Samuel Rutherfurd is one of the greatest theologians, if not the greatest that the Church of Scotland possesses. Few now read his words, but they influenced Scottish theological thinking for two centuries, both through the traditions he handed on and the reactions which the extremities of some of his teaching begat. Great as was his learning in political, ecclesiastical and politico-ecclesiastical doctrine and theory, it was surpassed by that in the field of theology proper. From Paul to Twisse and the great Dutch theologians of his own day there was not a theologian, ancient, medieval or modern, orthodox or heretic, with whom he does not seem to have had more than a nodding acquaintance. Only Twisse surpassed him in learning, in which he was the equal and more than the equal of any other Westminster Divine, though Gataker and Lightfoot at least surpassed him in scholarly exegetical ability. He was a great systematic theologian rather than a great exegete. He purposed a commentary on Isaiah, but if it was written the manuscript was lost in the turmoil of the Restoration. Possessing some of the qualities which would have graced a great commentator, quickness of intellect, the faculty of easy understanding of ancient tongues and the superlative gift of apt illustration, he spent his life in the maelstrom of political ecclesiastical and theological controversy. To these he gave his genius and his life-blood. Only when the torch was burning low does he seem to have turned his mind to consider any work of exposition. The Arminian controversy dictated the form of all his theological writings, here and there.
there he glances aside to deal with Amyraldians and Antinomians, but the great Protestant controversy of the day was that waged between the disciples of Arminius and Apostles of Calvin. From the outset with Twisse as his preceptor, Rutherfurd plunged into that conflict, earning for himself a continental reputation as a theologian in an age when theology was the prime science, and reputations amongst the mighty neither smoothly nor easily won. The call to the Chair of Divinity and Hebrew in Harderwyck in 1648 showed him to be well known abroad; that to succeed De Jmatius in Utrecht in 1651 revealed him as accounted amongst the first rank of theologians. It is impossible to deal separately with the works which gained him this continental reputation, undoubtedly increased by his fame as a Westminster Divine, because much the same ground is covered in all of them. Some are popular and in English; the Exercitationes Apologeticae is early and somewhat obscure; the Disputatio de Divina Providentia is supercharged with the accumulated learning of years, of Westminster, and of contact with Twisse. The best and most lucid of his theological productions is the Examne Arminianismi, though it may owe something of its clarity to its editors. A brief note on each may be permitted before turning to deal with his theology in its systematic outlines.

The Exercitationes Apologeticae pro Divina Gratia.

This work was published in Amsterdam in 1636. The story of the fate it brought upon its author has already been told. A reading of the work further bears out the belief that pride of authorship made Rutherfurd somewhat exaggerate the part played by it in his banishment. It shows a good deal of argumentative ability and
and obscure Latin. The learning of the 'De Divina Providentia' and the clarity of the 'Examen' are wanting. Baillie, used to both the theology and the Latin of the age, found it somewhat obscure, and Maxwell's remark that he did not think any Puritan in Scotland had so much learning can only be considered ironically. The work is that of a clever young man who has listened to Boyd, who has a retentive mind filled with the scholastic and Calvinist teaching of the age and who has found Twisse. Twisse was the Aquinas of English Calvinism. He summed up all past, he supplied all its future teachings.

Owen, Arrowsmith, Thomas Goodwin, in theology Twisse is their master as he is Rutherford's. When he wrote the Exercitationes Apologeticae Rutherford had two works before him both written by Twisse, "A discovery of Dr. Jackson's Vanity" (1631), and "Vindiciae Gratiae Potestatis ac Providentiae Dei" (1632). The first is a controversial examination in a volume of seven hundred pages of the Dean of Peterborough's discourses on Arminianism. The second is a folio of five hundred pages in Latin, double columns, and small print, dealing with the whole Arminian doctrine of grace, the Roman Catholic doctrine in Bellarmine, Vasquez and others, 'with sundry digressions'. Beside the latter, Rutherford's Exercitationes seems a pamphlet. A good deal of it is merely a boiling down and re-serving of Twisse, but not all of it. Twisse has quickened Rutherford's thought and sent him to the original sources, but his possession of these was limited as also was their accessibility to him. We find him concerned most with the same authors and problems as the great Doctor. He is at pains occasionally to drag Cameron out of retirement in order to expose the weakness of some of his theological
theological positions. An effort was being made by the Episcopal party to set up the teacher Amyrauld as the true father of Scottish Theology, since they could more easily veer towards a moderate Arminianism with such a parentage. From the outset Rutherfurd sought to divert the flow of Scottish theology from infra-lapsarian to supra-lapsarian channels. He did it deliberately, to forestall any pilgrimage by easy stages to the Arminian wilderness. He gave the high Calvinism of English theology to Scotland. Dutch contacts strengthened this development. Twisse himself was conversant, in awesome detail, with all the works of the Arminian controversy, but he worshipped Bradwardine before even he read Dutch theology, and it was the distinctly Twissian doctrine that Rutherfurd established in Scotland in his day and generation. The Exercitationes were his first attempt. The explanatory title of the work gives a truer idea of the content than the main heading for the whole volume is practically concerned with expounding the doctrine of the Eternal Decrees of the Will of God. His preoccupation with God as Will immediately reveals the disciple of Twisse.

The Disputatio Scholastica de Divina Providentia.

Fourteen years past before Rutherfurd published his successor to the Exercitationes, years filled with all his main contributions to political theory and ecclesiastical doctrine. In 1650 he published in Edinburgh his 'Disputatio Scholastica de Divina Providentia'. These were his Divinity lectures to the advanced students in his college. So he tells us, but it is obvious that they have been elaborately worked over for publication, and the highly metaphysical disquisitions at the end added as an afterthought
afterthought for advanced theological readers. The adjective in the title admirably describes the work which, Protestant though he was, could win for Rutherfurd the name of the last Scottish Schoolman. Duns Scotus, John Major, Samuel Rutherfurd, their ideas may have differed widely, but they are at one in the intricate logical processes of their thinking and their sheer delight in a metaphysical problem for its own sake. The chief doctrine discussed in these prelections is that of the Divine Will in relation to contingency and in relation to the permission of sin, the greater part of the work being taken up with the latter question. Nowhere is Rutherfurd's learning more fully displayed. References to the Fathers, the Schoolmen, and the Reformers, early and late, line the margins of his pages in bewildering juxtaposition. Augustine and Bradwardine hold the place of honour, owing to the nature of the subjects; yet hardly any Catholic or Reformed theologian from whom support can be drawn is left unquoted. This colossal learning won the awe even of his political opponents so that he remained the sole Presbyterian in a town turned Resolutioner without any great fear of deposition. There is strikingly little quotation from Calvin; by now the main Calvinist doctrines were for their holders a sine qua non; Beza, Pareus and Voetius are largely quoted, the first and last because of their support of the supra-lapsarian position and Pareus as the doyen of the later Reformed theology and defender of the Calvinist doctrine of grace. Augustine, Bradwardine and Twisse remain the dominant influences in his theological thought and he never speaks of the latter but with deepest reverence. The Preface to the 'Disputatio' is written by an Evangelist. The body of the work is composed by a theological metaphysician. To the pupils
pupils to whom he dedicates the work he writes "Christus est unum illud necessarium .... exeundum Christus via est; splendum Christus veritas; vivendum Christus vita." - And in a work so dedicated the writer sees no inconsistency in introducing questions such as "an aliquod sit impossibile nisi quatenus a Deo originaliter sit impossibile?"

The "Examen Arminianismi."

