the social prestige of the Court, not by the professional appeal of administration. The altered focus of Scottish politics after 1603 restricted their contact with the Crown, gradually leading to their impersonalised alienation from the monarchy.¹⁰ Henceforth, although discontent was muted, lacking in direction and largely ineffective during the reign of James VI and I, the working of royal government within the localities was characterised more by limited accomplishment, even inertia, than by spirited co-operation.

More immediately, the political nation's feelings of remoteness from the centre of decision making were heightened by English antagonism during the negotiations for closer political and economic union. James VI and I, much to the appreciation of his Scottish estates, demonstrated his sympathetic awareness of Scottish fears for the continuing independence of their kingdom when he asserted, in an emotive^{oral} speech to the English parliament on 31 March 1607, that 'for want of either magistrate, law or order, they might fall into such a confusion as to become like a naked province, without law or liberty, under this kingdom'.¹¹ Nevertheless, James, though steeped in and appreciative of Scottish sentiment, was not always fully cognisant of Scottish fears of provincialism after 1603. Despite promising on his accession to the English throne that he would return to Scotland every three years, he only did so once, in 1617, and that in a controversial attempt to introduce ecclesiastical innovations.¹²

Once the danger of closer union had passed, but prior to the establishment of indifference in place of hostility as the normal English response to Scottish affairs, the Scottish estates warned James, in August 1607, of their resolve that 'your Majesteis ancient and native Kingdome should not be so disordoiert and maid confusit by turneing of it, in place of a trew and friendlie Unioun, into a

conquered and slavische province to be governed by a Viceroy or Deputy'.¹³ This statement on the unacceptability of provincial status had been provoked by a tactless reference of James. In his March speech to the English parliament he had sought to ridicule any supposition that Scotland should be garrisoned like a Spanish province. The dependencies explicitly alluded to were Sicily and Naples. For the Scots the more obvious, albeit implicit, model was the English province of Ireland.

The union of the Crowns undoubtedly caused the political nation to adopt a protective stance towards Scottish independence. Nevertheless, Scotland's satellite relationship with England was neither all-embracing nor necessarily irreversible from 1603. Anglicised courtiers were certainly prepared to acquiesce in the provincial relegation of Scotland after the death of James VI and some, such as the Oxford-educated James, third marquis of Hamilton, were so averse to life in Scotland, that they actively promoted this end.¹⁴ The English Court, however, was not the only channel for Scottish international relations. Affluent members of landed society, especially the heirs of noble house, personally experienced the European mainstream by undertaking the grand tour, that customary but flexible finishing school after attendance at a Scottish university. Thus, during the 1630s, James Graham, fifth earl (later first marquis) of Montrose, used his three-year continental excursion not only to travel extensively and inquisitively in France and Italy, but to acquaint himself with the latest application of mathematical concepts to military strategy.¹⁵ Notwithstanding such an educational contribution to the nation's sense of belonging to a European community, internationalism for the Scottish estates as a whole was largely expressed through its commercial contacts and its religious aspirations in the early seventeenth century. At a time when economic power was shifting from the Mediterranean to North Atlantic communities and when Protestantism in western Europe was under siege from the forces of the Counter-Reformation, Scotland, as an internationally distinct political entity, was preserved and

consolidated by trade and above all, by faith.

Trade, though the most geographically dispersed, was probably the most socially restricted form of regular international contact. Nevertheless, opportunities of projecting Scottish identity through economic growth were limited less by the constraints imposed by the Convention of Royal Burghs for the maintenance of mercantile privilege, than by the basic nature of Scottish commerce in the early seventeenth century. As borne out by the Book of Rates drawn up by the Privy Council in October 1612 - to impose a chargeable custom of five per cent on the rated values of 47 exported and 149 imported commodities - Scottish trade was dominated by the exchange of raw materials, foodstuffs and coarse cloth for wines, luxuries and manufactured goods. The importing bias was directed more towards domestic consumption than industrial reprocessing.¹⁶ Therefore, despite the fundamental shift of economic strength in favour of North Atlantic communities - notably the Netherlands - Scotland could, like the Baltic countries, still be classified as having a dependent or even a 'colonial' economy owing to its comparatively low level of commercial activity and industrial development.¹⁷

Indeed, the Scottish response to the general price rise - primarily stimulated by the influx into Europe of precious metals from the Americas - had apparently much in common with that of a Baltic country like Poland. For the restricted development of its monetary economy, signified by payments in kind and work services as well as money in meeting estate dues, was allied to a lack of systematic technical progress in manufactures, a necessary prerequisite for the reduction of prices and the stimulation of consumption. Such structural deficiencies meant that the burden of inflation was largely borne by agriculture as the dominant sector of the Scottish economy. Moreover, since the increase in monetary supply could not be readily absorbed into the costs of estate management, agricultural productivity tended to fall behind the rise in prices.¹⁸

In Poland, the landowners were able to exploit their political and social dominance at the expense of both the peasantry and the mercantile community. Landowners in western Europe tended to benefit indirectly from increased grain prices through the conversion of customary rents into cash which, in turn, stimulated productivity through increased wage-labour. Whereas the Polish landowners, in order to maximise the revenues from their estates, enforced serfdom on their peasantry. Furthermore, agricultural produce and raw materials were, in contrast to manufactured goods, exempt from price control. At the same time, the Polish nobility enjoyed immunity from customs and the availability of cheap transport, either by river or through labour services on land. As a result, the merchants, especially in the interior towns, were deprived of substantial opportunities to accumulate capital. In Scotland, the Convention of Royal Burghs prevented a similar decline in the merchants' dominance of the market in the face of proprietary enterprise, or rather, exploitation. Conversely, however, the commercial co-operation of the urban communities had not yet given way to the economic individualism which characterised the emergent capitalist societies of the Netherlands and, to a lesser degree, England and France. Moreover, unlike Poland, Scotland generally tended to export rather than enslave its peasantry. Although landlords who sought to exploit the coal deposits around the Firth of Forth acquired powers from 1606 to brutally restrict the mobility of colliers, coal-bearers and salters on their estates, serfdom was only gradually imposed on such labourers from the mid-seventeenth century: a development made possible by the unique character of their subterranean and largely unskilled work within small, but distinctive communities.¹⁹

Although the actual development of the Scottish economy does not readily lend itself to contemporary analogy, Scotland did conform to the general pattern of changing values in land-use throughout Europe. The growth of the feu-ferme movement during the sixteenth century expanded the land-market and promoted more intensive estate

management. The greater exploitation of the soil which followed also from inflation led to dislocation among the peasantry and the formation of surplus labour pools as permanent features of the national economy.²⁰ Furthermore, the relative inelasticity of the Scottish economy, manifested by its failure to broaden its manufacturing base to keep pace with the apparent, but indeterminate, population growth of the late sixteenth century, meant that inflation had the prime effect of accelerating emigration. Throughout that century, the consistently high levels of migrants from Scotland had served to indicate the country's traditional incapacity to support its population. The main continental repository for these migrants was Poland which, as the adopted home for reputedly thirty thousand Scots, was termed 'the mother of our Commons' by William Lithgow, probably the most widely travelled Scot of the early seventeenth century.²¹ Ironically, such an influx of Scots, to a country where the conduct of trade was restricted to Jews and foreigners, consolidated the landlords' dominance over the Polish economy at the expense of the indigenous population.

Moreover, although the influx of American bullion had reached its peak by 1610 and went into a steady decline after 1620, the resultant devaluation of European currencies, coupled to the strain imposed on the availability of commodities during the 'Thirty Years War', meant that price stability was unobtainable for most of the seventeenth century.²² Scotland, therefore, while suffering no violent change in its price structure in the early seventeenth century, continued to be a major exporter of people within Europe, especially as the decreasing incidence of famine and plague after 1600 diminished natural checks to population growth.²³ The ill-fated venture to colonise the nebulously defined Nova Scotia, undertaken from 1621 by Sir William Alexander of Menstrie (later first earl of Stirling), was an attempt to divert the perennial 'swarmes' sent to the continent: Scotland 'by reason of her populousnesse being constrained to disburden her selfe (like the painfull Bees)'.²⁴ Following the union of the Crowns, however, the

main opportunities for colonisation occurred with the plantation of Ulster. Over fifty-thousand Scots were to settle in that province prior to the outbreak of the Covenanting Movement.²⁵

The conflict for hegemony within Europe, particularly the hostilities within the Holy Roman Empire which dominated the first half of the seventeenth century under the misnomer of the "Thirty Years War", provided dramatic opportunities for the employment of Scottish troops either as mercenaries or as part of national levies. Indeed, few areas of Scotland would seem to have escaped the recruiting net. Between 1626 and 1627, over fourteen thousand men were drafted into the army of Christian IV of Denmark, of whom around ten to twelve thousand actually served under Robert Maxwell, first earl of Nithsdale. James, third marquis of Hamilton, took a further six thousand into his expeditionary force of 1631-32 to assist Gustavus Adolphus of Sweden. Around twenty to thirty thousand Scots eventually participated in the civil and military service of the Swedes and the Protestant German princes. With regular enlistment into the Scots brigades in France and the Netherlands and mercenary service in Spain, Poland and Russia also taken into account, the numbers involved probably exceeded fifty thousand. In total, therefore, in excess of one hundred thousand people left Scotland either as colonisers or soldiers, approximating, perhaps, to a tenth of the population in the early seventeenth century.²⁶

Despite the basic nature of its commerce, the structural deficiencies exposed by inflation and its traditional incapacity to support its population, Scotland may on balance be placed within the emergent capitalist, rather than among the feudally entrenched, nations of Europe. The scales were tilted by certain indicators of progressive, if gradual, economic growth: namely, in the spheres of monetarism, agricultural productivity and sea-borne commerce.

A more widespread use of money would seem to be indicated by the seventy-nine per cent growth in locally viable burghs, either of

regality or of barony, in the century after the Reformation.²⁷ Moreover, the popularising of feu-ferme tenure during the sixteenth century secularisation of the kirklands led to a significant commutation of annual liabilities. A high proportion of all rents were now expected to be paid in money rather than in kind and work services tended to be minimised, if not eliminated, throughout the Lowlands.²⁸ Furthermore, around 1620, in shires such as Haddington (East Lothian) and Fife, county fiars were instituted to allow the annual conversion of rents in kind into money. Following the harvests, a notional or just valuation for each specified quantity of victual - usually per boll - was established in the sheriff courts: the resultant fiar being based on the fluctuating prices of grain within the burgh markets of each shire ~~during the past year~~ ^{since the last harvest}. Such rates of commutation, initially designed to facilitate the collection of revenues due to the Crown and the Church, were also applied in commissary courts for the evaluation of moveable property bequeathed in testaments. Fiars were eventually extended nationwide to give liquidity to rentals and contracts between landlords and tenants.²⁹

Within the communal framework of agricultural production, a move towards economic individualism was first manifested by the piecemeal replacement of runrig. Instead of the arable strips of land on the farm-touns of every estate being periodically reallocated among the removable tenantry, fixed runrig was increasingly being adopted as a means of permanently associating specific arable strips with the individual families who, as multiple-tenants, shared each farm-toun. This process of consolidation was carried a stage further by rundale, the formation of the single strips into concerted blocks of arable once farm-touns had passed into the control of individual tenant-farmers or were specifically and permanently divided among the multiple-tenants as portioners. Such developments, though by no means universal in the early seventeenth century, had gathered momentum with the spread of feu-ferme throughout the Lowlands during the sixteenth century which heritably associated specific strips and blocks of arable with portioners and individual tenant-farmers.³⁰

Furthermore, the re-orientation of estate management in the wake of the feu-ferme movement would seem to have stimulated a significant, if not a dramatic, improvement in agricultural productivity. Despite the difficulties of internal communication and the hazards of international shipping which made the trade in grain highly unstable, imports to Scotland from Baltic granaries fell appreciably between 1590 and 1620, while substantial amounts of grain were annually exported from Scotland during the second decade of the seventeenth century. Admittedly, the re-exporting of Baltic grain at increased prices to the continent was an attraction for merchants which cannot be overlooked. Nor can the improvement in agricultural productivity be considered to have kept pace with the growth in population. Nevertheless, ^{aided by outward migration and} prompted by the expansion of cultivated land, notably through the paring and burning of lowland peat-mosses, and by the sporadic use of lime to improve the fertility of soils, particularly heavy clays, Scotland was beginning to move towards self-sufficiency in victuals by 1620.³¹ Whereas the use of marl was restricted to lighter soils, as in the Lothians, liming was to be practised over substantial areas of Scotland in the first half of the seventeenth century, especially within localities with a plentiful supply of fuel to reduce the limestone. Elsewhere, the cost of transporting the quantities of lime required for agricultural, as distinct from building, purposes was still regarded as too expensive to be undertaken on a regular basis.³²

Estate re-orientation was not restricted to the improvement of agricultural productivity. The lack of indigenous supplies of coal adequate to fuel the rapidly expanding economy of the Netherlands acted as a stimulus for proprietors on the east coast, especially around the Firth of Forth, to exploit their underground resources of coal. Given the security of demand from the Dutch market in the early seventeenth century, bolstered from 1599 by the high, if not exorbitant, export duties on English coal, Scottish mineowners were prepared not only to impose serfdom on their workforce, but to invest heavily in the technology required for deep mining. As a result,

annual exports of coal increased dramatically, from approximately one thousand tons in 1560 to an estimated sixty thousand tons by 1631.³³

Although no distinctive industrial, as against agricultural, sector of the economy had emerged by the early seventeenth century, there is limited evidence that Scotland was preparing to generate ~~a~~ greater sea-borne commercial ~~impetus~~. There was a marked upsurge in the direct importation of raw materials from Scandinavia and the Baltic. Regular imports of Norwegian timber and Swedish iron were supplementing an increased, if fluctuating, traffic in iron, textiles, fibres, tar and pitch from the Baltic. As in the Netherlands, such imports opened up possibilities for the expansion of shipbuilding. Indeed, prior to the death of James VI and I, shipbuilders in the south-west of England were regularly supplied with masts from Scotland. While there is little supporting evidence for a widespread shipbuilding industry in Scotland, there is scant corroboration for the notion that Scottish merchants had sufficient funds, even when costs were relatively low, to purchase ready-made ships from countries where construction techniques were more advanced. Economically and strategically, the national interest required the continued development of the native industry, centred at Leith on the east coast and probably at Ayr on the west.³⁴

Moreover, although the Scots lacked the technical competence and the commercial inventiveness of the Dutch, a similar emphasis was placed on shipping for mercantile rather than martial purposes. As recognised by the mobilisation of English commercial opinion against closer economic integration following the union of the Crowns, the Scottish preference for lightly crewed cargo vessels, instead of heavily manned armed cruisers, ensured lower capital costs in shipping. This advantage in carrying bulky commodities was allied to lower working expectations, in terms of wages and diet, among the crewmen and to the practice, among Scottish merchants, of minimising commercial risks by sharing the costs of trading ventures. Within a British

context, therefore, the Scots could offer the lowest freight rates. The complaints of English merchants testify to the psychological, if not the actual material, impact of such competitive costing. In particular, Bristol merchants, though their direct trade with Scotland was insignificant, asserted that their carrying trade was in danger of falling into the hands of Dutch and Scottish shipping. Indeed, by the turn of the century, Scottish vessels were regularly deployed between the ports of eastern England and the continent. Furthermore, the diplomatic neutrality of Scotland prior to 1603 and her diplomatic dubiety thereafter, allowed Scottish ships to be employed with relative impunity by both England and France in waters where warfare imperilled their own nationals.³⁵

Growing confidence in the nation's economy, as much as English hostility, was probably behind the Scottish aversion to closer commercial integration following the union of the Crowns. In 1604, James VI and I established a commission of both countries to treat for union. Within three years it produced draft proposals for freedom of trade. The Scottish estates were able to give their conditional assent confidently aware that vested commercial interests, who feared the efficiency of the Scottish carrying trade, would ensure that any treaty for free trade foundered in the English parliament.³⁶ There was thus no immediate danger that Scotland would become an economic satellite of England. Nevertheless, the union did have a definite impact on the Scottish economy, which was not always benign.

The improving Scottish economic performance of the early seventeenth century was certainly not hindered by the stabilisation of Scottish currency which resulted from the union of the Crowns. From the late sixteenth century, the monetary policies of the Scottish government had tended to follow English initiatives. In 1587, sixteen years after the ban on lending money at interest had been lifted by the Church of England, Scotland followed suit: the governments of both countries setting a legal limit of ten per cent which remained in force throughout the reign of James VI.³⁷ In the wake of the Elizabethan

revaluation of sterling, failure to take complementary action in Scotland caused the ratio of the Scots to the English pound to fall from around 5:1 in 1571 down to 12:1 by 1603. Within fifteen days of his accession to the English throne, James ratified this rate of exchange by making the issue of Scottish gold - and subsequently silver - coins legal tender in England. The Scots pound and mark were to remain at one-twelfth of the value of their sterling equivalents throughout the seventeenth century.³⁸ Not only did this devaluation amount to a realistic appraisal of the need to stabilise prices within Scotland, but the permanent association of Scottish currency with the stronger sterling helped promote confidence in the exchange of Scottish specie in continental markets.

More immediately, Scots were exempt from the discriminatory tariffs levied on merchandise imported by aliens into England after Christmas 1604. While this concession was to be of particular value to Scottish exports of livestock and salt, it had to be reaffirmed in 1615 owing to the reluctant compliance of English customs officials. Henceforth, Scottish wares were still regarded as foreign imports though Scottish merchants were no longer considered aliens. This arrangement was reciprocated for English commodities and traders in Scotland. Common nationality for all born within both countries was eventually upheld by the English courts in 1608, after a case brought on behalf of an infant born in Edinburgh, Robert Colville, son of James, first Lord Colville, established his entitlement to purchase and have freehold and inheritance of lands in England. Ultimately, this judgement was to benefit individual Scottish entrepreneurs seeking, as residents in England, admission to English trading companies on equal terms with English nationals.³⁹ The abandonment of wholesale commercial integration by 1607, however, meant that no access to English markets or imperial ventures was freely afforded or guaranteed to Scottish domiciles.

Less tangibly, the union was to help in the promotion of political stability on the Borders with England and on the western

seaboard with Ireland. Concerted government action in London, Edinburgh and Dublin against reivers and marauding clansmen allowed disruptive energies within Scotland to be re-channelled into more socially cohesive and economically positive directions after 1603.

Manifestly, the most spectacular consequence of the union of the Crowns was Scottish participation in the plantation of Ulster, an undertaking which was to have a profound political and religious impact as well as a social and economic significance. The proximity of the west and south-west districts of Scotland suited the convenience of the English government in its efforts to displace the native Irish and to colonise lands devastated by a series of rebellions against the English Crown. Migration to Ulster from the Lowlands, which was underway by 1606, was indicative of the growing prosperity rather than the customary paucity of the Scottish economy. For it was only by the acquisition of capital at home that the colonisers were provided with the necessary stake 'to develop the wilderness in Ulster'. The plantation, moreover, acted as an immediate boost to Scottish trade. Not only did the planters look to the home market for the tools and provisions necessary to initiate agricultural regeneration, but Scotland became the major supplier of raw materials, fuels and manufactures necessary to sustain settlement in Ulster. Scottish merchants were also the main suppliers of luxuries imported from the continent. In return, Scotland provided a ready market for agricultural produce exported from Ulster. Indeed, Ulster was to become a cheaper alternative to the Baltic as an emergency granary. As many as twenty-six ports in the west and south-west benefited from this Irish connection, especially as Scotland came to dominate, if not monopolise, the carrying trade of Ulster.

However, Ulster's exports steadily began to outstrip its imports after 1612, thereby affecting adversely the Scottish balance of trade. Good harvests in Scotland from 1617 to 1620 meant that imports of grain produced a glut on the home market which threatened the profitability of domestic farming. The response of the landed

interest was to persuade the Scottish government to impose punitive tariffs on the importing of Irish as well as Baltic grain from 1619. As a result, profits from farming in Ulster declined despite the continuance of the livestock trade and the smuggling of grain shipments to Scotland. Such a constriction of the agricultural market reduced immigration from Scotland to a trickle by 1622. Nevertheless, after two bad harvests in successive years, which threatened to undermine the social expectations built up by landowners and peasantry over the previous decade, a renewed flood of migrants - mainly from the north of Scotland - crossed to Ulster from 1635.⁴⁰ Moreover, although the English government exercised sovereignty over Ulster, the province's special commercial rapport, allied to its common Protestant heritage with Scotland, ensured that a particular affinity was retained between Ulstermen and Lowland Scots and that the Scottish colonisers remained a distinctive entity within Irish society.

The union of the Crowns also had detrimental effects on the Scottish economy. In the first place, the removal of the Court to London transferred a considerable amount of purchasing power which could have stimulated not only the local commerce of Edinburgh, but the national trade and manufacture of luxuries, consumable goods and fashionable garments.⁴¹ Secondly and more seriously, Scotland in the course of the seventeenth century was to suffer economically from political association with England through the difficulties experienced by continental powers in dissociating separate national interests within the British Isles. In the short term, however, the major European powers were still willing to discriminate positively, albeit as a means of embarrassing the English Crown. Thus, when Charles I initiated war with Spain in 1625, the Spaniards reciprocated by declaring war on England, Scotland and Ireland. Yet freedom of trade was maintained with the Scots and the Irish, 'as they coloured not English goods'.⁴² Likewise, after Charles opened hostilities with France in 1626, the French were sufficiently mindful of the 'auld alliance' to set at liberty the sixty Scottish ships among the hundred and twenty British vessels impounded while loading wine at Bordeaux.⁴³

In the following year, when Charles I decided to launch an expedition under the command of his favourite, George Villiers, first duke of Buckingham, to relieve the Huguenots in La Rochelle, he experienced the greatest difficulty in raising the two thousand men he required from Scotland. Furthermore, this disastrous venture, which was accompanied by a royal embargo on the importation of French goods, was generally resented by the political nation and distinctly unpopular among the mercantile community. Their concern for the fate of Calvinist co-religionists was secondary to their desire to maintain their favoured relationship in the wine trade.⁴⁴ For Scottish wine traders had traditionally 'enjoyed the same immunities and privileges of the French themselves since they always professed partiality for the most Christian Crown'.⁴⁵ Moreover, although divergence in religion and politics since the Reformation had caused a growing cleavage of interests between Scotland and France - for which the union of the Crowns provided a permanent wedge - the actual sundering of the special relationship between both countries cannot necessarily be regarded as inevitable, far less irrevocable, in the early seventeenth century.⁴⁶ Indeed, as was noted by successive Venetian ambassadors to the Court of Charles I, popular sentiment within Scotland still manifested a distinct preference for the French rather than the English:⁴⁷ albeit such affinities were 'kept aglow by the steady consumption of French wine'.⁴⁸

The declining economic rapport with France was more than compensated by direct commercial contacts between Scotland and the Netherlands, since the Dutch were emerging in the early seventeenth century as the leading European entrepreneurs. The dynamic growth of the Dutch economy can fundamentally be attributed to the revolt of the Netherlands against Spanish domination, launched by the foundation of the United Provinces in 1579. The migration of merchants, craftsmen and capital from the provinces which remained in Spanish hands led to the replacement of Antwerp by Amsterdam as the leading commercial centre, unrivalled in western Europe. Moreover, the Dutch proceeded to develop Amsterdam as an entrepot of world stature by

founding financial exchanges, by building specialised warehouses and by encouraging refining and processing industries. Furthermore, the incorporation of Portugal under the Spanish Crown in 1580 subjected the extensive empires of both countries to the commercial rivalry of the Dutch. Through the formation in 1602 of an East India Company on a more permanent and more heavily capitalised basis than its English counterpart, the Dutch came to dominate not only the spice trade direct from Asia to Europe, but eventually the luxury trade from the Indian Ocean and the Levant to the Mediterranean. A final, structural advantage promoted economic expansion. For the States-General, which loosely controlled the United Provinces, tended to favour the most commercially orientated provinces, namely Holland and Zeeland, the main contributors of revenue to the national coffers. Hence, a mercantile influence, unparalleled throughout Europe, influenced the formulation of government policy.⁴⁹

Consolidating the commercial predominance of the Dutch was their carrying trade, the most efficient in Europe. The expeditious use of Baltic imports in shipbuilding led to the standardised development of the fly-boat, or 'fluit', to suit bulk trading in northern Europe. The deployment of the trading fleet in convoys was generally promoted to reduce shipping risks and maintain low rates of freight. There were two distinct zones of Dutch trade in the early seventeenth century, both relying on functional shipping and the competitive pricing of the convoy system. In the familiar waters of northern Europe the Dutch achieved dominance in the carriage of bulk cargoes by accepting low profits on each venture in return for a high turn-round of 'fluit'-convoys. Competitive pricing and prompt delivery were enhanced by the establishment of permanent factors in most Baltic ports which enabled Dutch merchant houses to deal throughout the year in commodities with differing seasonal peaks of production. In the Indies, the Americas and the Mediterranean, the Dutch strove to minimise the notorious risks and maximise the volatile profits derived from their trade, mainly in luxuries but infested with pirates, by placing emphasis on the naval supremacy of their convoys

which, in contrast to northern Europe, carried goods of low bulk but of high prices.⁵⁰

In material terms, Scottish society gained several distinct advantages from the rise of Dutch commerce. In October 1578, three months prior to the foundation of the United Provinces, which guaranteed to respect the rights and privileges of each city and province within its jurisdiction, the magistrates of Campvere and the Convention of Royal Burghs had contracted to reaffirm the Scottish staple.⁵¹ The location of the staple within Zeeland had ensured that no major commercial disruption was experienced by Scotland during the revolt of the Netherlands. Owing to the shallow nature of the inland waterways through Brabant province, the expansion of Antwerp's trade in the sixteenth century had been beneficial to the ports in the adjacent coastal province of Zeeland, particularly in the development of shipbuilding and of the carrying trade. In turn, as Zeeland also bordered Holland, the towns of both provinces were able to share in the greater prosperity generated by the rise of Amsterdam.⁵² Through Campvere, therefore, Scotland gained access to the commodities of world markets exchanged at Amsterdam. As an entrepot, the benefits of its economics of scale outstripped any advantages derived from direct trading in specific commodities. The export of Scottish staple commodities - raw materials, foodstuffs and coarse cloth - was enhanced by the entrepot's co-ordinated distribution and collection of partial cargoes. The importation to Scotland of wines, luxuries and manufactured goods was facilitated by the entrepot's packaging of mixed cargoes with respect to both cost and bulk.

Furthermore, the rivalry among the towns of Zeeland, which was engendered by the prosperity of the province, was open to exploitation by the Scottish mercantile community. By threatening to remove the staple to neighbouring Middelburg, the location of the English staple, Scottish commercial privileges and trading facilities at Campvere were cultivated and augmented. In 1602, the Convention of Royal Burghs comprehensively defined staple commodities as all

merchandise liable to pay customs. From 1610, the Convention enforced the requirement that all trade with the Low Countries be directed through the staple to prevent the export of Scottish goods through England to other towns in the Netherlands. In return, the magistrates of Campvere were expected to uphold and respect Scottish mercantile interests, especially as the channelling of all trade through the staple heightened rather than lessened the vulnerability of Scottish shipping to piracy. As a result, a revised contract was drawn up between the Convention and the magistrates of Campvere in January 1612.

The Scots gained concessions and fiscal exemptions at least comparable to those enjoyed by the English at Middleburg. Scots were also given the same judicial privileges as the citizens of Campvere and legal assistance both to pursue commercial actions and to seek compensation for victims of Dutch pirates. In addition, Scottish merchants were afforded extensive hospitality rights by the town, including a furnished lodging house - a conciergery - and a kirk was provided for the worship of the resident Scottish community. However, friction and misunderstandings between the Convention and the magistrates of Campvere were continuously aroused by sharp practices among Scottish factors. Thus, some factors sought to profiteer at the expense of both Scottish and Dutch merchants by purchasing whole cargoes on their arrival at the staple in order to monopolise the market. This practice of forestalling, which was outlawed within the Scottish burghs, was not effectively checked until 1625 when the Convention barred all factors from participating in either shipping or trading. Scottish dissatisfaction with local conditions at Campvere was never entirely eradicated. In particular, the cavalier behaviour of the magistrates towards the Scottish community led to diplomatic touchiness during the reign of Charles I, though the location of the staple was never seriously questioned till after the Restoration.⁵³

Another profitable and, indeed, the most recent, commercial

contact between Scotland and the United Provinces was the direct export of coal and salt from the Firth of Forth in Dutch ships. The promotion of this trade, rather than undermining Scottish shipping, was beyond its capacity.⁵⁴ Moreover, the trade was a major earner of foreign currency for Scotland. These earnings were largely recycled to purchase imports at more favourable rates of exchange than the native specie, a policy which admittedly did more to raise social expectations than promote indigenous manufactures. In turn, since the 'riskdaler' (rix dollar) was guaranteed to contain a fixed quantity of silver from 1606, it won greater acceptance than native currency for commercial transactions within Scotland. Nonetheless, the willingness of the Dutch to pay more for coal than the Scottish merchant could afford helped stimulate industry, notably the development of inland mining in the Lothians. This alternative to the coastal mines catered for the expanding domestic market in Edinburgh.⁵⁵

Finally, despite the relative economic dependence of the Scots on the Dutch, the strong mercantile links fostered between both nations were to be of particular advantage to the Scots after hostilities recommenced between Spain and the United Provinces in 1621. In addition to the random disruption of Dutch trade brought about by sporadic warfare over the next three decades, Spain actively sought to exact economic reprisals against the Dutch who had even come to dominate the carrying trade of the Iberian peninsula. To counter Spanish naval offensives against their shipping, the Dutch were obliged to deploy heavily armed convoys on their northern European trading routes as well as the Mediterranean. While the resultant sharp rise in freight costs benefited all competitors of the Dutch in the carrying trade, the Scots mainly profited from two other expedients adopted by the Dutch to maintain their commercial leadership. For the Dutch were increasingly obliged either to hire ships of neutral, but sympathetic, nations or to crew their vessels with reliable foreigners. Scottish crews were especially prominent in the carriage of salt from Portugal by 1623.⁵⁶

The Dutch connection was by no means confined to trade. The strong commercial links with the United Provinces made the sea journey from Scotland quicker and cheaper than the overland trip from Edinburgh to London. Not only were Scottish students attracted to Dutch universities, but the Scots were anxious to keep the Dutch informed about their affairs, especially ecclesiastical matters. In turn, the Reformed Kirk of Scotland was greatly influenced by Dutch theology. Particular attention was paid to the controversy aroused within the Dutch Reformed Kirk by the Arminian challenge to the prevailing Calvinist interpretation of Protestantism in the early seventeenth century.⁵⁷

Arminianism, while accepting Calvinist orthodoxy with regard to original sin and justification by faith, rejected its absolute belief in predestination which offered salvation only for the elect and eternal damnation for the reprobate. For the Calvinist, the Christian's assurance of salvation, through membership of the elect, depended on the effectiveness of his or her calling. Whereas all believers who attended the visible church on earth to hear the preaching of the word and receive the sacraments were partakers of an outward calling, only the true believers, as the elect members of the invisible church, had an inward calling from God to the communion of the saints. For Arminians, because of their belief in God's universal bestowal of divine grace, salvation was obtainable for all, not just the elect, through the exercise of free will. Hence, the Calvinist teaching that the grace of God was irresistible for the elect who, as the true believers, could not fall from grace, was renounced in favour of universal atonement. This precept offered salvation to every individual prepared to repent his or her sins. For the Arminian, therefore, the assurance of salvation was freely available for all believers but conditional on human endeavour. The true believers chose their own salvation. For the Calvinist, who believed in absolute and exclusive salvation for the elect, the Arminian doctrine of free will was an unwarrantable limitation on the sovereignty of God.⁵⁸

Arminianism was promoted by a minority among the Dutch clergy, known as the Remonstrants, who were backed mainly by commercial interests prominent in the provincial governments. Whereas the orthodox Calvinist majority, designated the Counter-Remonstrants, had the support not only of the urban artisans and the peasantry but also of the patricians associated with the House of Orange. Led by Prince Maurice of Nassau, the patricians seized power in the United Provinces in July 1618. Hence, the Synod of Dort, which was summoned that autumn by the States-General to settle theological differences within the Dutch Reformed Kirk, was manipulated by Prince Maurice to entrench oligarchic control at the expense of provincial government. Swamped by Counter-Remonstrants, who constituted seventy-nine of the eighty-two official Dutch delegates, the Synod unequivocally reaffirmed Calvinist orthodoxy and condemned the Remonstrants as heretics.

Although James VI and I had originally suggested the Synod to resolve the Arminian controversy, the Scottish Reformed Kirk was not directly represented at Dort. However, both the presbyterian and episcopal factions accepted the canons issued at the close of the Synod in May 1619 as a definable standards of orthodox Protestantism. Foreign delegates who attended from the Reformed Churches of Germany and the Swiss Cantons and from the Church of England composed about a quarter of the Synod's membership. Their presence gave Dort the international standing of the general council safeguarding the Reformation, comparable to that of the Council of Trent which launched the Counter-Reformation in 1543.⁵⁹ While the Synod of Dort only lasted six months in contrast to the sixteen years of intermittent deliberations at Trent, its definition of Protestant orthodoxy was not only a rebuttal of Arminianism but of the ultimate enemy, Roman Catholicism: 'the extirpation of the Remonstrant heresy meant the destruction of the Scarlet Woman'. After Dort, any minister who was other than an uncompromising Calvinist was suspect within the Kirk of Scotland.⁶⁰

The Synod of Dort, moreover, reinforced the claims which the Kirk of Scotland, through its Confession of Faith, propagated as cardinal precepts in the early seventeenth century. The Reformed Kirk's continuance 'in the doctrine of the prophets and apostles, according to Canonickall Scriptures, ministering the sacraments, and worshipping god purelie according unto them', manifested 'the true marks whereby the true visible Church on earth may be knowne and discerned'. Though only the true believers, as members of the invisible Church, were chosen 'according to the purpose of god's eternal election' to life everlasting, every member of the visible Church could derive hope from the precept that man's righteousness was not inherent, 'but freely given of gods free grace through faith in Jesus Christ'. The precept that there was 'a holy universall Church and Catholicke Church' composed of the whole company of the elect was combined with the Confession's constant affirmation 'that the Church of Scotland through the abundant grace of our god is one of the most pure churches under heaven this day, both in respect of trueth and doctrine and puritie of worship'.⁶¹ The Kirk of Scotland, therefore, was concerned not only to promote the salvation of the elect, but to identify the national interest with a dutiful dedication to the godly life: that is, every member of every congregation striving to attain a state of grace as the precondition for election must adhere systematically to a Calvinist code of ethics for everyday conduct.⁶²

In turn, these doctrinal precepts underwrote the international responsibilities of the Kirk of Scotland. As the only national church in Europe committed to Calvinism but uncompromised by the need to tolerate other religious groups in the interests of political expediency, the Reformed Kirk retained a watching brief over the fate of Protestantism in general and of Calvinist minorities in particular. This special concern was intensified by the progress of the Counter-Reformation and the political alignments brought about by the Thirty Years War . For militant Catholicism, allied to the autocracy of the Spanish and Austrian Habsburgs, was ranged against and initially triumphant over Protestant and particularist interests

within the Holy Roman Empire.⁶³ Thus, two years after the marriage of Charles I to the Catholic French princess, Henrietta Maria, a clerical convention in the summer of 1627 set aside two days of public humiliation and fasting for Scottish congregations because of the threat, albeit unsubstantiated, of a revival of popery at home coupled to 'the distress and cruel persecution of the Reformed kirks in Bohemia and the adjoining Provinces in Upper and Lower Germanie and the Palatinate'.⁶⁴

While the internationalism of the Kirk was not directly impaired, the union of the Crowns was not without its ecclesiastical impact, most noticeably in matters of worship, as James VI became increasingly impressed with the emphasis on order and ceremony in the Church of England. Although the Second Prayer Book of Edward VI had initially been adopted by the Scottish reformers, the distinctly less liturgical, Genevan inspired, Book of Common ^{Order} Prayer was generally commended from the 1560s for the conduct of prayers and sacraments. However, neither the format nor the need for a liturgy won wholesale acceptance. On the one hand, the Second Prayer Book was never totally displaced, finding renewed favour with members of the episcopal faction, especially those forming close contacts with Anglican clergy after 1603. On the other hand, ministers of pronounced presbyterian sympathies, influenced by the Puritan minority who rejected the use of the Second Prayer Book within the Church of England, tended to deviate from, if not ignore, the Scottish Book of Common Order.⁶⁵

Furthermore, an alternative religious standard, which may be characterised as 'a new liturgical form with a wide mass appeal', was being indigenously promoted from the 1590s. In the face of James VI's aversion to the autonomous establishment of presbyterianism within the Kirk and his decided preference for an erastian episcopacy - whose insinuation into a position of dominance was subsequently enhanced in the light of the king's Anglican experience - militant presbyterians began to express their dissent by locally banding together in covenants.

In Scotland, banding together for the purposes of local government or political alliance was a socially inured practice by the sixteenth century and had, indeed, been specifically adopted for religious purposes prior to the Reformation. Yet the description of a religious band as a covenant only gained common currency after 1590, as the result of the permeation from the continent of federal theology. Nor was the conception of a covenant peculiarly Scottish, but was shared by evangelical Protestants in areas as diverse as Transylvania, Ireland and New England.⁶⁶

Covenant or federal theology, as identified with the evangelical ministry in Scotland from the early seventeenth century, emphasised the contractual relationship between God and man rather than the stark Calvinist reliance on election by divine decree. Predestination, and thereby man's ultimate dependence on divine grace for his salvation was not, however, denied. No accommodation was made with Arminianism. The true believer proved his election by covenanting with God, not by exercising his free will to choose salvation. His participation in the covenant did not determine his election, but merely realised the predetermined will of God. It was only divine grace which moved man to covenant. But once man had so banded himself to God, he was assured of his election. Hence, through the covenant, God gave man discernible ground for his election. Salvation became man's just due in return for such an affirmation of his faith. The assurance of the covenant, therefore, was a 'functional equivalent' to the diligent pursuit of the godly life, providing a comforting testimony for the true believer during life's travails.⁶⁷

Moreover, in Scotland, as in the Puritan communities of New England, the idea of the covenant was popularly translated in the early seventeenth century not simply as an elaboration of God's compact with the elect, but as a means of revealing God's purposes towards his people. One such strand in New England even went on to assert that man should reach out for the covenant as a means of

securing faith, in the hope of being rewarded with divine grace.⁶⁸ Within Scotland, however, the practical vitality of the covenant was derived from the expansion of the concept to cover works as well as grace, thereby banding for religious purposes was allied to spiritual assurance. The covenant gave tangible form to the cardinal precepts of the Confession of Faith: specifically to the assurance of salvation, of which all members of congregations should be persuaded by 'giving credite both to the externall promise of the word and the internall witnessing of the spirit', and to the necessity of doing good works for the glory of God, for confirmation of the elect and as an example to others, since 'faith that bringeth not foorth good works is dead, and availeth nothing to justification or salvation'.⁶⁹

Furthermore, in using the concept of the covenant to propagate gospel truths among their congregations, the evangelicals were able to draw upon the dominant ideal of a national Kirk as well as the prestige and pervasive social influence all ministers acquired from the reformed emphasis on the preaching of the word. At its most potent, the covenant could be interpreted as a divine band between God and the people of Scotland. Such a covenant had a comprehensive rather than a sectional appeal, for Scottish society as a whole not just the political nation, providing 'a larger vision of something that transcends the exigencies of the Scottish environment'.⁷⁰ However, anticipation of divine favour through the covenant cannot necessarily be equated with the imminence of a divine event nor the revelation of a people's manifest destiny. Covenanting adherence was still a minority activity for presbyterians in the opening decades of the seventeenth century. After the exhortation of the general assembly in 1596 for a mutual band among ministers - at synods and presbyteries - and within their congregations, no national renewal of the religious band took place until 1638.⁷¹ Rather than manifesting an apocalyptic faith or even a people's destiny, covenanting can be associated more with militant presbyterianism which kept alive an evangelical tradition of dissent from an erastian establishment. For such militants, special emphasis was attached to the sacrament of

communion, as 'certaine visible sealls of gods eternall covenant ordeined be god to represent unto us Christ crucified and seall up our spirituall communion with him'.⁷² The covenant's political potential was still latent.

With Scotland's political interests formally subordinated to those of England after 1603, the religious aspirations of the national Kirk, like the country's expanding commerce, became the most distinctive means of promoting Scotland internationally. Thus, the maintenance of spiritual welfare and the enhancement of material prosperity were not just the respective preserves of the clerical and burgess estates, but the special concerns of the political nation as a whole. In particular, the close religious and commercial links with the United Provinces served as substantial counterpoints to Scotland's diminished political standing in the early seventeenth century. In turn, the Dutch connection has suggested an historical analogy for the strains imposed by the political association of separate states. The impact of the union of the Crowns has been compared to that of the Netherlands and Spain in the early sixteenth century.⁷³

After Charles V had become the ruler of Spain as well as the Netherlands in 1516, an initial influential influx of counsellors and favourites from the Netherlands aroused resentment at the Spanish Court, souring the next forty years of his reign. But in the following generation, his son, Philip II, as a culturally assimilated Spaniard, provoked the revolt of the Netherlands by treating that country as a Spanish province from the commencement of his forty-two year reign in 1556. However, this parallel with Scotland under Charles I benefits much from hindsight. Scotland was not geographically separated from England. Edinburgh and Glasgow were less remote from London than Antwerp and Amsterdam from Madrid. Although Scottish influence at the English Court was initially weighty, neither the dominant Scottish presence nor the resultant English antagonism was to be sustained throughout the reign of James VI and I. Moreover, the secession by the United Provinces in

1579 had still left a Belgian rump as the Spanish Netherlands. In short, insufficient time had elapsed in the opening decades of the seventeenth century to suggest that Anglo-Scottish relations were going to develop along similar lines.

Arguably the closest, though by no means a linear, analogy to the Scottish situation in the early seventeenth century was to be found in the Iberian peninsula. The strained relationships of Catalonia and Portugal to the Castilian dominated, Spanish throne culminated in separate revolts in 1640, at the same time as the Scottish Covenanters were resorting to arms against Charles I. Catalonia was a dominion of the kingdom of Aragon whose dynastic unification with the kingdom of Castile in the late fifteenth century had forged the foundation of the Spanish state. The kingdom of Portugal was annexed to Spain in 1580. While Scotland had provided the king of England and separately supported a national Reformed Kirk, neither Catalonia nor Portugal had specifically provided a monarch for the Spanish throne and both shared, with the rest of Iberia, a common Catholicism. However, like Scotland, both were afflicted by absentee kingship. Though formally supervised by viceroys, both had retained a large measure of independence through nationally disparate agencies of government and constitutional assemblies.

Moreover, Catalonia and Portugal, together with Scotland, do not apparently conform to the conventional interpretation of the mid-seventeenth century revolutions in western Europe: namely, that the 'general crisis' - as manifest in England, France and the United Provinces - resulted from a cleavage between Court and Country. Such revolts were the culmination of almost a century of mounting crisis in the relationship between state and society, through the resentment aroused within each country by an increasingly voracious Court allied to the steady dominance of government by a centralised bureaucracy. Hence, although intervening events and political errors divergently affected the movement from a revolutionary situation to actual revolution, each revolt was the product of the same general grievance:

specifically, the character and cost of the state.⁷⁴

Neither Catalonia nor Portugal contributed to the upkeep of the Castilian Court or to the centralised bureaucracy of the Spanish state in the early seventeenth century. In like manner, the Scottish Exchequer, apart from sundry pensions to Scottish courtiers, was not directly expected to pay for the upkeep of either the English Court or the English government.⁷⁵ The main precipitants of the Iberian revolts were war and taxation. After the termination of the twelve year truce drawn up between Spain and the United Provinces in 1609, Olivares, the chief minister of Philip IV of Spain, was resolved to renew the war as a military and commercial exercise. From 1621, Spain was faced with mounting and recurrent costs for defence and warfare. The determination of Olivares to restructure the Spanish fiscal system was allied to further radical schemes. Not only were the resources of the kingdoms of Aragon and Portugal to be exploited financially, but the authority of the Spanish monarchy was to be made uniformly effective throughout its constituent kingdoms by the imposition of the style and laws of Castile. Hence, Catalonia and Portugal rebelled primarily because of the Castilian imposed threat to their economic resources and their separate national identities.⁷⁶

The threat of war, and the resultant increased burden of taxation, cannot afford to be overlooked as significant precipitants of Scottish discontent with absentee kingship. For the diplomatic symmetry of James' foreign policy as king of England was beginning to sunder by 1621. The marriage in 1613 of his daughter, Elizabeth, to the influential German prince, Frederick, the Elector Palatine, was to be balanced by the betrothal of Charles, Prince of Wales to the Spanish Infanta. Such a protest, however, steadily receded with the renewal of war between Spain and the United Provinces and the possibility of British involvement in a wider European confrontation.

Frederick, the Elector Palatine, had headed the opposition of the Protestant states within the Holy Roman Empire to the

reconciliation of the Austrian and Spanish Habsburgs on a common plan of action in central Europe. By the treaty of Onate in 1617, Ferdinand, the Austrian archduke, was to be promoted as King of Bohemia and of Hungary, and thereby as successor to the Emperor. In return, Spain was to be given sufficient imperial fiefs to link its provinces in Italy and the Netherlands. In effect, the intolerant Catholicism and the centralised absolutism of the Austrian Habsburgs was threatening religious toleration and the maintenance, or even the extension, of feudal privilege within the Empire. In March 1618, militant Protestant nobles went on to the offensive in Bohemia. Leading imperial administrators were unceremoniously ejected, an exercise which attained notoriety as the defenestration of Prague. Sixteen months later, on 26 August 1619, two days before the election of Ferdinand II as Holy Roman Emperor was confirmed, the Bohemian estates chose Frederick as king of Bohemia declaring Ferdinand deposed. Following the victory of the imperial forces in the battle of White Mountain at the gates of Prague in November 1620, Frederick's kingship was overthrown and the power of the Bohemian estates was annihilated. Ferdinand II proceeded to annex Bohemia as a hereditary possession of the Austrian Habsburgs and, simultaneously, set out to suppress Protestantism within his imperial estates.

Of the European powers outwith the Empire, only the Dutch had actively supplied Frederick with troops and money to combat the imperial forces and their Spanish allies. Commercial tensions between the Dutch and the English, particularly over fisheries, had served to excuse James' refusal to mount any concerted diversionary attack on the Spanish Netherlands prior to the expiry of the truce between the United Provinces and Spain. By 1621, however, Europe was faced with the imminent realisation of Habsburg hegemony. As a result, war within the Empire continued to be waged against the imperial and Spanish forces by Protestant contingents supported by English and Danish, as well as Dutch, money and diplomacy. Moreover, the Spanish Crown's patent lack of enthusiasm for a marriage alliance meant that James, in his last years, was drawn increasingly by

established family ties towards direct intervention in the Thirty Years War . Not only was his son-in-law, Frederick, requiring help to repulse imperial assaults on the Palatinate, but his brother-in-law, Christian IV of Denmark, had territorial ambitions in the northern parts of the Empire adjacent to his kingdom. Christian's desire for direct intervention was compounded by the attachment of Poland, which was in permanent conflict with its Baltic neighbours, to the Habsburg alliance.⁷⁷ Scotland, though neither affected territorially nor entangled diplomatically by the course of the Thirty Years War , would not be regarded as exempt from contributing manpower and finance to any British expeditionary force. Indeed, this outcome became inevitable after Charles I publicly professed at the commencement of his reign, 'that the welfare of England is inseparable from Scotland'.⁷⁸

This international aspect of Scottish subordination to English political interests, however galling, was secondary to the main domestic irritants caused by the anglophile policies of absentee monarchy. National identity, though first ostensibly threatened in ecclesiastical affairs, was in substance challenged and undermined not by the corporate importation of English laws and customs, but solely on the strength of the royal prerogative.⁷⁹ Therefore, unlike the Catalan and Portuguese revolts against forcible assimilation to the style and laws of Castile, which took the form of movements of national separation from the Spanish state,⁸⁰ the emergence of the Covenanting Movement in Scotland was to mark a concerted effort at national consolidation. The Covenanters reacted against an innovating monarchy, not against the English nation.

The nationalist impulses motivating the revolts in Scotland, Catalonia and Portugal, though recognised as being worthy of comparison, have all been summarily dismissed as 'largely irrelevant' to the conventional interpretation of the mid-seventeenth century revolutions.⁸¹ Nevertheless, it can be contended that these nationalist revolts, despite their peripheral location, were an

alternative, but none the less integral, facet of the general European crisis. As the opposition to the personal rule of Charles I made manifest, the Scottish revolt, like that of the Catalans and the Portugese, was the product of growing tensions, not just between Court and Country, but between absentee kingship and the political nation. The alternative to revolution was provincialism.

Notes

1. J.M. Brown, 'Scottish Politics, 1567-1625', in The Reign of James VI & I, A.G.R. Smith, ed., (London, 1977), 29;
W. Ferguson, Scotland's Relations with England: a Survey to 1707, (Edinburgh, 1977), 106; hereafter, Ferguson, Scotland's Relations with England.
2. Ferguson, Scotland's Relations with England, 103.
3. Donaldson, James V to James VII, 215-16.
4. G. Donaldson, 'The Scottish Church, 1567-1625', in The Reign of James VI & I, Smith, ed., 54-55.
5. Ferguson, Scotland's Relations with England, 105.
6. G.E. Aylmer, The King's Servants: The Civil Service of Charles I, 1625-42, (London, 1974), 25.
7. RPCS, VII, (1604-07), 537-38, note 1.
8. W. Taylor, 'The King's Mails, 1603-25', SHR, XLII, (1963), 143-47.
9. M. Lee, jr., 'James VI's government of Scotland after 1603', SHR, LV, (1976), 41-53.
10. Brown in The Reign of James VI & I, Smith, ed., 34; Stevenson, The Scottish Revolution, 21.
11. RPCS, VII, 537-38, note 1.
12. Brown in The Reign of James VI & I, Smith, ed., 37.
13. RPCS, VII, 534-37.
14. G. Burnet, The Memoirs of the Lives and Actions of James and William, Dukes of Hamilton and Castleherald, (London, 1687), 1-2; SR0, Hamilton Papers, TD 75/100/26/97, /325-26.
15. E.J. Cowan, Montrose: For Covenant and King, (London, 1977), 21-23.
16. RPCS, IX, (1610-13), lxxvii-lxxiii.
17. R. Davis, The Rise of the Atlantic Economies, (London, 1973), 89-90; C.T. Smith, An Historical Geography of Western Europe before 1800, (London & New York, 1978), 443-44.
18. S. Hoszowski, 'Central Europe and the Price Revolution' in Economy and Society in Early Modern Europe: Essays from 'Annales', P. Burke, ed., (London, 1972), 85-103.
19. Smout, A History of the Scottish People, 1560-1830, 180-82.

20. Kamen, The Iron Century, Social Change in Europe, 1550-1660, 76.
21. W. Lithgow, The Total Discourse of the Rare Adventures and painefull Peregrinations of long nineteen Yeares Travaylis from Scotland to the most famous Kingdomes in Europe, Asia & Africa, (London, 1632), 422, 496; T.A. Fischer, The Scots in Germany, (Edinburgh, 1902), 32-33. Lithgow's assertion that 30,000 families, not individuals, had settled in Poland as immigrants carries the same ring of authenticity as his reckoning that Scotland was one hundred and twenty miles longer than England!
22. E.J. Hobsbawm, 'A Note on Price History', in Crisis in Europe, 1560-1660: Essays from 'Past & Present', T. Aston, ed., (London, 1974), 28; hereafter, Crisis in Europe, 1560-1660, Aston, ed.
23. M. Perceval-Maxwell, The Scottish Migration to Ulster in the Reign of James I, (London, 1973), 34-37; Smout, A History of the Scottish People, 1560-1830, 154, 164; T.C. Smout & A Fenton, 'Scottish Agriculture before the improvers - an exploration', Agricultural History Review, XIII, (1965), 90-91.
24. Sir W. Alexander, 'An Encouragement to Colonies' in Royal Letters and Tracts relating to the Colonization of New Scotland and the Institution of the Order of Knight Baronets of Nova Scotia, 1621-38, D. Laing, ed., (Bannatyne Club, Edinburgh, 1857), 138-39; M. Perceval-Maxwell, 'Sir William Alexander of Menstrie (1567-1640)', Scottish Tradition, XI/XII, (1981-82), 14-25.
25. Perceval-Maxwell, The Scottish Migration to Ulster in the Reign of James I, 314; R. Mitchison, A History of Scotland, (London, 1977), 183, note 1. The claim by Thomas Wentworth, Lord-Deputy of Ireland, that 100,000 Scots were settled in Ireland by 1639 was backed by no supporting evidence, and was made within the political context of the potential strength of sympathies within Ulster for the Covenanting Movement in Scotland.
26. RPCS, second series, I, (1625-27), lxxxiii; Fischer, The Scots in Germany, 73; Mitchison, A History of Scotland, 83; J.A. Fallon,

- 'Scottish Mercenaries in the Service of Denmark and Sweden, 1626-32', (University of Glasgow, Ph.D. thesis, 1972), 75-76, 120, 154-57. The recomposition of regiments during campaigns and the problems of orthography in identifying the separate British nationalities among the rank and file make the numerical accuracy of any estimate of Scottish soldiers difficult to establish but easy to exaggerate (cf. NLS, Miscellaneous Papers, MS. 1001, ff. 12-15).
27. The Court Book of the Burgh of Kirkintilloch, lxxx.
 28. Sanderson, RSCHS, XVII, 88; Whyte, Agriculture and Society in Seventeenth Century Scotland, 192-94.
 29. Smout, A History of the Scottish People, 1560-1830, 139; Fife Fiars, 1619-1815, (Cupar, 1846), iii-iv.
 30. Smout, A History of the Scottish People, 1560-1830, 122; Sanderson, SHR, LII, 130; Whyte, Agriculture and Society in Seventeenth Century Scotland, 145-52.
 31. Lythe, The Economy of Scotland, 1550-1625, 22, 32; Perceval-Maxwell, The Scottish Migration to Ulster in the Reign of James I, 33; Smout, A History of the Scottish People, 1560-1830, 147; T.M. Devine and S.G.E. Lythe, 'The Economy of Scotland under James VI: A revision article', SHR, L, (1971), 100-1.
 32. Whyte, Agriculture and Society in Seventeenth Century Scotland, 198-211.
 33. J.U. Nef, The Rise of the British Coal Industry, (London and Edinburgh, 1966), I, 46-48, 84; II, 219-23; Lythe, The Economy of Scotland, 1550-1625, 47-48; Smith, An Historical Geography of Western Europe before 1800, 430-31.
 34. Lythe, The Economy of Scotland, 1550-1625, 132-33, 157-58, 207-8, 228-29; Smith, An Historical Geography of Western Europe before 1800, 443. Both central government and the mercantile community on the Clyde deemed Ayr the port best equipped to supply ships for the suppression of the piratical activities of the MacIans of Ardnamurchan on the western seaboard in 1625 (RPCS, second series, I, 18-19, 26-27; NLS, Yule Collection, MS.3134, 104).

35. Devine and Lythe, SHR, L, 101-3; S.G.E. Lythe, 'The Economy of Scotland under James VI & I', in The Reign of James VI & I, Smith, ed., 73.
36. C.V. Wedgwood, 'Anglo-Scottish Relations, 1603-40', Transactions of the Royal Historical Society, fourth series, XXXII, (1950), 33-34.
37. S.G. Checkland, Scottish Banking, A History, 1695-1973, (Glasgow and London, 1975), 7.
38. Lythe, The Economy of Scotland, 1550-1625, 101-2, 200-1. The mark was two-thirds of a pound, ie 13s 4d. All monetary amounts given hereafter are Scots unless otherwise stated.
39. A Source Book of Scottish History, III, 456-61; Lythe, The Economy of Scotland, 1550-1625, 202-4.
40. Perceval-Maxwell, The Scottish Migration to Ulster in the Reign of James I, 29, 294-308, 313-15.
41. Lythe, The Economy of Scotland, 1550-1625, 212.
42. Calendar of State Papers [CSP], Domestic, (1625-49), 55.
43. Balfour, Historical Works, II, 158; CSP, Venetian, XX, (1626-28), 76.
44. RPCS, second series, II, (1627-29), xxxiii-xxxiv, 38-39.
45. CSP, Venetian, XX, 77.
46. Lythe, The Economy of Scotland, 1550-1625, 171-72.
47. CSP, Venetian, XX, 615; XXI, (1628-29), 143.
48. Lythe, The Economy of Scotland, 1550-1625, 171.
49. Smith, An Historical Geography of Western Europe before 1800, 447-48, 458-61.
50. Davis, The Rise of the Atlantic Economies, 181-82; Smith, An Historical Geography of Western Europe before 1800, 443, 446-47.
51. J. Davidson and A Gray, The Scottish Staple at Vere, (London, 1909), 179-81.
52. Smith, An Historical Geography of Western Europe before 1800, 430, 435.
53. M.P. Rooseboom, The Scottish Staple in the Netherlands, (The Hague, 1910), 96, 118-19, 132-33, 136-41. The magistrates

of Campvere also conceded a crane and covered shed for the unloading and storing of staple goods and two covered barges to protect from the rain merchandise transported from Middleburg.

54. Lythe, The Economy of Scotland, 1550-1625, 245-46.
55. Nef, The Rise of the British Coal Industry, I, 92-93, 108.
56. J.L. Israel, 'A Conflict of Empires', Past & Present, 76, (1977), 34-74.
57. A.L. Drummond, The Kirk and the Continent, (Edinburgh, 1956), 77; G.D. Henderson, Religious Life in Seventeenth Century Scotland, (Cambridge, 1937), 71-72.
58. J. Macleod, Scottish Theology, (Edinburgh, 1974), 28-29; Drummond, The Kirk and the Continent, 110-11; Marshall, Presbyteries and Profits, 74-77.
59. Drummond, The Kirk and the Continent, 112-17; Kamen, The Iron Century, Social Change in Europe, 1550-1660, 263-64.
60. Henderson, Religious Life in Seventeenth Century Scotland, 72-73.
61. SR0, Paisley Presbytery Records, 1626-47, CH 2/249/2, ff.1-5. The Confession of Faith was inserted as the preface.
62. Marshall, Presbyteries and Profits, 103-7.
63. Cooper, ed., The Decline of Spain and the Thirty Years War, 1609-48/59, 34-35.
64. 'Proceedings of the Commissioners of the Kirk at a Meeting held at Edinburgh in July 1627', in Bannatyne Miscellany, III, (Bannatyne Club, Edinburgh, 1855), 222-23.
65. A Source Book of Scottish History, III, 61-62; G. Donaldson, The Making of the Scottish Prayer Book of 1637, (Edinburgh, 1954), 3-15, 27-28.
66. S.A. Burrell, 'The Covenant Idea as a Revolutionary Symbol: Scotland, 1596-1637', Church History, XXVII, (1958), 338-50.
67. Marshall, Presbyteries and Profits, 107-12; Macleod, Scottish Theology, 85, 219.
68. P. Miller, 'The Marrow of Puritan Divinity' in Puritanism in Early America, G.M. Waller, ed., (Toronto, 1973), 54-57.
69. SR0, Paisley Presbytery Records, 1626-47, CH 2/294/2, ff.4.
70. Burrell, Church History, XXVII, 349.

71. J.A. Aikman, An Historical account of Covenanting in Scotland from 1556 to 1638, (Edinburgh, 1848), 65. There would appear to be no surviving evidence of any covenant made between 1596 and 1638 [cf. J.K. Hewison, '"Bands" or Covenants in Scotland, with a list of Extant Copies of the Scottish Covenants', Proceedings of the Society of Antiquaries of Scotland, fourth series, VI, (1907-08), 166-82].
72. SR0, Paisley Presbytery Records, 1626-47, CH 2/294/2, ff.4.
73. Wedgwood, Transactions of the Royal Historical Society, fourth series, XXXII, 34-35; Stevenson, The Scottish Revolution, 320-21.
74. H.R. Trevor-Roper, 'The General Crisis of the Seventeenth Century' in Crisis in Europe, Aston, ed., 59-95.
75. cf. SR0, Treasury Accounts, 1 March 1624 - 1 March 1625, E 19/22.
76. J.H. Elliot, 'Trevor-Ropers's "General Crisis": Symposium', in Crisis in Europe, Aston, ed., 104-10.
77. J.V. Polisensky, The Thirty Years War, (London, 1971), 91-136; S.H. Steinberg, The 'Thirty Years War', (London, 1966), 33-42.
78. CSP, Venetian, XIX, (1625-26), 294.
79. Ferguson, Scotland's Relations with England, 105.
80. Kamen, The Iron Century, Social Change in Europe, 1550-1660, 318-20.
81. H.R. Trevor-Roper, 'Trevor-Roper's "General Crisis": Symposium' in Crisis in Europe, Aston, ed., 115-16.

The creation of the Covenanting situation cannot be attributed wholly to Charles I. Some consideration must be given to the monarchical legacy left by his father James VI. The achievement of James had been the permeation, nationwide, of loyalty to a strong monarchy which had endured the removal of the Court to London in 1603. The position of the monarchy in 1625 however, though secure, was relatively not so strong after the union of the Crowns because of the gradual erosion of stability within the Jacobean establishment. In the last decade, 1615 to 1625, the landowning classes were becoming increasingly disillusioned with absentee kingship; the mercantile community were growing restless; clerical faction was again unsettling the Kirk; and central government was less receptive to directives from the Court at London.

Landowners had specific legal, ecclesiastical and fiscal grievances aroused by royal policies within the last decade of James' reign. In 1617 James had instituted the Public Register of Sasines to give uniformity and security of title in the transfer of landownership. Thereby, all changes in heritable property, outwith the royal burghs, were to be recorded either in Edinburgh or in the most geographically appropriate of seventeen specified registration districts.¹ At the same parliament James declared that all rights of title to land, held without quarrel for forty years, were to be incontrovertible. But he included a provision that lands, which had already been held within the one family for forty years, could still have their ownership contested over the next thirteen years, regardless of any case-history of untroubled possession. Such royal action amounted, in the short-term, to the encouragement of litigation over the ownership of land which, however unsubstantiated, prejudiced longstanding rights of property.² In 1617 also, James appointed a commission to augment ministers' stipends to a yearly minimum of five hundred merks, or five chalders of victual where payment was made in kind. This was to be achieved by the re-allocation of parochial teinds, the majority of which were appropriated as a secular resource, controlled mainly by the nobles as titulars of the teinds and leased to other nobles and

affluent lairds who farmed the teinds as tacksmen. The commission made no attempt to challenge directly the propertied claims of the titulars to the teinds. However, the obstructiveness of the tacksmen considerably restricted the success of the commission. It was only able to exercise its compulsory powers to make inroads into the profits of teind-farming after the tacksmen were compensated for their loss of yearly revenue by extending the duration of their existing leases. The initial commission lasted barely a year and a renewed commission of 1621 apparently never functioned.³ In 1620, a convention of the nobility had forwarded a resolution to the Crown that any attempt to raise money by voluntary contribution in preference to a compulsory, but constitutionally authorised, levy would prove abortive.⁴ Moreover, as the burden of taxation was felt by the nobility, to fall inequitably on the landowners, parliament in the following year consented not only to an ordinary tax on landed resources, but also to an extraordinary tax on financial transactions. This latter measure was known as the taxing of annualrents, based on the temporary grants of land which secured interest on loans.⁵ Since this tax was to be levied yearly for the next four years, it opened up the possibility of regular inquiries into the financial competence of each landowner's management of his estates.

This tax on annualrents, which simultaneously amounted to an assessment of income and acted as a disincentive to the free working of capital, was disliked even more by the mercantile community than by the landed classes. The estate of burgesses in the parliament of 1621 feared that an individual's financial standing, in particular his worthiness as a creditor, would be undermined by the tax's revelation of his debts.⁶ For the liability of each individual was assessed on his free income, after borrowed money was deducted from that loaned.⁷ Furthermore the mercantile community considered that their ability to accumulate capital was already being undermined by the readiness of the Crown to grant patents and monopolies, a policy begun in the late sixteenth century but accelerated since the union of the Crowns. In theory, the objectives of monopolies were to free Scotland from

dependence on imports of such commodities as linen and soap, to raise the quality of native manufactures, most notably in the tanning of leather, and to promote new industries like the making of paper and glass. In practice, monopolies were usually sold to courtiers and speculators concerned more to market, than manufacture, specific products under patent.⁸ The Crown, moreover, did not actively discourage profiteering by monopolists. James was primarily concerned with the fiscal benefit the royal finances derived from the purchase of monopolies than with the technical promotion of native manufactures. The development, under patent, of products within Scotland as an alternative to foreign imports necessarily entailed a drop, in the short-term, in revenue from customs which the Crown was unwilling to bear.⁹ Monopolies, for James, therefore, became a means of farming out a value added tax on ~~to~~^{to} commodities which had exclusively been marketed by the mercantile community.

Although such a royal policy was not regarded as serious a grievance in Scotland as in England, it nevertheless remained an economic irritant. Hence when James in 1623 rather insensitively designated a noted monopolist, Nathaniel Udward, as the next conservator of the Scottish staple at Campvere, the outcry raised within the Convention of Royal Burghs was hardly surprising. In part, Udward was regarded as both objectionable and unsuitable because his most recent monopoly, granted over soap in 1619, prevented the mercantile community importing, mainly through Campvere, what they considered to be a superior product. More pertinently, however, the Convention was determined to retain a decisive influence in the appointment of the conservator. In making the previous appointment in 1589, James had outmanoeuvred the Convention by creating a courtier, Sir Robert Denniston as both conservator at Campvere and ambassador to the Low Countries. After initially repudiating this appointment the Convention was forced to compromise when James temporarily stopped trade with the Netherlands and threatened to liberate the conservator from obedience to any decision taken on the sole authority of the Convention. On Denniston agreeing to accept

its oversight, the Convention had retained responsibility not only for supervising the conservator's general conduct at Campvere, but also for regulating his fees and reinforcing his authority over the factors. The Convention was not therefore prepared to accede to Udward's purchase of the office without any attempt having been made by the Crown to obtain its consent. By July 1624, as the result of pressure exerted by the Convention, Udward was induced to resign his claims to the office of conservator in return for compensation of six thousand merks. The Crown, in turn, underwent a change of heart. In recommending Patrick Drummond for the post of conservator in November, James subjected his appointment to the approval of the Convention of Royal Burghs.¹⁰ After subscribing lengthy and specific articles of appointment from the Convention, Drummond was accepted as conservator in January 1625. Because of James' death the following March, final ratification before the Privy Council was delayed until July when the Convention reminded the new monarch, Charles I, that its acceptance of the royal candidate was a 'meir favour' which was in no way to prejudice its rights to present and discharge conservators in the future.¹¹

On the religious front James had, at a managed assembly of the Kirk at Perth in 1618, intruded a liturgical programme which laid stress on the observance of holy days, genuflection, episcopal confirmation and private ceremonials for both baptism and communion. Within the Kirk, the promulgation of these Five Articles revived the erstwhile moribund Presbyterian party which sought a return to the undiluted Reformation principles which had marked a clear break with Catholicism.¹² The most controversial aspect of this programme was the requirement of kneeling for all members of congregations participating in communion. As the laity were primarily affected, resistance to genuflection provided the common ground to unite the opposition to the ratification of ecclesiastical innovations in the parliament of 1621.¹³ To prevent the royal programme being compromised by the issue of kneeling James insisted, as he had done at the general assembly in Perth, that the vote should be taken on all

Five Articles in a block rather than separately. Yet, against the grain of parliamentary subservience to royal directives, the packaged passage of the Five Articles provoked a substantial dissenting minority.¹⁴ To achieve their parliamentary ratification, James had to guarantee that he would not attempt any further liturgical innovations. Plans for a draft liturgy which would have brought closer conformity between the Scottish and Anglican churches were shelved. The one legacy of this liturgical policy to the ecclesiastical establishment was the continued use of the English Book of Common Prayer in the chapel royal, in the universities and in some cathedrals.¹⁵

The most striking political feature of the parliament of 1621, however, was the ability of the opponents of the Five Articles to draw support from the nobility, both the traditional and the Jacobean creations, from the shire commissioners as representatives of the gentry and from the commissioners of the royal burghs.¹⁶ It is, perhaps, only with the advantage of hindsight that direct correlation can be made between opposition to the Five Articles and the rejection of the liturgical innovations of Charles I, leading ultimately to the overthrow of episcopacy at the general assembly in Glasgow in 1638.¹⁷ Yet, this Jacobean programme had awakened and galvanised a new generation of radicals within the ministry who had hitherto acquiesced in the governing of the Kirk by an erastian episcopate. Of greater importance was the continuing disquiet expressed by nobles, such as John Leslie, sixth earl of Rothes, a prominent member of the parliamentary opposition in 1621. Within three weeks of the death of James VI, Rothes sought, in a letter of 14 April 1625 to a leading Scottish courtier, Sir Robert Kerr (later first earl of Ancrum), indication of Charles I's attitudes towards the policies of his late father which 'did bread greit greif and discontentment amongst the best both in plac and knowledg'. Rothes specified that the two most controversial aspects of the royal programme had been 'the imposing of certain nouations upon the Kirk' and 'the impairing of the libertys of the Nobility both in Counsell and Parliament'. In effect Rothes, as

well as expressing the general hostility of the political nation to ecclesiastical innovations, was articulating the declining commitment of the traditional nobility to absentee monarchy in the face of James' reliance on professional administrators within the Privy Council and the royal manipulation of the parliamentary agenda in 1621. In short, he contended that minds which should have been united for the good of Scotland had become 'jangled with changes both in kirk and ciuil Stat'.¹⁸

A further pertinent point in relation to the parliament of 1621 was that although the opposition in both Kirk and State had neither been concerted nor sustained, a loss of confidence was precipitated within the administrative framework of absentee kingship. Representing the king, as parliamentary Commissioner, was James' chief confidant at Court for Scottish affairs, James Hamilton, second marquis of Hamilton. As a result of bearing the brunt of public odium for enacting the Five Articles, Hamilton's interest in Scottish affairs was much lessened.¹⁹ The death of the Chancellor, Dunfermline, in 1622, removed not only the pre-eminent administrator within the Privy Council, but also the one politician based in Scotland who was able to exercise an unrivalled influence at Court.²⁰ Simultaneously, the confidence of James VI in his Scottish administration was being undermined by rumours from factions commuting between the Court and Edinburgh. John Erskine, nineteenth earl of Mar, the Treasurer, was reputed to have a predilection to dispose 'whatsumever did belong to the King in revenue and casualtie at his pleasour'. Thomas Hamilton, first earl of Melrose (later of Haddington), as Secretary of State and President of the Council allegedly so dominated both administrative and judicial proceedings that 'be his absolute overruleing in Councell and Session did carrie all maters reason or none'. In order that James might reaffirm his grip over his Scottish administration, Robert Maxwell, first earl of Nithsdale, emerged as the principal schemer at Court for realigning the channels of government. He was principally supported from 1622 by the new Lord Chancellor, Sir George Hay of Kinfauns (later viscount Dupplin, thereafter earl of

Kinnoul), by William Douglas, sixth earl of Morton, and by Robert Kerr, first earl of Roxburghe. While Chancellor Hay was attempting to establish his hegemony over the Scottish administration, Nithsdale, Morton and Roxburghe were striving to promote themselves as the main counsellors at Court for Scottish affairs. Borrowing on Irish precedent for disciplining officers of state, Nithsdale conceived that a Commission of Grievance would be the effective means of reforming 'the lamentable estait of Scotland'.²¹

Grievances aroused by the multiplication of monopolies and patents had provoked the dissolution of the English parliament in January 1622. James, nevertheless, authorised a Scottish Commission of Grievance in March 1623, in the hope of providing a less politically fractious 'remedie to the lyk disease'. Immediately the Commission became a forum, especially for the mercantile community, to protest against monopolies and the rate of customs which the burgesses claimed were against their privileges and their commercial welfare.²² The Commission, however, failed to accomplish the political objective of its initiator, namely the unchallenged establishment of Nithsdale and his faction in control of Scottish government. As a result, no effective single channel of liaison had been restored between the Court and the Scottish administration in Edinburgh prior to the death of James VI on 27 March 1625. Most ominously, though the Commission had operated merely as a sub-committee of the Privy Council, a precedent had been created for factional attempts to achieve dominance over Scottish affairs through the creation of procedure to review the working of government. For an executive which had no strong tradition of independent action, the Commission was no more than the final instalment of the Crown's habitual interference in Scottish government. Yet this last Jacobean bequest was hardly conducive to furthering the confidence of the Scottish administration in directives from the Court or their desire to uphold the monarchical position within Scotland on their own initiative. There was no immediate prospect of a collapse of central government. But it was against this background of diminishing confidence in absentee monarchy, which the

Scottish administration in Edinburgh shared with the political nation in general, that Charles I acceded to the throne, determined to effect a fundamental change in the style, pace and direction of royal government.

However, the major obstacle to Charles' political ambitions was the perennial problem faced by the Stewart monarchy, namely the lack of readily available finance. Aggravating the financial position of the Crown in England was the cost of maintaining that traditional English diplomatic aspiration, the pursuit of premier league recognition as a European power. Charles inherited an English Crown approaching a chronic state of insolvency.²³ The financial legacy of James I of England was the commitment of the monarchy to expenditure well in excess of £1,000,000 sterling by the end of 1625.²⁴ Essentially this situation was brought about by a militant change in foreign policy. After the breakdown of the proposed marriage of Charles to the Spanish Infanta in October 1623, James became prepared to provide military aid for the recovery of the Palatinate on behalf of his son-in-law, Frederick, who was languishing in the Netherlands as a pensioner of the Dutch Republic. James' sponsorship of military intervention in the Thirty Years War proved a financial liability. The expeditionary force which embarked from England in January 1625, under the command of the German military adventurer, Count Ernest von Mansfeld, was still entrenched in the Netherlands by James' death at the end of March. Moreover, after an imperial diet at Ratisbon, in February 1623, had deprived Frederick of his electoral dignity, James had, along with the French, been drawn by the Dutch Republic towards an alliance against the Austrian and Spanish Habsburgs. Since 1621 the Dutch had not only been waging war with Spain, but were providing the financial support, as bankers and organisers, which allowed the Protestant princes within the Empire to retain an army in the field against the emperor Ferdinand II. This tripartite coalition was to be formalised at the Hague Convention in December 1625, having entailed large financial outlays for diplomatic embassies.²⁵ The alliance had also opened the door to further military expenditure- the employment

of forces against the emperor, the equipping and manning of the English navy, and the fortification of coastal defences around the British Isles in the event of any seaborne offensive from Spain or the Spanish Netherlands. Furthermore, to confirm the growing rapport between the English and the French Crowns, the marriage was arranged between Charles and Henrietta Maria, sister of Louis XIII. Though married by proxy in Paris at the end of the spring, Charles gained only a prolongation of, not a respite from, the lavish costs of wedding ceremonial which had to be borne until his queen arrived in London on 16 June. Finally, Charles was not only expected to meet the debts and financial commitments of his father, but he had also to incur the considerable expense of the state funeral of James VI and I in Westminster Abbey on 7 May.²⁶

England, despite the European aspirations of its Crown, lacked any financial institution such as a national bank comparable to the Bank of Amsterdam founded in 1609, or the Banco Giro of Venice established ten years later, which could provide long-term credit for central government.²⁷ The shortage of liquid capital, therefore, was to remain a current feature of the monarchy of Charles I. The English government under James had repeatedly resorted to a number of financial expedients, especially reliance on farming of the customs. In turn, indefinite delays in paying expenses had become routine practice for the Crown. This had led, however, to administrative inefficiency and even to the political alienation of landed and commercial interest.²⁸ To ensure that the expansion of English foreign trade was not adversely affected by royal diplomacy, 'the men of property' had been moving towards parliamentary scrutiny of the economic policies of the Crown. Thus by the end of James' reign in England, the House of Commons was seeking to prevent the establishment of a royal right to levy impositions at will on new imports, which would have extricated the Crown from dependence on taxation voted by parliament. Hence insolvency on the part of the Crown sowed the seeds of constitutional conflict which Charles was to bring to fruition. In Charles' first parliament of 1625, the dues from the customs, of tunnage and poundage,

which were traditionally awarded to the Crown for life, ^{fixed amendment to} ~~were amended to~~ ^{a yearly} ~~a yearly~~ grant. Charles dissolved parliament in July before the passage of the bill and proceeded with the unauthorised collection of tunnage and poundage.²⁹ He thereby paved the way towards a constitutional impasse in England which reinforced his need for a policy of financial retrenchment throughout the British Isles.

The financial situation of the Crown, if not its economic expectations, was more healthy in Scotland than in England. Charles inherited through the Scottish Treasury a total expenditure for the ordinary running of royal government which amounted to £159,091 11s 8d. Just under half of this recurrent cost, £75,717 6s 8d, was taken up by pensions to courtiers and leading government officials. The routine income available to the king in the last year of James' reign, 1 March 1624 to 1 March 1625, amounted to £259,878 19s, a surplus over expenditure of £100,787 7s 4d. Although this level of profitability was not fully maintained in the financial year after 1 March 1625, when the ordinary income of the king fell to £223,930 7s 3½d, a healthy surplus of £64,838 15s 7½d remained. This shortfall of £35,948 11s 8½d in the first year of Charles' reign can largely be attributed to a decline in the efficiency of royal officials in central and local government, particularly in the collection^{ec} of revenues from the property directly managed on behalf of the monarchy, the Crown lands. Although the impost on wines was probably collected after 1 March 1625, no attempt was made to record in the Treasury, before 1 March 1626, its financial yield to the Crown.³⁰ However, the surplus income available through the Scottish Treasury, equivalent to £8,398 19s sterling in 1625 and £5,403 4s 2d sterling in 1626, was not going to ameliorate drastically the financial embarrassment of the Crown in England. Nevertheless, Scotland, as an English diplomatic satellite, was expected not only to contribute to the cost of the common monarchy but to help finance the foreign policy of the Crown, over which the Scottish executive exercised no meaningful control. Moreover, a financial appeal to Scotland had two distinct advantages for Charles. Scotland had a potential for raising revenue which lay

outwith the control of the English parliament and a comparatively underdeveloped sense of parliamentary privilege or initiative. Indeed, in contrasting the position facing him in both countries, James had, in 1607, asserted to the English parliament that the Scottish estates enjoyed neither freedom of speech nor the right to instigate discussion on any issue without royal approval.³¹

While parliament was recognised by the early seventeenth century as the supreme legislature, there was still no Scottish concept of 'the unchallenged sovereignty of an omniscient parliament'.³² Routine parliamentary functions, including the right to assent to taxation, could be devolved onto a Convention of Estates which drew representatives from the nobility, gentry, clergy and burgesses. Conventions were traditionally utilised, in the interests of constitutional expediency, to pass temporary legislation which parliaments subsequently confirmed, frequently without alteration; to interpret and modify acts of parliament; and to enlarge the basis of agreement for executive enactments. Furthermore, although James VI, after the union of the Crowns had initially used Conventions for executive functions, the Convention which he summoned in 1617 was exclusively concerned with finance; namely to vote £200,000 for his impending state-visit to Scotland. Charles, therefore, had in Scotland a constitutional alternative to parliament which was expected in practice to be even more amenable to the promulgation of any programme designed for the financial advantage of the Crown. By playing on the threat to British interests inherent in the European escalation of the Thirty Years War, Charles was able to place Scotland on a war-footing by the late autumn of 1625, and at the same time to summon, by the end of October, a Convention of Estates to meet the cost of this alleged emergency.³³

In his inaugural message to the Convention on 27 October 1625, Charles stressed his need for sufficient taxation not only to honour his Scottish commitments, especially his coronation, but 'likeways suche designes as we haif in hand bothe at home and abroad'

for the weele of our kingdomes'. The Estates dutifully responded, awarding an ordinary taxation of £400,000, to be paid in equal instalments over the next four years and an extraordinary taxation of the twentieth penny (five per cent) of all annualrents, to be spread over eight terms in biannual payments. However, the unanimity and willingness of the Estates to give such satisfaction 'that we dar trewlie afferme the like was never hard of nor scene in this kingdome in ony praeceiding aige' was rather dissipated when Charles overplayed his hand.³⁴ Despite the post between London and Edinburgh usually taking at least six days,³⁵ within four days of the taxation being voted, Chancellor Hay was elaborating to the Convention the desire of the king that the Estates should provide two thousand men and sufficient shipping for three years to defend the country from foreign invasion. In return, Charles would discharge all taxation already awarded, except so much as would suffice to cover the costs of his forthcoming coronation. The short-lived constitutional honeymoon was terminated by the Estates' rejection of the king's peremptory financial amendment on the grounds that 'the knowne povertie of the cuntrey by the calamitie of some hard yeiris could not in their opinione afforde ony grittar sowmes than the taxation praesentlie grantit'.³⁶

Furthermore, as well as ameliorating royal finances Charles was, with the compliance of the Estates, intent on reviewing the structure of government within Scotland. Simultaneously he was to expose the main problem confronting his rule over Scotland, that of his own personality. The antipathy of Charles to the events of his father's dotage and in particular, the 'light and familiar way' James VI dealt with his leading Scottish subjects, led him to consciously conceive the reassertion of royal dignity at the expense of such accustomed familiarity. Thus he deliberately 'forgot the civilities and affability that the natioun naturally loved'.³⁷ His upbringing as well as his personality was to prove unsuitable. Charles was the product of a narrow milieu in which the politics of power were dominated by personal rivalry and factional intrigue. Having been bred since infancy in the manners and fashions of the

English Court, Charles possessed an unparalleled lack of understanding of the mechanics of government and the underlying social structure of Scottish politics. Indeed Charles set out to rule his Scottish inheritance politically inequipped other than with an authoritarian conviction of his own rightness which his subjects were dutifully bound to obey. Such an implacable dogma meant that 'his conception of kingship was never in accord with the actual shape of affairs in Scotland'.³⁸ With his message to the Convention, Charles, in October 1625, formally ushered in an era of absentee kingship inexperienced in the practices, expectations and sensibilities of the political nation. Two instances will suffice.

Charles' proposal to the Estates that attendance at the Court of Session be restricted to judges, lawyers and contending parties, threatened to undermine that respect for the law necessary to sustain the government of a decentralised kingdom. For, as the Estates pointed out in a measured rebuke, 'it does not seem fit that nobles or lairds of good standing should be debarred from the instruction in the laws of their country which they might receive from attending Court during the trial of cases'. The reply of the Convention to his accompanying proposal, that the Lords of Session should come to the Court on horseback, rather sarcastically exposed Charles' ignorance of the social geography of Edinburgh. As many of the Lords dwelt near the Court, some in narrow and steep closes, it was thought inexpedient that they should be 'tyed to this necessitie of ryding'.³⁹

Charles' insufficient grasp of the 'strategic control of the currents of political and social life' within Scotland⁴⁰ was strikingly and more durably exposed when he took over his father's scheme for the colonisation of the nebulously defined Nova Scotia in North America. The major incentive for the Crown in promoting this venture, conceived as a Scottish counter to the English colony of Ulster, was the sale of the honour of baronet for two thousand merks to each of the hundred gentlemen willing to act as planters. This order of baronetcy was

intended as an exclusive Scottish dignity for the heritable elevation of the 'chiefest knights and gentlemen' who were to have precedence over any other 'knight, laird, squire or gentleman whatsoever'. At the Convention in October, however, a petition from the shire commissioners, as the representatives of the gentry, against the precedence to be accorded to this new order and the supplementary elevation of knights over the rest of their estate, was carried by a plurality of votes. Despite the claims of Sir William Alexander of Menstrie, secretary at Court to the king and chief undertaker of this venture, that the monarch's prerogative right to confer honours and dignities 'wald not admitt ony sort of opposition', the shire gentry successfully sought the suspension of a scheme which attempted to make distinctions of rank derogate from their general status as lesser barons and freeholders. Charles indeed regarded the petition and opposition of the gentry to this new dignity at the Convention as a hinderance 'so much derogatorie to our royall prerogative'.⁴¹

Nevertheless, he obstinately adhered to the project's confusion of rank and status, seeing the sale of honours for Nova Scotia as an alternative to grants of heritable jurisdiction.⁴² He prolonged the scheme by renewing the colonising commission on 25 July 1626, which was to continue until one hundred and fifty gentlemen had enrolled. Thereby, 300,000 merks was to be realised for the Crown through the Nova Scotia Colonisation Fund.⁴³ But a marked reluctance remained on the part of the gentry to purchase a title which was patently intended as a source of extra income for the Crown. By the end of 1626 only twenty-eight Scottish gentlemen had purchased a Nova Scotia baronetcy, though the number of subscribers did rise to one hundred and thirteen by the late spring of 1638. This sale of honours having yielded 126,000 merks for the Crown by 1629, took another nine years to realise 120,000 merks. Furthermore the new order did not remain exclusively Scottish with three French, four Irish and twelve English gentlemen being enrolled from 1629. Not only did the order fall short by thirty-seven subscribers from the quota set by Charles, but the Scottish contingent of ninety-four failed even to meet James' original target of one hundred baronets.⁴⁴

Charles, moreover, from the outset of his reign, proved incapable of acknowledging ^{that} the political manoeuvring within constitutional assemblies was not necessarily intended to obstruct or reverse royal schemes. Despite the large attendance from all the estates at the Convention of 1625, including the attendance of commissioners from fifteen out of the thirty-three shires and from twenty out of the fifty royal burghs, Charles did not share the Convention's 'consciousness of a status as a less formal meeting of parliament'.⁴⁵ Hence the capacity of the Estates to modify and obviate the rigorous implementation of any royal policy, either to suit Scottish circumstances or to accommodate native aspirations, went unappreciated at Court. Indeed the initial enthusiasm of the Estates in consenting to taxation in 1625 was probably engineered as an attempt to stave off reforms which Charles was rumoured to be contemplating for the government of Scotland.⁴⁶ There was a notable gap in performance between the Convention's assent to taxation and the individual response by landowners to the collection of the taxes in the localities. The basis of assessment for taxation was provided by rentals from estates. Yet the attempts of the Exchequer to make compositions with individuals who had either concealed or inaccurately disclosed their rents, following both the ordinary and extraordinary levies of 1621 and 1625, dragged on until 1634.⁴⁷ Hence, the commissioners from the shires and from the burghs, the representatives of the two estates most severely affected, the former because of their relatively limited landed resources, the latter as a major source of credit, petitioned the Convention for both modification in the rate of exaction and moderation in the process of collection.⁴⁸ The continuance of this sense of grievance into the spring of 1626 ensured that the plea for 'som ordour to be taken in the taxation' was to become a fertile channel for dissent, particularly in the burghs.⁴⁹ For Charles remained adamant that he continue the practice inaugurated by his father after the voting of taxation in the parliament of 1621. He decreed, on 20 February 1626, that Edinburgh and the other leading royal burghs were to advance, in anticipation of their share of the extraordinary tax on annualrents, the same sum of money they were due to pay as

their sixth part of the ordinary taxation. Thereby, the Crown could take immediate advantage of the revenue readily available from trade rather than wait on the seasonal returns from agriculture.⁵⁰

The Convention of 1625, however, not only recorded their disquiet at the inconvenience and ill-judged nature of the king's proposals for taxation, reforming the Court of Session and Nova Scotian baronets, but the Estates seized the initiative to debate matters not encompassed within the official programme. The Convention unanimously voted that any intention of Charles to alter the existing constitution of the Court of Session should only be undertaken 'be the advise of the Estaittis of this kingdome in Parliament'.⁵¹ Although this debate was inaugurated by a petition from the commissioners of the shires, John Spottiswood, archbishop of St Andrews and a mainstay of the Privy Council, who was in attendance at the Convention, attributed such a manoeuvre to a general unrest for which the estate of the gentry acted as spokesmen.⁵² Spottiswood's attempts to built up a party for the Crown in the wake of the Convention seem to confirm that opposition was by no means confined to the commissioners from the shires. He recommended to Charles that a particular diet be set aside for the nobility and privy councillors, especially those who had been present at the Convention, to explain the dissent of the Estates. The rebuttal by the Estates of the king's amendment to taxation for the purposes of national defence was to be subject to particular investigation. More immediately, in order to promote royal reforms in central government, such a meeting was deemed necessary to 'draw our nobilmen together and turn away this common obloque of factioun amongst the Scottish Lordis'.⁵³

Thus, by the end of the Convention, on 2 November 1625, battle-lines were being drawn for constitutional conflict, consolidating at the outset of Charles' reign the divergence of interests already apparent between absentee kingship and the political nation in the last years of James VI. Significantly religion, though undoubtedly contributing to the continuity of dissent within the

Estates, was not the major or most pressing grievance. In part this was owing to James' assiduous use of the Court of High Commission to intimidate and silence the chief opponents of the Five Articles of Perth among the clergy.⁵⁴ Henceforth, the pulpit could no longer be considered a haven for the propagandists of nonconformity. In part, also, lay support for nonconforming ministers was essentially a local, or even regional, issue. Observance of the Five Articles was not universal throughout the country but depended upon the amount of compulsion a bishop was able, or required, to exercise over each presbytery within his diocese. Geographically, Scotland north of the Tay tended towards conformity whereas resistance to liturgical innovation was prevalent in the west and south-west, the Lothians and Fife. The touchstone for a nonconforming congregation was the failure to kneel for the elements of communion received solely from the hands of the minister who had dispensed with the assistance of the elders in the direct distribution of the bread and the wine. Each of the Five Articles, moreover, enjoyed varying degrees of observance. Private administration by ministers of the sacraments of communion and baptism, and episcopal confirmation of children, were undertaken sparingly. Easter, being linked to the main and often only season for the celebration of communion, gained widespread acceptance whereas Christmas and other holy days were widely ignored, unless they suited local customs.⁵⁵ Above all, religion did not initially emerge as a national issue because Charles had no desire to inflame within Scotland the endemic Protestant hostility towards Roman Catholicism which was most capable of transcending the particular outcry raised by presbyterians over the implementation of the Five Articles. Commencing with his attempts to marry Charles to the Spanish Infanta, the greater leniency James VI had shown towards Catholics in the last years of his reign had led to a relaxation of the recusancy laws. Largely through the endeavours of Father John Macbreck, a Scottish member of the Society of Jesus and confessor to the French embassy in London, Catholics were given immunity from prosecution which, for two years, amounted to 'almost complete liberty of conscience'. Protestant sensitivity in Scotland, highly charged by the ascendancy

of Habsburg imperialism and the Counter-Reformation on the Continent, was further activated, following Charles' accession, by his marriage to the French princess, Henrietta Maria. For the new queen's fellow Catholics were reputedly to be tolerated throughout Britain as well as at Court.⁵⁶

To offset remonstrances against toleration of Catholics from the Kirk and to dispel rumours that he intended to disturb the faith and the existing government of the Church of Scotland Charles, on 3 July 1625, rather gingerly issued a proclamation stating his determination to maintain the Protestant profession of 'the true relligioun' and to abide by his father's establishment of 'the onlie true government whereby a Christeane Church can be weele reuled in monarchies and kingdomes'. Although Charles promised not to make any immediate innovation in the government of the Kirk or to seek changes in doctrine, further liturgical reform was not specifically ruled out. Calvinists, discomfited by the implementation of the Five Articles of Perth, were hardly appeased by Charles ranking of both papists and nonconformists as 'contemnaris of our authorite' for their aversion to the existing establishment in the Church of Scotland.⁵⁷

For the next year, however, Charles studiously avoided taking any ecclesiastical initiative which would increase support among the laity for the presbyterian faction within the Kirk. Indeed, on 12 July 1626, he instructed the episcopate to mount a policy of accommodation which would gradually eliminate nonconformity within the ministry. Ministers admitted before the passage of the Five Articles in 1618 ^{kneeling at communion} were to be allowed their nonconforming scruples, particularly against genuflection, provided they neither preached nor wrote invectives against the existing establishment in the Kirk; that they did not encourage others towards nonconformity; and that they neither refused communion to any parishioner who wished to receive the sacrament kneeling nor celebrated communion with neighbouring parishioners without testimonials from their ministers. An amnesty was to be extended to all ministers exiled or suspended for their

nonconformity who accepted such conditions. Ministers admitted since the passage of the Five Articles were permitted no such indulgence but were required to subscribe a common band of conformity which was to be drawn up and enforced by the episcopacy^{te}. This attempt by Charles to licence^s a limited toleration of dissent within the Kirk had been undertaken in response to a plea from the ~~episcopacy~~^{bishops} to help check local disorders occasioned by nonconformity. Yet Charles took no supplementary action over their associated complaint against 'the insolencie of the Romanists', thereby undermining the credibility of his initial caution in ecclesiastical affairs.⁵⁸

Moreover, the royal policy of accommodation was sandwiched between two measures which served to remind not only the presbyterian faction, but the whole Kirk, of the importance of the prerogative. The renewal of the Court of High Commission, on 24 March 1626, emphasised the judicial sting to which nonconformity was exposed. The revival, on 25 August, under the supervision of Sir William Alexander, the king's secretary, of James' project to review the metrical psalms, confirmed that liturgical innovation had not been abandoned but merely shelved to suit the convenience of the Court.⁵⁹

It was not until 8 February 1627 that Charles demonstrated to the clergy that he was prepared to take measures for 'the repressing of Poperie'. He instructed the Court of High Commission that all suspects cited for recusancy should be required to clear themselves by oath, even although there was insufficient corroborating evidence to substantiate the charge. Such a directive, however, was primarily aimed at seminary priests and Jesuits, and open participants at Catholic sacraments who aroused 'publicke scandall', not at the Catholic laity who worshipped privately and lived peaceably within the civil law. In effect, the special immunity from ecclesiastical censure afforded by the Crown to prominent Catholic courtiers and leading administrators was extended into a limited toleration for all Catholics who did not publicly flaunt their faith. Despite Charles' assurance to the clergy that their efforts against 'obstinat and

contemptuous recusants' would have the backing of the Privy Council as well as the Court of High Commission, his stated intention towards the Catholic laity was to avoid prosecution, 'rather to save thair soules than to ruine thair estaites'.⁶⁰ Furthermore Catholics, unlike nonconformists, enjoyed a political influence out of all proportion to their position as a minority faith within Scotland. Though only a few of the nobility on the Privy Council were Catholics, other councillors were not unsympathetic to their interests. In addition, most leading officials at the outset of Charles' reign saw no personal advantage to be derived for their standing at Court in advocating rigorous persecution of recusants.⁶¹ Moreover, as Charles had studiously avoided the controversial exercise of his prerogative in ecclesiastical affairs until after the Convention of 1625, nonconformists in the Kirk lacked the constitutional forum to attract sufficient support from the other Estates. At the same time, though the legacy of resentment against the Crown among presbyterians was undoubtedly aggravated by the continuing bias of Charles against nonconformity, this ecclesiastical faction lacked the political muscle within central government to alter the direction of royal policy.