The Examen Arminianismi was published posthumously by Nethenus in Utrecht in 1668. It is the best of Rutherfurd's Latin works. An examination of Arminian doctrine, it is yet so orderly arranged as to be a complete exposition of his own theology. It is written in clear and lucid Latin, easily readable by any possessing a moderate knowledge of that language. If it can be taken as a true sample of Rutherfurd's lectures in Latin to his pupils, then one must conclude that he was able to discipline his mind to express in plain language to his students the doctrines which he held, without entering into the maze of side issues and supporting arguments with which we have become familiar. The Latin M.S. of the volume was brought to Holland by Rutherfurd's disciple and amanuensis Robert Mc'Vard, who gave it to Nethenus for inspection. Nethenus who knew all the Continental literature of the age on the subject of Arminianism, after giving a brief survey of that literature in his Preface, writes "Itaque ex omnibus libris quos contra Remonstrantes Theologi nostri Latine scripserunt, nullum ego quidem novi, qui tam plene, docte, nervose, methodice et simul quantum licebat breviter, adeoque tam accommodat ad tyronum et doctiorum usum, totam Remonstrantium doctrinam examinavit et Orthodoxam Ecclesiarum nostrarum doctrinam contra eos asservavit, quam est hic praesens..."
More care was spent in publishing this last volume of Rutherfurd than ever he had spent on any of his own works. Nethenäus had as coadjutor Robert Trail, one of Rutherfurd's students, at St. Mary's. Together they revised the whole of Rutherfurd's M.S. comparing it with notes of his lectures taken by one of his students, which they had at hand. They may have been Trail's own or some which he had procured from a fellow exile in Holland. The gaps were filled in; the rough places made smooth by the editors. Nethenäus gives credit to John Livingstone, now in Holland, who had guaranteed the authenticity and gone over the M.S. before it came into his hands. All extraneous matter, especially in the notes of the student, where Rutherfurd has digressed to deal with Sectaries and Independents, was removed as not pertinent to the work in hand, and the Chapter headings received a little more orderly form. No-one who reads it can doubt that the work is Rutherfurd's. The lectures are for beginners in theology, and the necessity of lecturing in Latin to beginners makes him more lucid and orderly than was his wont. An exposition of supra-lapsarian Calvinist doctrine which gained the approbation of Essenius, Voetius and Nethenäus, the leading Dutch theologians of the day, must have been reckoned by them to be of the first order. It is the best exposition of supra-lapsarian Calvinism that Scotland has produced.

The Covenant of Life Opened.

"The Covenant of Life Opened or a Treatise of the Covenant of Grace" was published in 1655. It a popular exposition in English of the federal theology of the period. The penning of this volume and of its successor "The Influences of the Life of Grace" fills the
the place occupied by the writing of the Letters in his earlier life. It will be seen that, Heartbroken and weary in the Protester controversy, he withdrew from any part in it when he saw that contest developing into political intrigue. As write he must, he turned his pen away from Representations, Vindications and Protestations to write of the Grace of God. He sought in these two volumes to avoid controversy in his own land by writing on matter in which both parties agreed. The Covenant of Life is the first full treatise on the Covenant in Scottish Theology though earlier theologians had by no means left the subject neglected. Cameron's doctrine of a three-fold Covenant became suspect along with his other views and in an age filled with the noise of Covenants Rutherford sought to expound to the ordinary Scottish reader the doctrine of the Divine Covenant of Grace. Dr. Mitchell has shown that there was a Covenant teaching native to England before ever Cocceius was known in Britain, with Ames and Ball as its chief exponents. Here there is no mention of Cocceius and hardly a reference to Ames and Ball, though Rutherford was well acquainted with the works of the former. More reference than usual is made to Calvin. The whole treatise was his own exposition of Covenant doctrine as developed from his supralapsarian theology.

Influences of the Life of Grace.

The successor to Covenant of Life Opened promised in its Preface was four years in appearing in print. "Influences of the Life of Grace or a Practical Treatise concerning the way, manner and means of having and improving of Spiritual Dispositions and quickening Influences from Christ/Resurrection and the Life." was

was published in London in 1659. It is an essay in the field of practical theology setting forth the Calvinist doctrine, that irresistible grace is the supreme influence in the life of the spiritual man. As an attempt to analyze the working of Divine Grace in man, scholastic terminology and treatment may serve some of the work though few can write so humbly and gloriously of the Grace of God. It can stand worthily beside the Religious Affections of Jonathan Edwards, for what it lacks in the orderliness, precision and clarity of the latter is more than compensated by the depth of personal experience which it reveals in apt metaphor, homely simile and pithy epigram.

**Christ Dying and Drawing Sinners to Himself.**

Two other works of Rutherfurd may be included within the scope of practical theology, Christ Dying and Drawing Sinners to Himself, and the practically unknown Power and Prevalency of Faith and Prayer. The Christ Dying was originally a series of sermons preached on John 12. 27-33, probably during his stay in London. In 1647 he collected them into a homiletic treatise adding "Sundry digressions for the times" which embraced popular incursions into every field of current religious controversy, especially the Arminian and the Antinomian. Its value as an orderly treatise in practical theology was not enhanced by such a method of composition, though it contains some of the finest prose passages penned by the author, and brings into glowing homiletic life most of his passionately held and passionately defended doctrines.
The Power and Prevalency of Faith and Prayer.

The discovery and annotation of this rare tractate is largely the work of Mr. J.D. Ogilvie, Milgavie, and the account of it given here is the result of his labours. "The Power and Prevalency of Faith and Prayer evidenced in a Practical Discourse upon Matthew 9. 27-31," was published in Edinburgh in 1713 with an introduction by Allan Logan. Along with it he printed for the first time "A Testimony left by Mr. Rutherfurd to the Work of Reformation in Britain and Ireland before his Death, with some of his last words." The first reference made to this Testimony is in John Currie's Essay on Separation (1738). The agonised appeal of a dying man, who had been a great Protester, for unity in the Church was a forceful argument against separation. The attempt in Wilson's reply to label the Testimony spurious was ill-conceived. The last part of the Testimony had already been quoted, practically word for word by McWard in Joshua Redivivus. Moreover, the whole Testimony is in keeping with the spirit of the later Rutherfurd. There can be no doubt of its authenticity or of that of the discourse. The two gentlewomen of Edinburgh from whom Allan Logan, Minister of Torryburn received the M.S.S. were Jean and Barbara Chiesly, granddaughters of Samuel Rutherfurd, daughters of his daughter Agnes Rutherfurd, and William Chiesly, younger brother of Sir John Chiesly, Secretary to the Scots Commissioners in London. In an admirable unpublished monograph Mr. Ogilvie has dispelled the insinuations made against the character of Rutherfurd's son-in-law, and shown that far from being disbarred for malpractice he was

was actually victimised, and on more than one occasion, for sympathy with and giving assistance to the Covenanters. After the Revolution William Chiesly became a prominent Writer to the Signet in Edinburgh.

Mr Ogilvie believes the Discourse to have been originally written in 1645, but to have been worked over in the last months of Rutherfurd's life. His words may be quoted "In June 1645 he preached to the English House of Lords and again chose for his matter a Gospel narrative, the Stilling of the Tempest. About this time he began a new series of sermons, the story of the two blind men in the ninth of Matthew: The date can be approximated by the reference to the pestilence in Scotland which raged that summer in Edinburgh and elsewhere, a reference which is repeated in the Preface to the Divine Right of Church Government published March 5, 1646. Yet, indeed, the whole Discourse shows the fruit of an even deeper spiritual experience than the years up to 1645 had brought, and I venture to think not only was the Discourse revised, but in part re-written by him." With Mr Ogilvie I believe this Discourse to be the finest thing which Rutherfurd ever wrote and one of the gems of Scottish devotional literature. The old Rutherfurd with a new heart appears in this wonderful piece of spiritual autobiography.