The most damaging issue inherited by Charles which dominated Scottish politics at the outset of his reign was not religion but the commitment of the Crown to the escalation of the 'Thirty Years War'. Admittedly Charles was not helped when the grand strategy, drawn up at the Hague Convention of December 1625, proved a military failure. The design of the anti-Habsburg alliance was a co-ordinated assault on the territories of the Holy Roman Empire, principally featuring a pincer movement. North-west Germany was to be conquered by Charles' uncle, Christian IV of Denmark, while Count Ernest von Mansfeld advanced on Bohemia and Moravia. Mansfeld's expeditionary force was thwarted from crossing the Elbe and defeated at Dessau on 25 April 1626 by the imperialist 'generalissimo', Albrecht von Wallenstein. Four months later, on 27 August, the Danish army was routed at Lutter by Johann von Tilly, general of the Catholic League of imperial princes. Thus by the time Charles commissioned the earl of Nithsdale to raise

and command a Scottish contingent of three thousand men in February 1627, for service under the Danish king, the Danish army had been forced to retire onto the Jutland peninsula. Thereafter, despite the fitful arrival of British reinforcements from the summer of 1627, the Danish army was effectively contained outwith the Empire by the imperial forces until Christian IV withdrew from the coalition of the Hague after concluding, on 22 May 1629, the peace of Lubeck with Ferdinand II.⁶² Charles, however, though he used the defection of the Danish king as the excuse for his own withdrawal from the coalition, had long ceased to make any meaningful contribution to the anti-Habsburg alliance. Indeed, he was largely responsible for initiating the diplomatic failure of the coalition of the Hague. Following his marriage to Henrietta Maria, Charles left his commitment to a full toleration for Roman Catholics within his realms unfulfilled. He further antagonised his brother-in-law, Louis XIII, by expelling the French attendants of the queen from England in August 1626. Open hostilities between England and France, fuelled also by commercial rivalry, commenced at sea from April 1627 and culminated in the duke of Buckingham's abortive expedition in July to relieve the Huguenots besieged in La Rochelle by the forces of the French Crown. No further military campaigning followed the retreat of Buckingham in late October. But the anti-Habsburg alliance was irreparably shattered by the estrangement of two of the leading signatories to the Hague Convention.⁶³

Furthermore, Charles' regular demands for military and financial commitment from Scotland to prolong an unsuccessful and increasingly futile foreign policy, perpetuated opposition beyond the Convention of Estates of 1625. In particular, the king's pre-occupation with national defence cemented hostility towards an absentee Crown not fully prepared to consult or respect Scottish interests. Although regular levying of troops for employment in the Danish army commenced from February 1627, the bulk of the Scottish contingent, under the command of the earl of Nithsdale, did not begin to embark for Denmark until October.⁶⁴ Charles was so determined to

boost recruitment from Scotland that he encouraged the Privy Council to issue, from April, general indemnities to all undischarged bankrupts and convicted criminals, other than traitors and murderers, who volunteered to enlist. He also gave direct instructions to officers in charge of recruiting that social undesirables, such as gypsies, sturdy beggars, vagabonds and masterless men were to be pressed into the service of the Crown. However, as this haphazard policy of social distillation amounted to a free hand for the recruiting officers, general distress was occasioned within the localities by their methods of enlisting, particularly by their use of press-gangs. Indeed recruitment in the name of the Crown had got so far out of control by 16 May, that the Privy Council was forced to forbid, under penalty of death, forcible enlistment without the concurrence of landlords or officials of local government in the shires, or magistrates in the burghs. The activities and insolencies of press-gangs had reputedly reached such a height that 'no single man darre travell in the countrie, attend thair labour in the fields, nor keepe thair houss~~s~~is in the night'.⁶⁵

Resentment over the methods of recruitment licensed by the Crown, socially extended the discontent aroused by directives from the Court to classes outwith the political nation. For as Melrose, the Secretary of State, pointed out on 20 May, the number of soldiers embarking for Denmark was small, but the disturbance occasioned by recruitment was great, 'bypast leavies have beene uniust and hatefull to the people'. In order to moderate, but continue, the royal policy of 'disburdening the countrie of men that are unprofitable at hame and may be useful abroad in his Maiesties service',⁶⁶ the Privy Council instructed the justices of the peace in the shires and the magistrates in the burghs to make, with the assistance of local ministers, a survey in every parish of the idle masterless men fit to be drafted. Very few localities had complied with this order by 15 June, the end of the thirty days allowed for the preparation of the surveys. The Privy Council complained on 28 June that so few returns had been made from the parishes - less than one per cent of all potential returns from the

parishes survive - that the intention behind the survey was 'verie farre frustrat and disappointit, highlie to his Majesteis offence and to the discredit of the countrie'.⁶⁷ Thus, the social unrest occasioned by recruitment meant that central government, in its attempts to carry out royal policy, was confronted by sheer inertia on the part of officials in local government.

Financially, Charles' foreign policy drained the funds available to the Crown through the Scottish Exchequer. Of the £400,000 voted as ordinary taxation by the Convention of 1625, £108,600 12s 1d more than the tax collected in the first and second terms had been advanced by March 1628, for the payment of Scottish troops recruited to serve in the Danish army. Mainly to cover further costs of Scottish involvement in the Thirty Years War, Charles proceeded to authorise further disbursements of only £1,802 0s 11d less than the money due to be collected in the third and fourth terms. This excessive military expenditure of £106,798 11s 2d was eventually almost covered by the £101,103 0s 6d raised by the tax on annualrents, though final auditing of the taxation levied in 1625 was not accomplished until July 1634.⁶⁸ Charles, therefore, created from the outset of his reign a recurrent problem of financial mismanagement which proved politically embarrassing to the Crown. As early as 21 July 1626, the earl of Mar as Treasurer had reported to the Privy Council that 'his Majesteis cofferis wer so exhaustit' that no money could be provided for the purchase of ships to guard the coasts.⁶⁹ This was more a statement of financial liquidity, or rather the lack of it, than of financial incapacity. For although a profit of almost £65,000 had been recorded in the accounts of the Treasurer on 1 March, this was based on the yearly audited accounts of officials in central and local government, not on the cash readily available to meet royal commitments.⁷⁰ By the end of July, Charles was only able to have sufficient money advanced, against the revenues to be collected in taxation, to purchase three war-ships, two in England and one in Scotland, for the defence of the Scottish coasts. Moreover, the lack of readily available revenue to man and equip this fledgling Scottish

navy led Charles to resort to financial expedients which threatened vested Scottish interest, most notably in the burghs.⁷¹

As early as 28 March 1626, Charles had approached the leading royal burghs, specially assembled at a particular convention in Edinburgh, not only to advance the same amount for the extraordinary tax on annualrents as they collectively paid towards the ordinary taxation, but also to forward their ordinary taxation to furnish ships 'for the publick defence of the realme'. Furthermore, the king asked the leading burghs to consider what additional help they could give for national defence, such as the erection of fortifications within or near burghs. In reply, the leading burghs, at the next particular convention in Edinburgh on 18 April, claimed that the 'povertie of the maist pairt of the burrowis is so grit', that the limited involvement of burgesses in annualrenting was insufficient to justify any collective composition of the extraordinary taxation. The burghs also declined to advance their ordinary taxation as 'thair meanes and habilitie ar not answerable to thair hearts and guid affectiounes'. They did agree to the expediency of erecting fortifications for the defence of the burghs and expressed a willingness to participate, with the rest of the political estates, in the provision of additional revenue for defence, once the objectives of the king's foreign policy were made manifest.⁷²

Clarification of Scotland's role and that of the individual political estates in meeting Charles' financial demands was the crux of the matter. For the attempt by the burghs to plead poverty was financially disingenuous, amounting to a political finesse. By March 1628 the royal burghs had advanced £39,700 as their collective composition for the extraordinary taxation, just over a third of all the revenue eventually collected for the Crown from the annualrents, and forwarded a further £13,767 9s 4d from their contribution to the third and fourth terms of the ordinary taxation.⁷³ The immediate concern of the leading burghs in the autumn of 1626, however, was to win recognition from central government that the mounting costs of

national defence should be shared, rather than shouldered as their exclusive burden. This point was forcibly made to the Privy Council after another particular convention in Edinburgh on 21 August. The leading burghs acknowledged the need for a Scottish navy, because of the escalation of war, to defend the country and establish a 'sure and saif commerce'. But the maintenance and manning of the navy was not solely their responsibility, since the other political estates each had a vital interest in ensuring peace and maintaining their living standard through trade. Underlining the burghs' determination to exact shared liability was the calculation disclosed at a particular convention in Edinburgh on 1 November, that the monthly cost of maintaining a war-ship of the class most suitable for national defence - of three hundred tons with twenty-eight canons and ready to sail with one hundred men - amounted to £2,500.⁷⁴

The qualified co-operation of the royal burghs meant that Charles was faced with the alternative of summoning a constitutional assembly, which would most likely subject the financing of the king's foreign policy to close scrutiny, or to try and raise ready cash from parties compliant to the dictates of the Crown. In November 1626, Charles adopted the latter option. He attempted to persuade leading officials, in association with any obliging nobles, gentlemen and burgesses, to man and victual the Scottish fleet in return for two-thirds of any profits of war gained by the three ships. Despite his threat that if insufficient adventurers could be found, £5,000 sterling (£60,000), was to be sequestered from the readiest revenues in the Exchequer - specifically from the pensions of courtiers and leading officials - no company of adventurers was formed to finance the Scottish navy.⁷⁵ Charles was therefore forced to rely on the goodwill of individual courtiers and officials. The most prominent in forwarding private funds to finance not only the maintenance of the three ships, but also the payment of recruits for the Danish army, was Sir James Baillie of Lochend, receiver of the king's rents. On the earl of Nithsdale being appointed commander of the Scottish contingent which was to serve under Christian IV, Baillie, on 17 February 1627,

took over as Collector-General of the taxation voted by the Convention of 1625 - a move designed to enable him to recoup the money he had advanced to the Crown.⁷⁶ However, the financing of Charles' foreign policy remained thirled in Scotland to a crisis of liquidity. In March 1628, in order to fend off a naval mutiny and to discharge the recurrent monthly debt on the three war-ships, Charles directed that the money realised by the sale of the cargo of a shipwrecked vessel should be used to pay his 'indigent and clamorous seamen'. Two months later the political embarrassment caused by the size of Charles' Scottish navy was partially ameliorated when James, third marquis of Hamilton, at his own expense, agreed to provide and equip another five ships. Thereby the fleet was augmented to eight war-ships.⁷⁷

Compounding the Crown's financial predicament was the attempt by Charles to institutionalise the direction and oversight of Scottish government from the Court, which aggravated the existing inadequate liaison between Edinburgh and London. By his distanced handling of leading officials, Charles intensified tensions current within the Scottish administration at the close of his father's reign. His undoubted preference to advance the interests of courtiers neglected the sensibilities and devalued the privileges of his most experienced administrators. Chancellor Hay, Principal Secretary Melrose and Treasurer Mar all had their respective offices renewed for life on Charles' accession.⁷⁸ Nevertheless, on 28 January 1626, Sir William Alexander of Menstrie was appointed Secretary for Scottish affairs in attendance at Court.⁷⁹ Although Melrose was informed that the appointment of a Secretary to channel all correspondence between the Privy Council and the Court was not derogatory to his own position of State, Charles insisted on his right to create places of trust through 'the gift of a domestick office in our service'.⁸⁰ The following month Nithsdale, rather than Mar, was appointed Collector-General of the taxation voted by the late Convention.⁸¹ Though the king thereby demonstrated the power of his prerogative in selecting his own officials, by failing to realise that the establishment of trust was a two-way process, Charles severely

prejudiced the chances of amicable working relations between his principal agents at Court and in Edinburgh. Hardly had a month elapsed since his appointment as Secretary before Alexander was complaining directly to Melrose for 'showing so much unkyndnesse and distrust' in delaying his acquisition of the signet, the seal of his new office.⁸² By the summer, Nithsdale was accusing Mar, who had been charged with the responsibility of coll^{ec}ting the taxation of 1621, of wilfully failing to make up accounts despite the lapse of more than a year since the last termly payment. Furthermore, he contended that Mar, with the connivance of Chancellor Hay, sought to effect such delays in auditing the ordinary and extraordinary taxes 'that your Majestie shal rype no benefite thairof'.⁸³

Nithsdale, indeed, was largely instrumental in persuading Charles to undertake a structural overhaul of Scottish government which ranged far beyond changes in personnel duties. Nithsdale, whose influence at Court had been temporarily eclipsed on the death of James VI, alleged that his former associates, the earls of Morton and Roxburghe, acting in concert with Chancellor Hay, had resolved a 'Triumvirat of the Scotts estaitt' which was intended to exercise such a dominance over the government of Scotland that 'all men should be forced to bow to Baall'. Therefore, he sought to inveigle himself into favour with Charles by persuading him that the confusion of faction in the Scottish administration could be repaired by a separation of executive interests. Thus, instead of officers of State being able to sit in the Privy Council, in the Court of Session or on the Exchequer Commissions, all officers, as 'Judicatories', were to be returned 'to the same estaitt they wer att, at their first institution'.⁸⁴ The first step in this process was the supplanting of Melrose as President of the Court of Session by Sir John Skene of Curriehill.⁸⁵

The proposal to create a separate executive and judiciary was adopted wholesale on 26 January 1626. Charles decided that all ordinary judges in the Court of Session were to be excluded from

participation in the Privy Council. All councillors were to be barred from sitting as ordinary judges in the Court of Session. In total, fourteen councillors were affected.⁸⁶ In terms of personnel, the seven gentry among the ordinary judges could most easily be replaced on the Council, at the cost of losing their professional expertise. The removal of noblemen and officers of state from the Session, however, threatened to diminish the status of the former and prejudice the life-interest customarily inferred in the appointments of the latter. Indeed, Charles could only circumvent this difficulty by stressing that the removal of judges at his pleasure was part of his prerogative.⁸⁷ In adhering to this principle, which made his father's appointments defunct by right of revocation, Charles studiously ignored the opinion of Chancellor Hay that if ever, since the reconstitution of the Court of Session as the College of Justice in 1532, 'thaer was any Lord of Session chainged or depyryved bott upon ether deth, demission or commission of a fault, than I shall quytt my judgement'.⁸⁸

The reshaping of the Scottish administration was supplemented by the creation of two conciliar bodies. By July 1626, Charles had appointed a Council of War charged to provide sufficient militia in Scotland and to administer all martial business in the kingdom. It never aspired to supersede or even to act as a separate entity from the Privy Council, being content to operate as a sub-committee for the management of military affairs in general and for the supervision of coastal defences in particular.⁸⁹ Yet as this council was composed of six nobles and eleven gentry, Charles was demonstrating his reluctance to rely predominantly on the traditional co-operation of the nobility for the conduct of his government in Scotland. Furthermore that March, appealing to the precedent of his father's reign, Charles had reconstituted a Commission for Grievances to remedy malpractice in government. This Commission, however, was more explicitly designed to oversee all aspects of Scottish administration and had full judicial power to enquire into the running of both the Privy Council and the Exchequer. While the Jacobean model had direct

power only over grievances arising out of commercial monopolies and projects for private gain, this new Commission extended to abuse of position by officers of state and members of the legal profession; usury, which could include transfers of land by mortgage; public declamations, private declarations, spoken or written, 'tending to the reproche or sclander' of the Crown and royal government, coupled with the misreporting and ministerpreting of royal directives. Moreover, the Commission was empowered to deal with any other grievances when warranted by the Crown. Most obnoxious, perhaps, was the king's design to utilise sheriffs, sheriff-deputes and justices of the peace to report on their own initiative and to collate submissions from informers on all grievances within the localities.⁹⁰ In short, Charles was effectively seeking to establish a prerogative court to supervise the decentralised framework of Scottish government from the executive down to the barony court. The threatening nature of this Commission bred immediate fears of the introduction of English practices. In particular, unflattering analogy was made with the Court of Star Chamber, 'come doune heir to play the tyrant, with a specious vissor one its face'.⁹¹

In order to offset criticism, Charles promised to direct any fines imposed by the Commission towards his endeavours to improve the naval defences of the country. He also commanded the Commission not only to admit Sir John Skene, president of the College of Justice, but to be receptive to the advice of persons 'skillful and long practized in the lawis' of Scotland. Although royal directives continued to be sent to the Commission until November 1626, records of its actual operation terminate in July, after only two working sessions.⁹²

In no small measure this situation can be attributed to the tumultuous lobbying of the Commission when it convened under the auspices of the Privy Council. By August Charles was inferring that blame for the non-functioning of the Commission generally rested with the nobility. Already alarmed by rumours that the nobility were using the Crown's appeal for recruits to serve in the Danish army as

an excuse to build up levies to settle private quarrels, Charles complained to the Council about 'those that should by thair cariage haif gevin a goode example to otheris wer accompanied with extraordinarie troupes'.⁹³ Strengthening his resolve that the nobility should only be accompanied by their domestic servants when attending the Council or any other public meeting, was the rather exaggerated and uncorroborated report of Nithsdale of 'the danger being more then eminent of a pitiful combustion, the forerunner of a fearful insurrection'. Nithsdale went on to allege that Chancellor Hay had deliberately failed to defuse the situation which had been specifically engineered by Mar, Melrose and Roxburghe who, in alliance with Border confederates, had encouraged the influx to Edinburgh of 'such great numbers of rascallie people as was admirable' for the execution of their 'malitious plots'.⁹⁴ Nithsdale undoubtedly sought to maximise the disturbance to discredit his former factionary associates within the Scottish executive. Yet the actual establishment of the Commission for Grievances, though it soon 'evanished in itselffe',⁹⁵ had made a decisive contribution to the declining effectiveness of absentee kingship, most notably in the resort to violent picketing as a measure of political frustration.

The full cost of Charles' attempt to restructure Scottish government must also be measured by its more enduring political legacy. Although Charles claimed to have undertaken full discussions with his leading officials and counsellors, 'and had heard all objectionis that could be made to the contrarie',⁹⁶ the implementation of his programme for the overhaul of the Scottish administration could only be achieved at the expense of a substantial dilution of the traditional political leadership of the nobility. Yet it was this very strength that Spottiswood, archbishop of St Andrews, in co-ordination with Nithsdale at Court, was attempting to harness from the outset of 1626, both to ensure a constitutional assembly 'fair for mending al erroris' of the late Convention, and to facilitate the acceptance of reforming directives from the Crown within the Scottish administration.⁹⁷ Charles commended Spottiswood for his efforts to build up an interest,

if not an actual party, favourably disposed to the Court. But, at the same time as the archbishop was being rewarded with precedence over the Chancellor in the Privy Council on 12 July 1626,⁹⁸ his initiative was being mounted against a background of censure and condemnation by an opposition, able to draw on aristocratic sympathies, which viewed the royal programme as 'unlawful and prejudicial to the libertie of the kingdom'.⁹⁹ Although this opposition was not as yet a coherent group, there was a growing inclination among the nobility to vote with their feet rather than act as mere pawns to be manipulated by directives from the Court. Scottish nobles, including those serving as officers of state, comprised twenty-two out of the forty-seven royal nominees to the reconstituted Privy Council which first met on 23 March 1626.¹⁰⁰ However, the attractiveness of that body as a medium for the exercise of political power was not enhanced by the king's reshaping of central government. Thus, attempts to increase the quorum for the Privy Council to eight ordinary members, in addition to the Chancellor or the President and officers of state, had to be modified by January 1627, to nine councillors inclusive of leading officials. Thereafter a return was made to the Jacobean quorum of seven.¹⁰¹ Indeed, it was only the administrative loyalty of the experienced councillors, especially Melrose, that ensured a measure of efficiency in the unenthusiastic conduct of royal business in Scotland.¹⁰²

Moreover, reform in the structure of government was not accompanied by any corresponding change in administrative attitudes. Hence, the cliquish mentality which fostered personal rivalry and lack of co-operation was in no small measure responsible for making the prospect of solidarity between the Court and the Scottish administration unobtainable. Thus Archibald, Lord Napier of Merchiston, the Treasurer-Depute, was to find himself such an obstacle to the machinations of factions within central government that he regarded himself - not without a measure of justification - as being consistently victimised. His opinion of his own 'invincible integrity' was matched by contemporary testimony that he was

exceptional in failing to use his office as a means of augmenting his estates.¹⁰³ Napier, however, was regarded by 1630 as 'one willful foole' by William Graham, seventh earl of Menteith, then Lord President of the Council who, along with Chancellor Hay in Edinburgh and Morton and Roxburghe at Court, headed a clique which attempted to monopolise royal favour. Having already dispensed with the services of Nithsdale, this clique sought to remove Napier from the Exchequer by altering a defective warrant of six years standing to implicate the Treasurer-Depute ^{for} ~~of~~ maladministration!¹⁰⁴

For the political nation the most foreboding aspect of Charles' inaugural programme of reform was the rationalisation of the Exchequer. The offices of treasurer and treasurer-depute were retained, but effective control over their accounting, along with the functions of collector, comptroller and treasurer of new augmentations, was invested in a permanent supervisory commission of the Exchequer.¹⁰⁵ Presidency of this reconstituted body for the management of royal rents and revenues was entrusted to Archbishop Spottiswood whose guiding precept was 'we live under a Kinge, quho will command with reason, and be obeyed in that quhich he commandis'.¹⁰⁶ Mar, as Treasurer, regarded this reform as counter-productive. His case rested not only on a self-interested reluctance to accept the diminished powers of his office, but on the experience of the 1609 commission of the Exchequer, also headed by Spottiswood. The effectiveness of this precedent for Charles' reform of the Exchequer was marred by the commissioners' negligence in attending at Edinburgh. On the one hand, if Charles sought to secure the diligent attendance of commissioners by a generous allowance of fees and pensions, Mar feared 'that the charge may excede the fruttis arising of thair travellis'. On the other hand, without such allowances, 'thair is small hoipe off thair residence'.¹⁰⁷ At a time when Charles was actively considering the example set by James VI in his short-lived, but rigorous, experiment of 1596, of entrusting fiscal management to the Octavians,¹⁰⁸ Mar's observations went unheeded. For Charles' overhaul of the Exchequer set the scene financially for the pursuit of his major design on Scotland, namely the

Revocation Scheme. Indeed, the Exchequer was not reformed simply to ensure that the Crown revenues were 'weele governed'. Primarily, the commission was established as the necessary precursor for the restoration of property and revenues which the king conceived to be 'unjustlie withholdin from our patrimonie'. Although Charles claimed that the Revocation Scheme would ensure 'that we may have less cause to burden our subjects', the finances of the Crown were to be improved at the expense of the landed interest.¹⁰⁹ Within a year of his accession, therefore, Charles set the scene politically for the next twelve years by promulgating a scheme 'wich zoilded no better fruit then the alienatione of the subiectis hartes from ther prince, and layed opin a way to rebellion'.¹¹⁰

Notes

1. APS, iv, c.16, 545-47.
2. Ibid, c.12, 543-44.
3. Ibid, c.3, 531-34; RPCS, second series, I, (1625-27), clxviii-clxxv.
4. RPCS, XII, (1619-22), 379.
5. APS, iv, c.2, 597-600.
6. Rait, The Parliaments of Scotland, 494.
7. cf. SR0, E 61/6, 'Inventories given up for Taxation in the Barony and Regality of Glasgow, 1621-25'.
8. Donaldson, James V to James VII, 244-46; Dickinson & Donaldson, ed., A Source Book of Scottish History, III, 309-10.
9. Devine & Lythe, SHR, L, (1971), 106.
10. Rooseboom, The Scottish Staple in the Netherlands, 110-12, 115-16, 158-60; Davidson & Gray, The Scottish Staple at Veere, 186-88, 195-97.
11. Extracts from the Records of the Convention of Royal Burghs, (RCRB, Extracts), (1615-76); J.D. Marwick, ed., (Edinburgh, 1898), 187-93, 205-6.
12. I.B. Cowan, 'The Five Articles of Perth', in Reformation and Revolution, D. Shaw, ed., (Edinburgh, 1967), 39-40.
13. Donaldson, James V to James VII, 209.
14. A.I. Dunlop, RSCHS, XII, (1956), 167.
15. Donaldson, The Making of the Scottish Prayer Book of 1637, 39-40.
16. D. Calderwood, The History of the Kirk of Scotland, T. Thomson, ed., (Wodrow Society, 1845), vii, 497-501.
17. W.L. Mathieson, Politics and Religion: A Study in Scottish History from the Reformation to the Revolution, (Glasgow, 1902), I, 363; Cowan, ('The Five Articles of Perth', 44), tends to adapt this standpoint to redress the over-generous estimation of Donaldson, (James V to James VII, 211), that James VI was 'able to leave a church at peace'; D. Stevenson, (The Scottish Revolution, 24), takes a middle course, though underestimating, perhaps, the impact of the infusion of new blood into the Presbyterian faction after the passage of the Five Articles.

18. Correspondence of Sir Robert Kerr, first earl of Ancrum and his son William, third earl of Lothian, D. Laing, ed., (Edinburgh, 1875), I, 35-38; hereafter, Ancrum and Lothian Correspondence.
19. G. Burnet, The Memoirs of the Lives and Actions of James and William, Dukes of Hamilton and Castleherald, (London, 1687), I; hereafter, Burnet, Memoirs of the dukes of Hamilton.
20. M. Lee, SHR, LV, (1976), 44-48.
21. The Brynmor Jones Library, The University of Hull, Maxwell - Constable of Everingham MSS, DDEV/79/H/142.
22. RPCS, XIII, (1622-25), xv, 219-22, 239-48.
23. C. Hill, The Century of Revolution, 1603-1714, (A History of England, 5; London, 1967), 47.
24. RPCS, second series, I, xxii.
25. Steinberg, The 'Thirty Years War', 39-40; Polisensky, The Thirty Years War, 162-70.
26. RPCS, second series, I, 72, note 1; Sir J. Balfour, Historical Works, (Edinburgh, 1824), II, 117-26.
27. W. Minchinton, 'Patterns and Structures of Demand', in C.M. Cipolla, ed., The Fontana Economic History of Europe, 2: The Sixteenth and Seventeenth Centuries, (Glasgow, 1974), 160.
28. L. Stone, The Causes of the English Revolution, 1529-1642, (London, 1972), 123.
29. Hill, The Century of Revolution, 48-49.
30. SRO, E 19/22 and E 1/11, Responde Book, 1623-38.
31. Rait, The Parliaments of Scotland, 509, 521.
32. Donaldson, James V to James VII, 291.
33. Rait, The Parliaments of Scotland, 150-55; RPCS, second series, I, xxxix-xl, 169, 185-92, 196-201.
34. APS, v, 166-74; RPCS, second series, I, 151-53.
35. Donaldson, James V to James VII, 397; W. Taylor, 'The King's Mails, 1603-25', SHR, XLII, (1963), 145.
36. APS, v, 175; RPCS, second series, I, 155-56.
37. G. Burnet, History of My Own Times, (London, 1838), i, 10.
38. D. Mathew, Scotland under Charles I, 26.

39. APS, v, 176, 183; RPCS, second series, I, 156, 172.
40. J.K. Hewison, The Covenanters, (Glasgow, 1908), i, 208.
41. APS, v, 185; RPCS, second series, I, xviii, xix, 80, 122-24, 173-74, 261-63; The Earl of Stirling's Register of Royal Letters, Relative to the Affairs of Scotland and Nova Scotia from 1615 to 1635, (Edinburgh, 1885), I, 18-19; hereafter, Stirling's Register of Royal Letters.
42. The Red Book of Menteith, W. Fraser, ed., (Edinburgh, 1830), II, 14, 25-26.
43. RPCS, second series, I, ciii-civ, 365; T.H. McGrail, Sir William Alexander, (Edinburgh, 1940), 89-104.
44. Royal Letters, Charters and Tracts relating to the Colonization of New Scotland and the Institution of the Order of Knight Baronets of Nova Scotia, 1621-36, (Bannatyne Club, Edinburgh, 1867), Preface, 120-23.
45. Rait, The Parliaments of Scotland, 150.
46. J. Row, The History of the Kirk of Scotland, (Wodrow Society, 1842); hereafter, Rait, History of the Kirk, 340-41.
47. SRO, Account of Compositions for Concealed Rents - Taxations, Ordinary and Extraordinary, 1621 & 1625, E 65/12.
48. APS, v, 185; RPCS, second series, I, 174.
49. The Book of Carlawerock, W. Fraser, ed., (Edinburgh, 1873), II, 74.
50. Stirling's Register of Royal Letters, I, 21.
51. APS, v, 184; RPCS, second series, I, 173.
52. The Book of Carlawerock, II, 73.
53. University of Hull, Maxwell - Constable of Everingham MSS, DDEV/79/D, 'Transcript of Maxwell Writs and Letters, 1603-86', 'Information by John Spotswood, Archbishop of St Andrews to King James VI relative to public matters in Scotland'.
This document has been erroneously entitled when transcribed as the evidence of content and personal designations relate to events of the late winter of 1625 and early spring of 1626, ie in the first year of the reign of Charles I.
54. G.I.R. McMahon, 'The Scottish Courts of High Commission,

- 1610-38', RSCHS, 15, (1964-66), 200-1.
55. P.H.R. Mackay, 'The Reception Given to the Five Articles of Perth', RSCHS, 19, (1977), 185-201.
 56. Memoirs of Scottish Catholics during the seventeenth and eighteenth centuries, W.F. Leith, ed., (London, 1909), I, 12, 20-22; hereafter, Memoirs of Scottish Catholics.
 57. RPCS, second series, I, 91-93; Row, History of the Kirk, 340; The Memoirs of Henry Guthry, (Glasgow, 1747), 8-9.
 58. Stirling's Register of Royal Letters, I, 62-64; Balfour, Historical Works, II, 142-45.
 59. Stirling's Register of Royal Letters, I, 29, 73.
 60. RPCS, second series, I, 545-47; Stirling's Register of Royal Letters, I, 126-27; Balfour, Historical Works, II, 142-46, 155.
 61. Memoirs of Scottish Catholics, I, 24-25.
 62. Steinberg, The 'Thirty Years War', 45-48; Polisensky, The Thirty Years War, 170-81; RPCS, second series, I, 531-32, 565-68.
 63. Balfour, Historical Works, II, 158-59; RPCS, second series, I, lxi-ii, 399, note 1.
 64. RPCS, second series, II, (1627-28), 55-56, 77-78.
 65. Ibid, I, 540, 542-44, 580-81, 589, 603-4, 611.
 66. NLS, MS.80, Letters of Noblemen, II, (1627-28), ff. 65.
 67. RPCS, second series, I, 604-5, 611, 613, 634-36, 689-93.
 68. SRO, Accounts of the Collectors of the Ordinary and Extraordinary Taxations Granted in 1625, E 65/10 and /11.
 69. RPCS, second series, I, 366.
 70. SRO, Treasury Accounts 1 March 1624 - 1 March 1625, E 19/22.
 71. RPCS, second series, I, 367-68, 378-79, 408; Stirling's Register of Royal Letters, I, 67.
 72. RCRB, Extracts, (1615-76), 213-15, 218-19.
 73. SRO, Accounts of the Collectors of the Ordinary and Extraordinary Taxations Granted in 1625, E 65/10 and /11.
 74. RCRB, Extracts, (1615-76), 233-34, 237; RPCS, second series, I, 386-91.
 75. Stirling's Register of Royal Letters, I, 92-93; RPCS, second series, I, 579-80.

76. RPCS, second series, I, 525-26, 550-53, 560, 578-79, 599-600; Stirling's Register of Royal Letters, I, 99, 132.
77. RPCS, second series, II, 277, 324-25.
78. Memorials of the Earls of Haddington, Sir. W. Fraser, ed., (Edinburgh, 1889), II, 88-89.
79. RPCS, second series, I, 232-33; Balfour, Historical Works, II, 132; Stirling's Register of Royal Letters, I, 16.
80. Memorials of the Earls of Haddington, II, 89-90; Stirling's Register of Royal Letters, I, 28-29.
81. RPCS, second series, I, 233-34, 236, 238-41; Row, History of the Kirk, 341.
82. Memorials of the Earls of Haddington, II, 146-47.
83. University of Hull, Maxwell - Constable of Everingham MSS, DDEV/79/H/7. Although undated, the content and personal designations of this memorandum to Charles I relate to events of the summer of 1626.
84. Ibid, DDEV/79/H/142.
85. RPCS, second series, I, 233-34; Row, History of the Kirk, 341; Stirling's Register of Royal Letters, I, 16.
86. RPCS, second series, I, xxv, 220-21, 221, note 1.
87. Balfour, Historical Works, II, 131; Stirling's Register of Royal Letters, I, 13, 14, 46.
88. HMC, Manuscripts of the earls of Mar and Kellie, (HMSO, 1904), 141; hereafter, Mar and Kellie, I.
89. RPCS, second series, I, 337-38, 378-81; Stevenson, The Scottish Revolution, 33-34; Stirling's Register of Royal Letters, I, 62, 83-84.
90. RPCS, second series, I, 241, 263-65, 359-61.
91. Balfour, Historical Works, II, 131; Row, (History of the Kirk, 342), likened the Commission for Grievances to 'that whilk in Ingland they call the Court of Conscience'.
92. RPCS, second series, I, 359, 361, note 1; Stirling's Register of Royal Letters, I, 45, 60, 70, 71, 89.
93. Ibid, 402; Ibid, 67.
94. University of Hull, Maxwell - Constable of Everingham MSS,

DDEV/79/H/7.

95. Balfour, Historical Works, II, 131.
96. Stirling's Register of Royal Letters, I, 11-13.
97. The Book of Carlaverock, II, 73.
98. Stirling's Register of Royal Letters, I, 59, 62.
99. University of Hull, Maxwell - Constable of Everingham MSS, DDEV/79/D, 'Spotswood's Information'.
100. RPCS, second series, I, 248-52, 252, note 1. The anglicised Scot, James Hay, earl of Carlisle and the three Englishmen, George Villiers, duke of Buckingham, William Herbert, earl of Pembroke and Lancelot Andrews, bishop of Winchester, were no more than courtesy nominees on the reconstituted Council.
101. Ibid, lvii-lviii, 251, 487-88; Donaldson, James V to James VII, 291.
102. cf. RPCS, second series, I, 430, 458-59, 466, 583-84.
103. M. Napier, Montrose and the Covenanters, (London, 1837), i, 49; Sir John Scot of Scotstarvit, The Staggering State of Scottish Statesmen, from 1550 to 1650, (Edinburgh, 1872), 67.
104. NLS, MS.80, ff. 67; Napier, Montrose and the Covenanters, i, 43-52; HMC, Supplementary Manuscripts of the earls of Mar and Kellie, (HMSO, 1930), 245-49; hereafter, Mar and Kellie, II.
105. RPCS, second series, I, 265-67; Stevenson, The Scottish Revolution, 34.
106. University of Hull, Maxwell - Constable of Everingham MSS, DDEV/79/D, 'Spotswood's Information'.
107. Mar and Kellie, I, 153-54.
108. Balfour, Historical Works, II, 138; Donaldson, James V to James VII, 217; Stirling's Register of Royal Letters, I, 52.
109. RPCS, second series, I, 229; Stirling's Register of Royal Letters, I, 11-13.
110. Balfour, Historical Works, II, 134.

On account of the minorities which had bedeviled Stewart kingship, it had become an accepted constitutional tenet that a sovereign, between his twenty-first and twenty-fifth year, could retrospectively annul all grants of royal property, pensions and offices made by any regency government prior to his majority.¹ An act of revocation could be used acquisitively, as well as for purposes of reclamation, to suit the interests of the monarchy. Thus James V in 1537, on attaining his twenty-fifth year, claimed the prerogative, both by canon law and the statutes of the realm, to revoke not only all grants made by regencies during his minority, but also all grants made through 'evil and false' counsel since he effectively began to rule in person eleven years earlier. In practice this act, which was subsequently ratified by the parliament of 1540, did not seek to terminate rights to lands and property granted from the outset of his minority in 1513. Instead, it became a means of exacting large sums of money, by way of compositions, from all proprietors obliged to seek ratification of their landed titles from the Crown. Moreover, it helped raise the political temperature of the relations between the monarchy and landed society for the remaining five years of James V's reign.²

Being in his twenty-fifth year at his accession, Charles I had, on 14 July 1625, rushed through the registration of his intent to effect a revocation of all grants from the royal patrimony, 'in detriment and harme to our soule and conscience, prejudiciall to the priviledge and fredome of the Crowne of Scotland'. However, a regency government had never acted in Charles' name. Furthermore, less than four months had elapsed since his assumption of personal rule: hardly sufficient time for the patrimony of the Crown to have suffered materially from prejudicial counsel! It was only by a deliberate obscuring of legal and moral rights that Charles was able to claim an initial entitlement to review all gifts of any kind granted out of the property and revenues of the Principality of Scotland, either by himself in his minority, or by James VI 'as Prince of Scotland, or as father and laughful administrator to us', or by his

late brother Prince Henry. Thus Charles was transferring the principle of revocation, as applied to the royal patrimony, onto the particular domain of the Prince as heir-apparent. On the one hand, he was extending the scope of his revocation to cover all alienations from the Principality at least to the time when Henry preceded him in line to the throne, and possibly even to the birth of his father in 1566 as Prince of Scotland. On the other hand, Charles was asserting that a revocation which affected part of the royal patrimony could not be dissociated from the whole. Hence specific grants, 'hurtful to the Principalitie', were to be interpreted as generally inimical to the Crown. It was therefore a 'General Revocation' of all grants from the property and revenues of the Crown for an indeterminate duration which Charles had enacted through the Privy Seal on 12 October 1625.³

The lack of financial substance, indeed the vacuous nature of such royal manoeuvres, can be revealed from a comparison of the revenues of the Principality with those of the Crown in the last year of James VI. The Treasury accounts from 1 March 1624 to 1 March 1625 disclosed that Charles received £704 13s 2d as prince, mainly fixed income from ~~the~~ ^{the} duties. This sum amounted to no more than 0.55% of the £127,365 9s 10½d which James VI derived from the Crown lands. Moreover, the only major alienation of property from the principality during his father's reign would appear to have been the lordship of Dunfermline which yielded, over the same period, revenues worth £11,764 1s for the benefit of his mother, Queen Anne.⁴

Nevertheless, Charles continued his authoritarian action, justified by tortuous logic. On 26 January 1626, in the preamble to his manifesto for the reformation of Scottish government, a revocation was deemed necessary 'because his Majestie, not comeing to the crowne in his minoritie, and so not haveing hurt the patrimonie thair of himself, behooved for keeping of his royall praerogative to revoke what his praedicessouris had done to the hurt of the samyne'.⁵ In so doing, Charles ignored the remonstrances of his Privy Council. On 17 November 1625, Charles was warned that a general revocation of

alienated Crown property, 'except so far as concernis the Principalitie', threatened to undermine, even annul, that security of landed title bestowed by charter. Indeed, it was felt that 'no right heirafter to be maid in the majoritie of kings could be valid'. Moreover, any projected gain to the Crown should be outweighed by the consideration that 'the trouble of your Majesteis subjectis is more than all that by law can follow'.⁶ The fears aroused by the revocation in Scotland were reiterated in consultations between the Crown and leading counsellors at Whitehall on 7 January 1626. The Treasurer, James, earl of Mar, forlornly advised the king of the general alarm among proprietors in Scotland, not only that rights given by previous monarchs might be called into question, but also 'that itt was nott possibill that his Majestie himself could mak any richt unto thaem bott quhat might be called in question efter his dissess'. Therefore, 'thay thocht thay ver in a vars caess than any subjectts in the varld'.⁷

Charles was not devoid of political sensibility. He had delayed publication of his General Revocation until the Convention of Estates had ended in November 1625. Nonetheless the initial registration and enactment of the revocation in Scotland undoubtedly 'bred great feare of a great alteration to come'.⁸ In particular, the unprecedented and indeterminate extension of Charles' scheme can be said to have 'sinned against the principle that long possession is entitled to consideration for the sake of persons totally innocent of the original wrong'.⁹ Within the context of his whole reforming programme, the decision to press ahead with a scheme of revocation committed Charles to a political course of action which verged on the incongruous. His conduct of Scottish affairs thereby transgressed the cardinal precepts of government laid down by Archibald, Lord Napier, the Treasurer-Depute. His move towards conciliar government had generally hampered, rather than promoted, the flow of 'true information' necessary for the conduct of 'affairs of remote kingdoms'. His reasoning in favour of revocation specifically and completely negated the admonition that 'Princes' letters and laws ought

to be clear and perspicuous, without equivocal or perplexed sense, admitting no construction but one'.¹⁰ Regardless of the reservations within his Scottish executive, Charles bound up the act of revocation with the reformation of government as 'al matteris of his meere pleasure', it being his prime concern 'more then them al, to look to the good of the kingdom'. Moreover, as archbishop Spottiswood perceived, Charles was disinclined to accept informed criticism, 'his Maiestie cannot take it wel to heare that the libertie of the kingdom suld be made a pretext of refusing his demandis or directionis'.¹¹

The act of revocation, being intrinsically bound up with the exercise of the royal prerogative, was to be of fundamental constitutional and political significance. More immediately, as Charles made no attempt to clarify the extent and duration of his intentions for almost seven months, a favourable reception for his scheme in Scotland was prejudiced by alarmist rumours. In an attempt to explain the true purpose of his revocation, Charles registered his intended course of action in two letters to the Privy Council on 9 February and 21 July 1626. The former proclaimed his general motivation, the latter specified the properties and revenues which were to be subject to revocation. Public confidence in the Crown was hardly restored by the complexities of the scheme. The interests of the political nation became focused on the rights of property which were directly affected in four main areas - teinds, heritable jurisdictions, feudal tenures and kirklands.¹²

Charles was determined to uphold the princely direction of the Christian Commonwealth. He asserted that his first concern was to be the advancement of religion: namely, the furtherance of the ideals of the Reformation for the provision of ministers nationwide and the extension, wherever necessary, of education and poor relief 'in a reasonable manner'. Such a programme had to be financed from the teinds as the most obvious source of revenue available to the Kirk throughout Scotland. However, the creation and extension of lordships of erection in the later sixteenth century, which heritably secularised

property of the Kirk, had confirmed the permanent appropriation of vast resources of teinds at the expense of ecclesiastical interest.¹³ Rather than rely on the 'cumbersome but workable system of stipends' which combined pensions and revenues from diverse benefices,¹⁴ the Commission 'anent the Plantatioun of Kirks' established by James VI in 1617 had proceeded on the principle that the teinds of each parish should maintain the minister of that parish. To accord with the decreasing value of money, the Commission had set out to raise the stipendiary range, which had basically remained unaltered since 1561, at a minimum of one hundred merks to a maximum of three hundred merks. None of the augmented stipen^ds actually reached the revised maximum of one thousand merks or ten chalders of victual. There was a marked reluctance among the landed interest to reapportion teinds for stipends in excess of the new minimum of five hundred merks.¹⁵ No attempt was therefore made to comprehensively implement a revised structure for stipends. Yet complaints from ministers about inadequate personal provision from the resources of the parishes, which had characterised the presbytery records of the early seventeenth century, had all but disappeared by 1625.¹⁶ Moreover, impoverished ministers were afforded indirect maintenance through relief from taxation, though this benefit did depend on favourable recommendation by an archbishop or bishop. According to the final accounts of the 1625 taxation, £27,202 14s 9d was discharged for this purpose, amounting to an exemption of more than five per cent from the total sums ordinarily levied. This concessionary rate was to be repeated by corresponding relief of £24,929 5s 10d in the 1630 taxation.¹⁷ Hence, Charles had little political mileage to gain from his proposal to establish, in the interests of uniformity, a national review of ministerial stipends.

Furthermore there was little scope to implement any proposal for a national structure of social welfare.¹⁸ The relative poverty and environmental diversity within Scotland had dictated a piecemeal parochial response to the problems of poor relief. The financial and moral assistance given to the poor was designed merely to supplement the family resources of those whom the kirk session deemed deserving,

not to provide indiscriminate sustenance for the needy and the destitute. However, the basic provision of adequate parochial schooling was generally regarded as a matter of 'greit necessitie'. Thus, the support of the king for this ideal could be upheld against any refractoriness among landowners who, in their capacity as heritors, were primarily responsible for meeting the educational costs in rural parishes.¹⁹ Within the burghs, some chaplainry revenues had, since the Reformation, been directed towards the provision of salaries for the masters of grammar-schools. Yet this was often done at the expense of parochial self-sufficiency, for such allocations could include teinds drawn from lands in neighbouring parishes.²⁰ Unfortunately, Charles offered no national guide-lines for the funding of education to help unravel local priorities between town and country.

Charles' most contentious area of concern was undoubtedly his determination to regulate the practical control and disposal of teinds. As a result of secularisation of the property of the Kirk, lords of erection had heritably acquired, from the later sixteenth century, the right to exercise the same titularship over teinds as enjoyed by lay patrons in parishes where the teinds had not been appropriated by ecclesiastical foundations during the middle ages. Thus, the right of patronage with the titularship of at least the parsonage teinds of any parish could be transmitted as heritable property and indeed even mortgaged.²¹ Indeed, this association of patronage and titularship in Scotland did not go unrecognised by Charles when an analogy was drawn with the parochial influence exercised by English impropiators.²² Since the disposal of teinds was geared to suit the convenience and profit of the titulars, the whole process of collecting the teinds of a parish from the estates of other landowners was fraught with difficulties. Intransigence was particularly generated among heritors obliged to pay teinds to absentee titulars or to tacksmen who were non-residents in the parishes where they farmed teinds. The most flagrant cause of friction was undoubtedly the annual incursion of titulars and tacksmen on to the lands of the heritors. This could degenerate into a perennial source of civil disturbance, especially as

considerable annoyance was occasioned for the tenantry by delays in the annual leading of teinds at the harvests.²³ James VI, however, had not been oblivious to the problems of public order arising from the legal obligation on the heritor to preserve his crop intact for twenty days after cutting, until the titular or tacksman had collected the teind.²⁴ James shifted the burden onto the tacksmen and titulars to collect their teind before it rotted from exposure or was eaten in the fields by straying animals. For in 1617, parliament enacted that the heritor and his tenantry could, upon four days notice to the titular or tacksman, separate the teind from the rest of the crop eight days after it had been harvested. On storing his own crop, the heritor was only obliged to protect the teind for another eight days.²⁵ Nevertheless, Charles deemed it his duty, on social grounds, to terminate the existing practice of leading the teinds which he considered to be 'the cause of bloody oppressionis, enmities, and of inforced dependencies'. He proclaimed his intention to 'free the gentrie' from their thirlage to the titulars, who were mainly drawn from the ranks of the nobility by ensuring that every heritor should have the right to purchase control of his own teinds.²⁶ This policy had the undoubted advantage of allowing the heritor to lead his teinds at his own convenience. Yet, Charles failed to appreciate that much of what he conceived to be 'the grite disordouris and incommodities ariseing about teyndis', could be attributed to the low incidence of commutation in the collection of teind. By this practice, the heritor retained the right to lead his own teinds by paying a monetary composition to the titular or tacksman for the amount of his crop which was apportioned as teind.

The Revocation Scheme was also directed against regalities and heritable offices in local government which Charles regarded as a further source of bondage for the gentry. On the one hand, the heritable annexation of royal offices, particularly that of sheriff by leading aristocratic families, was an undoubted abuse which prevented the impartial harmonising of divergent local interests. On the other hand, the heritable delegation to magnates of regalian courts carrying

the right to try all crimes except treason, demanded their responsible co-operation with the Crown in the administration of justice. For the holders of regalities had the judicial privilege of excluding justice-ayres and sheriffs from their bounds and the right to repledge from the royal courts. Again James VI had anticipated Charles in seeking to remedy abuses. From 1587, James had withheld the power of repledging from justice-ayres when conferring regalian jurisdiction on lordships of erection, thereby removing aristocratic maintenance of kinsmen, associates and tenants, in serious criminal actions.²⁷ In 1617, James had appointed an itinerant commission to deal not only with the heritable sheriffs in the counties, but also to treat with the stewarts and bailies who heritably exercised jurisdiction over property which had been annexed by the Crown. 'Ane competent satisfactioun' was to be offered for the surrender of each office. Although there was no immediate drive by James to provide money for compensation, heritable officials were persuaded over the next eight years to vacate their posts. Not all the replacements, who were given yearly appointments, proved efficient.²⁸ But the Crown was becoming able to exercise an annual right of review over local government. Moreover, both James' reforming initiatives had the advantage of gradually phasing out judicial malpractices. Charles was not content with the pace of change. Convinced that the realigned control of teinds went hand-in-hand with the better administration of justice, he failed to realise that his indiscriminate attempts at reform threatened to rend the traditional pattern of local government in Scotland asunder.

The only time-limit specified at the outset of the Revocation Scheme was the king's particular determination to reverse all changes in feudal tenures since 1540 which had converted 'the ancient tenour of ward and relieff' to that of 'blenshe and taxt warde'. Charles was thereby articulating his opposition to the replacement of incidental casualties, from wardship, marriage and non-entry, by annual monetary compositions. The fuller implementation of a monetary economy in the course of the sixteenth century - as manifested by the popularising of

feu-ferme during the secularisation of the kirklands - had induced the commercialisation of ward and relief on secular estates. In attempting to put back the clock - presumably to the revocation of James V, Charles was again demonstrating his bias against commutation of landholding dues and discriminating against the attempts of landowners to regularise cash-flow in the management of their estates. Fixed compositions were of particular benefit to the gentry whose inherited monetary obligations had been devalued by inflation in the later sixteenth century. Therefore, although Charles claimed to be promoting the emancipation of the gentry, his intended reversion to ward and relief threatened to terminate the regularity and convenience of taxed ward. In the case of blenche-ferme, whose dues were usually nominal, Charles was imperilling a feudal relationship which was more a form of patronage than a financial burden.

Charles was blatantly attracted to this policy of reversion because of its financial potential rather than its social benefit. Reliefs in Scotland, in contrast to England, were never set at definite rates but were scaled to the current rental of individual estates. Hence reliefs, unlike fixed compositions, tended to be adjusted to monetary depreciation when the landlord raised his rents. Once an estate held in ward passed into the custody of the king during a minority he, as superior, could retain as well as raise the rents to suit his own interests until the heir came of age.²⁹ Furthermore, the king had the right to sell or gift the wardship and marriage of an heir. The sale of custody provided the Crown with a ready source of income, though it could also aggravate local rivalries if the purchaser was a neighbouring landlord seeking to exploit a minority. For the tenure of ward and relief left the estate and marriage of an heir open to detrimental management. Nor was the gift of custody any guarantee against such an eventuality, being essentially an alternative form of patronage to the award of pensions to royal favourites. Although Charles in the first year of his reign increased the revenue which the Crown derived from reliefs, from £1,783 to £4,875 6s 8d, this amounted to no more than 2.2 per cent of his ordinary revenues from

Crown lands and customs. Moreover, this rise hardly offset the fall in the Crown rents of £35,948 11s 8½d over the corresponding period, or his inherited liability of £75,717 6s 8d for pensions.³⁰

However, feudal tenures, like heritable jurisdictions, were but secondary particulars in Charles' act of revocation. In a bid to make his scheme acceptable to his Scottish subjects, Charles stated that the main benefits he intended to derive from revocation would not require 'extending it ony further then onlie aganis the Erectionis and other dispositionis whatsomevir of landis, teyndis, parsonageis, benefices, formarlie belonging to the Churche and since annexed to the Crowne'. Charles' immediate priority, therefore, was to equip himself with the constitutional pretext to annex to the Crown patrimony as much of the alienated and dispersed revenues of the pre-Reformation Church as possible, kirklands as well as teinds. Charles claimed to find the necessary authorisation in his father's Annexation Act of 1587 which, he maintained, gave the Crown undoubted right to all property of the Kirk as 'universal patron of all Abacies, Priories, and all other ecclesiastical Benefices'.³¹ In so doing, Charles studiously ignored the spirit and operation of his father's act. James VI, in order to compensate for the impoverishment of the Crown and his own reluctance to resort to taxation, had associated the Annexation Act with his revocation. The act claimed to recall that part of the patrimony of the Crown which had been alienated to the pre-Reformation church and had been found, 'since the prorogation of the true Religion, to be neither necessary nor profitable'.³² Ecclesiastical temporalities were thereby subjected to parliamentary annexation for the benefit of the Crown. But the underlying significance of the act rested on the exceptions to this general principle of annexation. Property of the Kirk already erected into temporal lordships was declared exempt. This position was merely modified by the Act for the Restitution of the Estate of Bishops which James VI had passed in 1606. The removal of episcopal temporalities from the scope of the Annexation Act led, most notably, to the cancellation of the erection of the estates of the archbishoprics of St Andrews and Glasgow in favour of the dukes of

Lennox. Lordships erected from the property of monasteries and priories remained unaffected.³³ Moreover, Charles laid claim to the teinds as part of the revocable property of the Kirk, thereby discharging the Kirk's own claim on the teinds as inalienable patrimony. Yet the exclusion of teinds from the Annexation Act of 1587 had been tantamount to recognition by the Crown ~~for~~^{of} the longstanding claim by churchmen that the teinds formed the 'especial patrimony of the Church'.³⁴ Thus Charles' appeal to the precedent of the Annexation Act did more to demonstrate the true personal and autocratic tenor of the Revocation Scheme than to confirm the legal validity of his intentions towards the lordships of erection.

Nevertheless, Charles was determined to press ahead, and even to extend, his appeal to legislative precedent. As early as February 1626, he asserted that his Revocation Scheme was to conform to the most recent model - his father's act of 1587. When his scheme eventually received parliamentary ratification in 1633, Charles was content with a broad affirmation that it was to be of 'als great effect in generall and speciall as any revocatione maid by any of his Majesties predecessors befor the dait heirof contenit in the bookes of parliament which in all heades clauses [and] circumstances thair of ar holdin as heir repeated'. Yet detailed comparison with the act of revocation of James VI reveals not only minor and unremarkable changes in order, but also subtle shifting in format and significant alterations in content.³⁵

In the first place, Charles defined more comprehensively the nature of the property disposed and alienated from the patrimony of the Crown. Rents and patronages of kirks, which had been annexed to the offices of justiciar and sheriff, were deemed suitable subjects for revocation. Again, when dealing with property formerly annexed, but now alienated from either the Principality or the Crown, Charles expanded his father's reference to 'ony rents landis or heretages' into the fuller ecclesiastical and secular categorisation of, 'ony rents lands lordscipes baronies heretages teinds patronages of kirk

offices priviledges and uthers quhatsumeve'. This pre-occupation with the property of the Church recurred in his final clause of blanket revocation. Where James had made a general revocation of anything prejudicial to the privileges and patrimony of the Crown which had occurred during his minority, Charles sought to revoke anything done by himself, his father or any of his predecessors, to the hurt and detriment of both the Crown and the Church. Secondly, not only was the patrimony of the Church to be claimed as his special sphere of action, but Charles also asserted his right to review retrospectively any patrimonial grant which he conceived to be contrary to parliamentary enactment. Thus, even though the effective rule of his grandmother had terminated in 1567, he retained the clause whereby James had claimed the right to review and revoke alienations made from lands unannexed to the Crown, but personally held by Mary, queen of Scots. Thirdly, in keeping with his claim to judge the enactments of his predecessors during their majorities, Charles specifically introduced a clause to reinterpret parliamentary legislation in accordance with his own intentions. He, in turn, was only to be judged by his royal successors. Moreover, the divergent contents of Charles' revocation had first been highlighted as early as 17 January 1626, when the royal scheme was outlined at Court before a specially summoned conference of Scottish privy councillors. Having compared, article by article, the draft of Charles' act with that of his father, the councillors were of the opinion that 'thaer was so grett differens as no subjectt could be seur of any inheritance within the kingdom of Scotland doun be any of his Majesteis prediceors sen King Fergus the First' - from whom Charles was reputed to be one hundred and forty-seventh in succession. Should the scheme be enacted through parliament, neither could 'his Majestie or any of his successor kings mak thaem any securitie in tym cuming'.³⁶ The detailed enactment of Charles' revocation was not materially affected by this advice from leading members of the Scottish executive. Nor, indeed, was parliamentary approval deemed an essential prerequisite for the implementation of the whole scheme over the next seven years.

In keeping with Charles' general style of government, parliament was relegated to the role of a constitutional cipher. The act of revocation demonstrated Charles' conception of parliament as a forum for royal propaganda, where his schemes could be expounded but not critically examined. Hence, his particular assault on the lordships of erection could be sanctioned but not questioned. Charles was determined that parliament underwrite the initiative he had taken on the strength of his prerogative; namely, to negate the prescriptive rights, the aristocratic privileges, and even the social advancement for royal administrators, which had accrued from the secularisation of kirklands. Thus, his act innovated in revoking all grants of abbacies, as well as prelacies, 'in whole or in pairt temporalitie or spiritualitie', or any other benefice 'quhairof the presentatione sould pertain to his Majestie if the same wer not erected in a temporal baronie lordschip or leving'. He went to embrace within his revocation, 'all actes, statutes and dissolutions of any of the saids erected benefices lands or teind', on the grounds that 'the same is or may be fund and verrified to the contrarie to the generall lawes actes of parliament and statuits of the kingdom'.³⁷

When first defining his Scheme, Charles had made it clear to Treasurer Mar in March 1626, that he expected the willing submission of the lords of erection to his 'purpois concerning the Abbayes'. He dispelled all protests that the interests of the lords and their families would be 'greatly damnified' as the revocation was to be accomplished by 'lawful demand' and 'reasonable consideration' would be given for loss of property.³⁸ However, both the implementation of the act of revocation and the rates of compensation for the expropriated were to depend no more on the co-operation of the lords than on the authorisation of parliament.

By the beginning of June 1626, Charles was taking preparatory action for the compulsory enforcement of his Revocation Scheme. The Exchequer was ordered to scrutinise all transfers of property, stopping those affected by the Scheme, though Charles went on to state his

preference for amending such peripheral aspects as changed tenures, concealed duties and appropriated patronages by negotiation rather than by legal proceedings. The Session was informed that in all suits involving property which might come within the scope of the revocation, its decisions were to be qualified by clauses allowing for later actions of recovery by the Crown.³⁹ On 14 June, the Lord Advocate, Sir Thomas Hope of Craighall, was instructed to instigate summons against all lords of erection. Yet it was not until 1 July that Charles required Hope to consult with other selected advocates as to the best means of effecting the Scheme through the courts.⁴⁰ The king's advocates were given eclectic instructions on 25 August, 'to mak diligent search' of the official records and to discover all legislation against erections and heritable offices and all grants of property which were liable to revocation. Simultaneously, Charles unveiled his intention to resort to the legal process of improbation and reduction to nullify, individually, the titles of Scottish proprietors. Every person claiming right to an erected lordship or to a heritable office, who refrained from co-operating voluntarily with the king's Revocation Scheme, was to be proceeded against 'without any exception'.⁴¹ On the one hand, Charles was intending to utilise a private process which compelled the existing possessor to come into the royal courts and prove his title. On the other hand, the requirement that each defender produce relevant charters and infestments of property of the Church or of heritable office was tantamount to a public inquisition. Thus Charles, in order to gain his own way, deliberately compounded his personal interest with that of the public good. Furthermore, his standing on the letter of the law to promote his 'just and necessary' interests entailed the premeditated forestalling of the authority of parliament, the one institution which could provide the broad basis of consent and agreement necessary to implement his Scheme.

Though Charles was determined to enact his revocation, he had no coherent strategy for the implementation of his Scheme. He attempted to cover up his lack of resolve by making concessions to

appease public apprehensions. At the same time he oscillated between voluntary co-operation and legal compulsion. He alleged that the public proclamation of his motives, on 9 February 1626, had been undertaken in order to 'breed no terrour nor scruple' in the minds of his Scottish subjects. Five months later, when defining his final objectives to the Privy Council on 21 July, he offered to compensate all who would make a voluntary surrender of their revocable property before 1 January 1627, 'being loathe that any of our goode subjectis who will within the tyme prefixt accept of reasoun sould haif caus by our meanis to suffer or complayne'. Reasonable recompense was to be equated with whatever decision a Commission, personally appointed by himself, considered expedient.⁴² By the end of July tentative moves were reputedly made to formalise such a Commission, which was to consist of sixteen members drawn equally from the four estates. The forum for discussion between interested parties which resulted, served only as a target for sermons exhorting the general surrender of teinds, delivered by ministers of Edinburgh who were seeking augmented stipends.⁴³ A Commission to implement the Revocation Scheme subsequently and fitfully operated for the remainder of the year. It would appear to have amounted to no more than a committee of the reconstituted Exchequer, not an independent tribunal. Indeed Charles' commitment to any meaningful achievement by this Commission was questionable. For, on 25 August, he had instructed the episcopate that until 'some solid course' be taken concerning the tacking of teinds they should, as an example to secular titulars, set to every heritor his own teinds once existing tacks had expired. Moreover, on the same day, Charles had already issued instructions to his advocates to institute summons of reduction and improbation. Two months later, to appease fears that his intentions were either 'above law or the right of our prerogative', Charles had his act of revocation registered in the sederunt books of the Court of Session. To offset concern that he was exploiting the law to his own advantage, Charles also conceded on 29 October, 'a reasonable long tyme' for proprietors affected by the Scheme to produce their titles. Direct recourse to legal action was, however, only temporarily suspended. Charles remained resolved that

ultimately, all interested parties could be legally compelled 'to defend their titles against us as well as against any of our private subjects'.⁴⁴

The interests which were to be defended were considerable. A measure of the extent to which economic standing was threatened by the Revocation Scheme may be gleaned from the levies of ordinary taxation in 1625, 1630 and 1633. Just under half of the total charge on each occasion, 42.6 per cent, was apportioned to the proprietors of ecclesiastical estates - episcopal as well as temporal lordships.⁴⁵ Furthermore, the Scheme, by specifically attacking lordships of erection, threatened to constrict social mobility by undermining the propertied interests not only of the nobility but of all members of landed society who had profited from the secularisation of the kirklands. Politically, leading Scottish administrators rewarded with temporal lordships were particularly discomfited, while the goodwill of the nobility was generally dissipated. Charles' Scheme was to be less sustained than the systematic attempts at social engineering undertaken by the seventeenth century Russian czars, who sought to perpetuate a 'service-state' by governing through landowners, of a similar status to the gentry, whose holdings were bureaucratically regulated according to rank.⁴⁶ Like the Romanovs, Charles was to make the political miscalculation of underestimating the atavistic desire of the nobility to preserve the privileges of their class.

The blatant personal interest manifested by Charles in his precipitous ^{ate} ~~ate~~ attack on lordships of erection and landed privileges led to a delegation from the nobility, composed of John, sixth earl of Rothes, Alexander, second earl of Linlithgow, and John, Lord Loudoun, being dispatched to the Court at the end of November 1626. Their objective was to try to prepare the ground for an accommodation with the king.⁴⁷ Charles was unwilling to accept the overtures of this delegation, whether communicated personally or by supplication. The nobles had the support of leading administrators, such as Secretary Melrose, for their proposal that a parliament be summoned to

resolve the contention aroused by the act of revocation. Yet Charles negated this option as he considered 'our desyres so just and fair and the means we use so lawfull'. While he did not necessarily wish to resort to 'debateing our titles in Law', his pre-occupation with the Scheme made him unwilling to adopt any new course which might pre-empt the work of the Commission which had been established to implement the revocation. The Commission, however, had made little impact in terms of voluntary co-operation. Only five lords had made approaches for the surrender of their right and title to erections prior to the last appointed day for proceedings, on 1 January 1627. None had finally settled. Initial compliance was not without difficulties in two instances. In Fife, the feuars and tenants of James, Lord Coupar, used his impending surrender as an excuse to withhold payment of their feus and rents. The offer to surrender Coldingham by Sir James Stewart led to the Crown stopping the legal action which the feuars of the Berwickshire priory had taken against his superiority. On another occasion, Lord Loudoun actually claimed to be exempt from the scope of the Revocation Scheme since all the feuars within his erection of Kylesmure, Ayrshire, had consented to his superiority. Thus it was largely as a face-saving exercise that Charles had decided, by 15 December 1626, to prorogue the Commission until 1 March 1627, in order to afford a longer time for voluntary surrenders.⁴⁸

Charles was, however, able to make it appear that his plans to renew the Commission had been carried out in response to the wishes of the nobility. On 17 December, two days after his decision to prorogue, he informed the delegation of three nobles that they would be allowed an audience instead of being sent home, if they craved pardon for their erroneous conduct and revised their petition, which he had found 'as nather agrieing with the duetifulnes of loveing subjects, nor with the modestie of humble supplicants'. The delegation having positively responded, Charles announced on 17 January 1627, that he was willing, in accordance with their revised petition, 'to grant a Commission of new' to implement the Revocation Scheme by negotiation rather than by compulsion. Nevertheless, though he granted a six

month moratorium on legal proceedings in declaring that 'summondis of Reduction and Improbation may sleep' till 1 July, he reserved the right to prosecute all proprietors who did not voluntarily co-operate with the Commission. Moreover, the renewal of the Commission afforded Charles not only an alternative to the law-courts but also to parliament. For Charles considered that the calling of a parliament, to resolve the contentious aspects of the Scheme, was a last resort in the event of failure on the part of the Commission. He therefore took the opportunity to remind his leading administrators, especially Secretary Melrose, that continuing royal favour depended on their contribution to the success of the Commission which would make the need for a parliament superfluous.⁴⁹

Furthermore, this revised strategy provided Charles with a breathing space to work out the detailed mechanics of implementing the Revocation Scheme. On 3 February 1627, on the grounds that he wished both to avoid the delay and expense to the Crown which would be occasioned by his individual pursuit of right and title through due process of law, and to allay the 'preposterous feares causeleslie upon our late Revocation', he proclaimed his Commission for Surrenders and Teinds. Charles thereby published, for the first time, the powers which were to serve as the model for subsequent renewals of the Commission.⁵⁰ In essence, he was attempting to implement the Scheme by a negotiated accommodation with all affected parties. The present possessors of 'unlawfullie acquired' property were to be given 'reasonable compositions', at rates determined by the Commission. Particularly with respect to kirklands, distinction must be drawn between those possessors of revocable property. Lords of erection, who, as superiors, exercised feudal control over other men's estates, were to be expropriated. Their feuars who, as proprietors, directly managed their own estates, were to be granted security of title and to hold their estates directly from the Crown. In short, rather than attempt the full-scale revocation of title to which he was, in principle, committed, Charles was now seeking, in practice, to realign and renegotiate select rights of property. Nonetheless, the scope and

powers of the Commission manifest that his ultimate objective remained the economic advancement of the Crown, to which all notions of public good and social concern propagated by his Scheme were subordinated.

Of all the functions of the Commission for Surrenders and Teinds, priority was given to the valuation of properties affected by the act of revocation. Valuations of temporal lordships were to be based on current rentals in order that superiors could be compensated for expropriation and that proprietors could negotiate the purchase of secure title. The actual compensation given to the temporal lords, for the loss of their superiorities was to be in proportion to the amount of duty annually paid to them by their feuars. The Commission were to determine this specific ratio which, in turn, governed the amount each proprietor had to pay for the privilege of a secure title. For the amount of money available for compensation was to depend on the willingness of feuars of kirklands to be quit of superiority. Alternatively, if feuars did not desire to hold their property direct from the Crown, the possibility was left open that the superiorities of the temporal lords could be confirmed afresh, 'for a yearly increase of rent to our Crowne'. As well as the surrender of superiorities, the Commission was also to supervise the resignation of heritable jurisdictions which were to remain permanently annexed to the Crown and thereby suppressed. Compensation was again to be left to the discretion of the Commission. In addition, the Commission was to devise an indeterminate means of composition whereby feudal tenures might be altered 'to the same estate [wherei]n they were before the same were taxed and changed'.

Such a package - borne out of the Crown's desire to make the most prominent aspects of the Scheme self-financing - was not without its complexities. This situation is particularly borne out by the lordships of erection. On the one hand, temporal rights over the property of the Kirk were to be terminated. Yet the offer of compensation to the lords of erection for the loss of their superiorities was an admission that there had been a measure of

validity in their prescriptive exercise of these rights. On the other hand, lords of erection stood to have their resources decimated by the expropriation of lands not directly held by them as property. Yet it was also possible, because of deferential ties of kinship and local association, that their feuars would not buy out their superiorities. In such an eventuality, the lords would only be stripped of their privileges of heritable jurisdiction. But again Charles was primarily concerned to terminate the public rights of justice exercised by regalities, not to deprive the lords of their private rights of estate management, customarily exercised through the barony court. Thus, the temporal lords' rights of superiority and their baronial jurisdiction were open to confirmation by the renegotiation of what had hitherto been irredeemable and unalterable; namely the conditions of hereditary landholding as specified by charter from the Crown.

Elaboration of the powers of the Commission failed to provide final clarification of the potential ambiguity of royal intentions towards the lordships of erection. In the interests of the gentry, the predominant class among the feuars of kirklands, Charles stated that he did not intend 'to quarrell or annull' any title or confirmed feu of kirklands either set by 'the ancient titulars' - namely by abbots, priors and even lay commendators, or subsequently bought over or set by the lords of erection before 12 October 1625; the inaugural date of the Revocation Scheme. Charles intimated that this concession was to be made without any reduction in the yearly feu-duties. Thus by holding directly from the Crown, 'without diminution of the rentall', the feuars' rights of property were apparently to be guaranteed at the expense of the superiorities of the temporal lords. The lords, however, were to be allowed to retain their mansions and immediate surrounds in return for nominal feu-duties to the Crown. All demesne lands which had not been directly feued were to be confirmed to them for 'reasonable feu duties' at the determination of the Commission. Thus the landed resources of the temporal lords, outwith the demesne which they were to retain as property, were apparently to depend on the desire of their feuars to hold directly

from the Crown. The transfer of temporalities was limited to the purchase of superiority, exclusively by the feuars, 'the present possessors and to none others'.

The implementation of the Revocation Scheme, therefore, committed the Crown neither to the wholesale annexation of kirklands nor to the creation of an open market in temporalities. Yet certain vital questions remained unanswered. Did lack of inclination on the part of the gentry and other feuars to buy out the rights of superiority over their lands ensure the retention of these rights by the lords of erection? Could the Crown claim that transfers of title entailed the payment of new entry fees for the alteration of proprietary rights in favour of the feuars as current possessors? Finally, as Charles had intimated only that he would not decrease yearly rentals, could he augment the feu-duties of those feuars who came to hold directly of the Crown through the purchase of superiorities? Thus by creating and leaving such incongruities unresolved, Charles was politicising the traditional avenues of social advancement for a society which regarded land as its main basis of wealth and status.

Indeed, in creating such incongruities, Charles exposed the real threat of his Revocation Scheme. Landholding rights, rather than simply being sanctioned and legitimised by the office of monarchy, were henceforth to be made attendant on the personal whim of the incumbent king. Moreover, the revocation of the rights of superiority, conceived mainly at the expense of the nobility, was intended to create a source of revenue for the Crown. The gentry, as feuars, were not only expected to pay a composite sum for their security of title which would, at the least, finance the compensation for the expropriated temporal lords. But the gentry were also faced with the possibility of higher annual duties in return for the privilege of holding their property direct from the Crown. Furthermore, the pervasive nature of feuing throughout landed society, involving the distinction between superiority and property, meant that any attempt at revocation, even if

restricted to kirklands, would entail an onerous inquisition into legal titles and contractual conditions. Since the gentry individually lacked the widely based resources of the nobility, such an inquisition could only serve to intensify their current fears about security of tenure, especially among those whose landed status was primarily based on secularised kirklands. Charles, therefore, was paying no more than lip-service to the interests of the gentry. Simultaneously, his deliberate confusion of public interest and personal advantage provoked a credibility gap which was ultimately to lead to the separation of the office of monarch from the personage of the king.

The next major category of powers of the Commission for Surrenders and Teinds - in itself an indicator of the lesser priority accorded to the welfare of the Kirk - was covered by the requirement 'to make sufficient provision' for the sustenance of the ministry and of ecclesiastical services. An adequate basis for the implementation of these objectives was to be ensured by the re-distribution of teinds within each parish and, where necessary, by the re-drawing of geographical boundaries between neighbouring parishes. Coupled to this programme was Charles' desire to commence the dissolution of titularships by encouraging heritors to purchase their own teinds. At the same time, Charles sought to effect the proposal at which he had first hinted in his edict to the Privy Council, on 21 July 1626, and which was to become a besetting pre-occupation in his continued pursuit of the Revocation Scheme. His intention to secure 'a competent maintenance' for the Crown that 'we may be less burdenable to our subjects',⁵¹ now materialised as an annuity from the teinds. Though the rate of the annuity had still to be determined, the Commission was authorised to take sureties that this royal benefit would be respected by each heritor as the possessor of a permanent interest in teinds and by all tacksmen for the duration of their current leases.

Because of its remunerative potential, the implementation of the royal annuity from the teinds was of paramount importance. Should the gentry and other proprietors, in their capacity as heritors, fail

'to provyde themselves for the better buying of their owne teynds' before the expiry of the Commission, the titulars were to have their existing rights confirmed, 'for such a reasonable yeerely rent to our crowne' as the Commissioners thought expedient. Failure on the part of the titulars to ensure that their teinds were to be valued was to be met by legal annulment of their rights of control - with expropriation by parliamentary enactment an optional procedure. Inherently, therefore, the establishment of machinery for the compulsory valuation of teinds in every parish came within the scope of the Commission. Such a proposition was more complex than the mere acceptance of feu-duties and current rentals. For it was not an infrequent practice that the annual dues paid to landlords, by both feuars and tenants, had the teinds indiscriminately compounded with the other liabilities of stock and crop.

Since the complexities of identifying teinds could only be achieved by a thorough investigation of landholding dues in every parish, for the purposes of assessment and comparison, no equitable valuation could be accomplished without every titular and heritor presenting their charters and rent-rolls before the Commission. Charles' assertion, that landowners were neither bound to submit nor comply with the valuations of the Commission, was therefore spurious. The need to secure 'future voluntare aggrement or approbation' for parochial valuations from landowners was merely an excuse to justify his restriction on the Commission, that no final conclusion, for either surrenders or teinds, was to be made until royal approval had been given. This reservation was hardly conducive to the fostering of administrative confidence or initiative, especially as Charles' creation of the Commission had sufficed as a means of devolving **a**pprobium for the implementation of the Revocation Scheme. Charles had equipped the Commission with the machinery to overthrow, in the interests of uniformity, a system which had evolved by long use and practice for the sale and transfer of kirklands and teinds. Thus the scope of the Commission served only 'to disturb and confound the whole business', for his officials as well as his subjects.⁵² In

particular, compulsory valuations and supervision of compacts between titulars and heritors helped crystallise dissent within the Scottish localities to the actual operation of the Commission.

Although the Commission for Surrenders and Teinds, issued on 3 February 1627, was intended as a practical demonstration of Charles' authority at the expense of aristocratic interests, its initial composition did not seek to discriminate against the nobility. Of the sixty-eight persons drawn from the four estates, the nobles and gentry dominated, with twenty-two and twenty-four nominees respectively, the latter consisting of a greater proportion of royal officials. Ten bishops, as ecclesiastical agents of the Crown, represented the clergy. The burgesses were in their accustomed subordinate role with ten commissioners.⁵³ The Commission's authorisation to sit ~~permanently~~ ^{continuously} for at least five months implies that Charles had conceived it as another aspect of conciliar government. As a deliberate and executive body it was to work with, but independent of, the Privy Council. The Commission and the Council had only twenty-seven members in common. However, the Commission's requirement for a quorum, of no more than three from each estate to be present, seems to indicate declining confidence at the Court in the practicability of this separate conciliar objective. The provision that the Commission's proceedings be given final ratification in parliament amounted to no more than a routine courtesy, formalising whatever royal policy had decreed. As a further inexpensive concession to constitutionalism, parliament retained the right to sanction any alienation from the reconstructed patrimony of the Crown.

While Charles' act was exclusively applicable to Scotland, the principle of revocation was not unique within the broader perspective of Europe. A direct contemporary parallel with his Scheme was the Edict of Restitution issued in 1629 by the Holy Roman Emperor, Ferdinand II, which decreed that all property sequestered by Protestant princes or cities since 1552 be restored to the Roman Catholic Church. This was not simply a religious issue, but a vast financial transaction

from which the emperor sought a remunerative return. Indeed it was tantamount to 'an unprecedented assault' on the political structure of Germany. For Ferdinand, on behalf of his imperial prerogative, sought to establish his right to interpret and revise the acts of the imperial diet, untrammelled by any need to consult that legislature. His attempt to seize authoritarian powers, which went against the grain of the inured particularism of the German princes, led to their immediate formation of a common-front regardless of religious affiliations. By 1630, Ferdinand was forced to abandon his claims completely, though the potential catastrophic consequences to landholding within the Empire undoubtedly helped propel the Thirty Years War, 'into its bitterest and most destructive phase'.⁵⁴

Charles, therefore, was not alone in his preference for revolution by decree rather than evolution by prescription. The promulgation of the Commission for Surrenders and Teinds, on the strength of his prerogative, was consistent with the whole tenor of the Revocation Scheme. For Charles stressed that the work of implementation was to progress solely on royal authority. In so doing he, as an absentee monarch, critically underestimated the vested interests of the nobility in seeking to retain the 'status quo'; the constitutional frustrations aroused by his failure to seek a broad parliamentary basis of agreement and consent; and above all, the political dynamite inherent in the threat or rumour of wholesale expropriation.

Notes

1. Stevenson, The Scottish Revolution, 35.
2. APS, II, 357-58, c.4; Dickinson, Donaldson & Milne, ed., A Source Book of Scottish History, II, 34; Donaldson, James V to James VII, 53.
3. RPCS, second series, I, 81-82, 150, note 3. The actual patrimony of the Principality incorporated the dukedoms of Rothesay & Albany, the earldoms of Carrick and Kyle, the lordship and regality of Dunfermline, the barony of Renfrew and the lordship of Kilbride, over which Charles exercised rights of superiority but directly held little as property. [cf. RMS, VIII, (1620-33), numbers 713-75.]
4. SRO, Treasury Accounts 1 March 1624 - 1 March 1625, E 19/22.
5. RPCS, second series, I, 228.
6. Ibid, 193-94.
7. HMC, Mar & Kellie, I, 135-36.
8. Row, History of the Kirk, 341.
9. Gardiner, The Personal Government of Charles I, 348.
10. Napier, Montrose and the Covenanters, I, 70.
11. Hull University Library, Maxwell - Constable of Everingham MSS, DDEV/79/D, 'Spotswood's Information'.
12. RPCS, second series, I, 230-31, 351-53.
13. Ibid, clxv.
14. Foster, The Church before the Covenants, 157.
15. RPCS, second series, I, clxx, clxxiii, clxxv.
16. Foster, The Church before the Covenants, 162, 164-65.
17. SRO, Accounts of the Collectors of the Ordinary Taxation Granted in 1625 and 1630, E 65/10; E 65/13.
18. cf. Charles' proposal to allocate undomiciled beggars among all the parishes of Scotland [RPCS, second series, I, 160-62].
19. cf. Reports from parishes in 1627, especially from Greenock and Houston in Renfrewshire [A. MacGrigor, ed., Reports of the State of Certain Parishes in Scotland, 1627, (Maitland Club, Glasgow, 1835), 191, 193].
20. cf. The town council of Dumbarton, as patrons of the chaplainry of the Virgin Mary in the Collegiate Church of St Mary, allocated

the teinds it drew from lands with the neighbouring parish of Bonhill towards the salary of the school-master of the burgh. [J. Irving, The History of Dumbartonshire, (Dumbarton, 1857), 277-79; F. Roberts & I.M. Macphail, ed., Dumbarton Common Good Accounts, 1614-60, (Dumbarton, 1972), xvii, 30, note 1, 42.]

21. A. Dunlop, Parochial Law, (Edinburgh, 1841), 194, 205; J.M. Duncan, Treatise on the Parochial Ecclesiastical Law of Scotland, (Edinburgh, 1869), 102. Although the right of patronage might only be specified in a conveyance, disposal of teinds was assumed to be incorporated within this right, whether sold or mortgaged. [cf. RMS, VIII, numbers 1571, 1999, 2101, 2232.] Control over vicarage teinds could be erected into a separate titularship carrying no right of parochial patronage. [cf. University of Glasgow Archives, Beith Parish MS.P/CN, II, number 146.]
22. Large Declaration, 7-8.
23. RPCS, second series, I, clxiii; A.A. Cormack, Teinds and Agriculture: an historical survey, (London, 1930), 108.
24. Mathieson, Politics and Religion, I, 347.
25. APS, IV, 541-42, c.9.
26. RPCS, second series, I, 230.
27. APS, III, 435-36, c.8; J.I. Smith, 'Criminal Procedure' in An Introduction to Scottish Legal History, (The Stair Society, Edinburgh, 1958), 431.
28. APS, IV, 549-50, c.24; C.A. Malcolm, 'The Sheriff Court: sixteenth century and later' in An Introduction to Scottish Legal History, 357-58.
29. Sir R. Spotiswoode, Practicks of the Laws of Scotland, (Edinburgh, 1706), 203, 217, 275, 355-56; I.A. Milne, 'Heritable Rights' in An Introduction to Scottish Legal History, 153-54.
30. SRO, Treasury Accounts 1 March 1624 - 1 March 1625, E 19/22.
31. APS, V, 27, c.10; RPCS, second series, I, 231, 352.
32. Ibid, III, 431-37, c.8; Ibid, cxxxiii-iv.
33. Ibid, IV, 281-84, c.2; Ibid, cx, cxlvi.
34. Dickinson & Donaldson, A Source Book of Scottish History,

- III, 44.
35. APS, III, 439-42, c.14; V, 23-26, c.9.
 36. HMC, Mar & Kellie, I, 139.
 37. APS, V, 23-26, c.9.
 38. Stirling's Register of Royal Letters, I, 31.
 39. Ibid, 42-43, 46-47.
 40. Balfour, Historical Works, II, 138, 146; Stirling's Register of Royal Letters, I, 52, 57-58.
 41. RPCS, second series, I, 397-98, note 1; Stirling's Register of Royal Letters, I, 72; J.A. Connell, Treatise on the Law of Scotland respecting Tithes, III, (Edinburgh, 1815), appendix, 68-71; hereafter, Connell, Treatise on Tithes.
 42. RPCS, second series, I, 230, 352.
 43. Row, History of the Kirk, 342.
 44. Stirling's Register of Royal Letters, I, 75, 86-87, 107.
 45. SRO, Accounts of the Collectors of the Ordinary Taxation Granted in 1625, 1630 and 1633, E 65/10; E 65/13; E 65/16. In 1625 total tax returns amounted to £471,427 3s 10d, of which ecclesiastical property accounted for £200,657 17s. In 1630, the corresponding figures were £471,427 4s and £200,600 17s 2d. In 1633, for the first term's levy only, the relevant figures were £117,856 16s and £50,164 9s 3½d.
 46. Kamen, The Iron Century, Social Change in Europe, 1550-1660, 155-56; J. Blum, Lord and Peasant in Russia, (Princeton, New Jersey, 1972), 168-69, 180-81, 184-85.
 47. Balfour, Historical Works, II, 151-53; Row, History of the Kirk, 343.
 48. Stirling's Register of Royal Letters, I, 91, 102, 103, 105-6, 107, 112, 116. The other offers of surrender came from John, Lord Holyroodhouse for the erection of Holyrood and from Sir Robert Spotiswoode, for the abbacy of Newabbey.
 49. Ibid, 109, 117, 119.
 50. RPCS, second series, I, 509-16.
 51. Ibid, 352.
 52. Napier, Montrose and the Covenanters, I, 86.

53. RPCS, second series, I, 516, note 1.
54. Steinberg, The 'Thirty Years War', 50-53; Polisensky, The Thirty War, 180-81; Ferguson, Scotland's Relations with England to 1707, 111-12.

Chapter V The Implementation of the Revocation Scheme:
The Promotion of Class Antagonism, 1627-29

The Covenanting Movement was directly precipitated by the riotous reception accorded to the reading of the Service Book in the churches of Edinburgh on 23 July 1637. Yet opposition to liturgical innovation was ~~little more than~~ ^{fundamentally} a rallying cry for Scots discontented with the personal rule of Charles I. By promulgating the Revocation Scheme and then attempting its implementation through the Commission for Surrenders and Teinds, Charles was to lose the confidence of the landed classes: an occurrence of critical significance in a society in which political leadership was customarily deferential to social position. Indeed, Charles himself came to realise that the inauguration of this commission, following his act of revocation, was the next occasion for 'sowing the seeds of sedition and discontent'.¹ From its first meeting on 1 March 1627, the Commission for Surrenders and Teinds was to prove a major determinant on Scottish politics for over a decade. Final notification of its suspension, on Charles' own initiative, pre-dated the riots in Edinburgh by only eleven days.²

The most salient aspect governing the fitful and intermittent working of this Commission was the 'reluctance and dilatoriness of all parties connected with its administration'.³ Charles launched the Commission on the assumption that its role was to supervise a systematic national valuation of superiorities and teinds and to oversee their subsequent sale and redistribution. Not only did the Commission fail to establish promptly its own ground-rules for the conduct of either valuations or sales,⁴ but Charles took two and a half years before specifying the financial rates at which the Revocation Scheme was to be implemented. It was not until 18 September 1629, when four separate determinations were combined in a legal decret, that public proclamation was made of the composition and satisfaction to be given to the lords of erection for the surrender of their superiorities and teinds and the competent rate and price to be paid by heritors, 'desyrous to have the right and title of thair awin landis'.⁵ The reasons for this particular hiatus must be sought in the fundamental weakness of absentee kingship as well as Charles' desire to capitalise on divergent interests within landed society.

From the outset of his reign Charles had failed to compensate for the loss of the Scottish Court and his own unfamiliarity with Scottish affairs by the assiduous promotion of a royal interest among the political nation. He was not readily prepared to dispense patronage. He neglected public opinion. Above all, his aversion to pragmatism militated against the achievement of a Scheme which amounted to the sponsorship of class antagonism by the Crown.

The lack of any clear sighted royal strategy to secure the co-operation of all parties affected by the Revocation Scheme was to remain the foremost defect to the operation of the Commission for Surrenders and Teinds. Not only was the principle of revocation inherently contentious, but the scope of the Commission's inquiry into landed title was both fractious and fraught with legal complexities. Yet Charles did not see fit to instruct his advocates to retain a watching brief over the Commission to ensure its harmonious working until 11 April 1627 - six weeks after the examination of revocable title had formally commenced. A further three weeks were to elapse before Charles established an official channel of communications between the Court and the Commission. Sir Archibald Aitchison of Glencairny, a senator of the College of Justice and recently created remembrancer of the Exchequer, was appointed to the Commission as the king's liaison officer on 3 May.⁶ In the meantime, however, dissension among the membership, based on antagonism between the constituent classes, was visibly prejudicing the working of the Commission.

From the outset of the Commission the gentry and the clergy mounted a combined assault on the interests of the nobility. By 6 March 1627 - before the Commission had been operational for a week - the earl of Melrose, a prominent lord of erection as well as the Secretary of State resident in Scotland, was articulating the fears of a nobility on the defensive. Class antagonisms threatened to make 'the commissioners exercise turne to passionat contention, stirre up dislikes and emulations, and dissolve the commissioun'. For the next

two months he lobbied the earls of Roxburghe and Morton to use their influence at Court in the interests of their class.