Allan Logan published the Discourse because of his admiration for Rutherfurd; also because in the Discourse the orthodox doctrine of justification by faith was firmly laid down. The Power and Prevalency enters little into controversy, it is the witness of a Christian soul weary of controversy to the power of Christ in his own heart. "That is why we do not find much that is
is new in Rutherfurd's imagery now, but the old scene with new
eyes because of an open heart; what he had beforetime thought and
taught he beholds now transfigured. It was not so long before
that he had written 'as to my spirit, much out of court, because out
of Communion with the Lord, and far from what sometime hath been,
deadness, security, unbelief, and distance from God in the use of
means prevail more than ever;' for the burden of the sin of Scotland
so lay on Rutherfurd that he felt it to be his own. The oppression
of it broke his health; 'though I was lately knocking at death's
gate yet could I not get in; but was sent back for a time.' So
he wrote to his old friend Lady Kenmure in the autumn of 1659;
'Ah, we pray not but wonder that Christ cometh not the higher way,
by might, by power, by garments rolled in blood. What if He come
the Lower Way?' And in the Lower Way the miracle happened, and
his eyes were opened and made to see.' I venture to suggest that
the Discourse is a record of things seen in the Lower Way." This
is the judgement of the man who, best of all living Scotsmen, knows
the true and gracious Christian spirit which lived in many of the
Westminster Divines despite the austerity of their theology. To
that theology of one of the greatest we now return, using his own
scheme as laid down in the most orderly of his works the Examen
Arminianismi.

1. J.D.Ogelvie, Monograph on The Power and Prevalency.
2. The Power and Prevalency is erroneously called "The Power
and Prevalency of Truth and Prayer, evidenced etc., in Bonam
list of works prefaced in the 1891 Ed. of the Letters.
The Theology.

The Doctrine of Holy Scripture.

Rutherfurd's Doctrine of Holy Scripture was that of the Westminster Confession and of the Calvinist Churches of his age. He added nothing new to it, and made no divergence from it. Because he was largely engaged in Arminian and Antinomian disputations the aspects most emphasised are its authority and perspicuity especially in relation to interpretation. He denied the 'necessity' of Holy Scripture in the same sense as he denied 'necessity' of the atonement. God could, had He so desired, have chosen some other way to save, than the Atonement, so also He was free to reveal or not reveal by Scripture. From man's side the imperfection and insufficiency of his knowledge of God make the Holy Scriptures most necessary now that God's immediate revelations of Himself to His people have ceased. In the midst of the contention of the Pretended Liberty of Conscience the finest passages had been those in which he spoke of the way in which God had so preserved the Scripture in the original and in its countless translations, that despite grammatical mistakes and printers' errors the Truth stood clearly out to satisfy the needs of men. "For though Scribes, Translators, Grammarians, Printers may all err it followeth not that an unerring providence of Him that hath seven eyes hath not delivered to the Church, the Scriptures containing the infallible Truth of God." I

Rutherfurd's great preoccupation was with Scripture as the source of fundamental doctrine. We have seen in his work on Toleration how he fetched Truth from the body of Scripture with a

I Pretended Liberty of Conscience, p.37a
a microspope, and elaborated the doctrine of the Fundamentals. The sufficiency of Scripture was not a sufficiency embodied in general guiding principles. It contained a meticulous, ordered and final scheme for the sanctified life. The Word was no mere criterion of directive judgement, but a norm actively binding on the conscience. "Sed nos Scripturas ad coactivas decisiones sufficiences esse docemus - Quia perpetuo fluctuaret conscientia, nec haberet in quo consisteter, nisi Scriptura esset finis controversiarum." The authority of Scripture was full and final as the scope of its application was meticulously detailed. Scripture was the sole basis of Christian dogma and practice. His thought on this matter has been extensively dealt with in the Chapter on Toleration so need not detain us here. His doctrinal standpoint holds some inconsistencies. He ridicules the Arminian desire to have as few necessary Fundamentals as possible and these expressed in the words of Scripture, yet he is driven by human limitations to restrict the possible measure of saving truth. It is, he says, impossible for everybody to know all the Fundamentals or to know the number of Fundamentals necessary to salvation. Only God knows the latter. While including the Apostles Creed, the Ten Commandments, the Lord's Prayer, the Sacraments, amongst the Fundamentals of which necessary knowledge is required, he maintains that there may be others necessary to salvation. The Church, in particular men, may believe all the Fundamentals materially and not know their number. He had stated men could be saved through "the saving disposition to believe" and writes "Salvari quicunque credunt materialiter fundamentalia." There was less.

1 Examen, 2.
2 Vide Supra 388-431
3 Examen, 34.
Less difference between the early Arminians and the Calvinists when it came to the practical application of their respective theologies than either side would admit.

Very carefully in the Examen Rutherfurd brings out the relation of the Word and the Spirit. He had to counter both Arminian and Antinomian. The Arminian claimed Protestant, even Calvinist sanction, in saying that he held the perspicuity of Scripture and taught that all things necessary to salvation were of themselves clearly evident therein. Rutherfurd admitted this; in a sense it is possible for a man to get the literal meaning from Scripture; but he held with all the Calvinist Divines that much more than this equivalent of mere verbal suasion was needed to make the Word efficacious. The testimony of the Spirit and His direct working were needed that the Word might have spiritual effect on the heart of the believer. The Spirit worked in the knowledge and faith of men, by both of which they laid hold on divine truth in no unsure and conditioned manner. "Sed aequae certa et infallibilis ac testimonium Dei loquntu in Scripturis eo patet." 1 The thesis of Episcopius that no supernatural light was needed to understand Scripture was arch-heresy. On the other hand he attacks equally strongly any falsely conceived notions of an Inner Light which drew men away from Scripture Truth. "Perperam sentire et judicare de Verbo Dei est peccatum." 2 The conscience is indeed enlightened by the Spirit and is from God. "Conscientia autem est legatus et judex deputatus a Deo" but "Conscientia qua conscientia non obligat sed qua probe informata e Dei Verbo." 3

---

1 Examen, 23.
2 Examen, 130.
3 Examen, 131.
of divine and saving truth the Spirit and the Word were inseparable in their working.

There is no need to state the other doctrines concerning Scripture which he held in common with the Calvinist divines of the time. Many have already appeared in relation to the various Ecclesiastical doctrines which he defended, the equal inspiration of the Old and New Testaments, the verbal inspiration of Scripture, the adequacy of Scripture along with the Spirit to be its own interpreter are commonplaces of his doctrine. In considering him as an expositor of Holy Scripture we shall see what means he used to get round certain difficulties these doctrines put in his way. He put a high value on the uses of sciences and tongues in the translation of the Word into the language of the people. Holding the doctrine of verbal inspiration, he conceived that it was a necessity laid on the translator to interpret accurately. So did his fellows. So did Boston. Yet their theory was greater than their practice for exposition and translation was often seriously conditioned by the dogmas of the expositors and translators. He believed firmly that over all translation and exposition God exercised a providential care. A later age might learn from the reverence with which these men approached the Word, narrow and dogma conditioned though their interpretations often were.
The Godhead.

God and Providence. The Arminians had deprecated speculation on the nature of God other than that which bred Christian piety and instructed in divine truth; Calvin himself assumed much the same standpoint. Rutherford refused to believe that such speculation was purely scholastic, deeming that the true elucidation of the nature of God was necessary to understand the Office and Person of Christ, especially to combat Socinian heresies, to which he perceived many Arminians were heading. Twisse and Bradwardine were his masters; he had the latter's predilection for deducing everything from the free Sovereign Will of God allied to the former's austere supra-lapsarian Augustinianism. The syllogistic and dialectic possibilities of the concept of God as free Sovereign Will were legion, and this last of the Scottish scholmen had all the zest of his English contemporary and of his more ancient predecessor in their argumentative manipulation. If he conceived dissertation on the nature of God to be a pressing duty, the whole of the Disputatio Scholastica bespeaks that he found it a congenial and pleasing occupation. His doctrine of God is that of the orthodox Calvinism of the age. If difference from Calvin occurs, it is difference of emphasis rather than difference of thought, due to concern with the immediate disputes in which the author was embroiled.

His doctrine of the Trinity is Catholic, with emphasis on the Unity of the Trinity because it seemed to him that Vorstius and later Arminians verged upon Tritheism. He calls Vorstius a Tritheist. Arminius he regarded as one who had led him in that
that direction by his incautious statement that "In no respect can the Essence of God be said to be communicated to the Son."
The meaning and content of the word 'Essence' had given rise to many a scholastic intricacy; to Rutherford the postulation of three distinct Essences by Vorstius was the creation of "Three Infinities Three Omnipotencies, Three Wills," in short Three Gods. He is always at pains in his federal theology to stress the fact that the Will of the Father and the Son are one. Because of his supra-lapsarian view of the Covenants and of the Son's compact with the Father, the Deity of the Son found emphasis in his theology, though none wrote more rhapsodically of Christ the Man. No new form of Deity was acquired by Christ at His Ascension. For Rutherford, it was the God-Mediator who was worshipped, the mediatorial office by itself being no object of worship. "Solus Deus ut non solus Mediator adorandus; neque dignitas Mediatoria est formalis et adequata ratio cur Filius sit adorandus." 2

The nature of God he held to be "Simplicissimus et vacans omni Compositione, exactu et potentia ex subjecto et accidentibus; et omni Multiplicitate et Diversitate." In reviling the unfortunate Vorstius, whom he charged with divisive doctrines of the divine attributes, he wrote "Attributa, Relationes et Modi subsistendi non sunt in Deo ad modum forme Deum qualificantium actuantis aut formulantis.... Sed sunt ipse Deus." 4 In this eagerness to keep the Essential Unity of the Sovereign Will, Rutherford denied that God acted by necessity of the nature of His attributes in His dealings towards men. "Because by force of

---

1 Examen, 148 149. 2 Ibid 159
3 Ibid 141 4 Ibid 142
natural conscience all know that God is good and bountiful to his creatures in giving and doing good to them, we cannot therefore infer that actual beneficence is so essential to the infinite Majesty as he should not be God if he did not extend such goodness to them .... Ergo this actual extension of goodness is not essential to God so neither is the punishing of sin essential to God but free. "The Lord who hangeth the earth upon nothing and it is not moved might and could have kept Men and Angels in their integrity but of purpose he suffers them to fall and be broken upon a mighty rock." Over and over again, he reiterates in his works that God does nothing for man by necessity of his nature; he need not have created him; creating him, he need not have preserved him, nor redeemed him; He could even have redeemed him in some other way. He need not have permitted sin and permitting it, he need not have punished it. He is not by necessity of goodness bound to redeem nor by necessity of justice forced to punish. His will is free. This is sheer Bradwardinism via Twisse. It was a position beyond the outposts of high Calvinism. Dr Mitchell Hunter writes of Calvin’s idea of the Divine Will, "In the ultimate analysis the Divine Will is the prius of all things: but this will does not reside in a kind of inorganic Being morally formless and void, an unimaginable Something constituting an irresponsible centre of organising power. If God is above law, if His will is determinative of law, He is not without law. There/

2. Influences, 39.
There are necessities of His nature which constitute law to Him. He is essentially good and goodness is not what he chooses to be so, but what is in accordance with his own nature. "It is not less necessary for Him to be good than to be God". Rutherford's opponents could have found ample ground for challenging him with constituting the Divine Being as a mere "irresponsible centre of energising power". He never successfully argued his way out of this morass, but in his devotional works we see his love for his Redeemer lifting him to the heavens above it. In a measure his doctrine was an attempt to solve the problem of what might sometimes appear the contradictory demands of the attributes of God, to explain the apparent clashes, syllogistic and experiential, between His love, His justice and His mercy. But it was a negative solution by subordination rather than coordination. It was a reflection also of the Arminian controversy for the Free Will that Rutherford utterly denied to man he attributed absolutely to God, and all the other attributes were placed underfoot.

All Creation and Being was and is therefore an act of Immanent Will; for the motive behind, since he rejects the "necessity of nature", Rutherford falls back on the orthodox Calvinism of the declarative glory of God. God creates the world to show His Power, punishes men to show His Justice, redeems men to show His Love. If the emphasis is put on the showing, and ethical purpose removed from the concept, God becomes an oriental tyrant suffering from an over-developed display instinct, and it is to be feared, that in his/

I. The Teaching of Calvin, 52.
his doctrine concerning God's declarative glory, Rutherfurd comes close to equating creative Will with caprice. The declarative glory of God is itself dependent upon Will. "He might, if it so had pleased him, never have intended to show forth His own glory, and does not show it forth by necessity of nature as He loves himself" Yea He might never have created the world, never acted without Himself For He was sufficient within Himself and stood in need of declarative Glory". He writes, "He sent His Son and gave His Son for us to death out of love, John,III,16. But it is against common sense to infer, ergo God sent His Son by necessity of love and mercy and free grace". There was no necessity laid upon Him to declare His love in His Son. His theological passion to have God's Will utterly untrammelled led Rutherfurd to make outrageous assertions, while at the same time his own heart was filled with wonder and response to the love of God. Sometimes he seems aware of the starkness of his thought, so that when writing of the Redemption, and whilst denying its necessity --for God could have made men sinless or left them fallen as He pleased -- he is found stating, "Infinite wisdom made choice beside other infinite possible ways of this only way of redeeming". It is implied here at least that Wisdom is behind the Will. When he comes to write of the Love of God, the heart triumphs over the head. He quotes with a great gladness Bernard's daring saying, "Love triumphed over God" and himself breaks out, "The Love of God is no younger than God and was never younger to/

1. Covenant of Life, 64.
2. Covenant of Life, 34.
Further, in the 'Influences of the Life of Grace', he goes as far as to say we cannot separate Omnipotency and Grace; "otherwise we make a sort of Idol of Omnipotency", which his predominant doctrine of Free Sovereign Will was not far short of doing. God's Sovereignty was enlarged Omnipotency; it embraced not only what God does, but what He can do, what He may do and what He chooses to leave undone; that is, Sovereignty includes Liberty as well as Omnipotency. It was defined by Rutherfurd, "It is His super-excellent Highness by which His Holy Will, essentially wise and just is a law and rule to Himself to do what He pleaseth holily and wisely and most freely". It is his wisest utterance on the matter, for if he makes will the Law and Rule, here he makes its essential principle Wisdom.

An attribute which particularly fascinated Rutherfurd's mind was the Omnipresence of the Almighty. He readily accepted the idea of the 'physicus concursus' of the Schoolmen and Reformers. "The essence of God it was thought was everywhere, and everywhere directly and immediately energetic. In regard to the material world all motion and action in it spring immediately from God and are manifested by his immediate influence .... In no vague or distant sense, the Almighty shines in the sun, breathes in the life, brings gales of spring, refreshes in the summer dew or the summer shower, utters His/
"His voice in rolling thunders. The idea of a mighty mechanism kept a-going by inherent laws and having only a sort of general preservation was utterly rejected." So Walker Carnwath outlines a doctrine of which Rutherford was a leading exponent. "So we fools believe that God gave a mighty strong shake or some Omnipotent impulsion to all causes natural, free and contingent to Heaven and Earth, Sea and Land, to all creatures in them, Angels and Men, and did bid them be a-going; for He must sleep and could not actually stir them any more. Nor can we see God in all, and that He contrived this, that one should rise early and eat the bread of sorrow and yet be poor; another should be wise admirably and want bread, another fight valiantly and be foiled, and a man run swiftly and lose the race. In scorn he repudiated Chance, Impulse, or Mechanism as the sustaining and controlling agencies in creation. "No part of matter has any intrinsic power for producing any effect independently of God's working in and by it" Thus contingency was completely obliterated from the cosmos. There were not, properly speaking, any such things as second causes for God was working immediately in and through them. Carried to extremes, the doctrine meant that the winking of an eyelid was an act of God. And it was carried to extremes. "These precursus and concursus did not only extend to the material world; they applied to all things and all events. All being was good for it came from the good being. And as far as the mere being in any sinful act was concerned, there was no reason why it should be disconnected from Him who is its source. In

---

1. Scottish Theology, 56. (Second Edition)
2. Influences, 8
3. Influences, 8
In truth, it could not be disconnected from Him, as by Him created and by Him having all its action and existence."