His immediate objectives were twofold. Heritors were not to be allowed to gain the teinds of their own lands without giving full compensation to the titulars. Commissioners for the gentry had suggested that teind-buyers offer partial compensation to the titulars, 'paying onlie of the teind of the frie rent': that is, the teind remaining for the heritors' own use after payment of the ministers' stipends and the king's annuity. Such raising of expectations among teind-buyers was deemed to be in keeping with the unwarrantable activities of the commissioners of the gentry. Although the traditional solidarity of landed society was threatened by their 'indiscreet renting', Melrose remained confident that the nobility 'will ever be the head under the king in this Monarchie'. His next priority was to ensure that no preferential treatment was accorded to the clergy, especially in the disposal of teinds. The financial burden on both titulars and heritors was not to be increased by the Commission liberally augmenting stipends or by dividing large parishes or even by disjoining parishes united by the Commission for the Plantation of Kirks in 1617. He was determined to resist all clerical endeavours to have the lands and teinds which they retained in their own hands exempted from the remit of the Commission for Surrenders and Teinds. He considered it imperative, 'for the gentreis ease', that heritors were to have unimpeded access to the bishops' superiorities and teinds, even if, in the case of teinds, this only amounted to a right to commute payments in kind. As regards the disposal of superiority, he maintained that it would not be 'equetable if the bishops sall remaine superiores, and noble men declared uncapable to possess superioriteis'. He was confident, however, that the alliance between the gentry and the clergy would prove transient. Not only were the clergy suspected of seeking to destroy the temporal lordships created by James VI, but their commissioners were patently unwilling to grant the heritors rights to their own teinds or, indeed, concede that any but churchmen had rights to such spirituality, 'which may

sometime make our gentlemen repent too late to have rent their own bodie to Joyne with the Churchmen who being ever thought greedie when they were single and without burding, what liberalie may be expected from them to any but to ther wyfe and children'.⁷

Another nobleman, Lord Loudoun, was no less vituperative in attributing sole responsibility for obstructive behaviour to his ten episcopal colleagues on the Commission for Surrenders and Teinds. He informed Morton on 7 April 1627 that the king's right to an annuity from the teinds and the heritors' right to the teinds of their own lands had only passed by a plurality of votes although the commissioners for the nobility and the gentry had unanimously consented to both measures. He and the other representatives of the landed classes were prepared to concede that the royal patrimony should be increased by a yearly - albeit unspecified - return from the teinds. Likewise, though he was sceptical of the need to liberate the gentry from the 'allegit bondage of the tithes', he was not averse to heritors acquiring a perpetual entitlement to their own teinds in return for a reasonable satisfaction to the existing titulars. The bishops, however, had contended that the king's annuity should only be exacted from the teinds of temporal lordships and they continued to oppose the sale of teinds to heritors by churchmen. Indeed, the bishops were reputedly determined that 'gentrie haldeing of thame should still remane subject to thair rigorous teinding and forced dependencies'. Thus, Loudoun beseeched Morton to use his influence at Court to ensure that the bishops 'prevail not in vilipending our richtis and pas frie thamselvis'.⁸

The nobility were further discomfited by the discriminatory treatment meted out to them by the Crown. Unlike the gentry, the nobility were not licensed to convene together during the first session of the Commission to formulate a common policy towards the Revocation Scheme and to elect representatives to promote their interests at Court through a personal audience with the king. Moreover, as Melrose pointed out to Morton on 21 April 1627, the episcopacy could treat

together at will and appoint synodical assemblies, in addition to the twice monthly presbyteries, to consult with the rest of the clergy. Charles was also prepared to receive personally formal lobbying by the bishops on behalf of the Kirk.⁹ Charles, however, saw no immediate need to accommodate the separate interests of the nobility, even though they were the class most materially disadvantaged by the Revocation Scheme. On 3 July, he informed Chancellor Hay that only those nobles whose interests in teinds lay more with the gentry, as buyers, than with the titulars, as sellers, were to be allowed to convene and consult with other heritors to facilitate the purchase of their own teinds.¹⁰

Nevertheless, Charles was obliged that same day to extend indefinitely the first session of the Commission for Surrenders and Teinds beyond its initial deadline of 1 August 1627. Only eight - about a quarter - of the temporal lords had voluntarily submitted their superiorities and teinds to the determination of the Commission. Of these lords, five were already commissioners and John Maitland, first earl of Lauderdale was duly appointed ~~on~~ to the Commission after his submission.¹¹ These volunteers did not compose a vanguard of courtiers or a concerted king's party resolved to set an example to other nobles. They were individually seeking to achieve favourable terms by prompt submission. Lauderdale had initially appeared willing to accept compensation at the rate of £1,000 for every £100 of feu-duty itemised as rental from his superiority. Melrose complained to Roxburghe on 7 April that this proposed rate not only prejudiced his own submission but would also prove 'a hurtfull example' to members of their class 'who may not so well sell cheape'.¹² Nonetheless, the Commission reaffirmed on 29 June that the rate of compensation was to be one thousand merks for every one hundred merks of feu-duty: that is, superiorities were to be purchased by the Crown at a price equivalent to ten years rental. This was the same purchase price originally offered to Lauderdale, though the monetary denominations were altered from pounds to merks.¹³

During the summer of 1627, while the purchase for feu-duties awaited royal ratification, the quantification and costing of the Revocation Scheme's directives for the redistribution of teind were debated but not resolved by the Commission. In order to harmonise the divergent interests occasioning such irresolution, Charles held discussions at Court not only with deputations from the clergy and the teind-buyers, but also with representatives from the teind-sellers - namely, Lord Balmerino and Sir John Stewart of Traquhair (later lord then first earl thereof). Neither had made a voluntary submission of their superiorities and teinds to the determination of the Commission. Moreover, Traquhair, though a commissioner, had been censured by Charles I in March 1626 for organising opposition among the gentry to the precedence accorded to the knight-baronets of Nova Scotia over the rest of their class. Traquhair, along with Balmerino, was again censured on 4 August 1627. Charles considered that their mandate from the teind-sellers was inadequate, criticising them for their personal incapacity to make a collective submission on behalf of the titulars that all unresolved quantification and costing of teind be left to the arbitration of the Crown. A deadline of 1 September was set for Balmerino and Traquhair to acquire the requisite authorisation from the teind-sellers. As no provision was made for a convention of teind-sellers, the titulars had to give their assent individually. The only temporal lords who promptly assented were Lauderdale, Melrose (now earl of Haddington) and Roxburghe (though he still had not made a voluntary submission of his superiorities and teinds to the determination of the Commission). Other titulars did apparently communicate their willingness to submit to royal arbitration throughout September. Thus, Traquhair successfully rehabilitated himself at Court by his endeavours as an intermediary. The teind-sellers did have a financial incentive to concur with royal wishes. On 10 August, Charles had placed an embargo on the leading of teinds from that year's crop, a reward for the teind-buyers since their deputation to Court had 'absolutely submitted themselves' to royal arbitration'.¹⁴

The Commission for Surrenders and Teinds having been prorogued since late summer, Charles instructed his advocates on 30 September to draw up a general submission to which all interested parties were to subscribe their assent to royal arbitration. Failure to comply by 1 December 1627 was to be met by individual prosecutions at the instigation of the Crown. Charles' resort to a policy of legal compulsion to implement the Revocation Scheme was publicly proclaimed by an edict of 9 October. The titulars, as designated teind-sellers, and the heritors, as prospective teind-buyers, were both instructed to appoint advocates to negotiate the format of the general submission with the king's advocates by 8 November. The general submission was to be reinforced by 'ane legall decreit or declaratioun' publicising the outcome of the royal arbitration for the redistribution of teinds as well as the surrender of superiorities. There was, however, no apparent prospect of prompt arbitration as Charles directed that the format of the decreit should leave 'ane blanke for suche things as ar intruisted to be filled up by us'. Furthermore, the Commission, when recalled, was not 'to meddle' in anything other than the 'tryell of rent'. The Commission was thus debarred from costing as well as quantifying the redistribution of the teinds and, indeed, from compensating prescriptive rights of property. Its functions were relegated to those of a debating chamber and a valuation agency. Hence, Charles was again stressing the ultimate dependence of landed title upon the discretionary powers of his prerogative.¹⁵

When the Commission was recalled on 16 November 1627, its sittings were largely taken up with the format of the general submission, deliberations lasting well beyond the deadline for subscriptions on 1 December. For it was not until 17 January 1628 that Charles had determined upon a suitable format which would 'stand with law and justice'. The lords of erection were charged to appear before the Privy Council in Holyrood on 20 February and, by their subscription, submit the surrender of their superiorities and the redistribution of their teinds to royal arbitration. The king did not dispatch the general submission to Scotland until 12 February, after

select lords and other interested courtiers had made their subscriptions in his presence. At the same time, Charles was attempting to stage an 'effectual' submission within Scotland by managing the compliance of 'some noblemen cheefly interested' - including such royal favourites as the marquis of Hamilton, then in self-imposed exile from the Court - who were to subscribe the submission before it was formally lodged with the Commission for Surrenders and Teinds. Charles' main agents for this purpose were William Graham, seventh earl of Menteith, president of the Privy Council, and the earl of Haddington (formerly Melrose), now regarded by the king as his chief instrument on the Commission and the leading example to others 'not so deiplie interested' in the work of revocation. However, despite Charles' assurance that arbitration would proceed 'so fairlie and equitable as no man sall have cause to compleane'; despite his managerial efforts to effect a fulsome subscription; and despite his lack of tolerance for defaulters, 'we will not any longer defer in causing all diligence for tryeing our title in a legall maner'; there was no rush to make submission on the part of the nobility.¹⁶

Charles, therefore, decided upon a further tactical variation by 28 February 1628. On the excuse that the centralised collation of subscriptions in Edinburgh would be 'verie fashous and expensive', select noblemen were commissioned as royal agents within the shires to receive the subscriptions of the teind-sellers to copies of the general submission. By 22 April, however, when the subscribed copies were due to be returned to the Privy Council, only nine out of the twenty-two commissions were produced from the shires and of these, only three contained unqualified submissions.¹⁷ Thus, reports that the great majority of the nobles submitted to royal arbitration cannot be substantiated - other than as the product of wishful thinking at Court during the spring of 1628.¹⁸

Nonetheless, the reserved response of the teind-sellers in subscribing copies of the general submission did serve to divert

attention from, as well as reflect on, the Crown's inability to settle on the format of the legal decret which was to publicise the royal arbitration. Indeed, Charles had few positive notions on how teind liable to redistribution was to be costed and quantified or how surrendered superiorities were actually to be compensated. On 29 December 1627 he had deemed it unnecessary that a clause be inserted into the decret prescribing a timescale for heritors to complete the purchase of their own teinds. Until the purchase rate eventually decreed by arbitration was fulfilled, the titulars' profitable control of teinds was to continue. Moreover, though Charles agreed in principle on 19 February 1628 to the earl of Linlithgow's proposal to relinquish his titularship, he expressed concern lest the general process of arbitration be prejudiced by any freelance sale of teinds to heritors. In the hope of co-ordinating the conclusion of arbitration to the revised deadline for compulsory subscription, the teind-sellers, as well as the teind-buyers and the clergy, were invited on 27 March to send representatives to Court to advise on the final drafting of the legal decret prior to publication on 23 April. Again, no significant progress resulted.¹⁹

Indeed, the cumulative impact of class antagonism, the resort to legal compulsion and the tardiness of royal arbitration contributed to the spread of disillusionment about the whole course of the Revocation Scheme within central government as well as the political nation. Thus, a meeting of the Commissioners for Surrenders and Teinds summoned for 4 June 1628 proved inquorate and had to be postponed until 14 July. In the interval, advice filtering through to Court from leading Scottish counsellors, persuaded Charles on 30 June to prorogue the implementation of the general submissions until 31 December 1629. This eighteen month moratorium on the surrender of superiorities and the redistribution of teind was conceded to afford Charles more time for serious consideration of the actual format and specific contents of his legal decret. Yet it was also an admission that the king had underestimated the complexity of the issues referred to arbitration, a process 'of soe great weight and consequence, and to

concerne so neirlie the privat estate of the most parte of our subiectis in particular, and the publique good of that our antient kingdome in generall'.²⁰

Although the moratorium meant that the implementation of the general submission was prorogued for eighteen months, the requirement that all parties affected by the Revocation Scheme should subscribe copies of the general submission was not prorogued. At the end of June 1628, the earl of Menteith had delivered to the Crown the subscribed copies of the general submission, together with a list of those who 'ather by absence, infirmitie or some other excuse' had not yet subscribed. Despite Charles' claim that the copies had been subscribed 'by the most and greatest nomber of our subjects', he continued to insist on compulsory subscription. Defaulting teind-sellers were charged on 14 July to subscribe the general submission in the presence of the Privy Council before 10 September, or face prosecution at the instigation of the Crown. Moreover, this threat of prosecution was reiterated on 26 August against all who had subscribed but had qualified their submission. Again, there was no rush among defaulters to comply with this revised deadline. Thus, ~~the earl of Loudoun~~^{Lord} was threatened with prosecution by Charles on 16 September for having reserved his rights of superiority over kirklands in Ayrshire when subscribing the general submission. On 11 November, the king instructed the Lord Advocate, Sir Thomas Hope of Craighall, that he 'persew be course of law' all who had refused to subscribe or had qualified their submission. Simultaneously, the royal agents commissioned to receive subscriptions within the shires from the teind-buyers were ordered to ascertain the names of all defaulting teind-sellers. It would appear, therefore, that there was still a widespread antipathy towards compulsory subscription among the nobility.²¹

Charles had become particularly conscious of antipathy to the course of the Revocation Scheme during the summer of 1628. Notwithstanding their subscription to the general submission, lords of

erection were threatening action through the courts to dispute the validity of their feuars' titles. If the feuars could be expropriated judicially, their kirklands would come under the direct management of the lords of erection. In the process, the lords' rights of superiority would be converted into rights of property which were not subject to revocation and, therefore, outwith the scope of the general submission. Understandably, Charles regarded such technical manipulation of landed title as an attempt to defraud the Crown. Yet the process which the lords of erection were seeking to implement - the summons of improbation and reduction - was the same which Charles was threatening to use to enforce their compliance with the Revocation Scheme. Nevertheless, when Charles debarred the lords of erection from such a recourse to law for their own private advantage, he finally clarified the feuars' future conditions of landholding. His affirmation on 26 August that feuars were to hold their kirklands directly from the Crown, 'without ether bettering or imparing of thare rightis', was the first clear admission that their feu-duties were not to be renegotiated following the lords' surrender of superiorities. On 20 October he placed further ^{restrictions} ~~strictures~~ on the contesting of title, declaring that all who had subscribed copies of the general submission were not to have their interests to teinds prejudiced by private legal actions. Though this measure would appear to benefit the lords as titulars no less than their feuars as heritors, it underlined Charles' determination to retain judicial expropriation as the special preserve of the Crown.²²

In the meantime, Charles continued to exert pressure on the lords of erection to enforce their compliance with the Revocation Scheme. Having invoked the Commission's powers to conduct a fullscale investigation into landholding, Charles reminded the lords of erection on 30 October 1628, that they had two days to produce titles proving their control over teinds, together with 'the just and trew rentalls' of the feu-duties from their superiorities. That the response was again limited can be inferred from the plea of the Privy Council on 2 December that there should be a 'production of all titular rights'

by landowners in general, not just lords of erection. For no heritor should be compelled to purchase his own teinds from any titular who had not proved his 'undoubted right' to contract the sale. As no time limit was specified for the general production of title, the suggestion was patently a stalling measure - and was recognised as such by Charles. Nevertheless, the Commission for Surrenders and Teinds went on to recommend on 28 January 1629 that all teinds of lay patrons should be valued, a measure which could not be effected without prior production of title. As the nobility on the Council and Commission undoubtedly realised, both these measures to expand the investigation and evaluation of landholding affected all proprietors, threatening not only to overload the work of the Commission but also to frustrate the expectations raised among the gentry by the Revocation Scheme.²³ Above all, these measures would serve to expose to the political nation what Sir William Alexander, the Secretary at Court, had already disclosed privately to Traquair in the spring of 1627: that Charles, despite his apparent preference for the interests of the gentry, was 'verie indifferently set' in disputes between parties affected by his revocation.²⁴

Having incorporated an appeal to the gentry as an integral aspect of his Revocation Scheme, Charles came to rely on their support to ensure its implementation. However, while he deliberately sought to raise the expectations of the gentry, he persistently overestimated his reliable support among that class. Charles' inability to differentiate between appeal and commitment was to prove a vital contributory factor impeding the progress of revocation. In part, this situation was attributable to the wishful thinking of an absentee monarch - the hallmark of the whole Revocation Scheme. Yet Charles was not totally deluded. In December 1626, the nobility had petitioned Charles to set aside his proposal to implement the Revocation by recourse to the law courts, suggesting either a parliament, 'quhilk is the earnest desyre of all your people', or a commission 'to convene and treat of all that may concerne your majesteis profit and patrimonie and your subjects lawful securities'.²⁵

In adopting this latter course, Charles was not simply exhibiting his aversion to constitutional assemblies or his preference for a more expeditious alternative to individual prosecutions. He was responding to a counter supplication drawn up by Sir John Scot of Scotstarvit, director of Chancery, and seven other gentlemen, 'shewing the great oppression of the noblemen in leading the gentries tithes and having their superiorities of kirklands over them craving his majesties favour to be liberat therfrae'. This overture to Court from a militant pressure group, who 'mett privatly for feare of the counsell whose principall members were all lords of the erections', did suggest grounds for the possible achievement of revocation with active support from at least a section of the gentry.²⁶

Once the Commission for Surrenders and Teinds had become operative in March 1627, Sir James Learmouth of Balcomie and Sir James Lockhart of Lee had emerged as the leaders of this group of militants who were proposing further appeals to the Court for more precise consideration of the interests of their class. On 16 March, Balcomie intimated to Morton their resolve to petition the king, requesting that he 'take no prejudice at our gude intentions' since 'they only crave an ease of there tythes', having no desire to meddle with 'anything further concerning the erectiones or heretable offices'.²⁷ Morton having made no move to block its passage, Charles was again receptive to their supplication 'that a course may be taken to prevent a too high estimation' in the quantification and costing of teinds liable to redistribution, otherwise the royal design that heritors purchase their own teind 'at a reasonable rate' would be frustrated. Accordingly, Charles decreed on 11 April that instead of leaving the gentry to bargain directly with the titulars, he himself would act as an intermediary, buying out the titulars' control over the gentry's teinds then selling each heritor the right to his own teinds. For the gentry could have 'no perfyt right' as heritors unless their control over teind was individually secured from the Crown.²⁸

The appointment of Lee to join Balcomie on the Commission for

Surrenders and Teinds on 12 April can be seen as a further attempt by Charles to improve the political standing of the militants among the gentry. In turn, the militants were deployed as the king's main agents for managing support within the localities for the Revocation Scheme. Balcomie and Lee had been licensed by Charles on 11 April to organise a convention of the gentry estate, 'that by their joint advices and counsell thay may uniformlie concurre to the furtherance and advancement' of the work of the Commission. Yet it was not until 1 May that both were empowered by the Privy Council to write to 'weill affected' gentry within every shire to convene meetings of 'the small barons and freeholders' for the election of one or two commissioners to attend the proposed convention of the gentry in Edinburgh. The Privy Council, however, was not prepared to acquiesce in a selective version of parliamentary elections under the management of the militants. Balcomie and Lee were required to specify the names of their associates in the shires as well as the times and places of the electoral meetings. Moreover, once this information was received on 4 May, the Privy Council went on to fix a specific date - 29 May - for all elections at the head burgh of each shire, inserting a special provision that 'nane of his Majesteis subjects having interesse' in the purchase of teinds 'sall be debarrit and secludit from presence and vote in this electioun'.²⁹

Nevertheless, as the Privy Council was no doubt aware, the wording of its directive, though apparently encouraging open elections on a parliamentary basis, was fraught with anomalies about the electoral entitlement of subjects having an interest in teinds. In the first place, those having an interest in teinds among the enfranchised gentry included not only heritors as potential buyers, but also some small barons whose interests, as lay patrons or tacksmen, lay more with the titulars as designated sellers. Secondly, unenfranchised freeholders and feuars among the gentry had an interest in teinds as heritors, as did lesser proprietors or yeomen, and even certain nobles who lacked titularships. An adherence to parliamentary practice did exclude all unenfranchised gentry and yeomen. However,

the elections were marked by the intrusion of diverse nobles as teind-buyers, tacksmen and small barons as teind sellers, which exposed the enfranchised gentry to manipulation through deferential bonds of kinship and local association, making them less amenable to management by the militants.³⁰

The presence of such intrusionists at electoral meetings in the shires did not prevent the convention of the gentry commencing in Edinburgh on 12 June as designated. Indeed, elections in the shires were affected less by intrusionists than by absentees. Some enfranchised gentry had not thought fit to participate in meetings organised by the militants and their associates 'for ther privat endes'. Charles remained more concerned to encourage wider participation among 'the whole gentrey' than to prohibit intrusionists when, on 3 July, he permitted further consultative meetings within the shires. The enfranchised gentry were expected to participate directly, while the attendance of noblemen, in their capacity as teind-buyers, afforded virtual representation for the feuars among the unenfranchised gentry. No effort was to be made, however, to reverse the election of the existing commissioners from the shires. Although the militants remained no less committed to the work of revocation, the commissioners for the gentry, in their deliberations during the summer of 1627, were unable to fulfil the remit of their convention, 'to consult and advise and to make overtoures and make propositiouns in maters concerning thair teinds, and to represent the same to the Commissioners' - for Surrenders and Teinds. By 29 August, fresh elections were ordered in the shires. The militants were again deployed as king's agents for the management of these elections which were now to be conducted on a more formal parliamentary basis. Thus, the king's letters to sheriffs and influential gentry to ensure the election of royal nominees as commissioners for the shires were mainly channelled through Balcomie and Lee. Yet no consensus, far less a concerted programme of action, would appear to have resulted from any convention of commissioners from the shires. For Charles had to rest content with an open-ended instruction to the Privy Council on 1 November that conventions of

teind-buyers, attended by commissioners from most if not all of the shires, were to be licensed for the duration of the Commission for Surrenders and Teinds.³¹

This standing concession for conventions of shire commissioners, together with Charles' willingness to receive their deputations at Court, did more to promote the political education of the gentry estate than to advance the work of revocation. Regular consultations at electoral meetings within the shires were allied to a national awareness, especially among the shire commissioners, of the common interests of their class. The management of the gentry by the militants and their associates could not guarantee compliant conventions. Nor could this pressure group ensure concerted co-operation from the gentry for the various administrative expedients employed by Charles to implement the Revocation Scheme.

Charles' misplaced reliance on wholesale support from the gentry was to be exposed once he accepted Lord Advocate Hope's advice on 29 December 1627 that the heritors as well as the titulars should subscribe the general submission. Included in his decree of 28 February 1628 requiring all titulars to subscribe copies of the general submission, was an invitation requesting subscriptions from all heritors 'desyrous to buy the teinds of thair awin landis'. In a move designed to minimise direct contact between voluntary and compulsory subscribers, royal agents were commissioned to convene meetings within the shires of willing teind-buyers which, in order to maximise the participation of the heritors, were to be proclaimed at the head burghs and every parish kirk during Sunday morning services. However, instead of requiring individual subscriptions from the teind-buyers to copies of the general submission, the royal agents were to ensure that 'choise sall be made of twa famous gentlemen of eache shirefdome'. Once they had acquired a warrant signed by all the heritors willing to purchase their own teinds, the two delegates from each shire were to appear before the Privy Council and subscribe the general submission on behalf of these teind-buyers.³² The royal agents commissioned to

organise the election of these delegates were themselves all members of the gentry estate - including, inevitably, such militants as Balcomie and Lee for their respective native shires of Fife and Lanark. Moreover, the royal agents' political management was not confined to their own class. Indeed, their main function was not so much to organise the election of delegates to make collective subscriptions on behalf of the teind-buyers, as to act as a pressure group to promote the compulsory subscription of all lords of erection and other titulars among the nobility. For these royal agents were expected to glean from their meetings with the heritors the names of all titulars within every shire. Lists were then to be passed on to the corresponding royal agent commissioned to receive individual subscriptions from the titulars.

From the twenty-eight electoral meetings which the royal agents were commissioned to organise in the shires, twenty-five had dispatched delegates to Edinburgh by the end of April, warranted to make collective subscriptions before the Privy Council on behalf of the teind-buyers. While this appears almost a full complement, only the enfranchised gentry among the heritors were entitled to sign the warrants from the shires. Furthermore, over half the warrants from the shires were found to be incomplete. Not all enfranchised gentry were prepared, as heritors, to purchase their own teinds, having either refused to sign or absented themselves from the electoral meetings. Depending on the proximity of their shires from Edinburgh, delegates were given until 25 July 1628 to complete their warrants or draw up rolls of all enfranchised gentry who still refused to sign.³³ The exertion of such pressure tends to undermine the reputed voluntarism of the collective subscriptions on behalf of the teind-buyers and belies the assertion that the willingness of the heritors to purchase their own teinds ensured 'that the revocation went fast forward'.³⁴

Moreover, Charles was to complain to the Privy Council on 11 November 1628 that diverse royal agents commissioned to treat with the teind-buyers had still failed to report the names of titulars who

were refusing or delaying their individual subscriptions to copies of the general submission. Such recalcitrant agents, who were not confined to any particular region, were directed under threat of outlawry to report by 9 June 1629 the names of defaulting teind-sellers, the extent of their estates and their reasons for non-subscription. Thereby, defaulters could either make belated subscription or face legal proceedings instituted by the Lord Advocate.³⁵

The somewhat less than ~~fullsome~~^{whole-hearted} subscription of the gentry as well as the nobility to the general submission was indicative of landed society's growing restlessness with the Revocation Scheme. Yet the involvement of the remaining lay estate, the burgesses, was altogether less fractious. The claim of the Convention of Royal Burghs on 5 July 1627, that the burgesses originally appointed to the Commission for Surrenders and Teinds had to be informed of their appointment by neighbours, would seem to indicate little sustained interest among their estate in the work of revocation. During the original session of the Commission, however, the burgh commissioners were regarded as a disruptive influence by the nobility, mainly for their efforts to exempt the royal burghs from the scope of the Revocation Scheme.³⁶ Although Charles was not willing to make them exempt, he was prepared both to 'manteyn and corroborat' the particular interests of the royal burghs following overtures from the Convention. On 18 October he promised that the Commission for Surrenders and Teinds would pay special regard to their corporate rights as patrons and titulars in the planting and provision of churches within parishes which included, or lay adjacent to, royal burghs and whose lands were laboured by the inhabitants of the burghs. More specifically, Charles was adamant that the ecclesiastical mortification of burgh lands and teinds should not be impaired: that is, lands and teinds traditionally devoted by the burghs to the sustenance of the ministry, schools and colleges, hospitals and other pious and religious uses, should continue to be employed exclusively for these purposes. Accordingly, he even modified his demand for a

yearly return from the burgh teinds. On 20 June 1628, he conceded that his annuity would only be exacted in the event of a surplus, when the income each burgh derived from teind was greater than its expenditure for pious and religious purposes. In turn, the Convention of Royal Burghs agreed on 2 July that heritors would be allowed to purchase their own teinds from the burghs - at rates to be specified in the legal decret due to be published by 31 December 1629 - once the tacks of the teinds within the corporate titularships of the burghs had expired. Having thus reached such an amicable settlement with the Crown by the summer of 1628, the burgesses had effectively extricated themselves from further legal involvement in the Revocation Scheme.³⁷

By way of contrast, the clergy, though given the material incentive of improved stipends, exhibited a marked reluctance to participate amicably in the practical implementation of the Revocation Scheme. The immediate priority accorded to stipends during the first session of the Commission for Surrenders and Teinds resulted in an award to the clergy on 30 May 1627 of a revised minimum, '8 chalders of victuall or proportionally in silver duties', to be allocated from the teinds of every parish. Since the agricultural capacity of every parish was by no means comparable, the Commission, when ratifying this award on 26 June, inserted the provision that the revised minimum could be waived wherever 'there shall be ane reasonable cause to goe under' - notably, in large and remote rural parishes.³⁸ Nonetheless, although this award was a distinct advance on the five chalders or 500 m. provided in 1617 by James VI's Commission 'anent the Plantatioun of Kirks', the clergy felt defrauded by Charles' determination to effect a permanent redistribution of the teinds which they considered to be 'the true patrimony of the church'. Moreover, the success of the Commission for Surrenders and Teinds would terminate 'all hope of recovering the same in time coming'.³⁹ Their ultimate goal of having all teinds restored to the exclusive use of the Kirk could not be compensated by the augmentation of their stipends, nor by the earlier concession on 29 May that bishops' rents and ministers' stipends were to be exempt from the king's annuity.⁴⁰

That Charles underestimated the tenacity with which the clergy were prepared to uphold their claims to the teinds, as the spirituality of the Kirk, was in no small measure due to the vacillating conduct of the clerical commissioners. The first session of the Commission for Surrenders and Teinds was marked by archbishop Spottiswood's attempts to avoid his responsibilities, both as primate and as one of the named presidents. Usually he maintained a diplomatic silence when present, but he preferred to absent himself as often as possible.⁴¹ Indeed, within aristocratic circles, the clerical commissioners were accused of dissimulation, in that they deliberately misrepresented the time necessary to complete the work of the Commission. During the initial deliberations of the Commission, the ten prelates who represented the clerical estate reputedly went along with Charles' naive hopes for a termination of business by 1 August 1627. At the same time they were professing publicly that the Crown should expect to derive no immediate benefit, since the Commission 'cannot take any conclusion for the space of twentie yeirs'. There was, however, a certain amount of truculence behind such reporting as the clerical commissioners were unwilling to support any proposal which offered to mitigate the impact of the Revocation Scheme on the interests of the nobility. Thus, heritors who wished to purchase their own teinds were summoned at the commencement of the Commission in March to give notice of their intentions by 1 August, or else the lords of erection and other titulars were to retain control over their teinds. Patrick Lindsay, bishop of Ross (later archbishop of Glasgow) promptly protested that this proposal was 'prejudicial to his Majestie, Church and Gentry'. Although his protest was undoubtedly without warrant from the king or the gentry, and gained no more than tacit approval from the rest of the clerical commissioners, Lindsay was nonetheless regarded as the spokesman for the clergy since 'all the Bishop of Ross bolts are suspected to cume furth of their common quaver'.⁴²

James Law, archbishop of Glasgow, went on to make a more general protest 'in name of the Church' on 6 April 1627, that 'anything

done be the Lords of Commission shall not prejudge the Church'.⁴³ By the end of that month the bishops had written to Charles complaining that the interests of the Church were threatened with 'utter undoing' by lay members of the Commission for Surrenders and Teinds, 'for under a collour of increasing the rent of the Crown, some goe about to robbe Christ of all his patrimony'. In reply, Charles rebuked the episcopate on 3 May as 'men voyde of charity, bezond measure timorous without a cause'. Nevertheless, a deputation, consisting of Adam Bellenden, bishop of Dunblane and Mr John Maxwell, one of the ministers of Edinburgh, was dispatched to Court to elaborate the clerical estate's complaints against the Commission. Having been outraged to learn that some ministers in Scotland had preached publicly 'that we nor no laick person could lawfullie injoy any benefitt out of the Tithes', Charles' immediate response to the deputation was to send off a reproof to the archbishops and bishops on 18 May affirming that 'it becumeth church men rather to judge chiritably than to be suspitious without a cause'. However, another letter that same day to all the commissioners maintained that he was still well disposed to the interests of the clergy, though the deputation had been sent 'upon needles fearres by mistakeing the meaneing of our Commission'. For the Crown in no way intended 'to wrong or harme the Clergie in any dignity or title which they lawfullie enjoy, or whereunto they have good right'.⁴⁴

Nevertheless, the clerical estate were less than content with such an equivocal assurance which avoided any specific reference to the teinds as the spirituality of the Kirk. Parish ministers converged on Edinburgh through May to lobby the Commission for Surrenders and Teinds and hold private meetings among themselves. This agitation was not appeased until the king extended to the clergy a similar concession to that already afforded to the gentry - namely, a convention. Accordingly, select bishops and commissioners from the presbyteries convened in Edinburgh on 17 July 1627. Rather than meekly commending the welfare of the Kirk to the Crown, their two-day deliberations concluded by making tangible provision to support the continuance of

clerical lobbying. The expenses of future as well as past deputations to Court were to be met by the levy of twenty shillings on every 100 m or chalder of victual from the rents of the bishops and the stipends of the ministers. Thus, the clergy set aside 1.67 per cent of their yearly income as a political contribution to promote the interests of their estate during the implementation of the Revocation Scheme.⁴⁵

Charles' switch of tactics to advance revocation by legal compulsion brought no immediate compliance from the clerical estate. Despite his instructions on 28 February 1628 that 'the whole teind sellers within this kingdome' should subscribe copies of the general submission, the Privy Council reported on 22 April that none of the episcopate ~~te~~ 'hes as yet subscribed'.⁴⁶ Charles, however, turned this situation to his advantage as it gave him the excuse to modify the Commission's concession of the previous May exempting bishops' rents and ministers' stipends from the king's annuity. By 14 June, Patrick Lindsay, bishop of Ross, had been dispatched to Court to communicate the willingness of the bishops - if not the rest of the clergy - that the king derive a yearly return from any teinds within the control of the episcopate, 'as shall not be thought fitt to be applyed to pious uses'.⁴⁷ Nevertheless, the initial failure of the archbishops and bishops to subscribe the general submission in the spring had also provided an excuse for other defaulters within landed society: a situation for which Charles had still not found an effective remedy by the winter of 1628.

Despite this residual problem of defaulting subscribers, Charles was more concerned to expedite the valuation of superiorities and teinds, if not before the publication of his legal decret, then certainly no later than 31 December 1629, when the moratorium on the implementation of his general submission elapsed. No comprehensive surrender of superiorities or wholesale redistribution of teinds could be accomplished without such necessary groundwork. Thus, in order that 'the mater of valuationes may be speedlie brought to sum final yssue', Charles resolved on 21 July 1628 to devolve a significant

proportion of the work of the Commission for Surrenders and Teinds onto sub-commissions operating within the bounds of each presbytery. This expedient - prompted, if not suggested, by Menteith, the Lord President - enabled the Commission to concentrate its attentions on lords of erection and other titulars, while the 'true worth' of heritors' estates was ascertained by 'impartial and judicious neighbouring sub-commissioners'.⁴⁸

In effect, Charles was re-launching a modified version of a project initiated in the spring of 1627, after the inception of the Commission for Surrenders and Teinds. Moderators and ministers within every presbytery had been instructed by the Privy Council on 11 April to 'choose two or more sufficient persouns, heretours or inhabitants of eache parish' who, with the local minister, were to assess 'the trew estait of the parish'.⁴⁹ This remit involved a large area of inquiry. A 'minute and authentic' return was to be made of congregational circumstances within each parish - the number of communicants, the patron and the provision of the minister's stipend; of ecclesiastical services - the situation and state of repair of the churches, the provision of schools and hospitals; of the value of the rents and teinds at the disposal of each landowner. The present application of ecclesiastical resources were thus to be aligned to the needs of each parish according to the directives laid down by the act of revocation. Since these local inquisitions amounted to a proto-type "Statistical Account", it is perhaps hardly surprising that only about fifty parishes - overwhelmingly from south of the river Tay and about one-twentieth of the Scottish total - made the requisite, though not always accurate, return.⁵⁰ When the Commission reviewed these local inquests in June, their findings became a further source of dissension between the nobles and the gentry, especially when attempts were made to unravel the complex question of estimating the amount of free rent when teind was intermingled with the general stock of landholding dues. Because of the lack of unanimity to the proposal of 13 June for 'the fourth pairt of the free rent to be teynd', the matter was referred to royal arbitration sixteen days later. The king reputedly issued a

directive to the clergy in October that they undertake a fresh and more exact valuation of the rents and teinds within their parishes.⁵¹ Yet no appreciable progress seems to have been made until the launching of the sub-commissions which, though authorised in July 1628, did not proceed for another six months.

Not only did the actual launching of the sub-commissions take six months, but another five months were to elapse before sub-commissioners were operating within every presbytery in Scotland. This prolonged delay can be attributed to the difficulties experienced in defining the relationship between the Commission for Surrenders and Teinds and its sub-commissions; in establishing the ground-rules for valuations by the sub-commissions; and in appointing willing sub-commissioners. Indeed, despite official claims that 'the Kirk and gentrie of the kingdome hes such speciall interesse' in the technically exacting work of the sub-commissioners, there was a marked reluctance within local communities to accept appointments onto the sub-commissions.⁵²

Although Charles originally authorised the sub-commissions as devolved agencies of the Commission for Surrenders and Teinds, the actual nomination of sub-commissioners within every presbytery was entrusted to the clergy. By 27 November 1628, Charles was instructing the episcopate to exhort the ministers to 'use all convenient diligence' in nominating sub-commissioners. If necessary, archbishops and bishops were to intervene personally, lending their weight to the process of selection within the presbyteries. Once sub-commissioners had been nominated, they were required not only to accept their appointments under threat of outlawry, but to give their oaths to execute their charge faithfully and truly before the moderator and brethren of their presbyteries. Moreover, although the Commission retained oversight of the work of the sub-commissions, Charles was not prepared to cede a right of appeal direct from the sub-commissions to the Commission. On 10 November, he gave the sub-commissioners 'full and absolute pouare' to evaluate the rents of heritors' estates, a

concession which he reiterated on 15 January 1629, after overtures from the Commission on 'the convenience of appellatione'. Appeals from the sub-commissions were seen as obstructionist. Such opportunities for continuous review by the Commission would delay rather than expedite the work of the sub-commissioners and undermine their integrity as the 'most honest men in everie part', selected to guarantee 'all fairness and indifference' in the thorough prosecution of valuations. Complaints, if ever warranted on account of mistaken or partial valuations by the sub-commissions, were to be referred to the next parliament, which would set up a commission of inquiry to take remedial action as it 'shall find the cause in equitie to require'.⁵³

These measures were disingenuous. Charles' referral of complaints to parliament was not just to discourage obstructionist tactics by elements unwilling to co-operate with the Revocation Scheme, but was itself a stalling manoeuvre, since the next parliament would be his first, timed to coincide with his oft-postponed Scottish coronation. His prime concern was that the sub-commissions promptly completed their valuations in order that their work could be ratified rather than deliberated in parliament. For their remit, as finalised by royal warrant on 2 February 1629, was inherently contentious both with regard to scope and method. Sub-commissioners were to evaluate firstly 'the true worth of the lands of each paroch, stock and teind', where the teinds have been intermingled with the stock of landholding dues 'in times bygone'; and secondly, 'the just and constant worth of the teinds' which had been drawn separately from the stock of landholding dues by titulars or their tacksmen for at least seven years within the last fifteen. Thus, all heritors' estates were to be subject to compulsory valuations. Moreover, valuations were not merely on present or even customary rentals. Sub-commissioners were to gauge the potential of each heritor's estate, 'what they may pay, of constant rent of stock and teind in time coming'. In turn, the establishment of ground-rules for these valuations did not win full acceptance within the localities until subsequently upheld - albeit on a piecemeal basis - by national decisions of the Commission for

Surrenders and Teinds.

In order to complete the valuations within every presbytery, sub-commissioners had to be prepared to convene at least twice weekly. They were empowered to summon before them interested titulars as well as heritors to finalise individual valuations. Interested parties within the presbytery were given ten days warning to comply with their summons and a further six days on a second summons; those outwith the presbytery were respectively given twenty and ten days; and those outwith the country, sixty and fifteen days. The absence of either titulars or heritors did not postpone valuations indefinitely. For every sub-commission was required to appoint a procurator-fiscal 'to pursue and follow out the probatione and valuation of the teinds concerning those who delays and refuses to insist'.

The proving of valuations, whether by voluntary agreement or compulsory prosecution, was the most contentious and anomalous aspect of the sub-commissioners' work. If both titular and heritor were present voluntarily, the valuation could proceed 'without citation by writ, witnesses, or oath of party'. In the event of dispute, either party was at liberty to refer the valuation to the other's oath or to seek corroboration from witnesses. Either party, however, could only cite 'such as are known to be famous men, and worth a hundred pounds of free gear': a measure which included not only the lesser barons and freeholders, but also a substantial body of feuars, particularly of kirklands, who, as unenfranchised gentry, had hitherto been excluded from direct participation in the Revocation Scheme. Nevertheless, the rest of the unenfranchised gentry and the yeomen, who had interest in teinds as heritors, were prevented from citing neighbours of like status, being thus thrown back on deferential bonds of kinship and local association - a rather discouraging method of seeking emancipation from the control of the titulars. When the valuation was compulsorily pursued by the heritor, or by the procurator-fiscal in the absence of both parties, witnesses of any status were permitted to testify, provided there was no family or landed association with the

party in whose interest they were cited. Nonetheless, any titular or heritor who was party to a compulsory valuation was allowed to cite as his witnesses kinsmen, feuars, removable tenants and domestic servants of the adverse party who, in turn, was obliged to ensure their attendance before the sub-commissioners.

Moreover, irrespective of the voluntary or compulsory nature of the valuation, every titular and heritor could cite as many as ten witnesses whenever the teinds were intermingled with the stock of landholding dues and were thus to be valued conjointly. In arriving at the 'most just' valuation of each heritor's estate, the sub-commissioners were not necessarily to accept the majority testimony, but 'to have respect to those witnesses who gives the best and clearest knowledge', based on the customary payment of teinds over the last forty years. Whenever teinds were to be valued separately from the stock of landholding dues, the interests of the titular were clearly to prevail according to 'the prerogative of the probation'. Although the right of the heritor to cite ten witnesses was reserved, if the titular had led the teinds of the heritor for seven years in the previous fifteen his 'oath of verity' was all that was required to uphold the accuracy of his valuation.⁵⁴

The prospects of a technically exacting workload and anomalous, as well as contentious, valuations hardly enhanced the role of the sub-commissioner. Further problems were encountered in promoting and sustaining operational sub-commissions. Indeed, the Privy Council was moved to comment about this task on 24 February 1629 that 'the lyke thair of both in difficulties and number hes not fallin out in the kingdome before'. Although sub-commissions had been appointed in forty-four presbyteries by this date, fifteen presbyteries had still failed to make nominations. It was not until 9 June that every presbytery, except that of Banff, had 'reported thair diligence anent the choise of sub-commissioners'.⁵⁵

The dilatoriness of the clergy in making nominations was more

than matched by the reluctance of sub-commissioners to accept their appointments. In practice, the sub-commissioners were drawn from the ranks of the gentry, chosen for their local prominence - albeit on a random basis within each presbytery, not from every parish. Usually nine, and certainly no less than seven, lairds were appointed sub-commissioners within each presbytery, five constituted a quorum. At their initial meeting they elected their own convenor and - in addition to the procurator-fiscal - appointed another local lawyer to serve as their clerk.⁵⁶ However, instead of stimulating the willing co-operation of local communities, the implementation of the sub-commissions contributed in no small measure to the promotion of local inertia, which impeded and eventually undermined the whole progress of the Revocation Scheme. The Privy Council was again moved to complain by 24 March 1629 that the sub-commissioners in diverse presbyteries were neglecting their weekly meetings 'so that when maters occures to be handled in these meetings if falles oftymes out that throw laike of a number of the subcommisioners the dyets are disappointed'. The imposition of fines of up to £4 for each unwarranted absence did not make service on the sub-commissions more attractive. For sub-commissioners in sundry presbyteries throughout Scotland were chastised on 9 June for having 'undewtifullie and unworthilie shunned' their employment. Likewise, procurators-fiscal and clerks were admonished for having demonstrated a marked reluctance to serve on the sub-commissions.⁵⁷

For Charles, the most unacceptable aspect of the difficulties surrounding the establishment of operational sub-commissions was that the groundwork for the king's annuity in particular, as for the redistribution of the teinds in general, was 'verie farre frustrat and disappointed'. Despite his claims that the welfare of his Scottish subjects was bound up with the 'good and happie conclusion of so important and necessary a work', his overriding interest throughout the Revocation Scheme was to secure a yearly return from the teinds.⁵⁸ Indeed, this pre-occupation had taken precedence over the augmentation of clerical stipends during the first session of the Commission for

Surrenders and Teinds. Thus, the Commission had been moved to specify on 29 May 1627 that the Crown was to have 'yeerly furth of the Teinds an Annuity': rated at ten shillings from each boll of wheat, eight shillings from each boll of bear (bere), six shillings from each boll of oats, pease, meal and rye. When oats were of the inferior variety, the rate exacted was to be three shillings from each boll. When teinds were not paid in victual, six merks money was to be exacted from every one hundred merks of silver duty. The annuity was to be paid by the current uplifters of the teinds, in essence the titulars or their tacksmen not the heritors. The only concession to the gentry and the rest of the landed classes was that lands feued before 1587, whose teinds were intermingled with the stock of landholding dues, were exempt from the annuity. Notwithstanding this concession - granted to avoid unravelling a technical complexity of more than forty years duration - Charles remained adamant that the priority accorded to his annuity should prevail over the act of revocation's proposals to secure heritors their own teinds.⁵⁹

Having on 17 August placed an embargo on the leading of teinds from the crop of 1627, Charles went on to make special provision to secure his annuity when he resorted to a policy of legal compulsion to implement the Revocation Scheme. When instructing his advocates on 30 September to draw up the general format of his legal decree, he insisted that the rates established for his annuity by the Commission were to stand whereas the costing and quantification of the remainder of the teinds liable to redistribution were left blank pending royal arbitration. Moreover, the moratorium on the enforcement of the general submission, proclaimed by Charles on 30 June 1628, effectively delayed the wholesale redistribution of teinds from sellers to buyers for eighteen months. Nevertheless, asserting that he was 'bound in honour not to defer or frustrat the expectations of our distressed subjects' and of the gentry in particular, Charles decided that the teinds which were to be drawn from that year's crop should be sequestered 'into hands of persons indifferent'. Such a proposition, however specious, was no more than an artifice. An indifferent panel

could not be readily assembled since virtually the whole of the political nation was affected by the act of revocation. Charles' real intention was to commence his annuity at the harvest. For the panel into whose hands the teinds were to be sequestrated had an immediate task, 'deduce and alwayes aff the first end thair of our annuitie'. Yet the heritors were only to be allowed to lay claim to their sequestrated teind if the legal decret had been published by 1 January 1629 and they had fully compensated the titulars at the rates prescribed therein. Otherwise, the titulars were to retain their control over teinds pending the outcome of royal arbitration.⁶⁰

The legal decret was not published at the outset of 1629. Indeed, soundings about its final format did not commence within official circles for another six months. Accordingly, Charles decided on 16 July that the most contentious leading of the teinds - that is, by the tacksmen - should again be prohibited at the coming harvest to uphold the peace among heritors, especially those willing to purchase their own teinds (and pay the king's annuity) but 'opposing themselves to such willful collectiones'. These manoeuvres were to prove counter-productive, however, undermining the objective which was to be upheld when his legal decret was published: namely, the identification, on the grounds of justice and equity, of the king's financial advantage with 'the generall good of all our subjects'.⁶¹ Within the Scottish Exchequer, Charles' pursuit of a yearly return from the teinds was not entirely regarded as an 'honourable' venture. More demonstratively, 'among subjects it is counted base and called "brocage"'.⁶²

Having set out to implement his Revocation Scheme by appealing to sectional interests, Charles was to find this strategy undermined in little over two years by the inherent incapacity of the Commission for Surrenders and Teinds to mobilise active co-operation from the whole political nation. His recourse to supplementary administrative expedients to enforce submissions and valuations resulted only in partial and reluctant compliance. Above all, his

dedicated pursuit of self-interest was, over the next eight years, to transform class antagonism within the political nation into that of class collusion against the Crown.

Notes

1. Large Declaration, 15.
2. SR0, Sederunt Book of the High Commission of Teinds, 1630-50, TE 1/2, ff.35. Charles actually wound up the Commission on 3 July 1637 and first notification for the Lord Advocate arrived six days later [Connell, Treatise on Tithes, III, appendix, 117; T. Thomson, ed., Diary of Sir Thomas Hope of Craighall, 1633-45, (Bannatyne Club, Edinburgh, 1843), 63].
3. RPCS, second series, V, (1633-35), viii.
4. Ibid, I, cxci.
5. Ibid, III, (1629-30), 294-313.
6. Stirling's Register of Royal Letters, I, 150, 157, 167.
7. Memorials of the Earls of Haddington, II, 148-52; NLS, Morton Cartulary & Papers, MS.80, 'Letters of Noblemen, II, 1627-48', ff.58, 64-65.
8. NLS, Morton Cartulary & Papers, MS.80, ff.27.
9. Ibid, MS.80, ff.58, 64.
10. Stirling's Register of Royal Letters, I, 182-83, 186.
11. RPCS, second series, I, cxci, cxcv, 574, note 1, 637, note 1; NLS, Kirklands; Laws, MS.1943, including 'Ane minute of the hail acts made be the Lords Commissioners in the whole progress of the valuatione', ff.34.
12. Memorials of the Earls of Haddington, II, 152-53; HMC, Mar & Kellie, I, 159-62.
13. RPCS, second series, I, cxcvi, 637, note 1; NLS, Kirklands; Laws, MS.1943, ff.39.
14. Stirling's Register of Royal Letters, I, 30, 194, 197, 205, 213.
15. RPCS, second series, II, xvii-xix, 86-88; HMC, Mar & Kellie, I, 162-63; Stirling's Register of Royal Letters, I, 211-12.
16. The Red Book of Menteith, 3-5; The Book of Carlawerock, 36-37; RPCS, second series, II, xviii, 195-96; Stirling's Register of Royal Letters, I, 119, 222, 250-52.
17. RPCS, second series, II, 245-46, 309-11, 318-21.
18. The allegation [Mathieson, Politics and Religion, I, 249] that 'the great majority of the nobles resigned their superiorities and rights to other men's lands and submitted themselves for

compensation to the pleasure of the King' is unsubstantiated wishful thinking based on misrepresentations at Court [cf. CSP, Domestic, 1628-29, 42].

19. Stirling's Register of Royal Letters, I, 241, 260-61, 268-69.
20. RPCS, second series, II, 323, 368; Stirling's Register of Royal Letters, I, 288-89.
21. RPCS, second series, II, 370-71, 478-80; Stirling's Register of Royal Letters, I, 310, 312.
22. Stirling's Register of Royal Letters, I, 310-11, 313-14.
23. RPCS, second series, II, 478-80, 513; NLS, Kirklands; Laws, MS.1943, ff.40; Stirling's Register of Royal Letters, I, 333.
24. NLS, Morton Cartulary & Papers, MS.81, 'Letters of Noblemen, III, 1605-48', ff.62.
25. Sir J. Scot of Scotstarvit, 'Trew Relation of the Principall Affaires concerning the State', G. Neilson, ed., SHR, XI, (1913-14), 187-89.
26. Ibid, SHR, XII, (1914-15), 76.
27. NLS, Morton Cartulary & Papers, MS.83, 'Letters Subsequent to the Year 1600, I, (1627-48)', ff.18.
28. RPCS, second series, I, clxxxix-cx; Stirling's Register of Royal Letters, I, 159.
29. RPCS, second series, I, cxci-cxcii, 594-95, 598-99, 638-39, note 1; Stirling's Register of Royal Letters, I, 157-58, 160.
30. Balfour, Historical Works, II, 155.
31. RPCS, second series, I, 598-99; Stirling's Register of Royal Letters, I, 182-83, 197, 203-4, 229.
32. The Red Book of Menteith, 3-4; RPCS, second series, II, 247-49; Stirling's Register of Royal Letters, I, 241.
33. RPCS, second series, II, 309-13, 318-21.
34. Row, History of the Kirk, 345.
35. RPCS, second series, II, 478-80.
36. RCRB, Extracts, (1615-76), 248-49; NLS, Morton Cartulary & Papers, MS.81, ff.62.
37. RCRB, Extracts, (1615-76), 266-68; Stirling's Register of Royal Letters, I, 221-222; RPCS, second series, II, 318, 323.

38. RPCS, second series, I, 573, note 1; NLS, Kirklands; Laws, MS.1943, ff.38-39. When confirming this award in 1633, parliament enacted that the minimum stipend of eight chalders victual or eight hundred merks could be breached in particular kirks, 'whairin thair sall be a just reasonable and expedient caus to goe beneath the forsaid quantitie' [APS, V, 35, c.19].
39. Napier, Montrose and the Covenanters, I, 82; Stevenson, The Scottish Revolution, 38.
40. NLS, Kirklands; Laws, MS.1943, ff.38.
41. RPCS, second series, I, cxcvii-cxcviii; Row, History of the Kirk, 343.
42. Memorials of the Earls of Haddington, II, 148-51.
43. NLS, Kirklands; Laws, MS.1943, ff.36.
44. Balfour, Historical Works, II, 156; Stirling's Register of Royal Letters, I, 174-75; RPCS, second series, I, cxcix-cc; 'Proceedings of the Commissioners of the Kirk at a Meeting held in Edinburgh in July 1627', in Bannatyne Miscellany, III, (Bannatyne Club, Edinburgh, 1855), 224.
45. Bannatyne Miscellany, III, 219-24.
46. RPCS, second series, II, 245-46, 311.
47. Stirling's Register of Royal Letters, I, 279-80.
48. The Red Book of Menteith, 94; HMC, Mar & Kellie, I, 170; Stirling's Register of Royal Letters, I, 300.
49. RPCS, second series, I, 573, 686-87.
50. Reports of the State of Certain Parishes in Scotland, 1627, passim; I. Whitaker, 'Reports on the Parishes of Scotland, 1627', Scottish Studies, 3, (1959), 229.
51. RPCS, second series, I, cxci-cxciv, 637, note 1; NLS, Kirklands; Laws, MS.1943, ff.39; Row, History of the Kirk, 344-45.
52. RPCS, second series, III, 162, 165.
53. The Red Book of Menteith, 96-97, 102; RPCS, second series, III, 21-22; Stirling's Register of Royal Letters, 300, 321-22, 324, 333.
54. Connell, Treatise on Tithes, III, appendix, 96-101; NLS,

- Kirklands; Laws, MS.1943, ff.40-41.
55. RPCS, second series, III, 53-54, 62-63, 165.
 56. SRO, Notes from the Sederunt Book of the Teind Commissioners, 1633-50, TE 1/4; Reports from the Sub-Commissioners of the Presbyteries of Dumbarton and Lanark, TE 2/5 & 2/13; Connell, Treatise on Tithes, III, appendix, 101.
 57. RPCS, second series, III, 105-06, 151, 162.
 58. Ibid, 53-54.
 59. NLS, Kirklands; Laws, MS.1943, ff.37-38; APS, V, 32-33, c.15; RPCS, second series, I, cxcii, 637, note 1. Thus, the higher the rate of commutation for each crop, lower the proportion the Crown received for its annuity. The assertion [Stevenson, The Scottish Revolution, 37-38] that the annuity was to be payable at the rate of six per cent of the value of the teinds applies only to monetary dues. The fixed monetary exaction from each boll of victual meant that the percentage exacted from each crop varied with the yearly price per boll. Charles did attempt to eliminate further regional variations in the assessment of his annuity by insisting that all crops should be valued according to the measures of the Linlithgow market.
 60. RPCS, second series, II, 86-88; Stirling's Register of Royal Letters, I, 197, 211-13, 288-89, 300.
 61. The Red Book of Menteith, 14-15, 18-19; Stirling's Register of Royal Letters, I, 361, 365.
 62. Napier, Montrose and the Covenanters, I, 85.

Chapter VI The Implementation of the Revocation Scheme:
The Forging of Class Collusion, 1629-37

The legal decret was eventually issued at Court on 2 September 1629, though its proclamation in Scotland had to await another sixteen days. It was actually based on four separate determinations following compulsory submissions by the lords of erection, by the rest of landed society - that is, by the remaining titulars (lay patrons) and tacksmen as well as the heritors - by the bishops, and by the royal burghs. The legal decret can be separated into five major components affecting the future disposal of superiorities and teinds under the general headings of compensation for surrenders; costing of teinds; limitations on purchase from corporate and clerical titulars; quantification of teinds; and redistribution for pious uses.¹

The compensation to be given to the lords of erection for the loss of the feu-duties which composed their superiorities was the first aspect to be determined. 'Competent and reasonable satisfacioun' was confirmed as 1,000 merks for every chalder of victual or one hundred merks of free rent paid by their hereditary tenants, after deducting the feu-duties which the lords themselves paid to the Crown. These latter duties, paid by the lords of erection in their capacity as tenants-in-chief, were regarded as the king's 'proper rent' and were, therefore, not eligible for compensation. In effect, the compensation determined for surrenders was a general ratification of the contentious offer made individually to Lauderdale during the first session of the Commission for Surrenders and Teinds in the spring of 1627.

All heritors willing to purchase their own teinds in accordance with the king's determination were to have 'full and perfyte securitie' from that year's harvest. The 'just and reasonable pryce' at which heritors could acquire control of their own teinds was costed by Charles at nine years purchase for every one hundred merks of teind paid annually in money: that is, a purchase price equivalent to nine years rental. Where teinds were paid in kind, the same costing applied once the valuations established under the auspices of the Commission for Surrenders and Teinds were commuted into monetary sums -

allowance having been made for regional variations in the quality and quantity of crops designated as teind.

However, not every heritor was automatically entitled to purchase control over teinds from the harvest of 1629. Charles ratified his agreement of the previous summer with the burgess estate that heritors could lead but not purchase their own teinds from royal burghs until the tacks of the teinds within each burgh's corporate titularship had expired. In like manner, heritors could not immediately purchase their own teinds from clerical titulars (notably, the bishops) until the expiry of existing tacks - which tended to be long, usually no less than nineteen years duration. Nevertheless, heritors were required to notify the bishops, as also the burghs, of their future intention to purchase when leading their teinds at that year's harvest.

Regardless of any intention on the part of heritors to purchase their own teinds, no sale could proceed without the prior valuation and quantification of teind on every heritor's estate. Where the teinds were intermingled with the stock of landholding dues, and were thus to be valued conjointly by the Commission for Surrenders and Teinds or by the sub-commissions, Charles determined that the rate and quantity to be assessed as teind 'sal be the fyft part of the constant rent'. That is, each heritor's maximum liability as teind resulting from a conjoint valuation was one-fifth of his total outlay of rent. Where the teinds were assessed separately, Charles was prepared to accept the valuations of the Commission or sub-commissions, allowing a deduction of one-fifth of their estimated value to be retained by the heritors for their 'ease and comfort'. That is, each heritor's maximum liability as teind resulting from a separate assessment, was the valuation established under the auspices of the Commission from which one-fifth was to be deducted as a personal allowance. Basically, this personal allowance was afforded to heritors because teind assessed separately tended to carry a higher valuation than that intermingled with the stock of landholding dues.

Indeed, during the separate assessment of teinds within the localities, sub-commissioners were required to accept the sole probation of titulars who had led the teinds for seven out of the last fifteen years prior to 1628. Hence, the personal allowance was a practical corrective to prevent titulars profiteering from over-valuation.²

Moreover, the heritors' personal allowance had discriminatory social connotations, verging on class distinction. Most heritors whose teinds were assessed separately tended to be freeholders, including in their ranks the leading gentry of the shires and a few nobles. Whereas, most heritors whose teinds were valued conjointly tended to be feuars, usually lesser gentry and yeomen, their titulars being also their feudal superiors. The personal allowance, exclusive to heritors within the former category, guaranteed them a minimum share of their own teinds whether or not they exercised their option to purchase. Indeed, this personal allowance was the only guaranteed portion of the heritors' teinds not liable to financial inroads. For a significant portion of the teinds of every heritor was to be redistributed to provide an annuity for the Crown, to augment ministers' stipends and to supplement existing offerings from church boxes for pious uses. The quantity of teind every heritor was obliged to contribute towards the king's annuity was fixed on a national basis. The quantity required to augment a minister's stipend to the national minimum was settled within each parish. However, the contribution towards pious uses was not limited by national guidelines but, in keeping with a proposal enunciated by Charles at the outset of January 1629,³ was elastically geared to future local aspirations as well as the existing needs of each congregation. In effect, the inducement for heritors to purchase their own teinds was not so much financial as managerial, namely the right to assume individual responsibility for the redistribution of the teinds. Wherever heritors chose not to purchase, their titulars remained accountable for their individual contributions towards the king's annuity, ministers' stipends and pious uses.

Reflecting on his legal decret on 24 October 1629, Charles conceived that he had provided the necessary guidelines for the surrender of superiorities and the redistribution of teinds 'in such a just and indifferent maner that non of our subjectis interested can have just caus to complaine'.⁴ The actual mechanics of costing and quantification, however, had been left to the empirical discretion of the Commission for Surrenders and Teinds. Moreover, Charles had accepted the advice tendered by Lord Advocate Hope on 18 September, that the Commission's existing membership and composition should be continued rather than renewed so that the Commissioners could complete their consideration of the detailed points of the legal decret before the coronation parliament.⁵ Nonetheless, the most pressing task of the Commission was, and remained, the completion of the valuations of superiorities and teinds: a slow and technically complex process which was by no means concluded prior to Charles' coronation in the summer of 1633.⁶ Thus, by adding to the workload of the Commission, the legal decret was to delay rather than expedite the practical implementation of the Revocation Scheme. In turn, the frustrated expectations of titulars and heritors caused class antagonism to give way to class collusion, which eroded rather than enhanced the political credibility of the Crown.

Charles, moreover, was still faced with the outstanding problem of incomplete subscriptions to the general submission. According to Lord Advocate Hope on 18 September 1629, many of the nobility had made no effort to subscribe. However, he was loath to instigate any individual prosecution before the Lords of Session since he considered that if action was taken against one temporal lord, 'all will run together for preventing the comon perrell'. He preferred the alternative of administrative and judicial sanctions, prohibiting non-subscribers from acquiring or transferring lands or seeking compensation for the spoliation of teinds from that year's crop.⁷ Charles' instruction to Hope on 18 September that a roll of leading defaulters should be sent to Court reaffirmed that non-subscribers would ultimately be prosecuted. Nevertheless, sanctions were not only

pressed but, with the co-operation of the bishops, were extended ecclesiastically to prevent non-subscribers exercising their rights of patronage after 3 November.⁸

Furthermore, Charles was prepared to utilise his prerogative to suspend a parliamentary enactment of 1617 which guaranteed landowners heritable rights to property possessed continuously by themselves or their families for forty years. His father's act of prescription laid down a period of thirteen years for the questioning of such customary rights of possession in the law courts. Since this period was due to lapse in June 1630, landowners who withheld their subscription to the general submission were afforded a statutory defence against Charles' recourse to law to implement his Revocation Scheme. On 29 December 1629, Charles drew up a proclamation at Court affirming his right to interrupt and thus suspend this act of prescription which, after review by the Lord Advocate in the new year, was presented to the Lords of Session for formal ratification on 30 March 1630. However, in giving their assent to the king's right of interruption, the Lords added the provision that the suspension of prescription applied to all property claimed by the Crown since 1455. In effect, by associating Charles' act of revocation with that of his ancestor James II one hundred and seventy five years earlier, the Lords placed the first retrospective time-limit on the whole Revocation Scheme.⁹

On 13 May 1630, instructions were sent to the Lord Advocate to ensure that non-submitters did not attempt to use the act of prescription of 1617 to retain property which came within the scope of the Revocation Scheme. Charles went on to affirm on 14 July that it was 'best for the public good' that the Crown 'oght no way be prejudiced by the Act of prescription'.¹⁰ Charles' right to take action to compel the subscription of the temporal lords and other titulars to the general submission was to be supported by the representatives of the gentry at the Convention of Estates held in Edinburgh between 29 July and 4 August. At the same time, the shire

commissioners were to voice not only their own, but the rest of the political nation's reservations about the methods Charles utilised to implement compulsory submission when moving that the whole Convention petition the Crown, 'to consider of the great feare the liedges hes conceaved, anent his majesties revocation and sumonds alreddy raisd'.¹¹

Although the Estates went on to ratify formally the king's legal decret, the Convention of 1630 did mark a turning point in the implementation of the Revocation Scheme. Class antagonism, brought about by the advocacy of separate interests - of superiors and feuars in the case of superiorities, and of titulars and heritors in relation to teinds - was gradually giving way to a common awareness of constitutional unease coupled to frustrated social expectations.

Ostensibly, antagonism between the nobility and the gentry was evinced by the exhortations of the shire commissioners that the process of valuation be hastened. For the lords of erection and other titulars had been noticeably dilatory in complying with the terms of their subscription to the general submission. Only four temporal lords had made a prompt response to the directive from the Commission for Surrenders and Teinds on 21 March 1630, requiring the production of all rentals specifying the feu-duties which accrued as superiority to each lordship of erection south of the Firth of Forth. A fifth, John, Lord Loudon, was claiming exemption on the grounds that he was already negotiating compensation for his kirklands in Ayrshire with the Lord Advocate. After two months, only John Elphinstone, Lord Balmerino and his brother, James, Lord Coupar, had responded positively to a similar injunction for temporal lords north of the Forth.¹² The compliance of Loudon and Balmerino, who were to emerge as leading opponents of the influence the Court exercised in Scottish affairs, illustrates that there was still no outright rejection of the aims of Charles' revocation by the summer of 1630. In the Convention, however, both were prominent critics of the means deployed by Charles to implement his Scheme.¹³

Indeed, within the Scottish administration there was a growing realisation that the strictures of the shire commissioners on the methods utilised by Charles shared common ground with criticisms voiced by the lords of erection. According to Archibald, Lord Napier, the Treasurer-Depute, in a tract written three years after the Commission for Surrenders and Teinds came into operation, the lords of erection were becoming disaffected not just because they were the main victims of the Revocation Scheme. They considered that the parliamentary ratifications of their rights during the reign of James VI were being subverted which, in turn, amounted to a breach of 'the fundamental law whereby the subjects possess anything in property'.¹⁴

Charles, however, was unreceptive to any constitutional accommodation with the political nation. He remained steadfast in his desire that the Revocation Scheme should be used for the purposes of social engineering. His immediate concern was to ensure that superiorities could be surrendered at minimal cost to the Crown. For, if the Scottish Exchequer paid compensation directly to the temporal lords at the rate specified in the legal decret - a purchase price equivalent to ten years rental - the resultant outlay would certainly offset, and probably outweigh, the revenues which would directly accrue to Charles from the feu-duties paid by the existing feuars of kirklands and from the annuity which he could personally expect on the redistribution of teind.

Minimising the cost of compensation for superiorities was not simply a matter of expediency, but of financial necessity. In addition to the compensation due to temporal lords for the loss of their superiorities, they, along with other holders of regalities and heritable offices in local government, were to be compensated for the loss of their judicial privileges. However, the implementation of both these aspects of the Revocation Scheme required a huge outlay of capital, far beyond the existing resources of the Scottish Crown.¹⁵ By the end of 1629, Charles had already committed his Exchequer to

expenditure of around a quarter of a million pounds for the compulsory purchase of four regalities and twelve heritable offices.¹⁶ Yet the annual income ordinarily available to the Crown during the first four years of Charles' reign had dropped by £27,321 14 3½.¹⁷ Furthermore, the revenue raised from the land-tax of £400,000 levied in the Convention of 1625, together with its five per cent tax on annualrents, were mainly committed to the financing of British expeditionary forces on the continent and the maintenance of the Scottish establishment at Court and in Edinburgh. Although both these taxes were to be renewed in the Convention of 1630, military and establishment expenditure still retained priority in the Exchequer.¹⁸ Thus, proposals by Charles in the summer of 1630, that the taxation levied by the Estates should be used for the purchase of superiorities as well as regalities and heritable offices, lacked financial viability.¹⁹ Moreover, the assertion that these purchases were to be accomplished by Charles' use of the resurgent resources of the English Crown lacks contemporary corroboration.²⁰ The resurgence in the finances of the English Crown had to await the late 1630s, when Charles was free from military commitments on the continent.²¹

Indeed, negotiations with individual nobles and gentry for the surrender of regalities and heritable offices not only exposed the continuing financial embarrassment of the Crown, but further eroded the political credibility of the Revocation Scheme within Scotland. When Charles placed a temporary stop on surrenders on 15 October 1634,²² merely one more regality and one more heritable office had become subject to compulsory purchase since the Convention of 1630. Nobles and gentry had remained largely unmoved by Charles' threat to withhold their preferment to honours unless they denuded themselves of their regalities and heritable offices. The individual negotiations that were conducted with nine nobles and four gentry were rarely concluded within a year. Furthermore, rather than make prompt cash settlements, the Crown tended to set aside a portion of its future ordinary or extraordinary revenues for the payment of compensation.²³

Most flagrantly, the surrender of the regality of Newtown and the bailiary of Kyle in Ayrshire by Sir Hugh Wallace of Craigiewallace was still not finalised after a decade of negotiations. The surrender of his judicial privileges was actually initiated in the reign of James VI in return for an annual pension of 4,000 merks to be paid out of the customs. However, as this arrangement was felt to create an adverse precedent for surrenders, the Privy Council advised Charles on 25 May 1626 that Craigiewallace's pension should be exchanged for a lump sum of £20,000. Such a payment would take into consideration the long enjoyment of these judicial privileges by Craigiewallace's predecessors who reputedly included William Wallace, 'so deservedlie renowned' for 'his singular valour' in defence of the kingdom during the Wars of Independence in the late thirteenth century! Yet, it was not until 17 November 1629 that this award was finally ratified by the Crown. Another five years were to elapse before compensation was specifically apportioned from the taxation voted by the coronation parliament of 1633. Even although the whole process of negotiation had been reinforced by sympathetic lobbying at Court and the payment of £20,000 compensation was deemed indispensable to the financial goodstanding 'of that antient familie', Craigiewallace had still not received satisfaction by 20 November 1634.²⁴

In another instance - which served as a precedent for the temporal lords' surrender of their superiorities - Charles allowed John Gordon, fourteenth earl of Sutherland to retain his judicial privileges even although compensation of £12,000 had been offered on 15 July 1627 for the surrender of his regality and sheriffship of Sutherland. Having failed for over four years to make satisfaction, Charles regranted Sutherland his judicial privileges under wadset on 14 September 1631: that is, they were mortgaged to Sutherland until the requisite compensation of £12,000 became available through the Scottish Exchequer. In effect, although the holding of judicial privileges now became redeemable, the dispensing of justice within Sutherland remained a matter of hereditary private enterprise. Charles had to rest content with the redrawing of the jurisdictional

bounds of the regality and sheriffdom of Sutherland at the territorial expense of the shire of Inverness.²⁵

Elsewhere in the Highlands, judicial privileges were actually entrenched irrevocably. The office of Justice-General of Scotland had been a heritable acquisition of the earls of Argyle since 1541. When Archibald, Lord Lorne (later eighth earl and first marquis of Argyle), resigned this office on 12 February 1628 he was allowed to retain the heritable office of justiciar of Argyll and the Western Isles. The Crown reserved specific rights to half the profits of justice, to direct justice-ayres twice yearly within these bounds and to nominate the Lord Justice-General or a depute to sit as an auxiliary justiciar. In practice, this arrangement gave the house of Argyle judicial competence over all cases, civil and criminal, except treason: a privileged position unmatched on the western seaboard since the forfeiture of the Lords of the Isles at the end of the fifteenth century. Lord Lorne, moreover, was awarded compensation of £48,000 - half of which was met over the next six years by allowing him to retain all the profits of justice within the revised bounds of his heritable jurisdiction. The remainder was to be raised by mortgaging the feu-duties from the Crown lands in Kintyre and Islay and by allowing Lorne to retain all other yearly rents which he owed to the Crown until he was fully compensated.²⁶

Even when Charles did enforce the surrender of regalities and heritable offices, the impact on the localities was more that of a cosmetic alteration than a fundamental restructuring of government throughout Scotland. Indeed, the removal of a heritable official led only to the appointment of another prominent landowner in his place - albeit on an annual basis initially.²⁷ Moreover, the suggestion was being made within Court circles from around 1630 that there was a distinct lack of sufficient men of calibre in Scotland to sustain yearly appointments to the roll of sheriffs. Alternatively, if sheriffs were appointed for three to four years, and their period in office coincided with the collecting terms for taxation, the

extraordinary revenue of the Crown could be collated more efficiently in the localities under their auspices.²⁸ Accordingly, Charles was persuaded by 23 September 1635 that it was administratively convenient to retain the existing officials in local government during his pleasure rather than by annual appointment. The financial attraction of this arrangement, however, was not so much to improve the efficiency of tax collation - which was still farmed out by the Exchequer²⁹ - but to regularise the collection of the new sources of income which Charles was determined should accrue to the Crown from the Revocation Scheme - namely, the feu-duties of kirklands following the surrender of superiorities and the annuity from the redistribution of the teinds.³⁰

The protracted delays and the financial embarrassment which characterised the surrender of regalities and heritable offices and resulted merely in cosmetic alterations to local government could have been avoided. As early as 31 May 1627, Charles was giving serious consideration to a proposal from the earl of Rothes that he be allowed to retain his heritable sheriffship of Fife for 'a resonable composition'. Nevertheless, Charles was not yet prepared to make any such concession which could serve as a precedent for the political nation that the principle of revocation was negotiable.³¹ Charles was eventually to realise that the continuing financial difficulties of the Crown made strict adherence to this principle untenable. However, when he actually made concessions - not only in the surrender of regalities and heritable offices, but in all other aspects of the Revocation Scheme - his timing was belated and his sincerity was questionable. Concessions were brought about less by a pragmatic desire for compromise than by a piecemeal search for expedients to salvage some financial return to the Crown. Moreover, the authoritarian manner in which the Revocation Scheme was implemented undermined the political credibility of this search for expedients. For there was no guarantee that negotiations, once initiated, would promptly be concluded or that a settlement, once agreed, would not be revoked by the Crown. Thus, Charles instructed the Lord Advocate on 28 June 1630 to draw up a commission which was to be charged to

negotiate with nobles whose landed interests were affected by the Revocation Scheme. As Charles was then also proposing that the taxation due to be levied in the Convention should be used for the purchase of superiorities and judicial privileges, the commission, which was to allow the nobles to renew their titles for reasonable compositions, never became operational.³²

Given the lack of political inclination to put the commission into operation and the prior commitment of revenues raised by taxation to existing Crown expenditure, Charles was thrown back on an earlier expedient which sought to accomplish the surrender of superiorities at the sole expense of the feuars of kirklands. This expedient, which was first hinted in a letter to the Lord Advocate on 10 November 1628, had, on the initiative of Sir John Scot of Scotstarvit, *director* of Chancery, become technically feasible by 21 May 1630 and was approved by the Exchequer on 17 July. Feuars willing to advance money to the Crown for the purchase of superiorities - according to the rate prescribed in the legal decret - would not only come to hold their kirklands immediately of the Crown, but would be allowed to retain their own feu-duties for as many years as was necessary to recoup the money advanced to compensate the temporal lords. In effect, by mortgaging the kirklands to the existing feuars, the temporal lords could be compensated for the surrender of their superiorities at no cost to the Crown.³³

Nevertheless, though Charles had initially asserted in support of this expedient that sundry feuars would be willing to participate, he was still striving to ascertain on 28 July 1629, how many feuars were actually prepared to advance money for the purchase of superiorities.³⁴ Moreover, the rate of compensation affirmed by the legal decret seven weeks later guaranteed each temporal lord - after deduction of the feu-duty which he paid to the Crown - 1,000 merks for every 100 merks received by him as feu-duty. Thus, each feuar of kirklands would have to advance a sum equivalent to his share of ten years feu-duty to be quit of superiority. Not every

feuar would have the requisite sum readily available. More pertinently, not every feuar was prepared to advance the total compensation required to strip the temporal lords of their superiorities. Such a manoeuvre, therefore, was at best a partial stratagem to engineer the surrender of superiorities.

Furthermore, such a manoeuvre was open to exploitation by feuars who, on stating their intention to participate in the purchase of superiorities, could suspend payment of their feu-duties to the temporal lords. Hence, when this expedient 'anent superiorities of kirklands' was confirmed in the coronation parliament of 1633, Charles directed that the temporal lords who had subscribed the general submission should retain not only the demesne lands which they held from the Crown as property, but also the feu-duties which composed their superiorities, 'ay and whyle they receaue payment and satisfactioun'.³⁵ Moreover, the Exchequer soon encountered difficulties when charged to implement Charles' renewed invitation of 8 October, that feuars of kirklands advance the Crown money to purchase superiorities. Although feuars were willing to retain their own feu-duties for up to ten years, 'as in reason and equitie may compece for the money to be advanced by them', not all were prepared to pay their full share of compensation to the temporal lords.³⁶ Accordingly, the Exchequer ordained on 1 March 1634 that feuars were not entitled to hold their kirklands directly from the Crown until their temporal lords were fully compensated. In addition, some feuars were attempting to be quit of superiority leaving their feu-duties to the temporal lords in arrears. Henceforth, feuars were not entitled to hold their kirklands directly from the Crown until they produced documentary evidence from their lord or his factor to 'purge sufficiently the payment of all bygone fewduties'.³⁷ Nevertheless, for the next two years the Exchequer was obliged to retain a watching brief over title to kirklands to ensure that the interests of the temporal lords were not prejudiced by opportunist feuars.³⁸

The opportunist enhancement of their title to kirklands was

not, however, common practice among feuars. Indeed, only a minority seem to have advanced money to the Crown for the purchase of superiorities. In part, this lack of response from the feuars stemmed from the reluctance of the temporal lords to surrender their superiorities without recourse to law and, in part, to longstanding ties of deference, which not only deterred feuars from seeking to advance money to the Crown but also led to collusion with the temporal lords for the retention of superiority. Bands of suspension raised between August 1632 and January 1634 reveal that only the most prominent gentry among the feuars of kirklands had sufficient local standing or independent resources to enforce at law their right to purchase superiorities.³⁹

Moreover, in the rare instances where a temporal lord was willing to surrender his superiorities, his negotiations for compensation with individual feuars did not always reach an amicable conclusion. Thus, on 24 November 1632, James, Lord Ross of Hawkhead and Melville opened negotiations for the purchase of superiority over his kirklands in Renfrewshire held within James Hamilton, second earl of Abercorn's lordship erected from the lands and property of Paisley Abbey. In return for advancing the requisite compensation (specified as 1,207 merks by the Exchequer), Lord Ross was to retain his own feu-duties for seven years, although he had originally sought a wadset of nine years. Since the legal decret had laid down compensation equivalent to ten years feu-duty, it would appear that Abercorn's superiority was being undervalued. However, the Exchequer had the discretion when feu-duties were paid in kind - as in this instance - to alter the period the feuar retained his own feu-duties to make allowances for annual variations in the future rates for commutation of rents. In any event, because some other feuars within his lordship were intent on exploiting this individual offer of compensation as the basis for a general settlement, Abercorn decided to take legal action to uphold his superiority over Lord Ross. By 31 January 1633, he had instigated a summons of improbation and reduction before the Lords of Session, the same individual process which Charles had threatened to

deploy to nullify all lordships of erection. Nonetheless, Charles remained unprepared to tolerate this private action which could serve as a precedent for temporal lords to retain their superiorities, thereby preventing feuars ever holding their kirklands directly from the Crown as freeholders. Hence, after an initial attempt by the Lord Advocate to overturn this action had been repulsed by the Lords of Session, Hope was again instructed to intervene on behalf of the Crown on 28 February. A month later, Charles imposed a stop on further legal proceedings. Another year was to elapse before the entitlement of Lord Ross to purchase superiority from the earl of Abercorn was referred to the determination of the Privy Council.⁴⁰

Although Abercorn was the only temporal lord who actually instigated a summons of improbation and reduction, the Lord Advocate had informed the Exchequer on 4 February 1633 to expect others to follow suit. It was, therefore, a general prohibition which Charles imposed on 27 March, as he remained apprehensive that the temporal lords intended to use such proceedings for the legal harrassment of feuars who attempted to purchase superiorities. For some defect in the original charters granted to these feuars' predecessors prior or subsequent to the annexation act of 1587, or, indeed, any failure on the part of these feuars to confirm their own titles with their superiors, would provide the temporal lords with the pretext to quarrel their entitlement to kirklands and evict them from their property. Once these feuars were expropriated, their kirklands came under the direct control of the temporal lords who thereby converted a right of superiority into that of property - which was exempt from revocation.⁴¹

Conversely, active collusion with their feuars allowed temporal lords to circumvent their obligation to implement their subscription to the general submission and surrender their superiorities. Indeed, by drawing upon deferential ties of kinship and customary association, the temporal lords were able 'to ingrosse agayne to them their superiorities'. This was accomplished by feuars

resigning their entitlement to kirklands in favour of their temporal lords. The temporal lords, having registered these new acquisitions as their own property in the Exchequer, then proceeded to renew their former feuars' heritable tenancy of kirklands. In an effort to terminate the retention of superiority, either by legal harrassment or by deferential collusion, Charles issued a directive to the Exchequer on 8 October 1633 defining what was to be 'accompted superiority' within lordships of erection. All entitlement of the temporal lords to kirklands was to be equated as superiority, unless these lands were directly held by their predecessors as property before the lordships were erected by the Crown, or were subsequently inherited or acquired by them as demesne lands prior to the issue of the general submission. In effect, for their property to be exempt from revocation, the temporal lords had either to have inherited or acquired direct control over kirklands no later than 12 February 1628, the date Charles dispatched the general submission to Scotland.⁴²

Although the superiorities which they were obliged to surrender were now defined comprehensively by the Crown, the temporal lords were still in no hurry to implement the requirements of the general submission. The Commission for Surrenders and Teinds had again to issue directives on 15 November 1633 for the production of all rentals of lordships of erection. Generally, the reaction of the temporal lords was that of marked indifference rather than prompt compliance, a stance fortified by the discriminatory treatment meted out to courtiers since the first issue of similar directives in the spring of 1630.⁴³ Favourites such as William, earl of Roxburghe, James, marquis of Hamilton and James Stewart, fourth duke of Lennox, had been exempted temporarily from compliance with the Revocation Scheme. During the periods in which they were exempt, Hamilton was at least abroad leading the British force sent to aid the Swedish king, Gustavus Adolphus; Lennox's continental sojourn was no more than a grand tour for the formal completion of his education; while Roxburghe was merely immersed in the affairs of the Court.⁴⁴ The continued reluctance of the temporal lords to surrender their superiorities led

on 7 November 1634 to a recommendation, from the committee of inquiry appointed by Charles to examine the running of the Exchequer, that the feu-duties of the feuars of kirklands should be taken over unilaterally by the Crown without payment of compensation. Although Charles prudently declined to act on this advice, the Exchequer itself was moved to suggest on 28 November 1635 that temporal lords should be threatened with the escheat of their superiorities. Payment of the lords' feu-duties to the Crown since the promulgation of the general submission had been limited. In sum, instead of augmenting the revenues which the Crown could expect to derive from kirklands, the Revocation Scheme had led to the withholding of rents by temporal lords for over seven years.⁴⁵

Indeed, only eleven temporal lords - less than a third of the total number - made any meaningful effort to negotiate with the Crown, not so much to implement the Revocation Scheme in its entirety as to win concessions which would enable them to continue their lordships - albeit with their rights and privileges realigned. Charles' bargaining position with the temporal lords was essentially compromised from the conclusion of a 32,000 merks package deal with John, Lord Loudoun on 5 August 1630. After three years of intricate negotiations, Loudoun was persuaded to surrender his heritable sheriffship of Ayr for 14,000 merks - to be paid by the Exchequer in ten annual installments. His regalian privileges over the lordship of Kylesmure, which had been erected from the Ayrshire lands and property of Melrose abbey, were downgraded to that of a barony rather than terminated. As the amount of compensation forthcoming from his feuars was deemed insufficient, his superiority over kirklands was not surrendered but retained by him in wadset until redeemed by the Crown on payment of 18,000 merks. In effect, this was a conditional but indefinite retention of superiority, since the Crown lacked the financial means necessary for prompt satisfaction and payment from Loudoun's own yearly rent to the Crown would take one hundred and eighty years to complete: for Loudoun's feu-duty was reduced to one hundred merks - a third of its value prior to the negotiations.⁴⁶

Thereafter, the temporal lords' negotiations with the Crown, though not always following the same pattern, were designed to maximise rather than minimise concessions. Since Charles did not wish to acquire his creditors as well as his estates, Sir John Stewart, the impoverished son of the vanquished late earl of Bothwell, was permitted on 28 December 1635 to retain full benefit of the lands and property of Coldingham priory under a wadset which was eventually settled at £60,000 (90,000 merks). The reduction of his feu-duty by half, to one hundred merks, confirmed that the redemption of this mortgage from the yearly rent to the Crown was also an indefinite undertaking. In the meantime, the Crown had accepted on 6 May 1635 the proposal from James, earl of Abercorn that he would freely surrender his rights of superiority and privilege of regality over every feuar paying above five hundred merks yearly rent. In return, his lordship was to remain effective over the remainder - that is, all but the most substantial feuars. Another seven years were to elapse, however, before this agreement was actually implemented.⁴⁷

Only two lords, both anglicised absentees, were prepared to make unconditional surrenders. On 19 February 1632, James, Lord Colville - subject of the celebrated case which established the basis for common nationality after the Union of the Crowns - left compensation for his lordship, erected from the lands and property of Culross abbey, to the discretion of the Crown. On 15 October 1634, James, duke of Lennox resigned his entitlement to the lands and property of St Andrews priory. Other courtiers, however, were less concerned to make exemplary surrenders than to exact concessions from the Crown. Thus, five months earlier, negotiations spread over four years between the Crown and William, earl of Roxburghe were concluded on 21 May. Roxburghe's lordship of Halyden, erected from the lands and property of Kelso abbey, was realigned not revoked. His regalian privilege was downgraded to that of a barony, his rights of superiority were contracted territorially and his rights over teinds were reserved in a quarter of the parishes where he had formerly exercised titularship. Another three years were to elapse before

Roxburghe actually surrendered to the Crown his rights as patron in twenty parishes, by which time his feu-duty for Halyden had been reduced to one hundred merks - a quarter of its former value.

Although James, marquis of Hamilton was prepared by 23 May 1635 to relinquish all entitlement to the lands and property of Arbroath abbey, he was simultaneously securing his baronial interest over the lands and property of Lesmahagow priory, even achieving a one-third reduction in feu-duty.⁴⁸

Only one temporal lord went so far as to seek the ultimate concession - exemption from the Revocation Scheme. John Sandilands, Lord Torphichen, presented a petition before the coronation parliament of 1633 claiming that his lordship had not been erected from the lands and property of any cleric, but from the estates of the Knights Hospitallers of St John of Jerusalem (incorporating the Knights Templars), originally a Christian fraternity of noblemen and gentry professing arms. His lordship was exceptional in that it had been erected not in 1587 but as far back as 1564 from the preceptory of Torphichen. Although Charles was prepared to refer the issue to the determination of the Privy Council, he retained the right of final decision which, when delivered on 14 July 1636, had the force of a parliamentary enactment. In principle, Charles was no more prepared to exempt from the scope of his revocation lordships erected from preceptories than from monasteries or friaries. However, Lord Torphichen was given special consideration to the extent that he was allowed to retain not just all lands and teinds held directly by him as property, but also his superiority over lands in the neighbouring parishes of Torphichen and Livingstone¹ in the shire of Linlithgow (West Lothian). He was obliged to surrender all other superiorities incorporated in his barony of Torphichen; not necessarily a sanction of great material significance as the lordship was already truncated on account of the outright sale of templelands since its erection.⁴⁹

Conversely, Charles exhibited a marked reluctance to resort

to wholesale revocation by legal compulsion. In the one instance where he deployed a summons of improbation and reduction, the process against Sir William Forbes of Craigievar instigated on 29 April 1629 took almost six years to effect. Although the acquisition of the lands and property of Lindores abbey on 29 April 1625 was prior to any announcement of the king's designs for a revocation, Charles maintained that the estate had been 'surreptitiouslie procured' at the outset of his reign. He was, however, prepared to stay his prosecution if Craigievar had complied fully with the terms of the general submission. But Craigievar adamantly reserved his submission. Charles, therefore, felt obliged to recommence proceedings to protect the interests of the existing feuars who wished to hold their lands directly from the Crown as freeholders and to prevent the general ends of the Revocation Scheme from being 'exceedinglie prejudged'.⁵⁰

As a result of these protracted negotiations and legal proceedings, no more than five lordships of erection had been wholly revoked by the end of Charles' personal rule. Moreover, those that were revoked tended not to be annexed inalienably to the Crown, but were gifted to enhance the resources of the Church. Thus, the lands and properties of the abbacies of Holyroodhouse and Newabbey were bestowed on the newly created bishopric of Edinburgh on 17 October 1633. The archbishopric of St Andrews was to be compensated for the surrender of diocesan territory to Edinburgh by the award of the estates of St Andrews priory in the summer of 1635.⁵¹

In the same way that the continuing financial difficulties of the Crown, allied to a marked lack of co-operation from landed society, had tempered Charles' designs to abolish regalities and heritable offices and had curtailed the surrender of superiorities, a third aspect of the Revocation Scheme - that of reversing all changes in tenure since 1540 from ward and relief to taxed ward or blench-ferme - was to remain unfulfilled. Arguably, this was the least practicable aspect of the Revocation Scheme in that the replacement of incidental and variable casualties by regular and fixed duties had both reflected

and responded to the growing commercialism of estate management. Indeed, the unequivocal demands of the act of revocation for the wholesale reversal of tenures had resulted in the technical evasion of ward and relief, notably in the feuing of land for the benefit of creditors. Some creditors acquiring under wadset, lands held by ward and relief from the Crown, insisted that the nobles and gentry in their debt made over all casualties in their favour, thereby pre-empting Charles' use of casualties as royal bounty to reward officials and favourites. Others, who acquired an irrevocable title to lands to offset debts, insisted on holding by feu-ferme though their superiors held by ward and relief from the Crown. Their feu-duties, though prescribed, were discharged annually. In return, their superiors were absolved from debt. During minorities, when their superiors' estates were gifted in ward, they were only obliged to pay their prescribed feu-duties and not make proportional contributions with other feuars towards incidental reliefs for the benefit of royal officials and favourites.⁵²

These evasive practices notwithstanding, Charles was induced to alter his design for the wholesale reversal of tenures by the spring of 1628, following a lucrative proposition from a courtier, Sir Alexander Strachan of Thornton, whose successful overtures to farm Crown revenues were to make him a leading fiscal entrepreneur over the next decade. As part of a project rather optimistically promoted to treble the revenues ordinarily available to the Crown from feudal casualties, Thornton proposed to exact at least £24,000 annually from the casualties arising from tenure by ward and relief by exacting compositions from all landowners who had defaulted on the payment of reliefs for wardship, non-entry and marriage. These compositions were to be exacted at fixed rates based on current variations - geographic and social - in the payment of reliefs. Thus, the composition for wardship was to be rated at one-third of current values; that for non-entry at a half; while the marriage of an heir was to be satisfied by one year's revenue from his estate. Where reliefs were already fixed by taxed ward, a composition of three-quarters of their value was

to be exacted. In effect, rather than reverse changes in tenure, an evasion tax was imposed on all landowners unable to prove that their tenure by ward and relief had been changed since 1540 with royal approval. Despite quibbles in the Exchequer as to its feasibility, the king that autumn commissioned the project to run for the next seven years. However, Thornton's vigorous farming of revenues ignored Charles' admonition 'that in the prosecution of your comission ye vex nane of my subjects not deserving the same'. By the second year of its operation there was 'so great contestatione' that the commission was temporarily suspended on the initiative of the Exchequer, pending scrutiny of its legality. In an effort to allay the apprehensions of his leading officials, Charles proposed on 28 June 1630, that the commission should be resumed subject to the strict supervision of the Exchequer. Nevertheless, Thornton's commission was cited as a significant grievance by the gentry in the Convention of Estates on 29 July. Thereafter, the commission was discreetly withdrawn, Thornton being granted compensation of £3,000 sterling (£36,000) by Charles on 13 February 1631. Thus, far from achieving any appreciable gain to the Crown, the commission served to highlight Charles' financial difficulties in Scotland - indeed, Thornton was still awaiting compensation on 26 May 1634. Nonetheless, his commission did provide operational guidelines for Charles' continuing endeavours to secure a regular income from feudal casualties.⁵³

For the next three years, Charles adopted a low profile on teneurial change. No serious effort had actually been made from the outset of his reign to hinder the transfer of lands held in blench-ferme.⁵⁴ From 1631, individual dispensations were given to select nobles and prominent gentry to inherit or acquire lands in taxed ward or to subinfeudate lands in feu-ferme which were held from the Crown by ward and relief. Indeed, this latter dispensation, which allowed superiors to raise the cash required to meet their most pressing obligations to creditors, was elevated into a general concession in the coronation parliament of 1633. On condition they received the prior approval of the Crown, superiors holding by ward and

relief were allowed to subinfeudate in feu-ferme. Thus, rather than enforce a punitive control over the adoption of the tenures found most convenient by landed society for the commercial management of estates, Charles was seemingly content to exercise a right of supervision over changes in landholding.⁵⁵

Nevertheless, Charles remained extremely reluctant to make any concession which would prejudice his right to reward his officials and favourites with the casualties arising from wardship, non-entry and marriage during the minority of all members of the nobility. Thus, the Exchequer was expected to retain a vigilant interest from 1634 in the transfer of lands held by ward and relief.⁵⁶ Charles was even prepared to become further embroiled in legal actions. By 24 July 1634, he was 'seeking just grounds in law' to instigate a test-case for the reduction of taxed ward after a claim on behalf of Francis Scott, second earl of Buccleuch, that his holding by this tenure invalidated the king's gift of his wardship, non-entry and marriage to William, earl of Stirling, the Court Secretary for Scottish affairs. Charles was also determined to ensure that his right to gift casualties was not impaired by disputed succession to estates. Hence, the Lord Advocate had been instructed on 1 February to maintain a watching brief over the succession to the earldom of Home, then being disputed before the Court of Session. When the Lords of Session rejected Hope's right to intervene in a case which did not directly affect the interests of the Crown, Charles asserted adamantly on 26 February his right, as part of his prerogative, to instruct his legal or financial officials to intervene in cases touching upon his general as well as his proper interests.⁵⁷

However, he was weaned away from protracted legal entanglements in tenurial matters by a recommendation of 7 November 1634, from the committee of inquiry into the running of the Exchequer, that the conversion of tenures on Crown lands from ward and relief to feu-ferme would help regularise the flow of royal revenues. In keeping with such a move towards commercial realism, the commutation

of all payments in kind arising from feu-ferme were to be reversed, since provender rents provided a better hedge against inflation than fixed monetary duties. Nineteen days later, in the ingenuous hope of reimbursing a debt of £36,000, a commission was issued to Michael Elphinstone, a member of the royal household, to draw up a roll of all landholders who had concealed their tenure by ward and relief from the Crown prior to 13 May 1633. On the completion of this roll by 1 August 1635, the exaction of compositions would be supervised by the Lord Advocate. In effect, this was a return to the concept of an evasion tax which had become firmly established as a financial expedient by 12 June 1637, when the Exchequer was instructed that no transfer of land formerly held by ward and relief but now by either taxed ward or feu-ferme was to be accepted, without 'ane considerable compositioun'. Thus, as part of the effort to increase the sources of realisable income available to the Crown and, hence, improve its financial credibility, the reversal of tenures was finally abandoned.⁵⁸

The remaining and most pervasive aspect of the Revocation Scheme, the redistribution of teinds, was neither abandoned nor completed during the personal rule of Charles I. The continuing financial embarrassment of the Crown had, however, no immediate bearing on this situation. Given the reluctance to co-operate within landed society, the redistribution of teinds was no more than partial. In the same way that the surrender of superiorities had involved protracted negotiations, the relinquishing of control over teinds by the temporal lords and other titulars was characterised by dilatoriness. Their reluctance, as teind-sellers, to comply with the guidelines for sales laid down in the legal decret was not just a matter of financial dissatisfaction. For no monetary compensation could adequately satisfy 'the more intangible benefits' which the nobility derived from their control over teinds, as from superiorities, in influencing the conduct of the gentry.⁵⁹ At the same time, despite the avowed intention of the Revocation Scheme to emancipate the gentry from such influence, the support of the potential teind-buyers for redistribution was by no means wholehearted. This

was not just a matter of the gentry opting for deference rather than emancipation. The conditions prescribed in the legal decret - which subsequently required empirical elaboration at the discretion of the Commission for Surrenders and Teinds - resulted in no marked drive among heritors to purchase their own teinds. Moreover, the onerous and technically complex task of evaluating teinds within the localities did not stimulate the zealous participation of the gentry on the sub-commissions in every presbytery.

Furthermore, Charles was personally wary of any pioneering endeavour to sell or purchase teinds prior to the ratification of the legal decret in the Convention of 1630. Although the earl of Abercorn had already indicated his willingness to relinquish his control over teinds at the prescribed rates, Charles instructed the Commission for Surrenders and Teinds on 4 June 1630, that all purchase of teinds by heritors must be carefully supervised, 'least anything be done that ether directly or by the consequence might hinder the generall work that is intended for the good of that our kingdome'.⁶⁰ At the end of July, the specifications of the legal decret for the costing and quantification of teinds were presented before the Convention by the Lord Advocate. The resistance encountered from all estates was such that leading officials were averse from moving their ratification, 'for feir of repulse'. Only an adroit intervention by Menteith, the Lord President, recommending that it was best to ratify the legal decret as a whole package, ensured that the specifications for costing and quantification were accepted 'with ane universall applause'.⁶¹

Nevertheless, the political nation's agreement in principle to the conditions prescribed in the legal decret was soon dissipated once negotiations commenced for the actual sale of teinds. According to the formal contract of sale issued from 1631 to implement Charles' design that the heritors should have a perfect right to their own teinds, prompt payment of a purchase price equivalent to nine years rental entitled every heritor not only to lead his own teinds but also

to assume individual responsibility for their redistribution. However, the purchase of control over teinds did not absolve the heritors completely from the ecclesiastical superiority of the titulars. For the Crown, no less than the Exchequer and the Commission for Surrenders and Teinds, deemed that the retention of a measure of ecclesiastical superiority was both financially and administratively expedient for the operation of the parish as a self-contained fiscal unit. Thus the titular of every parish remained accountable for the contributions of all heritors towards the king's annuity and ministers' stipends. Moreover, in parishes where they continued to exercise titularship, temporal lords were still expected to pay the Crown the same feu-duties for their ecclesiastical superiority - even although the amount of teind directly at their disposal was diminished by heritors purchasing control over teinds.⁶²

Furthermore, once heritors opted to purchase their own teinds, titulars could no longer recoup the sums expended on the king's annuity, ministers' stipends or even feu-duties directly from the yearly teind of the parish. Instead, titulars had to recoup this expenditure through various individual reliefs, levied in proportion to the amount assessed as teind on each heritor's estate. In turn, heritors opting to purchase their own teinds were bound contractually to recognise that a measure of ecclesiastical superiority was to continue. Each heritor was obliged to pay a nominal feu-duty - never more than one penny blench-ferme - as an undertaking to the titular of the parish that he would pay his requisite share of the king's annuity, the minister's stipend and, where applicable, his proportional relief - usually less than a merk (13s 4d) - towards the feu-duty for the teinds within a lordship of erection.⁶³

The contractual binding of heritors to recognise the retention of a measure of ecclesiastical superiority had a further advantage for the crown. For teind, as a landed resource, was not only liable for feu-duty but also for taxation. Moreover, where the titulars were temporal lords, their estates were still incorporated

with those of the clergy as 'the spirituall mens pairtis' for the purposes of taxation.⁶⁴ In turn, they were accountable for all taxation levied on their estates, being obliged to seek proportional reliefs for the sums expended from their feuars and heritors throughout the numerous and not always contiguous parishes of their lordships. By an enactment of the convention of 1630, temporal lords, despite their pleas to the contrary, continued to be accountable for the collection of taxes from former feuars of kirklands who, though coming to hold directly from the Crown by their purchase of superiorities, also remained part of the spiritual estate for the purposes of taxation. Although the temporal lords were given the incentive of an allowance of £100 out of every £1,000 collected, they could no longer legally compel their former feuars to meet their proportional share of taxes.⁶⁵ Over the next four years arrears of taxes were to accumulate in several lordships of erection. However, defaulters were not so much former or existing feuars as those heritors drawn from the ranks of the leading gentry of the shires and the nobility who owed only teind to the temporal lords.⁶⁶ As the category most resentful of titularship, they were the most likely to seek control of their own teinds. While the contract of sale did not remove their obligation to recognise ecclesiastical superiority, the influence of their titulars was minimised to that of revenue collectors on behalf of the Crown and the clergy. At the same time, the titulars were indemnified against those heritors defaulting in the payment of reliefs, including the requisite individual reliefs for taxation. Nonetheless, despite such contractual safeguards for their fiscal role, the piecemeal sale of teinds eroded the influence exercised by the temporal lords as titulars, threatening to reduce their position in every parish to that of responsibility without power.

However, the temporal lords did manage to salvage their customary ecclesiastical superiority in parishes where they retained rights of patronage: that is, in parishes where their titularship of the teinds complemented their position as the dominant baronial influence. Charles had intended to strip the temporal lords of all

their rights of patronage in favour of the Crown and the episcopate. Accordingly, the bishops were instructed on 6 October 1633 to draw up lists for every presbytery of all patronages of kirks claimed by temporal lords. Seven months later, on 13 May 1634, the Lord Advocate was served notice to instigate legal proceedings for the recovery of these rights of patronage. The Exchequer was ordered to place a stop on the passage of renegotiated charters for temporal lordships which included rights of patronage 'unjustlie takin and deteyned from us and from the Church'.⁶⁷ Nevertheless, the Commission for Surrenders and Teinds had already extended the rights of patronage of a temporal lord. On 29 July 1631 - in an award subsequently ratified by the coronation parliament - the patronage of the kirk in the newly erected parish of Muirkirk of Kyle (Kirk of the Muir) within the presbytery of Ayr was granted, on the grounds 'of equitie and justice', to Lord Loudon, patron and titular of the teinds in the parish of Mauchline from which Muirkirk was disjoined. Loudon had provided a kirk at his own expense for the inhabitants of the new parish who had formerly found it more convenient to attend and seek the sacraments in the kirks of neighbouring parishes. He had also mortified the minister's stipend for the new parish out of the rents of his own property. In essence, therefore, the Commission was prepared to uphold and enhance Lord Loudon's ecclesiastical superiority for the positive way in which he exercised his dominant baronial influence, thereby creating a precedent for retaining the association of patronage with titularship.⁶⁸

In effect, Loudon's baronial influence in both Mauchline and Muirkirk was analogous to that of a lay patron; in that the territorial bounds of his influence as a landlord tended to be co-terminous with those of the parishes over which he exercised ecclesiastical superiority. In turn, the Crown came to concede that in parishes which incorporated or lay contiguous to his demesne, where a temporal lord was not just titular of the teind and a remote landlord but the dominant baronial influence, he could retain his right of patronage, especially when his customary exercise of ecclesiastical superiority

was supported by kinsmen and local associates in their capacity as heritors. Thus, the earl of Roxburghe, once the renegotiation of his charter for the lordship of Halyden was concluded on 21 May 1634, was able to retain meaningful ecclesiastical superiority in over a quarter of the parishes where he formerly exercised patronage and titularship, notably in the districts of Teviotdale and Etterick Forest, which mainly consisted of 'his owin landis and some of his particular freindis, with whome he has alreadie agried for the right of the tythis'.⁶⁹ Nonetheless, since temporal lords had not been noticeably forthcoming in their support for the work of the Commission for Surrenders and Teinds, Charles was not yet willing to accept, as a general principle, their continued retention of patronage in association with titularship in parishes where their baronial influence was analogous to that of a lay patron.