Rutherfurd stated that God 'concurred' in all the acts of men, even in their sinful acts. The charge of making God the author of sin was, of course, levelled at him and his school. In the present aspect he avoided the issue by saying God concurs in the act 'physically', not morally. It is as if a non-moral essence of God could be present in the bare act stripped of all moral content, though it is always claimed that God purposes bringing good from evil. Again he finds himself in a logical morass through over-argumentation. He seeks to separate metaphysical and physical values from the moral, to separate the act from the lawlessness of the act. "Actus est ens reale et positivum, inordinatio ens morale et privativum, Actus est metaphysice bonus et proprius effectus primae causae; inordinatio vero essentialiter mala est". "It is as though there were two worlds, and to both of them man belongs and in both he acts in every act; in the one as a mere entity under divine authority, in the other as a moral being under law." The further Rutherfurd takes the argument, the thinner becomes the ground between his thought and the Manichaeanism which he so furiously repudiated. This doctrine of the physicus concursus held its place firmly in orthodox Calvinism, till the advent of Jonathan Edwards and the nineteenth Century exponents of philosophic necessity. The denial of it and/

1. Walker, Scottish Theology, 58.
2. Examen, 220.
and the assertion of a mild type of necessitarian doctrine was one of the charges laid against Simpson in 1727-28 in the trials which resulted in his suspension.

The Knowledge and Will of God. A large part of the early "Exercitationes Apologeticae pro Divino Gratia" and a goodly section of the "Disputatio Scholastica" are spent in exploding Jesuit views of the 'Scientia media' of God. Suarez and Bellarmine were its great exponents, whilst later Arminians adopted some of the Jesuit teaching on contingency, and Rutherfurd had no hesitation in tarring Episcopius and Vorstius with the same brush as the Jesuits. His refutations and speculations are as usual fine and superfine, an elaboration of Calvin's postulate, "Quare nobis probandum est, Deum sic attendere ad singulos eventus regendos et sic omnes illos provenire a definito eius consilio, ut nihil fortuito contingat." Readily he gives answer in the 'Disputatio'. "Nostra sententia est omnes omnino actus liberos, ideo evenite et in rerum natura actu existere quoniam Deus ab aeterno absolute et immutabiliter decrevit, ut essent in rerum natura tot et tales actus contingentes et liberi, ita ut Dei liberum decretum sit prima et altissima causa omnium contingentium Quae vel absolute vel conditionate futura sunt" For Rutherfurd, God's decrees preceded, as it were, His perception; the cardinal fault in Jesuit and Arminian was that they sought in some measure, through this doctrine of 'middle science' to make perception precede the decrees. This, the Calvinist claimed, introduced the element of chance and destroyed the Unity of God. It was the moral aspect of this

1. Institutes, I, XVI, 4. 2. Disputatio, 12.
doctrines, applied to the decree of Election, which Rutherfurd most abhorred. "The object of their Fancy of their new 'middle science' is a foreseen Providence of the Conversion of all that are willing to be converted and voluntary Perseverance in Grace, and the non-conversion and final Impenitency of all the Wicked that are willing to refuse Christ; and these two go before the Prescience, before the Decrees of Election and Reprobation; so as God is necessitated to chose these and no other; and to pass these and no other. Whatever hath a future Being before any decree of God, cannot be altered or otherwise disposed of than it is to be; so the Lord in all things decreed and that in came, to pass contingently must have nothing but an After-consent and an After-will to approve them when they were now all future before His Decree: This is to spoil God of all Free Will, Free Decree Liberty and Sovereignty in His Decrees, and, that Men's Free Will may be free and independent to lay God's Freedom of Election and Reprobation under the Creature's Feet." He puts his arguments most succinctly in the 'Examen'. There are only two sorts of knowledge in God apart from His knowledge of himself—vision, whether determinative or intuitive by which he knows all things outside Himself, which are, were, or are to come, or are not, and simple intelligence, by which He knows all possible things, which can be termed natural, abstract or indeterminate knowledge. But it seems to Rutherfurd ridiculous to believe that there exists in God a confused mixture of these two, a 'middle Science' or knowledge, by which God knows things which He does not determine, or which as far as their futurity is concerned, depend very little upon Him. "For/

1. Christ Dying, (1727), 361.
2. Examen, 162ff.
"For if another cause is given why from eternity possible things begin to be future, and pass from the state of possibility to the state of futurition except the Will of God, that cause is a non ens or chance". God is thus placed in the position of approving future happenings before He has decreed them; it is even implied that He is unable to prevent them and so His absolute Sovereignty is destroyed. Prayer, he argued, ceased to be an intelligible function if things can exist outwith the Divine Will. Episcopus and his disciples claimed that it ceased to be an intelligible function if God predetermined all existing and possible affairs and contingencies. Rutherfurd's wrath was roused against that writer for his claim that God need not have any knowledge of contingent events and his denial that belief in such knowledge could be made an article of faith. His Latin burns with indignation. "Deus non est Deus sed idolum si futura omnia non praesciat". Deny God's foreknowledge of all contingencies and the scheme of Creation is reduced from Divine purpose to 'mere possibility'.

God to Rutherfurd was absolute Free Will working at one and the same time eternally and immediately. He points out that God is outside time. But this concept of Will is no mere power of volition. For God, to will, to do, and to be, are one and he belaboured furiously Arminian doctrine which separated the volition of God from His Essence. His doctrine of the physicus concursus made him hold strongly to the 'one-ness' of volition and action and to deny any

1. Examen, 163.
2. Examen, 167.
antecedent and consequent in the Will of God. "Volitio Dei est tantum volens per se et per essentiam suam et non per potentiam volitivam ab actu distinctam." The only sense in which antecedent and consequent can be applied to the Will of God is when the antecedent corresponds to His 'voluntas signi' commanding man to some act and when the consequent coincides with His 'voluntas beneplaciti', which has already determined the result of the command. Even here, the conception of antecedent and consequent is in the mind of man, rather than in the Will of God. In God volition and action are one. God does not stand outside Creation, lending a helping or interposing a hindering hand; He is in all things, determining them immutably from eternity. "Nam nullum est volibile, nullum nolibile, quin ab eterno id vel voluerit, vel noluerit Deus. Nec incipit de novo aliquid velle aut de novo nolle." He willed immediately all secondary causes and all influences of Grace which are "acts of God concurring with created causes under Him and a sort of continued creation". There is no room for contingency in the world of nature or in the spirit of man.