Moreover, having conceded in the coronation parliament that he would not contest the transmission to lay patrons of rights which authentically pre-dated the reign of Queen Mary, Charles was reluctant to make further concessions which would dilute his efforts to promote conformity in the Kirk. For the accumulation by Charles and the bishops of parochial patronage, which included the right to present ministers, was integral to the strengthening of episcopal authority at the expense of nonconforming elements among the clergy.⁷⁰ Indeed, despite a reaffirmation on 8 June 1635 of the validity of lay patrons' rights which authentically pre-dated the reign of the king's grandmother, such rights had to relate to specific parishes prior to 1561 for their current incorporation in charters to be authorised by the Exchequer. By 16 January 1637, however, the Exchequer was prepared to permit the passage of charters incorporating rights of patronage whose authenticity was no older than 1587. Two months later, on 20 March, all restrictions on the passage of any charter incorporating rights of patronage were lifted, though the continued exercise of ecclesiastical superiority by temporal lords was still open to question by the Crown and the episcopate.⁷¹ Ostensibly, this action was motivated by the interests of commerce, since the

Exchequer's restrictions on the transmission of the associated rights of patronage and titularship were deemed to hinder the propertied classes' acquisition - by way of mortgage or sale - of valuable landed assets. Tacitly, the lifting of restrictions in the Exchequer was a belated admission by the Crown of the need to reach an accommodation with the temporal lords on the issue of ecclesiastical superiority.

In order to rectify the slow progress made by the Commission for Surrenders and Teinds, Charles had been issuing periodic directives from 22 November 1633, that priority was to be accorded to the valuation and redistribution of teinds within lordships of erection. Yet this work was by no means complete on 10 January 1637, when Charles authorised the final session of the Commission during his personal rule. Hence, these repeated directives composed not just a general indictment of the Commission for its tardiness, but a specific testimony to the reluctance of the temporal lords to relinquish their customary rights of ecclesiastical superiority.⁷²

Moreover, despite Charles' persistent propaganda about the oppression which resulted from the customary exercise of ecclesiastical superiority, the response from the heritors to the opportunity to purchase their own teinds did not evince a general desire for liberation. Charles' exhortations to the Commission for Surrenders and Teinds to hasten the process of redistribution were supplemented by his willingness to instigate legal proceedings against obstructive titulars, notably the temporal lords. Yet only two heritors have been officially registered - both in 1634 - as having secured their own teinds by compulsory purchase:⁷³ a statistic which lends weight to the contention that Charles had 'somewhat exaggerated' the oppression of the heritors.⁷⁴ Undoubtedly, social deference and a reluctance to become entangled in legal confrontations with obstructive titulars contributed to an aversion among heritors towards compulsory purchase. Indeed, these essentially local pressures do much to account for the failure of the heritors to mobilise, nationwide, to purchase control of their own teinds.

Nevertheless, sales did proceed by voluntary agreement between titular and heritor. But even then, the heritor's quest for control over his own teinds was liable to encounter the inertia which had afflicted the administration of Scotland under absentee monarchy. Although the Commission for Surrenders and Teinds had enacted on 21 January 1631 that titulars no longer needed to procure royal approval for sales of teinds, heritors still required new charters to their estates which incorporated their acquisition of their own teinds.⁷⁵ Thus, Sir James Lockhart of Lee, though a foremost promoter of the interests of the teind-buyers, had to wait almost three years from the valuation of his teinds in the parish of Lanark till their incorporation in a new charter to his estates from the Crown. Prompt production of Lee's valuation having been requested from the sub-commission for the presbytery of Lanark on 16 July 1630, negotiations for the purchase of his teinds from the earl of Mar were concluded under the auspices of the Commission on 25 March 1631. Yet, a charter formally ratifying Lee's right to his own teinds was not issued by the Crown until 15 March 1633.⁷⁶

However, inertia within official circles was a secondary impediment to the restrictions on sales which followed the elaborations on the legal decret by the Commission for Surrenders and Teinds - usually under royal direction, though occasionally at its own discretion. According to the legal decret, the right of every heritor to purchase his own teinds from corporate or clerical titulars was neither guaranteed nor immediate. Teinds assigned by the royal burghs to educational provision and social welfare, as to ministers' stipends, could not be sold. As a corollary, the coronation parliament of 1633 confirmed that no heritor could purchase the right to his own teinds from universities or hospitals, since the teinds of these institutions were to be retained as permanent 'donationes to pious uses'. Although the 'competent yearlie meanes' of each institution was to be evaluated separately, both the Crown and the Commission remained receptive to their interests, particularly to pleas from the universities about the decay of learning which was likely to

ensue from any diminution of their rentals. At best, therefore, a heritor paying teind to such institutions could lead his teinds at his own convenience and, perhaps, have his annual liability reduced following re-assessment.⁷⁷

Moreover, in the acquisition of teinds under the control of clerical titulars, the interests of the heritors were subordinated to those of the churchmen. According to the legal decret, heritors seeking to purchase their own teinds from clerical titulars had to await the expiry of existing leases. However, Charles decided on 20 May 1634 that these leases to teinds, which were usually of long tenure and held by lay tacksmen, composed a major obstacle to the ends of his revocation and were to be respected no longer. The bishops were empowered to convene the tacksmen in order to denude them of their leases to teinds, the churchmen being given the 'first prerogative' to secure the whole teinds of every parish under their titularship for the permanent 'use of the church'. The heritors in parishes under clerical titularship were also permitted to convene meetings with tacksmen on their own initiative, but only in the presence of the Commission for Surrenders and Teinds. The bishops, however, still retained the right to intervene and buy out the leases of the tacksmen. Even if agreements were reached which allowed heritors 'the buying of their awin tithes from takismen of bishopes', no sales could be concluded until the teinds in each parish had been re-assessed under the auspices of the Commission. In reminding the Commission of its duties in such situations, Charles stressed on 20 October that sufficient teinds were to be redistributed to ensure 'good and competent means' for the ministers: that is, stipends beyond the augmented minimum, the Commission being instructed not to make 800 merks or eight chalders of victual 'the highest proportion of competency'.⁷⁸

Furthermore, the need to provide ministers with competent stipends became an excuse for eroding the rights of heritors to acquire control of their own teinds from secular titulars (notably the

lords of erection). For, the Commission for Surrenders and Teinds confirmed on 18 June 1634, that no titular was compelled to sell any heritor the right to his own teinds if he intended to assign the heritor's portion of the parochial teind 'to the minister as part of his stipend'. Indeed, less than three months earlier, the Commission had deemed it apposite to qualify the rights of heritors emanating from the Revocation Scheme. From 26 March, every heritor was to have the leading, not the purchase, of his own teinds 'if the samen be in ane laik mans hand'. This qualification on sales was specifically elaborated on 24 January 1635, when the right of purchase was accorded only to heritors whose teinds had customarily been drawn by titulars or their tacksmen. In effect, heritors who held their lands by subinfeudation were precluded from purchasing their own teinds. As feuars, they held their lands from other feuars not directly from superiors, paying teind not as a separate liability nor even as a recognised component of their feu-duties, but merely intermingled with the stock of landholding dues. Since these feuars were mainly drawn from the ranks of the lesser gentry and the yeomen, their exclusion from sales amounted to social discrimination. However, their removal from the category of heritors entitled to purchase their own teinds was part of an expeditious, if increasingly desperate, effort by the Commission to unravel the technical complexities of valuation which were impeding the work of redistribution.⁷⁹

Not only were the heritors' rights to purchase from corporate and clerical titulars conditional and their right to purchase from secular titulars subject to erosion, but heritors were still required to pay teinds to tacksmen with no immediate prospect of leading, far less of purchasing, their own teinds until valuations within lordships of erection had been concluded. According to the legal decret, existing leases of teinds were to be respected provided they had been set to the predecessors of the present tacksmen prior to the erection of temporal lordships and their validity had been authenticated before the Lord Advocate by the end of May 1629. It was only on their expiry that the valuation of heritors' estates could

commence and the heritors be allowed to lead their own teinds. Hence, the heritors' ultimate prospects for purchases were remote since leases ran for considerable periods, were renewable each generation and were even mortgaged to other landowners.⁸⁰ In 1634, Sir James Lockhart of Lee was again to appear to the fore with a proposal to remove the 'prejudice' sustained by the heritors from long leases by a tripartite package for the leading of teinds currently farmed by tacksmen. Prior to the accomplishment of valuations, the customary rentals acknowledged both by tacksmen and heritors, 'by a long continued constant payment of a definite dewtie for thair tithes', were to be accepted as the authentic records for apportioning each heritor's annual liability. Alternatively, each heritor could authenticate his own annual liability by declaring under oath the true value of his teinds, provided he made up any deficit should the eventual valuation exceed his individual declaration. In either event, the tacksmen were to receive ten per cent interest on the annual liability of each heritor from the first leading of his own teinds till the completion of their valuation. Charles duly recommended this costly, if convenient, package to the Commission on 20 May.⁸¹ Nonetheless, the Commission was resolved that the interests of the secular titulars must also be accommodated before the heritors could purchase, as against lead, the teinds currently farmed by their tacksmen. A caveat was issued on 28 July that the participation of the titular in the eventual valuation of the teinds was a necessary prerequisite to their sale on the expiry of the tacksman's lease: though the Commission did concede on 22 November, that the amount assessed as teind in the presence of the titular should not exceed the annual liability of the heritor currently recorded in the tacksman's rental.⁸²

While the right to purchase their own teinds was neither guaranteed nor immediate for some heritors, it was not practicable for others. In effect the right to purchase was not so much a standing concession as a singular option. According to a directive from the Commission for Surrenders and Teinds on 13 March 1631, if any heritor

refused an offer from a titular to purchase his own teinds, 'he and his successors is secluded from all benefit therof in tyme comeing'. The coronation parliament of 1633 went on to impose specific time-limits on the option to purchase. All heritors whose teinds had already been valued were obliged to make an offer to purchase at the rate prescribed in the legal decret by Martinmas 1635. Those heritors awaiting the valuation of their teinds were given no more than two years to make an offer at the prescribed rate once their annual liability had been assessed by the Commission or sub-commissions. After this deadline had expired, the titulars were not compelled to sell 'except they doe it of thair awin good will and consent'. Indeed, because of a general lack of readily available cash, few heritors outwith the ranks of the nobility and the foremost gentry of the shires were able to exercise their option to purchase within two years. The category of heritor most adversely affected by these time-limits was that composed of the feuars of kirklands. At the same time as they were being importuned to advance the Crown a purchase price equivalent to ten years feu-duty to be quit of superiority, they were also required to pay their temporal lords a purchase price equivalent to nine years rental - that is, nine times the sum assessed as their annual liability - to secure control over their own teinds.⁸³

Ironically, the secular titulars, especially the temporal lords, were the main beneficiaries of the conditions prescribed for the sale of teinds which most heritors found impracticable. For every heritor not opting to purchase was authorised to lead his own teinds once he had provided his titular with a written undertaking that he would continue to pay the amount of teind assessed as his annual liability by the Commission or sub-commissions. In effect, the provision of sureties, which actually came into operation from 6 August 1630, meant that the secular titulars' exercise of ecclesiastical superiority could no longer be deemed to rest on prescription but was an unequivocal right acknowledged formally by the heritors and upheld legally by the Crown.⁸⁴ Moreover, the concession to lead was not to be interpreted as a dispensation from the compulsory

valuations of the teinds. Hence, the heritors not only had to provide sureties but also had to seek authorisation from the Commission for Surrenders and Teinds before they could lead their own teinds. Indeed, Charles decreed on 27 July 1632, that heritors who attempted to lead their own teinds without this requisite authorisation were 'to be callit, persewed and punished as disturbers of the publict peace and quyetness of the kingdome'.⁸⁵

As Lord Napier, then Treasurer-Depute, had anticipated in 1630, the combination of restrictive and impracticable conditions governing the acquisition of their teinds was a major cause of disenchantment among heritors, 'most of them not being able to buy there tythe, and the able not willing'. The Revocation Scheme, therefore, did not accomplish a comprehensive emancipation of the heritors from the reputed oppression of the titulars. Instead, teind remained an 'inherent dutie' on their estates which, though led directly by the heritors themselves, continued to be exacted in kind or in cash to suit the convenience of their customary ecclesiastical titulars, many of whome insisted on provender payments as a hedge against inflation. Even when their annual liabilities to the titulars were commuted into cash, the frustrated expectations of the heritors were seemingly little alleviated. The annual liability of each heritor, though quantified permanently on the valuation of his estate, still necessitated variable payments since the rates at which his teinds were commuted fluctuated yearly according to the local fiars for victual rents determined in the sheriff court. Moreover, initial valuations conducted under the auspices of the Commission for Surrenders and Teinds were universally decried by the heritors - for estates being assessed above their worth not on their agricultural capacity. Hence, the feeling spread among heritors that inflated valuations begat fiars prices 'made exhorbitant by the commissioners, whom they alledge for the most pairt to be pensioners to the titulers for the purpose'.⁸⁶

Although such allegations were more polemical than

substantial, the expectations aroused among heritors by the Revocation Scheme were steadily disappointed by directives for the conduct of valuations issued by the Commission for Surrenders and Teinds. Charles had exhorted the Commission on 14 June 1630 to remove the impediments, ascribed vaguely to 'some indirect meanes' of assessment, which had occasioned the 'slow progresse of valuations'. Significant, if not spectacular, progress was made over the next nine months in the valuation of estates where the teind, as a distinct liability from the feu-duty, was assessed separately. However, as the Commission pointed out on 23 March 1631, the valuations most susceptible to delay were of estates where the teind was intermingled with the stock of landholding dues as a composite feu-duty. The need to value stock and teind conjointly required proof of the composite feu-duty from both titular and heritor: a method of assessment which was 'mightily hindered' by the negligence of either party 'in pursueing their valuations' and sometimes even fractious, 'leading to contestation betwixt them'. Under constant pressure from the Crown to conclude valuations - not so much to accomplish the wholesale redistribution of the teinds as to secure meaningful contributions to the king's annuity - the Commission began to defer more to the vested interests of the titulars, particularly in conjoint valuations where the heritors involved were drawn mainly from the ranks of the lesser gentry and yeomen.⁸⁷

As a counter to the negligence of the titulars who failed to comply with summons from the sub-commissions, the Commission for Surrenders and Teinds had directed on 21 January 1631 that if only the heritor had attended a conjoint valuation, his oath as to the worth of his own teinds required no further corroboration. Yet by 19 December, the Commission was prepared to allow the heritor's 'oath of verity' to be challenged by the titular if he could produce witnesses to justify the sub-commission re-examining the conjoint valuation - hardly a measure to hasten valuations or eliminate local friction. Indeed, the Commission continued to complain about the 'very small progress' in the valuation of teinds. Nevertheless, though delay was attributed to

'the slowness and unwillingness of the titulars and heretours', it became the excuse for further social discrimination. By 19 February 1634, the Commission had issued more enactments to discourage heritors from contesting conjoint valuations. Only if the heritor could furnish documentary proof of the amount of teind specified in his composite feu-duty was he allowed to challenge the titular's estimate of the worth of the teind intermingled with the stock of his landholding dues - previously, sub-commissions had been prepared to accept the heritor's oath and its verbal corroboration by witnesses. Moreover, even if the heritor's challenge was upheld, the amount specified as teind was to be revalued as a quarter of his total outlay of rent - as against the fifth of his composite feu-duty prescribed in the legal decret.⁸⁸

In the meantime, social discrimination in the conduct of valuations was proving a regressive influence on the efforts of the Commission for Surrenders and Teinds to implement a comprehensive redistribution of the teinds. The heritors most vulnerable to discrimination, on account of their lesser standing within landed society, were the category most susceptible to dominance by the titulars who were also their feudal superiors. By 15 August 1632, when the Commission was instructed by Charles to take corrective action against the undervaluing of teinds, the contesting of conjoint valuations was giving way to active collusion between titulars and heritors in devaluing the amount of teind, as against stock, in composite feu-duties. In affirming the powers of the Commission to rectify the deliberate undervaluing of teinds, the coronation parliament of 1633 declared collusion to be evident 'quhair the valuatione is led with diminutione of the thrice of the iust rent presentlie payit': that is, the heritor's composite feu-duty remained unchanged, but the amount specified as teind, instead of the fifth of the composite feu-duty prescribed in the legal decret, was diminished by as much as a third.⁸⁹

Moreover, the titulars and heritors were not the only

parties suspected of collusion. The legal officers to the sub-commissions, the procurators-fiscal, were also liable to prosecution by the Lord Advocate for permitting the corroboration of composite feu-duties in which the amount of teind was deliberately undervalued. Indeed, collusion had been made flagrantly obvious by the enactment of 9 March 1631 that prohibited sub-commissions ratifying conjoint valuations which did not refer to the amount of stock and teind currently paid as composite feu-duty.⁹⁰ In turn, the connived devaluation of the teind by as much as a third required the tacit approval, if not the open encouragement, of the foremost local gentry in their capacity as sub-commissioners of the presbyteries. Thus, far from being a covert activity confined to titulars and heritors, collusion was a community enterprise designed to diminish the amount of valued teind available for redistribution to the Crown - for the king's annuity and to the Church - for augmented stipends and pious uses.

By 1 July 1635, collusion had become such an endemic practice that the Commission for Surrenders and Teinds was itself censured by Charles for its routine acceptance of valuations from the sub-commissions in which the amount of teind in composite feu-duties had been diminished by a third.⁹¹ Collusion, therefore, was tantamount to mobilisation from "the grass-roots" against the Revocation Scheme to ensure that the teind remained essentially a propertied resource at the disposal of the landed classes. Indeed, the gradual replacement of class antagonism by the growing cohesion of class interests was sanctioned by the complicity of the sub-commissions. As a community enterprise, the connived devaluation of teind was practised nationwide, on a scale which far outstripped the private endeavours of the nobility to retain their regalities and heritable offices, and more than matched the local compacts whereby temporal lords drew on their *déferential* ties with feuars to minimise the surrender of their superiorities. Moreover, the endemic spread of collusion mirrored the nationwide aversion among sub-commissioners to the compulsory valuation of every heritor's estate: a task both onerous and technically complex which

was in no way ameliorated by the imposition of punitive fines and random deadlines to secure local compliance with central directives.

As a preliminary to the prompt and responsible conduct of valuations along the guidelines prescribed in the legal decree, the Commission for Surrenders and Teinds had, on 24 March 1630, increased the penalties for each unwarranted absence from the sub-commissions by the conveners of the procurators-fiscal from £4 (six merks) to forty merks. Notwithstanding this punitive increase and the expectation that the sub-commissions should meet daily to conclude valuations, the Commission was moved to minute on 27 January 1632, that few sub-commissions had submitted reports of their diligence; 'bot ydle and impertinent excuiss hes beene pretendit be some and others disdainefullie slights and refuses ather to goe on in the service or to make ane excuse at all'. Accordingly, each sub-commission in the twenty-six presbyteries south of the river Tay was given until the last day of February to submit 'ane formal and perfyte report'. The sub-commissions of the twenty-three presbyteries to the north were given until 16 March. The conveners and clerks of fifteen sub-commissions were duly put to the horn on 1 March for failing to provide the reports required by the Commission.⁹²

The Commission for Surrenders and Teinds was, however, prepared to be more accommodating in its deadlines, particularly towards sub-commissions in the more remote presbyteries. On 25 July 1632, the sub-commissions in all presbyteries south of the water of Dee were given two months to submit the requisite reports to the Commission. Those to the north were given until 1 March 1633. The former deadline again went unheeded. The sub-commissions, even when valuations were completed within the bounds of their presbyteries, were dilatory in forwarding the results to the Commission. Thus, on 9 January 1633, the Commission made a general attack on 'the slouth and negligence of the subcommissioners'. The 'cossenage of the clerks in manie presbyteries' was specifically chastised by the Privy Council on 28 February. Of the reports actually submitted to the Commission,

valuations in at least twenty-two presbyteries were deemed 'unformall'; those which were 'formall' were, for the most part, 'so farre undervalued, that both his Majestie is prejudged in his annuity and the kirks of sufficient maintenance'. Sub-commissioners in presbyteries south of the Dee were allocated a final deadline of 25 December for the completion of accurate reports. Finalised submissions from the northern presbyteries were to be lodged with the Commission by 1 March 1634.⁹³

As well as ratifying these deadlines, the coronation parliament approved the contingency of a two month period of grace for sub-commissions, in presbyteries south and north of the water of Dee respectively, to complete and submit accurate valuations. Thereafter, negligent procurators-fiscal and clerks were to be prosecuted. Recalcitrant titulars and heritors were to be summoned to Edinburgh for the compulsory conclusion of conjoint valuations before the Commission for Surrenders and Teinds. The bishops were enjoined to instruct select ministers to provide the Commission with the requisite local information to correct incomplete or inaccurate valuations - namely, the current amounts of stock and teind in composite feu-duties. In effect, ministers were to act as the watchdogs of the Commission in the presbyteries, supervising the diligence of the sub-commissions and helping to rectify collusion.⁹⁴

It would appear, therefore, that the clergy were now required to demonstrate tangibly their appreciation of the benefits accruing to their estate from the redistribution of the teinds. Not only had the legal decret confirmed that the minimum stipend was to be augmented to eight chalders victual or eight hundred merks, but the Commission for Surrenders and Teinds, in a series of enactments from 11 February to 30 March 1631, had upheld the entitlement of every minister to have his stipend augmented and paid from the teinds of the parish in which he exercised pastoral care. *This augmented minimum was still to prevail even if part of his parish was disjoined and erected into a separate charge.* If augmentation encountered obstruction, the titular

and heritors were obliged to make a local designation of the minister's stipend from the parochial teinds - a guarantee enforced by a decret of locality.⁹⁵ Indeed, as borne out by around thirty decreets of locality enforced between 1634 and 1636, the Commission was by no means reluctant to implement significant augmentations of stipend above the prescribed minimum.⁹⁶

Nevertheless, there was no uniform parochial provision, even for ministers within the same presbytery. The laxity accorded to titulars intent on circumventing their parochial obligations was lambasted vociferously in 1633 by William Guild, a minister in Aberdeen. By having neighbouring parishes united, titulars minimised the amount of teind requiring redistribution for ministers' stipends as for pious uses: a practice reputedly pursued to such an extent 'that we detested before Idoles in Churches, but we are making now Idol Churches'.⁹⁷ An official committee of inquiry into the operation of the Commission for Surrenders and Teinds reported that there existed, by the end of 1636, 'ane inequality of provisioun in some churches of lyke worth, some of them being far inferiour to others': a situation largely attributable to the incapacity of the Commission to ensure the systematic valuation of parishes in every presbytery and, more especially, to dispensations granted by the Crown to favoured titulars.⁹⁸ Furthermore, the enforcing of a decret of locality was liable to prove a protracted and fractious process, impairing the minister's goodstanding within the local community. The augmentation of his stipend to the prescribed minimum and its reallocation among the estates of the parish could mean over a score of heritors, as well as the titular and tacksmen, being summoned before the Commission in Edinburgh and even the complete revaluation of the stock and teind of the parish because of their lack of diligence in pursuing conjoint valuations before the relevant sub-commission.⁹⁹

In turn, the augmentation of stipends by decret placed legal constraints on the harmonious development of local relationships between ministers and landowners which not only prejudiced further

redistribution of the teinds for pious uses, but also voluntary stents for the enhancement of congregational services, such as schooling and social welfare. Thus, the realities of local interdependence tended to outweigh heavily any inclinations among ministers to act as watchdogs for the Commission of Surrenders and Teinds, either in the submission of accurate valuations from presbyteries south and north of the water of Dee during the respective periods of grace or subsequently, on the suspension of the sub-commissions, in the piecemeal work of correction and completion. On 6 November 1635, Charles felt obliged to continue the Commission beyond the three years allocated by the coronation parliament since collusion was still unchecked and there were yet 'many tithes unvalued and kirkis unprovdyed'. Indeed, when the Commission went on to promulgate an act against collusion on 25 March 1636, ministers were implicated along with titulars and heritors in the deliberate undervaluing of teinds in composite feu-duties. Thus, collusion could now be deemed a community enterprise drawing support from every estate in the political nation. That year's official committee of inquiry into the operation of the Commission reported that 'the great ill of undervaluing' was the foremost impediment to the comprehensive redistribution of teind: 'the tythes were undervalued almost universally, and often by collusion'. Moreover, as 'the farr greater sort' of the teinds were 'not yet valued', the Commission entered its last session during Charles' personal rule on 10 January 1637, still committed, albeit forlornly, to the work of rectification and completion.¹⁰⁰

The slow progress in the completion of accurate valuations not only impeded the redistribution of the teinds in general but, as Charles remained acutely aware, prejudiced the exaction of the king's annuity in particular. Charles had intended that his annuity would commence at the harvest of 1628. Yet, the Commissioners for Surrenders and Teinds were obliged on 14 July 1630 to request the Exchequer to issue letters of horning to enforce payments of the annuity for both 1628 and 1629. However, the threat of outlawry brought no immediate response from titulars and heritors, either to

clear off arrears or to commence payment of the annuity at that year's harvest. Accordingly, the Commission issued directives on 23 March 1631 for the compulsory exaction of annuity from unvalued as well as valued teind. Where conjoint valuations had not been completed by 1 August, a fifth of the heritor's current composite feu-duty was to be taken as 'the just teind' from which the annuity was to be exacted, 'until the constant rent be knowne be ane formall valuation'. Where separate assessments of teind had still not been concluded, the annuity was to be exacted from the current annual liability after a fifth had been deducted as the heritor's personal allowance.¹⁰¹

Nevertheless, the optimism within official circles that a comprehensive exaction of the king's annuity would now commence at that year's harvest proved unfounded.¹⁰² As the Commission for Surrenders and Teinds revealed on 21 December 1631, attempts to uplift the annuity from unvalued teinds had encountered not only consumer resistance but also a technical difficulty - namely, the application of a uniform rate of exaction from teinds paid in kind given nationwide variations in the quality of crops. All payments in kind were to be commuted according to local fiars prices for each crop. But, instead of exacting annuity at the different rates prescribed in the legal decret for each crop of valued teind, the annuity was exacted from unvalued teind at the same rate: that is, six merks from every one hundred merks of victual, the rate prescribed in the legal decret for teind paid in cash. Provision was made that such a flat-rate exaction from unvalued teind should not exceed the separate rates prescribed for each crop of valued teind. However, widespread discrepancies arose within the localities over the amounts exacted as annuity from unvalued as against valued teind.¹⁰³ It was hardly surprising, therefore, that the co-operation of the titulars and heritors was somewhat less than wholehearted. Indeed, the general issuing of letters of horning for the non-payment of annuity since 1628 was resumed in the Exchequer on 25 June 1632.¹⁰⁴

Yet, no forthright appraisal of the king's limited prospects of deriving a regular income from the teinds emanated from his Scottish administration. While Lord Advocate Hope cautioned Charles on 28 July 1632 that the landed classes 'are muche walknit be exacting from them of the annuitie', he affirmed that the Commission for Surrenders and Teinds were making such good progress that the conclusion of their work could be expected shortly, 'if the titularis and heretors did not unhappilie lye out and delay the valutiounes to thair awin hurt'. Charles, for his part, was determined to ensure the comprehensive exaction of his annuity, especially as he was seeking to deploy 'all lawful and possible meanes to levy moneyis' for his forthcoming coronation in Scotland. On 28 December, he instructed the Lord Advocate to use his best endeavours in consultation with the Exchequer, 'that all our annuiteis of Tythis, alsweill valued as unvalued, due to us for all yeres and termes preceeding be brought in to our use with the greatest expedition and convenience that may be.'¹⁰⁵ Nevertheless, the clearing of arrears, which had actually begun that spring, was to be no more than a fringe activity in the Exchequer over the next three years.¹⁰⁶

Charles, however, did have sufficient foresight to prepare for contingency action should his Scottish administration prove unable to effect the comprehensive exaction of his annuity. Significantly, he declined to have his annuity from the teinds annexed to the Crown as heritable income by the coronation parliament, which was content to leave its classification to the king's discretion. Thus, the ground was established for the flexible deployment of the annuity to secure an immediate return for Charles if not a regular income for the Crown.¹⁰⁷ Hence, Charles decided that his annuity was to be used as a bargaining counter in the Commission's negotiations with the temporal lords for the reappraisal of their feu-duties following the surrender of superiorities. The Exchequer was informed on 20 February 1634, that Charles was prepared to dispense with the annuity due from the temporal lords for the unsold teinds within their titularship should they make prompt payment of their existing feu-duties to the Crown.

Nonetheless, the temporal lords preferred a more precise reappraisal of their liabilities, related specifically to the actual amounts of superiority surrendered and teind purchased. Hence, a special sub-committee of the Commission for Surrenders and Teinds was appointed on 20 October to negotiate revised feu-duties in which the annuities from unsold teinds were to be incorporated. Since the temporal lords had allowed their existing feu-duties to fall into arrears, their negotiations with the sub-committee - which were usually protracted - guaranteed Charles no more than a piecemeal return, certainly not a regular income.¹⁰⁸

Simultaneously, however, Charles was pursuing an alternative strategy, designed to yield a more immediate, albeit singular, return - namely, the sale of his annuity to landowners 'disposed to buy it'. The Commission for Surrenders and Teinds was authorised on 28 February 1634 to commence negotiations with landowners 'who desyre to enjoy the annuitie of their Landis of all yeres bygane and to cum'. Charles confirmed on 6 May that when sales were concluded, at a price established by the Exchequer, the purchaser was freed from all legal obligations to pay annuity in the future. As this was a heritable concession, sales - which were to be completed by 1 August 1635 - were restricted effectively to heritors who had already secured control over their own teinds and to secular titulars who continued to exercise control over unsold teinds. Moreover, as the purchase price was not established in the Exchequer until 15 October, the period for the conclusion of sales was cut from fifteen to less than ten months. Teind apportioned as the king's annuity was to be sold to select heritors and secular titulars for a price costed at fifteen years purchase: that is, a purchase price equivalent to fifteen years annuity from each estate. As a further stimulus to sales, Charles conceded on 7 November that this purchase price was to include existing arrears, amounting in most instances to seven years annuity. Landowners qualified to participate who postponed or delayed purchase were not guaranteed such indulgent terms, were liable to have 'no favor in buying ye same heirefter' and were open to prosecution for the

non-payment of arrears. Thus, the Exchequer issued letters of horning on 21 November intimating to all landowners qualified to purchase their share of the annuity, but still currently in arrears, 'yat they sall have both for fifteen years purchase'.¹⁰⁹

Nevertheless, only eight landowners had purchased their share of the king's annuity by 1 August 1635, although another eighteen had made offers to purchase. Because of Charles' unabated desire for an immediate return from the teinds, the period for sales was extended on 6 November and was effectively to last until the end of his personal rule, by which time another eighty sales were concluded. Some landowners, on account of their belated decision to purchase and their mounting arrears, were obliged to pay a purchase price equivalent to sixteen years annuity. The total of eighty-eight sales - which realised individual sums ranging from under £100 to over £2,000 - did little to alleviate the financial burdens of the Crown, but much to highlight the widespread lack of enthusiasm among the landed classes for Charles' implementation of the Revocation Scheme to his own personal advantage.¹¹⁰ Admittedly, the market for sales was restricted to select heritors and secular titulars. The slow progress of valuations had imposed a further restriction on sales since no qualified landowner could offer to purchase until his teind was evaluated and his share of the annuity specifically apportioned. Yet the delayed conclusion of valuations was due less to inherent technical complexities than to local inertia and, above all, to class collusion. Indeed, Charles himself, by 30 November 1635, had already placed on record his apprehensions about the 'great prejudice' he would suffer, 'if the said annuity be sold according to such valuations as are wrongously undervalued'.¹¹¹

Even before the initial period for sales had expired, Charles had resorted to the farming of his annuity from 24 July 1635: a manoeuvre tantamount to official recognition of the limited prospects for an appreciable return from sales. Over the next twelve months, Scotland was divided into six farming regions in which fiscal

entrepreneurs were commissioned by the Exchequer, from one to three years, 'for the speedy ingathering of the annuitie of the teyndis of all lands alsweill unvalued as valued'. The fiscal entrepreneurs were expected usually to collect other royal revenues, a farming process which culminated in the commission granted to Sir Alexander Strachan of Thornton over the re-cast north-eastern region on 3 August 1636. Not only was he expected to collect the annuity from the shires of Forfar (Angus), Kincardine, Aberdeen, Banff, Moray, Inverness and Fife, but he was also licensed to sell the annuity to heritors qualified to purchase for the payment of sixteen years annuity - a price which included arrears. In addition, he was to collect all Crown rents, including feu-duties of kirklands; the escheats of outlaws; the judicial fines imposed in sheriff-courts and by justice-ayres as well as all profits arising from contraventions of decreets issued by the Court of Session.¹¹²

Nevertheless, the political discontent occasioned by the farming of the annuity would appear to have outweighed the financial benefit accruing to Charles. Indeed, the Exchequer was obliged to legislate against overzealous exactions of the annuity by 15 July 1635, when no more than two farming districts had been commissioned. According to the guidelines issued from 1631 by the Commission for Surrenders and Teinds, the titulars were charged to collate all redistributable teind in every parish, even though some heritors had purchased their own teinds. Thus, when fiscal entrepreneurs began to demand specific payments of annuity direct from the heritors, 'it daylie occurres that quhen the heretors are chairged they suspend upoun payment maid of thair teynd bolles to ye titularis'. Instead of providing fresh guidelines for the collation of redistributable teind, the Exchequer still required heritors to meet in full their existing obligations to the titulars as well as making specific payments of annuity to the fiscal entrepreneurs. In return, the heritors were granted relief from the annuity the following year. However, each heritor was left to make a unilateral deduction of his share of the annuity from the total amount of teind paid to the titular. Hence,

rather than developing as a comprehensive and systematic return from the farming districts, the king's annuity remained a fractional and fractious undertaking.¹¹³

Moreover, the bulk of the teinds were still unvalued by the time the last farming district was commissioned. Heritors who paid teind separately from their feu-duties were thus obliged to meet their share of the annuity though not yet entitled to retain a fifth of their own teind as their personal allowance. Most of the heritors so affected were drawn from the ranks of the lairds, including the foremost gentry of the shires, whose support the Revocation Scheme was designed to encourage not alienate. Nonetheless, since the personal allowance was regarded officially as a tactical concession to secure the heritors' endorsement of the king's annuity, the Scottish administration was not impervious to the rumblings of discontent percolating through to Edinburgh from the localities by the end of 1636. Indeed, the committee of inquiry into the operation of the Commission for Surrenders and Teinds was moved to affirm on behalf of heritors not yet in receipt of their personal allowances, that 'it will be thought a great iniquity to exact the annuity of them'.¹¹⁴

Although not the subject of an official inquiry until 1636, the general conduct of the Commission for Surrenders and Teinds had long been a cause of public complaint. According to Lord Napier, signs of 'a bissines miscaryed or ill managed' were evident as early as 1630, by which time the Commission was already beset by technical complexities, 'like the heads of Hydra, no sooner one cut off but another arises'.¹¹⁵ The arduous, as well as the technically complex, workload imposed upon the Commission as the co-ordinating agency for the implementation of the Revocation Scheme led to collective actions of avoidance by commissioners. From 8 January 1630, its inaugural meeting after the publication of the legal decret, the Commission was afflicted periodically by the inclinations of lay and clerical commissioners alike to exercise 'their ingenuity in shirking the odious duty that has been imposed upon them'. Not infrequently, diets had to

be deserted as inquorate. Although Charles was not averse from censuring absentees as 'hinderers' of his service, his directives to the Privy Council to enforce the compulsory attendance of commissioners were of little practical remedy. For the process of putting to the horn had been instigated so often that the threat of outlawry had become universally devalued by 1633.¹¹⁶

Moreover, the Commission as a whole was by no means receptive to administrative expedients which threatened to dilute and, perhaps, supplant its powers. On 7 December 1631, the Commission received a letter from Charles appointing a select committee. Its membership was to consist of two commissioners from each estate who, together with six leading officials, were to sit for six hours daily during each working week from 16 December until 1 February 1632, 'for accelerating and hastening of valuations'. Rather than implement this proposal, the Commission on 21 December dispatched overtures to Court objecting to the devolution of its powers to the select committee on the grounds that it was authorised only to create committees to discuss and ratify the valuations reported by the sub-commissions, not to appoint a committee to determine and judge which would be 'destructive of itself'. Furthermore, the Commission was convinced that the select committee would not hasten, but retard and lengthen the process of valuation, since contending parties would be unsure which was the more appropriate authority to hear their suits. Indeed, the select committee was regarded as an administrative diversion not an expedient, which would nourish and increase the apprehensions of all affected parties that the work of revocation 'was aimlesse and desperat'. Faced by such collective resistance, Charles conceded on 14 January 1632 that the select committee should only operate under the strict supervision of the Commission. For the next seventeen months, in a forlorn effort to conclude accurate valuations before the coronation parliament, the select committee reported its discussion and rectifications to the twice weekly meetings of the full Commission. In turn, no less than three commissioners from each estate were designated to attend the select committee every month, thereby securing

the quorum of five for its daily meetings - though all commissioners prepared to attend were admitted to its three hour sessions each morning and afternoon.¹¹⁷

From the renewal of the Commission for Surrenders and Teinds on 1 November 1633, there was no attempt made to revive the select committee. Instead, the Commission strove to fulfil its exacting workload by remaining quorate and increasing its weekly meetings. Every two months, four commissioners each from the nobility, gentry and clergy, together with three from the burgesses and a leading official, were designated to maintain the quorum of fifteen. On 17 January 1634, the weekly meetings of the full Commission were extended from two to three - Mondays being utilised as well as Wednesdays and Fridays. Nevertheless, the weekly attendance record of the commissioners was not so diligent that the work of revocation, especially of teind redistribution, went fast forward during the remainder of the personal rule. The Commission was still susceptible to delays occasioned by absenteeism. Moreover, its progress continued to be hindered by the lack of systematic valuations in the presbyteries and by contested valuations in the parishes. Above all, the Commission was never able to rectify effectively the endemic spread of collusion as a community enterprise.¹¹⁸

The Commission for Surrenders and Teinds operated over a decade as Charles' co-ordinating agency for the implementation of the Revocation Scheme. On the one hand, because of its limited success in effecting the work of revocation within the localities, the proceedings of the Commission serve to monitor the gradual groundswell of opinion from the "grass-roots" against the accomplishment of the Scheme. On the other hand, the commissioners charged to carry out the directives of an absentee monarch were not mere cyphers, but representatives of and responsive to the interests of their respective estates. Thus, the proceedings of the Commission also monitor the growing estrangement between the Court and the political nation.

Since the Revocation Scheme amounted to a frontal assault on their vested interests, threatening not just their judicial privileges and landed resources but their social status, the nobility were never more than grudging participants on the Commission. Support from the gentry could no longer be relied upon once that estate came progressively to realise that the opportunities to be quit of superiorities and to control teinds were hedged severely by technical restrictions and exacting financial qualifications. The burgesses, who took little interest in the work of revocation after their accommodation with the Crown was confirmed by the legal decree, manifested their marked indifference by conspicuous absenteeism. The most truculent element during the span of the Commission was the clergy. The determination of the bishops to uphold the Kirk's claim on the teinds as spirituality had even led them to object to the Lord Advocate's proposal to the Convention of 1630 that non-subscribers to the general submission should 'be tyed to quyt ye teyndis of uther mennis landis'. Hence, they remained adamant, if isolated, in their conviction that the teinds were 'the proper patrimony of the Church' and that the scope of the Commission should have been limited to lordships of erection, not extended to the redistribution of teinds in every parish of the kingdom.¹¹⁹

Despite their poor attendance record as commissioners, Charles was forced increasingly to call upon the support of the bishops to ensure that the Commission adhered to its exacting workload. For Charles' remorseless pursuit of revocation, his willingness to resort to legal compulsion to effect all aspects of his Scheme and his determination to make his annuity from the teinds remunerative, forged a concerted opposition among the landed classes. In the country, piecemeal local inertia gave way to widespread active collusion. Among the lay commissioners, separate antagonisms gave way to a common accord against authoritarianism and the upholders of the prerogative. The frustrated expectations of the gentry were fused to the offended interests of the nobility, even the apathy of the burgesses was transformed by this lay reaction. The clerical commissioners were

explicitly identified as the common target for constitutional opposition from 21 December 1631, when the king's proposal for the select committee 'craved be the bishops' was rejected by the rest of the commissioners. The suggestion by the bishops that the powers of the Commission be devolved, to correct the 'unjustness of valuations', had actually been taken up by Charles six months earlier on 14 June. The bishops' selection as the common target was confirmed when they went on to object to the commissioners nominated to the revised version of the select committee after it became operational on 14 January 1632.¹²⁰

No attempt was made in the coronation parliament to appease the constitutional apprehensions raised by the Revocation Scheme. As that elder statesman Haddington pointed out pertinently to the Court on 17 June 1635, the principle of revocation had merely been affirmed not proved. As yet, there had been 'no cognition taken (as was ordained) what right his Majestie hes to teinds. Nor is their tryall taken (as was enjoined) what were the causes why erections were given'.¹²¹ The bishops were specifically implicated as barriers to the parliamentary redress of such grievances after Charles suspended the Commission for Surrenders and Teinds on 16 October 1636, to await an official inquiry into its tortuous proceedings. The seven bishops appointed to the official committee of inquiry had an absolute majority of one over the remaining lay members. Undoubtedly, therefore, they had a decisive influence on the committee's recommendation - accepted by Charles on 10 January 1637 - that the Commission should be renewed rather than extinguished. The redress of grievances arising from the Revocation Scheme 'must neids be done by the authority of the present Commissioun, for ane other way there is not, unless his Majestie shuld be pleased to call a new parliament which will have the owin difficulties and ane uncertane event'.¹²²

In retrospect, given the decade of wrangling occasioned by its implementation, the political castigation of the act of revocation as 'a dangerous nonsense' may appear justified.¹²³ Yet, the most

unacceptable aspect of the Revocation Scheme was neither its aims nor even its promotion through the Commission for Surrenders and Teinds, but Charles' unstinting resolve to impose and accomplish his revocation, if necessary by legal compulsion, solely on the strength of his prerogative. Although the political nation did indeed reject this imposition of social engineering from above, the substance of the Revocation Scheme was to find support from the Covenanting Movement. Thus, the Commission for Surrenders and Teinds was to be resurrected in 1641 as the Commission for Plantation of Kirks and Valuation of Teinds, and was to continue as the co-ordinating agency for teind redistribution over the next nine years; every heritor being guaranteed the right to purchase his own teinds. The right of every feuwar to be quit of superiority and hold his kirklands directly from the Crown was to be reiterated in 1649: simultaneously, regalian privileges and heritable offices created since 1641 were to be rescinded and future creations proscribed.¹²⁴ That the Revocation Scheme should be postponed rather than terminated in 1637, indicates that opposition from the political nation was ^{neither} ~~not~~ ^{nor necessarily a} ~~a~~ uniform conservative reaction ^{primarily} against social engineering, but a collective vote of no confidence in Charles I.

Charles' inability to accomplish his revocation during his personal rule was largely the outcome of his monarchical style. 'A measure of Charles' incompetence as a politician' can certainly be discerned from the little gratitude he received from the classes his Scheme was propagated to benefit.¹²⁵ His remorseless pursuit of revocation succeeded only in forging an accord among the landed classes to resist and frustrate its achievement. His ignorance of the structure and aspirations of the political nation made him ill-equipped to attempt social engineering, especially as the work of revocation necessitated a frontal assault on the vested interests of the Scottish nobility. The atavistic determination of this estate to retain rather than surrender or redistribute their customary spheres of territorial influence was, probably, unmatched in contemporary Europe outwith Russia, where the Romanovs' efforts to engineer a 'service-state' by

the systematic regulation of lay benefices was undermined steadily by the conveyancing of landed resources in wills and dowries to camouflage acquisitions by inheritance, sale or mortgage.¹²⁶

Admittedly, Charles was also confronted by a problem of government which had afflicted absentee monarchy since 1603: namely, the maintenance of effective channels of communication and administration between the Court and Scotland, a situation which required political flexibility on the part of the monarch and a resolute political will to uphold royal authority on the part of his Scottish administration. Nevertheless, although Charles' promotion of his revocation did not lack flexibility, his pragmatism was confined to administrative expedients. Hence, the authoritarian manner in which he strove to impose and implement his Revocation Scheme, making scant allowance for either its technical complexity or its exacting workload, provoked a critical reaction from the political nation. Ultimately, this reaction raised issues of constitutional significance, having initially found expression in the widespread reluctance within the localities to fulfil central directives which, in turn, brought about the gradual erosion of the political will of the Scottish administration to uphold the king's prerogative without equivocation. *In sum*, the implementation of the Revocation Scheme at the behest of an absentee monarch, instead of engineering a transformation of Scottish society, helped manufacture a movement of widespread dissidence among the political nation.

Notes

1. RPCS, second series, III, 293-313; APS, V, 32, c.14; 34-35, c.17.
2. NLS, Kirklands; Laws, MS.1943, ff.7. Rentals were generally reckoned at two-fifths the produce of an estate. On conjoint valuation, this would leave two-twenty-fifths as teind - ie one-fifth of two-fifths. On separate valuation, since the actual as against the notional teind could sometimes exceed one-eighth of the total produce, the allowance of one-fifth from the teind helped equalise assessments - eg one-tenth minus one-fifth of one-tenth equals two-twenty-fifths (Cormack, Teinds and Agriculture, 109-110).
3. The Red Book of Menteith, II, 14-15.
4. Stirling's Register of Royal Letters, I, 387.
5. SR0, Cunninghame-Grahame MSS, GD 22/3/781.
6. Despite the use of such expedients as allowing the duties specified as teind in old rentals to stand if both titular and heritor agreed (NLS, Kirklands; Laws, MS.1943, ff.39), two centuries were to elapse before all teinds in Scotland were valued (Cormack, Teinds and Agriculture, 108).
7. SR0, Cunninghame-Grahame MSS, GD 22/3/781.
8. Stirling's Register of Royal Letters, I, 382-83, 388, 399.
9. The Acts of Sederunt of the Lords of Council and Session, 1628 - 1740, (Edinburgh, 1740), 3-6; Stirling's Register of Royal Letters, II, 417. The only time-limit previously specified, that of 1540, applied exclusively to feudal tenures - namely, the conversion of ward and relief into taxed ward and blench-ferme.
10. Stirling's Register of Royal Letters, II, 439, 470.
11. SR0, Cunninghame-Grahame MSS, GD 22/1/518.
12. NLS, Kirklands; Laws, MS.1943, ff.35; SR0, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.7-9, 11-25, 28-33.
13. SR0, Cunninghame-Grahame MSS, GD 22/1/518.
14. Napier, Montrose and the Covenanters, I, 82-84, 'A Discourse upon the business of the Tithes, now in hand'.

15. Stevenson, The Scottish Revolution, 40.
16. Stirling's Register of Royal Letters, I, 25, 39-40, 44, 50, 166, 179, 191, 252-53, 258, 304-5, 314, 370, 372-73, 376, 378, 381, 393, 403; RPCS, second series, II, 364; III, 317-20, 364-69.
No exact figures are available for every transaction, involving seven nobles and four gentlemen, though £190,666 13s 4d was negotiated for the surrender of the sheriffship of Roxburgh (£20,000), the bailiary of Kyle and the regality of Newtown (£20,000), the sheriffship and regality of Sutherland (£12,000), the office of Justice-General (£48,000), the sheriffship of Ayr, the bailiary and regality of Kylesmuir (£14,000), the sheriffship of Galloway (£16,666 13s 4d), the sheriffships of Aberdeen and Inverness (£60,000).
17. SRO, Treasury Accounts, 1 March 1624 - 1 March 1625, E 19/22; Sir W. Purves, Revenue of the Scottish Crown in 1681, D.M. Rose, ed., (Edinburgh & London, 1897), xlv-xlv.
18. SRO, Accounts of the Collectors of Taxation Granted in 1625 & 1630, E 65/10 & /13; Accounts of the Collectors of the Extraordinary Taxation Granted in 1625 & 1630, E 65/11 & /14.
19. The Red Book of Menteith, II, 31-32; APS, V, 209; Stirling's Register of Royal Letters, II, 462.
20. Makey, The Church of the Covenant, 13. It was rumoured that £2,000 sterling (£24,000) had apparently been set aside as early as 1625 in the English Exchequer for the exemplary, but secret, purchase of church property from both the duke of Lennox and the marquis of Hamilton (Burnet, History of My Own Times, 11; Gardiner, Personal Government, I, 349, note 1). However, the house of Lennox had lost its entitlement to the property of the archbishopric of Glasgow following James VI's restitution of episcopal estates in 1606, though it did retain the office of bailie and justiciar of the barony and regality of Glasgow, both within and without the burgh, a judicial privilege not revoked by Charles I (RMS, VIII, (1620-33), numbers 1397, 2161). The duke's surrender of St Andrews priory in 1634, like that of the marquis of Hamilton's surrender of Arbroath abbey in 1635, was

- the belated not the exemplary outcome of official negotiations (Stirling's Register of Royal Letters, II, 789, 860; SR0, Exchequer Act Book, 1634-39, E 4/5, ff.118-24).
21. Aylmer, The King's Servants, 65; F.C. Dietz, English Public Finance, 1558-1641, (London, 1964), 269-72.
 22. SR0, Southesk Miscellaneous Papers, including 'Proceedings of the Lords Commissioners of Exchequer, 1627-47', RH 2/8/13; Stirling's Register of Royal Letters, II, 790.
 23. The Red Book of Menteith, II, 14, 25; Stirling's Register of Royal Letters, II, 431, 454, 624; SR0, Copy Minutes taken from Exchequer Register, 1630-34, E 4/8, ff.2, 7; Exchequer Act Book, 1634-39, E 4/5, ff.31. The only other surrender of note during the personal rule of Charles I was that of the sheriffship of Stirling by the earl of Mar. Negotiations initiated at the end of 1637 led to an offer of £60,000 compensation by 1641 (G.A. Malcolm, 'The Office of Sheriff in Scotland', SHR, XX, (1923), 305-6; Purves, Revenue of the Scottish Crown in 1681, 82).
 24. Stirling's Register of Royal Letters, I, 39-40, 44, 393; II, 733-34, 809-10; RPCS, second series, III, 366-69; Hamilton Correspondence Calendar, I, numbers 289, 292; SR0, Copy Minutes taken from Exchequer Register, 1630-34, E 4/8, ff.3.
 25. Stirling's Register of Royal Letters, I, 191, 314; SR0, Copy Minutes taken from Exchequer Register, 1630-34, ff.7; RMS, VIII, number 1847; APS, V, 62, c.54.
 26. Stirling's Register of Royal Letters, I, 252-53, 258, 378; SR0, Exchequer Act Book, 1634-39, E 4/5, ff.31; RMS, VIII, number 1253; APS, V, 77, c.69; 80, c.70; S.A. Gillan, ed., Selected Justiciary Cases, 1624-50, I, (The Stair Society, Edinburgh, 1953), 275-76; RPCS, second series, II, 364.
 27. cf. Stirling's Register of Royal Letters, I, 403; II, 493.
 28. University of Hull, Maxwell - Constable of Everingham MSS, DDEV/79/D, 'Note of things regarding sheriffs, the borders & c. to be rectified by Parliament. About 1630'.
 29. cf. SR0, Accounts of the Collector of the Taxations Granted in

- 1633, E 65/16 & /17.
30. RPCS, second series, VI, (1635-37), 111, 259-60, 316-17; Malcolm, SHR, XX, 306.
 31. Stirling's Register of Royal Letters, I, 179.
 32. Ibid, II, 456-57; The Red Book of Menteith, II, 31-32.
 33. Stirling's Register of Royal Letters, I, 321; II, 439-40; SR0, Copy Minutes taken from Exchequer Register, 1630-34, E 4/8, ff.2. Scotstarvit also devised an alternative technicality to allow feuars of kirklands to purchase superiorities and directly commence the payment of their feu-duties to the Crown, thereby bringing about an immediate increase in Crown rents. If their charters contained clauses irritant - ie nullifying conditions - the feuars could be given new charters which dropped these clauses in return for a composition equivalent to the compensation each temporal lord was to receive from the Crown for the loss of his feu-duties: the share of the composition paid by each feuar being directly proportional to the individual amounts paid as feu-duty.
 34. The Red Book of Menteith, II, 17; Stirling's Register of Royal Letters, I, 321.
 35. APS, V, 32, c.14.
 36. SR0, Hamilton Papers, TD 75/100/26/260; Copy Minutes taken from Exchequer Register, 1630-34, E 4/8, ff.10; NLS, Sea Laws & C, Adv.MS.6.2.2.
 37. SR0, Copy Minutes taken from Exchequer Register, 1630-34, E 4/8, ff.11-12.
 38. SR0, Southesk Miscellaneous Papers, RH 2/8/13; Exchequer Act Book, 1634-39, E 4/5, ff.125; Stirling's Register of Royal Letters, II, 790.
 39. SR0, Copy Minutes taken from Exchequer Register, 1630-34, E 4/8.
 40. NLS, Kirklands; Laws, MS.1943, ff.207-11; SR0, Copy Minutes taken from Exchequer Register, 1630-34, ff.9; The Acts of Sederunt of the Lords of Council and Session, 1628-1740, 8-9; Stirling's Register of Royal Letters, II, 647, 650, 727. Abercorn's example was followed by another landowner,

James Inglis of Ingliston who, though not designated a temporal lord, was attempting to defend his acquisition of templelands from John Sandilands, Lord Torphichen, which the Crown had erected into the free barony of Ingliston on 17 December 1631 (RMS, VIII, number 1879).

41. SR0, Copy Minutes taken from Exchequer Register, 1630-34, E 4/8, ff.8; Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.431-33.
42. SR0, Hamilton Papers, TD 75/100/26/260; NLS, Sea Laws & C, Adv.MS.6.2.2.
43. SR0, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.3.
44. SR0, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.55, 289, 396, 429; Stirling's Register of Royal Letters, II, 510, 512, 585, 594.
45. SR0, Exchequer Act Book, E 4/5, ff.21-24, 100.
46. Stirling's Register of Royal Letters, I, 304-5, 373, 376, 381; RMS, VIII, number 1652; SR0, Copy Minutes taken from Exchequer Register, 1630-34, E 4/8, ff.2, 7; Purves, Revenue of the Scottish Crown in 1681, 67.
47. Edinburgh University Library, Laing MSS, La.I.23; Stirling's Register of Royal Letters, II, 595, 739; Purves, Revenue of the Scottish Crown in 1681, 39-40; APS, VI, (ii), (1647-60), 246, c.200. By a contract finalised on 30 December 1634, Patrick Murray was authorised to retain his lay commendatorship of Inchaffray abbey under a wadset of £14,400 (Stirling's Register of Royal Letters, II, 722, 817).
48. Purves, Revenue of the Scottish Crown in 1681, 50-53, 99, 109; Stirling's Register of Royal Letters, II, 423, 577, 695, 740; 758-59, 789, 796, 806, 860; SR0, Exchequer Act Book, 1634-39, E 4/5, ff.3-21, 118-24, 215-17; Miscellaneous Ecclesiastical Records, CH 8/83, 'Copie of the letter and artickles sent to the king for the kirkis of Kelso', RMS, IX, (1634-51), number 530.
49. APS, V, 50, 162-65; Purves, Revenue of the Scottish Crown in 1681, 85-86; RPCS, second series, I, cxxv, cxlvii; The Scots

- Peerage, VIII, 392.
50. RMS, VIII, number 780; Stirling's Register of Royal Letters, I, 384; II, 467, 500, 568-69, 645, 667, 678, 806, 866.
 51. APS, V, 54-55, c.44; RMS, VIII, number 2225; Stirling's Register of Royal Letters, II, 691-92, 711, 724, 739, 795-96; SR0, Hamilton Papers, TD 75/100/26/315. These endowments were in keeping with the king's endeavours from 1629 to secure the landed resources of the impoverished bishopric of the Isles (Stirling's Register of Royal Letters, I, 348; II, 446, 840-42, 851) and the Crown's subsequent maintenance of the regalian rights of the archbishopric of Glasgow in 1637 (SR0, Exchequer Minute Book, 1634-49, E 5/2).
 52. University of Hull, Maxwell - Constable of Everingham MSS, DDEV/79/D.
 53. HMC, Mar & Kellie, I, 163-68, 179-81; II, 245-49; SR0, Cunninghame-Grahame MSS, GD 22/3/582 & /777; Napier, Montrose and the Covenanters, I, 31-32; APS, V, 219; The Red Book of Menteith, II, 17, 32; Stirling's Register of Royal Letters, II, 457-58, 497, 523, 527, 686, 761. Thornton eventually resigned his commission on 16 June 1631, ironically on the same day that Lord Napier, his principal opponent in the Exchequer surrendered his office of Treasurer-Depute (SR0, Copy Minutes taken from Exchequer Register, 1630-34, E 4/8, ff.3, 7).
 54. RMS, VIII, passim. Blench-ferme tenure occurred in twenty-five per cent of all land transfers (eighty-eight in total) in the shires of Dumbarton, Lanark and Renfrew between 1625 and 1633.
 55. SR0, Copy Minutes taken from Exchequer Register, 1630-34, E 4/8, ff.6, 9; RMS, VIII, numbers 1750, 1999; HMC, Mar & Kellie, I, 191; APS, V, 33-34, c.16; NLS, Sea Laws & C, Adv.MS.6.2.2. This concessionary policy was carried a stage further on 8 December 1634 when the Exchequer enacted that all feuars on lands held from the Crown by ward and relief were exempt from the payment of reliefs for the non-entry of their superiors (SR0, Southesk Miscellaneous Papers, RH 2/8/13).
 56. SR0, Exchequer Minute Book, 1634-49, E 5/2; Southesk

- Miscellaneous Papers, RH 2/8/13; Exchequer Act Book, 1634-39, E 4/5, ff.210; Stirling's Register of Royal Letters, II, 746, 753, 794-95.
57. Stirling's Register of Royal Letters, II, 657, 700, 706, 718, 722, 723-27, 774, 788-89, 805, 807, 811, 825-26, 859; SR0, Hamilton Papers, TD 75/100/26/8272.
 58. SR0, Exchequer Act Book, 1634-39, E 4/5, ff.21-24, 31, 210; Exchequer Minute Book, 1634-49, E 5/2.
 59. Stevenson, The Scottish Revolution, 39; Gardiner, Personal Government, I, 352.
 60. Stirling's Register of Royal Letters, II, 444; HMC, Mar & Kellie, I, 171-72.
 61. SR0, Cunninghame-Grahame MSS, GD 22/1/518.
 62. Connell, Treatise on Tithes, III, appendix, 237-41; SR0, Southesk Miscellaneous Papers, RH 2/8/13; NLS, Kirklands; Laws, MS.1943, ff.5, 43-44, 123, 125. By a decision of the Commission on 14 July 1634, responsibility for meeting the minister's stipend was retained by the titular of the parish unless or until one-third of the parochial teind had been purchased by the heritors.
 63. cf. Connell, Treatise on Tithes, III, appendix, 238; RMS, VIII, number 2139; Stirling's Register of Royal Letters, II, 657. Individual contracts of sale referred basically to parsonage teinds, as the titulars of vicarage teinds tended to be either the minister of the parish or a layman possessing such rights exclusively over his own property. Accordingly, vicarage teinds were valued and sold as distinct entities (APS, V, 35, c.17; NLS, Kirklands; Laws, MS.1943, ff.123).
 64. cf. SR0, Accounts of the Collectors of Taxation Granted in 1625, E 65/10.
 65. SR0, Cunninghame-Grahame MSS, GD 22/1/518; APS, V, 218.
 66. RPCS, second series, IV, 595-96, 641-46; V, 586-90.
 67. Stirling's Register of Royal Letters, II, 681-82, 741-42, 753.
 68. SR0, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.334-35; APS, V, 83, c.74; H. Scott, ed.,

- Fasti Ecclesiae Scoticae, III, 58. In like manner, the parliamentary enactment of 1633, re-edifying the kirk of Beith in the presbytery of Irvine, Ayrshire, upheld the rights of the patron. Alexander Montgomery, earl of Eglinton, was charged to ensure that a new kirk was built 'upon the most commodious point and ground within besyde and nearest the middle' of the parish of Beith and that a new manse and glebe was provided for the minister. The site of the old kirk was deemed unsatisfactory, 'most remote and far distant from the most pairt of the hail parochiners' who lived from three to four miles away (APS, V, 161, c.168; Glasgow University Archives, Beith Parish MS, P/CN, II, number 154, ff.1-5).
69. SR0, Miscellaneous Ecclesiastical Records, CH 8/83; Exchequer Act Book, 1634-39, E 4/5, ff.215-17; Stirling's Register of Royal Letters, II, 758-59.
 70. APS, V, 35, c.19; Stirling's Register of Royal Letters, II, 853. In parishes where the Crown annexed the right of patronage, titularship of the teinds was usually vested in the minister (SR0, Register of Benefices, 1633-65, CH 4/1/7, ff.1-125). Other than in parishes where they endowed the teinds on universities but retained the right of patronage, the bishops' exercise of ecclesiastical superiority continued the customary association of patronage and titularship (cf. RMS, VIII, number 1590).
 71. SR0, Exchequer Minute Book, 1634-49, E 5/2; Exchequer Act Book, 1634-39, E 4/5, ff.204.
 72. SR0, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.8, 29; Connell, Treatise on Tithes, III, appendix, 111, 115, 128, 223; Stirling's Register of Royal Letters, II, 797.
 73. Connell, Treatise on Tithes, I, 462-64. The first decret for the compulsory purchase of teinds, in the parish of Eccles, Berwickshire, was instigated by Alexander Belches of Tofts against the Countess of Home; the second, in the parish of Kippen, Stirlingshire, was instigated by David Grahame of Fintry against the earl of Mar.

74. Mathieson, Politics and Religion, I, 350.
75. NLS, Kirklands; Laws, MS.1943, ff.118.
76. SR0, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.52, 250; APS, V, 110-11, c.102-3; Stirling's Register of Royal Letters, II, 657; RMS, VIII, number 2139.
77. APS, V, 35-39, c.19; Stirling's Register of Royal Letters, II, 796, 826; Connell, Treatise on Tithes, III, appendix, 249; SR0, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.26; Copy Minutes taken from Exchequer Register, 1630-34, E 4/8, ff.2.
78. RPCS, second series, III, 307-10; Connell, Treatise on Tithes, III, appendix, 219, 223, 245, 247-49; Stirling's Register of Royal Letters, II, 797; SR0, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.8, 12. Charles also decreed that in any parish where the vicarage teinds were possessed by the minister, their value was to be deducted from the amount of parsonage teind requiring redistribution to augment his stipend to the prescribed minimum. According to an earlier enactment of the Commission on 7 July 1634, the valuation of vicarage teinds possessed by the minister was to be left to his sole discretion, not requiring corroboration by the heritors of the parish (NLS, Kirklands; Laws, MS.1943, ff.123). Nevertheless, over the next two years, under the pretext of conducting thorough valuations of all parochial teinds, local landowners reputedly managed to strip ministers of their possession of vicarage teinds, obliging them to accept monetary compensation 'farr inferiour' to the actual value of these teinds (Connell, Treatise on Tithes, III, appendix, 113; SR0, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.30).
79. NLS, Kirklands; Laws, MS.1943, ff.118, 122-23, 126.
80. RPCS, second series, III, 300-2; cf. RMS, VIII, numbers 2253, 2259.
81. SR0, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.8; Connell, Treatise on Tithes, III, appendix, 223-24.
82. NLS, Kirklands; Laws, MS.1943, ff.4-5, 125.

83. Ibid, ff.119; APS, V, 34-35, c.17; SR0, Annuity of Teinds: Bods of Caution & Consignation, 1632-35, E 50/1; Dispositions of the Annuities, 1635-42, E 50/2.
84. NLS, Kirklands; Laws, MS.1943, ff.42-44; SR0, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.257-58; Connell, Treatise on Tithes, III, appendix, 220, 224.
85. RPCS, second series, IV, 304, 524; The Red Book of Menteith, II, 42.
86. Napier, Montrose and the Covenanters, I, 83-84.
87. Connell, Treatise on Tithes, III, appendix, 130, 220; RPCS, second series, IV, 641-43, 645-46; V, 587-90.
88. NLS, Kirklands; Laws, MS.1943, ff.117, 120, 122, Connell, Treatise on Tithes, III, appendix, 109.
89. The Red Book of Menteith, II, 42; Connell, Treatise on Tithes, III, appendix, 222-23; APS, V, 38-39, c.19.
90. NLS, Kirklands; Laws, MS.1943, ff.119.
91. SR0, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.17.
92. NLS, Kirklands; Laws, MS.1943, ff.41; SR0, Cunninghame-Grahame MSS, GD 22/3/785; Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.384-85; RPCS, second series, IV, 438.
93. SR0, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.414-15, 425-27, 434-35; RPCS, second series, IV, 416; V, 35-36; The Red Book of Menteith, II, 146-47; Connell, Treatise on Tithes, III, appendix, 109-10.
94. APS, V, 39, c.19; Connell, Treatise on Tithes, III, appendix, 109-10; The Red Book of Menteith, II, 90-91.
95. SR0, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.153; NLS, Kirklands; Laws, MS.1943, ff.43-44, 123.
96. Connell, Treatise on Tithes, II, 279-80; Foster, The Church before the Covenants, 38; Glasgow University Archives, Beith Parish MS, P/CN, II, numbers 140, 141; SR0, Teinds: Index to Processes prior to 1707, TE 16/2.
97. W. Guild, The Humble Addresse, Both of Church and Poore,

- (Aberdeen, 1633), 7-8.
98. SR0, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.30-31; Connell, Treatise on Tithes, III, appendix, 112-17.
 99. cf. Glasgow University Archives, Beith Parish MS, P/CN, II, number 140, ff.1-25, 'Decreet of Locality for Beith parish, 3 July 1635'. The stipend of the minister (Mr James Fullarton) was augmented above the prescribed minimum, from three chalders victual plus three hundred merks to five chalders victual plus three hundred and forty merks. The titular (Alexander, earl of Eglinton) and the leading tacksman (his son, Hugh, Lord Montgomery) were held accountable for its full implementation backdated to the harvest of 1634. Of the twenty-seven heritors, two claimed exemption from any reallocation of their teinds towards the minister's stipend: the one on the grounds that the founding charter to his estate pre-dated 1587, specifying a feu-duty in which the teinds were intermingled with the stock of landholding dues (ie "cum decimis inclusis"), the other on the grounds that no reallocation should proceed until the present tacks to the parochial teinds had expired. The remaining heritors, 'though oft times called', failed to appear before the Commission.
 100. SR0, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.23, 28, 31, 35; Connell, Treatise on Tithes, III, appendix, 111-17, 232-33.
 101. APS, V, 32-33, c.15; 219; NLS, Kirklands; Laws, MS.1943, ff.43; SR0, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.242; Connell, Treatise on Tithes, III, appendix, 130-31.
 102. Row, Historie of the Kirk, 352.
 103. SR0, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.381-82. The discrepancies arising from the exaction of the annuity from unvalued teind can be illustrated by applying the flat-rate of six per cent to the Exchequer fiars used to commute the provender rents of the Crown in 1631. For valued teind, the annuity was exacted from wheat at ten

shillings per boll, whereas the annuity based on Exchequer fiars ranged from nine shillings to ten shillings and two pence per boll; the annuity prescribed for bear was eight shillings per boll as against that based on Exchequer fiars from five shillings and nine pence to six shillings and four pence per boll; for meal and best oats six shillings per boll as against the range in the Exchequer from four shillings and ten pence to eight shillings and one halfpenny per boll; for inferior oats three shillings per boll as against a range from two shillings and four pence to three shillings and two pence per boll. Only the flat-rate exaction from bear was consistently below the rates prescribed for the annuity in the legal decret (SR0, Exchequer Responde Book, 1623-38, E 1/11).

104. SR0, Annuity Accounts & Papers, E 52/3; RPCS, second series, IV, 632-33.
105. The Red Book of Menteith, II, 145-46; Stirling's Register of Royal Letters, II, 644.
106. SR0, Annuity of Teinds: Bonds of Caution & Consignation, 1632-35, E 50/1.
107. APS, V, 32-33, c.15.
108. Stirling's Register of Royal Letters, II, 722, 795; SR0, Hamilton Papers, TD 75/100/26/998; Historical Manuscripts Commission, ninth report, part II, appendix, Traquhair Muniments, (HMSO, London, 1884), 246; hereafter, HMC, Traquhair Muniments.
109. Stirling's Register of Royal Letters, II, 724, 738, 788; SR0, Hamilton Papers, TD 75/100/26/998; Exchequer Act Book, 1634-39, E 4/5, ff.21-24.
110. SR0, Dispositions of the Annuities, 1635-42, E 50/2, ff.1-89; Dispositions of the Annuity: Warrants to Purchasers, 1635-42, E 51/1; Annuity Accounts & Papers, E 52/8, /10; /14.
111. HMC, Traquhair Muniments, 246; SR0, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.20.
112. SR0, Exchequer Act Book, 1634-39, E 4/5, ff.72, 74-75, 101, 130, 137, 139-40, 155-56.

113. SRO, Annuity Accounts & Papers, E 52/7; Exchequer Act Book, 1634-39, E 4/5, ff.77.
114. SRO, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.30; Connell, Treatise on Tithes, III, appendix, 114.
115. Napier, Montrose and the Covenanters, I, 82.
116. RPCS, second series, III, 401, 478-79, 570-71; IV, ix, 322-23, 348; V, viii-ix, 29, 32, 35; SRO, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.40, 420-21, 423, 427-28; Cunninghame-Grahame MSS, GD 22/3/785; The Red Book of Menteith, II, 123. In an effort to impress upon the commissioners their collective responsibility, the quorum was increased from three to six from each estate - an experiment which was abandoned on the renewal of the Commission by the coronation parliament (RPCS, second series, IV, 131; APS, V, 35-39, c.19).
117. SRO, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.354-56, 359-62, 380-81, 386, 421; RPCS, second series, IV, 398-99.
118. RPCS, second series, V, 124, 141; Connell, Treatise on Tithes, III, appendix, 112-17, 129-30; SRO, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.30-32; Hamilton Papers, TD 75/100/26/998.
119. SRO, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.29-31; Cunninghame-Grahame MSS, GD 22/1/518; Connell, Treatise on Tithes, III, 112-17; Napier, Montrose and the Covenanters, I, 82.
120. SRO, Sederunt Book of the High Commission of Teinds, 1630-33, TE 1/1, ff.380-81, 420; Stirling's Register of Royal Letters, II, 537, 543, 549-50, 572.
121. SRO, Hamilton Papers, TD 75/100/26/315.
122. SRO, Sederunt Book: Commissioners on Teinds, 1633-50, TE 1/2, ff.28-30; Connell, Treatise on Tithes, III, appendix, 111-13; D. Laing, ed., The Letters and Journals of Robert Baillie, 1637-62, vol. I, (Bannatyne Club, Edinburgh, 1841), 7-8; hereafter, Baillie's Letters and Journals, I.

123. Ferguson, Scotland's Relations with England, 112.
124. APS, V, 400, c.85; VI, (i), (1641-47), 199, c.202; 778,c.362; VI (ii), 15, c.35; 244, c.199; 297, c.265; 300, c.274; Scotstarvit's 'Trew Relation', G. Neilson, ed., SHR, XII, (1914-15), 76-83, 174-83, 408-12; SHR, XIV, (1916-17), 60-68; NLS, Kirklands; Laws, MS.1943; Tithes, MS.1547; Thomas Naper's Minor Practicks, Adv.MS.81.4.12. Although the landed classes did not wish the commercialisation of feudal tenures to be reversed, the Covenanting Movement was prepared from 1642 to collect compositions on behalf of the Crown to legitimise teneurial conversions from ward and relief to taxed ward (Lennoxlove, Hamilton Papers, C/1071, C/1737).
125. Stevenson, The Scottish Revolution, 40.
126. Blum, Lord and Peasant in Russia, 184-87.

Chapter VII The Ramifications of the Revocation Scheme:
Central Government

The Revocation Scheme did not directly precipitate the revolt against the personal rule of Charles I. Although the political nation shared a common apprehension about the authoritarian manner of the Scheme's imposition and implementation, the wideranging scope of Charles' revocation raised diverse grievances among the different classes which inhibited the formulation of any party programme of constitutional redress. Promoted and initially sustained on a basis of class antagonism, the Scheme was not an issue to unite the political opposition. Neither its undermining of vested interests nor its frustrating of social aspirations were apposite rallying cries for harnessing sectarian dissent into concerted opposition to royal authoritarianism. Even when antagonisms among the estates gave way to class collusion, connived action against the accomplishment of revocation was localised and unco-ordinated, being denied a national forum by the infrequency of constitutional assemblies. Nevertheless, the Revocation Scheme was of profound political significance: notably, in the permeation of a climate of dissent within the political nation which made the management of Scottish affairs by an absentee monarch increasingly untenable. Indeed, because its impact was diffuse rather than concentrated, the political ramifications of the Revocation Scheme can primarily be held to account for the continuous disruption of the channels of communication and administration - not just between the Court and Scotland, but between Edinburgh and the localities. For, the Revocation Scheme was conceived and received as a project of the Court, promulgated solely on the strength of the king's prerogative, imposed unilaterally on a reluctant Scottish administration and implemented cavalierly with regard to the social sensibilities of the political nation.

During November 1625, the king revealed to the Court that his Revocation Scheme had not been suggested by his leading Scottish officials. That this situation should be a matter of comment for *Charles speaks volumes about his political naivete*, most notably with regard to the social composition of the administration charged to implement royal policy in Scotland.¹ Over a fifth of his father's

last Council were temporal lords, a proportion actually increased to thirteen out of forty-eight when his own reconstituted Privy Council became operative on 23 March 1626. Of the three leading officials at the outset of his reign, only the Secretary, Thomas Hamilton, earl of Melrose (later of Haddington), who took his original title from his monastic estate, was actually a member of the new nobility of service established by James VI. However, the Treasurer, John Erskine, earl of Mar, had been granted the monastic estates of Cambuskenneth, Dryburgh and Inchmahome, to supplement his standing as a member of the traditional nobility. Moreover, although the Chancellor, Sir George Hay of Kinfauns (later Viscount Dupplin and earl of Kinnoull), had not been rewarded with a temporal lordship, he had acquired extensive kirklands in Perthshire.²

Not only this triumvirate, but the whole of the Scottish administration felt demeaned by Charles' resolve to impose the Revocation Scheme 'without the advyss or knauledge of his principall officers' on the grounds that 'thay had not bein faithfull servants'. When Charles eventually summoned his leading officials to Court at the outset of 1626 to discuss the implementation of the Revocation Scheme, their deliberations were but part of the king's reforming programme designed to break up the triumvirate's influence over Scottish affairs in order to make the executive and judiciary more responsive to the dictates of the Court. Charles' conduct during the conference between courtiers and administrators did little to allay fears about the provincial relegation of Scottish government. Absenting himself from the first session which commenced on 17 January, the chairing of the proceedings was left to the foremost English courtier, George Villiers, duke of Buckingham, alternating with the Anglo-Scot, James Hay, first earl of Carlisle. Although the king was present when the agenda reached the Revocation Scheme on 19 January, he attended merely as an observer. His right to a revocation was propagated vociferously by two anglicised courtiers, Robert Maxwell, earl of Nithsdale, and James Stewart, Lord Ochiltree, who, in the eyes of the leading Scottish officials, 'hes maed shipwrak of thaer awn esteitts, and vald now fish

in drumlie vatters by shakkin all things lous that thay may gett sum partt to thaem selfs'. Lord Ochiltree's perspicacity in fending off the constitutional objections to the leading officials, both to the nature and scope of the Scheme, drew forth this further acerbic comment from Mar, 'His arguments var far mor vittie having any ground of treu wisdom or judgement founded upon reson'.³

From its inception, therefore, the Revocation of Charles I was decried as a Court project, foisted onto an unreceptive Scottish administration whose leading officials tended to follow their natural inclinations as members of the landed classes in regarding the Scheme as undermining fundamentally 'their inviolable title of inheritance'.⁴ Over the next eight months, the growing estrangement between the Court and the Scottish administration was intensified by the insidious circulation of rumour, manufactured mainly by Nithsdale, which impugned the competence and integrity of the leading officials, especially of Chancellor Hay. Charges that Hay and his foremost associates were intent on the obstruction of the king's reforming programme were not without foundation. Nevertheless, although Hay had to account for his conduct before the Court during November 1626, Nithsdale was generally considered to have overstated his case, even by his informers and collaborators within the Scottish administration, such as John Spottiswood, archbishop of St Andrews.⁵

Moreover, these same sources were simultaneously cautioning delay in the implementation of the Revocation Scheme, since not only leading officials but other privy councillors, including courtiers not party to Charles' original designs, found the initial versions of the Scheme *unpalatable*. Like the nobility in general, few were inclined to comply promptly with the directives of the Crown, particularly with regard to the voluntary surrender of temporal lordships. Indeed, on 19 November 1626, Archbishop Spottiswood specifically advised David Murray, Viscount Stormont to refrain from surrendering his lordship of Scone, pending the outcome of negotiations then under^{way} ~~way~~ between the rest of the temporal lords - in groups of four - and the

recently appointed Lord Advocate, Mr (later Sir) Thomas Hope of Craighall. For his exemplary, but hasty, surrender as a courtier could prove as detrimental to his individual interests as piecemeal negotiations could prove for his class. Furthermore, despite the recurrent threat that Charles would resort to a policy of legal compulsion to implement his revocation, the news from Sir George Auchinleck of Balmano on 26 November also favoured deferment. This recently appointed lord of session informed Stormont that the nobility had met twice in Edinburgh during the past week to formulate a petition requesting Charles not to proceed with actions of reduction and improbation.⁶

Charles, however, was to prove far from receptive to either the contents of the petition or the delegation bringing it south, which consisted of three nobles - two members of the traditional nobility, John Leslie, earl of Rothes, and Alexander Livingstone, earl of Livingstone, the only privy councillor, and a temporal lord, John Campbell, Lord Loudon. On learning of their imminent arrival, Charles debarred them from Court on 4 December 1626. In imposing this ban, which was to last a fortnight, Charles was undoubtedly influenced by 'the perpetual confluens' of Scots to Court since his accession, a practice which continued to perturb him throughout his personal rule.⁷ Nevertheless, what stirred his ire most was the nobles' supplication that the Revocation Scheme should not proceed further without parliamentary consultation to placate the fears and jealousies of his Scottish subjects. Charles was moved to rage on 14 December that this request was 'of too heigh a straine for subiects and petitioners'. Although the delegation was eventually granted an audience, Charles continued to treat them as intrusionists meddling unwarrantably with the exercise of his prerogative. He delayed his response until 17 January 1627, when he agreed to suspend for six months legal action to enforce the Revocation Scheme.⁸ He did switch tack to the extent that he went on to establish the Commission for Surrenders and Teinds as his main agency for the implementation of his Revocation Scheme. Yet, he never renounced the option of legal compulsion. Nor was he

prepared to concede a parliament to allay the special fears of the nobility that the comprehensive implementation of the Revocation Scheme would result in the 'irreperable ruin to an infinite number of families of all qualities in every region of the land'.⁹

Through the concerted action of the nobility in drawing up the petition for parliamentary consultation it is possible to discern, particularly with advantage of hindsight, the origins of the movement for constitutional checks on the monarchy during the personal rule of Charles I. Moreover, the presence of Rothes and Loudon^u in the delegation dispatched to Court affords similar evidence for the continuity of leadership among the opponents of the Crown's unfettered exercise of its prerogative between the parliaments of 1621 and 1633.¹⁰ Nevertheless, opposition within Scotland was not yet formulated into a cohesive grouping with a constructive party programme designed to secure fundamental limitations on monarchical power. Opposition to dictates from the Court was still conducted on a freelance basis, characterised by desultory collaboration within the Scottish administration to delay if not negate the reforming schemes of Charles I. Occasionally, however, leading officials were prepared to countenance - albeit covertly - more direct action which could result in violent demonstrations. Thus, their more tempestuous associates in landed society engineered the tumultuous lobbying which rendered the Commission for Grievances inoperative by the late summer of 1626. Fears at Court that this action was the forerunner to insurrection were fanned deliberately by Nithsdale as part of his concerted campaign to discredit the competence of leading officials, especially of Chancellor Hay, to govern Scotland.¹¹

Nonetheless, such lobbying did indicate that a vociferous minority within the political nation was not prepared to accept passively the authoritarian direction of Scottish affairs by an absentee monarch. Indeed, George Gordon, first marquis of Huntly, felt himself obliged to reassure Nithsdale on 13 December 1626, that he was ready to mobilise those 'quha ar of my freindschip' to counter any

who proposed 'to rebell againis his Majestie'.¹² Any immediate threat of rebellion was no more than hearsay. Yet, Charles did undoubtedly aggravate tensions between the Court and Scotland at the turn of the year by his dismissive attitude towards the nobles' petition and his cursory treatment of the delegation which bore it south. On 22 December, he actually commended James Hamilton, marquis of Hamilton, for absenting himself from the meeting of the nobles when the petition, 'which you conceived not to be agreeable to our will', was formulated. Six weeks later, Robert Kerr, earl of Roxburghe, could do no more than express his wish to Hamilton that the 'tempestuous blasts' still current in Edinburgh on 3 February 1627, 'may be calmit'.¹³

That same day, the Privy Council had formally ratified Charles' establishment of the Commission for Surrenders and Teinds. However, the first notification of the Commission had not passed off without incident in Scotland. For the Commission was an administrative expedient designed to circumvent the demand for parliamentary scrutiny of the Scheme, not to appease vested interests affected by the king's revocation. His authorising edict carried the admonition that he would proceed with all rigour against those who refused or neglected to co-operate with the Commission: a reaffirmation of his readiness to resort to legal compulsion once the moratorium had expired.¹⁴ Moreover, his choice of Nithsdale to communicate his revised plans to the Privy Council was particularly inopportune. Although no documentary evidence has survived which directly implicates Nithsdale in the Scheme's conception or formulation, he was among the staunchest upholders at Court of Charles' right to a revocation. He had been instrumental in ~~actuating~~^{instigating} Charles to overhaul the machinery of government in Scotland and he was still the main rumour-monger at Court maligning the competence of the leading officials.¹⁵ Despite his chronic debts and his uncompromising Catholicism, he enjoyed royal protection from both civil and ecclesiastical censure.¹⁶ In short, Nithsdale was an apposite - if not the prime - target for a violent demonstration of Scottish antagonism towards the Court.

News of Nithsdale's coming to Scotland had already occasioned *unrest in Edinburgh* when his advance coach was held up by a mob in Dalkeith, nobles with vested interests in kirk property being reputedly behind such rabbling. Plans for further intimidation, including personal violence to Nithsdale and his supporters on their arrival at the Council chamber cannot be ruled out. However, allegations that disaffected temporal lords and leading officials were prepared to schedule his assassination as an extramural item on the Council's agenda must remain unproven.¹⁷ Nithsdale, indeed, did not attend the Council meetings on 30 January and 1 February 1627, when Charles' edict for the Commission for Surrenders and Teinds was first notified and discussed.¹⁸ Whether or not he made any effort to attend the Council, his reception on reaching the capital seems to have proffered sufficient warning about his unhealthy political prospects in Scotland. By 17 February he had demitted office as Collector-General of the taxation voted by the Convention of 1625 in order to devote his energies to Charles' policy of direct intervention in the Thirty Years War. On 22 February he was commissioned to raise and transport a contingent of 3,000 men from Scotland for service under Christian IV of Denmark. In return, he was to receive extended protection from his creditors.¹⁹ In the meantime, the Privy Council had instructed that the edict authorising the Commission for Surrenders and Teinds should be publicised extensively - in every parish kirk as well as the head burgh of every shire. As a result, the commencement of the Commission in Edinburgh on 1 March was attended by a great influx of 'almost the wholl countrey', thereby setting the seal for the continuance of tumultuous lobbying.²⁰

The situation now facing Charles I in Scotland was inherently fractious, political tensions aroused by his general programme for the reform of Scottish government being made especially taut by his promulgation of the Revocation Scheme. Nevertheless, although the stage was now set for tumultuous lobbying which could degenerate into violent protest against agencies and agents of the Court considered obnoxious to the Scottish establishment, no systematic preparations

were in hand for armed revolution. Nor had relations between the Court and the political nation deteriorated irretrievably towards constitutional breakdown. Undoubtedly, the style, direction and, above all, the lack of political competence which characterised Charles' personal rule, strained the credibility of absentee monarchy to the limits. His stress on his prerogative caused him to disdain the promotion of consensus in Scotland for his reforming programme. As borne out by the implementation of the Revocation Scheme, his determination that the royal will should prevail left little room for pragmatic manoeuvre, far less for government attuned to the sensibilities of the political nation. His treatment of experienced administrators was dismissive. He preferred to rely on the advice of courtiers, usually anglicised, whose influence on and experience of the actual working of government in Scotland was as much vocational as vocational: most notably, Sir William Alexander of Menstrie (later earl of Stirling) whom Charles had appointed at the outset of 1626 as his Secretary for Scottish affairs in attendance at Court, had been in residence as a courtier since 1608. However, since opposition to the personal rule was still relatively inchoate during the opening years of Charles' reign over Scotland, it can be contended that Charles was currently confronted by a more grave and less tractable political situation in England, where the problems of government, though not necessarily insuperable, were of greater order and magnitude.²¹

Certainly, the English parliamentary tradition afforded a more readily identifiable and procedurally sophisticated focus for constitutional confrontation with the monarchy. Tensions between central and local government were escalating since the late sixteenth century, being largely brought about by the increased financial and administrative demands of the Court at a time when the real incomes of landed society as well as the monarchy were being eroded by inflation. These tensions were compounded during the reign of James I. The debts inherited from Elizabeth and the rising expenditure of his own government caused James to resort increasingly to financial expedients

imposed without the consent of parliament. In turn, parliament, which regarded itself as the representative element of the English constitution, was concerned to maintain its status and privileges. More especially, the Commons, the less socially static house, was determined to debate any aspect of royal policy which encroached on the subjects' liberties or inviolated rights of property. James' steadfast refusal to bargain about the scope of his prerogative furthered the divergence of interests between monarchy and parliament which led to the constitutional impasse of the late 1620s. Ultimately, the tensions aroused by financial and administrative demands on the localities were made critical by Charles I's commitment to a policy of direct intervention in the Thirty Years War. Parliament refused to vote supplies in 1625 and 1626. But Charles pressed ahead with the collection of tunnage and poundage and the levying of sundry impositions. Buckingham, the royal favourite, ^{was} ~~was~~ ^{faced} ~~was~~ ^{impeachment} ~~impeached but acquitted~~ in the parliament of 1626. Charles' right to exact forced loans was ^{strengthened} ~~upheld~~ by the Five Knights Case in the following year. Parliament countered in 1628 with the Petition of Right against arbitrary taxation, arbitrary imprisonment, compulsory billeting and the resort to martial law. However, this attempt to define the scope of the king's prerogative was of little practical effect. Charles continued to levy impositions and quashed the support in the Commons for civil disobedience by ^{dissolving} ~~proroguing~~ parliament in March 1629 and embarking upon his eleven year personal rule in England.²²

Undoubtedly, the growth and frequency of English parliaments since the late sixteenth century had contributed to the evolution of sophisticated procedures to express constitutional dissent unrivalled elsewhere in the British Isles. However, Scotland as well as England was afflicted by inflation, subjected to the financial and administrative demands of the Court and expected to contribute to Charles' policy of direct intervention in the Thirty Years War. Thus, the tensions between absentee monarchy and the political nation, though lacking the readily identifiable focus afforded by parliament in England, had a revolutionary significance no less potent though

expressed more diffusely. Moreover, opposition to the Court in early seventeenth century England did not necessarily amount to a sustained policy of parliamentary aggression. Indeed, the constitutional weighting of parliament's aims and achievements must not be exaggerated, given the piecemeal and particularist nature of the disaffected element.

In the first place, James I's exercise of his prerogative did not threaten parliamentary enactment as the ultimate source of law in England. He was prepared to dispense and suspend, but not replace statute. The exercise of the prerogative only became suspect after 1625 because of Charles' temperamental incapacity to promote through parliament a broad basis of consent and agreement for royal policies. Neither the Commons nor the Lords had any notion that the king's power should be limited by a written constitution. The Petition of Right, which was largely motivated by the unequal burden of billeting and of impositions levied on the localities, sought to establish the supremacy of the peace commissions over martial law in the shires and to prevent the establishment of a standing army at parliament's expense. The Petition did not attempt a comprehensive definition of the king's prerogative. Nor did it even provide the machinery to enforce its limited objectives. Secondly, the leading procedural manoeuvres of the opposition after 1625 - such as the appropriation of supplies and the impeachment of ministers of the Crown - were prompted from within Court circles. Counsellors temporarily out of favour viewed parliament as an alternative, but secondary, forum for the provision of correct advice: a situation not totally dissimilar to that which prevailed in Scotland where the opposition led by nobles was most potent when supported by leading officials. Thirdly, since the powers which accrued to parliament depended more on its capacity to persuade than to coerce, the constitutional impasse of the late 1620s was as much a commentary on the political incompetence of the parliamentary opposition as of Charles. For the opposition generated by the dissenting element in the Commons was only effective when support was forthcoming from the Lords. By 1629, however, the Commons had

overreached themselves in their unconstructive and conspicuously inept efforts to stop forced loans and the levying of impositions. Moreover, the assassination of Buckingham in August 1628, and the subsequent ending of the lavish distribution of honours which had both diluted and distressed the traditional nobility, removed the main grounds for dissent in the Lords. Thus, faced by divided and diminishing opposition, Charles was able to dissolve parliament and retain the political initiative throughout the 1630s. He continued to exercise control without accountability and to subsist by financial expedients. Hence, far from being a strong or thriving institution as a result of its articulation of constitutional dissent, parliament was only to be rescued from its political impotence by the intrusion of the Scots into English affairs during the Bishops' Wars.²³

Despite its lack of accomplishment in placing checks on the suspect exercise of the monarch's prerogative by 1629, the parliamentary opposition, if only for its persistence throughout the 1620s, cannot be discounted entirely in terms of constitutional impact or political principle. The disaffected element in both Commons and Lords was not merely a faction of outsiders in search of office, in central or local government, at the expense of the existing incumbents favoured by the Court. The frequency of parliaments during the 1620s, which afforded a regular forum for the blending of local grievances and their propagation nationwide, ensured that these same grievances and their proponents acquired a constitutional weighting which transcended their particularist origins. Moreover, that there was an ideological - as distinct from a social - gulf between the governing and the governed may be attested from the currency of the rival polemical labels "Court" and "Country" during the 1620s. Undoubtedly, the "Country" was little more than a loose collaboration of the disaffected, lacking the consciousness or the formalised mechanisms of leadership, discipline and propaganda of an organised political party. Nevertheless, the label served as a rallying point for opposition to the Court within the localities as within parliament. Adherence to the "Country", however, was but one aspect - along with puritanism,

legalism and even scepticism - which was undermining traditional values and habits of obedience such as familial or territorial attachment to magnates and deference towards the dictates of central government. Nonetheless, support for the "Country", based fundamentally on loyalty to the local community, represented the permeation of a mentality - a distinctive ideology, culture and lifestyle to that affected by the "Court". Although the "Country" never formulated a national political programme, it did mobilise local particularism in support of a national ideal. Its aim was to achieve the harmonious redefinition of the relationship between local and central government: not for parliament to share or wrest power from the Court-dominated executive, but to restore the equilibrium of the ancient English constitution.²⁴

Given the decentralised orientation of government north of the Border, the familial and territorial deference accorded to the nobility within the localities and the relative infrequency of parliaments or conventions of estates, analogy between England and Scotland on opposition to the Court may at first sight seem tenuous. Nevertheless, local particularism also conditioned the mentality of the disaffected element in Scotland which was able to bring into play against the Court a more enveloping and more immediately potent message than adherence to the "Country". For opposition to the directives of absentee monarchy could be projected as a defence not just of a retrospective - and nebulous - constitutional equilibrium, but of the immediate national interest - even future national identity. The Union of the Crowns had made the Scots acutely conscious and apprehensive of their country's status as a political satellite of England. Ever since 1603, the spectre of provincialism had haunted and slighted the political nation. Furthermore, leading officials as well as disaffected members of the estates were prepared to deploy the resentment aroused by provincial relegation as a political weapon against a monarchy which was becoming less respectful of the separate customs and conventions of the Scots and more inclined to subordinate the welfare of Scotland to that of England.²⁵ Thus, at the outset of

the reign of Charles I, successive Venetian ambassadors recorded sharp divisions between the desires of the new king and the pretensions of the Scottish nation. The grounds for the dispute were essentially threefold: Charles' coronation as king of Scots, his defence policy and, above all, his Revocation Scheme.

Charles' disinclination to be crowned first in Scotland was regarded as a slight to the house of ~~Stuart's~~^{Stewart's} native kingdom. Albeit a symbolic rather than a substantial grievance, Charles' repeated deferral of this ceremony until 1633 made his coronation a running sore in Scotland for over eight years. A more flagrant illustration of provincialism was afforded by Charles' defence policy, which was but part of his programme of direct intervention in the Thirty Years War: a programme initiated and implemented without consultation north of the Border, though the Scots were expected to contribute financially and militarily to its success. Charles proposed to renounce the subvention for military expenditure which he was to receive from the taxation authorised by the Convention of 1625 should the Scots immediately provide^{de} ~~vision~~ a defence force whose requisite strength was tentatively estimated at twenty ships, eight hundred sailors and two thousand soldiers. In turn, Charles' offer to dispense with subsidies - which were subject to periodic revision - was open to interpretation as an attempt to commit the estates in principle to the maintenance of a navy and a standing army. Yet this defence policy, which amounted to little more than kite-flying, proved only a temporary irritation. For Charles' whole military programme was generally discredited by the lack of success which attended the British expeditionary forces on the continent.