Mention has been made of the distinction between the 'voluntas signi' and the 'voluntas beneplaciti' of God. It was a scholastic distinction rejuvenated by Calvin, developed by Beza and exploited by later Calvinists as a last ditch defence in explaining logically every inexplicable contradiction into which they strayed. Rutherford thus defined it. "Sed nos docemus Voluntatem beneplaciti esse decretum Dei, tum circa bona, quae necessario effectu ipse dabit et faciet/"

1. Examen, I70. 2. Examen, I78. 3. Influences, 9.
Et voluntatem signi esse Dei simplicem complacentiamet approbationem rei, tanquam moraliter licite et honestae, etsi illius rei bonae a Deo nunquam sit decreta futuritio. "Voluntas signi non revelat Deum intendere rei existentiam aut non existentiam". As illustrations of this doctrine of God, he stated that for example, "God desires the obedience of Judas, Herod and Pilate, yet decrees that they crucify Christ, the Lord of Glory; Himself permitting it." By His 'approving Will' God therefore commands many things which by His 'self-pleasing will' he does not decree; the former is revealed, the latter is secret, or secret until God reveals some of its full intent. Thus God demands perfect obedience to the Law by His 'voluntas signi', but decrees from eternity by His 'voluntas beneplaciti' that none except Christ should perfectly fulfil it. The Arminian held that this doctrine introduced duplicity and hypocrisy into the Will of God, that whatever He commanded by His approving Will, that he intended, with man co-operating, to bring to pass; man might fail him, but, in that case, the failure was not God's failure. On the other hand, Rutherfurd conceived it as a blasphemous insult to the Almighty to believe that man could frustrate His purposes. Hence his emphasis on the 'voluntas beneplaciti', so that whatever eventuated could be ascribed to the Will of God. Throughout his theology, its insoluble problems are constantly referred to the 'voluntas beneplaciti' as universal solvent; the majority of these problems arose from the contemplation of the Divine Will.

1. Examen, 182.
2. Disputatio, 6.
in relation to human sin; it was indeed the attempt to deal with this crucial relationship that had developed the distinction in will in the Augustinian theology. The supra-lapsarian even more than the infra-lapsarian had to fall back upon it. Rutherfurd refused to make any distinction between the efficient and the permissive Will of God - a distinction held by Arminians and many moderate Calvinists, though not by Calvin; to admit a permissive Will was to admit that there were things and causes that God did not create. "God does not permit anything that He does not will". There was no place in such doctrine for the Arminian view that God predestinated some acts with regard both to ends and means but that He also predestinated others only as regards their ends, leaving men free in the choosing of the means. "Deus nihil facit in tempore quod ab aeterno non decrevit facere". "Frustra oramus et confidimus in Deum ut avertat mala a causis contingentibus profecta; nisi illa a Dei Voluntate absoluta fierent". Though it may seem strange to modern and Arminian minds, he made Absolute Will the only assurance of the validity of prayer. Rutherfurd, like Calvin, felt that man could pray truly only if he felt that he was in the hands of the Mighty God. "Preces nostra", he wrote, "media sunt adimplendae Dei Voluntatis". That God could make any 'conditional' decree was an impossibility.

1. Examen, 185.
2. Examen, 190.
in Him who was Absolute Knowledge and Absolute Will. The created will must always be subordinate to the Creator. He reduced the doctrine of a permissive Will to a deification of Chance. God and Sin The infra-lapsarian found sin in the Fall, accepted it as there by God's permission, and refused to speculate further. The supra-lapsarian united contemporaneously Creation, the Fall, Sin and Redemption in the eternal Decree of God; he was therefore driven to further speculation on the nature of sin to answer the charge that he was making God the author of it. Rutherford plunged with exuberance into this wilderness; one cannot say he brought order out of it, but he gave his Church the non-entitative conception of sin which it held for two centuries. His thinking on the subject was profuse, but his thought is not, despite violence of assertion, crystal clear. Side by side in the "Disputatio", he sets forth what he holds and what he rejects. He asserts, "Deus praedeterminat voluntates hominum et actus entitativos peccati. Deus est vere causa et quidem prima et principalis actuum physicorum quibus inseparabiliter annexa est malitia et deordinatio. Deus permittente, decretente, et voluntate beneplaciti vult peccati existentiam, non vero approbante, efficiende aut voluntate signi". But, "Omnia blasphema sunt" - "Deus vult peccatum. Deus vult peccatum existere, seu evenire, Deus est causa, author aut efficiens principalis peccati. Deus peccat, Deus peccatum operatur. Deus per homines et diabolos peccat tanquam per causas organicas. Deus/
Practically three quarters of the weighty Disputatio is concerned with expounding his own doctrine as contained in the first of the above quotations as against Jesuit and Arminian counter-doctrines and criticisms implied in the second. Augustine and all the Augustinian theologians of the Catholic and Reformed Churches are brought in on his side till the brain reels with the weight of his learning and the intricacy of his manipulation.

God does not will sin, for if he did, according to Rutherford's definition of His Will, that would certainly make him the Author of it. God does not merely permit sin, for that would infer a Creator outwith the Creator or some separate or evil principle not arising from the First Principle, an author independent of the Great Author. He does not will sin; He does not merely permit it, albeit unwillingly, or with an 'otiose' permission. How does it come about? In sort he tries to reconcile the two contradictions. God permissively wills sin or wills to permit sin, and, to avoid the open objection, that, for all the fine distinction, this is still making God its author, he falls back on the traditional Augustinian non-entitative conception of sin. Sin is a 'non ens' so God is not the author of it. The depths become even deeper.

Admit that sin is an entity, and you destroy the idea of Deity. But the Schoolmen from whom he took his ideas of 'ens' and 'non-ens' had different conceptions of an 'ens' in existence and essence, and so/

I. Disputatio, 520.
2. Examen, 301.
/and so differing conceptions of non-ens. It is difficult to determine what Rutherfurd means by his non-ens. The metaphysical definition would seem to describe it as the uncreated arising of something which is nothing; yet sin is not nothing as far as human experience is concerned. His view of it would be best set forth as that it is the moral disintegration arising from the conflict between the Will of God and the will of man, in the beginning the will of Adam. But, argued the Arminian, granting its nonentity, if God predestined the Fall, He predestined this conflict of wills and man's disobedience, and thus, entity or non-entity, God caused sin. Rutherfurd falls back on the Calvinist and Augustinian view of contemporaneity and simultaneity. "Deus Adamo nolenti habere influentiam efficacem, eam negavit" 1 Adam wished to disobey at the same time as God effectively permitted him to disobey by withdrawing His grace. "God so withdraws His influences that in the same act the man is inexcusably willing to want it" 2 He sought also, as has been seen, to separate the physical nature of the act from its unlawfulness, in accordance with his doctrine of the physicus concursus. Human being and action was an ens, therefore God was its author; sin was a non-ens, so God did not concur morally in the sinful act, only physically in the entity of the act, judicially in punishing it. There is little need to follow him further into the labyrinthine defence of his doctrine. The negative cast of the catechism, "Sin is any want of/

1. Examen, 301.
2. Influences, 32.
of conformity unto, or transgressions of the law of God" is a reflection of the nonentitative view of sin widely held in the age. It prevailed in Scottish theology strongly till the time of Dr. Chalmers. Ens or non-ens, Scottish Churchmen in the 17th century had no illusions concerning the potency of sin, and dealt severely enough with the sinner.

But why did God permissively will sin? Rutherford answered that He did not permissively will it to exist simpliciter as sin, but to show forth the divine Justice and Mercy. It did not exist 'per accidentes,' but to show forth the Divine Glory. "It is a more eminently declarative glory which is brought forth in the second Adam than possibly could have been in the full and final obedience of the first. . . . . Not to sin by no Scripture is choicer than to seek pardon in Christ's blood." I The harshness of the supra-lapsarian doctrine is apparent; if the Fall is placed before all Creation and before the Redemption and if the energising motive be God's desire to show his Glory, then God is like a Father who pushes his child into a raging river in order that he may have the glory of saving him. Considerations such as these were perhaps the reason why supra-lapsarianism perished first, of all the tenets of high Calvinist doctrine, through syllogistic self-annihilation.