Lack of consultation was also the root cause of dissatisfaction with Charles' Revocation Scheme, undoubtedly the most persistent source of contention in Scotland during his personal rule. More especially, Charles' failure to introduce his Scheme through a parliament was deemed prejudicial to the privileges of the landed classes, a view not abated by his aversion to its parliamentary

ratification prior to his coronation visit. Despite his establishment of the Commission for Surrenders and Teinds as a mark of appeasement at the outset of 1627, the nobility remained particularly perturbed. For not only did the Scheme undermine their security of title, collectively and severally, but the continuing penury of the Crown - prolonged by Charles' military programme - afforded little prospect that their voluntary surrender of superiorities and heritable offices would be compensated with ready cash.²⁶

Although nobles in as well as out of office argued consistently that Charles' interpretation of the principle of revocation lacked parliamentary sanction, they remained reluctant to promote a constitutional confrontation with the king over his implementation of the Scheme. Their prospects of success in such an eventuality looked especially bleak during the summer of 1627. Indeed, Sir John Stewart (later earl) of Traquair was to commend the titulars in particular and the nobles in general to submit voluntarily to the directives from the Court lest the king resort to a policy of legal compulsion. Speaking on 13 August in his capacity as a negotiator on behalf of the teind-sellers, he was unconvinced that a parliament could adequately safeguard their interests. For, 'a Parleament will condescend to anything of quhat is now in question that his Maiestie sall requyr'. Admittedly, Traquair at this juncture was seeking to ingratiate himself at Court. Nevertheless, his counsel on this occasion was not that of a timeserver, but of a realist.²⁷

On the one hand, the opponents of the Revocation Scheme had neither the parliamentary experience nor the opportunities to express their dissent through the parliamentary channels available to the disaffected element in England. On the other hand, the contentious first session of the Commission for Surrenders and Teinds had left the nobles apprehensive about their ability to mobilise the other estates in support of their class interests. The bishops were deemed beyond the pale. Not only was their conduct regarded as dissimulating when

not obstructive, but their motives were suspect - to destroy the temporal lordships and to engross the teinds for the exclusive benefit of the clergy. The burgesses lacked both the political clout and sufficient interest in the Revocation Scheme to make effective allies. The position of the gentry was ambiguous. Their traditional deference to the nobility could no longer be relied upon, yet not totally discounted. The militant pressure group of lairds, fronted by Sir James Learmouth of Balcomie and Sir James Lockhart of Lee and prompted from within the administration by the director of Chancery, Sir John Scot of Scotstarvit, seemed to have the ear of the king. That these militants were merely a vociferous minority, unrepresentative of the gentry as a class, still awaited confirmation.²⁸

Over the next two years, the promotion of the Revocation Scheme on a basis of class antagonism underwent a distinct shift - if not a dramatic transformation. For not only the nobility, but the whole of the political nation were required to subscribe the general submission, whereby, the costing and quantification of teind liable for redistribution as well as the rates of compensation for surrendered superiorities were remitted to royal arbitration. The general submission, together with the legal decret which was to publish the actual outcome of royal arbitration, relegated the Commission for Surrenders and Teinds to a mere debating and valuation agency. In practice, therefore, Charles' resort to the general submission and the legal decret confirmed that landed title depended ultimately on the discretionary powers of his prerogative, not on the security of charter. Moreover, the gentry were expected to carry the main burden of service on the sub-commissions within each presbytery from the outset of 1629: service which involved a technically exacting workload as well as anomalous and contentious valuations. Such administrative expedients did little to endear the Court to the political nation. Thus, Haddington was to record on 7 April, that great numbers were amassing in Edinburgh in anticipation of a parliament. The management of these lobbyists was especially difficult because they were animated

by rumours that royal government was being manipulated to the private advantage of 'some great men of this countrie at Court'.²⁹

Such claims reveal, at least within official circles, that class antagonisms were not as yet attributed directly to Charles I but to the machinations of a clique at Court. Indeed, as was to be proved during the Convention of 1630, the Crown was still in a position of dominance in relation to the nobles and other disaffected elements within the political nation. The attitudes and aspirations of the four estates towards the implementation of the Revocation Scheme remained largely divergent. Hence, the estates were open to management to suit the interests of the king. Moreover, Charles was mindful of the lesson from the Convention of 1625, when his *wideranging - but naive and ill-informed* - proposals for economic and social reform had been greeted with a general lack of enthusiasm which occasionally verged on outright opposition. Thus, when authorising the Convention for late July, he was resolved to minimise the opportunities for dissent on the part of the Estates by limiting the agenda to items of legislative endorsement. His objectives were primarily two-fold. Firstly, he sought the renewal of the ordinary and extraordinary taxation voted in 1625. Secondly, he expected the formal assent of the estates to his legal decree of September 1629 in order to expedite the valuation and redistribution of the teinds and the surrender of superiorities as well as heritable offices.³⁰ Furthermore, Charles required his leading officials, councillors and bishops to demonstrate at the Convention to the best of their endeavours, 'thaire reddiness in furthering my services'.³¹

Charles' efforts to manage the Convention solely to further his own affairs were successful. Nevertheless, the Estates met against a background of mounting unrest in the localities aroused by the king's direction of Scottish government in general and by his implementation of the Revocation Scheme in particular. This situation had been reflected in the election of shire commissioners during the previous two years. To ensure the representation of the gentry in the

event of a parliament or a convention, the sheriff was expected annually at the Michaelmas head court in every shire to convene the lesser barons and freeholders to elect commissioners - usually two, but occasionally one - on behalf of their estate. From the outset of his reign, Charles had not been averse to nominating gentry 'weell affected to the weell of the church and commone weell' whom he wished elected as shire commissioners.³² Having proclaimed provisionally that his coronation parliament would be held in Edinburgh on 15 September 1628, Charles instructed the Privy Council on 24 July that the sheriffs were to convene the lesser barons and freeholders in every shire to countenance the retention of the existing commissioners should the coronation parliament continue after Michaelmas. Special dispensation was given for the election of replacements in four shires - all nominees of the Crown. However, the financial incapacity of the Scottish Exchequer to meet the costs of this state occasion, together with Charles' own reluctance to absent himself from his constitutional embroilment with the English parliament, caused his coronation parliament to be postponed initially for six months - thereafter annually for the next four years.³³

Moreover, few sheriffs had made any effort to comply with the king's electoral directives prior to the actual postponement of the 1628 parliament. Indeed, the Privy Council recorded on 30 October that there had been 'some oppositioun made in sindrie of the shirefdomes' which augured 'some contestatioun and disordour in the tyme of the Parliament'. This recalcitrance was again in evidence the following year. For on 31 December 1629, the Privy Council reported that the routine Michaelmas elections had been neglected in six out of the thirty-three shires.³⁴ This state of affairs was attributable not just to a lack of inclination to co-operate on the part of the sheriffs - usually members of the nobility - but was more a demonstration of landed solidarity within select localities directed against the Court, especially against the king's assault on legal title and territorial privileges. For Charles was then attempting to enforce in every shire the subscription of the gentry as well as the

nobility to his general submission and imposing upon the gentry special evaluation duties as sub-commissioners in every presbytery. The reaction against the Court's management of Scottish affairs was most marked in those shires where the election of royal nominees had been contested. In such instances, the lack of co-operation on the part of the gentry was of a piece with their reluctance to act as a pressure group on behalf of the Crown to coerce the nobility into prompt and fullsome participation in the Revocation Scheme.

Furthermore, Charles frittered away potential support among the gentry by his apparent lack of concern to extend the franchise following the surrender of superiorities. Although some feuars of kirklands had landed resources which more than matched the estates of enfranchised freeholders, Charles was not prepared to enfranchise those feuars to whom he became 'immediate superior' once the temporal lords *surrendered their superiorities*. Despite representations from the localities, which were taken up by the Lord Advocate in the summer of 1628, Charles made no effort to extend the parliamentary franchise to this class of synthetic freeholders. Thus, a raw nerve of political frustration was allowed to fester in the localities. Such indifference on the part of the king contrasted starkly with his Scheme's alleged objective - to emancipate the gentry.³⁵

As borne out during the 1630s by the move from class antagonism to class collusion, Charles was largely the architect of his own downfall. His handling of the Revocation Scheme motivated the gentry to make common cause with the nobility, bringing into play within the localities the alliance that was responsible for terminating his personal rule nationally. Indeed, his implementation of the principle of revocation was the most pronounced manifestation in Scotland of a style of government evident also in his economic and religious policies throughout the British Isles. His emphasis on his prerogative meant that 'he stood on technical rights when the question at issue could only be solved by the broadest political wisdom'.³⁶ This lack of political nous contrasted sharply with the political

pragmatism of his father, James VI. Charles had claimed in his proclamation of 9 February 1626, that he was merely carrying out a revocation 'formerlie intendit in our late deare fatheris tyme' - a possibility not entirely discounted within official circles at the inception of the Scheme.³⁷ James VI had in theory deplored the passing of 'that vile Act of Annexation' which had authenticated the creation of temporal lordships.³⁸ Yet, even in his latter years when his rapport with his Scottish subjects was waning, he made no practical attempt to reverse the privileges which he had confirmed and bestowed on lords of erection since 1587. He was too much of a political realist not to have appreciated that such a revocation would have undone his isolation of the presbyterian extremists in the Kirk and made possible the alliance of disaffected landowners to religious dissenters. *Again, it would seem that Charles was treating himself to a generous helping of precedent to give a cloak of respectability to his authoritarian actions.*

Charles also chose to ignore a contemporary lesson in political statecraft from Armand-Jean du Plessis, Cardinal Richelieu, chief minister to Louis XIII of France. Prior to his embroilment in the Thirty Years War to check the Habsburgs' progress to European hegemony - when the intense pressures for financial supply from 1630 expedited centralised and arbitrary government - Richelieu was resolved to modify, if not reverse, the absolutist trend in royal government. He appreciated the need for the Crown to conserve the privileged position of the nobility in the social hierarchy as the most efficacious means of forestalling reaction and rebellion. Thus, he stressed not only the ideological ties which bound the nobility to the Crown, but also that the nobles' route to military and financial advancement was through service to the Crown. The greatest testimony to his success came during the highly organised and English instigated revolt of the Huguenots at La Rochelle in 1627. By the time Charles I had dispatched a relief force under Buckingham, the Protestant nobles had defected. Some even took service with the French Crown in forcing the withdrawal of Buckingham from the isle of Ré in November. The

venture ended in humiliation for Charles as well as Buckingham when his fleet was repulsed in May 1628. The Huguenots were subsequently forced to surrender - after heroic resistance - and Charles was obliged to sue for peace in April 1629.³⁹

Indeed, Charles' lack of political nous and his manifest incapacity to learn from past and contemporary masters of pragmatism meant that the monarchical position in Scotland prior to the coronation parliament was maintained despite, not because of, the personage of the king. That the specialised work of revocation made any headway administratively and that government in Scotland continued generally to function - albeit with stuttering competence - can largely be attributed to the initiative and energy expended in the service of the Crown by William Graham, seventh earl of Menteith. His arrival on the *national stage* coincided with Charles' decision to institute the Commission for Surrenders and Teinds as an alternative to his impending resort to legal compulsion. Menteith may even have suggested the Commission as a means of defusing the unrest among the nobility occasioned by the Revocation Scheme. In any event, Menteith was appointed a privy councillor and also admitted ~~on~~^{to} the Commission of Exchequer on 18 January 1627. In little over a year he had achieved a meteoric rise to a position of influence within the Scottish administration. Following the death of his kinsman, John Graham, fourth earl of Montrose, Menteith was promoted to the presidency of the Privy Council on 15 January 1628. Four weeks later, on 12 February, he was nominated by Charles to take over the presidency of the Commission of Exchequer during the frequent absences of the increasingly infirm archbishop of St Andrews. Menteith was appointed Justice-General of Scotland - on an annual basis - from 11 July, Archibald, Lord Lorne, having already surrendered the house of Argyle's heritable title to that office.⁴⁰

At the same time as he was accumulating offices in Scotland, his frequent liaising ^{with the} ~~to~~ Court won him the respect and confidence of Charles who entrusted him with the general oversight of government in

Scotland as well as a special watching brief over the operation of the Commission for Surrenders and Teinds. In fact, Menteith reinvigorated the system of shuttle diplomacy pioneered by the earl of Dunbar in the aftermath of the union of the Crowns. By commuting regularly between Edinburgh and the Court, Menteith kept Charles informed about political developments north of the Border and, conversely, he explained to officials and the rest of the political nation serving in government the intent behind royal directives. Formal recognition of his importance as an intermediary came with his appointment as a member of the English Privy Council on 26 September 1630.⁴¹

Menteith was to claim on 18 September 1630, that 'my power is small'.⁴² This self-effacing assertion, however, should not obscure the fact that he was then the most influential politician in Scotland. The old guard within the Scottish administration had been eclipsed. Hay, now Viscount Dupplin, though still Chancellor, was never able to repair fully his reputation at Court following Nithsdale's aspersions on his competence and integrity. Haddington had accepted the post of Lord Keeper of the Privy Seal on 6 November 1627, an appointment tantamount to demotion. As Secretary within Scotland, he had never acknowledged the precedence accorded to Sir William Alexander of Menstrie, the Secretary at Court. Although Haddington continued to work assiduously in the service of the Crown, he was now, on his own admission, a spent force, debilitated by age and infirmity from attempting to regain his former political clout. Mar was also a victim of age and infirmity, demitting his office as Treasurer in April 1630 in favour of William Douglas, earl of Morton, a courtier.⁴³ Moreover, despite the king's bestowal of offices and memberships of commissions onto courtiers like Alexander of Menstrie and Morton, Menteith remained the only politician with the capacity and the commitment to sustain a working accommodation between absentee monarchy and the political nation. For six years he endeavoured both to moderate the authoritarian inclinations of Charles I and to contain the spread of dissent among the estates. Two illustrations from 1630 will serve to attest his political capabilities.

During the autumn of that year, rumours were circulating in Scotland that Charles was intent on purging both the Commission of Exchequer and the Privy Council because of unsatisfactory attendance records - among ordinary members as distinct from officials. Charles actually remitted this matter to the consideration of Menteith with a specific proposal to restrict membership of the Commission to royal officials. As auxiliary president of the Commission as well as President of the Council, Menteith was in a unique position to exercise a restraining influence. Thus, Charles was counselled to avoid any action which might promote disaffection, particularly among nobles then serving in government but lacking office or inclination to attend Court. In order to prevent 'any just caus of discontent', Charles contented himself with an exhortation on 12 October to Morton, the new Treasurer, and the rest of the officials on the Commission to ensure that all future meetings in Exchequer were quorate. Likewise, when the Privy Council was eventually reconstituted on 30 March 1631, Charles had been persuaded to make no drastic changes in personnel. Instead, he issued a reminder to all councillors that they were appointed solely at his pleasure. Henceforth, their conduct was expected to be diligent and dutiful, especially as the President and Chancellor were charged to hold frequent meetings of the Council for the transaction of 'great and weightie maters of estait'.⁴⁴

The single outstanding contribution of Menteith to the personal rule of Charles I was, perhaps, his masterly management of the Convention of Estates held at Edinburgh between 28 July and 7 August 1630. Since its agenda was not prescribed by a committee of articles, a convention afforded greater opportunities than a parliament for the propagation of dissent about the central direction of Scottish affairs from the Court. Moreover, the shire commissioners, as the elected representatives of the gentry, had come to be regarded as the spokesmen for the localities in constitutional assemblies: a practice confirmed by their leading role as obstructors of the king's ill-conceived proposals for administrative, financial and judicial reform in the Convention of 1625.⁴⁵ During the intervening five

years, the implementation of the Revocation Scheme and its direct appeal for the support of their estate had served to sharpen the political consciousness of the gentry. Thus, on the opening day of the Convention of 1630, the shire commissioners felt sufficiently assured to produce what was, in essence, a programme of reform from below which sought not only the redress of itemised grievances but a general improvement in the conduct of government on the grounds of equity as well as efficiency. While the main thrust of this initiative from the shires was to expedite the work of the Commission for Surrenders and Teinds, the commissioners availed themselves of the national forum provided by the Convention to articulate the widespread apprehensions aroused throughout Scottish society by the king's revocation. However, adroit political manoeuvring on the part of Menteith ensured that the shire commissioners' programme for reform did not become the preamble to constitutional confrontation between the Convention and the Crown. The sporadic absence of the Chancellor after the opening session - because of sickness - allowed Menteith to exercise strict control over the subsequent proceedings of the Convention. Furthermore, he utilised his presidency of the Privy Council to maximum advantage, welding the majority of the councillors along with the officials and courtiers into a cohesive Court party which backed him resolutely in the crucial sessions of the Convention. Thus, only the competence not the substance of contentious issues - like episcopal handling of religious nonconformity - were debated by the estates. Once assent had been given to the renewal of taxation requested by the king, all proposals for the redress of grievances or the improvement of government were deferred to the consideration of a full parliament.⁴⁶

At the conclusion of the Convention, Menteith submitted a detailed account of its proceedings to Charles, recounting the daily performance of all serving in government as well as the points of contention raised by the disaffected element. Although Menteith was not averse to the enhancement of his personal contribution, Charles was undoubtedly 'much joyed with the success of the convention' and

unstinting in his praise for the way in which Menteith upheld the interests of the Crown. For Charles required no reminder of the constitutional impasse triggered off by the Petition of Right in England and had certainly desired no repeat in Scotland. Accordingly, Charles' euphoria lasted several months. As Traquair noted from Court on 20 September 1630, the king was still 'wonderfully well satisfied with ye cariage of the Conventione, and says to us all, yat never thing was done more opportunlie and in a more seasonable tyme'.⁴⁷

Indeed, the Convention of 1630 marked the zenith of Menteith's political career. Although his continuing dominance over Scottish affairs seemed assured if not unrivalled, the inherent vulnerability of his position was confirmed dramatically by his removal from office and his enforced retiral from public life by the end of 1633. His downfall can be attributed partly to a lack of prudence in promoting his own advancement and partly to political machinations among his erstwhile allies at Court as well as his personal enemies within the Scottish administration. Another, less obtrusive, factor must also be brought into consideration. For his downfall cannot be divorced from the antipathy aroused within the political nation to the principle and practice of revocation. Although Charles laid down the broad strategy for the implementation of the Revocation Scheme, responsibility - and odium - for its tactical accomplishment was bestowed on Menteith.

With the support of Sir Thomas Hope, the Lord Advocate, Menteith in September 1629 had put forward a claim to the earldom of Strathearn as direct heir-male of David, son of Robert II. This claim involved not only the surrender of property held by the Crown since the early fifteenth century, but also 'a clouding of the royal family line'. David, earl of Strathearn, had been the eldest son of the second marriage of Robert II. However, doubts about the validity of the king's first marriage questioned the legitimacy of the current royal house of Stuart. The delicacy of Menteith's claim to Crown

lands appeared to have been settled deftly on 22 January 1630. In return for the dignity of earl of Strathearn and reasonable compensation - materialising eventually as £3,000 sterling (£36,000) - Menteith renounced all heritable claims to the property of the earldom. This settlement, which was formally confirmed on 25 May, was viewed as inexpedient by a faction within the Scottish administration headed by Sir James Skene of Curriehill, president of the Court of Session, and Scotstarvit, the director of Chancery. Playing upon the ambivalence manifested by such leading administrators as Haddington, the Lord Privy Seal, the faction were able to persuade Charles by December 1632 to subject Menteith's claim to the earldom of Strathearn to further scrutiny. At this juncture, collaborators at Court led by Sir Robert Dalzell of that ilk (later Lord Dalzell and earl of Carnwath), alleged that Menteith had boasted that 'he had the reddest blood in Scotland'. The treasonable imputations of this boast were mitigated by Menteith's own admission of its imprudence and by intercessions on his behalf to the king from Chancellor Dupplin and Treasurer Morton. Nevertheless, Menteith was obliged to withdraw from public life. On 22 March 1633, he acceded to the king's request to quit his title as earl of Strathearn in return for that of earl of Airth. A prosecution for treason was subsequently initiated by Skene of Curriehill but Charles had the charges dropped by 15 July, Menteith having made a submission denying any treasonable utterances of his having as good a right to the Crown as the king. He did acknowledge that the allegation of Dalzell was not without substance, but excused his boast as an intemperate slip. He was formally stripped of his offices and his pension of £500 sterling (£6,000) on 8 November 1633.⁴⁸

The downfall of Menteith was undoubtedly the most celebrated instance since the withdrawal of the Court from Edinburgh in 1603 of the 'vexatiounes and divisiounes' which afflicted the conduct of Scottish affairs. The pursuit of power and office by political faction was aggravated rather than ameliorated by Charles' imperious, but inexperienced, handling of central government. As evident from

the less than scrupulous manoeuvring to displace Archibald, Lord Napier, as treasurer-depute, Menteith was himself a grandmaster of factional intrigue by 1630.⁴⁹ Ironically, some of his closest associates in this episode were to be party to Menteith's own ousting from office. Acting in concert with Chancellor Dupplin, Treasurer Morton and Secretary Alexander, Menteith had Lord Napier discredited sufficiently at Court to have Traquhair, now the rising star within the Scottish administration, appointed to share the post of treasurer-depute from 6 November - pending the award of satisfactory compensation to Lord Napier for his demission of office.⁵⁰ However, by the time Traquhair was confirmed as the sole treasurer-depute on 9 May 1631, both he and Secretary Alexander were already airing at Court their apprehensions about Menteith's continuing dominance over Scottish affairs. Indeed, Traquhair had taken it upon himself in the immediate aftermath of the Convention of 1630 to admonish Morton and Dupplin for their failure to submit a fulsome written account to the king of the Estates' proceedings. Traquhair was especially concerned that neither his own nor Secretary Alexander's verbal accounts would counterbalance Menteith's endeavour to monopolise credit at Court for the smooth management of the Convention. In a subsequent plea for collective responsibility among leading officials, Secretary Alexander hinted prophetically that Menteith's engrossing of office and his penchant to implement the king's policies unilaterally, 'may hazard himself more than any other'.⁵¹

Thus, at the same time as Menteith was making imprudent claims on the earldom of Strathearn, a climate of opinion was being created within official circles which was to leave him increasingly isolated and politically exposed. Hence, while Morton and Dupplin were prepared to intercede with the king to prevent Menteith's prosecution for treason, they did not seek to check his removal from office nor to redress the efforts of the faction fronted by Skene of Curriehill and Scot of Scotstarvit to force Menteith's retiral from public life. In short, the factional intrigue to oust Menteith could not have succeeded without the tacit approval of his erstwhile allies.

As Traquhair admitted to Morton on 16 March 1633, 'we have hade many odde passages in the business quhilks I dare not entrust to paper'.⁵²

In seeking to exploit the ambivalence and growing antipathy among leading officials and courtiers to the further advancement of Menteith, the faction fronted by Curriehill and Scotstarvit were motivated primarily by personal considerations not issues of political principle. Curriehill was fired by personal resentment, his judicial position as president of the Court of Session having been overshadowed by Menteith's annual appointment from 1628 as Lord Chief-Justice of Scotland. Scotstarvit's motives were more complex. In general, his interests as an administrator tended to colour his political attitudes, usually because he had a personal stake to assert or lose.

The shire commissioners at the Convention of 1625 had taken particular exception to the fees which Scotstarvit exacted for the ratification of official documents in the Chancery. The resultant censure of the director was not reported formally to the king, the Privy Council being reluctant to convey the impression that the Estates were encroaching upon Charles' right to appoint and discipline his officials. Scotstarvit, however, dispatched a protest to the Crown that he was being publicly pilloried for charging the accustomed fees of his directorship. His demand for an official inquiry, though upheld by the king, was not well received by the Privy Council. As Scottish officials were not generally noted for abstinence from peculation, the Council preferred to deal circumspectly with administrative abuses. In turn, when the Convention of Royal Burghs repeated the allegations of extortion against Scotstarvit in February 1627, the Council, much to Scotstarvit's chagrin, took no positive action to clear his name. It was not until February 1634, that Scotstarvit achieved public vindication. Having petitioned the coronation parliament to ratify the accustomed fees of Chancery and his entitlement to charge them, the matter was referred back to the Privy Council for final determination. The report of the official

inquiry cleared Scotstarvit of all charges of extortion and confirmed that he was merely reverting to the scale of fees for the Chancery - half that of the great seal, double that of the privy seal - which had been laid down by the Privy Council in 1606, but had subsequently been lowered by the 'silence and negligent connivance' of his predecessor. Not only had it taken the Privy Council seven years to exonerate Scotstarvit, but Menteith, whose rise to political dominance Scotstarvit had helped to sponsor, had taken no action on Scotstarvit's behalf during his six year presidency of the Council.⁵³

Scotstarvit felt further aggrieved about Menteith as his ungenerous protégé because of their respective stances towards the implementation of the Revocation Scheme. Again, contemporary suspicions about Scotstarvit's grasping nature were not diminished by his open association with the pressure group of militant lairds from the outset of 1627. The future Lyon King-at-Arms had already observed with respect to Scotstarvit's administrative work on the more abstruse aspects of revocation - such as the reversal of land tenures altered since 1540 from ward and relief - that the director of Chancery was 'a bussie man in foule weather and one whose coveteousness far exceidit his honesty'.⁵⁴ His promotion of the interests of the gentry, especially against the temporal lords and titulars of teinds, was far from altruistic. Pending payment of the requisite compensation, the surrender of superiorities by temporal lords afforded no foreseeable financial benefit to the Crown. In turn, the king's annuity from the teinds could not be realised fully until the completion of valuations. The director of Chancery, however, would profit immediately from the increased incidence of registration fees once kirklands were feued directly to the gentry and heritors began purchasing control over their own teinds. Despite his vigorous pursuit of these interlocking political and administrative interest, which was to continue throughout and beyond the personal rule of Charles I, Scotstarvit could not rely on uncompromising support from Menteith.⁵⁵ For Menteith, as overseer of the Commission for Surrenders and Teinds, remained ever-conscious of the interests of the nobility, seeking to conserve their estates and

resources against untoward pressures from militant lairds no less than from meddling bishops.⁵⁶

Menteith's integral involvement in the implementation of the Revocation Scheme suggests that his ousting from office was not entirely the product of factional intrigue. More specifically, his downfall cannot be dissociated from the discord occasioned within the political nation by the king's introduction of the principle of revocation, particularly as Menteith's projected recovery of the earldom of Strathearn from the Crown was to invoke the same principle. Initially, not only was Charles I willing to transfer the superiority of the earldom to Menteith, but the king was also prepared to support Menteith's prosecution of his right to the whole property of the earldom at the expense of the existing hereditary tenants of the Crown. Whereas Charles in his Revocation Scheme was promising to emancipate the gentry, he was now licensing Menteith's use of the legal process of improprietion and reduction to emasculate all freeholds within the earldom of Strathearn. The widespread alarm, notably among the gentry, aroused by this threatened resort to legal compulsion was used by Scotstarvit as an argument for denying Menteith the earldom. Indeed the outcry, nationally as well as locally, persuaded Menteith to renounce his claims to the property of the earldom while reserving his rights to the dignity of Strathearn.⁵⁷

Arguably, the most critical revelation from the downfall of Menteith, however, was not the extent of factional machinations within the Scottish executive, nor even the discord occasioned within the political nation by the principle of revocation, but rather the manifest incapacity of Charles I to protect his leading Scottish administrator when personal imprudence embroiled Menteith in serious political difficulties. Indeed, the enforced retiral of Menteith from public life threw into stark relief the growing cleavage between the Court and the Scottish administration in terms of personnel management. Although Menteith was the only leading official to be removed from office on account of treasonable allegations, he was not the only

counsellor to be maligned by such allegations during the personal rule of Charles I. But the other celebrated victim, James, marquis of Hamilton, was a courtier and a royal favourite not an administrator based in Scotland.

During the spring of 1631, the marquis of Hamilton was accused of being the prime mover in a conspiracy with the earls of Haddington, Roxburghe and Buccleuch, to imprison the king and the young prince (later Charles II), to cloister the queen and to execute the leading royal advisers in Scotland and England. Reputedly, these objectives were to be accomplished by the troops then being recruited throughout the British Isles to fight on the side of the anti-Habsburg forces under the banner of the Swedish king, Gustavus Adolphus. That is, the expeditionary force which Charles had appointed Hamilton to command in a final British attempt at intervention in the Thirty Years War was to be directed against the Crown and the political establishment in both Scotland and England. Hamilton's leading accuser was James Stewart, Lord Ochiltree, a courtier much given to malicious gossip and already regarded as a malignant influence by leading officials for his vociferous advocacy of the king's revocation. In part, Ochiltree's accusations, which sought to play upon Hamilton's position as the leading claimant to the Scottish throne outwith the royal house, revived the hereditary malice between the Stewart and Hamilton families. For Lord Ochiltree's family had temporarily gained the earldom of Arran from the Hamiltons in the late sixteenth century. More pertinently, since Hamilton's influence at Court was tending to eclipse that of all other Scotsmen, the accusations were motivated by personal jealousy, the outcome of factional intrigue among courtiers carried to fantastic lengths - 'a madness only incident to those of Bedlam'. In contrast to the Menteith affair, however, Charles was able personally to investigate the allegations of treason within the confines of the Court and to pronounce the accused on 29 June 1631, 'altogidder innocent and cleare thair of'. That same month, Ochiltree was himself indicted and examined on charges of treason and brought to Scotland to stand trial for leasing-making. Ironically, Menteith, in

his capacity as Lord Justice-General, was declared the fittest judge to determine the competence of the accusations against Ochiltree. Although proceedings were instituted formally against Ochiltree on 22 November, there was no recourse to trial by assize over the next eighteen months. After frequent postponements - to secure royal ratification of the proceedings - the diet was eventually deserted on 5 June 1633. Solely on the strength of the royal warrant, Ochiltree was duly sentenced to life imprisonment in Blackness Castle on the Firth of Forth.⁵⁸

The charges against him having backfired, Hamilton retained both his military command and the favour of the Crown as evident from his award of all customs and imposts on wines imported into Scotland for a sixteen year period commencing on 1 August 1631. This tack of the wine imposts, which was to recompense Hamilton for his financing of the British expeditionary force, was not rescinded despite persistent efforts at Court to malign his military performance during his fifteen month engagement on the continent. Moreover, the financial standing *of his house and his estate* continued to enjoy the protection of the Crown during his absence abroad. On his return, the escalating costs of the expeditionary force were further compensated by his appointment, effective from 31 July 1633, as Collector-General of the taxes recently conceded by the coronation parliament.⁵⁹ Menteith, on the other hand, having been obliged to demit office and retire from public life, was left vulnerable to legal action by his creditors for debts accrued largely in the course of his public service. By the spring of 1634, Menteith (now Airth) was in such dire financial straits that it was deemed propitious by Charles to respond generously to his former counsellor's overtures to relieve 'the distressed estait of the hous of Airthe'. Accordingly, Charles made out an order on 5 November to advance Airth in installments a sum amounting to £120,000 and, in the meantime, to restore his pension of £500 sterling (£6,000) - in the guise of a yearly payment to meet his most pressing arrears. For the remainder of his personal rule, Charles was obliged to prorogue and even suspend legal actions raised by Airth's creditors since the

shakiness of royal finances usually prevented the timely payment of the installments for Airth's relief. Furthermore, even although the actual value of Airth's estates far outstripped the debts which he was striving to honour from his rents, some of his creditors were intent on legal action to ensure the reversion of Airth's estates into their own hands. The leader of this acquisitive groups was John Campbell, Lord Loudon, a prominent member of the disaffected element opposed to the Revocation Scheme as to the whole authoritarian tenor of Charles' conduct of Scottish affairs.⁶⁰

Although Charles did seek to redress the financial embarrassments endured by Menteith out of respect for his past public service, the charge can undoubtedly be levied against Charles that he showed his 'utter lack of understanding' of the importance of that service.⁶¹ For his failure to find a successor willing to undertake a similar style of shuttle diplomacy on behalf of absentee monarchy produced a hiatus in the management of Scottish affairs. In turn, the downfall of Menteith served not only to aggravate the growing estrangement between leading officials and the Court, but to make government within Scotland less amenable to central direction: a situation made especially crucial by the spread of class collusion within the localities in opposition to the Revocation Scheme. More immediately, the eclipse of Menteith from public life led Charles to resort to managerial overkill with respect to the composition, agenda and proceedings of the coronation parliament.

Admittedly, the groundswell of unrest occasioned by the king's direction of Scottish government in general and the implementation of the Revocation Scheme in particular meant that Charles could not be guaranteed the wholesale compliance of the landed estates without vigorous management of the coronation parliament. Political frustration had been mounting among the nobility over the king's longstanding refusal to licence any meeting to discuss, formulate and publicise the interests of their estate. Such treatment was discriminatory. For, not only had the gentry and clergy been

encouraged to hold separate conventions following the first session of the Commission for Surrenders and Teinds in 1627, but the gentry had met to co-ordinate grievances of the localities prior to the Convention of Estates in 1630 and no restraint had ever been placed on meetings of the episcopate to articulate the collective viewpoint of the clergy. Notwithstanding the occasional convention of their estate, political frustration was also prevalent among the gentry. Although their grievances were noted by the Convention of 1630, central government made no concerted effort to effect a remedial programme.⁶² More especially, aversion to the special evaluation duties imposed on the sub-commissioners in every presbytery was reflected in the growing reluctance of the gentry to accept the king's annual nomination of shire commissioners. Commissioners for parliament were not chosen in many sheriffdoms in 1631 and where the routine Michaelmas elections were observed, some of the commissioners chosen - in defiance of missives from Court - were not those elected the previous year. By 22 January 1633, thirty sheriffdoms, almost the full Scottish complement, had to be ordered to rectify, within six weeks, their failure to hold electoral meetings at Michaelmas 1632. Elections had still to be concluded or the choice of commissioners validated in eighteen shires when the Council conceded on 24 April, less than two months before the scheduled opening of the coronation parliament, that the collective liability of the gentry in every shire to meet the parliamentary expenses (hitherto unspecified) of each of their commissioners should not exceed three hundred merks (£200) and 'ane footmantell of velvet'. In the event, nine shires entitled to send two commissioners sent only one and six shires declined to send any commissioners to the coronation parliament.⁶³

~~Arguably, although~~ the composition of the coronation parliament was to be almost ~~a third greater than~~ ^{half as great as} the total number of each estate in attendance at the Convention of 1630 (and nearly double the number attending the Convention of 1625). ^{yet} the task of ^{personnel} management was not to appreciate correspondingly.⁶⁴ While the voting strength of the burgesses was increased from thirty-one to fifty-one, the

additional twenty commissioners attending on behalf of the royal burghs merely marked an increase in numbers not political influence. While thirteen more shire commissioners were in attendance, the incomplete nature of the elections in the shires, returning only forty-five commissioners out of a possible sixty-four, served more as a testimony to local inertia than to grass-roots militancy. Even the most pronounced increase, that in the composition of the nobility from forty-seven to sixty-five, did not represent a more potent challenge to the Crown from the leaders of the political nation. For the rise in their number by eighteen can be entirely accounted for in terms of proxy votes, of which at least thirteen were in the hands of leading officials and courtiers. Of the remaining five proxies, the disaffected element could only count on two. Moreover, the twelve bishops who represented the clergy - their number in attendance having increased by two, including one proxy - provided a solid, if small, phalanx of support for the Crown.⁶⁵

James VI having revived the medieval practice of proxy voting for nobles and bishops in the parliament of 1617, Charles was determined to extract the maximum advantage from this concession - though no proxies had been conceded for the Conventions of 1625 and 1630. Hence, throughout May 1633, all nobles seeking to be excused attendance at the coronation parliament came under discreet pressure to place their proxies at the disposal of the Court. The weighting of proxies in favour of the Court was further enhanced by plural voting. Thus, four foremost upholders of the interests of the Court - Traquair, Morton, Stirling and Lennox - were warranted to exercise eleven proxy votes between them. However, Charles overplayed his hand. Like his father before him, Charles had, from the outset of his reign, honoured Englishmen with Scottish lordships although they lacked estates in Scotland. By summoning the five Englishmen with Scottish titles to the coronation parliament, Charles breached the constitutional convention that lords of parliament should have a Scottish territorial qualification. While only one Englishman (Walter Ashton, Lord Ashton of Forfar) actually attended the

parliament, the proxies of the other four were divided between Traquhair and Stirling. In the process, the concession of proxy votes became not just a constitutional grievance but a nationalist issue for the disaffected element.⁶⁶

Charles was not prepared to appease Scottish sensibilities by spending any considerable time in his native country.⁶⁷ Since he was intent on getting his coronation visit over as soon as possible, meticulous preparation went in to the packaging of the parliamentary agenda to minimise the scope for dissent. As early as 24 December 1632, Lord Advocate Hope had been assigned responsibility for drawing up the legislative programme of the Crown. Having also been instructed to take soundings from the Privy Council, especially for 'the prosecution of that great work of the Tythes and Surrenders', he was obliged to present his preliminary report to the Court at the outset of February 1633. As the agenda was not to be restricted to the Crown's own legislative programme, the intervening four months before the scheduled opening of the coronation parliament were taken up by the establishment of an elaborate vetting procedure to sift out all bills and petitions presented by individuals, institutions or estates critical of, or inimical to, the Court's direction of Scottish affairs. Thus, the Privy Council was asked to publicise on 23 April, that all bills and petitions presented for consideration in the coronation parliament should, in accordance with constitutional convention, be in the hands of the clerk-register at least twenty days before the scheduled opening. But on 30 April, the Council was advised to deliver to the clerk-register only those 'writts and articles as wer fitt to be exhibited or motioned in Parliament'. Hence, the role of the clerk-register was to carry out a second stage of vetting prior to the final compilation of a composite agenda by a committee of the articles once parliament opened. Although bills and petitions to the Convention of 1630 had been channelled through the clerk-register's office, the absence of a committee of articles had enabled the gentry and lords of erection to make late submissions of grievances, with the result that the Estates had been able to hold, if

not sustain, open debates: the very situation which Charles' vetting mechanism was designed to pre-empt.⁶⁸

Adding a personal element of distrust and suspicion to the king's managerial intentions was the current incumbent as clerk-register, Sir John Hay of Lands (later of Baro), the blatantly career-conscious, former town-clerk of Edinburgh, who had held office for only five months when Charles initiated his vetting procedure. By the time Hay of Lands reported directly to the king on the arrival of the Court at Berwick, on 8 June 1633, his vetting of the parliamentary agenda had proved markedly controversial. In particular, Hay of Lands was deemed responsible for suppressing the petition presented by Mr Thomas Hogg, who had been deposed from his charge at Dysart for nonconformity by the Synod of Fife in 1620. The petition was resented on behalf of the faction among the clergy 'that stood for the preseruatiōne of the purity of religion in doctrine, worschipe and gouerniment'. Thus, the libel circulated among the disaffected element that the clerk-register was 'a suorne enemy to religion and honesty and a slaue to the bischopes and courte'.⁶⁹

The vetting role of the clerk-register notwithstanding, the most crucial implement of royal control over the coronation parliament was the committee of the articles. Traditionally charged to compile a composite agenda for the approval of the estates, the committee was elected after the roll-call on the third day of parliament - the first two days since the opening on 18 June 1633, being taken up by the verification of commissions, the notification of proxies, the ordering of voting precedence among the nobility and the formal presentation of bills and petitions. Having already followed his father's practice in 1621 of bestowing proxies on Englishmen with Scottish titles and ruling representations on behalf of nonconforming ministers out of order, Charles built upon the selection procedure for the committee of articles which James VI had established by his last parliament. Despite composing the smallest estate, the bishops were deployed as the lynch-pins of parliamentary management. Royal control over the

composite agenda was assured when the bishops, on the recommendation of the king, chose eight nobles who, in turn, chose eight bishops. Regardless of the eight individuals selected (although both archbishops were included), all the bishops owed their position to royal patronage. The eight nobles selected were predominantly, but not exclusively, courtiers. No noble associated with the disaffected element was chosen for the committee. The eight nobles selected were then joined by the eight bishops to choose commissioners from eight shires and eight burghs. In the event, the selection of eight commissioners from different shires provided the committee with a representative cross-section of the Scottish localities. However, at least two of the gentry selected (Sir James Lockhart of Lee and William Douglas of Cavers) were active members of the pressure group founded in support of the Revocation Scheme in December 1626. Although there was also some effort to provide a geographic spread of royal burghs on the committee, commissioners were primarily selected according to the stent-roll, seven of the ten leading burghs being represented. Only Elgin of the lesser burghs was represented on the committee which actually included nine burgesses, since both commissioners from Edinburgh were chosen. As added surety for royal control, Charles designated the chancellor, the earl of Kinnoul (formerly Viscount Dupplin), to preside over the committee. The other eight officers of state present at the coronation parliament were instructed to attend and vote during the eight days set aside for the committee of the articles to compile the composite agenda.⁷⁰

The inclusion of nine officers of state to bolster the inbuilt majority for the Court on the committee of the articles not only secured royal control over the composite agenda, but eradicated the prospect of the Revocation Scheme being reversed or even modified by the estates in the course of the coronation parliament. Indeed, Charles had determined in the wake of the Convention of Estates in 1630, that the committee of articles would serve as an effective check on members of landed society seeking concessions, whether individually or severally, on any aspect of the Revocation Scheme. Accordingly,

any private bill or petition for the ratification of landed titles and privileges was not to be approved by the committee unless all the officers of state in attendance testified that it was 'not prejudicialle to the patrimonie of the crowne' and it was supported by no less than two-thirds of the committee.⁷¹

Not content with his inbuilt majority on the committee of the articles, Charles was resolved not merely to adapt but to range beyond the managerial techniques deployed by his father to minimise dissent in the parliament of 1621. Pending the compilation of the composite agenda by the committee of the articles, James VI had allowed the estates to meet separately to debate matters of common interest, contenting himself with instructions to his leading officials to infiltrate these meetings to mobilise support for the Crown's legislative programme, especially for the Five Articles of Perth, and to identify the disaffected. Contrary to customary practice, however, James VI had not allowed each estate to peruse the composite agenda twenty-four hours prior to its presentation in parliament. Charles preferred more drastic censorship. All separate conventions of the estates from the initial meeting of the committee of the articles on 20 June 1633, until the conclusion of its deliberations eight days later, were banned. Even the Convention of the Royal Burghs, which customarily met when parliament was in session, was suspended during this period. A meeting of the gentry to draw up a remedial programme for the improvement of royal government - like that presented on behalf of the shires to the Convention of Estates in 1630 - was interrupted in the king's name and dispersed. Inter-communing between the three lay estates was also banned to prevent the disaffected from coalescing. Such bans, when allied to the strict vetting of the parliamentary agenda, did pre-empt the public formulation of common grievances by the estates against the direction of Scottish affairs from the Court. Nonetheless, as Charles, himself, eventually realised, the fears aroused by the direction of royal government in general and the implementation of the Revocation Scheme in particular led to covert communing to bring

together the disparate strands of dissent. But the aspirations of the disaffected element for immediate constitutional redress were frustrated. The bishops successfully blocked the lobbying of the king by some noblemen, 'well affected to religion', in support of Hogg's petition. A supplication presented by commissioners for the shires and burghs, castigating the composite agenda concluded by the committee of articles as 'an evident hurt both to Kirk and countrey' was suppressed.⁷²

Charles' management of proceedings following the presentation of the composite agenda to the full parliament on 28 June 1633, was designed to overawe and, indeed, to intimidate the estates into giving their assent to the legislative programme approved by the committee of the articles. As in 1621, only one day was set aside for the estate to approve the legislative programme. But Charles' packaging of legislation in 1633 far outdid that of his father twelve years earlier. Although the Five Articles of Perth and likewise, the ordinary and extraordinary taxations, were presented as single enactments to secure their passage in the parliament of 1621, the estates were at least allowed to vote specifically for or against them and the other one hundred and twelve pieces of legislation. At the coronation parliament, however, the composite agenda was presented for acceptance or rejection as a whole. In total, the legislative programme consisted of one hundred and sixty eight measures - thirty-four public enactments; six commissions deferring economic issues and diverse supplications to the consideration of the Privy Council or the Exchequer; and one hundred and twenty six private bills ratifying the rights and privileges of individuals or institutions (in themselves, a useful means of ensuring that favoured nobles, gentry and burghs supported the composite agenda). No distinction for voting purposes was observed between public enactments and private bills. Thus, any of the disaffected element opposed to such contentious legislation as the ratification of the acts touching religion or the extension of both the ordinary and extraordinary taxations or any of the thirteen enactments justifying

and implementing the Revocation Scheme, was obliged to oppose such innocuous measures as the final enactment approving the re-edification of the kirk of Beith in Ayrshire.⁷³

As in 1621, the voting procedure deployed in the coronation parliament militated against any accurate assessment of the scale of dissent. Instead of being recorded systematically from each estate, votes were collated at random, each individual being asked to shout out his assent or dissent to the clerk-register without giving reasons for his vote. Debate was not encouraged 'so the conclusion might pass by numbers, not by weight of voices'. Moreover, Charles attended in person to reproach and even to note the name of dissenters. Thus, the block-passage of the legislative programme was secured by the opportune use of proxies and plural voting to bolster support for the Court and by the dubious tallying of the clerk-register and the intimidatory presence of the king to play down dissent. Nonetheless, as the result in favour of the Court was pronounced by Hay of Lands and verified personally by the king, its veracity was challenged by the earl of Rothes, as spokesman for the disaffected element, 'since the negative votes were thought by some to have equalled the affirmatives'. Although Rothes was obliged to retract on the king's threat to prosecute 'upon the perill of his life', Charles had achieved a pyrrhic victory. Public rumour soon reversed the final outcome in favour of the disaffected element on the grounds that the tally of individual votes cast by persons actually present at the coronation parliament went against the Court.⁷⁴

Undoubtedly, Charles' heavy-handed management of the coronation parliament had intensified and extended the scale of dissent within the political nation. In particular, his own personal endeavours to secure the block-passage of the legislative programme on 28 June 1633, 'had left bitter inclinations and unruly spirits in many of the most popular nobility'.⁷⁵ While the leadership of the disaffected element was not yet prepared to countenance direct

criticisms of the Crown, Charles' reliance on the bishops to secure control over the committee of the articles, their alliance with leading officials to enforce rigorous vetting of the composite agenda, and the obvious collusion between leading officials and courtiers to manipulate voting procedures, had created a common constitutional platform to protest against the leading of parliament 'by the Episcopall and courte faction'. However, only with a generous helping of hindsight can the king's management of the coronation parliament be depicted as 'the fewell of that flame wich sett all Brittane a fyre not longe thereafter'.⁷⁶

Albeit overdue, Charles' first visit to Scotland as monarch - indeed, his first since his removal south as a toddler in 1603 - had afforded a fund of goodwill for the Crown which was by no means exhausted when the Court departed from Edinburgh on 18 July 1633. Moreover, the leaders of the political nation, if not all Scots, were well aware of the discordant events leading up to the king's ~~indefinite prorogation~~^{dissolution} of the English parliament in ~~May~~^{March} 1629, and had no wish to tarnish the coronation visit by provoking a similar constitutional impasse in Scotland.⁷⁷ Furthermore, the disaffected were served a timely reminder of the reservoir of military support available to the Crown when the Council on 29 June, the day after the conclusion of the coronation parliament, converted a royal audience with island chiefs into a general muster of the clans 'in their best array and equippage'. Primarily intended as a diversionary spectacle for the English courtiers accompanying the king, the muster 'of hielandmen in thair cuntrie habite and best order', set for Perth on 8 July, served also to remind Charles that the contingents of clansmen despatched systematically to the continent in British expeditionary forces since 1626 could readily be deployed at home.⁷⁸

The political situation in Scotland in the aftermath of the coronation parliament, while not imminently combustible, was characterised by drift - no less fatal for the continuance of

government on behalf of absentee monarchy. Arguably, the most critical mistake of the king's visit in 1633, was not his heavy-handed management of parliament, but his failure to restore clear and effective channels of communication between Edinburgh and the Court to compensate for the political eclipse of Menteith. Yet, the expectation at the outset of Charles' coronation visit was that James, marquis of Hamilton, now established as the most influential Scotsman at Court, would emerge publicly as the leading manager for Scottish affairs. Among the English courtiers accompanying Charles to Scotland was Edward Hyde (later earl of Clarendon), who claimed that Hamilton was actually the king's 'sole counsel' for Scottish affairs long before 1633.⁷⁹

In fact, Hamilton had spent little more than four years of broken service at Court since the English coronation of Charles I. He had returned north in 1625 because of the financial embarrassment occasioned by his father's 'magnificent Nobleness', which had made it impossible for him to live at Court 'in the rank that became his quality'.⁸⁰ Despite repeated solicitations from Charles for his return and his own inclination to quit his 'obscure and solitarie lyfe' in self-imposed exile on the isle of Arran, Hamilton for over three years refused steadfastly to repair to Court and enjoy the king's 'fatherly counsels' until he had accrued enough money to settle with his creditors. It was only towards the end of 1628, on his eventual acceptance of the king's 'royal bountie' as the alternative to his sale of estates, that Hamilton was in a position to exercise influence at Court.⁸¹ Thereafter, as confirmed by his availability to command the British expeditionary force to the continent in 1631, he was much less indispensable to the management of Scottish affairs than Menteith. Admittedly, his return from his fifteen month engagement on the continent in September 1632 antedated by three months the factional clamouring at Court to have the allegations of treason against Menteith opened to further scrutiny. However, there is no incontrovertible evidence to link Hamilton directly with the faction seeking Menteith's disgrace. Indeed, he himself had returned

to Court hardly covered in glory. His military command had been beset by the common ravages of pestilence and land devastation which had severely curtailed his supplies and communications. His relations with his officers, particularly over pay and the deployment of troops, had not been above criticism from Charles. The objectives of the British force and of the Swedish king had diverged increasingly. Hence, Charles had used the expected refusal of Gustavus Adolphus to relieve the Palatinate as the excuse for Hamilton's disengagement.⁸² In the intervening nine months between his return and the coronation parliament, Hamilton was pre-occupied with life at Court, 'meddling little in Scottish Affairs'.⁸³

However, his continental engagement led him to retain a watching brief over international relations. He retained the confidence of the king's sister, Elizabeth, queen of Bohemia, keeping her and her son (Prince Charles) informed about the diplomatic manoeuvres concerning the Palatinate. He collated the reports from the British contingent left to serve with the Swedish forces. He supervised the further mercenary recruitment for the Swedish Crown and for the Scottish regiment in France. Individual Scots wishing to enlist in the service of Spain sought his sponsorship. The export of horses to Ireland and the continent was directed through him as Master of the Horse. Even after the ousting of Menteith from office, when Hamilton emerged publicly as the manager at Court for Scottish affairs, he did not devote himself exclusively to the government of Scotland. He continued to act as a broker for the recruitment of mercenaries from the British Isles and as a confidant, if not unofficial ambassador, for the queen of Bohemia. Moreover, from the outset of 1635 he was directly responsible for the Venetian embassy of his brother-in-law, Lord Basil Fielding - who seems to have been dispatched to Venice as much to acquire art treasures as to report on the affairs of that state and its Italian neighbours.⁸⁴ Thus, unlike Menteith, Hamilton was based at Court and the management of Scottish affairs was but one aspect of his duties there. Hence, Menteith's liaising between Edinburgh and the Court was replaced by a one-way

system of clientage for officials, councillors and, indeed, all members of the political nation seeking royal favour.⁸⁵ Furthermore, Charles' delegation of Scottish affairs to Hamilton was untrammelled ~~or even counterpoised~~ ^{any} by consultations with the English Privy Council. For Charles, reputedly ever-conscious if not always responsive to Scottish fears of provincialism attendant on absentee kingship, was 'so jealous of the privileges of that his native kingdom' that he was determined 'it might not be dishonoured by a suspicion of having any dependence upon England'.⁸⁶ Charles thereby isolated himself from the developing realities of Scottish politics and their British ramifications, creating no more than 'the illusion of being in touch with Scottish feeling'.⁸⁷

The removal of Menteith from office did not trigger off constitutional confrontation between the Crown and the political nation. Nonetheless, his enforced retiral from public life was a crucial aspect of the scene setting for the political denouement which was to terminate the personal rule of Charles I in Scotland. Menteith had been the one leading official based in Scotland dedicated to the task of securing the voluntary co-operation of the whole political nation to make absentee monarchy work. As a result of his downfall, the heavy-handed maxim which had guided Charles' conduct of government from the outset of his reign - 'itt is better the subject suffer a lytill than all ly outt of ordor' - was less susceptible to pragmatic counselling.⁸⁸ Moreover, the king's efforts to retain a measure of credibility for the Court's management of Scottish affairs were not helped by Hamilton's manifest preference for a policy of benign neglect north of the Border, tantamount to the pursuit of quiescent provincialism.

With the withdrawal of Menteith from public life, however, not only were the king's designs for social engineering shelved, but Scotland was far from quiescent. The localities were becoming less responsive to the directives of central government. At the same time as the promotion of the Revocation Scheme was being countered by

endemic class collusion, the permeation of dissent within the localities compounded the growing estrangement of leading officials and privy councillors from the Court. Indeed, as Charles was forced increasingly to rely on the bishops to uphold the managerial interest of the Court in Scotland, estrangement gave way to rampant anti-clericalism directed against the episcopal faction in both Kirk and State.⁸⁹

The general circulation of rumour, though by no means the most accurate gauge of public opinion, affords the most damaging evidence for the build up of anti-clerical sentiment since the coronation visit. During his tour of Scotland in 1635, the much travelled Englishman, Sir William Brereton, gleaned from conversations with disaffected gentry and presbyterian ministers in Edinburgh on 27 June, that the episcopal faction was set 'to recover so much of the land and revenues belonging formerly to the Abbeyes, as that they will in a short time possess themselves of the third part of the kingdom'. In total, rumour asserted that forty-eight abbacies were to be restored to the clergy - in effect, all of the fifty-four major ecclesiastical foundations not in episcopal hands at the commencement of the Revocation Scheme⁹⁰ - an eventuality of momentous constitutional as well as financial significance. For the restored abbots and priors, once allied with the bishops as clerical commissioners, would ensure that 'there will be always in the parliament-house so strong a party for the king' that would certainly suffice to cancel out votes of the disaffected among the nobility and be able possibly 'to sway the whole house'.⁹¹ Indeed, if the clerical estate was so augmented, the disaffected were faced with the prospect of not just the continuance of royal control over the committee of the articles, for which the bishops were the lynch-pins, but a permanent stranglehold being exercised over parliamentary proceedings on behalf of the Court.

However exaggerated the suspicions of the disaffected element, the rumours about a wholesale restoration of secularised

property to the clergy were not groundless. Since late autumn 1634, Charles' chief minister in England, William Laud, archbishop of Canterbury, had been in regular contact with Scottish bishops with a view to using the king's annuity from the teinds to buy up all lordships of erection.⁹² More specifically, Charles himself, as a follow up to his bestowal of surrendered temporal lordships on bishops - notably, to endow the bishopric of Edinburgh from its creation in October 1633 and to compensate the archbishopric of St Andrews for its resultant loss of diocesan territory⁹³ - had proposed to bestow the abbacy of Lindores on Mr Andrew Learmouth, minister of Liberton within the presbytery of Edinburgh. Although this was not Charles' first grant of a major ecclesiastical foundation to a minister,⁹⁴ his bestowal of Lindores abbey can be considered crass politically, not least because the proposed beneficiary was the son of Sir James Learmouth of Balcomie, an active member of the pressure group founded in support of the Revocation Scheme in December 1626.⁹⁵ Furthermore, Lindores abbey was the only temporal lordship revoked by legal compulsion - albeit the process of reduction and improbation against William Forbes of Craigievar took almost six years to accomplish from its instigation by the king in August 1629. In addition to the expropriation of Craigievar, the king's recourse to law had abrogated the tack to the feu-duties of the abbey held by the earl of Rothes, the emergent leader of the disaffected element.⁹⁶

Lindores was not only to be granted to Learmouth for life, but his tack empowered him to reduce all grants of lands and teinds made while the abbey was secularised. Writing from the political sidelines, Haddington, the aged Lord Privy Seal, sent a caveat to Hamilton on 17 June 1635, that the example of Lindores 'so affrights all heritours holding lands and teinds of any erection to be plunged on the like vexation', since their rights of property would be placed 'under the discretion of abbots who have but a lyfrent time to enrich their wives and children'. Moreover, the revival of the term abbot, 'a woord abolished in reformed nihbour cuntreis and states and never repented to be wanting among us but by papists', was of such emotive

potential 'that the apprehension passes my expression'. The king must also be warned that the thousands of gentry to whom he had appeal~~x~~ed in his Revocation Scheme, by offering the prospect of holding their lands direct from the Crown as freeholders rather than from temporal lords as feuars, would have their expectations of enhanced status frustrated should there be any systematic restoration of secularised property to the clergy. Indeed, the resultant loss of revenue to the Crown from feu-duties and other casualties would recall the late medieval view of the major ecclesiastical foundations of the twelfth century, 'that the king Saint David was a sore sanct to the Crowne'. Furthermore, the threat of increased landed power in the hands of favoured clergy was compounded by the current activities of the bishops on the Commission for Surrenders and Teinds. The bishops were now suspected of being prepared, once the valuation of teinds and allocation of stipends for all parishes within temporal lordships were concluded, to leave other ministers as well as heritors in the lurch. As a result, 'publick rumours' were equating the progress of the Revocation Scheme with an intent to undermine, if not reverse, the Reformation settlement. No less damaging, as Haddington was only too well aware from his long experience within the Scottish administration, was the corrosive impact of adverse publicity. The printing of the royal commission (of 1627) and the legal decree (of 1629) for the implementation of the Revocation Scheme, likewise the acts of the coronation parliament, had meant that criticisms of the king's management of Scottish affairs would not be confined to his native country. For, 'Englishmen can read them and understand Scots. If they heare and sie what was pretended and promised and heare by publick report how things now are like, they may perchance think more nor they will speak'.⁹⁷

Notwithstanding these strictures against Learmouth's tack, it was left to Traqu~~h~~air, without any direct guidance from the Court, to appease the apprehensions of the landed interest by stopping the grant of Lindores abbey passing through the Exchequer. Much to the chagrin of the bishops, the approval of his initiative by Charles on

24 June 1635, effectively terminated the prospect of secularised property being restored to the clergy.⁹⁸ That the Court should have failed to anticipate the furore provoked by the Lindores episode and then taken no prompt action to defuse the situation, not only summed up its distance handling of all aspects of the Revocation Scheme, but typified its lack of political touch in governing Scotland. Indeed, as the general political situation continued to degenerate over the next two years, the king insisted on according priority to the orderly conduct of business within the Scottish administration - that correct precedence in sitting, rising and voting be 'inviolable keipit' by officials and councillors.⁹⁹ His failure either to contemplate or to countenance remedial action to head off dissent reveals him as a monarch more concerned with the seemliness than the substance of government.

Denied a responsive hearing at Court and faced with mounting dissent at home, the will of lay officials and councillors to sustain absentee monarchy was being progressively sapped. Rampant anti-clericalism within the Scottish administration occasionally found expression in blatant obstruction as lay officials and councillors connived with the disaffected element within the political nation both to negate projects conceived at Court and to prevent the provincial relegation of Scotland. For, the ascendant bishops were becoming readily identified not just with the managerial interest of the Court but with the proposals of William Laud, archbishop of Canterbury, to ensure greater efficiency and uniformity in the management of royal revenues throughout the British Isles. Battle-lines were drawn up within central government over the control of the Exchequer.

Notes

1. HMC, Mar & Kellie, II, 238-39.
2. RPCS, second series, vii-viii, xlix-lii, cliv-clvii; The Scots Peerage, V, 220-23.
3. HMC, Mar & Kellie, I, 139-41.
4. Ibid, 151-53.
5. University of Hull, Maxwell - Constable of Everingham MSS, DDEV/79/D; M. Lee, jnr., 'Charles I and the end of Conciliar Government in Scotland', Albion, XII, (1980), 315-36.
6. HMC, Report on the Laing MSS preserved in the University of Edinburgh, vol. I, (HMSO, London, 1914), 172-75; hereafter, HMC, Laing MSS, I.
7. Napier, Montrose and the Covenanters, I, 77; Row, History of the Kirk, 339; The Red Book of Menteith, II, 14.
8. Balfour, Historical Works, II, 151-54; Stirling's Register of Royal Letters, I, 109, 117, 119.
9. T.G. Snoddy, Sir John Scot, Lord Scotstarvit, (Edinburgh, 1968), 123; hereafter, Snoddy, Lord Scotstarvit. This petition of December 1626 is contained within Scotstarvit's 'Trew Relation', G. Neilson, ed., SHR, XI, (1913-14), 187-89.
10. Gardiner, Personal Government, I, 362.
11. University of Hull, Maxwell - Constable of Everingham MSS, DDEV/79/H/7.
12. 'The Gordon Letters', Miscellany of the Spalding Club, vol. III, J. Stuart, ed., (The Spalding Club, Aberdeen, 1846), 217.
13. Hamilton Correspondence Calendar, I, numbers 18, 85; Stirling's Register of Royal Letters, I, 110.
14. RPCS, second series, I, 509-16.
15. University of Hull, Maxwell - Constable of Everingham MSS, DDEV/79/G/142; DDEV/79/H/7.
16. The Book of Carlaverock, II, 67-68, 71-72. By the time of his military commission in February 1627, Nithsdale had accumulated debts of £126,265 6s 8d (University of Hull, Maxwell - Constable of Everingham MSS, DDEV/71/1; DDEV 78/7 and /173).
17. Burnet, History of My Own Times, I, 11; Napier, Montrose and the Covenanters, I, 80, 89; Mathieson, Politics and Religion, I, 352;

- Memoirs of Scottish Catholics, I, 25-26.
18. RPCS, second series, I, 507-8.
 19. Ibid, lxxv, 525-26, 531-32; The Book of Carlawerock, II, 9-10; Stirling's Register of Royal Letters, II, 442, 594.
 20. Row, History of the Kirk, 343.
 21. M. Lee, jnr., 'Charles I and the end of Conciliar Government in Scotland', Albion, XII, 334-36; McGrail, Sir William Alexander, 128-34, 143-44.
 22. J.P. Kenyon, ed., The Stuart Constitution, 1603-1688, (Cambridge, 1966), 7-86; Hill, The Century of Revolution, 52-54.
 23. C. Russell, 'Parliamentary History in Perspective, 1604-1629', History, LXI, (1976), 1-27; R. Ashton, The English Civil War: Conservatism and Revolution, 1603-1649, (London, 1978), 14-15.
 24. P. Zagorin, The Court and the Country: The Beginning of the English Revolution, (London, 1969), 66, 74-75, 88-91; Stone, The Causes of the English Revolution, 105-8; I. Roots, 'The Central Government and the Local Community' in The English Revolution, 1600-1660, E.W. Ives, ed., (London, 1968), 34-37.
 25. E.J. Cowan, 'The Union of the Crowns and the Crisis of the Constitution in 17th Century Scotland' in The Satellite States in the 17th and 18th Centuries, S. Dyrvik, K. Mykland and J. Oldervoll, eds., (Bergen, 1979), 121-40.
 26. CSP, Venetian, XIX, 51, 294; XX, 102, 615.
 27. NLS, Morton Cartulary & Papers, Letters of Noblemen, III, MS.81, ff.60; Memorials of the Earls of Haddington, II, 56-57; Napier, Montrose and the Covenanters, I, 90.
 28. Memorials of the Earls of Haddington, II, 48; HMC, Mar & Kellie, I, 156; Scotstarvit's 'Trew Relation', G. Neilson, ed., SHR, XII, (1914-15), 76.
 29. Memorials of the Earls of Haddington, II, 165-66.
 30. SR0, Cunninghame-Grahame MSS, GD 22/1/518; APS, V, 209-17.
 31. The Red Book of Menteith, II, 31-33; HMC, Mar & Kellie, I, 173-74; Stirling's Register of Royal Letters, I, 462-63, 465-67.
 32. Hamilton Correspondence Calendar, I, numbers 80, 583; Stirling's Register of Royal Letters, I, 209; HMC, Mar & Kellie, I, 168.

33. APS, V, 3-6; RPCS, second series, II, xxxviii-xxxix, 385-87, 413, 415, 418-19; Balfour, Historical Works, II, 168; Stirling's Register of Royal Letters, I, 291, 296, 301, 319-20, 346, 362; II, 426-27, 505, 545, 573.
34. RPCS, second series, II, 413, 474-76; III, 384-85; C.S. Terry, The Scottish Parliament: Its Constitution and Procedure, 1603-1707, (Glasgow, 1905), 41-42.
35. RPCS, second series, II, 419, 440-41.
36. M. Coate, 'The Personality and the Kingship' in King Charles I, (Historical Association Pamphlet, London, 1949, reprinted 1970), 15.
37. RPCS, second series, I, 230; Connell, Treatise on Tithes, I, 230; Napier, Montrose and the Covenanters, I, 78-80.
38. J. Craigie, ed., The Basilikon Doron of King James VI, (The Scottish Text Society, Edinburgh & London, 1944), I, 78-81.
39. D. Parker, 'The Social Foundation of French Absolutism, 1610-1630', Past & Present, 53, (1971), 74-78; R. Mousnier, 'French Institutions and Society' in The Decline of Spain and the Thirty Years War, 1609-48/59, 484-93.
40. RPCS, second series, I, 495-96; II, 233, 364; III, 111, 396-97; Stirling's Register of Royal Letters, I, 244, 252; II, 529, 550.
41. W. Fraser, ed., The Red Book of Menteith, vol. I, (Edinburgh, 1880), 340; II, 3-5, 14-15, 17-18, 31-32, 36-37; M. Lee, jnr., 'Charles I and the end of Conciliar Government in Scotland', Albion, XII, 330, 335.
42. NLS, Morton Cartulary & Papers, Letters of Noblemen, II, MS.80, ff.68.
43. RPCS, second series, II, 109-10; HMC, Laing MSS, I, 189; HMC, Mar & Kellie, I, 173; M. Lee, jnr., 'Charles I and the end of Conciliar Government in Scotland', Albion, XII, 333.
44. NLS, Morton Cartulary & Papers, Letters of Noblemen, III, MS.81, ff.36; Stirling's Register of Royal Letters, I, 295; II, 480; RPCS, second series, III, v-vii; IV, vi-vii, 187-92.
45. Row, History of the Kirk, 350-51; APS, V, 185-88.
46. SRO, Cunninghame-Grahame MSS, GD 22/1/518; APS, V, 219-20;

- Balfour, Historical Works, II, 180.
47. NLS, Morton Cartulary & Papers, Letters of Noblemen, II, MS.80, ff.67; III, MS.81, ff.65.
 48. The Red Book of Menteith, I, 339-79; Snoddy, Lord Scotstarvit, 90-111; Scotstarvit's 'Trew Relation', G. Neilson, ed., SHR, XI, 284-96, 395-403; Sir J. Balfour-Paul, The Scots Peerage, vol. I, (Edinburgh, 1904), 133-35; SR0, Copy Minutes taken from Exchequer Register, 1630-34, E 4/8, ff.1, 9; Stirling's Register of Royal Letters, II, 531, 649-51, 662-63.
 49. The Red Book of Menteith, II, 95-96, 99, 104-5, 118-19; Memorials of the Earls of Haddington, II, 165-66; Napier, Montrose and the Covenanters, I, 54-57.
 50. Stirling's Register of Royal Letters, II, 480, 486-88, 495, 523-25, 686; NLS, Morton Cartulary & papers, Letters of Noblemen, II, MS.80, ff.67; SR0, Copy Minutes taken from Exchequer Register, E 4/8, ff.3. Napier was eventually persuaded to accept £3,500 sterling (£42,000) as compensation - the price at which he had purchased the office of treasurer-depute in 1622 - rather than the sum of £6,000 sterling (£72,000) which he originally demanded. However, the prospects of the Exchequer actually paying the former sum were no more immediate.
 51. NLS, Morton Cartulary & Papers, Letters of Noblemen, III, MS.81, ff.39, 65.
 52. The Red Book of Menteith, I, 365-66.
 53. APS, V, 188; RPCS, second series, I, 180, 517-18; IV, 200-04; V, 201-04; Snoddy, Lord Scotstarvit, 155-59. His predecessor was his uncle, Willian Scot of Ardros, whose tenure of office was limited to Scotstarvit's minority.
 54. Balfour, Historical Works, II, 147. Sir James Balfour of Denmylne and Kinnaird became Lord Lyon King at Arms to Charles I on 22 February 1630 (Stirling's Register of Royal Letters, II, 433, 499).
 55. Snoddy, Lord Scotstarvit, 123-24, 129; SR0, Hamilton Papers, TD 75/100/26/1592.
 56. The Red Book of Menteith, II, 90-91, 138.

57. Scotstarvit's 'Trew Relation', G. Neilson, ed., SHR, XI, 287-88, 295; The Red Book of Menteith, I, 363.
58. Burnet, Memoirs of the dukes of Hamilton, 4, 11-13; HMC, Mar & Kellie, I, 181-91; RPCS, second series, IV, 263, 369, 387-88; V, 101; Scotstarvit's The Staggering State of Scottish Statesmen, 66; S.A. Gillon, ed., Selected Justiciary Cases, vol. I, (The Stair Society, Edinburgh, 1953), 176-97. In an affair known as the Incident of 1641, Hamilton was again to be accused of treason by a Captain William Stewart, son-in-law of Lord Ochiltree.
59. Hamilton Correspondence Calendar, I, numbers 198-200, 241, 266, 8270, 9275, 9363, 10470; RMS, VIII, Numbers 1737, 1754, 2188, 2219; Stirling's Register of Royal Letters, II, 499-500, 531, 535-36, 673, 885; APS, V, 61-62, c.53; Burnet, Memoirs of the dukes of Hamilton, 10.
60. The Red Book of Menteith, II, 56-59, 154-55; SR0, Miscellaneous Exchequer Papers, E 30/23/7; E 73/8/1; Stirling's Register of Royal Letters, II, 734, 772, 803-4, 811, 827, 861. The lump sum of £120,000 (180,000 merks) awarded to Airth in November 1634 included 12,000 merks already advanced by instalments, 18,000 merks compensation for a house near Holyroodhouse surrendered by Airth on his demission of office and a further 30,000 merks compensation for the surrender of his wife's £6,000 yearly pension.
61. M. Lee, jnr., 'Charles I and the end of Conciliar Government in Scotland', Albion, XII, 335.
62. Memorials of the Earls of Haddington, II, 148-49; Row, History of the Kirk, 379; APS, V, 219-20; SR0, Cunninghame-Grahame MSS, GD 22/1/518.
63. RPCS, second series, V, 11-12, 45, 48, 54, 66-67, 100; APS, V, 8-9; SR0, Cunninghame-Grahame MSS, GD 22/3/785; Terry, The Scottish Parliament, 42-43.
64. Rait, The Parliaments of Scotland, 150; APS, V, 11-12, 166, 208. In the following breakdown of the respective compositions, the officers of state, of whom nine were in attendance in 1633 as

against six in 1630 and eight in 1625, have been included in the figures for their relevant estate:

	Total				
	Composition	Nobles	Gentry	Burgesses	Clergy
Coronation					
Parliament, 1633	181	65	48	51	12
Convention					
of Estates, 1630	122	47	34	31	10
Convention					
of Estates, 1625	101	40	33	21	7

65. One other proxy, vested in the marquis of Hamilton on behalf of James Erskine, earl of Buchan, was never exercised. Buchan's name was withheld from the roll called on the fourth and final day of parliament, the day on which the legislative programme was presented to the estates for their approval. Presumably, Buchan's proxy was not exercised because of doubts about its validity. His title and associated estates - transferred through his wife prior to her death in 1628 - awaited confirmation as part of the legislative programme (APS, V, 7-8, 11-12, 64-68, c.56-57; The Scots Peerage, II, 272-73).
66. APS, V, 7-8; Rait, The Parliaments of Scotland, 185-87; Stirling's Register of Royal Letters, II, 666-67.
67. CSP, Venetian, XXIII, (1632-37), 117.
68. The Red Book of Menteith, II, 31-32; Stirling's Register of Royal Letters, II, 642, 648, 662, 665-66; SR0, Cunninghame-Grahame MSS, GD 22/1/518.
69. Balfour, Historical Works, II, 193, 205-7; Row, History of the Kirk, 356, note 2, 379; Stirling's Register of Royal Letters, II, 634, 672.
70. D. Calderwood, The History of the Kirk of Scotland, T. Thomson, ed., vol. VII, (Wodrow Society, Edinburgh, 1845), 488-501; APS, V, 6-12; Donaldson, Scotland: James V - James VII, 284-85; Terry, The Scottish Parliament, 108. The composition of the committee of the articles in 1621 was marginally smaller than that of 1633, since only eight as against nine burgesses were

chosen and only seven as against nine officers of state were in attendance. Moreover, the deliberations of the committee lasted only three days in 1621 as against eight in 1633 (APS, IV, 594).

71. University of Hull, Maxwell - Constable of Everingham MSS, DDEV/79/D.
72. Calderwood, The History of the Kirk of Scotland, VII, 492; Row, History of the Kirk, 363-64; Large Declaration, 10.
73. APS, V, 13-165; Calderwood, The History of the Kirk of Scotland, VII, 496-97. By way of a comparative breakdown, the legislative programme for the parliament of 1621 consisted of one hundred and forty four measures - thirty-eight public enactments, five deferred commissions and seventy-one private bills (APS, IV, 596-97).
74. Calderwood, The History of the Kirk of Scotland, VII, 490-91; Row, History of the Kirk, 366-67; Burnet, History of My Own Times, 11-12; Large Declaration, 12; Gardiner, Personal Government, I, 366-68.
75. E. Hyde, earl of Clarendon, The History of the Rebellion and Civil Wars in England, vol. I, (Oxford, 1836), 184; hereafter, Clarendon, History of the Rebellion.
76. Balfour, Historical Works, II, 200.
77. CSP, Venetian, XXIII, 125.
78. RPCS, second series, V, 36-37; C. Innes, ed., The Black Book of Taymouth, (Bannatyne Club, Edinburgh, 1855), 437-38; Stirling's Register of Royal Letters, I, 195-96; J.A. Fallon, 'Scottish Mercenaries in the Service of Denmark and Sweden, 1626-32', (University of Glasgow, Ph.D. thesis, 1972), 52-53, 75-76, 120, 154-57.
79. Clarendon, History of the Rebellion, I, 141-42.
80. Burnet, Memoirs of the dukes of Hamilton, 2-3.
81. SRO, Hamilton Papers TD 75/100/26/18 & /97 & /8164; Hamilton Correspondence Calendar, I, numbers 8187, 8228; Stirling's Register of Royal Letters, I, 111, 387. The royal bounty to Hamilton included a grant of £5,000 sterling (£60,000) out of

the customs, for 'diverse good and acceptable services', warranted on 27 October 1629.

82. Burnet, Memoirs of the dukes of Hamilton, 21, 28-29, 31; Hamilton Correspondence Calendar, I, numbers 158, 160-61, 185, 272, 9248, 9324, 9363, 9367; HMC, 11th Report, Appendix VI, The Manuscripts of the Duke of Hamilton, (HMSO, London, 1887), 74-76, 79-81; hereafter, Hamilton MSS.
83. Burnet, Memoirs of the dukes of Hamilton, 25.
84. Hamilton Correspondence Calendar, I, numbers 120, 254, 296, 8389, 9279, 9281, 9318, 9326-27, 9331, 9337, 9443, 9461, 9462, 9543, 9578, 9578, 9617, 9621, 9623, 9635, 9639; HMC, Hamilton MSS, 83, 91, 93; HMC, Supplementary Report on the Manuscripts of the Duke of Hamilton, (HMSO, London, 1932), 29, 34-35, 43; hereafter, HMC, Hamilton MSS Supplementary.
Incidentally, Hamilton's endeavours as an art entrepreneur had but limited success. Fielding's selection of paintings showed 'no great circumspection' - despite an attempt to secure a Raphael for the king - while bulk shipments usually damaged the paintings in transit.
85. cf. Hamilton Correspondence Calendar, I, numbers 284, 291, 302, 342; Diary of Sir Thomas Hope of Craighall, 5, 11-14.
86. Clarendon, History of the Rebellion, I, 149, 195.
87. C.V. Wedgwood, 'Anglo-Scottish Relations, 1603-40', Transactions of the Royal Historical Society, fourth series, XXXII, 39.
88. HMC, Mar & Kellie, I, 141.
89. Row, History of the Kirk, 395-96; Scotstarvit's The Staggering State of Scottish Statesmen, 61.
90. RPCS, second series, I, cxliv-cxlvii.
91. Sir W. Brereton, Travels in Holland, the United Provinces, England, Scotland and Ireland, 1634-35, E. Hawkins, ed., (The Chetham Society, London, 1844), 100-1; A Source Book of Scottish History, III, 82-83. Brereton's two main informants had pronounced presbyterian sympathies - namely, Dr John Sharpe, dean of Divinity and principal of Edinburgh University and Mr David Calderwood, a prolific and trenchant polemicist.

Both had been exiled under James VI, Sharpe for his Melvillean associations and Calderwood for his uncompromising nonconformity. Whereas Sharpe had been rehabilitated - at least, academically - since his return from France in 1630, Calderwood had been kept under strict surveillance since his return from Holland in 1629 and was to be denied a parochial charge until 1641, when he was appointed to the parish of Pencaitland within the presbytery of Haddington by the Covenanting regime [Fasti Ecclesiae Scoticae, I, (Edinburgh, 1915), 384; V, (Edinburgh, 1925), 160-61; Stirling's Register of Royal Letters, I, 375].

92. Baillie's Letters and Journals, I, appendix, 429-30.
93. RMS, VIII, number 2225; Stirling's Register of Royal Letters, II, 691-92, 711, 724, 739, 795-96.
94. With the admission of Mr James Blair to the newly created parish of Portpatrick within the presbytery of Stranraer on 1 September 1630, Charles bestowed the lands and rents of the abbey of Souleseat onto the charge (vacant since disjoined from the parish of Inch in 1628). Unlike Lindores, Souleseat had never been erected into a temporal lordship being one of the two lay commendatorships still extant at the accession of Charles I (its rents having been allowed to the sheriff of Wigtown since 1615). Although the king's mortification of Souleseat Abbey was to take effect from 25 October 1630, another fifteen months were to elapse before the Exchequer confirmed, on 21 January 1632, that heritors were to pay their feu-duties and teinds directly to Mr John Blair [SR0, Copy Minutes Taken from Exchequer Register, 1630-34, ff.7; RPCS, second series, I, cxlvi; Fasti Ecclesiae Scoticae, II, (Edinburgh, 1917), 350].
95. Scotstarvit's 'Trew Relation', SHR, XII, 76; Fasti Ecclesiae Scoticae, I, 171.
96. Stirling's Register of Royal Letters, I, 118, 243, 384; II, 444, 467, 500, 568-69, 645, 667, 678.
97. SR0, Hamilton Papers, TD 75/100 26/315.
98. Baillie's Letters and Journals, I, 6-7; J. Spalding, The History

of the Troubles and Memorable Transactions in Scotland and England, 1624-45, 2 volumes, J. Skene, ed., (Bannatyne Club, Edinburgh, 1828-29), vol. I, 45; hereafter, Spalding, The History of the Troubles.

99. Stirling's Register of Royal Letters, II, 854; RPCS, second series, VI, 471.

When Charles reconstructed the Privy Council on 30 March 1631, his councillors were reminded that they were expected to attend dutifully and diligently to routine business as well as the weighty issues of central government. Nevertheless, the councillors' attendance records continued to deteriorate rather than improve. Indeed, with the Council's quorum reduced from nine to seven, the bishops became indispensable for the conduct of routine business. The number of the bishops on the Council rose steadily from six in the spring of 1631 to ten by the outset of 1637. More significantly, the attendance record of the episcopate actually exhibited a marked improvement from 1633 with the gradual replacement of the 'feible and disceased' elderly bishops, whose physical infirmities had restricted their capacity as well as their inclination to make frequent journeys from their diocesan dwellings to Edinburgh.¹

The most resolute of the episcopal old-guard was John Spottiswood, archbishop of St Andrews, whose long devotion to the service of the Crown reached its climax with his appointment as chancellor on 23 December 1634. This appointment was 'thought strange and marked be many' as consolidating the political aggrandisement of his family.² His son, Sir Robert Spottiswood of Dunnipace, an erudite and much-travelled scholar as well as an eminent lawyer, had only the previous year been elected to succeed the late Sir James Skene of Curriehill as president of the College of Justice. Sir Robert was elected by his fellow senators on 1 November 1633, on the recommendation of the king who had appointed him an ordinary lord of session in place of Haddington (then Melrose) during the restructuring of central government in the spring of 1626. A loyal servant of the Crown, Sir Robert was one of the few temporal lords to comply unequivocally with the Revocation Scheme, his surrendered lordship of New Abbey being bestowed on the newly created bishopric of Edinburgh during the autumn of 1633.³

Nevertheless, the jealousy aroused within official circles by the political aggrandisement of the Spottiswoods, was secondary to the

public outcry occasioned by the appointment of a cleric as chancellor, 'the lyke whereof had not been seen since the Reformation of Religion'. John Spottiswood's appointment seemed all the more galling for he succeeded George Hay, first earl of Kinnoul, an irascible anti-cleric, who had spent his last eight years resisting the precedence in Council accorded to the archbishop during the government restructuring of 1626. Moreover, Spottiswood was deemed 'ane old infirme man and very unmeet for so great charges' in both Kirk and State. Hence, his appointment as chancellor was seen as the precursor to further acquisitions of civil office by the younger generation of bishops, whose assertiveness and abrasiveness ^{were} ~~was~~ serving to magnify anti-clericalism among lay councillors and officials.⁴ Indeed, while Spottiswood was obliged to relinquish his presidency of the Exchequer Commission on acquiring the Chancellorship, the episcopal presence on the Exchequer continued to be augmented whereas that of the nobility underwent a dramatic decline. On the recasting of the Exchequer Commission during the summer of 1636, four bishops and one noble were retained as against the two bishops and eight nobles appointed in the spring of 1626.⁵ Thus, Spottiswood's appointment as chancellor was not so much a demonstration of the king's 'fatal capacity for giving offence in ignorance',⁶ as a clear and deliberate indication of Charles' determination to advance trusted individuals: that is, those whom he regarded as well-disposed to his reforming programme in general and to his Revocation Scheme in particular.

Charles' doubts about the commitment of his lay councillors and officials to his ongoing programme of structural reforms and social engineering were not unwarranted. However, he found himself in a political predicament largely of his own making. His authoritarian style of kingship called for compliance and obedience, not critical scrutiny or empirical revision, from his Scottish administrators. The pace at which he expected reforms to be implemented took little account of regional diversity within Scotland nor the logistical and technical difficulties encountered by central government in its efforts to achieve uniformity. Above all, the direction of Scottish affairs from

the Court gave scant consideration to the nationally disparate agencies of government between Scotland and England. Hence, the more Charles placed his trust in the bishops for the running of central government, the more he promoted anti-clericalism among his lay councillors and officials. In turn, the more his Scottish-based lay administrators became alienated from the Court, the more they became prepared to resort to obstructive tactics, which occasionally led to active - if covert - connivance with the disaffected element in the political nation, to frustrate the reforming programme of the Crown. In the case of the Revocation Scheme, active connivance verged on outright subversion.

The principal protagonist, if not the initiator, of connivance with the disaffected element was the Lord Advocate, Sir Thomas Hope of Craighall. From his appointment on 29 May 1626, Craighall had been entrusted with a watching brief over the implementation of the Revocation Scheme, with a special charge to effect the reduction of the temporal lordships; a task for which he was eminently suited, as he was 'believed to understand the matter beyond all the men of his profession'. Indeed, his capabilities as a lawyer had secured his appointment even although his personal inclinations in the affairs of the Kirk, towards presbyterianism rather than episcopacy, were not in accord with current Crown policy.⁷ The undoubted zeal and perspicacity he brought to his office was complemented by the assiduous way in which he strove to carry out his remit on the work of revocation. Nevertheless, Craighall was always struggling to win acceptance as a principal actor in the affairs of State. He felt that his personal integrity as well as the dignity of his office was slighted by the conduct of proceedings in the Commission for Surrenders and Teinds. From its inception in the spring of 1627, preference in discussions was accorded to the viewpoints of commissioners who were also members of the Privy Council or the Exchequer Commission, 'during quhilk tyme I am castin lowse and putt to ane back rowme to be ane idill onwaiter': a situation only partially remedied by his appointment to both the Privy Council and the

Exchequer Commission on 28 December 1628.⁸ The award of an annual pension of £2,000 sterling (£24,000) seemed a further mark of appeasement to his offended sensibilities. This award, however, which Charles had taken more than six months to ratify, became an added source of political frustration for Craighall. For his pension was allowed persistently to fall in arrears over the next four years largely, he claimed, because of the machinations of Traquhair, the treasurer-depute.⁹ In turn, his frustrations as an outsider, now accentuated by his financial grievances, found expression in administrative machination which afforded scope for his talents as 'a base follower of greatness and maliciously eloquent'.¹⁰

More especially, dissatisfaction with his own standing in central government was enhanced by the king's receptiveness to solicitations from the bishops seeking priority in the payment of allowances. His disenchantment with the Court was confirmed by precepts in the bishops' favour granting gratuities for public service out of the readiest revenues of the Crown. Thus, while Craighall's pension had fallen inexorably in arrears by 1634, Patrick Lindsay, translated from the see of Ross to the archbishopric of Glasgow in 1633, was being paid £5,000 sterling (£60,000) in instalments from the taxation granted in 1630.¹¹ Craighall's discontent when allied to his aversion towards episcopacy resulted in rabid anti-clericalism: an alliance which led him to deploy his legal subtlety and astuteness in collusion with the temporal lords to exploit the Crown's notorious lack of ready cash to compensate the lords for their surrender of superiorities. Craighall covertly advised the lords that instead of surrendering their rights irrevocably, they press for their retention under wadset pending full compensation from the Crown. Hence, the Crown admitted its liability to make full compensation before implementing the principle of revocation. Instead of being surrendered, the superiorities of kirklands were mortgaged back to the temporal lords. The legal circumvention thus devised by Craighall was accepted and authenticated by the Exchequer during 1635 as the official policy for the reduction of temporal lordships. In essence, this

circumvention was a legal fiction which technically deprived temporal lords of their irredeemable title to kirklands but offered them the practical benefit of an indefinite, yet assuredly long-term, postponement of revocation. Henceforth, the ultimate fulfilment of that principle was dependent on the Crown's financial recovery rather than its authoritarian decreets.¹²

That the Lord Advocate's legal circumvention won official backing from 1635 was both a testimony to the closing of ranks by lay administrators in reaction to the political aggrandisement of the bishops and a confirmation of the polarisation within the Scottish administration brought about by their 'unseasonable accumulation of honours', which threatened to usurp the customary dominance of office enjoyed by the nobles in particular and landed society in general.¹³ Indeed, the polarisation of interests between lay administrators and bishops, evident from the outset of the Commission for Surrenders and Teinds in 1627, had become more pronounced in the wake of the coronation parliament. Control of the Exchequer was the major battle-ground. The enactment of 1633 'anent the Exchequer' had bestowed on the Exchequer Commission control over the king's annuity as over all property annexed or claimed by the Crown as a result of the Revocation Scheme. However, this was not just a confirmation of the Exchequer's management of the king's rents and casualties now extended to include the anticipated - but increasingly unrealisable and insubstantial - profits of the Revocation Scheme. For, the Exchequer Commission was given power to authorise or block all grants of property to ensure that charters conformed to, rather than infringed, the Revocation Scheme. In effect - and, indeed, as borne out by subsequent modifications to the remit of the Exchequer Commission instigated by the Covenanters in 1640 - this act was open to interpretation as an award of judicial powers formerly regarded as the exclusive preserve of the Court of Session: namely, the right to decide the validity or invalidity of charters, particularly to kirklands.¹⁴

Behind this line of interpretation - if not the formulation of the enactment - can be detected the influence of William Laud, archbishop of Canterbury, a principled but rigidly dogmatic politician whose expanding spheres of influence at Court were by no means confined to English or ecclesiastical affairs. Moreover, his authoritarian policies for restructuring in both Kirk and State were not characterised by any marked sympathy towards the national diversity of Scottish institutions. While still bishop of London, he, along with eight other Englishmen, had been admitted ~~onto~~ to the Scottish Privy Council during the king's coronation visit. Essentially, their admission was a courtesy gesture and was interpreted as such by the other dignitaries, nobles and officials in the king's coronation train. But Laud regarded his admission as a licence to intrude sporadically in Scottish affairs, and, more especially, to experiment with Scottish government in order to perfect authoritarian kingship in England.¹⁵ Accordingly, Archbishop Laud, in concert with the Scottish episcopate, had drawn up plans by the late autumn of 1634 to reform the Exchequer through a new Commission in which few noblemen would be included. Consequently, the king's annuity was to be placed at the disposal of the clergy in order to buy out lordships of erection. This restructuring, propagated as an attempt to make the financial administration of the Scottish Exchequer 'conforme to that of Ingland', sought to insinuate the principle of "thorough" into the running of central government.¹⁶

A principle born out of the constitutional impasse occasioned by Charles' dissolution of the English parliament in the spring of 1629, "thorough" was as much a political as a financial programme to sustain the king's personal rule during the 1630s. If the Crown had no need to summon parliament to vote supply, the disaffected element in England were denied a national forum to criticise Charles' exercise of his prerogative. In essence, "thorough" sought to achieve greater efficiency and probity in the management of royal revenues by terminating the extension and exploitation of administrative malpractices - such as the Jacobean practice of selling offices; by

countering the dilatoriness of treasury officials and their self-interest exercise of patronage; and, above all, by rigorously pursuing centralisation, 'even at the cost of trampling on men's customary legal rights'.¹⁷

In seeking to insinuate and apply "thorough" north of the Border, Laud, with the active connivance of the Scottish episcopate, was embarking upon a programme of financial and political restructuring which amounted to a policy of aggressive colonialism. Indeed, Laud's closest lay associate in British politics, Thomas Wentworth, Lord Wentworth (later earl of Strafford), was already demonstrating that "thorough" could be exported successfully. From his appointment as Lord-Deputy of Ireland in 1632, Wentworth had instigated a drastic overhaul of the province's financial administration which doubled the income of the Crown from £40,000 to £80,000 sterling, wiped out a gross debt of £76,000 sterling and turned a £20,000 sterling annual loss into a modest surplus - all within six years and without recourse to the Irish parliament to vote supply. More pertinently, Wentworth's rigorous pursuit of centralisation and greater efficiency in financial management afforded him freedom of action to implement the Court's political and religious policies in Ireland despite their unpopularity throughout that country.¹⁸

At first sight, conditions for the importation of "thorough" into Scotland were less favourable. Unlike Ireland, Scotland was not formally designated an English province. There was no lord-deputy or governor to promote and impose "thorough" at the behest of the Court. Moreover, Laud lacked influential lay associates within the Scottish administration prepared to adopt this policy - the tortured implementation of the Revocation Scheme having generally dissipated the inclinations of lay administrators to undertake further restructuring. Nevertheless, there was definite scope for promoting greater efficiency and probity in the management of royal revenues within Scotland. Although there was no regular practice of selling posts in central government, there were other manifestations of administrative

malpractice. The accounting and auditing of royal revenues were characterised by procrastination. From the initial review of the Crown's ordinary revenue a year after the death of James VI, no systematic scrutiny of treasury accounts was actuated prior to August 1634. The accounts for the ordinary land-taxes and the extraordinary taxes on annualrents levied by respective Conventions of Estates in 1625 and 1630 were not audited until July 1634. Another eighteen months were to elapse before the accounts for the arrears of these taxes were finally cleared. The honouring of the Crown's financial commitments was marked by dilatoriness, the most celebrated and fractious instance being the protracted payments of compensation for surrendered superiorities as for the loss of regalities and heritable offices in local government. As further evident from the selective and partial payments of pensions, fees and allowances to the rest of the Scottish establishment, treasury officials accorded priority to their self-interested exercise of patronage.¹⁹

However, procrastination, dilatoriness and even partiality in the management of royal revenues were but a reflection of a deeper malaise: namely, the perennial shortage of ready cash to meet the escalating expenditure of the Crown. The extensive feuing of Crown lands since the fifteenth century, allied to the continuing impact of inflation from the sixteenth century - which exposed the relative inelasticity of royal revenues, had undoubtedly eroded the capacity of the Crown to meet its routine as well as occasional expenditure out of its ordinary sources of income.²⁰ Nonetheless, while fixed monetary duties depreciated as commodity prices rose, the Crown was partially cushioned by provender rents and by the increased customs and imposts derived from the expanding volume of trade in the early seventeenth century. But, the liberal - if not profligate - dispensing of patronage by James VI in his declining years had further compromised the capacity of the Crown to honour its financial commitments. Thus, out of his first year's ordinary income of £223,930 7s 3½d, Charles had inherited a recurrent commitment of £159,091 11s 8d for pensions, fees and allowances awarded by his father.²¹

Subsequent instructions to his treasury officials to retrench proved of no avail over the next three years. With a view to remedying excessive expenditure, particularly on pensions, fees and allowances, prior to his impending coronation visit, Charles issued a command on 26 November 1629, that Mar, as Treasurer, should conduct a vigorous inquiry into the management and disposal of the king's rents and casualties. Mar's investigation revealed that expenditure on pensions alone had risen from £75,717 6s 8d to £87,060. However, the most noteworthy finding on the financial management of royal revenues was not this accredited rise of £11,342 13s 4d, but the steady accumulation of arrears since the outset of Charles' reign - which in the case of pensions amounted to £116,080 7s 6d. A sum in excess of £51,000 was also outstanding for fees and allowances. Moreover, as Charles was according courtiers priority in the payment of pensions, fees and allowances, servants and administrators based in Scotland - especially his leading officials - were expected to bear the brunt of these mounting arrears with little immediate prospect of remuneration. For, at the same time as the recurrent debts of the Crown were accumulating, its ordinary income had fallen by 1629 to £196,608 13s, mainly because of the losses in customs and imposts of wine occasioned by the disruption to trade which followed Charles' declarations of war against Spain and France.²²

Indeed, Charles' resolve to intervene directly in the Thirty Years War had necessitated an egregiously costly military programme which made the Crown's perennial shortage of ready cash a chronic financial problem. An interim audit of the ordinary land-tax authorised by the Convention of 1625 revealed that £384,314 4s had been assigned to meet the most pressing - largely military - commitments of the Crown by 22 March 1628. Yet, the actual money raised through the land-tax over the past two years amounted to no more than £243,046 18s 7d, the deficit being in part offset by a subvention of £53,467 9s 4d from the extraordinary tax on annualrents - £39,700 of which was collected as the past two years' dues, the remaining £13,767 9s 4d was advanced from the next two years' dues by the leading

burghs. The rest of the shortfall was only met by borrowing £100,000 from William Dick (later of Braid), merchant-burgess of Edinburgh. Moreover, although the complete audits of the taxation authorised in 1625 revealed that £579,863 10s 6d had accrued to the Crown from the land-tax and the tax on annualrents, all but £6,060 17s had been committed by July 1634, mainly to repay and service loans advanced to cover the cost of the military programme which had continued to escalate since the interim audit. This audit had, in fact, been ~~actuated~~^{occasioned} by the resignation of Sir James Baillie of Lochend as Collector-General of the taxation in November 1627 - after only nine months in office - to allow his personal fortune to recuperate. For, the escalating cost of the military programme had served only to increase the financial liabilities of his office instead of affording him prompt remuneration as the leading Scottish creditor of the Crown. However, as he retained his post as receiver of the king's rents, he was well placed to effect the bond promising him £9,150 yearly from the readiest revenues in the Exchequer until his loans to the Crown were repaid in full.²³

Lochend's tribulations as Collector-General, coupled to the partial payment of fees, pensions and allowances, demonstrate that under Charles I officeholding in general, not just in the treasury - where tenure was traditionally 'hazardous and unrewarding',²⁴ - was becoming a financial liability. Indeed, Charles expected his leading officials to finance both routine and occasional expenditure either by borrowing the requisite sums individually or collectively standing surety with their associates in landed society to underwrite loans from merchants to the Crown.²⁵ Moreover, given that the taxation authorised in 1625 was largely committed to the military programme, borrowing was intensified as Charles struggled to finance his Scottish coronation. Thus, Mar, in his capacity as Treasurer, was obliged to borrow 'great sommes of money' at the outset of 1629 to amend the state of disrepair in which the royal houses and palaces were currently languishing. Such was the cost of redressing their prolonged neglect that repairs were still awaiting completion in the summer of 1632.