Predestination.

The Elect. There is not much argument over the doctrine of election in Rutherford's work for the simple reason that it is the accepted basis of Calvinist soteriology, and because having established the nature of God as wise, holy, sovereign, and absolute Will, the decree of election is a final decree. He spends far more time

I Influences, 41.
time over the doctrines of justification by faith, perseverance in grace and assurance of salvation, i.e., over the effects of election on the soul of man, for the Arminian controversy drove the Calvinist to defend the ethical and spiritual aspects of his teaching. Till Boyd, the traditional Scottish doctrine of election, had been infra-lapsarian, Melville, Rollock, Cameron, Forbes, Strang, all adhered to the belief that the decree of predestination was subsequent to the fall and that from the 'massa damnata' God decreed to elect some and reject others. In the treatise on Predestination embedded in his Commentary on Ephesians, Boyd swung to supra-lapsarian views. Rutherfurd followed him, and the predilation for such doctrine gained by him as a student from his teacher became a rooted ideology through his study of the anti-Arminian tomes of William Twisse and his later contact with the man himself. If kindredship of thought bred friendship, Twisse and Rutherfurd must have been closely knit in the brief time they had together at Westminster. In his works Rutherfurd speaks almost with awe of Twisse's learning, as any might who had had the courage to read his huge folio volumes against Arminianism, and a mind full and intricate enough to appraise them.

Rutherfurd held that God for His own Glory predestinated a world of created beings, fixed in number, from which He would choose some for Himself and reject others. The Fall, Sin, the Covenant of Grace, were part of this divine plan and purpose. He is very chary of talking about antecedent and consequent in the Will of God, partly because of his opposition to Arminian theories, partly because of his deep sense of the immediacy and immanence of God's Will in all his works. Professor Orr states the supra-lapsarian standpoint as
as regarding election and reprobation by God to be antecedent to any consideration of the Fall and Sin. But for Rutherford it was rather as if God willed the whole scheme and immediately carried it out in one Decree, with different aspects to imperfect human understanding. Two Decrees, and one as it were the reverse of the other, of election and of reprobation, were the most he would like to admit, for to him end and means were all contained in the Decree, and one of his objections to Arminianism and to moderate Calvinism in the Election Debate at Westminster, was that they multiplied the Decrees of God. Election was due solely to the 'voluntas beneplaciti' of God; there is no predeterminating or foreseen quality in the elect which wins them this status, for as we have seen Rutherford held that God foresaw nothing which He did not will, and He willed everything that had being. This doctrine was strongly pressed by him against the Arminian Remonstrants' doctrine of conditional election, dependent on the foreknowledge of God of faith in the elect, and of unbelief in those who were left in sin and under condemnation. The latter's doctrine of a general election by which all who will believe are to be saved, and of a special election by which those who do finally believe are saved, he considered destructive of the whole decree of election which is only of certain fixed persons. To him Arminian dogma implied four decrees in the divine process:

1. An absolute decree to save the world;
2. An absolute decree to save some and reject others;
3. A decree concerning means of regeneration sufficiently administered;
4. A decree of saving some who finally believed and damning others who do not. Such decrees were at cross purposes and self-contradictory through the place conceded to man's free will. He argued that God could have had no

Examen, 265.
no intention of saving all because He had not sent his Gospel to all.

The Arminian considered election as taking place in time, Rutherford, in eternity. A milder form of Arminian doctrine, that God's election was related to imputed faith, i.e. the faith by which a man did not have but for which he prayed earnestly, was as utterly rejected as the absolute tenet that God elected a man because He foresaw his faith, although the idea of election because of imputed faith for a foreseen saving disposition to believe, could claim some support from the earlier thought of Augustine. Faith, said Rutherford, is the effect not the cause of election. Furthermore, as will be seen, he refused to consider that men were elect 'because' of the merits of Christ, these certainly are a means in time of our salvation, but our election with regard to the end preceded the application of the merits of Christ. Election is a great and immediate act of God, with no moral process preceding it, though in the history of the man, justification and sanctification succeeded it. It is immediate election to glory not election to grace and thence to glory.

The Reprobate.

"Calvin" writes Dr. Mitchell Hunter "consistently assigns reprobation to two causes, the Will of God and the Sin of Man. The sin of man, however, was not the ultimate reason of his rejection but its justification. Rejection preceded actual sin; it was an eternal decree of God. Sin was the consequence of that doctrine, being itself decreed to provide justification for the Divine rejection." Rutherford's teaching was even more naked for
for he repudiated the idea that any act of God necessarily needed justification to man. He might in the act of reprobation declare His justice; he was under no necessity of justifying it to man, neither did He need to provide sin to justify His justice to Himself. The act of reprobation, as the act of election, is a supreme act of the Will of God, performed without any respect to foreseen sin or original sin in the reprobate. Their sin is not the cause of their reprobation, even as their faith was not in the elect the cause of their election. In reprobation God willed to declare His justice; He need not have done so, but He did so, even as in election He willed to declare His mercy. God, having thus willed, certain historic processes in the heart of the reprobate follow. He hardens their heart by denying efficacious grace. To avoid making God in any moral sense the author of their sins, Rutherfurd had stated that in the very moment He withdraws His grace men are willing to want it. He made election the first cause of salvation. "Election is election to glory not election to grace and then to glory." A syllogistic parallelism would suggest that he should make reprobation the first cause of damnation. But to avoid Arminian counter-attack that such a doctrine made God its author by foreordaining men to sin, he refused to follow out this logical parallelism, though there is a good measure of verbal equivocation in his argument. Absolute reprobation, he says, is not the first cause of the destruction of the mass of humanity, for this reason that God in condemning man to destruction acts as Judge of their sins. But in reprobation he is acting not only as judex but as 'absolutus dominus'. Rutherfurd had to fall back on the conception
conception of reprobation as the denial of grace to avoid any imputation concerning God as author of sin, and on the simultaneity of God's withdrawing and man's willingness to want grace. "In Reprobatione Deus statuit tantum negare gratiam, quam nemini mortal-
ium debet. Non ergo potestesse vel causa peccati, vel interitus quia homines reprobat." 1 As a further defence, he carried out some desperate juggling along the lines of his separation of the physical act from the moral content of sin. His argument may be stated to show the despairing subterfuge to which a syllogistic method could drive a great Christian writer on the grace of God. "Deus nullos praecordinat ad peccandum. (1) Quia odio habet peccatum. (2) Quia id vetat et punit. At praecordinat homines ad actus materiales peccati. (1) Quia absolute decrevit omnes actus contin-
gentes, ut probatum est. (2) Quia nulli actus fortuito aut praeter intentionem Dei eveniunt." 2

The doctrine of reprobation was of all Calvinist positions the one on which the Arminians were able to make the most devastating attack, and Rutherfurd held it in its most iron form. Mere praeterition he dismissed because of his supra-lapsarianism since even the passing over of the damned was bound to be an act of will on the part of God. Not only were the chosen and rejected fixed in number but the good and bad acts of men were also numerically pre-
determined and fixed. This to the Arminian destroyed all moral effort, and he asked "Does God not will men to do more good than they do?" Rutherfurd came back to the old solvent. "Yes," he says, "He does by His 'voluntas signi', but He does not by His 'voluntas beneplaciti'." The commands given to the reprobate to obey the

1 Examen, 280.
2 Examen, 282.
the Law and the Gospel are given "ut reprobati inexcusabiles reddantur." I "Whosoever believes shall be saved." "True!" he says; but like Calvin he denied that the reprobate either would ever or could truly believe. None, however, need give way to despair for no man is forced to believe he is reprobate unless he himself rejects Christ; a copious safety is offered to all in the Visible Church; God even does not absolutely deny a certain amount of internal grace to the reprobate - evidently a sort of anodyne against a cruel and maddening present despair because it in no way affects the ultimate issue. But these are the only consolations which he offers to lighten the set pathway to Hell.