In the meantime, Mar had relinquished office in the spring of 1630 with no more than a promissory note from the Exchequer that the £10,000 sterling (£120,000) he had expended in the king's service would be accorded priority over all pensions, fees and allowances.²⁶ In the event, treasury officials were obliged to borrow a further £200,000 from merchants - principally William Dick - to finance the coronation, although no funds were forthcoming until the king's visit was actually under^{way} in the summer of 1633.²⁷

However, such reliance on borrowing proved an acute political embarrassment as well as prejudicial to sound financial management. The king's leading officials accorded a low priority to the systematic recording of income and expenditure. Their main concern was to indemnify themselves and their associates from debts contracted on behalf of the Crown. In turn, leading officials were exposed to sustained smearing - as much by their rivals within the Scottish administration as by the disaffected element outwith. When Charles afforded leading officials protection from their creditors until their cash advances to the Crown could be recouped from the readiest revenues in the Exchequer, they were open to slandering as bankrupts. Conversely, when leading officials were able to bring influence to bear in the Exchequer to exact partial if not ^{complete} ~~fulsome~~ repayments, they were liable to defamation as fraudulent manipulators of the machinery of government.²⁸ Indeed, Lord Napier retired as treasurer-depute in the spring of 1631 firmly convinced that his post 'could never be profitable to a man that had resolved fair and honourable dealing'. His disillusionment with office was not just the product of factional rivalries and a general lack of probity within the Scottish administration, but can be traced to a clandestine manoeuvre in the autumn of 1628 condoned by the king. By 5 November, Treasurer Mar, at the behest of the principal Secretary, Alexander of Menstrie, had removed £15,000 sterling (£180,000) from the Exchequer, 'unto a borrowed name for his Majesties awin use', without the full knowledge or approval of treasury officials, far less of the Exchequer Commission.²⁹

With the king, himself, implicated in financial malpractices, leading officials paid scant regard to reform or retrenchment prior to the coronation visit. Despite repeated overtures from Charles on the need to cut back on pensions, fees and allowances, Morton's first three years in office, after taking over from Mar as Treasurer in April 1630, witnessed a marked rise in recurrent expenditure. Pensions alone increased in excess of £30,000 and the total debts of the Crown accumulated to £852,870.³⁰ This accumulated deficit far outstripped the ordinary revenues of the Crown. The audit of the treasury accounts in August 1634 disclosed that the king's income had more than recovered the ground lost since 1626 and had risen by £41,772 18s 2½d over the past five years to £238,381 11s 2½d - largely because the Exchequer fiars for commuting the Crown's provender rents were from 1631 rated relatively, if temporarily, higher than county fiars. Nevertheless, as £260,164 3s 0½d was committed to routine expenditure, £21,582 11s 11d was added to the Crown's burden of debts.³¹ Indeed, the Crown's accumulating deficit was only kept in check by annual subventions of around £100,000 from the taxation authorised by the Convention of 1630. According to the audits completed in July 1634, treasury officials had received £403,269 0s 6d over the past four years to meet the most pressing debts of the Crown from a total sum of £592,411 18s 2d realised by the land-tax and the tax on annualrents. Of the remainder, all but £15,138 7s 11d was committed to the repayment and servicing of loans to the Crown.³²

The commitment of so much taxation to the curtailment of recurrent expenditure served not only to underline the financial predicament of the Crown but also to undermine the political credibility of Charles I. Although some tax was used to repay and service debts arising from occasional expenditure, little was utilised directly to fulfil the remit authorised by the Convention of 1630 - namely, to fund the implementation of the Revocation Scheme and to finance the king's coronation. By the following summer, leading officials and councillors were warning Charles that the Estates would have to be reconvened to defray the expenses of his coronation.

Despite Charles' aversion to asking the Estates a third time to vote supply for this purpose, the parlous state of his finances obliged him to accord priority in the coronation parliament to the renewal and extension of the land-tax and the tax on annualrents. Both were to run for six years from Martinmas 1634 - on the expiry of the levies authorised in 1630.³³

Charles also made use of his coronation parliament to drive through a policy of retrenchment, a policy which had been germinating since the appointment of Sir John Hay of Barro as Clerk of the Register and Rolls on 31 December 1632, with the special brief to draw up lists and inventories of all pensions, fees and allowances paid out of the king's rents and casualties. Retrenchment was now to be accomplished by the rigorous application of the principle of revocation to recurrent expenditure. All pensions, fees and allowances were declared void save for ten specified awards: a concession (worth around £54,000 annually) weighted heavily in favour of courtiers. The only leading officials specified were Morton, the Treasurer (and sometime courtier), and Sir James Carmichael of that Ilk, the Lord Justice-Clerk. As a mark of 'gracious favour', Charles did concede on 2 August 1633, that 'a few' pensions, fees and allowances were to be ratified and renewed after their validity had been scrutinised by the Lord Advocate.³⁴ However, the application of the principle of revocation to recurrent expenditure served only to ease temporarily the crisis of liquidity afflicting the Exchequer. Although no more than £109,973 of expenditure on fees, pensions and allowances had been authorised by August 1634, the Crown's commitment to such expenditure remained around £256,511. Moreover, the application of this principle generated much ill-will within the Scottish administration. Most leading officials had to wait from three to seven months for their pensions, fees and allowances to be confirmed and their current arrears acknowledged. Indeed, the scrutinising process took almost two years to conclude. In the event, the most tangible impact of the application of this principle was not so much retrenchment as the centralising of recurrent expenditure on the Exchequer by phasing out

the practice of local designation much favoured by James VI for the remuneration of lesser officials. Henceforth, all allowances were to be paid out of the readiest revenues in the Exchequer rather than by earmarking against specific rents or casualties.³⁵

More immediately, however, the application of the principle of revocation to recurrent expenditure had served as the precursor for Charles' establishment of a committee of inquiry into the running of the Exchequer. Its remit, as defined on 5 May 1634, was to report on administrative abuses and to rectify unnecessary expenditure having first ascertained the current state of the Crown's financial commitments. In practice, the committee, whose investigations lasted from 20 July to 26 August, were less intent on cataloguing malpractices in the Exchequer than demonstrating how the principle of revocation could be applied wholesale to the management of the king's rents and casualties. For, not only was the Crown suffering from a chronic shortage of ready cash, but its debts had accumulated to an alarming extent. Although £256,511 was committed to pensions, fees and allowances, recurrent expenditure actually stood at £335,159 because £78,648 was required annually to service the debts of the Crown which now totalled £922,087 (of which sum, £135,600 had been contracted since the coronation). In order to augment the income Charles derived from his rents and casualties, the committee did recommend systematic collation of all dues - however archaic - in the Exchequer; greater accuracy in accounting procedures; and a more commercial approach to estate management —as through the promotion of feu-ferme tenure coupled to provender rents on Crown lands. Nonetheless, as drastic action was deemed necessary to reverse the Crown's accumulating deficit, the main thrust of the committee's recommendations was to advocate retrenchment through revocation. Accordingly, maintenance and entertainment allowances in royal houses and castles were to be scrutinised and curtailed, unwarranted manpower was to be discharged and appointments deemed superfluous were to be rescinded. In sum, tenure of office within the Scottish establishment was not to stand in the way of compulsory redundancy on financial grounds.³⁶

Despite its emphasis on retrenchment and its advocacy of greater efficiency in the management of royal revenues, the committee of inquiry was not a Laudian agency for the insinuation of "thorough". Its membership of seven nobles, two lairds and two bishops was drawn from leading officials and councillors all but two of whom (Hope of Craighall and Hay of Barro) were currently serving on the commission charged to audit the treasury accounts and the accounts of the taxations authorised in 1625 and 1630. This auditing commission, which had actually been appointed on 9 February 1634, consisted of fifteen nobles, three lairds and four bishops, all but four of whom were based in Scotland. Moreover, the recommendations of the committee of inquiry were based primarily on empirical evidence presented by Traquhair, the treasurer-depute, and Hay of Barro, the clerk-register, not as Laudians, but 'as persones best acquainted with the estate of our Exchequer'. Nevertheless, the influence of Laud became more perceptible after 12 October, when the committee's findings were presented at Court and its proceedings were formally ratified. Charles deferred the committee's final recommendation that the Exchequer Commission be renewed to implement the other twenty-three recommendations, even although the committee presented a draft - which had the approval of the king's advocates - to enable the renewed Commission to function as 'a Judicatorie' in accordance with the enactment of the coronation parliament. The existing Exchequer Commission was instructed to commence prosecuting the other recommendations of the committee.³⁷

The Exchequer Commission had given active consideration to no more than twelve of the committee's recommendations by 12 December 1634, when Charles demanded 'ane exact accompt' of the income he derived from taxation as well as his rents and casualties, together with a detailed breakdown of the debts due to as well as owed by the Crown. Charles was now intent on assessing the efficiency of the officials entrusted with management of royal revenues. In effect, this demand marked the overt beginnings of Laud's drive to insinuate "thorough", a drive which became particularly evident on 22 May 1635,

when Charles appointed a new commission - of eight nobles, eight lairds and five bishops - to audit the treasury accounts and to implement the recommendations of the committee of inquiry. Its membership, when set against that of the auditing commission of 1634, reflected not only a move away from the nobility in favour of the other two classes, but also a distinct shift in favour of courtiers among the nobles retained. Moreover, the appointment of five additional gentry betokened a greater emphasis on legalism in financial administration: headed by their president, Spottiswood of Dunnipace, all were senators of the College of Justice. Of greatest significance, however, was the dropping of Traquhair from the new commission. He had served on the auditing commission of 1634 as well as the committee of inquiry and he was currently instituting half-yearly treasury accounts to maintain more effective checks on royal expenditure.³⁸ His dropping, therefore, hardly supports the view that he can be regarded 'as the exponent of "thorough" in Scotland'.³⁹

Far from being an exponent of "thorough" dedicated to structural reforms in Kirk and State, Traquhair was a pragmatist of limited scruples. As evident from his manipulation of the patronage at his disposal in the treasury, most notably his selective payment of pensions, he was determined to exploit office for his own personal aggrandisement. In particular, he was intent on establishing himself as the leading official based in Scotland and second only to Hamilton in counselling the king on Scottish affairs.⁴⁰ In the run up to the coronation parliament he claimed not to approve of the lack of diligence shown by his associates within the Scottish administration, more especially by Treasurer Morton and Chancellor Kinnoull, in preparing and presenting accounts. Yet he, himself, had made no significant effort from his accession to office in the autumn of 1630 to promote regular audits. Instead, he was content to build up his reputation at Court as an official adept at mobilising ready cash, specifically by ensuring the prompt transfer into the treasury of money collected as taxation. Moreover, he sought to make political capital at Court at the expense of Kinnoull from the audits prescribed for the

summer of 1634, the Chancellor having taken over from Baillie of Lochend as Collector-General in November 1627 - a responsibility which he retained for the taxation authorised by the Convention of 1630.⁴¹

Despite Traquair's malicious disparagement of the probity of Kinnoull and his associates as tax-collectors, the audits of July 1634 did not support charges of speculation or even gross inefficiency - merely that accounting procedures were slow and not markedly zealous or precise. The Crown was held to have accrued £1,172,275 9s 2d from the taxations authorised respectively in 1625 (£579,863 11s) and 1630 (£592,411 18s 2d). A nominal surplus of £21,199 4s 11d was declared. Although unrecovered taxes, charged formally as income, ran to £100,955 7s 3d (that is, 8.6 per cent of total income), steps were already well in hand to effect a full ~~some~~ recovery. Albeit the auditing of arrears was not concluded until January 1636, thirteen months after the death of Kinnoull, £43,494 14s 1d had been recovered by rectifying omissions in tax rolls and by threatening tax-evaders with prosecution and outlawry. A further £25,863 5s 7d had been recovered by the impositions of fines and compositions on those who had attempted to evade the tax on annualrents by concealing inventories of sums loaned and borrowed. Hence, the actual sum written off amounted to no more than £31,597 7s 7d - less than three per cent of total accredited income.⁴²

In the meantime, Traquair maintained his own goodstanding at Court by his readiness to apply the principle of ~~revocation~~ ^{of} not just to carry out a policy of retrenchment but to rescind and renegotiate financial contracts, especially those involving the most lucrative and accessible royal revenues. Thus, on 17 November 1634, Traquair was instrumental in deploying the recently acquired judicial powers of the Exchequer Commission to effect the reduction of the tack of the customs granted six years earlier to a consortium of Edinburgh merchants and their associates in Glasgow and Aberdeen. Even although the tack had actually helped stabilise royal income by ensuring an annual payment of £54,000 into the Exchequer, its revocation was warranted on two

grounds. In the first place, the customs were annexed *inalienably* to the Crown by past parliamentary enactments - last ratified in 1597 - and, as part of the royal patrimony, should not be farmed out to the 'evident hurt and prejudice of the Crown'. Whereas the customary practice in the Exchequer was not to farm out the customs for more than five years, this tack had been set for fifteen years on 28 November 1628. Secondly, having been set during the wars with Spain and France, its yearly return was alleged to be as much as £300 sterling (£3,600) below the going rate in times of peace.⁴³

Accordingly, on 16 December 1634, the customs were set for five years to William Dick of Braid for an annual duty of £60,000 - to be paid in quarterly instalments - and an entry fee (or grassum) of 20,000 merks (£13,666 13s 4d). Despite the official attestation that this tack had been set to the highest bidder, Traquair had been less concerned to maximise royal income through competitive tendering than to ensure that the customs were set to an individual of undoubted means with a proven track record of advancing money to meet the most pressing commitments of the Crown. The wealthy Edinburgh merchant was the foremost creditor of the Crown based in Scotland. Thus, when his tack was ratified a year later, Dick of Braid raised no objection to the insertion of a clause giving the treasury formal powers to demand that the quarterly duties - of £15,000 - to be paid up to a year in advance.⁴⁴

More immediately, Traquair was prepared to confirm Dick of Braid as the leading farmer of royal revenues in return for the latter's assent to elaborate financial negotiations, masterminded by the treasurer-depute, to revoke the king's outright gift to the marquis of Hamilton of the imposts of wines for sixteen years. Dick of Braid was currently farming the imposts for a yearly return of 112,000 merks (£74,666 13s 4d), having been awarded a five year tack on 1 November 1629, which had been renewed by Hamilton for a full five years after his gift of the imposts became operative on 1 August 1631. As the imposts, like the customs, were part of the royal patrimony,

Traquhair was adamant that their gift to Hamilton was no less prejudicial to the Crown. However, Hamilton was prepared to make a voluntary surrender once Traquhair had convinced Charles that his gift was financially imprudent. As Hamilton had been further favoured by his appointment as Collector-General of the taxation authorised by the coronation parliament, the basis was already laid for negotiating compensation - although the actual negotiations were not concluded until 12 July 1634.⁴⁵ Hamilton was authorised to uplift a sum totalling £720,666 13s 4d from the readiest available taxes - £40,000 sterling (£480,000), half the outstanding balance, for surrendering his gift of the imposts; £200,000 for taking over the Crown's coronation debts to Dick of Braid; and the remaining £40,666 13s 4d for accepting responsibility for clearing off arrears and paying pensions to leading officials.⁴⁶

However, the improvement in royal revenues which resulted from rescinding and renegotiating the tack of the customs and the gift of the imposts was more immediately discernible in managerial rather than financial terms. Since Dick of Braid was now directly accountable for both the customs and imposts, the Exchequer Commission was able to maintain strict oversight of his sub-contracting to local mercantile consortia. The treasury also secured ready advances of cash for the routine financing of government (albeit sums advanced were offset against future annual dues).⁴⁷ Notwithstanding the easing of cash flow, the deficit of £21,582 11s 11d recorded in the treasury accounts in August 1634, had increased to £29,652 6s 10½d by November 1635. Payments of pensions, fees and allowances were still chronically in arrears. Indeed, Sir John Auchinmowtie, master of the king's wardrobe, and his staff had even served notice on 10 July that they were prepared to sell off furnishings and clothes from the royal houses and palaces since they had received no fees for almost four years.⁴⁸

Although the ordinary income of the Crown more than doubled to £439,197 11s 2d by November 1636, this increase was attributable

less to Traquair's application of the principle of revocation - or even to his suggestion that the king should sell off as well as uplift the Crown's annuity from the teinds - than to the legal ingenuity of Hope of Craighall. The Exchequer Commission's acceptance of the Lord Advocate's circumvention allowing lordships of erection to be retained under wadset brought in arrears of feu-duty which had been withheld for the past seven years. Nonetheless, expenditure continued to outstrip income by £7,467 16s 9d. For the Crown was now obliged to honour its contracts with the temporal lords for their partial surrender of kirk property as with other members of landed society for the loss of regalities and heritable offices in local government.⁴⁹ Furthermore, since the reduction of the Crown's massive burden of debt was accorded first claim on the taxation authorised by the coronation parliament, Hamilton had to wait over two years before he could commence recouping the sums promised to him in July 1634. An interim audit of 3 August 1636, disclosed a continuing deficit of £124,181 12s 5d, even though £733,674 8s 9d had been gleaned from the first year's levies supplemented by advances, principally from eight leading burghs, for the remaining five years. Despite Hamilton and his associates being commended by Charles for their unprecedented diligence as tax-collectors, the marquis had to be content with a bond promising an annual gratuity of £84,181 12s 5d pending fulfilment of his contract with the Crown of 1634.⁵⁰

Traquair had undoubtedly proved the most dominant influence in the Exchequer since the king's coronation visit. Although his office was subordinated formally to that of Morton, the Treasurer's preference for life at Court had meant that his impact on the management of royal revenues was incidental rather than integral: a situation not noticeably altered after 5 March 1635, when Morton took over the presidency of the Exchequer Commission following Archbishop Spottiswood's acquisition of the chancellorship.⁵¹ Moreover, Traquair's application of the principle of revocation in the Exchequer had demonstrated to Charles that the treasurer-depute was the most adroit politician within the Scottish administration.

Nonetheless, although Traquhair had succeeded in making substantial inroads into the accumulated deficit of the Crown, his managerial achievements in Scotland did not stand comparison with those of Wentworth in Ireland. For, Traquhair was unable to terminate the king's dependence on taxation, far less to ensure that Charles could live off his ordinary income - however much augmented.

Laud remained unconvinced about Traquhair's reliability as an exponent of "thorough". Thus, the decision of Morton to demit office by the summer of 1636 set the scene for a major political confrontation within the Scottish establishment which served to emphasise as well as expose the polarisation between clergy and laity. Laud had already secured that March the appointment of William Juxon, bishop of London, as Lord Treasurer of England - a post not held by a cleric for over a century, since the reign of Henry VII.⁵² Morton's resignation as Treasurer offered the opportunity for a similar key appointment in Scotland to place the disposal of royal revenues in general and the king's annuity from the teinds in particular under the control of a churchman. Laud's candidate was John Maxwell, 'that proud and haughtie piece', who had replaced Menteith as an extraordinary lord of session on 4 October 1633, only six months after his confirmation as bishop of Ross, and had sat on the Exchequer Commission since 6 May 1634.⁵³ However, by working in concert with the Scottish nobility and by drawing on the support of influential courtiers, such as Hamilton and Lennox, lay officials and councillors outmanoeuvred Laud and secured the promotion of Traquhair on 24 May, 'as a bar to hinder the innundation of our impetuous Clergie, which was like to overflow all'.⁵⁴

In the two months which passed between Traquhair's appointment as Treasurer and his actual assumption of office, solidarity within lay ranks seemed further consolidated by his accommodation with Hope of Craighall which was affirmed publicly on 2 August 1636. In keeping with his endeavours to consolidate his standing at Court as the foremost politician based in Scotland,

Traquhair declared his intention to confide in the Lord Advocate as his right hand man 'and communicat all that concernit his Majestie's service'.⁵⁵ Yet, there was no guarantee that this uneasy alliance would be able to bolster the monarchical position in Scotland or even prove more than a temporary check on the ambitions of the bishops given the continuing reluctance of lay councillors to attend at Edinburgh. Indeed, Traquhair's unabated pursuit of personal aggrandisement was not conducive to the maintenance of solidarity within lay ranks; nor an antidote to the permeation of dissent within the localities occasioned by the Revocation Scheme; nor ultimately, an effective counter to the growing cohesion of the disaffected element in the wake of the coronation parliament and the Crown's continuing pursuit of economic and religious uniformity.

Notes

1. RPCS, second series, IV, (1630-32), vii-viii, 187-90; V, (1633-35), vi, 359, 549; VI, (1635-37), vi-vii, 253; SR0, Cunninghame-Grahame MSS, GD 22/3/785; Foster, The Church before the Covenants, 37-38.
2. Stirling's Register of Royal Letters, II, 816, 833; J. Spalding, The History of the Troubles and Memorable Transactions in Scotland and England, 1624-1645, vol. I, (Bannatyne Club, Edinburgh, 1828), 32-33; hereafter, Spalding, The History of the Troubles, I.
3. J.S. Spotiswoode, ed., Practicks of the Laws of Scotland observed and collected by Sir Robert Spotiswoode of Pentland, (Edinburgh, 1706), vi-viii; hereafter, Spotiswoode's Practicks; Stirling's Register of Royal Letters, II, 690.
4. Balfour, Historical Works, II, 141-42; Row, History of the Kirk, 385-86; G. Crawford, The lives and characters of the officers of the crown, and of the state in Scotland, from the beginning of the reign of King David I to the union of the two kingdoms, vol. I, (Edinburgh, 1726), 177; hereafter, Crawford, Officers of State in Scotland.
5. RPCS, second series, I, 265-67; Stirling's Register of Royal Letters, II, 739, 818, 882; SR0, Exchequer Act Book, 1634-39, E 4/5, ff.29, 58, 142-43; Stevenson, The Scottish Revolution, 27.
6. Mathew, Scotland under Charles I, 31.
7. Burnet, History of My Own Times, I, 12; Stirling's Register of Royal Letters, I, 40-41; RPCS, second series, I, lvi, 313, note 2; HMC, Laing MSS, I, 193.
8. R. Paul, ed., 'Twenty-four letters of Sir Thomas Hope of Craighall, 1627-46' in Miscellany of the Scottish History Society, vol. I, (SHS, Edinburgh, 1893), 96; HMC, Laing MSS, I, 178-79; RPCS, second series, II, 180-81. Indeed, this was not the first occasion that Craighall was excluded from the chambers of power. On vacating his post as an ordinary lord of session when appointed Lord Advocate, he was denied the right to attend the Inner Session House to hear the deliberations and judgements of his former colleagues except in those cases where he was an

actual pleader. Only by drawing on precedent from the reign of James V was he restored by right of his office to the Inner House on 23 May 1628 (Stirling's Register of Royal Letters, I, 239, 275).

9. Diary of Sir Thomas Hope of Craighall, 11, 22, 47, 61; Stirling's Register of Royal Letters, I, 393; II, 725.
10. Napier, Montrose and the Covenanters, I, 46.
11. SRO, Account of the Collector of the Ordinary Taxation granted in 1630, E 65/13; Stirling's Register of Royal Letters, II, 529-30, 532, 661, 710, 721, 796.
12. Scotstarvit's The Staggering State of Scottish Statesmen, 110; HMC, Laing, MSS, I, 195-96; Edinburgh University Library, Laing MSS, La.I.23.
13. Clarendon, History of the Rebellion, I, 155.
14. APS, V, 35, c.18; 285, c.28; 605, 607, 614.
15. RPCS, second series, V, 116-17; H.R. Trevor-Roper, Archbishop Laud, 1573-1645, (London, 1962), 144, 231-33.
16. Baillie's Letters and Journals, I, 6-7.
17. Aylmer, The King's Servants: The Civil Service of Charles I, 11, 239, 249-51; Trevor-Roper, Archbishop Laud, 211-15.
18. H.F. Kearney, Strafford in Ireland, 1633-41, (Manchester, 1959), 170; J.C. Beckett, The Making of Modern Ireland, 1603-1923, (London, 1978), 64-72.
19. Stirling's Register of Royal Letters, II, 719-20, 723, 737, 791, 793, 840; SRO, Compt of the Controller, Treasurer & New Augmentations, 1634-35, E 21/10; The particular accompts of the Erle of Traquair, 1634-35, E 30/23/7; Rests of the Ordinary and Extraordinary Taxations, 1625-30, E 65/15.
20. Donaldson, James V to James VII, 301; Stevenson, The Scottish Revolution, 41.
21. SRO, Treasury Accounts, 1624-25, E 19/22.
22. SRO, Mar & Kellie Collection, GD 24/100/340; Purves, Revenue of the Scottish Crown in 1681, xlv-xlvi; Stirling's Register of Royal Letters, I, 47, 143, 347, 397, 399-400; RPCS, second series, II, 227-28; III, 171-72.

23. SR0, Accounts of the Collectors of Taxation granted in 1625, E 65/10; Account of the Collector of the Extraordinary Taxation granted in 1625, E 65/11; Stirling's Register of Royal Letters, I, 227-28, 232.
24. A.L. Murray, 'Notes on the Treasury Administration' in Accounts of the Treasurer of Scotland, XII, (1566-74), C.T. MacInnes, ed., (HMSO, Edinburgh, 1970), xii-xlix.
25. cf. MHC, Mar & Kellie, II, 250-51; The Red Book of Menteith, II, 12, 26, 37, 40; Napier, Montrose and the Covenanters, I, 75-76, note.
26. Stirling's Register of Royal Letters, I, 96-97, 241-42, 330, 334; II, 448-49, 614-15; RPCS, second series, II, 385-87; HMC, Mar & Kellie, I, 173-75.
27. RPCS, second series, V, 305-15; Stirling's Register of Royal Letters, II, 643-44, 758.
28. cf. The Book of Carlaverock, II, 74-75; HMC, Mar & Kellie, I, 171, Scotstarvit's The Staggering State of Scottish Statesmen, 60-63.
29. HMC, Mar & Kellie, I, 168; II, 245-49; Napier, Montrose and the Covenanters, I, 48, 54-57, 63-65; The Red Book of Menteith, II, 33-34.
30. SR0, Dalhousie Muniments, GD 45/1/20; Stirling's Register of Royal Letters, II, 521, 626-27.
31. SR0, Compt of the Controller, Treasurer & New Augmentations, 1633-34, E 30/23/5. Although the only complete data for county fiars during the personal rule would appear to be that for Fife, a general comparison with Exchequer fiars, 1625-38, would suggest that the latter would seem to have matched or outstripped county fiars for wheat in 1631-32 and for bere in 1625-27, 1631-32 and 1635-36. However, a direct comparison can be made by setting the Fife county fiars for oats and meal against the Exchequer fiars for the same crops from the Crown lands in Fife. Such a comparison reveals that the Exchequer fiars were rated higher only in 1631-32 and 1636 (SR0, Responde Book, 1623-38; Exchequer Minute Book, 1634-49, E 5/2; Fife Fiars, 1619-1845,

- 6-7; Smout & Fenton, 'Scottish Agriculture before the improvers - an exploration', The Agricultural History Review, XIII, 90-91). No Exchequer fiars are extant for 1628 and 1633.
32. SR0, Account of the Collector of the Ordinary Taxation granted in 1630, E 65/13; Account of the Collector of the Extraordinary Taxation granted in 1630, E 65/14.
 33. APS, V, 13-20, c.1-2; Napier, Montrose and the Covenanters, I, 60-62; HMC, Mar & Kellie, I, 176; The Red Book of Menteith, II, 119-20.
 34. APS, V, 25, c.9; RPCS, second series, V, 590-92; Stirling's Register of Royal Letters, II, 634, 673.
 35. SR0, Exchequer Act Book, 1634-39, E 4/5, ff.21; Stirling's Register of Royal Letters, II, 694, 696-99, 702-04, 706-07, 710-11, 720-25, 731, 738, 785-86, 798, 804, 810, 828, 830-32, 844-45, 864.
 36. SR0, Exchequer Act Book, 1634-39, E 4/5, ff.21-23; Stirling's Register of Royal Letters, II, 735-36; Purves, Revenue of the Scottish Crown in 1681, xlv-xlvi.
 37. SR0, Exchequer Act Book, 1634-39, E 4/5, ff.23-24; Stirling's Register of Royal Letters, II, 719-20, 735-36.
 38. SR0, Compt of the Controller, Treasurer & New Augmentations, 1634-35, E 21/10; Exchequer Act Book, 1634-39, E 4/5, ff.64; Stirling's Register of Royal Letters, II, 813-14, 840, 857.
 39. Stevenson, The Scottish Revolution, 53.
 40. Scotstarvit's The Staggering State of Scottish Statesmen, 61-63; SR0, Miscellaneous Exchequer Papers, E 30/23.
 41. Balfour, Historical Works, II, 220-21; The Red Book of Menteith, II, 150-51; SR0, Hamilton Papers, TD 75/100/26/1379.
 42. SR0, Accounts of the Collectors of Taxation granted in 1625, E 65/10; Account of the Collector of the Extraordinary Taxation granted in 1625, E 65/11; Accounts of Compositions for Concealled Rents - taxation ordinary and extraordinary 1621 and 1625, E 65/12; Account of the Collector of the Ordinary Taxation granted in 1630, E 65/13; Account of the Collector of the Extraordinary Taxation granted in 1630, E 65/14;

- Rests of the Ordinary and Extraordinary Taxations, 1625-30, E 65/15.
43. SR0, Compt Generall be the Takesmen of the Customes, 1633-34, E 73/6; Exchequer Act Book, 1634-39, E 4/5, ff.26-29, 34-36; APS, IV, 98, 131, c.7.
 44. SR0, Exchequer Act Book, 1634-39, E 4/5, ff.36-40, 110-14; Stirling's Register of Royal Letters, II, 821, 825.
 45. Balfour, Historical Works, II, 200; Stirling's Register of Royal Letters, II, 535-36, 768; Burnet, Memoirs of the dukes of Hamilton, 25-26; D. Stevenson, 'The King's Scottish Revenues and the Covenanters, 1625-51', The Historical Journal, XVII, (1974), 20-22; In a telling aside to Traquhair in the course of these negotiations, Charles revealed his frustrations about the apparent financial impotency of the Crown, asking rhetorically 'how it came to pas yat sume kings of Scotland had made Warres with Ingland, supleid France and build fare biggings all at one tym quhen he was not able, out of all the Revenue of Scotland, to pay any thing' (NLS, Morton Cartulary & Papers, Letters of Noblemen, III, MS.81, ff.84).
 46. SR0, Exchequer Minute Book, 1630-34, E 5/1; RPCS, second series, V, 305-15.
 47. SR0, Exchequer Act Book, 1634-39, E 4/5, ff.32-34, 46-47, 50-52, 65-69, 95-96, 132-36, 144-45, 159-61; Erle of Traquair and William Dick thair Compt anent the small customs of Scotland for 1635, E 73/8/1 & /2.
 48. SR0, Compt of the Controller, Treasurer & New Augmentations, 1633-34, E 30/23/5; The particular accompts of the Erle of Traquair, 1634-35, E 30/23/7; HMC, Traquhair Muniments, 246.
 49. SR0, Compt of the Controller, Treasurer & New Augmentations, 1635-36, E 26/1/29; Exchequer Act Book, 1634-39; E 4/5, ff.24, 100; Dispositions of the Annuities, 1635-42, E 50/2.
 50. SR0, Account of the Collector of Taxation granted in 1633, E 65/16; Account of the Collector of Taxation granted in 1633: Compt of two of ten, E 65/17; Exchequer Act Book, 1634-39, E 4/5, ff.155.

51. Stirling's Register of Royal Letters, II, 839; SR0, Exchequer Act Book, 1634-39, E 4/5, ff.52.
52. Hill, The Century of Revolution, 78; Trevor-Roper, Archbishop Laud, 144, 231-33.
53. Row, History of the Kirk, 396; Stirling's Register of Royal Letters, II, 637-38, 648, 666, 678, 739.
54. Baillie's Letters and Journals, I, 6-7; The Memoirs of Henry Guthry, 14; RPCS, second series, VI, 243-44.
55. Diary of Sir Thomas Hope of Craighall, 45-46, 51, 58; SR0, Exchequer Act Book, 1634-39, E 4/5, ff.148, 151.

Chapter IX The Ramifications of the Revocation Scheme:
Local Government

The Revocation Scheme was not concerned exclusively with social engineering. Associated with its implementation were plans for the overhaul of local government. Charles' determination to terminate regalities and heritable offices necessitated the restructuring of the judicial process in the localities. The appointment of Menteith as Justice-General, following Lord Lorne's surrender of the house of Argyle's hereditary entitlement to that office, afforded Charles the opportunity to impose a uniform system of judicial administration more amenable to central control and conforming to current English practice. Accordingly, in the summer of 1628, he resolved to reinvigorate the commissions for circuit courts of justiciary according to the model prescribed - but never activated - by his father in 1587 (which was itself based on the Elizabethan deployment of the judges of assize). Although Scotland lacked a High Court of Justiciary (which was not instituted formally until the late seventeenth century), the hearing of serious criminal actions before the Justice-General had been centred on Edinburgh since the early sixteenth century. In an age of poor communications, such centralisation meant that people remote from Edinburgh seeking judicial redress for criminal actions or for negligence in local courts lacked usually the resources if not the inclination to undertake the arduous journey. Charles' genuine desire to improve judicial administration for the good of his subjects cannot be discounted.¹ However, as was his wont when promoting reforms, he was not averse to exaggerating the sufferings of those who, because of remoteness from Edinburgh and the partial administration of justice in local courts, 'have been forced long to groan under the burding of many insolent injuries, crimes, oppressiones and extortiones'.

Accordingly, on 30 June 1628, Charles reinvigorated the scheme for circuit courts as specified in 1587, quartering the kingdom and commissioning justice-ayres for the shires of central Scotland immediately to the south of the firths of Forth and of Clyde, for central Scotland immediately to the north of the Forth-Clyde axis, for the Borders and for the North of Scotland. Each commission, headed by two senators from the College of Justice, was to tour no less than

seven shires twice yearly that 'good subjects haveing just causes of complaint sall have justice ministrat unto them'. The function of each commission was essentially three-fold. To proceed against 'all capital and odious crymes indifferentlie and without exceptioun', in effect to try the four pleas of the Crown and all criminal cases where conviction brought death or mutilation. To try and censure all transgressors of penal statutes which the king or Privy Council thought fit to put into execution and where conviction was met by the exaction of compositions: the fines imposed on transgressors varying with their social status as for the myriad of statutes transgressable. Finally, since the commissioners on circuit were charged to oversee the competence of local government officers - such as sheriffs, coroners, justices of peace - obliged to assist them in the apprehension of law-breakers, the accumulation of evidence and the warding of prisoners, their duties were extended to the general supervision of royal government within the localities.² This later aspect in particular conformed to Charles' current deployment of the judges of assize in England. Indeed, as a conscious expression of his desire for conformity of practice in both kingdoms, he instructed the Exchequer on 11 July that all senators commissioned to hold circuit courts were to be furnished with scarlet robes, 'made after the forme and maner of the robbes of the Judges of Assise in England' in the rather fetching belief 'that the decensie of thare robbis may breed respect amongis our people and terrour to offenders'.³

Government within the localities was still essentially a matter of hereditary private enterprise. Local officials, given to deference towards the nobility in royal courts no less than in heritable jurisdictions, were amenable to influencing the judicial process in the interests of kinship and longstanding local association. The most demanding task of the reinvigorated commissions for circuit courts of justiciary was, therefore, to correct if not terminate legal maintenance and the partial administration of justice. Such a task, which required the reformation of customary attitudes as much as the redress of ingrained legal abuses, was demanding both mentally and

physically. Indeed, within six weeks of the promulgation of his original commissions, Charles was obliged to modify his extensive remit for the justice-ayres. Instead of requiring the commissioners to hold courts in every shire within their prescribed quarters, priority was accorded, on 8 August 1628, to the holding of courts in at least two shires once each circuit commenced that October. Moreover, the plan to hold biannual justice-ayres was never implemented. In 1629, the commissions were renewed only once, on 21 July, priority being accorded on each circuit to the holding of courts in shires not visited by the previous year's justice-ayres. However, since the revised schedules included shires not adequately covered by the commissioners on their initial circuits, courts were not designated for every shire in the prescribed quarters. Only the Borders were covered fully. In central Scotland, there were at least two shires on each circuit for which no provision was made. Seven out of the eleven shires remained unprovisioned on the most demanding circuit, the North.⁴

Technical complexities compounded logistical problems. From the inauguration of the first commissions, concern was expressed within official circles about the right of lords of regality to repledge from the circuit courts. This was not just a matter of judicial privilege but of financial expediency. Repledging, while accepted as competent with regard to criminal offences punishable by death or mutilation, if extended to penal statutes could mean delinquents defaulting without punishment since the lords had no powers to fine transgressors. This privilege, if conceded, would have proved expensive to the Crown for, 'if ye haill regalities and heritable bailzeis of Scotland be exemed, the quarter of ye kinges subjectes salbe included therin and exemed altogether'.⁵ Furthermore, Charles himself was not insensitive to the need for co-operation between the justice-ayres and the lords of regality pending the termination of regalian rights by due process of law and the payment of equitable compensation - hardly an immediate prospect, given the lack of ready cash in the Exchequer. Hence, in order to prevent the loss of income to the Crown as well as the legal maintenance which could result from repledging, Charles instructed

Menteith, on 20 October 1628, that the lords or their bailies were to sit with the commissioners on every circuit whenever their regalian interests were affected. Thus, regalian rights were to be respected rather than derogated by the circuit courts so that the lords and the commissioners 'may concurre together for administratioun of justice'.⁶

Nonetheless, local interests were less harmoniously adjusted to the actual dispensing of justice in the circuit courts. The lack of specification in the formal indictment of offenders, the uptaking of the dittays, immediately proved a major area of contention. For the commissioners on their inaugural circuits in October 1628 adhered to traditional practice for the accumulation of evidence and the formulation of charges. Following a precept from the Justice-General, the sheriff summoned 'a number of persouns of best fame, qualitie and abilitie' within each shire to inform the commissioners of criminal incidents and to identify law-breakers. On the basis of such testimony, dittays were drawn up citing the reputed offenders to appear before the circuit courts. However, the dittays did not inform reputed offenders whether they were indicted on serious criminal charges or for breaches of penal statutes. This lack of specification was condoned as a means of encouraging the accused to attend court rather than abscond. The commissioners also adhered to the traditional practice of challenging 'great offendares even at the bar albeit they wer never indytit to thes courts and being then fund culpable to execute thame to ye daith for terror of uyes'. Adherence to such traditional practices did not enhance either the reputation or the competence of the circuit courts. Indeed, 'the shortness or generalitie of sodaine citationes' occasioned widespread discontent within the localities. The virulence of the local clamour against the circuit courts did not go unheeded in the Scottish administration. Voices proposing the rigorous, if not the draconian, administration of justice by the circuit courts were stilled. Among the remedies for 'ye oversights committed in the circuit courts' now shelved were the collation of evidence by all local government officers from burgesses and husbandmen and even kirk sessions as well as landed

society, and the exemplary use of the death penalty for negligent officials to deter maintenance in royal courts. Charles again demonstrated his sensitivity to the need for a more measured approach when renewing the commissions in 1629. He instructed Menteith on 29 September that parties cited before the circuit courts 'have copies of thair dittayes' and that the commissioners should dispense justice 'with such moderation as our subjects may not have just cause to feare undeserved censure, nor yet to hope for impunity where they doe justlie deserve punishment'.⁷

Although sudden indictments at the bar were now abandoned, dittays to reputed offenders still did not cite specific charges. Hence, the reception accorded in the shires to the renewal of the justice-ayres in 1629 was far from favourable. In an effort to restrain 'the unquyett and clamorous complaints of particular parties agains the commissioners of the circuit courts' the Privy Council was moved on 24 November to reaffirm its right to receive complaints directly. This reaffirmation was intended in part to avert further demonstrations against the circuit courts in the localities and, in part, to check the flood of complaints from aggrieved parties to the Court. The shire commissioners at the Convention of 1630 were to endorse the Council's efforts, not because they were upholders of the justice-ayres, but because the 'extraordinary concourse' of Scots to the Court in search of favour and clientage, if not repressed, threatened to undermine the whole judicial process, 'since such a practice undoes the course of justice in the ordinarie courts and judicatories of this kingdom'. Indeed, far from maintaining a special brief for regular justice-ayres, the shire commissioners expressed their preference for the dispensing of justice within the localities by 'ad hoc' commissions of justiciary. Such commissions, granted usually to local magnates or prominent chiefs to suppress outbreaks of disorder, were characterised by haphazard and partial administration of justice verging often on gross abuse. Nevertheless, those commissioned were at least well disposed towards ties of kinship and longstanding local association when dispensing summary justice.⁸

No less contentious than the uptaking of the dittays was the commissioners' remit to prosecute transgressors of the penal statutes in the circuit courts. In all, there were sixty-four categories of offences liable to prosecution and the retrospective time-scale for prosecutions extended, in most instances, to offences committed since 1621. Prosecutions (and the exaction of excessive compositions) for breaches of penal statutes had proved a contentious issue virtually from the outset of the personal rule - ever since Charles had referred the prosecution of transgressors to the ill-fated Commission for Grievances. Following its demise, Charles had been prepared to concede that prosecutions should be abated if not abandoned. However, the Privy Council pointed out, on 29 November 1627, that such a concession would prove of 'great prejudice' to the revenues of the Crown. Penal statutes had recently been enacted to prohibit smuggling and to counter the concealment of 'lent moneyes' by requiring the disclosure of inventories specifying loans and debts: the former to augment the customs, the latter to maximise the extraordinary taxation levied on annualrents. The Privy Council went on to make more dramatic claims. Since James VI in his last parliament had conceded a general indemnity for all past offences - except for the sporting of firearms, exorbitant usury, the export of gold and silver, and poaching from river or loch - any further prospect of exonerating transgressors would 'in a short tyme shaik louse the whole frame of government of this kingdome and the habituall custome of offending without punishment will breed obstinacie against all future reformatioun of such disordouris'. Charles sought to excuse himself by claiming, on 10 January 1628, that his intention had been merely to relax not rescind the fines due for breaches of penal statutes. On 11 February, the Privy Council was instructed to ensure that the prosecution of transgressors was conducted with discretion as well as rigour once the justice-ayres became operative.⁹

Because of its strictures against the relaxation of prosecutions for breaches of penal statutes, the Privy Council, when ratifying the remit of the inaugural commissions, had a rather limited

interpretation of its own need to exercise discretionary control over the trial and censure of transgressors in the circuit courts. The Council was content to reserve final punishment in three out of the sixty-four categories liable for prosecution - namely, for counterfeiting money, forging writs and wilful association with rebels 'forfeited for odious crimes or denounced for slaughter'. Nevertheless, the clamour occasioned within the localities by the uptaking of the dittays brought an immediate and pragmatic switch of tack. The commissioners were instructed - 'most wyselie' in the opinion of Charles I - to refrain from prosecuting transgressors of penal statutes. The Privy Council's conversion to a more measured approach to the dispensing of justice in the circuit courts was further evident on the renewal of the commissions in 1629. On 28 July, the categories of offences liable to prosecution were reduced from sixty-four to twenty-one. On 18 September, prosecutions for breaches of penal statutes in the circuit courts were restricted to offences committed since 31 August 1628. However, this injunction of the Privy Council was not interpreted by Charles as a total prohibition on the commissioners taking cognizance of offences committed before that date. While conceding that the commissioners, in terms of their direct responsibility to exact compositions, were now 'only concerned with prosecutions for breaches between circuits', he was adamant that their remit, 'to make diligent trial and inquisition of transgressors', still extended to offences - especially the more heinous - committed prior to 31 August 1628.¹⁰

Charles' ruling that the commissioners should take cognizance of breaches of penal statutes prior to their inaugural circuits in 1628 not only ran counter to the growing support within the Privy Council for moderacy in dispensing justice, but contrasted sharply, if not crassly, with his apparent desire for a more measured approach to the *uptaking of dittays*. Indeed, his ruling reveals that his professed willingness to accommodate local interests in the administration of justice was tempered by and subordinated to his perennial quest to *maximise the revenues of the Crown* and more pressingly, to mobilise

funds - including profits of justice - for his own immediate use. For on 18 September 1629, the same day that the Privy Council restricted the time-scale for the prosecution of transgressors in the circuit courts, Charles informed the commissioners that they were to assist Sir Alexander Strachan of Thornton effect his administrative patent for the recovery of the rents and casualties of the Crown. Thornton was to be in attendance when the justice-ayres resumed in October. The commissioners were to hold and affix the circuit courts at his convenience. Furthermore, Thornton was 'to receive the wholl fines and compositions to be imposed upon whatsoever transgressouris' for all breaches of penal statutes prior to 30 March 1628. He was to retain half of these profits of justice. In essence, Charles was circumscribing the judicial powers of the commissioners in favour of a fiscal entrepreneur. While every transgressor of penal statutes was to be indicted before the circuit courts, the commissioners' remit to prosecute and exact fines extended merely to all breaches since 31 August 1628, with a further five month extension for heinous breaches. Responsibility for the collection of fines for such offences prior to 30 March 1628 was transferred to Thornton. Moreover, Thornton was empowered to compound for breaches committed prior to the spring of 1628, thereby dispensing with the prosecution of transgressors and the exaction of the prescribed fines for their transgressions. However, the commissioners did retain full judicial powers over transgressors of the penal statute first enacted in 1621 to counter the concealment of lent money. Having already granted an amnesty for past concealment on 3 October 1627, Charles was adamant that anyone attempting to defraud the Crown of its novel tax on annualrents, by falsifying or failing to submit inventories of loans and debts, should be prosecuted publicly and locally to deter the spread of tax evasion.¹¹

Notwithstanding this reservation, the wholesale transfer of judicial responsibilities to Thornton by administrative patent was the seventeenth century equivalent of the privatisation of public service. The granting of administrative patents, on the rather specious as well

as speculative grounds that the pursuit of private profit was compatible with the equitable and efficient administration of justice, had already achieved notoriety in England under both Elizabeth and James I. Although the granting of patents was curtailed severely from 1624 by the statute of monopolies, Charles' 'willingness to rely on patentees to enforce legislation ensured that the practice remained an important anti-Court issue. Grants of administrative patents not only amounted to a licensed system of outdoor relief for courtiers, but also cast aspersions on the competence and reliability of government officials.¹²

While the granting of administrative patents was a less contentious issue in Scotland, Charles undoubtedly stirred up controversy not just within the localities but among his leading officials by the way in which he imported the practice into Scotland. His favouring of courtiers like Thornton was hardly conducive to wholehearted co-operation from his Scottish based officials and councillors. As early as 17 November 1625, at the same time as his Scottish councillors were remonstrating with the king about 'the fear quhilk is generallie apprehendit' by his proposed revocation, the Privy Council was moved to protest that Thornton should play no part in Charles' programme for the overhaul of Scottish government. Thornton was deemed 'unworthie of ony place of judicatorie within the kingdom', ostensibly because of his disreputable character and doubts about his religious convictions, and less perceptibly, as an attempt to dilute courtier influence on the impending overhaul of government. Nonetheless, Thornton's appointment to the reconstituted Privy Council was upheld. He served subsequently as a member of the ill-fated Commission for Grievances and was selected for two other commissions, of integral concern for royal finances - namely, that for the Exchequer and that for creating baronets of Nova Scotia.¹³

The origins of Thornton's administrative patent can, in turn, be traced to the vigorous reappraisal of current royal finances and potential sources of income available to the Crown: a reappraisal

initiated by Charles, on 2 April 1627, to complement his overhaul of Scottish government and the rigorous investigation into landed title necessitated by his Revocation Scheme. In keeping with Charles' reluctance to rely on longstanding Scottish officials, this reappraisal was to be conducted under the auspices of Sir Archibald Aitcheson of Glencairny, whose estates lay mainly in Ulster. Accordingly, Glencairny was appointed king's remembrancer to the Exchequer, given access to all official records of central and local government, and specially charged to scrutinise the Exchequer's management of the Crown's ordinary and extraordinary revenues.¹⁴ Glencairny's dramatic rise up the official hierarchy testifies to the assiduous way in which he strove to carry out his remit. By 6 November, he was a member of the Privy Council as of the Commission of Exchequer. At the same time his diligence in complying with royal directives was rewarded by his replacement of Haddington as Secretary of State in Scotland, an office held conjunctly with, but subordinated to that of Sir William Alexander at Court, who was now unchallenged as principal secretary. Thus, when Secretary Alexander suggested to Thornton at the outset of 1628 that the latter revive his project to augment the income the Crown derived from feudal casualties, Glencairny raised no objection. Indeed, Glencairny, no less than Secretary Alexander, was determined to ensure that Thornton received full judicial backing to prosecute his commission. Moreover, Glencairny was prepared to use his access to official records to assist Thornton effect his administrative patent.¹⁵

In essence, Thornton's commission, which Charles actually ratified on 7 November 1628, was yet another project of the Court foisted upon a Scottish administration which was largely unreceptive if not downright hostile. Thornton had claimed that the grant of an administrative patent would enable him not just to augment but to treble the income currently available to the Crown from feudal casualties. He was convinced that he could raise at least £5,000 sterling (£60,000) through the vigorous exaction of fines and compositions for unpaid dues. Above £36,000 was to be realised from compositions for escheated goods from persons outlawed. No less than

£24,000 was to be exacted from all holding from the Crown by ward and relief who had either converted their feudal tenures without royal warrant or had defaulted in the payment of reliefs. Thornton went on to claim that a further £10,000 sterling (£120,000) could be realised from two sources - from negotiations with the heritable tenantry of the Principality desirous to reinforce their security of tenure in the wake of the Revocation Scheme; and from the exaction of selective, but moderate compositions for heinous breaches of penal statutes. Finally, a further £20,000 was to be raised by the exaction of compositions from all who concealed or withheld Crown rents.¹⁶

As the total ordinary income available to the Crown had dropped from £223,930 7s 3½d at the outset of his reign to £196,608 13s, Charles' enthusiasm for a project designed to realise in excess of £200,000 was understandable.¹⁷ Nevertheless, his ratification of Thornton's administrative patent did not pass through the Exchequer without comment. Although the Commission of Exchequer had been reconstituted as an integral part of the king's overhaul of Scottish government, it was not initially required to exercise strict surveillance over Thornton's implementation of his commission. Moreover, the retrospective but indefinite time-scale for Thornton's exploitation of feudal casualties, which ranged back beyond the earl of Mar's acquisition of the treasurership in 1617, impugned the competence of all officials engaged on Exchequer business, not only for their own handling of financial affairs but for allowing the errors and omissions of their predecessors to remain unchecked. Murmurings of discontent within official circles gave way to more forthright criticisms once Thornton began to exact compositions for unpaid dues. Thornton made scant allowance for the technical defaults which occurred because seasonal fluctuations in crop yields had forced landowners to defer rather than conceal or withhold their dues to the Crown. So zealously did Thornton strive to implement his commission that by the conclusion of the justice-ayres for 1629 the Exchequer was obliged to process around five hundred compositions exacted under threat of prosecution. Such was the outcry from the localities against Thornton's commission,

that a disaffected element within the Scottish administration was prepared to take direct action to prevent its continuance. After what Menteith recorded as two to three days of heated debate in the Exchequer, the disaffected went so far as to insist that Lord Advocate Hope represent to the king the 'great errores' of Thornton's commission in particular as of administrative patents in general. Upon Hope's refusal, the disaffected consulted with four advocates for a whole day 'to find out the illegalitie' of administrative patents.¹⁸

In effect, Thornton's administrative patent was suspended following the conclusion of the justice-ayres for 1629 and discretely shelved after the shire commissioners at the Convention of 1630 had petitioned the Estates, 'be reason of the great feare that is conceived' among the king's subjects, should review Thornton's exercise of his commission.¹⁹ Undoubtedly, the aggravation of political dissent had more than outweighed the financial benefits which Charles had expected to accrue from Thornton's administrative patent. In turn, the reception accorded to the implementation of Thornton's commission made Charles wary of further proposals to augment the income the Crown derived in Scotland from feudal casualties. In February 1631, a Mr George Nicoll suggested that the £5,000 sterling which Thornton had sought to realise through the exaction of fines and compositions could be magnified into £30,000 sterling (£360,000) annually if the casualties 'wer dewlie collected and compted for in the Exchequer, as they ought to be, by the lawes and statutes of the realme'. As Nicoll had been clerk to Glencairny during the latter's scrutiny of the Exchequer's management of royal revenues, his 'breiffe estimat of the King's casualties in Scotland' seemed plausible. However, his estimate was accompanied by another paper, a 'trew Relation' on the state of the royal revenues, which imputed gross mis-management and peculation to the king's leading officials in Scotland - with the exception of Glencairny. After interviewing Nicoll personally at Court on several occasions during 1632, Charles found himself reluctant to disregard yet unwilling to trust the former

clerk's submissions. Thus, the Privy Council were ordered on 17 October to assess Nicoll's claims with reference to the public records. In effect, the leading officials accused by Nicoll were entrusted with their own exoneration. Although Charles did summon them to Court in December to face their accuser, the meeting merely served to confirm the king's growing resolve that Nicoll should be pursued at law 'for his false and malicious calumnies'. Nicoll was then brought north at the turn of the year to be incarcerated in the tolbooth of Edinburgh pending his trial before Menteith as Justice-General. However, as Menteith was then facing removal from office for his own intemperate outbursts and as Charles was finalising preparations for his oft-postponed coronation visit in the summer, he could not afford a further public scandal involving the rest of his leading officials in Scotland. As a mark of appeasement to his Scottish administration, Nicoll's trial before the Justice-General was postponed on 23 February 1633. His censure and punishment was left to the Privy Council, a ruling which was interpreted as the royal presumption of guilt requiring no further trial. Accordingly, Nicoll was sentenced on 5 March to be pilloried, whipped and banished for life to the continent as 'ane false calumnator and liar'.²⁰

The censuring of Nicoll finally laid to rest all thoughts at Court of reinvigorating Thornton's commission to exploit feudal casualties. Henceforth, Charles had to look elsewhere for financial expedients to supplement the ordinary income of the Crown in Scotland. Nevertheless, Thornton's administrative patent provided a precedent for Charles' endeavours to finance his personal rule in England during the 1630s when, much to the consternation of English landowners, he utilised the court of wards to treble his income from feudal casualties.²¹ The implementation of Thornton's commission, taken in association with the Revocation Scheme, also provided a broader political perspective for the contemporaneous activities of Thomas Wentworth (later earl of Strafford) as Lord-Deputy of Ireland. For, not only did Wentworth use his authority 'to overbear common-law titles to property' in order to effect the plantation of the province

of Connacht, but so vigorously did he utilise both the court of wards and liveries and the statute of uses to augment royal revenues that he came to represent a 'threat to stability' for the colonial no less than the traditional Irish landowners.²²

More immediately, however, disaffection within the Scottish administration caused Menteith at the outset of 1630 to despatch a memorandum to Court, endorsed by Lord Advocate Hope, reaffirming that the implementation of Thornton's commission had served to compound the political discredit already accruing to the reinvigorated justice-ayres. The circuit courts were deemed exceedingly troublesome, 'a great burthen to the Cuntrie and makes the people cry out'. Moreover, their continuance could prove counter-productive. Given that the readiest profits from the circuit courts - which were not siphoned off by Thornton - were earmarked to compensate Lord Lorne for surrendering his family's heritable office of Justice-General, the fines and compositions which were imposed and exacted were insufficient to pay the fees of the commissioners, their clerks and sundry court officials. Thus, in view of the king's proposed coronation visit to Scotland that summer, Menteith was moved to conclude that it was a 'most unfit tyme' to contemplate further justice-ayres and thereby give his majesty's subjects 'any just cause of greivance'.²³

Although Charles did not make his coronation visit in 1630, Menteith's counsel of prudence still retained its validity for the upholders of the prerogative seeking to restrict the scope for disaffection among the Estates at the Convention summoned that summer to vote further taxation to the Crown. Hence, on 28 June, Charles ordered an act to be made at the Convention indemnifying all subjects for past transgressions of penal statutes, excepting the heinous breaches specified in the parliament of 1621 or subsequent concealments of lent money - an indemnity which was to be reiterated and updated as an aspect of the royal bounty in the coronation parliament of 1633. Following the successful conclusion of the Convention, which renewed both ordinary and extraordinary taxation at the same rates voted in

1625, the Privy Council issued an injunction on 9 August, 'that the holding of circuit courts for this yeere sall be forborne': a decision which reflected the groundswell of opinion within official circles as in the country at large against regular justice-ayres.²⁴

While the circuit courts were to be revived - albeit fitfully - in 1631, responsibility for prosecuting conceallers of "lent money" was no longer left to the discretion of the commissioners. Although £13,031 7s 8d had been raised for the Crown from conceall~~ers~~ers by the imposition of fines equivalent to triple the taxation owed, the application of the full rigour of the law in the circuit courts had proved of limited efficacy in curbing tax evasion. Given that a substantial portion of the extraordinary taxation levied in both 1621 and 1625 was still in arrears, Charles, on 11 June 1630, had established a select committee of eight leading officials, headed by the chancellor, George Hay, Viscount Dupplin, to arrest the spread of tax evasion through the exaction of compositions rather than by prosecutions. Thus, compositions were exacted in the circuit courts during 1631 at the rate of one-fifth the taxation owed. But as this rate proved an inadequate check on the accumulation of arrears, delinquent taxpayers were summoned to Edinburgh from 1632. Over the next three years, compositions were exacted at the rate of half the taxation owed if the evader made a voluntary submission and at three-quarters the taxation owed if the evader proved unrepentant or a recidivist. Nevertheless, after deducting charges in the circuit courts, clerks' fees and messengers' expenses in serving summons, the Crown was to derive no more than £12,820 15s 7d from the exaction of compositions.²⁵

Not only did the exaction of compositions prove less rewarding to the Crown, but the curtailment of prosecutions for tax evasion served as the precursor for the conclusion of the circuit courts. Indeed, no courts were held in the North circuit during 1631. Elsewhere, the courts were kept tardily in the shires and were neglected by some commissioners. The hearing of serious criminal

cases again came to be centred on Edinburgh from 1632, with special 'ad hoc' commissions of justiciary being granted occasionally to curb flagrant, but localised, outbreaks of disorder during the remainder of the personal rule. Charles' attempt at his coronation parliament to institute a High Court of Justiciary, 'to restoir and reestablish the said Judicatorie to its ancient dignitie and integritie', proved no more than a pious hope.²⁶

Undoubtedly, the termination of the circuit courts, no less than the Crown's chronic shortage of ready cash to buy out regalities and heritable offices, blunted the king's hopes of restructuring the judicial process. Nonetheless, Charles did not abandon completely his plans to make the localities more receptive to central direction. Thus, he remained adamant not only that the peace commissions should be revived in every shire, but that the justices of the peace should assume greater responsibility in the running of local government. Indeed, although no commissions had been issued since 1617 and although justices were operative in no more than fourteen shires by 1625, Charles was determined to make the peace commissions in Scotland as effective as their counterparts in England.

From the outset of his reign, Charles placed less stress on *the judicial powers of the justices sitting in quarter sessions* - to oversee, prevent and try incidents which disrupted or threatened the peace - than on their routine, but continuous, administrative duties. The quarter sessions merely supplemented the heritable jurisdictions of leading landowners. The administrative duties of the justices, which ranged from the regulation of social welfare to the monitoring of commercial activities, offered greater scope for intervention by the Crown not just to re-orientate government but to promote stability and order in the localities. Moreover, only three justices were needed in each shire to make a decision on any matter within the administrative remit of the peace commissions between quarter sessions.²⁷

In his first flush of reforming zeal, Charles suggested to

the Privy Council on 26 July 1625, that a role could be found for justices as parochial magistrates, as secular enforcers of the disciplinary censures of the Kirk: a role which he subsequently elaborated in a letter of 22 October to the Convention of Estates, proposing that the justices also assume parochial responsibilities for the enforcement of the poor law. However, as less than half the shires in Scotland had peace commissions still functioning and as the existing commissions were generally undermanned, Charles' proposal for parochial magistrates was quietly shelved on being remitted back by the Convention to the consideration of the Privy Council.²⁸ Nevertheless, Charles continued to impose further administrative duties on the peace commissions in the erroneous belief that the justices, if not alone, in small numbers, had a limitless capacity to administer as well as adjudicate.

From the spring of 1626, the justices were expected to monitor price fluctuations in local markets, ostensibly to aid the Privy Council draw up guidelines for the mercantilist regulation of the Scottish economy, but primarily to maintain social stability and help defuse unrest among the lower orders in times of dearth. Indeed, the Privy Council was moved to impose corn laws on 20 April - to accommodate the relative scarcity or plenty of domestic grain supplies - not just to sustain the buoyancy of landed incomes, but to offset fears within official circles (as later evident in England during the 1630s) that the recurrence of dearth on the scale of 1623 would occasion endemic disorder, even rebellion, among the poor. Moreover, official fears about the rebellious inclinations of the poor were fanned by the vociferous petitioning of the Convention of Royal Burghs in favour of protectionist measures to preserve native manufactures, notably woollens and leather goods. The parlous state of native manufactures was linked to social dislocation, to the swelling of the ranks of the able-bodied poor which would accompany the loss of employment in processing industries. Hence, at the same time as the Privy Council was undertaking extensive consultations with landed and commercial interests with a view to imposing corn laws to

conserve grain supplies, Charles suggested that the agenda be extended to consider the advisability of restricting exports of livestock and of staple commodities, such as wool and hides. Accordingly, to provide statistical information on current economic performance and to facilitate an annual review of the need for protective measures, the justices of the peace were required to notify the Privy Council by 20 August, and yearly thereafter, about the prices fetched for wool, sheep and cattle at the markets held within their shires from the beginning of May until the first Tuesday in August - the commencement of the autumn quarter sessions.²⁹

The justices, however, were not enthusiastic monitors of price fluctuations in local markets, a task requiring diligent and detailed investigation. Nevertheless, the reports dutifully submitted from ten shires during August 1626 did serve to confirm the temporary embargo on the export of cattle imposed by the Privy Council on 13 June - on the grounds that unrestrained exports to England and the forestalling of herds on their way to trysts had created a scarcity of moderately priced beasts for restocking farms. Moreover, the reports provided sufficient statistical information for the Privy Council, on 22 August, to impose a general prohibition on the export of wool, sheep and cattle until the following May. Reports were submitted from no more than eight shires in autumn 1627 (only five shires making the requisite submission in consecutive years). Thereafter, the continuance of restraints on exports - and the maintenance of the corn laws over the next three years - had to depend largely on informal soundings about the state of local markets. For no reports were received from the shires in 1628, although the justices for Aberdeenshire did at least petition to be excused. A marked lack of success had also attended the Privy Council's consultations with the justices in February 1627 on the expediency of relaxing the restrictions imposed on the exports of hides imposed two months earlier. Justices from only six shires responded to the circular issued on 13 February requiring a reply within nine days as to whether the country would suffer from the unrestrained export of hides and

whether leather goods could be conveniently manufactured from native stocks of salted hides. With the exception of Selkirkshire, the reports submitted agreed in the affirmative to both questions. Nonetheless, since the response was so limited, the Privy Council continued existing restrictions, merely affirming on 15 March that existing large stocks of hides surplus to the current capacity of the leather industry could be exported under special licence.³⁰

By the summer of 1627, as an extension of their role as custodians of social stability, the justices of the peace were accorded prime responsibility for 'enrolling the ydill and masterless men' into the British expeditionary forces despatched to the continent to effect Charles' policy of direct intervention in the Thirty Years War. In essence, the justices were expected to accomplish a social distillation of undesirable elements among the lower orders, 'that are unprofitable at home and may be useful abroad in his Maiesties service'. Understandably, however, the justices were reluctant conscriptors given the public disturbance occasioned by indiscriminate recruiting by press-gangs that spring. The reluctance of the justices was financially motivated as well as politic. For the conscription of undesirable elements into the expeditionary forces was but part of Charles' military programme which was also designed to raise a militia for national defence. Accordingly, the justices were expected to draw up rolls of fencible men, all the able-bodied between sixteen and sixty, within the bounds of every presbytery and then submit a composite list of the most capable as well as the most dispensable recruits from each shire, 'to the intent ordour might be given for dreilling and trayning thame up in militarie exercise'. As the Privy Council was then contemplating the revival of the 'weaponschawing' in the shires, the justices were faced with the prospect of having to organise local musters, not only to arrange military training for the recruits but to ascertain local stocks of weapons and be held liable to make up any shortfall. Thus, the submission of composite lists of recruits threatened to become a collective assessment for the supply of arms. A general aversion to further taxation - however indirect -

would seem evident, in that the justices of only one shire, Fife, made any effort to draw up rolls of fencible men and submit a composite list of recruits by the autumn. Hence, when the Privy Council eventually authorised a general muster on the east coast for 7 November, responsibility was entrusted to the traditional officers in the shires and regalties. Indeed, for the next six years, responsibility for specific administrative duties was left to the traditional officers of local government. Justices of the peace were included occasionally in administrative directives - in the hope rather than the expectation of co-operation.³¹

Nevertheless, Charles remained convinced that the initial resistance of the justices to further administrative duties could be overcome by the infusion of new blood onto the peace commissions, especially as many of the justices appointed by his father were either dead or aged and infirm or had moved their domain to another shire. Moreover, having propagated the Revocation Scheme as an appeal to the gentry, giving them rights to purchase their own teinds and the privilege of holding their kirklands directly from the Crown, Charles not only sought but demanded greater co-operation from that estate in running the localities. Thus, on 29 September 1628, at a time when the gentry were being pressed into service on the sub-commissions charged to conduct valuations of estates within the bounds of every presbytery, Charles instructed the Privy Council to ratify and enlarge the existing peace commissions, 'in the persouns of the most famous and indifferent barouns and freeholders within each shirefdome'. But the sheriffs made no apparent effort to send the Council the requisite lists of eligible gentry within the shires. A similar request the following June, extended to the stewards and bailies of the heritable jurisdictions annexed permanently to the Crown, again met with a negative response. The gentry, however, were not as apathetic as the local officials. For the shire commissioners at the Convention of 1630 petitioned in favour of the renewal and the enlargement of the peace commissions and even went on to request that the justices take over additional responsibilities - namely, as parochial magistrates to

enforce the poor laws (as already suggested by Charles in 1625) and to penalise breaches of penal statutes (as an alternative to Thornton's commission). While these proposals won the formal approval of the Estates, the shire commissioners made no discernible effort to take on the task of submitting the requisite lists of eligible gentry to the Privy Council.³²

In a determined effort to counter inertia as well as resistance within the localities, Charles had the coronation parliament ratify his father's enactment of 1617 detailing the judicial powers and administrative duties of the justices 'for keeping of the king's peace'. Furthermore, the estates consented to his proposal that the Privy Council should be warranted 'to inlairge and amplifie the power and authoritie of the saids justices of peace if they sall find it necessarie and expedient'.³³ Accordingly, on 8 October 1633, as a first step towards effecting the comprehensive renewal of the peace commissions, responsibility for drawing up the lists of eligible gentry was restored to the sheriffs, stewards and bailies. However, less than half the requisite lists had been submitted by 19 December, when twelve sheriffs, two stewards and three bailies were held to have 'slighted and neglected' the Council's directive. Despite the threat of heavy fines and even outlawry, six sheriffs and one bailie - as well as the two stewards - were still in default on 18 September 1634, when the Council eventually issued peace commissions for twenty-four shires, two stewartries and three bailiaries. Indeed, a further eighteen months were to elapse before peace commissions were finally issued for the shires of Renfrew, Kincardine and Clackmannan. There would seem to be no extant record of the remaining defaulters submitting the requisite lists.³⁴

The Council's failure to achieve prompt or even universal co-operation from the localities cannot just be attributed to indifference or negligence on the part of sheriffs, stewards and bailies. For the Council was to experience greater difficulties over the next three years persuading gentry to serve on the peace

commissions. Major weighting must be given to the adverse reception accorded over the past five years to the sub-commissions conducting valuations within the bounds of every presbytery. The task of disentangling, quantifying and assessing stock and teind, which commenced in the spring of 1629 and was not remitted until the spring of 1634, was not only onerous and over-ambitious but politically thankless. Indeed, the intensity of opposition as well as the technical complexities encountered by the gentry serving as sub-commissioners can be held to have prejudiced that class against further participation in the restructuring schemes of the Crown. Initial clashes of interests among the landed classes had gradually given way to class collusion with the realisation that the gentry were being manipulated by Charles to undermine the traditional privileges of the nobility. It was a measure of the Court's remoteness from Scottish affairs that Charles continued to take for granted the willingness of the gentry to serve as the workhorses of central government in the localities. In reality, the legacy of distrust occasioned by the implementation of the Revocation Scheme meant that Charles' promotion of the peace commissions appeared as yet another design to use the gentry to undermine the traditional dominance of the nobility within the localities. Suspicions about the king's intentions were in no way dispelled by the guidelines emanating from the Court during the spring of 1634, altering the composition and redefining the remit of the peace commissions.

On 11 March 1634, the Privy Council was instructed to adopt 'the laudable custom of government' then current in England, of making each bishop a justice of the peace within his own diocese. In effect, the Scottish bishops were to exercise a watching brief over the peace commissions, a role undertaken at the behest of central government by the lords lieutenant in England. Whereas the office of lord lieutenant was bestowed on trusted nobles to enhance their social prestige within the English shires, the Court was not prepared to dispense similar patronage in Scotland, given the heritable privileges of the nobility and the pervasive influence still exercised by that

class over the rest of the political nation. As the bishops were already shouldering the main burden of routine administration in Edinburgh, they were deemed the most reliable element within the political nation to act as intermediaries between central government and the localities. The gentry did not regard the traditional powers wielded by the nobility in the localities as theirs by right. Even the militant pressure group which had emerged among the gentry to promote the surrender of superiorities and the redistribution of teinds were little concerned to revitalise the peace commissions. The burgesses had no evident designs on government outwith the towns and cities. To expedite the Court's design to re-orientate Scottish government at the expense of local particularism, every bishop was to submit 'ane list of the most able and sufficient ministers within thair dioceis' whom the Privy Council could regard as suitable for selection as justices of the peace. Thus, the bishops were to be provided with willing allies on the peace commissions to enhance the process of centralisation.³⁵

The appointment of ministers onto the peace commissions was in keeping with the earlier involvement of the clergy in local government - specifically, in the assessment of parochial sources during the spring of 1627, which served as the pilot project for the deployment of sub-commissions within the bounds of every presbytery. Contemporaneously, parish ministers assisted the justices of the peace draw up lists of undesirables fit to be conscripted into the British expeditionary forces. Notwithstanding such past service, in which clerical participation was hardly noted for its enthusiasm or diligence, the major influence behind the inclusion of the clergy on the peace commissions was Archbishop Laud. His authoritarian aspirations, his administrative zeal and not least, his passion for efficiency - which he identified with centralisation - had already led Laud to instigate the overhaul of local government in England as manifest by his sponsorship of the Book of Orders in 1631, which initiated a decade of unremitting pressure by central government on the shires. Ostensibly promoted to improve the administration of the

poor law, but more immediately, to provide a higher level of accountability in the general conduct of local government, the Book of Orders underlined the obligations of the justices of the peace in every shire to meet monthly between quarter sessions and submit detailed reports of their activities to central government. Laud intended that the peace commissions were to be renewed in Scotland in conformity to the English model. In turn, Scotland was to serve as an experimental area to correct English malfunctions, most notably the declining commitment of the gentry serving as justices to meet Laud's required standards of zeal and efficiency. Thus, ministers as well as bishops were appointed to the peace commissions issued by the Privy Council on 18 September 1634, to serve as the Scottish vanguard for the pursuit of "thorough" in local government. The appointment of episcopal nominees, usually at least one and rarely more than five on each commission, duly provided a precedent for drafting Anglican priests onto the English peace commissions to expedite the rating of the shires and the collection of Ship Money - the most contentious, but remunerative, imposition of Charles' personal rule in England. Indeed, from its inception in 1634 until its final levy six years later, Ship Money was not only regarded as the most detestable task forced upon local government officers, but proved such a socially divisive influence within the shires that the whole working of local government in England was threatened with paralysis by 1640.³⁶

Although the Scottish peace commissions were not traditionally as integral to the running of the localities as their counterparts in England, their role in the re-orientation of local government in Scotland had a more disruptive potential. For Laud's application of "thorough", to local government as to fiscal and ecclesiastical policies, was fundamentally imperialist as well as authoritarian. His aggressive sponsorship of centralisation was identified with the promotion not just of efficiency but of uniformity, which left little room for national diversity: a policy confirmed by the directive from the Court on 26 May 1634, instructing the Exchequer to block the passage of all charters conveying new baronial privileges

with disciplinary powers of death and mutilation. Moreover, the Exchequer was to recall existing baronial charters and rescind their criminal jurisdiction. However, the Exchequer would seem to have made no effort to implement this directive which would have restricted the right of barony to that of estate management. Nevertheless, the threat posed to baronial privileges by this directive, which was publicised through the Privy Council, affected not only the nobility but that element of the gentry traditionally most influential in the localities, the lesser or untitled barons. On the one hand, therefore, Laud's application of "thorough" to local government served to carry the anti-clericalism already prevalent within central government into the localities. On the other hand, his aggressive sponsorship of centralisation aligned the retention of baronial privileges with the defence of nationally disparate agencies of government. In short, the successful implementation of "thorough" in a Scottish context was tantamount to the provincial relegation of Scotland.³⁷

In an effort to assuage apprehensions with the political nation, Charles, at the renewal of the peace commissions on 18 September 1634, again discounted any charge that he was an innovator. He affirmed that 'the tennour of the commissioun for the justices of peace' conformed to Jacobean precedent. Nevertheless, designs at Court to make the peace commissions integral rather than merely supplemental to the running of the localities were borne out by the Privy Council's amplification of the justices' judicial remit and by its enlargement of both the number and the composition of the commissions.

Although no attempt was made to increase the administrative duties of the justices, which were deliberately left unspecified, particular emphasis was given to the justices' role as local informers and watchdogs on behalf of central government. Thus, not only were the justices expected to prevent, oversee and, ultimately, try breaches of the peace by the unenfranchised masses, but they were required to

assume responsibility for the cautioning of all who, by 'their swaggering and ryotous' conduct were manifestly intent on making trouble as for the apprehension and trial of 'all wilfull and disobedient persons, authors, committers and fosterers' of criminal behaviour - regardless of the offenders' social status. Moreover, the justices were empowered to select as witnesses the 'faithful and unsuspect', cognizant of the facts and to impanel the juries for the trial of offenders - if necessary in Edinburgh when not in the shires. In effect, in the aftermath of central government's failure to reinvigorate the justice-ayres, the peace commissions were now charged to promote the efficacious administration of justice in all royal courts and, in particular, to counter maintenance and partiality in the sheriff courts. Indeed, the justices' redefined remit severely circumscribed the judicial role of the sheriff, thereby confirming the advanced state of decline in which that office currently languished - the sheriff being little more than an electoral officer for the shire and a fiscal agent of the Crown.³⁸

The number of justices appointed for the shires, stewartries and bailiaries afforded further testimony that the peace commissions were renewed not just to circumscribe the office of sheriff, but to eclipse the traditional role of heritable jurisdictions in local government. Thus, in place of the mere handful of justices on the peace commissions still functioning at the outset of Charles' reign, as many as fifty and no less than twenty justices were appointed for each shire. Moreover, since commissions were issued separately for stewartries and bailiaries, the number of justices appointed in a few large shires numbered around a hundred. In Ayrshire, instead of one commission for the whole shire, commissions were projected for all four bailiaries, though only three were actually issued since the bailiary of Kyleregis was one of the districts from which no list of eligible gentry was submitted. In addition to the archbishop of Glasgow, the diocesan bishop, ninety-three people were nominated as justices of the peace - specifically, three nobles, thirty-six gentry and one minister for the bailiary of Cunningham; one noble and fifteen gentry for the

bailiary of Kylestewart; and two nobles, thirty-four gentry and one minister for the bailiary of Carrick.

The inclusion of nobles on most commissions was no more than a courtesy gesture, a recognition of their traditional territorial influence. Thus, some were appointed to more than one commission. Some of the gentry with large scattered estates were also named on more than one commission. All the convenerships were held by gentry, an affirmation that this class was expected to bear the brunt of the commissions' workload. In effect, since the number of gentry appointed to each commission was more than sufficient to exercise strict supervision over each parish in every shire, the peace commissions resuscitated the role of the justice as the parochial magistrate. Indeed, in some instances the ratio of justices of the peace to parishes in the shire was almost 2:1. In the case of Ayrshire, even allowing for the lack of a commission for Kyleregis, the number of gentry appointed to the three bailiaries was eighty-five, the number of parishes in the shire was forty-five (there being then twenty-eight parishes in the presbytery of Ayr and seventeen in the presbytery of Irvine).³⁹

However, there is little evidence of close scrutiny being given within official circles to the past record in local government of those appointed justices or, indeed, the general willingness of the gentry to serve as justices. Most of the gentry who had served on the sub-commissions in the presbyteries were appointed justices of the peace, including some actually removed from the sub-commissions because of age or infirmity. Former conveners of the sub-commissions were not generally called upon to extend their expertise as conveners of the peace commissions.⁴⁰ In essence, the peace commissions would seem to have been renewed on the presumption of service, not with the prior consent to serve from those appointed justices. For on 13 November 1634, a select committee of five councillors headed by Traquhair was appointed to revise the roll of justices. A fortnight later, revised peace commissions were issued with drastically reduced

numbers of justices in each shire. Thus, the total number of justices of the peace for the three bailiaries in Ayrshire fell from ninety-three to forty - two nobles, thirteen gentry and one minister composed the revised commission for Cunningham; one noble and eight gentry for Kylestewart; and one noble, thirteen gentry and one minister for Carrick. Elsewhere, the number of ministers appointed tended to remain constant, but the nobles tended to be dropped in most shires.⁴¹

The revised rolls reveal a massive vote of no confidence from the gentry as well as the nobility in the Court's plans to re-orientate local government in Scotland. Of necessity, the direct equation of justices with parochial magistrates was all but abandoned. Significantly, of the gentry who had served on the sub-commissions and were appointed justices on 18 September 1634, most were absent from the revised rolls issued on 25 November, indicating widespread disaffection based on their earlier experience of government service implementing the Revocation Scheme within the presbyteries. Moreover, there remained a marked reluctance to serve among those named on the revised lists. Throughout 1635, piecemeal attempts were made to persuade gentry to accept appointments as justices of the peace, mainly those named on the peace commissions of 18 September 1634 being asked to reconsider their decision not to serve. These endeavours of the Privy Council usually added between two and nine justices to the peace commissions, although in some shires - such as Ayr - no additions were made until 1637. Furthermore, there was no appreciable improvement in the willingness of the gentry to ensure that the peace commissions actually functioned, either on a comprehensive or regular basis. Hence, the Privy Council was moved to complain on 26 January 1636, 'that nombres of thir justices of peace throughout the severall shirefdomes of this kingdome slights and neglects this service and hes not accepted the charge upon thame nor keepes thair quarter sessions nor other ordinarie dayes of meiting'.⁴²

In an effort to arrest this situation, the Council issued letters to all appointed justices commanding them to serve on the peace

commissions with care and diligence. Henceforth, statutory fines for absence were to be imposed on justices attending quarter sessions irregularly. Habitual absentees were to be summoned before the Council and 'be exemplarie punished in thair persons and goods'. Nevertheless, no marked improvement in the willingness of the gentry to serve as justices resulted. The statutory fine for absence not 'lauchfullie excusit' was £40. But the fine could only be imposed upon an absentee if the justices present at the quarter session did not accept their errant colleague's excuse for absence. Thus, central government's threatened resort to systematic fining was ineffective against collusion on the part of the justices to cover up absenteeism.⁴³ Indeed, the class collusion which was currently undermining the Revocation Scheme was extended to constrict the working of the peace commissions. In essence, faced by a choice between politically odious and administratively onerous compliance with Court directives or social acceptability and class solidarity within the localities, the gentry voted with their feet to thwart the designs of the Court.

From the outset of 1636 until the summer of 1637, piecemeal additions continued to be made to the commissions in an effort to sustain operational viability. However, the appointment of additional justices betrayed the mounting desperation of central government. The Privy Council was not only attempting to persuade gentry named at the renewal of the peace commissions on 18 September 1634 to take up their appointments, but was also resorting to the drafting of gentry from outwith the ranks of the lesser barons and freeholders and even of bailies from dependent burghs. At the same time, the burden of having to carry out the Court's directives to local government was falling increasingly on the clergy: a development which did little to promote the acceptability of the peace commissions among the landed classes and, indeed, aggravated disaffection within the localities.⁴⁴

That the situation in the shires had continued to deteriorate was affirmed dramatically by the Privy Council on 4 July 1637. Having

reiterated its charges of negligence and derilection of duty against the justices, a considerable number of whom were still refusing to serve on the peace commissions, the Council went on to assert that on account of their general carelessness and lack of diligence, 'that service quhilk is so important for his Majesties honnour and for the peace of the countrie, is in effect cassin louse'. Thus, only nineteen days before the whole structure of Scottish government was to be put to the test and found wanting in the wake of the riotous reception accorded to the Service Book in St Giles Cathedral, the Privy Council, whose effectiveness depended upon local co-operation, was all but admitting its incapacity to continue governing on behalf of absentee monarchy. Moreover, the remedial efforts of the Council to ensure the comprehensive working of the peace commissions were counter-productive, being mainly directed against the gentry, the class whose specific support Charles had cultivated in order to implement his Revocation Scheme. The threat that all refusing to serve on peace commissions would be denounced as rebels lacked conviction and muscle since the disciplinary expedient of putting to the horn was long devalued by overuse. The accompanying threat that negligent justices would be declared 'unworthie of anie suche imployment and charge heerafter' was tantamount to an invitation to remain negligent and thereby avoid further public service at the behest of the Court.⁴⁵

Thus, in Scotland as in England, a decade of unremitting centralising pressures from the Court occasioned widespread disaffection within the localities and brought about the collapse of the royal agencies of local government.⁴⁶ The peace commissions, whose renewal in 1634 culminated the process of re-orientation begun in 1628 by the reinvigoration of the circuit courts and the deployment of sub-commissions in the presbyteries, were neither equipped to deal with nor inclined to accept the burden of responsibilities foisted upon them by central government. Undoubtedly, the peace commissions in Scotland were relatively more underdeveloped agencies of local government and less integral to the whole process of government than their counterparts in England. At first sight, therefore, the breakdown of

the peace commissions was less critical in Scotland than in England. Nevertheless, the reluctance of the gentry to serve on the peace commissions was as pronounced in Scotland as in England. Furthermore, the point of breakdown between the Court and the localities was attained three years earlier in Scotland. Indeed, the grievances of the English shires only achieved a national forum in 1640 because Charles was obliged to summon successive parliaments in an attempt to contain and suppress rebellion in Scotland. It should also be borne in mind, that the concept of peace commissions - as against the manner of their renewal - was not inherently objectionable to the political nation and never entirely lapsed on the demise of the personal rule.⁴⁷ From 1640, the Covenanters were to revive and sustain the peace commissions, shorn of their clerical component, their composition strictly under the control of the gentry estate, and their administrative and judicial remit responsive to the interests of landed society in particular as to the Movement in general.⁴⁸

In essence, the failure of the peace commissions to become fully operational three years after their renewal must be placed within the context of a nationwide rejection of Charles' authoritarian design to re-orientate local government in Scotland. The actual breakdown of the peace commissions by the summer of 1637 ~~climaxed~~^{compounded.} a reaction against the style of absentee monarchy as against the pace at which innovations were introduced: a reaction, already evident in the local inertia and resistance provoked by the Revocation Scheme, particularly on the deployment of sub-commissions in the presbyteries, and consolidated by the reinvigoration of the justice-ayres and the implementation of Thornton's commission.

Moreover, although the termination of Charles' personal rule in Scotland was not triggered off directly by the reaction within the localities against the peace commissions, Charles' efforts to re-orientate local government helped promote a climate of dissent nationwide in which the revolt against absentee monarchy could flourish. Indeed, the reaction against the peace commissions entailed

the rejection of the Court's directives on Scottish affairs, not just the rejection of the style and pace of the re-orientation of local government. For the renewal of the peace commissions in association with the Laudian policy of "thorough" had endangered national diversity. The imposition of uniformity evoked fears of provincialism. In much the same way, the Crown's ecclesiastical innovations and to a lesser extent, its fiscal policies, by proving a threat to the disparate national agencies of government in Scotland brought about a decisive and crucial shift in the constitutional equilibrium in both Kirk and State. Thus, the breakdown of the peace commissions during 1637 signposted the political nation's shift away from acquiescence in the directives of the Court towards the Scottish revolt against absentee monarchy.

Notes

1. A Source Book of Scottish History, III, 278-87; Ashton, The English Civil War, 44-45.
2. Stirling's Register of Royal Letters, I, 284-88; RPCS, second series, II, 345-47, 420-22, 434-39.
3. Stirling's Register of Royal Letters, I, 295-96. In the event, Menteith had to furnish the robes out of his own pocket at a cost of £60,000 (Ibid, 398).
4. RPCS, second series, II, 434-36; III, 225-27.
5. SR0, Cunninghame-Graham MSS, GD 22/3/787.
6. The Red Book of Menteith, II, 8-9; Stirling's Register of Royal Letters, I, 314.
7. RPCS, second series, II, 436-39; SR0, Cunninghame-Graham MSS, GD 22/3/787; Stirling's Register of Royal Letters, I, 382; The Red Book of Menteith, II, 20-21.
8. RPCS, second series, III, xx, 358; APS, V, 219-20.
9. RPCS, second series, II, xxvii, 122-23, 137-38, 182-83; RRCB, Extracts, (1615-76), 235; Stirling's Register of Royal Letters, I, 250.
10. SR0, Cunninghame-Graham MSS, GD 22/3/579; RPCS, second series, III, 257-59, 314-16.
11. Stirling's Register of Royal Letters, I, 216, 318, 340, 377, 396. Indeed, seven months before Thornton's commission was ratified, Charles had, on 29 April 1628, turned down a request from Treasurer Mar for an administrative patent to prosecute privately the concealers of lent money (Ibid, 272).
12. Ashton, The English Civil War, 45-49.
13. RPCS, second series, I, 193-94, 195, note 1, 242, 252-53, 264-65, 360, 365; M. Lee jnr., 'Charles I and the end of Conciliar Government in Scotland', Albion, XII, 232.
14. Stirling's Register of Royal Letters, I, 150, 154-55; Scotstarvit's The Staggering State of Scottish Statesmen, 77. Apparently, the only property of significance which Aitcheson of Glencairny acquired in Scotland was a large and elegant town-house in the Cannongate, Edinburgh.
15. RPCS, second series, II, 107-08; Stirling's Register of Royal

Letters, I, 324-34, 342-43, 350. The wideranging scope of Charles' required reappraisal can be illustrated from two administrative patents granted to supplement Glencairny's scrutineering but seemingly never effected. A five year commission to prosecute concealers and withholders of taxes levied prior to 1617 was granted to William Keith, sixth earl Marischal, who was to retain half the fines arising from successful prosecutions. However, the earl Marischal's monumental indolence was glaringly evident throughout 1627 when, as the commander of the Scottish navy, he was unable to ensure that its three warships ever put to sea. The other commission was granted to Sir Thomas Dischington - a courtier and sometimes spy for Charles I on the continent - to recover traditional rents and revenues of the Kirk unpaid since 1567 but now annexed to or claimed by the Crown. Dischington was to retain two-thirds of the money recovered and his commission was to run for an unspecified period. Unfortunately, he was to spend most of the next three years imprisoned in France (Ibid, 132, 161-62, 391; II, 442; Balfour, Historical Works, II, 139-41).

16. SR0, Cunninghame-Graham MSS, GD 22/3/777; Stirling's Register of Royal Letters, I, 318, 350-51.
17. SR0, Treasury Accounts, 1624-25, E 19/22; Purves, Revenue of the Scottish Crown in 1681, xlv-xlv.
18. SR0, Cunninghame-Grahame MSS, GD 22/3/582; Napier, Montrose and the Covenanters, I, 26-32.
19. APS, V, 219.
20. HMC, Mar & Kellie, I, 179-81; Stirling's Register of Royal Letters, II, 627, 632-33, 640-41, 651; RPCS, second series, V, (1633-35), xlv-xlvi, 8, 21-22, 30-31, 37-39, 58.
21. Hill, The Century of Revolution, 51; Stone, The Causes of the English Revolution, 122.
22. M. MacCurtain, Tudor and Stuart Ireland, (The Gill History of Ireland, Dublin, 1972), 134; E.W. Ives, 'Social Change and the Law' in The English Revolution, 1600-1660, E.W. Ives, ed., (London, 1968), 120.

23. SRO, Cunninghame-Graham MSS, GD 22/3/582; Stirling's Register of Royal Letters, I, 321; HMC, Mar & Kellie, I, 169.
24. Stirling's Register of Royal Letters, II, 458; APS, V, 43, c.27, 217; RPCS, second series, IV, 12.
25. SRO, Accounts of Compositions for Concealled Rents - taxation ordinary and extraordinary, 1621 and 1625, E 65/12; Stirling's Register of Royal Letters, II, 444-45, 484-85. The select committee was not only given overall responsibility for the exaction of compositions, but was also charged to ensure that all taxation already collected was accounted in the Exchequer and to take command of the six gentlemen appointed on 7 August 1628, as his majesty's guard for the apprehension of persons denounced as tax evaders (RPCS, second series, II, 426-27; III, 122-23, 269).
26. SRO, Cunninghame-Graham MSS, GD 22/3/785; APS, V, 51-52, c.39; A Source Book of Scottish History, III, 286. No more success attended Charles' associated endeavour to overhaul the laws and customary practices of the country. His appointment of successive commissions for surveying the written and unwritten sources of Scots law - in 1628, 1630 and 1633 - were largely inoperative, being deemed a further administrative burden by leading officials and councillors who failed to instigate the nationwide investigation required to accomplish this project (RPCS, second series, II, 365-67, 491; IV, xiv, 137-39; APS, V, 46-47, c.32; The Red Book of Menteith, II, 3, 47-48).
27. In addition to the maintenance of the peace and sending a catalogue of persons committed or put under surety to the Privy Council at the end of each quarter session, the judicial remit of the peace commissions, as specified in 1617, incorporated the execution of the game laws; the penalising of hostellers receiving masterless men, rebels and vagabonds; and the apprehension of persons contemptuously disobeying the censures of the Kirk. The administrative duties of the justices were expounded comprehensively as:- enforcing the acts against vagrancy; responsibility for highways and bridges; informing the Privy Council of sharp practices by forestallers and

regraters; informing against breaches of maltsters' privileges; making regulations in time of plague; fixing rates of hire and wages for labourers, workmen and servants; responsibility for jails and prisons; rating parishes for the support of poor prisoners between their apprehension and trial; pricing craftsmen's work, setting expenses for penny bridals and shearers' fees; ensuring adequate supplies of beer in every shire as well as passing enactments against drunkenness; responsibility for weights and measures; ensuring execution of letters of horning and poinding for non-payment of fines and penalties imposed by the Court of Session; supervising the constables - at least two in every rural parish (APS, V, 535-40, c.80).

28. RPCS, second series, I, 93, 160-62, 172, 178, 658-60; APS, V, 178-79, 184, 187.
29. RPCS, second series, I, lxxxiv-lxxxviii, 270-72, 276-80; RCRB, Extracts, (1615-76), 195, 213-14, 225; L.M. Hill, 'County Government in Caroline England, 1625-1640' in The Origins of the English Civil War, C. Russell, ed., (London & Basingstoke, 1975), 67-70, 78-79. According to the corn laws imposed in 1626, wheat could be exported until the price per boll reached fourteen merks, bear until the price per boll reached eleven merks, meal and oats until the price reached eight merks. Free importation of victual was to be permitted without payment of custom on condition the importing merchants did not sell until prices reached the levels prescribed for barring exports - ie fourteen merks per boll in the case of wheat etc.
30. RPCS, second series, I, 478, 507, 518, 524-25, 529-30, 537, 547-48, 670-75, 677-78, 683-85; II, 73, 90-91, 363, 553-56, 615-16; III, 10-11, 53, 520-21, 578-79. Justices in only two shires - Selkirk and Linlithgow - provided reports on the three occasions asked in 1626 and 1627.
31. NLS, Morton Cartulary & Papers, Letters of Noblemen, II, MS.80, ff.65; The Red Book of Carlaverock, II, 93-94; RPCS, second series, II, 88-89, 313-14, 557, 616.
32. RPCS, second series, II, 472-73; III, 223-24; Stirling's Register

- of Royal Letters, I, 361; APS, V, 219-20; SR0,
Cunninghame-Graham MSS, GD 22/1/518.
33. APS, V, 142, c.25. The enactment of 1617 was itself a ratification of James VI's 'Instructionis to the commissioneris appoyntit for keiping and preserving of his Majesteis peace', issued in 1610 (RPCS, second series, VIII, (1544-1660), 303-05).
 34. RPCS, second series, V, 173, 378; VI, (1635-37), 222-23; Stirling's Register of Royal Letters, II, 686-87; The Minutes of the Justices of the Peace for Lanarkshire, 1707-1723, C.A. Malcolm, ed., (Scottish History Society, Edinburgh, 1931), xix-xx.
 35. RPCS, second series, V, 228; Ashton, The English Civil War, 49-54.
 36. RPCS, second series, V, 378-79; Hill, 'County Government in Caroline England, 1625-1640', 66-90; J.G. Barnes, Somerset, 1625-1640, (Cambridge, Mass., 1961), 305-08; Stone, The Causes of the English Revolution, 124-25.
 37. Stirling's Register of Royal Letters, II, 761; Trevor-Roper, Archbishop Laud, 231-32.
 38. RPCS, second series, V, 389-91; SR0, Hamilton Papers, TD 75/100/26/965. As a fiscal agent, the sheriff was directly responsible for 'the constant rent' of each shire: that is, the blenche duties of all temporal lands as specified in the sheriff's roll; castleward, the ancient duty imposed on ward lands for the maintenance of royal castles; and 'the book', in effect a composition for the sums paid yearly in fines to the sheriff court. All three items were insubstantial. The total amount of revenue for which the sheriff had to account in the Exchequer was never more than a fraction - usually between a twentieth and a quarter - of the rents due from Crown property specified in the sheriff's roll (NLS, Sea Laws etc, Adv. MS.6.2.2, ff.410, 426). During the reign of Charles I, the sheriffs were also held responsible for updating the tax rolls of the shires and were held accountable for the submissions, by the sheriff-clerks, of the inventories of lent money necessary for

taxing annualrents - but not for the actual collection of taxation (cf.SR0, Rests of the Ordinary and Extraordinary Taxation, 1625 & 1630, E 65/15).

39. RPCS, second series, V, 378-89.
40. SR0, Notes from the Teind Commissioners Sederunt Book, 1633-50, TE 1/4; Sub-Commissioners Reports, TE 2; Connell, Treatise on Tithes, III, appendix, 101-02.
41. RPCS, second series, V, 409, 424-30.
42. Ibid, VI, 21, 36, 56-57, 78, 175-76.
43. APS, IV, 538, c.8.
44. RPCS, second series, VI, 378, 426, 449, 453, 481; The Minutes of the Justices of the Peace for Lanarkshire, 1707-1727, xx-xxi.
45. RPCS, second series, VI, 472.
46. Hill, 'County Government in Caroline England, 1625-1640', 90.
47. RPCS, second series, VII, (1638-43), 35; Lennoxlove, Hamilton Papers, C.1/1071.
48. APS, V, 277, c.19, 594; VI (i), 812, c.456; VI (ii), 268, c.215, 449, c.159.

The Revocation Scheme was the bedrock of Charles I's designs to effect a fundamental restructuring of Scottish society and government. But, instead of engineering social revolution and re-orientating government, the introduction and implementation of the Revocation Scheme permeated a climate of dissent throughout the political nation and subjected central and local government to continuous disruption. Because of the spread of class collusion within the localities and the growing cohesion of the disaffected element within the country at large, the will of central government to uphold monarchical authority was eroded progressively. Without the Revocation Scheme the Covenanting Movement would not have taken root nor flourished sufficiently to end the personal rule of Charles I. Yet, since the impact of the Scheme was diffuse and its ramifications predominantly ^{particularist} ~~sectarian~~, the Revocation did not trigger off a concerted movement for counter-revolution intent on securing a fundamental shift in the constitutional equilibrium of both Kirk and State.

Paradoxically, Charles the frustrated revolutionary can still be deemed the major-protagonist of counter-revolution as well as the leading architect of his own downfall. For, the unstinting reliance on his prerogative which characterised the Revocation Scheme was no less pronounced in his determined, but insensitive, pursuit of economic and religious uniformity throughout the British Isles. Ever since the Union of the Crown, any threat - real or imagined - to nationally disparate agencies of government had served to inflame the emotive issue of Scottish nationalism. In an effort to accommodate such sentiment Charles, from the outset of his reign, affirmed repeatedly his concern for the welfare 'of our antient and native kingdome': an affirmation which served only to widen the credibility gap between the Court and the political nation when the professed aims of royal policy were set against their practical implications.¹ More especially, throughout the 1630s Charles' fiscal policies no less than his ecclesiastical innovations posed a consistent threat to national diversity within his British dominions and, in particular, threatened Scotland with permanent provincial relegation - as an economic and

religious as well as a political satellite of England. This threat to national identity in the two main spheres where Scotland still enjoyed international recognition as a separate entity within the British Isles was instrumental in bringing about the critical shift in the constitutional equilibrium which had prevailed - albeit with diminishing credibility - since 1603. The growing desire within Scotland to limit the powers of absentee monarchy in the national interest occasioned the emergence of the Covenanting Movement by 1638.

The pursuit of economic as well as religious uniformity can be associated most readily with Archbishop Laud's dogmatic advocacy of "thorough". But the actual process of eradicating Scottish particularism was initiated by Charles I, himself. On 30 July 1630, Secretary Alexander read out a missive to the Convention of Estates - a missive which was delivered originally to the Privy Council, but redirected to secure wider publicity and a broader basis of consent - intimating that negotiations were to commence within Scotland as within England and Ireland 'to sett up a commoun fishing'. Because of 'the great abundance of fische upon all the coasts of thes yllands', Charles was adamant that the fishing rights, 'whiche properlie belong to our imperiall crowne and ar usurped by strangers', should be exploited 'by common council and endeavour' for the benefit of all subjects within the British Isles.²

Charles' determination to establish a common fishing was based on mercantilist aspirations, to emulate and, above all, to replace the Dutch - the usurping strangers - who had come to dominate deep sea fishing in the North Sea following the migration of the herring shoals from the Baltic at the end of the sixteenth century. Integral to the maintenance of Dutch supremacy was an accommodation authorised by James VI in 1594 which was subsequently used, following the Union of the Crowns, to review and realign licensing arrangements (in 1609 and 1618) for Dutch fishing in English waters. The Dutch were granted access to Scottish waters provided their fishing busses did not intrude within a kenning (the equivalent of twenty-eight land

miles) from mainland shores. Accordingly, the Dutch herring fleet assembled annually in Bressay Sound at the end of May. Fishing commenced in the Shetlands the following month and was pursued methodically and intensively along the firths of the east coast until September, whereupon the fleet entered English waters, fishing until the end of November from Bamburgh in Northumberland to Yarmouth in Norfolk.³ The Dutch came to regard the herring fishing in the North Sea as a major contributor to their national prosperity, meriting protection by as many as forty war-ships. By 1618, up to three thousand busses, ranging from seventy to one hundred and twenty tonnes and employing around fifty thousand men, were reputed to be fishing off the coasts of Scotland and England. The highly capitalised and technically advanced Dutch fleet was held up as a model of national enterprise by continental commentators, strategically as well as commercially, in serving as a nursery for sailors, a proving ground for navigators and a stimulus to shipbuilding. More pertinently, in an age when mercantilism served as a guise for economic nationalism, the deep sea supremacy of the Dutch coupled to their cavalier attitude towards the observance of territorial limits was a constant source of friction within the British Isles, particularly among the English whose rivalry with the Dutch extended from herring fishing in the North Sea to whaling in the Arctic. The Crown had been counselled repeatedly, but without any tangible success prior to 1630, to license a company of adventurers with sufficient powers to establish a cohesive organisation and attract extensive funding in order to mount a purposeful English challenge to the Dutch supremacy.⁴

Lacking the capital or the technical expertise to compete realistically against the Dutch herring busses, Scottish aspirations tended to be concentrated on the exploitation of inshore fishing and the development of the fishing resources around the western isles, notably the herring and white fish in the sea lochs of Lewis. In effect, by reserving the inshore fishing not only on the east coast but also on the west, from Burrow Head in the Solway Firth to the Butt of Lewis, the accommodation of 1594 placed Scottish fishing on a

complementary footing to Dutch deep sea ventures. Indeed, the Scottish fishing community, located mainly in the royal burghs of the north-east, Fife and the west, was only just beginning to exploit the hitherto untapped fishing resources of the western isles and the Minches when Dutch busses first began to appear regularly off Lewis.

Sustained Dutch interest in the fishing reserves around Lewis had actuated the formation of a company of Lowland adventurers - mainly lairds and burgesses from Fife - who were licensed by James VI in 1598 to colonise the island of Lewis and develop the town of Stornoway as a base for deep sea as well as inshore fishing. Over the next decade, the Fife Adventurers, with sporadic military assistance from the Crown, made stalwart but ill-fated efforts to establish themselves as colonists. The persistent hostility of chiefs fearing similar ventures elsewhere in the Hebrides and, above all, internecine feuding with the indigenous Clan MacLeod fomented and covertly sustained by Kenneth MacKenzie, Lord Kintail, forced the Fife Adventurers to abandon Lewis by 1610. Having bought out the colonists' interests in the island, Kintail secured royal approval for the expropriation and forcible eviction of the MacLeods from Lewis - a task which took over five years to accomplish. The dispiriting experiences of the Fife Adventurers notwithstanding, the prospect of developing deep sea as well as sea loch fishing from Lewis was never relinquished totally in Scotland nor forgotten entirely at Court. The resurrection of a Scottish Fisheries Company was even being mooted in the last years of James VI's reign.⁵

Rather than risk capital in companies of adventurers, the royal burghs accorded priority to the conservation of their exclusive fishing privileges, remaining ever alert to encroachments by strangers - English as well as Dutch - within the prescribed kenning from mainland shores. At the same time, the royal burghs attempted to improve the marketing of fish on the continent by imposing, through their Convention, strict quality controls on the barrelling, salting and curing of herring and white fish. Moreover, the Convention was

never averse to affirming the importance of fishing to the national economy. For, fish were not only a staple constituent of the Scottish diet, but a staple commodity to the fore among Scottish exports. Reputedly, no less than eight hundred and as many as fifteen hundred boats, ranging from four to six tonnes and employing around six thousand men, were engaged commercially in inshore fishing during the 1620s, predominantly on the west coast.⁶

Following the sighting of Dutch busses off the coast of Lewis and rumours that the Dutch were about to establish a fishing base in Stornoway, the Convention assumed a posture of defence, affirming on behalf of the royal burghs on 13 June 1628, that the fishing resources around the island were 'the cheiffest commoditie that this countrey does affoorde and the grittest benefeit that God and nature hes vouchased upone this realme'. The occasional presence of herring busses off Lewis, however lucrative their catch, was not the main issue of contention for the royal burghs. Far more threatening was the prospect of the Dutch gaining a permanent foothold on the island because of the designs of Colin MacKenzie - son and heir of Lord Kintail and from 1623 first earl of Seaforth - to upgrade Stornoway from its current status as a burgh of barony in order to promote its development as the prime fishing port on the west coast. As acquisitive and astute as his father, Seaforth had been soliciting the Crown to confer on Stornoway the trading privileges of a royal burgh but reserve his right to regulate settlement and grant lands in feu to the burgesses. Thus, the Dutch invited to settle in Stornoway would be licensed to exploit the fishing reserves around the western isles while paying rents and landing dues to Seaforth. For the Convention, Dutch settling in Stornoway either as freemen or as members of a free corporation, which would involve lifting the ban on foreign immigrants participating in Scottish overseas trade, was not just a detrimental breach in the privileges of the native fishing community but a matter of general national concern. Superior Dutch capital and expertise would be deployed to engross the inshore as well as the deep sea fishing around the Scottish coasts, curtailing severely the export

of fish to continental markets and causing drastic social dislocation, with thousands of fishermen being made redundant or obliged to seek employment with the Dutch. Moreover, given the superior commercial acumen of the Dutch, a colony in Stornoway was but the thin end of a wedge which would, in effect, entrench Scotland as a Dutch economic satellite. The commercial activities of the Dutch in Stornoway would spread from fishing to beef, hides and tallow as to plaiding, wool and yarn, with the result that trade in these commodities would be diverted from the Lowlands to the Low Countries by-passing the royal burghs. In the process, Dutch recourse to their own shipping would inflict terminal damage on the native carrying trade.⁷

Significantly, by the outset of August 1628 the royal burghs were prepared to canvass the rest of the political nation - should the king summon a parliament or convention of estates - in support of their claim that the current threat to the the Scottish fishing community was of national not just sectarian concern. More immediately, the royal burghs remonstrated successfully to the Exchequer that Seaforth's patent from the king upgrading the burghal status of Stornoway should be delayed pending further investigation into the 'diverse great inconveniences and dangers' likely to ensue from 'the settling of strangers in theis partes'. On 18 August, Charles reaffirmed his intention to create a royal burgh on the isle of Lewis. At the same time, he agreed that Stornoway's patent should be reviewed not ratified, a decision which provoked vociferous and sustained lobbying of the Scottish administration. By 17 March 1629, the Privy Council had been won over by the alarmist propaganda of the royal burghs. Seaforth was censured for having allowed Dutchmen to settle on Lewis since the outset of 1628. He was also admonished that the Dutch were to cease processing fish on the island while his patent from the king awaited ratification. However, no order was given to evict the Dutch. Much to their chagrin, the royal burghs learned at their Convention on 10 July, that Dutchmen were still settling on Lewis. More heinously, the Dutch were not restricting their commercial activities to fishing but were handling all other marketable commodities to the detriment of

the provisioning trade between the western isles and the rest of the country. Prompt remedial action was now demanded from the Crown on the diplomatic as well as the domestic front. Overtures were to be made to the Estates-General of the United Provinces that the Dutch colony on Lewis was an unwarranted extension of the accommodation of 1594. On 16 July, Mr John Hay, town-clerk of Edinburgh, who had hitherto directed the royal burghs' lobbying of the Scottish administration, was appointed and despatched as burgh commissioner to the Court. His new remit as a lobbyist was to effect the eviction of the Dutch from Lewis, to have Seaforth's patent recalled and to oppose any further design to erect Stornoway into a royal burgh.⁸

That same day, however, Charles instructed the Exchequer to ratify his bestowal of the trading privileges of a royal burgh on Stornoway. Despite Charles' hope that the royal burghs would now co-operate with Seaforth in developing Stornoway as the commercial centre for the western isles and accept the Dutch and other strangers invited to settle there as naturalised Scots, the royal burghs continued to remonstrate vociferously. Indeed, the ratification of Seaforth's patent was to be delayed while the Privy Council made a last effort to resolve the differences between the earl and the royal burghs. On 26 January 1630, the royal burghs attested that Seaforth had 'brought in great numbers of strangers in the Ile of the Lewes'. The earl countered that no more than twelve Dutchmen were settled in Stornoway. The Council responded by placing a ban on further immigration pending the outcome of arbitration. But the Council was forced to admit on 19 March that no meaningful progress had been made in effecting a resolution although the ubiquitous Mr John Hay had offered, on behalf of the royal burghs, 'to plant and people the toun of Stornoway with natives onelie and to follow out the trade of fisheing' around the western isles. The matter was referred despairingly to the Court for arbitration, Charles being advised to give greater weighting to the interests of the Crown and 'the whole subjects of this your native kingdome' than to the private ends of either party.⁹

Over the next four months, Charles appeared to switch his favour from Seaforth to the royal burghs. For on 9 July, a letter Hay despatched from the Court informed the royal burghs that Seaforth's patent had been cancelled and that the development of Stornoway was now likely to be 'devolved in thair handis'. Accordingly, each royal burgh was invited to detail the extent of its willingness to participate in and finance this venture by 23 July, when their Convention was due to meet to formulate their common standpoint on all matters affecting the burgess estate liable to be raised at the Convention of Estates five days later. In the meantime, Hay was encouraged to continue his negotiations at Court with the keepers of the signet that, in return for an unspecified gratuity, advance warning could be given of impending grants affecting the burgess estate. Thus, the royal burghs could mobilise support in the forthcoming Convention of Estates to block innovatory ventures detrimental to their commercial privileges.¹⁰

As Charles had been exhorting the Exchequer for over a year to encourage and expedite speculative projects which would enhance the income the Crown derived from royalties, the royal burghs were expecting to block innovatory ventures promoted by private entrepreneurs - like Seaforth - not by the king himself.¹¹ Hence, the detailed instructions for a common fishing submitted by Charles to the Convention of Estates - specifying the corporate structure, commercial privileges and financial prospects of his proposed association of adventurers - caught the burgess estate and, indeed, the whole political nation unawares.

The common fishing was deliberately not promoted as a unitary joint-stock company, but as a confederation of provincial fishing associations based on the chief towns, cities and burghs in the British Isles. Each provincial association was expected to attract its own investment from local adventurers. A select group of prominent adventurers, 'sindrie chosin men of qualitie', from Scotland, England and Ireland, were to form a common council charged to draw up the

regulations governing the conduct of the provincial associations and, subsequently, to resolve any differences arising between them. This corporate structure was already reputed to be well established in Spain, France and the Low Countries, the most notable model being the College of Herring Fishing which met once a year (at Delft) to regulate the operations of the Dutch fishing fleet.

Since the provincial associations were to have free access at all times to the coastal waters around the British Isles, the adventurers were all to be subjects of the king, either as natives of Scotland, England or Ireland or as naturalised immigrants. In the North Sea, the herring fishing was to commence in the Orkneys in June and continue along the Scottish and English coasts until late January. Herring and white fish were to be pursued continuously throughout the year around Ireland and the Hebrides. Since Lewis was regarded as 'the most proper seat for a continuall fishing along the western coasts', the island was to be annexed to the Crown, Seaforth compensated and at least one royal burgh erected.

Because of the massive capital outlay required to finance the deep sea fleet of two hundred new busses - ranging from thirty to fifty tonnes, employing around sixteen hundred men and boys - deemed necessary to compete meaningfully with the Dutch, an estimate of charge and profit was published to induce adventurers to invest in the common fishing. The total charge to build, equip and operate one hundred busses was estimated as £72,000 sterling (£864,000). But the gross profit from three fishing seasons was expected to realise £194,000 sterling (£2,328,000) in the first year - £100,000 from herring between June and October, a further £72,000 from herring between October and late January and finally, £22,000 from white fish between March and May. Thus, the clear profit from the first year's fishing, after allowance had been made for such recurrent costs as tackle, barrels, salt, wages and victuals, was anticipated to be £82,707 sterling (£992,484). If all two hundred busses were built, the net profit was expected to double and that £164,414 sterling (£1,984,968) could be

further increased by a third if catches were marketed directly: that is, if efficient methods of packing and preserving fish could be effected at sea, the busses could sell their catches directly in continental markets.¹²

Sanguine optimism at Court about the viability of the common fishing was further bolstered by reports that the Spaniards were 'keenly interested'. Spanish interest was two-fold. On mercantilist grounds, the common fishing afforded 'a true way to keep naval forces vigorous' at private expense without recourse to constitutional assemblies to vote supply. More pragmatically, being directed specifically against the Dutch, the venture would open up another avenue of economic reprisals against Dutch commercial supremacy. Ever since the renewal of hostilities between the United Provinces and Spain in 1621, the Dutch herring fleet had been subjected to sporadic, but devastating, raids from naval forces based in the Spanish Netherlands. Despite the presence of naval escorts, the dispersal of busses when engaged in herring fishing made the Dutch fleet more vulnerable to random raiding than compact trading convoys. Indeed, between sixty and eighty busses were sunk off the Scottish coast in 1625. Over the next decade, Spanish war-ships continued to inflict heavy, if not altogether crushing losses, probably cutting back the Dutch fleet by half.¹³

While international circumstances favoured the launching of the common fishing, the king's missive detailing the venture was not accorded an enthusiastic reception by the Convention of Estates. For the common fishing was conceived at Court, fashioned according to English mercantilist aspirations and intended primarily to open a window of opportunity into Scottish territorial waters at the expense of the native fishing community as much as the Dutch. Indeed, leading English officials, having collated reports - mainly from English shipmasters - on the fishing resources around the Scottish coast, were instrumental in formulating and promoting the association of adventurers whose corporate structure, commercial privileges and

financial prospects had already been 'maturelie considered and approved by the English Privy Council before being despatched north for ratification by the Scottish estates.¹⁴

The Convention of Estates was not content simply to ratify the king's missive, however. In particular, the king's instruction that a commission should be appointed to act for Scotland in concert with a commission he, himself, was to appoint for England and Ireland, in order to resolve divergent interests affected by the common fishing, was not effected immediately. Instead, leading officials and councillors attending the Convention directed the estates towards the appointment of a committee - of fifteen nobles, nineteen lairds, six bishops and fourteen burgesses - to deliberate how the contents of the king's missive could be brought to a 'good conclusion'. After four days preliminary deliberations, a new abbreviated committee - of eight nobles, eleven lairds and seven bishops - was appointed on 4 August 1630, to treat with the Convention of Royal Burghs which was remaining in session in Edinburgh for the duration of the Convention of Estates. After three days intensive discussions with the royal burghs, the abbreviated committee concurred that 'they fand the associatioun with England to be verie inconvenient' to Scottish interests. Glossing over the recent intrusions by the Dutch in the western isles, the abbreviated committee reported that the inshore fishing - within twenty-eight miles of the mainland shores - was the proper, customary and sole preserve of the Scottish fishing community; that no concession should be made which would allow the English to market fish directly through Scottish ports; and that discussions on deep sea bussing should be deferred since the herring fishing season for 1630 was all but spent. The abbreviated committee went on to affirm that the royal burghs were well able to undertake on their own account the development of inshore resources within the twenty-eight mile exclusion zone provided they were given license to 'sett down their Plantatiouns in commodious and opportune places for following out of the fishing'. In essence, the abbreviated committee had accepted, without equivocation, the proposal the royal burghs had forwarded to

Court in March, offering to develop Stornoway as the centre for exploiting the fishing reserves around the western isles.

Having delivered its report to the Convention on the morning of 7 August, the abbreviated committee was directed - largely through the influence exerted by leading officials and councillors who had played no part on the committee or in the preliminary deliberations of its predecessor - to meet once more that afternoon. It was given one hour to establish whether the royal burghs were prepared to 'enter in ane association with the English for undertaking the commoun fishing without exceptioun', or if they would join 'with reservatioun' of the inshore fishing within twenty-eight miles of the mainland shores, or if they would 'absolutelie refuse the associatioun'. The royal burghs chose the second option but added the proviso that they be given exclusive license to develop new centres - such as Stornoway - to exploit to the full the fishing resources within Scottish territorial waters. Rather than commit themselves to bussing, the issue of deep sea fishing was referred back being deemed of concern to 'the whole bodie of the estaits'. The position of the royal burghs having thus been clarified, the Convention of Estates proceeded to appoint seven nobles, nine lairds, two bishops and ten burgesses - in effect, the abbreviated committee of 3 August, supplemented by burgesses from the original deliberating committee of 31 July - to serve as a committee of review to discuss the outcome of the initial round of negotiations at Court when the commissioners appointed to negotiate for Scotland reported back to the Privy Council at the outset of November.

The Council's appointment of a seven-man commission to negotiate for Scotland was not announced until 10 August 1630, three days after the dissolution of the Convention. Its composition, which was loaded in favour of the Court, made few concessions to the Estates. Two leading officials - Menteith, the president and Alexander of Menstrie, the principal secretary - and two courtiers - Hamilton and Roxburghe - were joined by Traquair, Mr James Robertoun, an advocate, and Mr John Hay, the latter three being made respectively responsible

for the interests of the nobles, gentry and burghs. Hamilton had declined to attend the Convention. Neither Robertoun nor Hay was enrolled as a commissioner for the shires or the burghs, although Hay - unlike Traquair and the other negotiators - had at least been invited to participate in the committee stages of the common fishing.¹⁵

The same day the appointment of the commission for Scotland was announced, sustained and vigorous lobbying resumed at Court to influence the negotiating process. The royal burghs were adamant that the continued exploitation and further development of inshore resources should remain the exclusive preserve of the Scottish fishing community. Hence, Mr John Hay, who remained the burghs' lobbyist at Court, was importuned not only to press for the eviction of the Dutch from Lewis and a diplomatic guarantee that the Dutch would respect the exclusion zone when fishing off the Scottish coasts, but also to seek the indefinite postponement of the proposed association of adventurers and an immediate halt to all schemes to plant Englishmen or other strangers within any fishing area of Scotland. Strict demarcation was to be observed between inshore and deep sea fishing, Scots who became involved in the latter process were to land their catches at Scottish ports. Other deep sea fishermen were to be offered no marketing facilities within Scotland and were to be exhorted to follow the practice of the Dutch in processing and packaging their catches on board the busses.

Conversely, the powerful lobby within official circles in England was intent on expediting the common fishing. As the precursor to opening up access to Scottish territorial waters, the king was encouraged to dispense with statutory restrictions, as applicable to Englishmen, which prohibited strangers from fishing within the Scottish exclusion zone or marketing their catches directly through Scottish ports. He was also to purchase the isle of Lewis forthwith. To overcome the reluctance of the native fishing community to engage in deep sea fishing, the Scottish establishment was to be held to account to build, equip and provision forty busses.¹⁶

The initial round of negotiations between the commissioners for Scotland and their counterparts for England and Ireland commenced amicably at the end of September 1630. However, both sides had markedly different objectives albeit they were both sympathetic to the Crown. The commissioners for Scotland were cognizant of the deliberations on the common fishing during the recent Convention of Estates and were not impervious to the propaganda of the royal burghs which persistently identified the preservation of the privileges of the native fishing community with the national interest. Hence, they were resolved to maintain the exclusion zone for inshore fishing, although they were prepared to concede and select suitable landing places as well as sites for magazines and storehouses to facilitate English participation in deep sea bussing off the Scottish coasts.

Their counterparts, however, being exclusively English officials and courtiers, appointed by and answerable only to Charles, were determined to promote the common fishing to sustain the king's claims to sovereignty around as within the British Isles. Hence, the association of adventurers was to have unrestricted and exclusive access to the territorial waters around the British Isles. Given that the viability of the common fishing turned upon access to Scottish waters, they were prepared, if necessary, to rely solely upon the king's prerogative for access to inshore as well as deep sea fishings off the Scottish coasts. Nevertheless, in order to mollify the nationalist interpretation the Scots applied to their negotiating commission, the English commissioners agreed that the adventurers were to observe the separate laws of Scotland as of England and Ireland; accepted that Scottish adventurers naturalised in England should enjoy the same rights as English adventurers who became denizens of Scotland; and affirmed that the king in no way intended 'to take away or derogat from the particular and personall grants and rights of anie of his subjects whois lawes and liberties he purposeth to mainteane'. Nonetheless, the customary privileges of the royal burghs were glossed over, the only concession being that the king would respect their standing rights and not strain his prerogative when creating new burghs

to develop the fishing industry in the western isles. But, above all, the English commissioners remained adamant that the corporate structure and the other specifications for the common fishing enunciated in the king's missive to the Convention of Estates must be honoured and implemented: it being the duty of the Scottish commissioners, no less than themselves, 'not to question, but to advance so important a work'. Accordingly, the Scottish commissioners were entreated to secure 'more ample and full power' from their scheduled meeting with the Privy Council at the outset of November to ensure that the king's will prevailed.¹⁷

Further pressure to expedite negotiations along the lines advocated by the English commissioners was exerted by Charles, himself. Writing on 12 October, in anticipation of the scheduled meeting between the Scots commissioners, the Privy Council and the committee of review appointed by the Estates, Charles attempted to allay nationalist fears that the common fishing would prove detrimental to Scotland. He reassured the native fishing community that the venture was not intended to restrict 'any of your ancient priviledges nor benefits formerlie enjoyed'. He reaffirmed that the venture would prove particularly beneficial to Scottish trade and shipping. Hence, it was imperative that the commissioners for Scotland on their return to Court had 'an absolute power to conclude', adding in a personal postscript that he conceived the common fishing to be 'a work of so great good to both my kingdomes' that the furthering or hindering of the venture 'will ather oblige or disoblige me more then anie one bussines that hes happened in my tyme'. Over the next few weeks, councillors not noted for their diligent attendance were exhorted to turn up at the scheduled discussions between the Scottish commissioners, the Privy Council and the committee of review in order to advance the king's designs for the common fishing.¹⁸

The entreaties of the English commissioners and the exhortations of the king notwithstanding, the meeting between the Scottish commissioners, the Privy Council and the committee of review

scheduled for 3 November was entirely taken up by reports on the initial round of negotiations at Court. Discussions on the conduct and content of future negotiations were deferred until 8 November and then, after a cursory exchange of views, for another three days to permit wider consultations within the political nation and to allow each estate to consider further 'how the generall fishings may be undertakin and ordoured with least harme and greatest benefit' for Scotland. Nevertheless, leading officials and councillors remained adamant that the outcome of these deliberations should be accorded royal approval. Hence, the negotiating commission was recalled and refashioned on 11 November. Its composition was increased from seven to eight with the addition of another leading official - Morton, the treasurer. Traquhair having just been appointed joint treasurer-depute, he was succeeded as representative of the nobility by John Stewart, the recently created earl of Carrick (who was, in turn, to be replaced by Archibald, Lord Lorne, before the next round of negotiations commenced the following spring). The interests of the gentry were entrusted to another advocate, Mr George Fletcher, who replaced Mr James Robertoun. The royal burghs continued to be served by their lobbyist at Court, Mr John Hay. At the same time, the refashioned commission was given absolute power 'to conferre and treate in all and everie thing that may concern the intendit associatioun'.

Nevertheless, the articles giving the refashioned commission absolute power to conclude, which were ratified by the whole Privy Council on 12 November, were only drawn up after extensive deliberations with the committee of review appointed by the Estates. In turn, having canvassed opinion within the political nation, the committee of review was able to exert sufficient political muscle to ensure that national interests were accorded priority over the king's British aspirations. Thus, the refashioned commission was mandated that nothing was to be done or concluded during the next round of negotiations at Court which could be construed as 'prejudiciall or derogatorie to the lawes, liberteis and priviledges of this kingdome and crowne thairrof'. In effect, while appearing to accede to pressure

from the Court for a speedy resolution of negotiations, the Privy Council was persuaded that the refashioned commission should insist upon safeguards for the national interest, particularly for the welfare of the native fishing community. Concessions to the English were to be qualified.

Accordingly, the midline division separating Scottish and English territorial waters around the British Isles was to be maintained. Englishmen were to have no rights to fish within Scottish territorial waters unless members of the association of adventurers. Although they were to be allocated sites for magazines and storehouses, the native fishing community was to retain first claim on the most commodious locations. Indeed, the royal burghs remained adamant that the English should not be allowed to establish plantations in any of the northern or western isles. They were to be permitted to locate magazines and storehouses on the east coast, south of Buchan Ness but outwith Aberdeen, on condition the royal burghs were licensed to develop the fishing centres designated for Lewis. While the twenty-eight mile exclusion zone was still to remain in force for the Dutch and other foreign fishermen, members of the association, whether natives of England and Ireland or naturalised subjects, were to be allowed to fish up to fourteen miles off the Scottish mainland. But again, the royal burghs were resolved that if the English were to be allowed to fish around the western as well as the northern isles, the Scots should be given access to the pilchard fishing between England and Ireland. English members of the association settling in Scotland were debarred from fishing within this redrawn exclusion zone other than to take fresh fish for their own domestic consumption. Likewise, these English settlers were only to buy fish, victuals and other necessities at Scottish markets as would suffice for their own sustenance. Nor were they allowed to import or export commodities - other than fish caught by their own boats. While any member of the association could land and sell fish in all three British dominions, fish landed in Scotland by Englishmen were to be subject to the same ground rents and duties paid by the native fishing community and

subject to the same customs duties if subsequently exported. Scottish members of the association were to enjoy reciprocal facilities in England and Ireland, but no privilege granted to the association was to prejudice the liberty currently enjoyed by the native fishing community to sell fish throughout the British Isles. Furthermore, the proportional commitment of the Scots to the proposed association was not to be defined or limited to allow for future expansion, 'according as our abilities sall fra tyme to tyme increase'. To preserve and guarantee separate national interests, common councils were to be established in both kingdoms as governing bodies for the provincial associations. However, it was conceded that differences between provincial associations arising from the common fishing off the Scottish coasts could be settled by either council without recourse to appeal.¹⁹

Finally, the Privy Council was moved to issue a vigorous assertion of separate national identity, delivering a sharp reprimand to the style adopted by Charles I in his directives on the common fishing.²⁰ On their arrival at Court to resume negotiations, the refashioned commission was recommended 'To represent to our soverane lord the prejudice which this kingdome susteanes by suppressing the name of Scotland in all the infeftments, patents, writts and records thair of passing under his Majesteis name and confounding the same under the name of great Britane altho there be no unioun as yitt with England'.

Such uncharacteristic assertiveness on the part of the Privy Council can be attributed to resentment simmering since the Union of the Crowns about the subordination of Scottish to English interests at Court and, more immediately, to the widespread fears within the political nation that the common fishing was but the thin edge of a wedge designed to accomplish the relegation of Scotland to the provincial status of Ireland. Indeed, Irish interests were not represented directly at the negotiations, but were encompassed within the remit of the king's English officials who exhibited little concern

for their advancement. The opening up of the fishing around the Irish coasts served merely as a bargaining counter to secure access to Scottish territorial waters for the association of adventurers. Moreover, Ireland supplied a precedent which afforded cold comfort for Scots expecting to enjoy reciprocal facilities in a common venture with the English. Despite repeated petitioning to secure the same entitlement to their estates as English settlers, the Scottish planters in Ulster - even those born after 1603 - were not accorded automatic recognition as naturalised Irishmen. Instead, they had (until 1634) to apply for expensive certificates of denization from the Crown.²¹

A further precedent militating against the common fishing operating amicably as a British venture was the Crown's indifference to the hostility English vested interests had exhibited towards Scottish participation in whaling ventures in the waters of the Arctic and North Atlantic. In July 1626, Mr Nathaniel Udward, a leading Scottish entrepreneur and monopolist, had received a patent allowing himself and his partners to fish and trade within the seas and territories of Greenland for the space of twenty-one years, mainly to procure oils for his soap-works at Leith. However, the rival Greenland Company of London had refused to recognise the validity of his Scottish patent and over the next three years subjected his ships to continuous harassment which culminated in the seizure of two whalers, the plundering of their stores and the incarceration of their crews. In November 1629, the Privy Council had endorsed Udward's claim for £4,000 sterling (£48,000) compensation on the grounds that the commercial interests of the kingdom were at stake, specifically the liberty of Scots to engage peaceably in trade, 'that priviledge which other nationns doe promiscuously injoy without controlment'. Despite a suggestion that a select number of councillors drawn equally from both kingdoms should be invited to arbitrate, no remedial action was implemented at Court.²²

Hence, the Scottish Privy Council was prepared to use the resumption of negotiations on the common fishing to establish a constitutional mechanism to ensure that Scottish interests were not

overlooked at Court. The refashioned commission was to press for the inclusion of at least two Scots, leading officials or courtiers, in all discussions between Charles I and his English councillors concerning Scottish affairs - not simply as a matter of protocol but as an integral aspect in the formulation of policy. At the same time, to focus attention on Scotland's international aspirations as a separate state, an accompanying instruction was given to the refashioned commission to remind Charles of the pressing need for diplomatic overtures to the French Crown to restore and reinvigorate the traditional privileges enjoyed by the Scottish mercantile community in France. Although the Union of the Crowns had merely compounded not initiated the gradual erosion of the special relationship between Scotland and France, the military hostilities and mercantilist reprisals against the French featured in the king's policy of direct intervention in the Thirty Years War had all but effaced the commercial aspects of the "auld alliance". Nevertheless, the embargo placed in February 1628 on the importation of all French goods - to supplement that of December 1626 on the importation of French wines - had caused such resentment in Scotland that the Privy Council, following rumours that English merchants were importing French wines with impunity, began unilaterally to grant dispensations to Scottish importers from February 1629. Another ten months were to elapse before Charles countenanced formally the resumption of normal trading relations between Scotland and France. There was no prompt return to normality, however. Scottish trade with France continued to suffer. In part this was self-inflicted, because of the unreliability of the existing Scottish factors who, much to the chagrin of the royal burghs, were more concerned with their own personal profit and advancement in French society than enhancing the prosperity of their own mercantile community. More pertinently, the king, despite his reputed concern for maritime defences, had taken no effective action to check the discouraging losses inflicted on Scottish shipping by the piratical activities of the notorious Dunkirkers - hardly an auspicious prospect for Scottish participation in the common fishing.²³

But, above all, in adopting an assertive posture towards the Court, the Privy Council was responding to the growing cohesion of the disaffected element manifested in the Convention of 1630 and reflected in the composition of the committee appointed by the Estates to review the initial round of negotiations on the common fishing. Despite the inclusion of bishops and of lairds well disposed to the Court - such as Thornton, the fiscal entrepreneur, and Lockhart of Lee, a prominent militant among the gentry supporting the Revocation Scheme - the absence of leading officials and councillors had allowed the commission to come under the sway of the nobles, most of whom had been associated with dissent since the parliament of 1621. Indeed, of the seven nobles on the committee, all but Carrick had declined to ratify the Five Articles of Perth and at least three - Rothes, Loudon^u and Balmerino - had been influential in the Convention of 1625 in moving the Estates to defer, amend and occasionally obstruct the king's ill-conceived proposals for administrative, financial and judicial reform. Since 1626, Rothes and Loudon^u had been in the van of the nobility opposed to the Revocation Scheme. During the Convention of 1630, Loudon^u voiced the protests of the nobility against any official moves to expedite the redistribution of teinds prior to the completion of valuations and the full payment of compensation as specified in the legal decret of 1629. Balmerino, acting as spokesman for the lay patrons and titulars, criticised the bishops for exacting an oath of conformity from all entrants to the ministry since the summer of 1626, claiming that the exaction was not only an infringement of their right to present any qualified entrant to parishes under their patronage but also 'the transgres of ane standing law'. For the only oath on entrants warranted by parliament, that of 1612, pre-dated the acceptance of the Five Articles of Perth by six years. Moreover, the Five Articles, following their controversial ratification in 1621, were deemed 'things indifferent' not just by the presbyterian faction among the clergy, but by many nobles, gentry and burgesses for whom conformity was a matter of conscience not doctrinal necessity.²⁴

Although the issues of teind redistribution and episcopal

enforcement of conformity were undoubtedly contentious and 'lang debaitit', neither was allowed to provoke constitutional confrontation with the Crown. Indeed, adroit political management, principally by Menteith with the support of other leading officials, minimised the opportunities for the disaffected element to make common cause during the Convention of 1630. Thus, a composite motion designed to appease both titulars and heritors obviated prolonged rancour over teind redistribution and ensured the ratification of the legal decree. The disputed validity of the oath of conformity was referred to the Privy Council for further consideration and thereby effectively shelved. While the gentry were allowed to present their itemised programme of reforms for the improved conduct of government in Scotland, the inclusion of 'some greivances against ye Bischops', on behalf of the presbyterian faction within the Kirk, was ruled out of order. In the event, the main stimulus to solidarity among the disaffected element was provided by the royal burghs through their appeal to the national interest to justify their sectarian opposition to the king's economic policies. Hence, their claim that monopolies and patents were an unsupportable burden on the nation and should be recalled elicited concerted support among the Estates, particularly when their attack was directed against the patent for tanning leather granted to John, Lord Erskine, eldest son of the earl of Mar, the recently retired treasurer. In contrast, their protests that ordinary as well as extraordinary taxes were assessed and collated inequitably were echoed separately by temporal lords and a section of the gentry.²⁵

Erskine's patent, which was granted in 1620 following extensive discussions between central government and the royal burghs, was intended to promote the reform of leather manufacture over the next thirty-one years. In return for an expected outlay of £20,000 to improve the tanning process and to establish skilled workers brought in from England as instructors for the native craftsmen, Erskine was conceded the right to exact a stamp-duty on every hide of tanned leather marketed in Scotland, whether worked in the burghs and towns or imported. This stamp-duty was set at a groat (four shillings) for the

first twenty-one years of the patent, falling to one shilling thereafter, Erskine being equipped with vigorous powers of enforcement to prevent evasion of stamp-duty by native craftsmen or importers. Although seventeen skilled workers were brought in from England during 1620, the Convention of Royal Burghs remained unconvinced about the superiority of the new tanning process and regarded the stamp-duty as excessive. Hence, Erskine's patent became a perennial cause of complaint. However, after the complaint of the burgess estate had been taken up by gentry in the Convention of 1625, the Crown, when affirming that the patent was to stand on 20 April 1626, acknowledged that trials should be conducted under the auspices of the Privy Council to establish the superiority of the new process over traditional tanning methods. This task was not accomplished until March 1629, when a panel of master craftsmen (^{shoemakers} cordiners) pronounced in favour of Erskine. The hides tanned by the new process were deemed 'als good tanned ledder and wrought at als easie pryces as anie tanned ledder brought frome England'. Thereafter, Erskine brought a series of prosecutions against refractory native craftsmen who adhered to traditional methods and refused to adopt the new tanning process.²⁶

Nonetheless, complaints continued about the excessive rates of stamp-duty. Moreover, as the lists of the prosecuted bear out, the manufacture of leather was not confined to the royal burghs, but was practised in most towns throughout Scotland. In turn, the exaction of stamp-duty affected not only the prosperity of the craftsmen and merchants in the royal burghs, but also squeezed the profit margins of the tanners in rural communities, undercutting their capacity to pay rent to their landlords. Hence, when the burgesses again referred Erskine's patent to the consideration of the Estates, they were accorded a sympathetic hearing by the members of the landed classes present at the Convention of 1630. Although the Estates recommended further review rather than the outright recall of the patent, Erskine was placed on the defensive. Despite his dogged prosecution of refractory native craftsmen over the next five years, the royal burghs were now assured of substantial landed backing for their complaints

against the continuance of his patent. By May 1634, the Crown was prepared to concede that Erskine's patent would not be renewed. His exaction of stamp duty was again the subject of official scrutiny in June 1635, though a further six years were to elapse before the Covenanters terminated Erskine's patent and all other contentious monopolies as prejudicial to the national interest.²⁷

Notwithstanding their eventual termination in 1641, monopolies in general and Erskine's patent in particular had a more immediate constitutional significance - complementing the contribution of the common fishing to the cohesion of the disaffected element in the Convention of 1630. In response to the specific demands of the royal burghs for their recall, the efficacy of monopolies was referred to the scrutiny of select committees.²⁸ As in the case of the common fishing, deliberations between the select committees and the royal burghs brought into prominence the issue of the national interest as affected by the economic policies of the Crown. Moreover, service on the select committees brought together a hard core of activists inclined as much towards dissent as compliance with the Court. Of the eleven nobles, twelve lairds and seven bishops who served on the committees scrutinising monopolies, all but three (one noble and two lairds) were involved in the committee stages of the common fishing. Conversely, of the seven nobles, nine lairds and two bishops appointed to the committee of review following their involvement in the committee stages of the common fishing, all but seven (three nobles, three lairds and one bishop) had served on the committees scrutinising monopolies. While the select committees for both the common fishing and the monopolies drew extensively upon the services of eight out of the ten bishops and seventeen out of the thirty-four lairds attending the Convention, of greater import was the involvement of only sixteen out of the forty-eight nobles and the total absence of leading officials. In effect, the select committees became uncensored outlets for dissent, affording the disaffected among the nobility free rein to organise and exchange views with the gentry as well as treat with the burgesses. Only Balmerino among the leaders of the disaffected element appointed

to the committee of review had not supplemented involvement in the committee stages of the common fishing with service on the committees scrutinising monopolies.²⁹

In short, by sustaining and propagating the distinction between the policies of the Crown and the national interest, the select committees appointed by the Estates during the Convention of 1630 actuated a decisive shift in the political equilibrium, away from compliance with the Court towards collusion among the disaffected: a shift which was consolidated by the discussions at the outset of November between the Privy Council and the committee of review after the initial negotiations on the common fishing at Court. Nonetheless, while the Privy Council accepted the need to safeguard the national interest as advocated by the committee, leading officials were still determined to exercise circumspection rather than countenance confrontation. Hence, the Court was not informed until 23 December, six weeks after the conclusion of their discussions with the committee of review, that the commission for Scotland had been refashioned and the commissioners despatched south with instructions as 'with absolute power to conclude that great worke of associatioun in the mater of fishing'. No specific or binding reference was made to the nature of these instructions - as safeguards for the national interest.³⁰

Moreover, once negotiations resumed at Court in the spring of 1631, the leading officials in the refashioned commission did not interpret their instructions as binding them to insist upon the safeguard specified in the discussions between the Privy Council and the committee of review the previous November. Indeed, they were prepared from the outset to defer to the wishes of the English commissioners in redrawing Scottish territorial limits. On 31 March, the Privy Council received a letter from the new commissioners for Scotland disclosing that their English counterparts regarded even a fourteen mile exclusion zone around the Scottish coasts as excessive. Being intent on demonstrating to their English counterparts that their desire was only to reserve sufficient waters to ensure the subsistence

of the native fishing community, they asked the Privy Council to provide detailed information on all firths, lochs, bays and isles that should remain the preserve of the Scottish fishing community. This task was passed on to the royal burghs who were given until 20 April to come up with 'ane perfyte answer'. Despite protests that they should be excused on the grounds of 'the hurtful consequences that may follow thairupon if the English sall be permitted to fische in the reserved waters', the burghs did make a belated submission on 21 April.

The burghs were insistent that the redrawn exclusion zone should still be adhered to, claiming that if strangers were allowed to fish within fourteen miles of the Scottish coasts, 'this countrie sall suffer utter ruine'. Nevertheless, they did offer a hostage to fortune in subsequent negotiations by apportioning the fourteen mile exclusion zone into four distinct sectors - St Abb's Head in Berwickshire to Redhead in Angus; from Redhead via Buchan Ness in Aberdeenshire to Duncansbay Head in Caithness; from Duncansbay Head via Faraid Head in Strathnaver and the seas around Orkney and Shetland to Stoer of Assynt in Sutherland; from Stoer of Assynt via the Butt of Lewis and the seas around the western isles to the Mull of Kintyre and thence to the Solway Sands via the Mull of Galloway. However, the Privy Council deemed these reserved sectors 'to be of too large ane extent', preferring to secure the king's contentment by retrenching and restricting the 'universalitie' of the exclusion zone advocated by the burghs. Accordingly, the reserved sectors were redefined as those waters fourteen miles 'of suche coasts of this kingdome as ar weill peopled and where the countrie people lives most by fishing without the whilk they could not possiblie subsist nor yitt be able to pay thair masters thair fermes and dewteis'. Such redefinition, however, did not lead to drastic revision of the exclusion zone as apportioned by the burghs. Separate sectors were created from Redhead to Buchan Ness and from Buchan Ness to Duncansbay Head; and the waters from the Mull of Galloway to the Solway Sands were separated from the rest of the western seaboard. The one notable amendment occurred to this reserved sector on the western seaboard between the Stoer of Assynt and the

Mull of Galloway. Whereas the burghs claimed the seas around the western isles, the Privy Council sought only to reserve the waters on the east side of the isles to the adjacent mainland - that is, the Minches.

In order to demonstrate that they, no less than the burghs, were sensitive to the underlying need to protect the interests of the native fishing community, the councillors submitted both proposals to Court. The commissioners for Scotland were told to exercise their discretion on which version of the reserved sectors was to be presented to the king and their English counterparts. At the same time, the commissioners were asked to bear in mind that if bussing had been an established aspect of Scottish fishing ventures, inshore fishing around the Scottish coasts would still have been reserved 'for the use and benefite of the countrie people'. Moreover, it could not be sustained that any Dutch or other strangers had ever fished within the reserved sectors as defined by the Council. However, the king was unimpressed with either set of proposals apportioning the redrawn exclusion zone into reserved sectors. On 10 July 1631, he informed the Privy Council that he could not conceive of the necessity for so many reserved sectors. While he was willing that the Scottish inshore fishermen should have reserved 'all such fischings without which they cannot weill subsist, and which they of themselffis have and doe fullie fisch', he was not willing to have any waters reserved 'which may be a hinderance' to the success of the common fishing.

In effect, the reserved sectors necessary for the subsistence of the native fishing community were redefined by the king and remitted to Scotland for further specification. Charles was not prepared to accept the universal reservation advocated by the royal burghs of the waters fourteen miles from mainland shores; nor the modified reservation proposed by the Privy Council of the inshore waters adjacent to areas of dense settlement where the inhabitants were largely dependent on fishing. Instead, he wanted the partial reservation of inshore waters, only those sectors fished habitually

and continuously by the natives where their struggle to secure a livelihood would not impair the commercial prospects of the association of adventurers.³¹

When the specification of reserved sectors was duly remitted from the Privy Council at the end of July 1631, the Convention of Royal Burghs was adamant that the implementation of a partial rather than a universal reservation of inshore fishing reinforced the duty of the Scottish commissioners to give priority to the subsistence of the native fishing community during the negotiations at Court. The Privy Council, for its part, was not averse to the Convention taking extensive soundings as to which sectors should be reserved, agreeing on 31 July that the royal burghs could have until 22 September to submit their specific recommendations for a partial reservation. The Convention utilised the intervening two months to mobilise support not only among the royal burghs but among interested nobles and gentry, particularly those landlords anxious to maintain the value of the rents and duties they derived from fishing settlements outwith the royal burghs. In addition, members of the landed classes who had served on the committee of review were determined to ensure that the Privy Council adhered to the spirit if not the letter of their discussions in November to safeguard the national interest.

Undoubtedly, the propaganda generated by the royal burghs - tantamount to a seventeenth century cry of "it's Scotland's fish" - drew upon the public resentment aroused by the Crown's sponsorship of the association of adventurers at the expense of the native fishing community. Since the prime fishing grounds around the British Isles were off the Scottish coasts, there was a general antipathy to English adventurers being conceded any greater privileges than Dutch or French fishermen. More especially, the opening up of Scottish territorial waters to English adventurers offered no reciprocal benefits to the Scots whereas the incursion of busses into inshore waters threatened the depletion of fishing reserves and the supply of fish to local markets. Furthermore, English adventurers landing and marketing their

catches at English ports were not obliged to pay the same duties and customs imposed on Scottish merchants selling fish in English markets which had been landed at Scottish ports.

Accordingly, a powerful lobby drawn from the nobility and gentry as well as the royal burghs informed the Privy Council at Perth on 22 September 1631, of the absolute necessity of reserving the inshore fishing, preferably in fourteen mile sectors, in the firths of Lothian, Moray and Dumbarton - respectively, the existing sectors on the east coast between St Abb's Head and Redhead, as between Buchan Ness and Duncansbay Head; and that on the western seaboard restricted to the waters between the Mulls of Kintyre and Galloway. It was also deemed imperative to reserve the fourteen mile sector between Redhead and Buchan Ness - in part to secure the livelihood of the local fishing community but, above all, as in the reserved firths, to protect the salmon fishing - 'ane of the most pryme native commodities of this land' - from the encroachment of busses into local estuaries. The nobility and gentry were content to leave further reservations around the Scottish coasts, particularly around the western and northern isles to the discretion of the royal burghs, adding only that the Scottish commissioners should press the Crown for compensation for allowing English members of the proposed association to fish within Scottish territorial waters.

The following day, 23 September 1631, the royal burghs made a supplementary submission to the Privy Council stressing the need to reserve the salmon fishing in and around the western and northern isles. In addition, the main sea lochs bordering the Minches were to be reserved for the native fishing community with the recommendation that no bussing should be allowed within the Minches or from the Butt of Lewis to Faraid Head in Strathnaver. Reservation of the sea lochs in the Inner Hebrides and on the adjacent mainland was left to the determination of the Crown as was the fishing around Orkney and Shetland, with the recommendation that the fourteen mile sector be upheld around the northern isles. The Privy Council in turn, after

informing the king that the royal burghs had relinquished the universality of their former claims on inshore waters, went on to endorse the revised specification submitted by the burghs and their allies among the nobility and gentry. Unless the partial reservation encompassed the three firths and the sector between Redhead and Buchan Ness, the subsistence of the densely populated fishing settlements on the adjacent mainland would be imperilled, the salmon fishing devastated and the trade of the country much impaired.³²

Despite the Privy Council's endorsement of the need for a partial reservation along the lines suggested at Perth by the burghs and their allies among the nobility and gentry, Charles was coming under increasing pressure at Court to minimise the concessions to the Scottish fishing community in order to attract venture capital for the common fishing. For the English commissioners, having already scaled down the estimated profits to be gleaned by a deep sea fleet of two hundred busses from £165,414 sterling (as reported to the Convention of 1630) to £113,000 sterling (that is, £1,356,000 Scots), were complaining that no adventurer would risk capital until the fishing grounds open to the common fishing around the British Isles were finalised. Furthermore, they were pressing Charles to buy out Seaforth's right to the island of Lewis. English members of the association were then to be accorded exclusive rights, as naturalised Scotsmen, to exploit the fishing reserves around the western isles and, as burgesses, to develop the town of Stornoway as a commercial as well as a fishing centre.³³

During the nine months that followed the Perth conference, the royal burghs were obliged to mount a rearguard action as Charles intervened personally and frequently in the negotiations at Court between the commissioners of both kingdoms. In response to the king's manifest intent to diminish the reserved sectors, the burghs modified their demands with respect to the sector between Redhead and Buchan Ness, seeking only the reservation of four to five miles of inshore waters along this forty mile coastline. They made a further

concession that only the major not the majority of sea lochs bordering the Minches were to be reserved for the native fishing community. However, the burghs were demonstrably aggrieved that Seaforth - a regular intelligence contact for the English commissioners, not just on the fishing reserves around the western isles but on the political manoeuvring within Scotland to discourage the common fishing - had still not evicted the Dutch from Lewis and that German as well as Dutch fishermen had taken advantage of the protracted negotiations at Court to encroach within Scottish territorial waters with impunity. In a last despairing attempt to reach an accommodation with the Crown as negotiations dragged on into the summer of 1632, the burghs informed Hay - now Sir John of Lands (subsequently of Barro), who was still their lobbyist at Court as well as commissioner for Scotland - that they were prepared to advance the common fishing by providing 'such ane competent number of bushes as shall proportionably fall to their part'. In return, the three firths of Lothian, Moray and Dumbarton were to be reserved for the native fishing community. They also signified their assent to English and Irish members of the association fishing freely elsewhere within Scottish inshore waters provided that the annual bussing season did not commence before 24 June on the east coast nor until 1 September on the western seaboard. No bussing was to be allowed in the Minches or between the Butt of Lewis and Faraid Head in Strathnaver. Moreover, English and Irish members of the association were to refrain from salmon fishing and were not to engage in any other commercial pursuit within Scotland.³⁴

Charles, however, having served notice on 1 May 1632 of his intention to raise a summons of improbation and reduction to secure Lewis for the Crown, was little inclined to compromise. The order to Seaforth to evict the Dutch from Lewis was made binding on all other landowners in the western isles on 15 July. Four days later, Charles conceded that the salmon fishing should be wholly reserved. Nevertheless, when he came to proclaim the inshore waters reserved for the native fishing community on 31 July, the three firths were whittled down to two - that of Forth and Clyde, alias Lothian and Dumbarton, the

reserved sectors from St Abb's Head to Redhead and between the Mulls of Kintyre and Galloway. No restrictions were placed on bussing outwith these two firths. The only gesture towards conservation was a warning against unseasonable fishing within the reserved sector on the west coast. For, the taking of fry from the waters off Ballintrae in Ayrshire was deleterious not only to the stocks of herring in adjacent Irish waters but ultimately, to their abundance throughout the western seaboard.³⁵

Charles did make one other - albeit cosmetic - concession to appease Scottish sensibilities. Following the conclusion of the protracted negotiations at Court between the commissioners of both kingdoms on 19 July 1632, two charters were drawn up incorporating the general association for the common fishing (hereafter the Society) as the 'Counsell and Commonitie of his Majesteis dominions of Great Britane and Ireland' under the perpetual protection of the Crown. Both charters were identical in substance but differed in the ordering of the king's titles. According to the instructions issued by Charles twelve days later when despatching both charters north for authentication by his Scottish administration, the one in which his title as king of Scotland preceded that as king of England was to have the impress of the great seal of Scotland placed above that of England. (In the other, protocol was reversed in favour of English ordering and authentication.) Notwithstanding such equitable considerations and despite his accompanying claim that 'we have had a speciall care to preserve the dignity of that our antient kingdome', the charters of incorporation paid scant regard to the safeguards for the national interest specified in the discussions during November 1630 between the Privy Council and the committee of review following the initial round of negotiations at Court. No attempt was made to preserve the exclusive privileges of the royal burghs in the marketing of fish, to distinguish Scottish from English territorial waters or to erect separate councils to control the fishing off the coasts of Scotland and England.³⁶

Indeed, the format of incorporation of the Society, which all members and their employees were bound to accept under oath, adhered to the corporate structure outlined to the Convention of Estates in July 1630 - namely, a confederation of adventurers organised into self-financing provincial associations and subject to the common regulation of a council. Of the one hundred and fifty-two adventurers enrolled as the original members of the Society, twelve were designated councillors, the remaining one hundred and forty composed the community of fellows. As the governing body, the council of twelve was appointed by and removable at the pleasure of the Crown. The community was elected for life but fellows were removable by the Crown or the council given just (but otherwise undefined) cause. As well as regulating membership of the community, the council was warranted to licence provincial associations and to resolve differences arising between them; to make statutes and ordinances for the conduct of the common fishing and the fishing trade in general which were enforceable by fines and imprisonment; and to issue specific directives to promote better government and speedy administration among the provincial associations. Furthermore, every provincial association was to elect four judges who were empowered to issue local ordinances as well as resolve internal disputes. However, the judges were removable at the will and pleasure of the council which also served as a court of appeal in the event of false or partial decisions or undue delay in the hearing of cases by the provincial judges. To settle controversies at sea within and between provincial associations, the masters, merchants and principal factors to each fleet were to elect four judges from among their number prior to sailing who were to serve as an arbitration panel and issue administrative orders for the conduct of the fleet at sea. Their appointment was valid only for the duration of each fishing voyage and their decisions were open to review by the council.

Within this confederated structure, Scottish interests were to be sustained through equal partnership - that is, by Scots being allocated half of the offices of the Society. Thus, six of the council of twelve were always to be drawn from and charged to

represent 'the Scottish natioun'; the other six chosen to represent 'the English natioun' were to be of English or Irish descent. The attendance of at least six councillors, three from each nation, was necessary before the council could resolve disputes between provincial associations. Two of the four judges within each provincial association and likewise two on each arbitration panel during fishing voyages were required to be Scots. Moreover, seventy fellows on the original community of one hundred and forty were Scots. Although new adventurers admitted to the Society were not required to be drawn in equal numbers from each nation, entrance was restricted to natives and denizens of Scotland or England and Ireland. The enrolment of new adventurers, whether by the council or by provincial judges, required the attendance of at least one official from each nation.

Notwithstanding the reservation of the salmon fishing and the inshore fishing within the "firths" of Lothian and Dumbarton, the charters of incorporation contained specific inducements both to pressurise and attract support from the native fishing community as well as individual Scottish adventurers. In order to consolidate its anticipated dominance of inshore as well as deep sea fishing around the British Isles and to complement its right to legislate and dispense justice in all matters affecting the fishing trade, the Society was granted an unconditional monopoly over the trade in fish throughout the British Isles, whether caught by members or by native fishermen within the reserved sectors or imported. The Society was awarded further military, judicial and fiscal concessions. All members - councillors, fellows of the community and their employees - were exempt from military or naval service (as were their boats) unless commanded by a special warrant from the Crown. All members were also exempt from service upon jury or assize during fishing seasons and from the payments of all tithes, taxes and fiscal dues except ground rents for magazines and stores, landing dues for fish packed and preserved aboard ship and customs arising from overseas trading in fish.³⁷

Scottish participation in the common fishing remained far

from enthusiastic, however. The six Scots appointed to the council of twelve were all commissioners for Scotland in the negotiations at Court who had helped draw up the charters of incorporation. Indeed, only two commissioners were not appointed councillors - Hamilton, who was currently engaged with the British expeditionary force on the continent, and Lorne, the latecomer to the negotiations who was elected a fellow of the community. Of the other sixty-nine Scots elected to the community, all but twenty were burgesses. Moreover, the involvement of the burgesses was not so much a measure of their greater commitment to the common fishing as a testimony to their determination to maintain their interest in the fishing trade now that marketing was to be monopolised by the Society. A more telling indicator of Scottish commitment can be gleaned from the members of the lay estates involved in the committee stages on the common fishing during the Convention of 1630. Of the fifty laymen so involved (the clerical estate can be discounted since no cleric became an adventurer), only thirteen (four nobles, two lairds and seven burgesses) were elected to the community. Of the twenty-six laymen on the committee of review appointed by the Estates at the end of the Convention, only six (three nobles and burgesses) were elected to the community. Only Loudon^u among the prominent members of the disaffected element became an adventurer.

The lack of Scottish enthusiasm for the common fishing was further in evidence when the Privy Council, having scanned the charters of incorporation on 7 September 1632, decided that all other councillors in addition to the fifteen present should be summoned individually to attend detailed discussions on the charters' contents on 17 October. The committee of review was also invited to attend. But only twenty-one councillors - less than half the membership - actually turned up. Apart from the nobles, among whom the disaffected were to the fore, most of the committee of review failed to put in an appearance. However, the leading officials involved in the negotiations at Court were present. Their influence over proceedings sufficed to have their report on their own conduct as commissioners for

Scotland approved and commended. In like manner, their appointment as Scottish councillors for the Society secured the ratification of the entire contents of the charters of incorporation. No formal attempt would appear to have been made to censure the commissioners of Scotland for their subordination of the national interest to the aspirations of the king and their English counterparts. Nor was any attempt apparently made to reject or amend the charters of incorporation. Nevertheless, the contents of the charters did afford the disaffected element specific guidance on the imposition of constitutional checks on absentee monarchy. For, Charles had insisted that the Crown must ratify all statutes, laws and ordinances promulgated by the council of the Society before they attained the force of law to ensure that they 'be not contrarie nor derogatorie to the statuts, Laws, Liberteis or acts of parliament of his Majesteis kingdomes'. In turn, the council was to review the decisions and ordinances of the provincial judges to ensure that they 'be not repugnant and contrarie to the lawes, acts of parliament nor statutes of his Majesteis kingdomes'. This emphasis on the need to uphold the statutes, laws and liberties of the kingdom was to resurface as an integral component of the National Covenant of 1638, in which the disaffected element were to place their trust in constitutional assemblies, not Crown or councils, to safeguard the national interest in both Kirk and State.³⁸

Neither the authentication of the charters nor the ratification of their contents, far less their constitutional ramifications, were of primary concern to Charles I. His most pressing objective, as borne out by the instructions for the advancement 'of the fischingis of Great Britain and Ireland' which he despatched north with Menteith (now Strathearn) on 17 August 1632, was to make the common fishing a practicality by the outset of the herring season in June 1633. Thus, the Privy Council was recommended to reactivate an enactment of James IV which had been promulgated in 1493 to promote the building, equipping and operating of busses in the forlorn hope of absorbing the perennial pool of landless labour in deep

sea fishing. This enactment was now to serve as an exhortation to the nobles and gentry as well as the royal burghs to participate in Scottish provincial associations. But, above all, the main thrust of the king's instructions was geared to securing unrestricted access to the fishing reserves around the western isles for English adventurers whose provincial associations were to be encouraged to establish fishing bases on sites bordering the Minches. Hence, the Privy Council was ordered to ensure that all members and employees of the Society, as well as the native fishing community, 'repairing ather to the Yles, loches, or seas of that of kingdome for fisching in these places wher they ar lawfullie authorized, be kyndlie and well used and by all meanes encouraged to prosecute the said work'. Accordingly, bands of surety were to be exacted from landlords and chiefs on the western isles and adjacent mainland to indemnify all members and employees of the Society, whether engaged in fishing or locating plantations, against harassment and oppression by tenants or other clansmen as against forced payments of unwarranted or exorbitant ground rents and landing dues.³⁹

In turn, the Privy Council used their meeting with the committee of review, on 17 October 1632, not only to discuss the outcome of the negotiations at Court and the contents of the charters of incorporation, but to mobilise support for the prompt implementation of the king's instructions for the advancement of the common fishing. Hence, the five burgesses present with the committee of review were asked directly 'to condescend upon these parts and places in the Yles and continent whose plantatioun for the fishing would be most useful and necessar'. The five sought to delay their answer until wider consultations could take place not just among the royal burghs but with all interested nobles and gentry - the obvious precedent being the meeting at Perth the previous year to review the current state of negotiations at Court on reserved sectors. However, with leading officials firmly in control of proceedings, the burgesses' temporising manoeuvre was rejected. Pressed to nominate the most commodious locations for fishing bases in the western isles and adjacent mainland,

they first recounted the Crown's repeated refusal to make adequate reservation of inshore waters for the native fishing community before proceeding reluctantly to specify three sea lochs in Lewis and four on the west coast - the seven were not among the major sea lochs on the western seaboard which the royal burghs deemed most worthy of reservation for the native fishing community. The burgesses went on to lament that the number of boats from Scottish ports currently engaged in inshore fishing was 'far inferior to that which in previous years went out of these bounds'. But they did admit, in anticipation of the Society's busses making their debut in the coming herring season, that there were eight 'great shippes' and possibly fifty-two other boats on the west coast and around sixty vessels of twenty tonnes or more on the east coast suitable for deep sea fishing.⁴⁰

Moreover, although the royal burghs continued to equate the vitality of the native fishing industry with the national interest, their efforts to delay or even postpone the implementation of the common fishing were undermined insidiously through the defection of Sir John Hay. Instead of defending the interests of the native fishing community (as instructed by successive Conventions of Royal Burghs), Hay had used his position at Court, first as a lobbyist, then as a commissioner for Scotland, to ingratiate himself with the king. Indeed, not only was Hay one of the six Scots appointed to the council of twelve, but the despatch of the Society's charters of incorporation and their return to Court following authentication in Scotland was entrusted specifically to him. On 21 December 1632, he was assigned the task of ensuring that the royal burghs had at least sixty busses in readiness for the coming herring season. Nine days earlier, Hay had replaced the late Sir John Hamilton of Magdalens as a privy councillor and as the Clerk-Register ~~of the Rolls~~. In this latter capacity, he inherited responsibility for a diligent search of public records to find 'authentik evidences', such as treaties and agreements with foreign princes, which would demonstrate clearly and incontrovertibly to neighbouring powers the Crown's imperial right to lordship of the

seas around the British Isles and the justness of the king's proceedings in establishing the common fishing.⁴¹

Prior to the conclusion of negotiations on the common fishing and his open defection to the Court, Hay had persuaded Charles to issue a series of commercial concessions favouring the interests of the royal burghs, collectively and severally. These concessions were intended, in part, to compensate the royal burghs for the impending loss of their exclusive rights in the marketing of fish and, in part, to promote their acceptance of and participation in the Society of adventurers. Thus, on 31 July 1632, the day on which the charters of incorporation were despatched north, Charles issued a decret ratifying the trading privileges of the merchant guilds and the exclusive controls over production exercised by the craft guilds not only within the burghs but in their suburbs and immediate rural hinterland. An accompanying decret ordered the Privy Council to ensure that all future erections of dependent burghs did not infringe these privileges. The Privy Council, in turn, delayed publication of these decreets until its meeting with the committee of review on 17 October, to secure support from the royal burghs for the implementation of the common fishing by June 1633. The enforcement of these decreets in the Exchequer did not commence until 24 November - after the royal burghs had given an undertaking to have at least sixty busses in readiness for the coming herring season.⁴²

The proliferation of dependent burghs and, in particular, the growing involvement of the more prominent burghs of barony in overseas trade, the traditional preserve of the royal burghs, had become a regular grievance in their Convention and a frequent subject of litigation by the outset of Charles' reign. Indeed, as early as 18 October 1627, the king was moved to instruct the Privy Council to support all legal actions raised by royal burghs against encroachments on their trading privileges by dependent burghs. Nonetheless, the more prominent burghs of barony continued to engage in overseas trade and to instigate counter-actions in the Court of Session for the

suspension of prosecutions by royal burghs 'against anie unfrie persounes'. By July 1630, a year after Hay's appointment as their lobbyist at Court, the royal burghs had retaliated by extending his special remit from a watching brief over the king's designs on the fishing industry to the blocking of any erection of dependent burghs prejudicial to their trading privileges. Twelve months later, the royal burghs made a direct overture to the Crown for the suppression of all commercial encroachments by dependent burghs, appealing to their 'General Charters' of 1364 from David II to maintain their exclusive right to engage in overseas trade. Charles responded eventually on 9 February 1632. He instructed the Court of Session to uphold the rights and privileges of royal burghs in all pending actions against burghs of barony. However, neither this measure nor the general ratification of their commercial privileges five months later satisfied the royal burghs. For the royal burghs claimed that neglect or indifference to their interests at Court had caused their carrying trade to suffer. Not only had the involvement of burghs of barony in overseas trade denied them portage dues which had to be recouped through increased freight charges, but the persistence of the corn laws, when the transport of victual was becoming the mainstay of trade throughout Europe, was deemed 'ane unnecessar restraint'. Above all, the impending implementation of the common fishing and the transfer to the Society of their exclusive rights to market fish would deprive the royal burghs of their most profitable and secure trading commodity. Moreover, the royal burghs were hardly reconciled to the common fishing by the formal ratification of their commercial privileges in the coronation parliament on 28 June 1633. In order to secure their exclusive rights to trade in all staple commodities - other than fish - at home and abroad, the royal burghs were obliged to expend 1,000 merks (£666 13s 4d), 'for favour and kindness done be their freends'.⁴³

Furthermore, the design of these commercial concessions to reconcile the royal burghs to the implementation of the common fishing was negated by the precipitate behaviour of English members of the

Society. Much to the chagrin of the Convention of Royal Burghs, English adventurers made preliminary, if not markedly successful, incursions into Scottish waters during the autumn of 1632, 'notwithstanding the societie of Scots and English was not fully settled'.⁴⁴ No less irritating, though not entirely unexpected, was the lead taken in the formulation of provincial associations by prominent English officials - such as Richard Weston, Lord Weston (later earl of Portland), the lord treasurer, Thomas Howard, earl of Arundel and Surrey, the earl marshal and Philip Herbert, earl of Pembroke and Montgomery, the lord chamberlain, all of whom served as commissioners for England during the negotiations at Court and were subsequently among the six Englishmen appointed councillors for the Society. Administrative posts at the disposal of the council of twelve went largely to the clients of prominent English officials, particularly to their informants on the fishing resources off the Scottish coasts. Indeed, the stated intent of the association headed by Weston and Arundel - as of that headed by Pembroke - to operate out of Lewis testified to the accumulation of intelligence at Court on the fishing reserves around the western isles. A third, less well connected association, headed by William Noy, the attorney-general, was also formed in 1633 but would seem to have restricted its fishing aspirations to the traditional herring grounds in the North Sea. Nevertheless, all three provincial associations were to be noted less for their commercial accomplishments than for their financial difficulties: all were severely undercapitalised, their debts consistently outstripped paid-up subscriptions. All were defunct by 1641.⁴⁵

In fact, the Society as a whole was on the verge of liquidation by August 1638, a situation which can be attributed, in part, to indigenous circumstances - such as the separatism of the native fishing community in Scotland, the inhospitable conduct of landlords and chiefs in the western isles, the outright hostility of their tenants and clansmen, and the lack of wholehearted co-operation from the Scottish administration. Nor can external factors be

discounted - such as the sporadic preying of the piratical Dunkirkers and Dutch disregard for Charles' imperial claims to lordships of the seas around the British Isles. But, above all, the Society's difficulties were self-inflicted - the unfounded commercial optimism of its protagonists (especially Charles), inadequate technical expertise in marketing as well as deep sea fishing among its members and employees, and most crucially, a basic lack of financial competence on the council of twelve and in its subordinate administration.⁴⁶ The outbreak of hostilities between the Crown and the Covenanters in 1639, prolonged into the 1640s by the outbreak of civil war throughout the British Isles, merely delivered the final blow to the viability of the common fishing during the reign of Charles I.⁴⁷

In Scotland, the burgh not the provincial association remained the basic unit for the organisation of the native fishing community as for the marketing of fish at home and abroad. Moreover, by July 1636, the Convention of Royal Burghs had reasserted its traditional right to specify the quality controls applicable to the barrelling, salting and curing of herring and white fish. Each burgh was to retain responsibility for carriage and costing as well as packing and preserving when marketing fish overseas. The failure of the council of twelve to impose strict quality controls until 1637, coupled to the notable lack of expertise among members and their employees about the packing and preserving of herring on deep sea busses, negated the Society's endeavours to break into the lucrative continental markets dominated by the Dutch.⁴⁸

At the same time as the Society was failing to capture continental markets from the Dutch, its provincial associations were struggling to displace the Dutch from the western isles and establish fishing bases in Lewis. Despite repeated injunctions for their eviction, the Dutch had continued to enjoy the patronage of the house of Seaforth following the death of Colin MacKenzie, the first earl, in March 1633. Indeed, George, the second earl, lacking his father's influence at Court, had found the continued presence of the Dutch a

useful bargaining counter to the king's proposed annexation of Lewis. By February 1634, Charles had conceded that he would prefer to reach an accommodation with Seaforth rather than resort to law, affirming his intention not to annex the whole island but only sufficient ground to establish plantations for the provincial associations. To induce the transfer of the earl's patronage from the Dutch to the English adventurers, Seaforth was to be allowed to retain the rest of the island provided he continued to pay his existing feu-duty to the Crown. Another three years were to elapse before the practical details of this accommodation were worked out by a four-man investigative committee of leading officials (Morton, Stirling, Traquair and Hay of Barro) with the assistance of Lord Advocate Hope. Other than the town and precincts of Stornoway which was erected a royal burgh, Lewis was retained by Seaforth for a feu of £2,000. However, by the conclusion of this agreement on 13 March 1637, the council of twelve was moving towards the abandonment of the Society's fishing activities around the western isles. The winding down of the provincial associations' operations in Lewis coincided with their belated realisation that the fishing in the sea lochs bordering the Minches could be pursued more suitably and profitably in the smaller vessels of the native fishing community than in their own cumbersome busses. The process of withdrawal was all but complete by the time the accommodation between the Crown and Seaforth was ratified formally in the parliament of 1641, leaving the king's stated intent that Stornoway was to become a model of 'civilitie' for the western isles no more than a pious hope.⁴⁹

As well as Seaforth, other landlords and chiefs in the western isles were prepared to harbour the Dutch in particular and foreign fishermen in general, since these strangers were prepared to pay ground rents and landing dues at higher rates than the native fishing community. Following complaints to the Crown from the council of twelve that landlords and chiefs were permitting strangers to resort and trade in the western isles and were exacting unwarrantable and excessive duties from members and employees of the Society, the Privy Council was obliged, on 24 June 1634, to commission Archibald,

Lord Lorne and Neil Campbell, bishop of the Isles, to enquire into the presence of foreigners in the western isles and the scale of exactions levied by landlords and chiefs. When summoned to account on 29 August at Inverary, Lorne's family seat in Argyllshire, the principal landlords and chiefs of the western isles denied harbouring illicitly foreign fishermen or traders and rejected the allegations that they were exacting unwarrantable and excessive duties from the provincial associations. Indeed, they claimed to have moderated their customary exactions to the benefit of the Society, attesting that no more was asked from its members and employees than had been paid in ground rents and landing dues by the native fishing community since 1620. Although their testimony was accepted and endorsed by the Privy Council three months later, landlords and chiefs were undoubtedly not averse to unleashing their tenants and clansmen on the bases and even on the sea lochs to disrupt the fishing activities of the provincial associations should there be any reluctance to pay the prescribed ground rents and landing dues. Following renewed complaints from the council of twelve about the hostile reception being accorded to the Society's members and employees in the western isles, the Privy Council issued a further directive on 7 August 1635, that landlords and chiefs must restrain their tenants and clansmen from molesting the storehouses, magazines and boats of the provincial associations. Tenants and clansmen were not to assemble at sea lochs unless authorised by their landlords and chiefs and possessed of nets and other requisite tackle. Complaints about maltreatment by the local populace would seem to have declined in the wake of this measure. Nevertheless, until they assured their own safety by withdrawing from Lewis, the members and employees of the provincial associations could not presume that assemblies of clansmen at sea lochs in the western isles, albeit equipped with the requisite tackle, were intent on fishing at the behest of landlords and chiefs.⁵⁰

Moreover, although the Privy Council was prepared, after prompting from the king, to hold landlords and chiefs accountable for the reception they, their tenants and clansmen, accorded to the provincial associations in the western isles, elements within as

without the Scottish administration were never reconciled to the implementation of the common fishing. Hence, vociferous objections were raised in the course of 1635, when the council of twelve sought to demonstrate the Society's judicial autonomy in all matters concerning the fishing industry by despatching four judges to Lewis to resolve the differences between the provincial associations and the local populace. Despite the king's endorsement of the Society's judicial autonomy, the council of twelve was obliged to defer to the authority of the Privy Council to redress the grievances of its members and employees when based in Scotland. Furthermore, when Charles decided at the outset of the herring season in 1636 that his imperial rights to the seas around the British Isles could best be enforced by licensing rather than resisting the incursion of foreign fishing vessels, the support he received from his Scottish administration fell somewhat short of his expectations. By 12 July, the Privy Council had agreed in principle to license foreign vessels fishing in Scottish territorial waters and to restrain the unlicensed. A pointed directive was issued two days later that landlords and chiefs in the western isles were not to equate English adventurers as foreigners. However, whereas English officials were able to call upon the services of the royal navy to enforce licensing, the task in Scotland was left to the duke of Lennox who, in his capacity as Lord High Admiral, was traditionally entitled to impose and collect 'severall dueties' on foreign vessels fishing in Scottish waters and entering Scottish ports. As Lennox was a longstanding absentee and courtier, this was a recipe for inaction confirmed by the announcement of discriminatory rates for the imposition of licenses on 6 November. Whereas foreigners fishing in English waters were rated on the tonnage of their vessels, at one shilling sterling per ton, foreigners fishing in Scottish waters were rated on the tonnage of their catch when barrelled, at £1 4s (two shillings sterling) per ton. Seven months later, on 20 June 1637, the Council admitted that it had still not resolved 'the best and most faisable way to uplift the said dewtie'.⁵¹

Charles' switch of tack in favour of licensing foreign

fishing vessels was motivated by his inability to bring sufficient diplomatic or naval pressure on the Dutch to recognise his imperial right to lordship of the seas around the British Isles. Not only were the Dutch among his nominal allies in opposition to the Habsburg coalition during the Thirty Years War, their support being deemed essential for the recovery of Bohemia where his sister, Elizabeth was queen, but Charles lacked the naval resources even to rival far less overcome the war-ships protecting the Dutch fishing fleets.

Conversely, the damages inflicted on English adventurers by Dutch war-ships as well as Dunkirker privateers in the North Sea had cost the Society at least six busses and helped precipitate a financial crisis by 1635. For these losses, when coupled to the difficulties the provincial associations encountered in the western isles, persuaded many members of the Society to withhold or delay paying in full the capital they had promised to adventure. Although subscriptions of venture capital amounting to £22,682 10s sterling (£272,190) had been promised since 1633, only £9,914 10s sterling (£118,974) had been paid by 1635, necessitating borrowing by the Society in excess of £3,500 sterling to meet its most pressing commitments - well in excess of £13,000 sterling (£156,000) having already been expended on busses, equipment and manpower. Rather than retrench, the council of twelve continued to advocate the expansion of the Society's fishing operations, covering up its financial difficulties by inflating the value of its stocks in hand (fish, salt and tackle) and by carrying forward the damages sustained in the North Sea as assets. A notional profit of £178 2s 7d sterling (£2,137 11s) was declared from the operation of six busses. In order to encourage full payment of subscriptions, members were offered an indemnity against yearly losses incurred from 1635, an indemnity which was also to apply to any additional assessment on members to augment venture capital. Nonetheless, with the piratical activities of the Dunkirkers continuing unabated, with the Dutch refusing to accept licensing on a regular basis after 1636 and with the provincial associations pulling out of Lewis from 1637, not even the intricate accounting of its councillors and administrators could stave off an insuperable crisis of

liquidity.⁵²

Indeed by October 1637, influential voices within the Scottish administration were coming to the conclusion that the deep sea fishing off the Scottish coasts could best be exploited not by competing against the Dutch but by tapping their unrivalled expertise as instructors to the native fishing community. Thus, Traquair, who had initially supported the common fishing as a means of increasing the revenues of the Crown - Charles being reputed to receive no more than £1,500 annually from the customs on fish exported from Scotland - was pressing Hamilton for a reappraisal of policy at Court. No foreseeable profit could be expected from the Society 'quhich is now leik to cum to noying for want of right government'.⁵³

According to the prospectus for the common fishing presented to the Convention of Estates in 1630, Charles had envisaged a fleet of at least one hundred busses, costing £72,000 sterling (£864,000) to build, equip and man, but generating a clear annual profit of around £82,707 sterling (£992,484). From its inception, however, the Society for the common fishing was consistently afflicted by 'ludicrously insufficient capital' because of the chronic inability of its councillors and administrators to mobilise and sustain adequate funding. Probably no more than twenty busses were actually built and operated by the Society. In total, £16,975 sterling (£203,700) was subscribed and paid up as venture capital by members between 1633 and 1637, of which £2,047 7s 10d sterling had to be returned to offset annual losses incurred from 1635. Moreover, because members preferred to pay their subscriptions in small sums - if at all as commercial prospects became bleaker - recurrent costs on equipment and manpower necessitated further borrowing in excess of £4,750 sterling between 1635 and 1637. Over that same period, an additional assessment on members realised only £6,142 13s 4d sterling (£73,712). Instead of generating annual profits, the Society under the stewardship of the council of twelve was on the brink of bankruptcy by August 1638: all capital adventured had been used up and an accumulated deficit of

£21,070 5s 6d sterling (£252,843 6s) admitted.⁵⁴

Not only had the common fishing proved a financial liability, but its implementation had important commercial as well as constitutional implications which broadened and deepened support within Scotland for sustained opposition to the policies of an absentee monarch. Above all, the common fishing proved a political liability by demonstrating that Charles' pursuit of uniformity entailed the subordination of the resources, institutions and aspirations of the Scottish people to the dictates of the Court. Conversely, the upholding of the national interest as pioneered by the royal burghs became a potent rallying cry for the disaffected element from the Convention of Estates in 1630. Moreover, Charles' dogmatic pursuit of uniformity, which continued unabated throughout the 1630s with respect to currency revaluation and tariff reform, served not only to emphasise the provincial relegation of Scotland but also to induce economic recession north of the Border. The prospect of provincialism no less than the reality of recession extended the scope of dissent beyond the political nation. Whereas class collusion to circumvent the Revocation Scheme or to forestall the restructuring of local government was confined to the political nation, entire communities expressed their contempt for the economic policies emanating from the Court by collective acts of disobedience. Such acts as the circulation of banned or counterfeit coins through domestic markets, smuggling and the disregard of trade embargoes, though perennial aspects of civil disobedience, became commonplace and routine rather than localised and occasional occurrences in the course of the 1630s.⁵⁵ In turn, habitual civil disobedience throughout Scotland raised *national* tolerance for direct political action as for organised protest by the disaffected element against established authority in Kirk and State.

Notes

1. cf. Stirling's Register of Royal Letters, I & II, passim.
2. APS, V, 220-21.
3. SRO, Seaforth Muniments, GD 46/18/147; W.C. Mackenzie, History of the Outer Hebrides, (Edinburgh, reprinted 1974), 304; J.R. Elder, The Royal Fishery Companies of the Seventeenth Century, (Glasgow, (1912), 7-11, 14-18.
4. Smith, An Historical Geography of Western Europe before 1800, 431-32; Davis, The Rise of the Atlantic Economies, 186-87; W.R. Scott, The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720, vol. II, (Cambridge, 1910), 361-62; hereafter, Scott, Joint-Stock Companies to 1720, II; Elder, The Royal Fishery Companies, 11-13, 25-30. Moreover, the Dutch massacre of English traders at Amboyna in the West Indies, which left the Dutch in undisputed control of the lucrative spice trade of the Carribean, caused widespread resentment in England - particularly as this massacre of 1623 remained unavenged (P. Corfield, 'Economic Issues and Ideologies' in The Origins of the English Civil War, 213).
5. SRO, Seaforth Muniments, GD 46/18/147; D. Gregory, History of the Western Highlands and Isles of Scotland, (Edinburgh, reprinted 1975), 278-80, 286-87, 290-92, 297-99, 304, 309-10, 315-16, 334-38; Mackenzie, History of the Outer Hebrides, 304, 320-21.
6. RCRB, Extracts, (1615-76), 222-23, 243, 289-90; F.J. Shaw, The Northern and Western Islands of Scotland, (Edinburgh, 1980), 124-25; Elder, The Royal Fishery Companies, 27-31.
7. RCRB, Extracts, (1615-76), 259-62; Mackenzie, History of the Outer Hebrides, 304-05; Elder, The Royal Fishery Companies, 32.
8. RCRB, Extracts, (1615-76), 277, 291-93, 300; Stirling's Register of Royal Letters, I, 305; RPCS, second series, III, 94-96; The Red Book of Menteith, II, 87-88. The previous lobbyist at Court, Mr Patrick Hamilton, had been discharged in July 1626 because the burghs claimed they were unable to support his position financially. In any case, the post was intended for a resident at Court and Hamilton was not fulfilling that condition (RCRB, Extracts, (1615-76), 231).

9. Stirling's Register of Royal Letters, I, 358-59; RPCS, second series, III, 428-29, 479-80, 495-96.
10. RCRB, Extracts, (1615-76), 318-20; Elder, The Royal Fishery Companies, 32-33.
11. Stirling's Register of Royal Letters, I, 346, 388-89.
12. APS, V, 220-23; RPCS, second series, IV, xviii-xx; Elder, The Royal Fishery Companies, 13, 35-37. The most recent English precedent for this corporate structure was the New England Company founded in 1620 to promote colonial development (Scott, Joint-Stock Companies to 1720, II, 364-65).
13. CSP, Venetian, XII, (1629-32), 453; J.I. Israel, 'A Conflict of Empires, Spain and the Netherlands, 1618-48', Past & Present, 76, (1977), 44-47.
14. APS, V, 220; CSP, Domestic, (1629-31), 450; Scott, Joint-Stock Companies to 1720, II, 362-63; Mackenzie, History of the Outer Hebrides, 305-06; Snoddy, Lord Scotstarvit, 183-84.
15. APS, V, 223, 225-27; RPCS, second series, IV, 20; Elder, The Royal Fishery Companies, 37-39.
16. RCRB, Extracts, (1615-76), 323; CSP, Domestic, (1631-33), 237.
17. NLS, Morton Cartulary & Papers, Letters of Noblemen, III, MS.81, ff.78; CSP, Domestic, (1631-33), 238; APS, V, 228-29. One of the English commissioners was John Hay, earl of Carlisle, a deracinated Scottish courtier and a thoroughly naturalised Englishman who was a member of the Privy Councils of both countries.
18. Stirling's Register of Royal Letters, II, 479-80, 483; APS, V, 229-30.
19. RPCS, second series, IV, xxi-xxiii; APS, V, 231-33; RCRB, Extracts, (1615-76), 325-26; Snoddy, Lord Scotstarvit, 192; Elder, The Royal Fishery Companies, 40-42.
20. APS, V, 233; RPCS, second series, IV, 56-57.
21. APS, V, 233; Perceval-Maxwell, The Scottish Migration to Ulster, 11, 114, 156-57, 160-61, 172-73, 315.
22. RPCS, second series, I, 375-76; III, xxiii-xxiv, 354-56; Scott, Joint-Stock Companies to 1720, II, 55, 70, 104, 363.

23. APS, V, 224, 233; RPCS, second series, I, lxxii, 478-79, 571-72; II, xxxiii-xxxiv, 242-44, 265-66, 284, 305-07, 567-68; III, xxii-xxiii, 24-25, 44, 395; RCRB, Extracts, (1615-76), 285, 311-12, 316.
24. Calderwood, The History of the Kirk of Scotland, vol. VII, 498-501; APS, V, 184-87, 227; Row, History of the Kirk, 343, 350-51; SRO, Cunninghame-Graham MSS, GD 22/1/518.
25. APS, V, 219, 224-25, 228; SRO, Cunninghame-Graham MSS, GD 22/1/518; RCRB, Extracts, (1615-76), 288, 313.
26. A Source Book of Scottish History, III, 309-12; RPCS, second series, I, xvi, xxxiii, 54-56, 67-68, 77, 174, 237-38; II, 101-02, 123-24, 196; III, xxiv, 107-09, 359-60, 425, 611-12, 624; RCRB, Extracts, (1615-76), 195, 225, 249; APS, V, 185.
27. RPCS, second series, xxiii-xxiv, 78-79, 162, 169, 196, 241, 281, 295-96, 443; V, 599; VI, xviii, 2021, 61; Stirling's Register of Royal Letters, II, 755; APS, V, 228, 411, c.98-99. In order to inhibit merchants from projecting monopolies and to restrict the effectiveness of any future patent granted by the Crown, the Convention of Royal Burghs added a rider to the burgess oath in July 1632 that no freemen should promote monopolies directly or indirectly nor make any declaration in favour of specific patents without the advice of the town-council of his burgh (RCRB, Extracts, (1677-1711). appendix, J.D. Marwick, ed., (Edinburgh, 1880), 531).
28. The other monopoly referred specifically to a select committee was the earl of Linlithgow's patent to manufacture gunpowder which had been granted in June 1628 to last for twenty-one years. The most objectionable aspect of this patent was not Linlithgow's exclusive right to import the commodities necessary to manufacture gunpowder, but the comprehensive and draconian powers accorded to the earl and his agents to enter, search out and work saltpetre in any estate or building in Scotland - whether on the property of the Crown or of any of the king's subjects. Two months later, following vociferous protests from the royal burghs, Linlithgow was admonished by the Privy Council that his

patent should be exercised with as little prejudice to the public as possible, that compensation should be paid for any damages to property and that repairs should be effected speedily. Although the investigative scope of Linlithgow's patent remained a cause of public disquiet, since its sweeping powers were never exercised fully prior to the Convention of 1630 - nor, apparently, prior to the termination of the patent in 1641 - the Estates were more concerned to review its future operation than demand its outright recall (APS, V, 219, 224, 411, c.98; RPCS, second series, xxii-xxiii, 333-34, 425-26, 439-40, 537-38). Arguably, the Estates were as much concerned to criticise Linlithgow as his patent. For, in his capacity as acting Lord High Admiral (during the minority of the duke of Lennox), Linlithgow had been responsible for policing trade embargoes, most notably that on French wines. Furthermore, following his accession to office in January 1627, Linlithgow had not only left the vanguard of nobles opposed to the Revocation Scheme, but he had offered precipitately to submit his teinds for redistribution by the Crown in February 1628 (RPCS, second series, 519-20; Stirling's Register of Royal Letters, I, 260-61, 302; Balfour, Historical Works, II, 153).

29. APS, V, 208, 223-25. Another five lairds not enrolled as shire commissioners or as officials were invited to participate in the committee stages of the common fishing - presumably because their interests as landlords in fishing districts would be affected by the implementation of the association of adventurers. Likewise, among the fourteen burgesses attending the original deliberating committee, five - including Mr John Hay, the only individual to serve on the committee of review and the negotiating commissions - were not enrolled as commissioners for the burghs at the Convention.
30. APS, V, 233.
31. Ibid, 234-37; Stirling's Register of Royal Letters, II, 544; RPCS, second series, IV, xxii-xxiii; The Red Book of Menteith, II, 88-90; Elder, The Royal Fishery Companies, 42-45.

32. APS, V, 237-39; RCRB, Extracts, (1677-1711), appendix, 525-29; RPCS, second series, IV, 181, 208, 308-09, 340; Elder, The Royal Fishery Companies, 45-47.
33. CSP, Domestic, (1631-33), 488-89; Scott, Joint-Stock Companies to 1720, II, 363-64.
34. RCRB, Extracts, (1677-1711), appendix, 534-36; RPCS, second series, IV, 551-52; Mackenzie, History of the Outer Hebrides, 310-11.
35. Stirling's Register of Royal Letters, II, 589, 606, 612, 614; APS, V, 244-46; RPCS, second series, IV, 555.
36. Stirling's Register of Royal Letters, II, 606, 613; APS, V, 244.
37. APS, V, 239-44; Elder, The Royal Fishery Companies, 48-50.
38. RPCS, second series, IV, 541-42, 554-56; APS, V, 239-40, 272-76.
39. Stirling's Register of Royal Letters, II, 617-18; APS, II, 235, c.20; V, 244-45. The Privy Council was also charged to establish the range and validity of all fiscal dues exacted customarily by the Crown and landowners from the native fishing community and the extent to which these dues were applicable to the members of the Society - a complex and diffuse task which took at least three years to complete. For in May 1634, Charles forbade the exaction of teinds from members of the Society fishing around the western isles pending the settlement of 'a solid course tuitching all impositions and dewteis whatsoever to be raised upon these fishings'. In turn, because English adventurers were now encroaching upon the traditional fishing grounds of the native community, Charles felt himself obliged to suspend the exaction of the assize of herring from the royal burghs in October 1634 (Stirling's Register of Royal Letters, II, 755, 782-83). Nevertheless, the assize - a royalty exacted seasonally from foreign as well as native fleets engaged in herring fishing within Scottish territorial waters - was being uplifted by November 1635, when the audit of the Treasurer's accounts disclosed that the tack of the assize (the accustomed means of collection) had realised £2,666 13s 4d since August 1634 (SR0, The particular accompt of the erle of Traquair, 1634-35,

- E 30/23/7; APS, II, 6, c.22). Another royalty was the subordinate excise of herring 'for the aill that is drunken and spent at the fishing of the West Sea', which was also usually set in tack to a fiscal entrepreneur but collected irregularly. Apparently no more than £12 was yielded annually to the Crown between 1519 and 1646 (NLS, Sea Laws etc, Adv. MS.6.2.2, ff.436).
40. RPCS, second series, IV, 546-47, 551-52. The seven lochs specified by the burgesses as the most commodious for the establishment of plantations by the Society would seem to have been Loch Seaforth, Loch Erisort and Loch Ourn in Lewis; Kylesku in Assynt; Loch Gairloch in Wester Ross; Loch Hourn in Glenelg; and Lochhead (Campbeltown Loch) in Kintyre - though strictly speaking, the latter was within the reserved "firth" of Dumbarton. The five major sea lochs regarded as the most vital to the native fishing community were Loch Stornoway in Lewis; Loch Tarbert in Harris; Loch Maddy and Loch Eport in North Uist; and Loch Broom in Wester Ross.
 41. RPCS, second series, IV, 556, 590-92; Stirling's Register of Royal Letters, II, 627, 641.
 42. RCRB, Extracts, (1677-1711), appendix, 532; Stirling's Register of Royal Letters, II, 609-10, 641; RPCS, second series, IV, 547-48; SRO, Minutes taken from the Exchequer Register, 1630-34, E 4/8, ff.8.
 43. RCRB, Extracts, (1615-76), 194, 248-49, 300; RCRB, Extracts, (1677-1711), appendix, 529-30, 533, 536-37; Stirling's Register of Royal Letters, I, 222; II, 573-74; APS, V, 42, c.24. Another year was to elapse before Sir John Hay was replaced formally as the burgh commissioner at Court by Henry Alexander, son of the earl of Stirling, who was granted an annuity of £100 sterling (£1,200) to facilitate his business as a lobbyist from July 1635 (RCRB, Extracts, (1677-1711), appendix, 539).
 44. Elder, The Royal Fishery Companies, 66-67; RCRB, Extracts, (1677-1711), appendix, 538.
 45. Elder, The Royal Fishery Companies, 54-55; Scott, Joint-Stock Companies to 1720, II, 368-71.

46. Snoddy, Lord Scotstarvit, 203; Elder, The Royal Fishery Companies, 81-83; Scott, Joint-Stock Companies to 1720, II, 365-68.
47. Shaw, The Northern and Western Islands of Scotland, 125; Mackenzie, History of the Outer Hebrides, 326.
48. RCRB, Extracts, (1677-1711), appendix, 541-42; Scott, Joint-Stock Companies to 1720, II, 366. Despite the implementation of the common fishing customs farmers, not the Society, retained responsibility for collecting the requisite dues for herring and white fish exported from Scottish ports (SRO, Exchequer Act Book, 1634-39, E 4/5, ff.50-52, 95-96, 144-45).
49. Stirling's Register of Royal Letters, II, 723, 739-40, 784, 861; SRO, Exchequer Act Book, 1634-39, E 4/5, ff.199-203; Elder, The Royal Fishery Companies, 54-57, 63-64; Mackenzie, History of the Outer Hebrides, 321-22, 326; APS, V, 530-32, c.307.
50. Stirling's Register of Royal Letters, II, 762; RPCS, second series, V, 286, 414-16; VI, 96-97; Collectanea de Rebus Albanicis, W.F. Skene, ed., (Iona Club, Edinburgh, 1847), 103-07; Elder, The Royal Fishery Companies, 58-63.
51. RPCS, second series, VI, 279-80, 292, 335, 346, 457; Elder, The Royal Fishery Companies, 72-74; Mackenzie, History of the Outer Hebrides, 319-20.
52. Elder, The Royal Fishery Companies, 65-80; Scott, Joint-Stock Companies to 1720, II, 365-66.
53. SRO, Hamilton Papers, TD 75/100/26/978 & /1000.
54. APS, V, 221-22; Scott, Joint-Stock Companies to 1720, II, 366-68.
55. On 18 January 1634, in a despairing effort to revive royal finances as well as check civil disobedience, a commission of indefinite duration to prevent the abuse of transporting unlawful goods and merchandise was issued by Charles I to William Barclay of Innergellie. Barclay was to retain half the fines imposed on transgressors convicted of shipping unlicensed commodities. In return, he was expected not only to arrange that a watch be kept on the ports and isles of Scotland but to establish a network of informers and receivers at ports, towns and market places in

England, Ireland, Spain, Germany, Sweden, Denmark, Norway, Poland and all other places, isles and countries where Scots traded - except the United Provinces which remained the special responsibility of the conservator at Campvere (Stirling's Register of Royal Letters, II, 712-14).

The most pressing, but least tractable, economic problem confronting Charles I in 1625 and throughout his personal rule was the state of the currency. At the root of this problem was the international shortage of bullion. Coin - silver predominantly, then gold - was still the prevailing medium for settling trading balances between nations and underwriting the credit system necessary for commercial growth in the early seventeenth century. More specifically, the expansion of a monetary economy in Scotland as elsewhere in northern Europe meant a growing demand for coin. Yet the supply of silver and gold from the New World was irreversibly on a downward spiral by 1625. Moreover, the preponderance of silver in commercial exchange had led to a marked appreciation of gold since the outset of the seventeenth century, a trend compounded by hoarding. The widening gap between the supply of bullion and the commercial demand for coin resulted inevitably in price instability, devaluation of national currencies and disruption to international trade.¹

As the costs of central governments escalated because of increasingly voracious bureaucracies and the recurrence of war on the continent, European powers were generally tempted to tamper with native currency and to convert foreign specie in order to stretch out the use of silver. In particular, the debasement and clipping of coin warranted by German princes from the outbreak of the Thirty Years War ushered in a period of hyper-inflation throughout the Holy Roman Empire during the 1620s which pushed back the attainment of price stability throughout Europe. Arguably, an international monetary crisis was only averted because of the marked reluctance of mercantile communities to disrupt established trading relationships. Thus, silver and gold coins were allowed to retain their customary values for international trade but were circulated at inflated rates in domestic markets. Nonetheless, as prices continued to spiral upwards as the supply of bullion began to dwindle, employment prospects were jeopardised internationally which, in turn, coupled the threat of economic recession to widespread social dislocation. Eastern European countries such as Poland, whose manufacturing base was underdeveloped

and whose economic prosperity was overdependent on agriculture, were to suffer most. Western countries such as the United Provinces and England, with diversified economies characterised by relatively sophisticated commercial institutions and a broadening manufacturing base, were to demonstrate the greatest resilience against recession.²

Though less dependent on agriculture than Poland, Scotland lacked the diversity of manufactures and commercial depth found in England or the United Provinces. Nonetheless, strong trading links with both these countries, while not guaranteeing price stability, helped foster economic resilience and fend off recession. The standardisation of exchange rates at the Union of the Crowns - the Scots pound and mark being fixed at a twelfth of their English equivalents - and the subsequent circulation of gold and silver coins of the common monarchy as legal tender on either side of the Border had served not only to stabilise Anglo-Scottish trade but to promote international acceptance of Scottish currency. Furthermore, the paramount economic importance of the Dutch connection, particularly the trade in coal and salt as Scotland's major currency earner, had led to the regular supply and nationwide circulation of the "rix dollar", the silver coin most acceptable for international trade. While thus protected against the worst ravages of inflation, Scotland was not insulated against the international bullion shortage.

At the same time as the Germanic states were devaluing and tampering with silver coin, the recurrence of dearth between 1622 and 1624 - and especially the threat of endemic famine in 1623 - obliged Scottish merchants to lay out native specie to purchase grain in continental markets. In turn, this run on the stock of Scottish coin occasioned the massive influx of debased foreign dollars to serve the needs of domestic exchange. Moreover, sectional interests within the mercantile community were prepared to sabotage the attainment of price stability by profiteering from the chronic shortage of silver coin on the continent - notably, in France, the Spanish Netherlands and Eastern Europe. In order to acquire Scottish specie for conversion

into their own native currencies, Scottish merchants were offered large discounts on various commodities for payments in cash, discounts which were not passed on to the Scottish consumer since the merchants sold the imported commodities at inflated prices - as much as double the purchase price - in domestic markets. The net effect of such profiteering was to drain off native specie and provoke repeated public outcry 'for want of exchange'.

The shortage of native coin was also compounded by declining administrative standards following the migration of the Court to London. Hitherto, foreign money was only allowed to circulate in Scotland according to the weight and silver content of each coin at rates set by the Privy Council, tabulated in the Mint and distributed to designated exchangers appointed by the general of the Mint in the leading burghs. Foreign money brought to these exchangers was either revalued at the prescribed rates or despatched as bullion to the Mint in return for Scottish coin of equivalent value. Such central direction had lapsed by 1619. Thereafter, foreign currency was allowed to circulate at face value or rather at rates determined diversely and haphazardly by the mercantile community, a practice which exploited lack of public knowledge on international exchange, deprived the Crown of a steady supply of bullion and denied the country sound money.³

Charles was not insensitive to the parlous state of the currency at the outset of his reign. In an effort to remedy the wholesale export of Scottish specie, the chronic shortage of native currency and the excessive reliance on foreign dollars for domestic exchange, he was prepared to countenance public discussion on the most efficacious means of attaining sound money. Hence, his initial reforming programme presented to the Convention of Estates on 1 November 1625, contained a plethora of proposals to increase the stock of native currency in both the short and the long term. Exports of bullion were to be penalised and its import exhorted. Restraints were to be imposed on unnecessary imports. The formation of companies

to manufacture native products was to be encouraged. Existing currency was to be devalued and new issues of coin debased. Charles, himself, not only favoured the immediate devaluation of existing currency by up to twenty-five per cent, but also proposed a corresponding revaluation of feu-duties - hitherto deemed fixed in perpetuity - to prevent further erosion of Crown rents and landed incomes. However, the Estates preferred the less litigious option of restricting exports of Scottish specie to pay for luxury goods from the continent and, 2 November, ordained the Privy Council to enforce existing enactments against the importation of unnecessary foreign wares. Moreover, because the state of the currency was a complex issue which could not be 'summarily digested' in two days, the Estates selected a committee to give 'goode advice and deliberatioun'. Accordingly, eight nobles, eight eight gentry and three bishops, together with representatives from the burghs of Edinburgh, Dundee, Aberdeen and Glasgow, were appointed to confer with the Privy Council and submit a report to the king recommending a definite course of remedial action by the end of February 1626.⁴

The select committee on the coinage included nobles of the stamp of Rothes, Loudon^u and Balmerino: eight of its membership went on to serve on the select committees for the common fishing and monopolies appointed by the Convention of Estates in 1630. Nevertheless, although deliberations on the coinage were prolonged until the summer of 1627, the select committee did not afford a constitutional forum for the dissenting element between Conventions. For the select committee on the coinage was merely a consultative body. It conducted no independent deliberations during or after the Convention of 1625 and always met under the tutelage of the Privy Council. Nonetheless, the Council's deliberations with the select committee did serve to sharpen political awareness about the national importance of economic issues in general, not just the state of the currency. Despite prompting from the burghs for a timely recommendation on a definite course of remedial action, the lack of consensus between councillors and committee members led to the

deliberations being augmented from the spring of 1626 to include all interested parties among the nobility and gentry. Simultaneously, since the national economic performance was deemed to be governed ultimately by the supply of bullion, the remit of the deliberations was also broadened to cover not only the desirability of restraining unnecessary imports, but also the expediency of imposing corn laws, of continuing the export of coal and salt under licence and of monitoring the prices of staple commodities in domestic markets. Although the latter issues were duly implemented as expedient, no definite action was taken to remedy the state of the currency. Charles' preference for devaluation remained unsupported. Indeed, the Privy Council escaped endorsing such a momentous option by holding no more than cursory discussions on the coinage during the summer of 1626 and then proroguing repeatedly its meetings with the select committee until the spring of 1627.⁵

In the meantime, private consultations were under^{way} at Court between Charles and Nicholas Briot, a Frenchman who was a leading official in the English Mint and the foremost expert on currency then at the disposal of the Crown. In August 1626, Briot submitted a memorandum strongly dissuading Charles from attempting even a modest devaluation of no more than eight per cent or, indeed, from any tampering with the coinage which would prove as beneficial to hoarders and forgers as to the Crown. Existing exchange rates should be upheld in the interests of international trade and to preserve commercial confidence at home. Moreover, given that the minting and stamping of coin remained a royal monopoly, the export of specie abroad was not in itself harmful but served to promote international acceptance of the currency by the Crown.⁶ Nonetheless, excessive export of Scottish specie meant that foreign dollars were continuing to circulate freely in domestic markets at rates far above the value of their Scottish equivalents. Because the deliberations between the Privy Council were inconclusive, no official attempt had as yet been made to regulate or standardise rates of exchange. Hence, in May 1627, Napier of Merchiston, the recently ennobled treasurer-depute, was despatched from

Court with a missive from the king to reconvene the deliberations on the state of the currency. Despite lengthy discussions with the select committee, supplemented by advice from officials of the Mint and leading merchants in Edinburgh, the Privy Council was moved to record on 16 June, that it was still neither meet nor expedient to devalue the native currency, to adjust exchange rates or to restrict the circulation of foreign dollars.⁷

Over the next eighteen months, lack of official resolve on a definite course of remedial action did nothing to diminish the flow of foreign dollars into Scotland or to curtail their circulation at inflated rates in domestic markets. Admittedly, the disruption to Scottish overseas trade occasioned by Charles' declarations of war against France and Spain was a more pressing cause of public concern than the state of the currency. The Council did at least recognise that the excessive circulation of foreign dollars within Scotland was attributable primarily to the debasement and clipping of coin within the Holy Roman Empire. Dollars were imported mainly through the east coast ports either as a direct result of the sea-borne trade with the German states or indirectly through the Low Countries - notably, from the acceptance of German dollars in lieu of bullion or "rix-dollars" by the coalowners and saltmasters on the Firth of Forth. Official indignation was also expressed that the additional varieties of German dollars recently introduced to Scotland abetted much dishonest dealing, both with respect to increased opportunities for counterfeiting and, above all, for merchants to exploit lack of public knowledge about international exchange. Certain German dollars were being exchanged at rates from four to twenty-nine per cent above the intrinsic value of their Scottish equivalents. Thus, the "lion-dollar" (or "dog-dollar") was circulating at forty-eight shillings whereas its true worth and price was deemed no more than forty-six shillings; most flagrantly, the "base-dollar" was circulating at thirty-three shillings and four pence whereas its real value was no more than twenty-five shillings and ten pence; the latest intruder, the "embden dollar" was also circulating at thirty-three shillings and four pence instead of

twenty-six shillings.⁸

The unabated proliferation of counterfeit and foreign dollars stirred the Privy Council into a fresh initiative at the outset of 1629. Commencing on 15 January, a series of meetings was instigated with the officials of the Mint and prominent Edinburgh merchants trading with France, the Low Countries and eastern Europe. General agreement was reached that the "rix-dollar" and the "lion-dollar" were the most suitable foreign coins to be retained for public use. However, no clear guidelines were issued for the disposal of all other dollars at least cost to the country or inconvenience to the public. Discussion diverged on whether unacceptable foreign dollars should be brought to the Mint for conversion into bullion or returned to their country of origin by the mercantile community in the normal course of trade. Moreover, although it was deemed desirable to restrain all future imports, there was a tacit acceptance that foreign dollars would continue to circulate surreptitiously. For the Council decreed on 17 February, that the "rix-dollar" should be taken as the international standard for allowing or discharging the circulation of foreign coin. All efforts to impose restraints over the next twelve months duly proved ineffective. On 18 February 1630, the Council received an acerbic injunction from Charles requiring more energetic action. Five days later, a special committee of ten leading councillors was formed to confer with the officials of the Mint and prominent merchants on 'the best wayes for removing of the present abuse in the course of forrayne coyne and for bringing in of bulyeon to the mint house hereafter'.⁹

Once again, renewed deliberations led to no definite programme for remedial action. The state of the currency was not even raised as an issue at the Convention of Estates at the end of July 1630 - either by officials on behalf of the Crown or by shire commissioners on behalf of the localities or by the burgesses on behalf of the mercantile community. This apparent lack of concern betokened nationwide acquiescence in the excessive circulation of counterfeit and

debased dollars and the seeming futility of embarking unilaterally upon a remedial programme to eradicate international abuses. Indeed, the only directive emanating from the Council's ongoing deliberations on the coinage was the issue of a stereotyped proclamation on 8 September, aimed mainly at east coast traders, against the wholesale importation of foreign dollars and the circulation of counterfeit coin.¹⁰

However, the Council did receive on 18 November a package of proposals from Mr John Aitcheson, general of the Mint, offering a practical remedy for the most patent abuse - the derangement of the currency occasioned by the circulation of foreign dollars at inflated rates. In the first place, drawing on precedent from the reign of Mary, queen of Scots, Aitcheson suggested that the 'basest sort' of dollars be converted into native currency for use as small change exclusively in domestic markets: in effect, Scotland should copy France, the Spanish Netherlands and the German states. Secondly, the most acceptable foreign coin, namely the "rix-dollar", should also be converted into native currency for use as specie in trade with eastern Europe. Although this appeared a rather expensive nationalist option, Aitcheson claimed that the strict imposition of fines on traders profiteering from the export of native coin would cover conversion costs. Alternatively, if the Council was not prepared to accept both proposals, the country's silver coin must either be adapted to the current rates for gold - a realignment which went against the international trend of allowing gold to appreciate against silver - or debased in fineness or weight, a laborious and expensive process. In either case, consultations would be required with the officials of the English Mint if the gold and silver coin of the common monarchy was to continue circulating as legal tender in both countries. In the meantime, rates for bullion in Scotland should be standardised with those of England. Towards this end, the customs on all goods imported to Scotland should be doubled and paid either in foreign silver plate or coin of guaranteed silver content which could then be brought as bullion to the Mint. Aitcheson thus favoured a moderate but

controlled exchange of silver coin internationally. For although he was adamant that the circulation of foreign dollars at excessive rates should be made a treasonable offence, he warned against Charles I thinking that he 'can keepe moneyes within Scotland' without severe disruption to international trade.¹¹

Before any attempt was made to activate Aitcheson's proposals, the Privy Council received an alternative package from the Convention of Royal Burghs on 3 March 1631. The Convention was less concerned to advocate constructive remedies than to defend current practices of international exchange on behalf of the mercantile community. Thus, the wholesale importation of foreign dollars, especially by coalowners and saltmasters, should be restrained; tampering with the coinage, counterfeiting or melting down native coin for bullion should be subject to severe penalties; but it would be folly to devalue foreign dollars to restrict their circulation in domestic markets 'till the countrie were first supplued with better money'. If the peace with Spain continued there was every likelihood that the country could be disburdened of debased dollars in exchange for coin of acceptable silver content. The Convention did at least concur that the country's stock of acceptable silver coin could be conserved if all payments for international commodities were made in foreign dollars not by the exchange of native specie. However, the Convention remained adamant that the interests of the mercantile community would best be served if all foreign - other than English - coin earned as bullion from the exchange of Scottish commodities were paid directly into the Mint rather than to customs farmers - even though such direct payment entailed an impracticable degree of centralisation and afforded an open season for smuggling.¹²

The Privy Council preferred the advice of the royal burghs to take no action pending more mature deliberations. Nonetheless, Aitcheson's package had at least served to pinpoint the importance of stemming the flow of debased foreign dollars into Scotland from England. By 26 July, the Council was belatedly moved to recognise

that the overland trade with England - notably in bestial on the hoof and yarn and cloth by packhorse - was the major avenue for the indirect import of German dollars outwith the trade in coal and salt from the Firth of Forth. Accordingly, a proclamation was issued two days later forbidding the wholesale importation of foreign dollars overland. From 1 September, commodities traded in English markets were either to be sold for the coin of the common monarchy or exchanged for acceptable foreign dollars - that is, mainly the "rix-dollar", the Spanish pistolet and the French crown - which were to be allowed to circulate within Scotland at rates prescribed by the Council according to their respective fineness and weight. The like prohibition and prescription was to apply to coalowners and saltmasters from 1 November.¹³

No further initiative to reform the coinage was attempted until the summer of 1632. At the same time as the revaluing of silver coin in relation to gold (as suggested by Aitcheson) was being discussed within English official circles, Charles was again consulting Briot at Court on the Scottish situation. In order to correct the excessive circulation of foreign coins - at rates averaging ten per cent above their Scottish equivalents - and the shortage of native currency for domestic exchange, Briot was now prepared to countenance a staggered devaluation of foreign dollars linked to a new issue of small coins with their silver content modestly debased. Taking the "rix-dollar" as the international standard for rating foreign coins in proportion to their silver content, its value, which fluctuated between fifty-eight shillings and fifty-seven shillings, was to be reduced to fifty-six shillings over four months and then stabilised at that rate for a further six months before being reduced to fifty-three shillings. This was to remain its 'trew raite' of exchange unless and until the Crown resolved to revalue silver coin in relation to gold. During the first ten months of this staggered devaluation, foreign dollars were to be called in to the Mint, exchanged at rates proportional to their silver content in relation to the "rix-dollar" at fifty-six shillings, melted down and re-issued as less fine silver coin in small denominations (from one shilling to

four shillings) for exclusive use in domestic markets. Both measures were designed to inculcate sound money while maintaining the stock of coin necessary for commercial continuity. The staggered devaluation would prevent the prompt exodus of foreign dollars from the country and thereby allow time for the gradual introduction of silver coin in small denominations into domestic markets. Moreover, so long as the debasement of the new coins' silver content was modest in relation to existing coin of greater denominations, there was little prospect of 'excessive gayne' for forgers and illicit traffickers in foreign dollars. Having recommended the Privy Council and officials of the Scottish Mint to give their serious consideration to these proposals on 3 June, Charles despatched Briot north three months later to impart his personal expertise as chief engraver in the English Mint.¹⁴

It was not until 24 November 1632 that the chief engraver in the English Mint presented his credentials to the Privy Council. However, since Briot claimed that pressing business demanded his prompt return to Court, his proposals - for a staggered devaluation of foreign dollars linked to a new issue of small coins with their silver content modestly debased - were not recounted personally. Instead, an expanded version of his proposals was read out to an attenuated meeting of the Privy Council on 4 December. In the meantime, copies were circulated among officials of the Mint and prominent Edinburgh merchants, for consideration by the royal burghs, and written responses invited for 10 January 1633, when a full meeting of the Council was summoned for mature and grave deliberation on the state of the currency, 'a mater of verie great importance quhairin the hail kingdome hes speciall interesse'.¹⁵

The expanded version of Briot's proposals reiterated the need for devaluation of foreign dollars so long as the process was staggered to allow time 'to surrogate als good kynds of money of his Majesteis in thair places' and thus minimise disruption to the country's commerce. Moreover, devaluation rated against the "rix-dollar" as the international standard for exchange, had already proved beneficial in

stabilising prices in Italian as well as German states during the last decade. Briot was also adamant that a modest reduction in the silver content in the new issue of coin should not be termed debasement. For the coins of small denomination for domestic exchange were to be minted not in great quantities but only sufficient 'as sall be judged necessarie for use and commoditie of the people'. The silver coin of large denomination used as native specie would remain intrinsically unaffected. However, Briot had not formulated his proposals to secure their widespread acceptance, far less his personal endearment, within Scotland. He asserted categorically that the current disorders of foreign money in the kingdom 'hath beene made and continueth without anie caus or publict necessite'. He made a stinging attack on the mercantile community for their avarice, as on the officers of the Scottish Mint for their laxity, in encouraging the importation of foreign dollars and promoting their circulation at excessive rates in domestic markets. He went on to assert that any short term loss resulting from devaluation - which must be set against the long term acquisition of sound money - would fall mainly on the rich, particularly the mercantile community, 'those who possesse the most part of forrane moneyes, and not upon the people who possesse the smallest part'. Trafficking in foreign coin, especially debased dollars, for personal advantage to 'the hurt of the commonwealth' was unwarrantable. Not only was the country drained of native specie, 'as if this kingdome wer a conquest kingdome', but the prerogative and majesty of the Crown was slighted since Charles I was not known in Scotland 'by his proper, naturall and coynned money'.

The importance Briot attached to the prerogative and majesty of the Crown merely reiterated in public the view he had expressed privately to Charles six years earlier, that the right to mint and issue coin was 'the most common marke of sovereignty'. While it was politically expedient to undertake widespread public consultations before altering rates of exchange or debasing or tampering with the coin, 'it lyeth in the princes power to impose such value to that as he please without contradicting of the subjectis'. Their duty was to

obey.¹⁶

Following the distribution of Briot's proposals by the Privy Council, the plenary discussions on the state of the currency, arranged to commence on 10 January 1633, were presaged and dogged by an acrimonious exchange of views in the written submissions invited from officers of the Mint and the royal burghs. Briot having made no effort to appease Scottish sensibilities, he set himself up as the common enemy. Not only was he attacked personally as an uninformed stranger, but his proposals were savaged on professional, commercial and, ultimately, constitutional grounds.

Aitcheson, as general of the Mint, was adamant that the advice imparted by Briot drawing on his experience in England was of negligible value. England had no comparable experience of foreign dollars circulating at rates far in excess of equivalent native coin. Devaluation, even if staggered, would cause "rix-dollars" and foreign coins of like quality to be exported out of the country along with native specie leaving only counterfeit and debased dollars in circulation. Thus, the attainment of sound money would be postponed indefinitely. Moreover, devaluation as suggested by Briot was tantamount to an indirect tax of the order of nine per cent on commercial transactions, 'quhilk wilbe the grietest taxatione that ever wes impost upon this kingdome'. Having rejected devaluation, Aitcheson came out emphatically against the upward revaluation of silver coin in relation to gold. The difficulties in acquiring and transporting gold to Scotland had meant that the gold coin of the common monarchy, notwithstanding the standardisation of Scots money at a twelfth of the value of sterling, was actually circulating in Scotland at rates thirty to forty per cent above its standardised value, 'to the great loss of all the noble and gentlemen and utheris having occasione to repair to the court of England'. (Such unfavourable exchange rates would have made no small contribution to the isolation of the Court from the most influential leaders of the political nation.) Furthermore, although upward revaluation of silver

coin cheapened the cost of certain imports, this cost advantage tended to be dissipated on luxuries rather than raw materials. More especially, revaluation against the currencies of eastern Europe would prove critical in times of dearth in reducing the purchasing power of native specie when prices for Baltic grain were being pushed up by international demand.

Aitcheson was particularly scathing about Briot's proposal for a new issue of silver coin in small denominations since his specifications for minting four shillings, two shillings and one shilling pieces were wasteful of silver. The coins themselves were liable to slip through people's fingers and become defaced after several years' usage. However, he was not opposed to an issue of coin in small denominations exclusively for domestic exchange provided the process of debasement was economical. Thus, he proposed that the equivalent of five hundred stoness weight of "rix-dollars" and foreign coins of comparable silver content be brought to the Mint, exchanged at the rates currently prescribed by the Privy Council, debased by clipping and re-issued in forty pence and twenty pence pieces. His specifications for minting would not only stretch out the use of silver by as much as fifty per cent, but also yield sufficient profit to cover the cost of the wholesale conversion of "rix-dollars" into native specie for international exchange. In turn, the increased volume of native currency in circulation would serve to stabilise exchange rates within Scotland.¹⁷

The attack on Briot mounted by the royal burghs was even more swingeing. His proposals were written off as irritants rather than remedies. Like Aitcheson, the royal burghs opposed the staggered devaluation of the "rix-dollar" as an indirect tax on commercial transactions, 'inferring greater hurt to the subject nor ever was imposed upon them in one yeere than even has been granted in any taxations'. They also concurred with Aitcheson that devaluation would foster the transport of "rix-dollars" and foreign coins of like quality abroad, thereby diminishing the country's stock of coin by as

much as a fifth. As a consequence, domestic exchange would undergo chronic disruption - albeit not to the extent that 'commerce among people sall ceis'. In the event of dearth there would be a critical shortage of ready cash to purchase Baltic grain. Moreover, the country's embryonic manufacturing industries would suffer in the long term since the diminishing stock of quality coin would force up the prices Scottish merchants were required to pay for such raw materials from eastern Europe as iron, pitch, tar, timber, lint and hemp.

The burghs attested further that Briot's associated proposal for a new issue of small coins with diminished silver content could only be pursued 'to the gritt damage of the whole people and that without any necessarie urgent caus'. Rather than facilitating domestic exchange, the new issue would lead to markets throughout Scotland being flooded with counterfeit and debased foreign dollars. Moreover, the new issue would force up prices nationwide, the linking of debasement to inflation being an accepted constitutional tenet since the enactment of James III in 1485, 'whair it is declairit that penny worthes arryses with the pennye'. Constitutional precedent was deployed to oppose debasement on another two counts. In the first place, the new issue of small coins - albeit intended exclusively for domestic exchange - would breach the principle first prescribed by enactment of James I in 1424, and subsequently consolidated by the union of the Crowns, that the silver content of Scottish coins should be maintained in direct proportion to their English equivalents in order to facilitate international exchange. Secondly, no recognition had been afforded to the enactment of James VI in 1567, that no debased coin should be minted or issued without the consent of the estates. Notwithstanding their constitutional strictures, the burghs directed their most vehement criticisms against those who would derive personal gain, by way of fees and allowances, when commissioned to carry out debasement - the officers of the Mint and, more especially, Briot who, 'when he hes filled himselff with the spoyle of the people may flie to his owne home'. As a stranger, Briot 'aucht to have cryed himselff more soberlie', since the new issue of debased

coin, like the staggered devaluation, amounted to a secret tax on the whole nation. Drawing pointedly from the French example, the burghs asserted that the national interest required that no stranger be involved in minting or issuing the country's coinage.¹⁸

The imputation that officers of the Mint as well as Briot stood to gain materially from debasement elicited a separate submission from the master coiner, George Foulles. Like the royal burghs, he was fundamentally opposed to Briot's proposals for a staggered devaluation of foreign dollars linked to a new issue of small coins with diminished silver content. But, like Aitcheson, he was primarily concerned about the efficacy of exchanging foreign dollars at the Mint, about the technical complexities of debasement and about the wastefulness of this process if carried out to Briot's specifications. Thus, he was prepared to endorse the appeal of the burghs to constitutional precedent in so far as the issue of a debased coinage was contrary to parliamentary enactments upholding the principle that the silver content of Scottish coins should remain in direct proportion to their English equivalents. However, he was appalled by their slight to his professional integrity, that he had a vested interest in tampering with the coinage in order to benefit 'by uther mens great losse'.

Foulles estimated that the first phase of devaluation, when the "rix-dollar" was rated at fifty-six shillings for ten months, would mean an average drop of two shillings in the value of every foreign coin. Since most of the monies currently circulating in Scotland were foreign dollars, such devaluation was tantamount to indirect taxation which, if implemented nationwide, would exact 'neir sevin tymes als much as extraordinary taxation in one yeir'. Moreover, as the silver content of each foreign coin exhibited 'insufferable diversitie' both with respect to weight and fineness, the actual loss on each coin exchanged at the Mint and subsequently converted into native currency according to Briot's specifications could prove as much as five shillings to eight shillings: a loss which could not be made up even if (as suggested by Aitcheson) clipping was resorted to instead of

melting down and reworking with irons. Because the loss through devaluation and debasement fell disproportionately on the holders of best quality dollars, these coins would tend to be exported rather than exchanged at the Mint, occasioning a drop of ten per cent - as against the twenty per cent projected by the burghs - in the country's stock of coin, a shortfall which would leave debased dollars circulating at excessive rates in domestic markets. More heinously, recourse to exporting played into the hands of the profiteers within the mercantile community. For the merchants, as the foremost traffickers in coin, would be able to fix exchange rates 'promiscuously' for their own 'exorbitant gain'.

Indeed, Foulles was to range beyond Briot in condemning the avarice of the merchants. He was convinced that the country could be replenished with its own money without recourse to devaluation or debasement provided some measure of public responsibility could be instilled into the mercantile community and strong central controls reimposed over the money supply. Endemic commercial indiscipline meant that little of the forty to fifty stone of silver coined annually in the Mint - equivalent to forty to fifty thousand merks money - ever found its way onto domestic markets. By evading freight, customs and bullion dues, unscrupulous merchants could make twelve to twenty per cent profit in shipping native specie overseas. By evading import dues, a further two to three per cent gain could be made from shipping in debased foreign dollars. Thus, as well as seeking the rigorous enforcement of parliamentary enactments against the transport of native specie abroad, Foulles called for an immediate inquiry into the distribution of coined bullion. The treasurer and the lord advocate were to be empowered to examine the accounts of all traders in receipt of coin direct from the Mint. As a further discouragement to the export of native specie, notably by merchants purchasing in England such luxuries as gold and silver laces, pearlins and embroideries, the parliamentary enactments against the importation of unnecessary wares should also be enforced. Conversely, in order to attract bullion to the Mint, greater imposts should be levied on goods exported under

licence - that is, on such necessities as victuals, livestock, linen and yarn, coal and salt. Furthermore, parliamentary enactments from 1451 to 1600 were cited in support of strict central management of the money supply. All foreign coin imported into Scotland was to be brought to the Mint, both to ensure a steady flow of bullion and to authenticate the silver content of dollars released for exchange, at tabulated rates, in domestic markets.

The restitution of commercial discipline notwithstanding, the most integral aspect of Foulles' strategy of replenishment was the accumulation of a stock of sound money. Thus, all bullion acquired through trade was to be 'exactlie and tymouslie' brought to the Mint. In addition, every merchant acquiring foreign coin from the export of Scottish goods should bring dollars of guaranteed silver content to the Mint to be exchanged as bullion in three ounce quotas, receiving fifty-five shillings per ounce for every three ounce quota. Although the coin of guaranteed silver content would be exchanged for dollars of diverse weight and fineness, the loss to the merchants should not be more than one shilling on every three ounce quota. The controlled displacement of excessively rated foreign dollars from domestic markets was also to be achieved by the acquisition of specific portions of English coin and foreign coin of guaranteed silver content. Hence, at least half the English coin received primarily from the sales of cattle, sheep, linen cloth and yarn, and a like proportion of quality foreign coin (principally, the "rix-dollar") received from sales of coal and salt, were to be brought to the Mint and exchanged for dollars of equivalent value - albeit in diverse denominations.

Foulles estimated that it would take at least two years to accumulate sufficient bullion, English coin and dollars of guaranteed silver content to provide the country with a stock of sound money. In the meantime, although he was opposed to the devaluation of the dollars currently circulating in Scotland he, unlike Aitcheson, did not rule out the converse - the upward revaluation of the country's silver coin. Indeed, if the king were 'to cry up silver money' by as much as

ten per cent, the appreciating value of the accumulated stock of sound money would cover the cost of its conversion into native currency. Furthermore, revaluation would encourage the wholesale transportation of foreign coin 'without lose to the subject'. Set against the "rix-dollar" at fifty-eight shillings, the raising of its Scottish equivalent from fifty-four shillings to three pounds meant the merchants stood to gain at least two shillings on every native coin brought back to Scotland for every dollar shipped out. While Foulles conceded that revaluation could not proceed without English consent, he was dismissive of its adverse impact on Scottish trade. Rather naively, he contended that the cost of living would remain unaffected since the rise in prices would not exceed but correspond to the ten per cent revaluation. International retaliation was not inevitable and could even be avoided if native specie was not transported abroad to purchase foreign commodities. He was prepared to admit that revaluation could have serious repercussions in times of dearth when prices for victual were pushed up by international demand. Nonetheless, Scottish coin was at least ten per cent undervalued in relation to the countries of eastern Europe. Hence, the increased cost of Baltic grain could be absorbed without critical consequences for the Scottish consumer. The country would be more materially disadvantaged by the maintenance of excessive and indiscriminate rates for dollars which would encourage France and other countries of western Europe to continue dumping debased coins in Scottish markets and drawing off coins of guaranteed silver content.¹⁹

Albeit Foulles' strategy of replenishment was technically feasible, no stock of sound money could be accumulated without the goodwill and active co-operation of the mercantile community whom he had pilloried indiscriminately for their avarice as leading traffickers of coin. Hence, the royal burghs were in no mood to countenance his strategy. In an uncompromising reply of 29 January 1633, Foulles' proposal for a ten per cent revaluation of the country's silver coin was 'altogither to be rejected as both unnecessar and prejudiciall to the kingdome'. Unnecessary because upward revaluation should only be

undertaken during some extremity, such as war, from which Scotland was currently spared. Prejudicial in that upward revaluation of the coinage was usually outstripped by the accompanying rise in prices. Not only was the cost of living affected adversely, but inflation was linked irrevocably to the spectre of dearth. While burghs accepted that victual prices were governed primarily by plenty or scarcity, they were prepared to cite constitutional precedents in support of the inflationary impact of inexpedient upward revaluation - namely, past enactment of James III in 1467 and of James VI in 1581 justifying recourse to a devalued currency 'for that only reassone, becaus the hichting thereof causit dearth'. Given the recent experience of famine in 1623, the burghs were fearful that the upward revaluation of Scottish coin above the currencies of eastern Europe would imperil adequate supplies of Baltic grain at prices affordable to the poor.

More immediately, the burghs were concerned about the commercial disruption at home and abroad resulting from upward revaluation. Given that money and commerce have 'ane mutuall and reciprocall dependence', they were adamant that 'all commodities sall ryse to exorbitant rates' with hurtful consequences for the whole nation. Ever conscious of the importance of trade to Scotland's international standing and being reluctant to disrupt established trading relationships, the burghs warned that the upward revaluation of the country's silver coin could lead to retaliation by foreign powers. Hence, instead of reducing the cost of imports, international readjustment of exchange rates could force up the prices of such necessary imports as timber, iron, hemp, lint, pitch, tar and wax, and, indeed, the cost of acquiring bullion from Spain, the principal supplier of silver. This inflationary trend would prove of general harm to the domestic consumer and of particular hurt to nobles and gentry 'travelling abroad or drawin by thair affaires to Ingland'. For, deteriorating exchange rates 'sal prove ane great meines to exhaust their estats at home' and thereby underwrite the distancing of leading politicians from the Court. Moreover, the rent-rolls of the landed classes as well as the incomes of the merchants would suffer

markedly from the increased cost of staple wares occasioned by upward revaluation. With their competitive edge in international markets reduced, staple wares would have to be sold cheaply in domestic markets or even, because limited demand would soon lead to saturation, be cast 'furth to the dung hill'. Broadening their remonstrance from the economic to the political consequences of upward revaluation, the burghs contended that change and innovation in one aspect like coinage tended to trigger off 'ane change of the whole estate of all thinges within the kingdome both moveable and imoveable'.

Revaluation notwithstanding, the proposed means of accumulating a stock of sound money lacked constitutional warrant since merchants bringing bullion to the Mint were entitled to receive an equivalent quantity of the country's own coined money by way of exchange rather than dollars of diverse denominations. On purely empirical grounds, two years was deemed insufficient time to accumulate a stock of sound money which would depend primarily on the acquisition of bullion since no merchant nor any other trafficker in coin was likely to bring coin of guaranteed silver content to the Mint to be exchanged for dollars of diverse weight and fineness. Moreover, the Mint's withdrawal of dollars from general circulation to pay for deposits of bullion and coin of guaranteed silver content would exacerbate the scarcity of small silver coin in the country, occasioning an unwanted dependence on copper money for domestic exchange. How the accumulated stock of sound money would pass into general circulation also remained problematic. The cost of its conversion into native coin could certainly not be recouped if exchanged for dollars circulating at their current excessive rates. Conversely, if the country's own currency was revalued upwards to cover the cost of conversion, the issue of new coin of enhanced value - albeit with English consent circulating as legal tender in both kingdoms - hardly served as an inducement for merchants to bring foreign coins of guaranteed silver content to the Mint and bear a ten per cent loss by way of exchange.

The royal burghs were especially aggrieved that the cost of implementing Foulles' strategy of replenishment would fall heaviest on the mercantile community. As the leading traffickers in coin, the merchants reputedly stood to gain two shillings on every native coin brought back to Scotland in exchange for foreign dollars following revaluation. However, in order to encourage the export of foreign coin of indifferent quality, the merchants were to accept dollars of diverse denominations at current rates of exchange from the public in return for native coin or dollars of guaranteed silver content. In effect, the merchants were to accept at least a two shillings loss on every foreign coin withdrawn from domestic circulation in the hope of recouping this shortfall through international exchange. But the supposition that upward revaluation would attract sufficient native coin back from abroad to fund the export of foreign coin of indeterminate quality was purely speculative, a prospect which overtaxed the merchants' sense of public responsibility.

At the same time, because of their sensitivity to charges of commercial indiscipline, the royal burghs were determined to rebut Foulles' imputation that the limited imports of bullion could be attributed primarily to profiteering by the mercantile community. Thus, the perennial scarcity of bullion in the Mint did not signify that merchants were habitual evaders of customs or wholesale smugglers of gold and silver. On the contrary, divergent bimetallic ratios - whereby gold was appreciating against silver on international exchanges since the outset of the seventeenth century - had promoted the outflow of gold from Scotland and the influx of silver dollars of diverse denominations. The acceleration of this bimetallic flow from 1624 was attributable to the demands of international trade not the irresponsibility of profiteers. Dearth over the previous two years had obliged the merchants to lay out native specie to purchase Baltic grain. While this outlay had contributed to the massive influx of foreign coin of indifferent quality, such an influx was necessary to sustain domestic exchange since native specie and bullion were required to maintain the country's international trade, especially the supply of

necessary wares.

Moving onto the offensive the burghs attested that the thinking behind Foulles' strategy of replenishment was fundamentally flawed. Since it was 'commerce with naturall commodities that bringis in the greatest part of the Money', increasing the volume of international trade not accumulating stocks of bullion was the real key to sound money. Accordingly, Foulles' proposals to conserve bullion as well as secure its steady inflow to the Mint were dismissed as either misguided or unwarranted irritants to the country's trading position.

Thus, the enforcement of parliamentary enactments against unnecessary imports would not entail a blanket prohibition on the outflow of native specie (or even bullion) on luxuries - notably, wares of gold and silver brought in chiefly from France not England - but recourse to the sumptuary laws, the markedly unsuccessful restrictions on conspicuous consumption among the lower orders. No less misguided would be the imposition of bullion dues on goods transported abroad under licence. When applied to necessities exported as surplus to the country's requirements, the impost would blunt the competitive edge of Scottish livestock, linen and yarn in English markets. A more heinous discouragement to trade was the proposal that dollars of guaranteed silver content should be brought to the Mint to be exchanged as bullion in three ounce quotas. The resulting loss to the merchants, though reputedly no more than one shilling on every three ounce quota, was in effect a sales tax equivalent to an impost of three shillings on every three pounds of merchandise exported. No more acceptable were the suggested bullion levies to be apportioned from earnings of English coin and dollars of guaranteed silver content. The exchange of commodities in English markets would be impaired materially by the specific need to earn specie for the Mint. In any case, few merchants would be content to exchange coin of the common monarchy, which was legal tender in both countries, for foreign dollars in diverse denominations. A similar levy on sales of coal and salt, while

primarily the concern of the nobles and gentry, could prove particularly damaging to the salt trade which had taken advantage of the wars with France and Spain to make marked advances in English markets but was now facing retrenchment on the conclusion of peace with both countries.

The burghs were not content simply to reject Foulles' strategy. They were mindful of the pressing need to rectify the circulation of dollars at excessive rates in domestic markets and to ward off the dumping of debased dollars in Scotland by foreign powers. While they remained implacably opposed to Briot's drastic, if staggered, devaluation - based on the reduction of the "rix-dollar" from fifty-eight shillings to fifty-three shillings over ten months - they were prepared to countenance a modest reduction of two shillings in the value of the dollar. If staggered to an initial reduction of one shilling, such devaluation would 'fall short far of sevin tymes his majesties extraordinar taxatioun in one yeir' as postulated by Foulles. Indeed, since the resulting losses would be dispersed nationwide, such a modest devaluation could be absorbed without material damage to the country's commerce. Moreover, the burghs were adamant that devaluation would not warrant strong central controls over the money supply, notably the bringing of all imported foreign coin to the Mint to authenticate its silver content prior to release for domestic exchange. Nonetheless, in the absence of tabulated rates of exchange, they were concerned to allay fears that merchants would have free rein to profiteer from devaluation. Trafficking in coin - as against bullion - was not concentrated in a few hands but was pursued throughout the mercantile community which ensured competitive, if localised, exchange rates to the advantage of the public. Furthermore, devaluation would not restrict the flow of foreign coin out of the country since the importation of necessities and the purchase of goods for re-export, such as wax, required payments in specie 'and dollores does best serve that way'. Although they glossed over the eventuality that devaluation would draw off dollars of guaranteed quality leaving only debased dollars in domestic

circulation, the burghs were adamant that the country's international trading position required the free movement of money. Only when Scotland had attained an abundance of native currency through an increased volume of trade should 'ane absolute restraint' be imposed on importing dollars, 'to the end men may be terrefiet for the inbringing of any more'.²⁰

Despite the acrimonious tenor of the debate on the state of the currency and the lack of common resolve among the participants, the Privy Council did strive for a consensus on the most efficacious means to restrain the importation of foreign dollars and to augment the stock of native coin at minimum disruption to the country's commerce. Thus, no official backing was given to Briot's proposal for a staggered devaluation of foreign dollars linked to a new issue of native coin with its silver content debased; nor was support forthcoming for Aitcheson's scheme to convert foreign dollars into debased native coin by clipping. Foulles' strategy of replenishment, whereby the accumulation of a stock of sound money was the precursor to a new issue of coin with its silver content enhanced, was likewise denied endorsement. Signposting the growing alienation of the Scottish administration from the Court, the maintenance of commercial confidence within the country was preferred over any tampering with the coinage. For not only did debasement and enhancement have inflationary consequences nationwide, but such tampering benefited sectional interests - notably, traffickers in coin who brought foreign dollars and bullion to the Mint, the officials who earned fees from the issue of new coin and above all, the Crown, which took a substantial cut from the proceeds of minting.²¹ The Council was no doubt aware that the resulting increase in the Crown's purchasing power would not be utilised to clear off arrears of pensions, fees and allowances, but to buy out superiorities of kirklands and heritable jurisdictions.

While rejecting debasement or enhancement, the Council was not content to await the original panacea proffered by the royal burghs that the adjustment of exchange rates in Scotland's favour would

automatically follow on from an increased volume of international trade. Instead, preference was accorded to an immediate, but modest, devaluation of the dollar as outlined in the revised proposals of the burghs. Since the 'principal caus' of the circulation of foreign dollars at excessive rates 'hes proceidit from tollerating thame to pas within this country at ane heir rate then they pas in Ingland', parity was to be restored by reducing the value of the dollar by two shillings which could be achieved in stages 'without infinite loss to the people'. Accordingly, the "rix-dollar", as the international standard for exchange, should be reduced for six months to fifty-seven shillings and thereafter to fifty-six shillings.

In order to conserve as well as augment the country's stock of native coin, official backing was given to three proposals which sought to balance central control of the money supply with the liberal regulation of commerce. Thus, all private trafficking in bullion was to be proscribed, but merchants bringing bullion to the Mint were to be guaranteed native coin of equivalent value in exchange which they were expected to ^{disburse}~~disperse~~ among domestic markets. Merchants were to be free from any exaction or composition, tantamount to a sales tax, on bullion brought to the Mint. Moreover, to secure a steady flow of dollars of guaranteed silver content, all foreign coin brought to the Mint as bullion was to be converted into native currency 'at als easie rates as is done in Ingland'. Above all, commerce was to be encouraged as the 'best means to draw in money within any Kingdome' since 'these thingis quhich impedis trade and diminischis the same procures lykwayis the diminutione and want of money'. Given the limited supplies of native commodities to sustain international exchange directly, 'greater libertie and ease of custome' should be tailored to suit the country's carrying trade, notably in 'commodities brocht hither to rest bot for ane schort tyme' - such as English cloths, furs, sheep skins, timber and wax - for which there was little domestic demand. While these proposals were advocated as long term remedies for the general shortage of native coin within Scotland, the most pressing need was for native coin below the value of twelve

shillings for domestic exchange. Accordingly, a year's supply of bullion was to be converted into native coin in small denominations, preferably into one shilling and sixpence pieces, equivalent to, but distinct from, the English penny and halfpenny pieces. In turn, by maintaining conformity with England, the Council reaffirmed its rejection of debasement or enhancement of the country's silver coin.²²

Following the conclusion of the plenary discussions on the state of the currency, Charles mulled over the Council's recommendations throughout the spring of 1633. No attempt was made to implement a modest, staggered devaluation nor to meet the pressing need for silver coin in small denominations nor to set in train the longer term proposals to conserve and augment the country's stock of native coin. In the meantime, foreign dollars continued to flow into the country, displacing native coin and circulating at excessive rates in domestic markets. Eventually, on 25 May, Charles called for a further round of private discussions under the auspices of the Privy Council to prepare the ground for consideration of the coinage in the coronation parliament when summoned in June.²³ However, Charles was no longer prepared to tolerate open or wideranging discussions. When the gentry convened in Edinburgh prior to the coronation parliament to collate and articulate the grievances of the localities, including 'the unspeakable sufferings' arising 'be the abuse of coyne', their meeting was interrupted and dispersed in the king's name.²⁴

Nonetheless, the shire commissioners were allowed to submit a brief list of specific economic grievances requiring redress which featured the scarcity of native coin - both silver and gold - and the excessive circulation of base coin, particularly foreign dollars. But Charles again resorted to censorious management. The specific grievances, once aired, were not debated by the estates but remitted to the Privy Council to seek out expedient remedies. Moreover, in the light of appeals to constitutional precedent during the plenary discussions on the state of the currency six months earlier, notably to inhibit tampering with the value of native coin, Charles was adamant

that the remission of coinage matters to the Privy Council was a mere favour on his part. The sole right of the Crown to revalue, debase or enhance the country's currency was in no way impaired. Indeed, Charles inserted a personal caveat that the management of the money supply and the ordering of exchange rates were 'aspects of the prerogative royall' which did not require the consent of the Estates.²⁵

However, Charles was prepared to make one tangible concession to promote commercial confidence among the estates as well as conserve the country's stock of coin. The Privy Council was commissioned to establish 'the dew and iust rate and portioun of interest' for money advanced on credit. Apparently, 'the great and exorbitant interest accustomed formerlie to be takine be merchands and factors of Scotland', not just for sums loaned within the country but also for specie advanced by way of exchange in the city of London, 'haith given occasioun to the frequent and continewall exportatioun of gold and money furth of this kingdome'. The subsequent reduction of the official interest rate from ten to eight per cent was designed not only to bring Scotland into line with neighbouring countries and to increase the volume of the country's commerce, but also to facilitate - albeit belatedly - the movement of leading politicians between Edinburgh and the Court.²⁶

Charles peremptorily dissipated the goodwill that could have accrued from this gesture by requisitioning the two per cent drop in the interest rate as a benevolence for the Crown to be uplifted from all annualrents over the next three years. While all borrowers paid interest to their creditors at the new rate of eight per cent as against the ten per cent originally specified in their annualrents, the two per cent differential was now to be paid directly into the Exchequer. In effect, Charles suspended the implementation of a reduced interest rate for three years, a manoeuvre which did little for commercial confidence within Scotland and prejudiced the resumption of discussions on the state of the currency in the aftermath of the coronation parliament.²⁷

The discussions, resumed sporadically under the auspices of the Privy Council, degenerated into sectarian squabbling by the outset of 1634. The royal burghs attempted to shift the onus for the restoration of sound money onto the coalowners and saltmasters in that the renewal of the prohibition on the import of foreign dollars should be applied selectively to the trade in coal and salt not to commercial exchange in general. The burghs' suggestion that coal and salt should be purchased with the king's own coin not foreign dollars was taken up by the Privy Council on 30 January, though a short term respite was granted in favour of foreign traders already shipping coal and salt from the Firth of Forth. Sustained lobbying by the coalowners and saltmasters over the next six months served to remind the Council that the viability of the coal and salt industries depended on exports. The prohibition on the acceptance of dollars carried the danger that foreign traders would switch to English suppliers, notably around Newcastle. Loss of overseas markets could lead to the wholesale closure of the elaborate workings on the Forth, a catastrophe of national rather than regional significance, threatening massive redundancies among the workforce and widespread social dislocation in their search for alternative subsistence. By 1 August, the Council was prepared to recognise that the coal and salt industries faced utter undoing within the year if the prohibition on the acceptance of foreign dollars was not relaxed. Accordingly, this discriminatory prohibition was lifted until 1 November, not so much to secure commercial recovery as to allow coalowners and saltmasters to recoup sums due from defaulting foreign creditors. Given the shortage of coin of the common monarchy on international exchanges, the coalowners and saltmasters had felt obliged to sell their commodities on credit in a despairing effort to maintain exports. The need to maintain the commercial viability of the trade in coal and salt made the renewal of the prohibition ineffective. Such discriminatory treatment served only to promote civil disobedience among coalowners and saltmasters who continued to traffic illicitly in dollars.²⁸

Despite instigating the discriminatory prohibition, the royal

burghs remained the leading protagonists of the need for secure commercial development in the national interest. The stabilising of prices through the attainment of sound money required the encouragement of existing industries, such as coal and salt, as well as the introduction of new manufactures to retain specie at home and attract coin of guaranteed silver content from abroad. Hence, on 4 February 1634, the burghs issued an overture reminding the Privy Council of the measures for conserving and augmenting the country's stock of coin which emanated from the plenary discussions on the state of the currency twelve months earlier.

Given the continuing international shortage of bullion, the statutory requirement that merchants earn foreign specie from exports was insufficient to secure the flow of dollars of guaranteed silver content into the Mint. All compositions exacted from merchants bringing foreign specie to the Mint should be discharged. Moreover, foreign specie brought as bullion to the Mint should be converted into native coin at the same rates charged in the English Mint: thereby, merchants bringing coin of guaranteed silver content for conversion should receive at least sixty shillings per ounce clear of charges. Conversely, in order to check collusion and fraud in the trafficking in bullion, each merchant should be personally accountable for ensuring that foreign specie earned from exports was brought directly to the Mint.

Notwithstanding these strictures to inculcate public responsibility throughout the mercantile community, priority was accorded to a staggered devaluation based on the "rix-dollar"; not just as a necessary check to the wholesale importation of foreign coin, but because the maintenance of exchange rates in fixed ratio to those of England was constitutionally warranted as a 'fundamentall law'. Hence, the "rix-dollar" should initially be devalued by one shilling for six months and thereafter by a further shilling at six monthly intervals until parity with England was restored: that is, when the dollar reached its true value of fifty-four shillings, whereupon

traffickers in coin would gain no material advantage from bringing dollars into the country and their wholesale importation could be prohibited. However, the sustenance of the country's international trade ruled out a blanket prohibition since dollars should still be received from 'such strangers as hes no uther money'. Indeed, such foreign specie could expeditiously be converted into native currency, particularly as the 'absolute scarcitie' of silver coin in the small denominations necessary for domestic exchange showed no foreseeable signs of abating.²⁹

Once again, however, Charles' insistence that all coinage matters were aspects of his prerogative - necessitating further deliberation as well as authentication of any remedial programme at Court - proved a recipe for inaction. When the committee of inquiry into the running of the Exchequer concluded its investigations on 26 August 1634, its deliberations on the currency had merely gone over ground covered in the plenary discussions at the outset of 1633. The committee came out firmly against the retention of a large stock of coin in the Mint as favoured by George Foulles. The benefit so accruing to the Crown, which was 'verie considerable in former tymes', had been wiped out by the massive influx of foreign dollars since the 1620s. Their excessive circulation at rates prejudicial to the public had not only displaced native coin from domestic markets but occasioned a 'want of change' in the Mint, thereby undermining the central direction of exchange. While further investigations into the 'abuse of the coyne' and the running of the Mint were called for, the most immediate requirement was that the king allow his Scottish administration to conclude and implement a remedial programme on its own initiative.³⁰

Frustrations about the king's authoritarian, but vacillating, management of the money supply and ordering of the exchange rate had been building up within official circles ever since Charles had commissioned Briot, at the outset of 1632, to mint copper coins in small denominations for domestic exchange. His arrogant, but lax,

implementation of his commission had prejudiced severely the reception accorded to his proposal - for a staggered devaluation of the "rix-dollar" linked to a new issue of small coins with their silver content modestly debased - during the plenary discussions on the state of the currency at the outset of 1633.³¹ Indeed, the committee of inquiry into the running of the Exchequer, when submitting their findings to Court on 12 October 1634, went so far as to assert that the commission renewed in Briot's favour that March should be rescinded. In like ~~view~~^{view}, Traquair, when personally endorsing the findings of the committee on 21 November, exhorted Hamilton that the state of the currency was now so grave that the Council must be allowed to act on its own initiative without waiting on directives from the Court. If no order was taken by the end of the year, the abuse of the coin 'will prove unsupportable'. As a first remedial step, Briot should be sent packing.³²

The criticisms directed against Briot from within the Scottish administration did not just amount to a thinly veiled protest against the Court's inept and insensitive management of the country's currency, but were symptomatic of a deeper malaise - the disastrous impact on international exchange of the recourse to copper coin throughout western Europe. As the dominant influence on monetary exchange within Europe, Spain was the most culpable offender. In an attempt to boost royal revenues by expanding the money supply, vast quantities of copper coin were minted in Spain from the later sixteenth century. Ostensibly, the recourse to copper was to meet the needs of small-scale domestic exchange and to expand the use of money among the lower orders. However, Spain's upward revamping of the value of copper coin from 1603, when the supplies of gold and silver from the New World were beginning to decline, attracted a large inflow of counterfeit and debased coins from the Netherlands and the German states. Such illicit trafficking not only caused copper coin to flood into Spain but clogged up international exchange. Moreover, the external flow of precious metals from western Europe - to secure raw materials as well as luxuries from eastern Europe, the Levant and the

Far East - compounded by the immobilisation of exchange brought about by hoarding, served to draw off silver coin. Thus, the widespread recourse to copper to increase the supply and speed up the circulation of coin occasioned a massive disruption to the monetary system of western Europe, confirming the hypothesis that bad money drives out good. Indeed, by the 1620s, when the unchecked inflationary demands generated by the Thirty Years War were pushing up silver premiums by as much as fifty per cent, the minting of copper coin had become a major irritant to price stability, both domestically and internationally.³³

While the minting of copper coin for the purposes of small-scale domestic exchange - and, indeed, alms for the poor - was not a novelty in Scotland, James VI's last issue of 1623 coincided with the massive influx of foreign dollars into Scotland and served to accelerate the displacement of native silver coin from domestic markets. Spain's temporary stop on minting copper coin in 1626 relaxed international demand for copper, supplied primarily by Sweden. Taking advantage of this relaxation and responding to pleas from the royal burghs that the scarcity of currency for small-scale exchange required a re-issue of the coinage of 1623 in his own name, Charles, on 12 February 1629, directed that five hundred stone of copper should be coined into penny and twopence pieces. However, the lack of effectual checks for the excessive circulation of foreign dollars in domestic markets and the exodus of native specie abroad, meant that Charles' first issue of copper coin, which was to be ready by April 1631, merely confirmed that bad money drives out good.³⁴

Moreover, the re-issuing of penny and twopence pieces, the traditional "turners", according to the ordinance of 1629 proved insufficient to meet the expanding use of money among the lower orders. On the instructions of Charles, the Privy Council issued a directive on 26 August 1631, trebling the amount of copper to be coined - to one thousand five hundred stone - and changing the denomination from the traditional "turners" to 'farthing tokens' - that is, threepence pieces equivalent to one farthing sterling. In essence, the new

issue was commissioned to promote economic uniformity with England rather than small-scale exchange within Scotland, the needs of which could have been met more conveniently by a further issue of the traditional "turners". Despite claims from the Court that the trade between both kingdoms would benefit from the issue of farthings 'at the weight and pryces they ar current in England', the Council ordained that no more than two farthings were to be accepted for every one pound's worth of goods purchased. Conversely, the issue of a threepence piece as a new Scottish denomination would afford fresh opportunities for importers of counterfeit and debased "turners", especially as the specifications for minting the farthing tokens entailed substantial debasement to stretch out the use of copper. Even although the royal burghs withheld support for the new issue of copper coin, Charles remained impervious to the potential danger to the monarchical position in Scotland from the linking of currency debasement to economic uniformity. Nonetheless, sustained lobbying by the burghs over the next three months that the re-issue of traditional "turners" would accord more with the national interest as well as check the growth of illicit trafficking in copper coin led the Council, on 10 November 1631, to ban the importation of English farthings and other coins of dubious copper content. No more than a miniscule portion of the new threepence pieces had been minted by 10 January 1632, when Charles conceded that the latest issue of copper coin should revert to the traditional "turners", one thousand five hundred stone of which were to be minted by Briot and be in circulation by January 1635.³⁵

Albeit only diminutive and inconvenient twopence pieces would appear to have been issued, the coining of the one thousand five hundred stone of copper, which commenced in February 1632, was completed by November 1633 - fourteen months ahead of schedule. Nonetheless, the new "turners" not only proved unpopular with the general public, but generated much controversy within the Scottish administration. At the core of this controversy were the technical and financial provisions of Briot's commission to coin the new "turners", which merely redefined the coinage specifications not the

working conditions laid down in his original commission to mint the farthing tokens. The leading officials in the Mint were particularly disconcerted not just by the king's preferment of a stranger, but by Briot's stated intent to mint the new coins by milling rather than hammering. Their protests about the king's commissioning of Briot were but partially appeased when Charles conceded that the leading officials, in return for helping Briot set up the engines and other machinery required for his innovatory process, should supervise the daily output of new "turners" from the Mint. This concession notwithstanding, leading officials continued to resent the establishment of an autonomous workshop in the Mint staffed by workmen imported from London. Briot did little to win over their support, returning to England the month that coining commenced without making adequate provision for quality control. During his brief sojourn to Scotland to present his proposals for rectifying the silver coinage before the Privy Council in December 1632, leading officials impounded thirty stone of the coined copper for failing to meet the standards specified in his commission. The impounded coin was eventually returned to Briot for rectification in May 1633, when he returned temporarily to Scotland to strike medals for Charles' coronation. In view of the king's imminent state visit, all blame for excessive or deficient weighting was assigned diplomatically to Briot's workmen. The presentation of accounts for the completed coinage twelve months later added spice to the complaints of the leading officials in the Mint. Although the cost of coining the one thousand five hundred stone of copper valued at £9,600 broke even, a loss of £256 13s 4d was incurred putting the new "turners" into circulation. Moreover, Briot, despite his continuous absenteeism, received generous - if not excessive - fees of £4,201 4s 6d, whereas the leading officials charged to oversee daily production during the twenty-one months of coining received only £131 5s.³⁶

The most contentious aspect of the copper currency within the country as within the Scottish administration was not Briot's exercise of his commission, however, but the involvement of

William Alexander, viscount (later earl of) Stirling. His influence can be detected behind the king's original commission to Briot to mint the farthing tokens. Stirling was acting not so much in his official capacity as Court Secretary but as a principal Scottish creditor of the Crown with special liabilities from the colonising of Nova Scotia. For it would seem more than a coincidence that on the same day - 10 July 1631 - Charles sued for peace with France by ordering the abandonment of the Canadian colony, he assigned to Stirling all profits accruing to the Crown from the projected coining of farthing tokens. Seven months later, Charles adapted this financial arrangement to accord to the minting of new "turners". On 20 February 1632, a contract was drawn up whereby Stirling, in return for bearing the cost of establishing Briot's workshop in the Mint, was to be compensated for the abandonment of Nova Scotia. The equivalent of £10,000 sterling (£120,000) of copper was to be coined on his behalf by Briot over the next nine years.³⁷ In effect, this contract was tantamount to the privatisation of copper coining, an expensive gesture for the Crown, politically as well as financially. In popular parlance the new coins were to be denigrated as the "Stirling turners". More pertinently, the bitter cry arose within official circles that the king, in order to liquidate his debts to Stirling, had granted his favourite a liberty 'to coin base money'.³⁸

Charles' directive of 13 March 1634, that the continuing scarcity of coin for small-scale domestic exchange warranted the further coining of one thousand five hundred stone of copper under the direction of Briot gave fresh impetus to the public outcry over the "Stirling turners". For Charles' decision afforded the earl, now hard-pressed by his own creditors, a welcome opportunity to negotiate a more comprehensive contract for coining copper. The Crown not only owed Stirling compensation of £10,000 sterling for venture capital lost in colonising Nova Scotia, but an allowance of £6,000 sterling (£72,000) granted by James VI, 'for good and faithful service', was still outstanding. According to the redrafted contract of 26 November, once the second one thousand five hundred stone of copper

had been coined on Stirling's behalf, Charles was prepared to countenance a further coining of six thousand stone of copper and thereafter, one thousand five hundred stone annually until the earl's patent expired in the spring of 1641. Another four months were to elapse before the Exchequer, on 23 March 1635, ratified that the Crown's debt of £192,000 to Stirling was to be repaid by assigning the earl the whole profit and commodity arising from 'ye printing of ye copper coyne' over the next six years. This delay in ratification reflected the spread of opposition to the "Stirling turners" within the Scottish administration. Leading officials charged to supervise the daily output from the Mint had persistently demonstrated their opposition to privatisation by rigorous, verging on obstructive, quality control. Hence, Charles had insisted on the exclusion of leading officials from all oversight of Briot's workshop from 7 January 1635 - other than to ensure that the yearly quotas of coined copper were not exceeded. Obstructive action was not confined to Edinburgh. Charles was again obliged to intervene on 14 March to uphold Briot's licence to import copper into Scotland free of impost. Even although Briot had already paid the requisite export dues in England, his latest consignment of copper plate 'for the fabrication of copper money' had been stopped at the Border for the further exaction of custom.³⁹

Notwithstanding Charles' strictures against obstructive activities, the continuing opposition to Stirling's patent, not just within the Mint but throughout the Scottish administration, slowed up considerably the coining of the second one thousand five hundred stone of copper authorised in February 1634. The actual issue of new "turners" took over a year longer than the first issue commissioned in January 1632 and again only twopence pieces would appear to have been coined (though one penny pieces were also warranted). It was not until the spring of 1637, after discussions between the Privy Council and Stirling's son, Lord William Alexander, Viscount Canada, that a further issue of "turners" was authorised on 13 May. However, instead of confirming that six thousand stone of copper was to be coined as

specified in Stirling's revised contract of March 1635, the king warranted the coining of only one thousand eight hundred stone. Furthermore, because resistance to the privatisation of copper coining within official circles was more than matched by public antipathy to the new "turners", Charles conceded that Stirling's patent would not be renewed on its expiry in the spring of 1641. It seems unlikely that the one thousand eight hundred stone of copper - or even a substantial portion thereof - was ever coined. For, in a futile attempt to appease mounting political unrest about the Court's direction of Scottish affairs, the minting of "turners" was suspended temporarily in December 1637. Although production may have resumed fitfully during 1638, the outbreak of the Bishops' Wars in the spring of 1639 effectively terminated Stirling's patent two years ahead of schedule.⁴⁰

Stirling himself died on 12 February 1640, his patent for coining copper having failed to relieve the pecuniary embarrassment which had characterised his financial ventures as a courtier. His epitaph among the disaffected element was that of an erstwhile royal favourite hated for 'overwhelming us with his Black money'.⁴¹ That Stirling should be so castigated was not so much a reflection that too many "turners" had been coined on his behalf as a reaction to the lax standards governing their minting and distribution, especially after the exclusion of leading officials from all oversight of Briot's workshop in the Mint from the spring of 1635. For lax standards had opened the flood-gates to illicit trafficking in counterfeit and debased coin. Despite the prohibition on importing farthing tokens and other foreign coin of dubious copper content imposed from November 1631, domestic markets throughout the 1630s were steadily swamped with counterfeit and debased copper coin mainly brought in by sea from the Netherlands if not overland from England. Periodic renewals of 'ane full restraint' on the importation of farthing tokens and foreign "turners" throughout the personal rule of Charles I proved markedly unsuccessful. Not even statutory warnings that illicit traffickers in copper coin would be subject to rigorous fines and that forgers were liable to capital punishment could check the influx of

English farthings, Dutch "turners" and 'such other kyndis of trashe never tolerated previously'. The prolific issue of local commissions to prominent burgesses assisted by local gentry from 17 March 1635, to apprehend forgers and illicit traffickers at the leading ports and customs costs on the Border, also proved of no avail. Unscrupulous traders were able to exploit the limited experience of using money among the lower orders as, indeed, the general ignorance of the public at large about international exchange. By placing "turners" in little bags, copper coins were passed off as dollars in domestic markets. Moreover, while the traffickers in counterfeit and debased coin bore the brunt of official rebuke for the chronic disruption of domestic exchange, affluent merchants were able to exploit the wholesale methods deployed by Stirling's agents to expedite the circulation of newly minted "turners". Purchased by weight in barrells, "turners" were released by the piece into domestic markets at slightly inflated rates in relation to silver. Having enticed 'the ruder sort of people' to accept the "Stirling turners" in exchange for silver coin, the affluent merchants shipped dollars of guaranteed silver quality as well as native specie overseas to take advantage of the higher rates for silver coin in international exchanges - a classic confirmation of bad money driving out good.⁴²

Furthermore, because the "turners" coined on behalf of the earl of Stirling were deemed 'under the just weight' of the traditional "turners" coined for James VI, the incoming Covenanted regime were faced with a dilemma - whether to revalue or to recoin as part of their bid to restore public confidence in the country's currency. In response to pressure from commissioners from both the shires and the royal burghs, parliament in September 1639, in addition to renewing the ban on importing copper coin and reaffirming the death penalty for convicted forgers, was to discharge formally all further coining of the "Stirling turners". After two months of prolonged agonising, the Council was to issue a directive on 2 November, that all "Stirling turners", other than those reduced in value to one penny, were to be withdrawn from circulation along with all counterfeit and foreign

"turners", a decision which had to be reversed within five days because of the chronic shortage of acceptable copper coin for small-scale domestic exchange. Only the traditional "turners" coined under James VI had been exempted from this proposed devaluation and only these copper coins were to retain the confidence of the public and the Covenanted regime. However, the unconditional withdrawal of the "Stirling turners" from domestic circulation in April 1640, gave fresh impetus to illicit trafficking in counterfeit and debased coins. Indeed, such was the chaotic state of the copper money resulting from the chronic scarcity of acceptable native coin and the renewed influx of imported coin 'in weight far within the intrinsic value of the copper', that parliament was moved to affirm in August 1641, that remedial action could brook no further delay. Despite an experimental melting down of "Stirling turners" in the Mint that October, another four months were to elapse before a new issue of "turners" of greater substance was commissioned. At the same time, the "Stirling turners" were officially demonetised: anyone bringing them to the Mint for recoinage was to receive no more than thirteen shillings and four pence for each pound weight which had a nominal face-value of ninety-six shillings.⁴³

Within the broad spectrum of political, judicial and economic grievances presented for redress to the first Covenanted parliament in 1639, the state of the copper money, however chaotic, was not accorded utmost priority. Yet, the coining of the "Stirling turners" and the accompanying proliferation of counterfeit and debased "turners" in domestic markets cannot be dismissed merely as 'another minor cause of discontent' mainly affecting the burghs during the 1630s.⁴⁴ Although the outcry about the state of the copper money was led by the royal burghs, disaffection was rife in both town and country - wherever small-scale exchange took place. The leadership given by the burghs was in keeping with their defence of the national interest in all matters affecting the Scottish economy and their advocacy of constitutional checks to counter the ill-conceived and disruptive directives emanating from the Court. In turn, the first Covenanted

parliament was not only to discharge further coining of the "Stirling turners" but to require the consent of the estates for any change in the value of money circulating within Scotland.⁴⁵

The outcry over the copper money must be placed within the context of Charles' inept, intemperate and irresolute management of the country's currency - as, indeed, of the Scottish economy as a whole. The continuing circulation of unsound money - whether copper or silver coin - dealt a major blow to commercial confidence within Scotland. Thus, the consensus in favour of remedial action at the outset of his reign was being converted into a groundswell of support for the disaffected element by the close of 1636, particularly after Charles followed up his nomination of Briot as master of the Scottish Mint with a swingeing, if staggered, devaluation of the "rix-dollar" and the issue of innovatory new silver and gold coins extolling his prerogative.

The demise of George Foulles having created a vacancy for master-coiner, Charles' nomination of Briot, which reached Scotland on 7 August 1635, created an administrative controversy that dragged on for ten months. The Council remained reluctant to ratify the appointment because of Briot's personal conceit, vociferous opposition from the leading officials in the Mint and adverse comment from the royal burghs. Briot was not prepared to accept the normal terms of his appointment. He would not provide surety for the faithful discharge of his office. Nor would he pledge that he would not leave the country without licence from the Council - even though the lax standards of quality control in minting the "Stirling turners" were attributable in no small measure to his continuous absenteeism. On the contrary, as he was already an officer in the English Mint, he feared that his lucrative fees and allowances as chief engraver would be prejudiced if he took up permanent residence in Scotland. Apart from considering Briot an arrogant interloper, the leading officials in the Mint were greatly disconcerted by Briot's demand to combine the office of chief engraver and sinker of his Majesty's irons with that of

master-coiner in order to advance his innovatory use of mill and press - rather than the traditional hammer - to mint silver and gold as well as copper coins. More speciously, because they were reluctant to admit Briot's expertise to combine both offices, they claimed the combination was without precedent in Scotland.⁴⁶

While the royal burghs questioned the wisdom of appointing a stranger with no stake in the country, the main thrust of their criticisms was to secure more favourable terms of exchange at the Mint. They were particularly conscious that gold could be exchanged at the English Mint at rates twenty-five per cent higher than those offered in Scotland. Moreover, since the value of silver as coin in both countries was consistently below the value of silver as bullion in the early seventeenth century, bringing silver for coining at the Mint was an act of public generosity. In order to reward such generosity, the burghs wanted the rates of commission exacted for the conversion of bullion into coin halved - from two shillings to one shilling per ounce - to achieve parity with England. Furthermore, the waiting time for the return of bullion as silver coin should also be halved - to fifteen days - for all traffickers in coin as for merchants.⁴⁷

However, the paramount need to mint silver coin in small denominations for domestic exchange persuaded the Privy Council to seek an accommodation. Briot's appointment as master-coiner was ratified on 23 June 1636, but only on a temporary basis which was not to 'strengthen his place and pretention to the said office in time coming'. Over the next fourteen months Briot was to demonstrate his expertise both as an engraver and a coiner, using customary as well as innovatory techniques. His first issue of silver coin authorised on 21 July, was coined from the bullion made available by merchants from the foreign specie and silver plate earned from exports. He made use of the traditional hammer to coin twenty pence, forty pence and half-merk (six shillings and eight pence) pieces; two-thirds of which were designated exclusively for domestic exchange, the remaining third

being restored to the merchants for general release at home or abroad. Having been authorised by the Council on 29 November, to convert two-thirds of the foreign dollars currently circulating in Scotland into native coin as six shillings and twelve shillings pieces, Briot managed to persuade Charles not only that the conversion could be accomplished more efficiently by mill and press, but that all royalties from the exchange of dollars accepted for conversion in the Mint should be assigned to him. Moreover, Briot had his initial inserted on all coins following the commencement of minting by mill and press on 12 January 1637. This innovation, while justified as marking his expertise as both engraver and coiner, conveyed to the country at large the impression that he exercised his calling 'insolently'.⁴⁸

Nonetheless, his expertise convinced a majority in the Privy Council to ratify his appointment as master-coiner on a permanent basis from 2 August 1637. However, in order to meet the continuing criticisms of the royal burghs as well as the leading officials in the Mint, Briot's son-in-law, John Falconer, was associated jointly in the office, the latter agreeing to provide surety for both. A further concession, the appointment of an eleven-man committee headed by Traquhair, to determine specifically the duties and obligations of the masters of the Mint, was pre-empted by the recall of Briot to Court three days later. Although Briot returned briefly to Scotland in October to mint further issues of silver and gold coins, which were duly inscribed with the initials of both master-coiners, he would appear to have made a politic retreat from Scotland by the time the Covenanting Movement emerged into public prominence in the spring of 1638. The contract to convert silver and gold plate into the first issue of coin on behalf of the Covenanting regime was negotiated exclusively with John Falconer in June 1639.⁴⁹

Briot's issues of silver and gold coins - the first since the king's inaugural imprints of April 1625⁵⁰ - complemented the swingeing devaluation authorised by Charles in the course of 1636. Devaluation had actually been under serious consideration since the

spring of 1635. The continuing circulation of foreign dollars at excessive rates in domestic markets and the chronic shortage of native coin had led Charles to appoint a ten-man committee of foremost councillors headed by Archbishop Spottiswood on 15 May, to consider the readiest remedies for 'the abuses latelie crept in within that our ancient kingdome'. However, the committee had balked at recommending devaluation whether immediately or by degrees, preferring instead to prohibit the exchange of Scottish commodities for foreign specie - other than dollars of guaranteed silver content suitable for exchange as bullion at the Mint. Accordingly, a remedial package, tried and found wanting in the past, was again unwrapped on 7 August. All merchants were to bring bullion earned from exports directly to the Mint. Dealers in cattle and sheep, as in coal and salt, were forbidden to receive any coin other than that of the common monarchy or dollars specified as acceptable for conversion into native coin at the Mint. A three month survey was to be instigated, concentrating on the trade in coal and salt, to ensure that dollars specified as acceptable were exchanged at rates prescribed by the Mint. This effort to reassert central direction over the country's currency proved of no avail. The receipt of bullion by customs farmers at the ports and Border towns was maintained to suit the convenience of the Exchequer rather than the requirements of the Mint. Official monitoring of Exchange rates notwithstanding, debased dollars continued to flood into the country displacing native coin in domestic markets.⁵¹

In a despairing attempt to check the excessive circulation of foreign dollars - and unscrupulous traders' exploitation of public ignorance about accurate values for individual denominations - the value of the "rix-dollar" was reduced by the Council from fifty-eight shillings to fifty-six shillings on 11 February 1636. The immediate benefit to debtors from the fall in the real value of money was more than outweighed by the deleterious impact of devaluation upon commerce, especially evident in the tightening up of credit and the erosion of landed incomes. During the seven months in which this two shillings reduction remained in force, the Crown itself lost £1,446 10s on the

value of the taxation voted by the coronation parliament.⁵² Over the same period, the failure of the devalued rate of exchange to reverse the outflow of native specie and the influx of dollars of diverse denominations occasioned an official pronouncement, laced with hyperbole, on 12 September, that 'there is no moneyes at all current within the kingdome of his Majesties owne proper stampe and coyne'. Accordingly, after much fraught debate in the Council as to the expediency of a further one shilling or two shillings devaluation, the "rix-dollar" was reduced to fifty-four shillings. The most popular of the German imports, the "dog-dollar", which circulated around forty-eight shillings prior to February, was correspondingly reduced from forty-six shillings to forty-three shillings and four pence. These rates (which were to remain in force for the next nine years) were to be applied rigorously to the exchange of Scottish commodities for foreign specie as to dollars of guaranteed silver content brought to the Mint for conversion into native coin.⁵³

Apart from Charles' immoderate and unsupported proposal for an immediate twenty-five per cent devaluation at the outset of his reign, the staggered reduction of four shillings in the value of the "rix-dollar" effected over seven months in 1636 outstripped all interim proposals for devaluation during the personal rule. Far outstripped, both with respect to time and scale, was the modest proposal for a two shillings reduction staggered over twelve months which emanated from the plenary discussions on the state of the currency held under the auspices of the Privy Council during January 1633. Also outstripped, with respect to time if not scale, was the staggered reduction of four shillings over two years advocated by the royal burghs in February 1634. Even Briot's initial proposal presented to Council in December 1632, for a staggered reduction of five shillings over ten months, was outstripped with respect to time. That the devaluation of 1636 should conform closest to the latter proposal was no mere coincidence. Briot had been instrumental in persuading Charles about the expediency of 'decrying of the forrane coyne of dollores to fifty-four shillings'. In the event, rather than

vindicate Briot, the timing and scale of devaluation during 1636 confirmed the worst fears about commercial disruption expressed by the royal burghs and leading officials of the Mint during the plenary discussions on the currency of 1633.

The implementation of devaluation was both hasty and maladroit. Instead of conserving native coin, the swingeing reduction of the "rix-dollar" encouraged traffickers in coin to export dollars of guaranteed silver content leaving counterfeit and debased coin to proliferate in domestic markets. Devaluation further drained the country's stock of acceptable coin by forcing up prices of necessary imports as well as luxuries. Native manufactures were generally in too embryonic a state to take meaningful advantage of the reduced cost of Scottish commodities overseas. Indeed, the accumulative reduction of four shillings in the value of the "rix-dollar", which was tantamount to an indirect tax of seven per cent on all commercial transactions, could not be readily absorbed by the Scottish economy. The material damage inflicted on commerce at home and abroad served to postpone indefinitely the attainment of price stability. Faced with the receding prospect of sound money, Aitcheson, as general of the Mint, renewed his call for a modestly debased issue of coin in small denominations exclusively for domestic exchange. In a memorandum of 10 April 1637, he argued that if one thousand five hundred stone of dollars of guaranteed silver content were called in to the Mint, exchanged at fifty-four shillings the piece, melted down and alloyed with copper, then released into domestic circulation as half-merk, forty pence and twenty pence pieces (in quotas of £100), the country's stock of coin would be replenished gradually and the Crown salvage some profit - to the order of £192,800 - from the debacle of devaluation.⁵⁴

Although Aitcheson's revised proposal for debasement, like his original scheme for clipping of dollars, was not taken up by the Privy Council, his review of the present state of the country's currency did revive debate on the need for a more effective remedial programme. A month later, Charles authorised the renewal of plenary

discussions under the Council's auspices. A large committee of leading councillors - seven nobles, five gentry and seven bishops - was empowered on 13 May to confer with leading officials in the Mint and a delegation from Edinburgh town-council on behalf of the royal burghs. The Council itself decided on 23 June, that it would be politic to include 'some understanding' noblemen and gentry in order to broaden discussion on 'the mater of the coyne'. Such was the urgency accorded to the discussions, that the scheduled meeting of the Commission for Surrenders and Teinds was discharged to allow the plenary session to proceed on 26 June. In addition to the perennial problems of the excessive circulation of foreign dollars and the chronic shortage of native coin, the plenary discussion identified further grounds for national concern consequent on devaluation. Speculative hoarding of dollars of guaranteed silver content, proceeding 'frome some ydle surmises that the dollers are to be cryed up', had accentuated the current scarcity of acceptable coin for domestic exchange. Following the Council's public affirmation that there was no immediate prospect of reflation, 'there is no change to be made in the price and value of dollars', separate submissions were received from the royal burghs and the Mint.⁵⁵

The immediate concern of the nine-man delegation from Edinburgh town-council charged to present the burghs' case was to press for the raising of interest rates. Thus, the tightening up of credit resulting from devaluation could be regularised. The familiar call to expand the volume of the country's trade was reiterated. Without such expansion, achievable by the easing of customs rates and the fostering of new manufactures, there could be no secure attainment of sound money. Conversely, Aitcheson remained convinced as general of the Mint that the 'chieff ground of all the abuses of the Monie in Scotland' was attributable to 'the insatiable avarice of gredie merchands'. Hence, rather than ease customs rates, the bullion quotas - whereby merchants were expected to earn foreign specie from exports - should be doubled and paid directly into the Mint either as dollars or plate of guaranteed silver content. Furthermore, illicit

trafficking in coin, in defiance of the statutory bans on the unnecessary export of native specie and the importation of counterfeit and debased dollars, should be considered subversion. With the help of customs farmers, a roll should be compiled of all skippers and mariners 'that have travelled to Eastern countreyes thes diverse years bygane'. All persons enrolled should then be examined under oath to discover 'the transporters of his majesties owne proper coyne, and contumacious importers and venters of forrane coyne so farr above their trew worth'. Indeed, such was the extent of illicit trafficking that if the statutory fines were exacted from the traders involved and placed at the disposal of the Mint, a sufficient stock of money would be provided to convert all the dollars within Scotland into the king's own coin without recourse to debasement!⁵⁶

No positive action resulted from the plenary discussions either to alter interest rates or to expand trade. Nor was any fresh initiative launched to clamp down on illicit trafficking in counterfeit and debased dollars. Counterfeiting, which had long been practised assiduously in Scotland, became a virulent, clandestine pursuit during the 1630s, particularly in the north-east. The Council had commissioned one of its number, John Guthry, bishop of Moray, to search out and prosecute all 'forgers, strikers and printers of thir false and counterfoote dollers' in the region from 1 April 1635. However, this commission proved no more effective than the contemporaneous local commissions granted to burgesses and gentry to stamp out the illicit traffic in copper coin through the ports and Border towns. The debasing of dollars by clipping was also a burgeoning clandestine industry in small towns, especially in the south-west, where the main practitioners - usually itinerant pedlars and chapmen - could often rely on local reluctance to reveal their identities and even if identified, could slip across to Ulster to avoid arrest. Further local connivance in circulating counterfeit and debased coin in domestic markets added to the difficulties of securing convictions despite noted endeavours of merchants in the foremost burghs, assisted by neighbouring gentry, to apprehend forgers and clippers.⁵⁷

Moreover, Charles' decision that Briot and Falconer should mint new issues of silver and gold coins served to stimulate a fresh spate of forgeries from October 1637 - notably of the silver twenty pence piece for small-scale exchange. Above all, however, the new issues afforded tangible proof that Charles was less concerned to remedy the chronic shortage of native coin than to use the country's currency to propagate and extol his prerogative. Revealing himself as the master of insensitive timing, Charles had the Council issue a directive on 14 December altering the inscriptions which were to be placed on the coins minted from the consignment of gold fortuitously brought to Scotland from west Africa by 'the adventurers of Guinee' two months earlier. Disregarding the groundswell of dissent occasioned by his drive for economic and religious uniformity, Charles instructed that the lesser coins were to bear the legend, UNITA TUEMUR, (I shall protect through unity). Studiously ignoring the constitutional crisis triggered off by his ecclesiastical innovations, Charles decreed that the greater coins were to be marked, HIS PRAESUM UT PROSIM, (I am put in authority that I may do good).⁵⁸

The king's propaganda notwithstanding, the new issues of silver and gold coins did little to halt the displacement of native specie by dollars in domestic markets. Illicit trafficking in coin continued to plague the incoming Covenanting regime. Debased dollars still flowed through the ports on the west as well as the east coast during 1638. Despite occasional prosecutions intended as salutary warnings to forgers and clippers, counterfeiting remained a virulent, clandestine pursuit. The aftermath of the Bishops' Wars found the Covenanting regime struggling valiantly to prevent upward revaluation of gold in England. Such revaluation would have accentuated further the discriminatory rates at which gold coin circulated in Scotland contrary to the standardisation of exchange in both countries prescribed at the union of the Crowns. As part of an effort to reassert central direction over the money supply, the restoration of exchange centres at the major ports - to collate dollars of guaranteed silver content as bullion at rates tabulated by the Mint - was under

active consideration from the spring of 1641. Accordingly, an enactment of 10 September laid down that merchants must provide sureties to customs farmers, both to fulfil the bullion quotas imposed on goods exported from Scotland and to guarantee that foreign specie so earned would not be used for commercial exchange but handed over for delivery to the Mint.⁵⁹ However, the financial pressures occasioned by military intervention throughout the British Isles over the next decade were to make the attainment of sound money no more realisable for the Covenanting Movement than for Charles I.⁶⁰

That the state of the currency should degenerate from the critical to the chaotic during the personal rule of Charles I can be attributed, in part, to the continuing international shortage of bullion and persistent tampering with coin by foreign powers to stretch out the use of silver. However, prime responsibility must be accorded to Charles' inept and insensitive management of the money supply. His failure to reassert firm central direction of exchange rates perpetuated the haemorrhaging of native specie brought about by dearth in the early 1620s; allowed profiteering and illicit trafficking in coin to continue unabated; and ensured Scotland remained a dumping ground for counterfeit and debased coin. His failure to maintain accepted constitutional tenets governing the minting and circulation of coin distanced leading politicians from the Court and confirmed the reluctance of merchants to ensure steady supplies of bullion for the Mint. Despite plenary discussions between the Privy Council, the royal burghs and leading officials in the Mint, Charles preferred to rely on the advice of courtiers like Briot and Stirling, the one a stranger, the other a chronic absentee. Though lacking practical or immediate experience of the problems besetting the country's currency, both were firm upholders of (and intended beneficiaries from) the king's unfettered exercise of his prerogative. Thus, Charles paid scant regard to the national interest as manifest by his recourse to piecemeal expedients rather than implement a concerted remedial programme to restore sound money.

In particular, the privatisation of copper coining in 1632, followed up by the staggered but swingeing devaluation of the "rix-dollar" in 1636, dealt a massive blow to commercial confidence throughout Scottish society. Indeed, the commercial disruption occasioned by monopolies and the common fishing was compounded by Charles' mishandling of the money supply. At the same time, his advocacy of tariff reforms in the interests of economic uniformity was not only to deepen the recession afflicting Scotland during the 1630s, but to promote widespread sympathy for dissent on constitutional grounds and even to provoke civil disobedience which, in turn, lowered the threshold for direct action in defiance of the Court.

Notes

1. F.C. Spooner, 'The European Economy, 1609-50' in The Decline of Spain and the Thirty Years War, 1609-48/59, 78-81, 83-84; R. Davis, The Rise of the Atlantic Economies, 96-98.
2. Spooner, 'The European Economy, 1609-50', 82-86; Kamen, The Iron Century, 119-25; E.J. Hobsbawn, 'The Crisis of the Seventeenth Century' in Crisis in Europe, 1560-1660, 28.
3. RPCS, second series, IV, 63-64; R.W. Cochran-Patrick, ed., Records of the Coinage of Scotland, vol. II, (Edinburgh, 1846), 87, 96, 111-12.
4. APS, V, 178, 182-84, 187; RPCS, second series, I, 159-60, 170-73, 178.
5. RCRB, Extracts, (1615-76), 213-15; RPCS, second series, I, lxxix, 269-71, 276-80, 300-02, 350-51, 418; Records of the Coinage of Scotland, II, 73-75.
6. Records of the Coinage of Scotland, II, 71-73.
7. RPCS, second series, I, 564, 628-31; Records of the Coinage of Scotland, II, 74-75.
8. RPCS, second series, II, xxxiv-xxxv, 162, 192-93, 540-41, 545-46.
9. RPCS, second series, III, xxxii-xxxiii, 3, 8, 16, 19-20, 51, 457-58, 464.
10. APS, V, 208-28; RPCS, second series, IV, xxv-xxvii, 23-24.
11. RPCS, second series, IV, 63-64. Henceforth, guaranteed silver content may be defined as silver, eleven deniers fine per ounce.
12. RCRB, Extracts, (1615-76), 329-30; RPCS, second series, IV, 155-56. The acquisition of coin of acceptable silver content was a real prospect following the conclusion of peace with Spain. For, not only did the peace improve the international flow of bullion, but great quantities of silver were actually sent from Spain for minting in England to help finance military operations in the Spanish Netherlands. In the event, most of coined bullion was re-exported rather than circulated within the British Isles (Y.S. Brenner, 'The Inflation of Prices in England, 1551-1650', Economic History Review, second series, XV, (1962-63), 275).
13. RPCS, second series, IV, 298, 301-02.

14. Records of the Coinage of Scotland, II, 80-82; L.B. Taylor, ed., Aberdeen Council Letters, vol. I, (1552-1633), (London, 1942), 353-56.
15. RPCS, second series, IV, 578-82.
16. Records of the Coinage of Scotland, II, 71-73.
17. Aberdeen Council Letters, I, 356-59; Records of the Coinage of Scotland, II, 82-84.
18. Records of the Coinage of Scotland, II, 84-88; APS, II, 6, c.24, (1424); 39-41, (1451); 92, c.1, (1469); III, 29, c.21, (1567); 215-16, c.10, (1581).
19. Records of the Coinage of Scotland, II, 88-93; APS, II, 39-41, c.1, (1451); 86, c.12-13, (1466); 88, c.1, (1467); IV, 134-35, c.20, (1597); 230, c.18, (1600).
20. Records of the Coinage of Scotland, II, 93-99; APS, II, 88, c.1; III, 215, c.10.
21. R.B. Outhwaite, Inflation in Tudor and Early Stewart England, (Economic History Society, London, 1969), 46-47.
22. Aberdeen Council Letters, I, 351-53; Records of the Coinage of Scotland, II, 99-100.
23. RPCS, second series, V, xix-xx, 102-03.
24. Row, History of the Kirk, 379.
25. APS, V, 49-50, c.35.
26. Ibid, 51, c.38.
27. Ibid, 39-40, c.21. A further three years were to elapse before Charles made any effort to check usury. A comprehensive commission issued on 3 August 1636, empowered John Erskine, merchant-burgess of Montrose, not only to take up information and prepare indictments to prosecute transgressors of the enactments against usury, but also to hear the cases in the presence of local sheriffs and impose fines and compositions - half of which were to be retained for his own benefit (SRO, Exchequer Act Book, 1634-39, E 4/5, ff.156-57).
28. RPCS, second series, V, 190-91, 341-42.
29. Records of the Coinage of Scotland, II, 101-02.
30. SRO, Exchequer Act Book, 1634-39, E 4/5, ff.22.

31. Records of the Coinage of Scotland, II, 83-92; E. Burns, The Coinage of Scotland, vol. II, (Edinburgh, 1887), 485-86.
32. SR0, Exchequer Act Book, 1644-39, E 4/5, ff.23; Hamilton Papers, TD 75/100/26/998.
33. Spooner, 'The European Economy, 1609-50' in The Decline of Spain and the Thirty Years War, 1609-48/59, 81-82; F. Braudel, Capitalism and Material Life, 1400-1800, (Glasgow, 1973), 348-51.
34. RPCS, second series, III, xxxii, 47, 130-32; Burns, The Coinage of Scotland, II, 484.
35. RPCS, second series, IV, xxvii-xxviii, 323-25; Burns, The Coinage of Scotland, II, 485-86; R.B.K. Stevenson, 'The "Stirling" Turners of Charles I, 1632-9', British Numismatic Journal, XXIX, 1958-59), 130-31.
36. RPCS, second series, IV, 325-26; Burns, The Coinage of Scotland, II, 488; Stevenson, British Numismatic Journal, XXIX, 128-29, 132-33; Records of the Coinage of Scotland, II, 116.
37. RMS, VIII, number 1920; J. Gordon, History of Scots Affairs, 1637-41, 3 volumes, J. Robertson & G. Grub, eds., (Spalding Club, Aberdeen, 1841), vol. III, 87-88; Mathew, Scotland under Charles I, 287; Stevenson, British Numismatic Journal, XXIX, 129, 132; McGrail, Sir William Alexander, 146-52.
38. Scotstarvit's The Staggering State of Scottish Statesmen, 75.
In terms of financial liberality, the patent for coining copper granted to Stirling was second only to the contemporaneous alienation of the impost of wines to the marquis of Hamilton for nineteen years.
39. Stirling's Register of Royal Letters, II, 692-93, 775, 841; Records of the Coinage of Scotland, II, 103-05; SR0, Exchequer Act Book, 1634-39, E 4/5, ff.30, 58-60; RPCS, second series, V, 230-31; Stevenson, British Numismatic Journal, XXIX, 134.
40. RPCS, second series, VI, 432; Burns, The Coinage of Scotland, II, 488; Stevenson, British Numismatic Journal, XXIX, 135-36.
41. Baillie's Letters and Journals, I, 77; The Scots Peerage, VIII, 173-75.
42. RPCS, second series, V, xx, 488-90, 517-18; VI, 323-24; Gordon,

- History of Scots Affairs, III, 88; Stevenson, British Numismatic Journal, XXIX, 134-35.
43. APS, V, 598, 616, 644; RPCS, second series, VII, lvii-lviii, 139-40, 205-06; Gordon, History of Scots Affairs, III, 87-88; Spalding, The History of the Troubles, vol. I, 174, 195-96; Burns, The Coinage of Scotland, II, 488; Stevenson, British Numismatic Journal, XXIX, 136-37.
 44. Stevenson, The Scottish Revolution, 51.
 45. APS, V, 604.
 46. RPCS, second series, VI, xv-xvi, 98-101, 258-59; Burns, The Coinage of Scotland, II, 445-46. In fact, John Aitcheson, probably a direct progenitor of the current general of the Mint, held both offices in the 1550s during the minority of Mary, queen of Scots.
 47. Records of the Coinage of Scotland, II, 108-09; Y.S. Brenner, 'The Inflation of Prices in England, 1551-1650', Economic History Review, second series, XV, (1962-63), 277-78.
 48. RPCS, second series, VI, 270-71, 295-98, 344, 360-62; Gordon, History of Scots Affairs, III, 88; Burns, The Coinage of Scotland, II, 447-49.
 49. RPCS, second series, VI, 505-06, 508-09, 542, 551; Records of the Coinage of Scotland, II, 112-13; Burns, The Coinage of Scotland, II, 450-51, 456, 462-63. Another seven years were to elapse, however, before Falconer was confirmed as master-coiner in his own right.
 50. Burns, The Coinage of Scotland, II, 441-42, 480-81.
 51. Stirling's Register of Royal Letters, II, 858; RPCS, second series, VI, 94; SRO, Responde Book, 1623-38, E 1/11; Exchequer Act Book, 1634-39, E 4/5, ff.36-40, 95-96, 132-34, 144-45.
 52. SRO, Account of the Collector of Taxation granted in 1633, E 65/16.
 53. RPCS, second series, VI, xvii-xviii, 189, 322-24; Diary of Sir Thomas Hope of Craighall, 47; Spalding, The History of the Troubles, I, 40, 44.
 54. Records of the Coinage of Scotland, II, 109-10.

55. RPCS, second series, VI, 464-65.
56. Ibid, 465-66; Records of the Coinage of Scotland, II, 111-12.
57. RPCS, second series, VI, xvi, 2, 434, 446-47, 467-68, 477-78, 489, 505, 685, 691-92.
58. Ibid, 542, 550; Burns, The Coinage of Scotland, II, 450-51, 476.
59. RPCS, second series, VII, 58-59, 103; Records of the Coinage of Scotland, II, 113-15; APS, V, 352, c.19.
60. D. Stevenson, 'The financing of the cause of the Covenants, 1638-51', SHR, LI, (1972), 89-123.