Man, The Fall and Sin. With one notable exception Lutherfurd's doctrines of Man, The Fall and Sin were those current in orthodox Calvinism. Adam was created under the Covenant of Works, to obey perfectly the Law of God with promise of eternal life. The supralapsarian was driven to his distinction in Will. The promise is from the 'voluntas signi', the Fall from the 'voluntas beneplaciti' of God. Adam's original righteousness was natural, for it was the obedience of the natural man which God required. The faculties of sense and reason were differentiated in him, but they were well balanced in a natural harmony in which the appetites were sensitive to reason, and reason obeyed God. "Adamus posse peccare et posse non peccare." He did not fall, as Arminians held, because God denied him the Grace not to fall. Thus he sought to safeguard himself against the repeated charge of making God the author of sin, and again fell back on the idea of simultaneity. "Deus, Adamus non lenti habere influentiam efficacem, eam negavit." So he fell.

1 Examen, 291.
2 Examen, 301.
Rutherfurd held in the Catholic view that concupiscence was the cause of his disobedience, not the Calvinist, that he fell through pride. This part of his theology was developed from Twisse and the native English school of Augustinianism, and reveals that he did not slavishly follow continental models. The Fall did not invalidate the Covenant of Works and the reprobates were still under its wrath. Adam was neither mortal nor immortal before the Fall, for death and mortality were the penalty of sin. Adam's righteousness was a true righteousness, and identified him completely with the fallen human race; it was not supernatural; it was not a bare power of obedience; it was not merely typical; it was real and integral; he was created in the image of God and so had a "vera justitia et habitualis sanctitas."

Adam's Fall brought all men under the wrath and curse of God. From this there was no escape. We are condemned for original sin. The Arminian held that as original sin was not voluntarily committed, and so, properly speaking, was not sin, it was against the justice and mercy of God to punish any man everlasting for it. Rutherfurd saw original sin both as inherited taint and inherited guilt; Adam's sin was ours; it was ours voluntarily; it was ours representatively; it was ours by imputation. He was no mere typical figure of sinning man. Arminians apparently were making the deadly war between flesh and spirit a minor struggle between appetite and reason, equating as it were the words 'carnal and venial'; whilst Rutherfurd linked carnality and concupiscence quite closely with original sin, driven thereto by the knowledge born of inward struggle and by the evidence of gross living in his own age. He hated the Remonstrant idea of sin as derived not from
from original sin but from acquired bad habits arising out of man's free will; if he did not exactly equate carnality with original sin he made a common possession of all sinners and sums up his doctrine in the words "In omni hómine est propensio ad peccandum.

Man after the Fall was capable of no good thing. He possessed indeed a blind instinct to seek for God but had no capacity to find him. The Arminians taught that a power of believing remained in Adam after the Fall, and a power to do good or to do evil, though they agreed that the human will must be worked upon by some supernatural agency other than mere mental illumination, in order that man might achieve salvation. Their emphasis was placed on man's achieving salvation rather than on God's providing it, on man's finding God rather than on God's revealing Himself to man. We have seen how strongly Rutherfurd had repudiated the idea that man could be his own interpreter of Scripture. The Remonstants were teaching that men through their own wills and affections could lay hold on Christ as revealed in Scripture. If this were so, it seemed to him that the grace of God was useless and superfluous in man's salvation; a "nudus titulus et nomen sine re." The supernatural agent which his opponents claimed as co-operative with the will of fallen man was, of course, Arminius's prevenient grace. This grace reputedly part of the store of 'common grace' which God after the Fall had made available for all; if the will seized upon or co-operated with it, then fallen man was brought into that condition where he may enjoy the efficacious grace of God working his salvation. This had all been condemned at the Synod of Dort, and Rutherfurd practically recapitulated the Synod's arguments in stating

1. Examen, 326.
2. Examen, 330.
This own doctrine. 'Common grace', or when considered as specially appropriated by the fallen 'prevenient grace', he regarded as a speculative miasma. "God was not moved by any sense of equity or justice, or by any sense of fitness or congruity, or by any special law inspired by some worthy cause, disposition, or reason, in fallen man, to send him grace for regeneration and conversion." Still less did he send any such thing as this nebulous, amorphous 'prevenient grace', which depended for its efficacy on man's free will in his power of appropriation. He rejects the idea of 'impetrated grace', or grace sent in answer to prayer before conversion, on the grounds that sinful and fallen man could truly pray for such; mere impetration, he claimed, had no value, as prayer from man fallen and without grace was naked and empty of true purpose. The most that fallen man can do is to make some external preparations for his conversion. As he puts it in the 'Influences', "the fish may swim within the scope of the net, but it is the fisher that pulls the net to land". Contrition and faith are 'gradus ad rem' in our conversion, but not 'gradus in re'. Like Calvin, he denied merit to the good works of the unregenerate, because they are not done to the glory of God; "there is in them the bitter root of concupiscence not yet remitted in Christ"; and, with Augustine, he regarded the virtues of the pagan as 'splendida peccata'. Fallen man suffers for his sins here below, even after their guilt is pardoned, but this suffering is in no way a 'satisfactory' or reparative penalty.

1Exam., 335.
2Exam., 344.
The State of Grace. Grace is the special predestined possession of the elect in Christ. Arminius, Episcopal and others had written nobly of the grace of God, of its universality, its sufficiency, and its excellency, but they declared that man could not resist it. Grace for Rutherford and the Calvinist was not grace unless it was irresistible. "Non est ampla et sufficiens gratia, quae a dominatum in actus liberos non obtinet, sed conversionem vel non-conversionem, aeternam salvationem vel damnationem aequilibrio relinquit, et indifferenti arbitrio versatilis et in-constantis libertis humanae committit. Sed talis eorum gratia". The Remonstrants, far from widening seemed to contract the power of grace, and to make its highest work that of moral suasion which constituted the letter of the Law and Gospel the unique saving grace of Christ. The Grace of God was a tremendous power, stormy and tempestuous, sweet and winning, working through things physical and things moral, through men and through events, as means to bring its influence into the hearts of men. Some of Rutherford's greatest passages are those in the 'Influences' concerning the nature of Grace. Whatever the opinion may be of his attempt to analyse and catalogue the working and effect of the Grace of God, his words ring when he speaks of the power of Grace. "Call this bowing of the heart predeterminating Grace or give it another name, I contend not, or call it an impression of strong delectation on the will, so it be invincible, insuperable and above the power of pure will to resist and oppose the call and drawing power of Christ". The administration of grace to individual men was by Father, Son and Holy Ghost alike, but Grace was largely and usually endowed through the agency of the Spirit.

Rutherford would seem sometimes to give man in the state of grace 1. Examen, 352. 2. Influences, 162.
/ grace a higher moral quality than Calvin: the latter denied free will to man under grace as much as to the natural man. Rutherfurd once cites with approval Augustine's statement that Grace works in the human heart "not only new revelations but good wills". He does not stress the point but passages in the "Influences" show a hankering for the belief that the renovated will can achieve good. He was suspicious of his own statements and qualified them. Perhaps what we see is the native strain of Augustinianism warring with the Calvinistic. Thus, "Though there be no merit in diligent seeking and hearing the preached Gospel, it is good to lie near the fountain for all that." The Calvinist is denying merit in any human action, the Augustinian is realising that the Grace of God moves the will freely to lay hold of the good of being near Christ. In the same page he says, "frequent seeking brings home influences"—words on a par with James's dictum that "things reveal themselves soonest to him that most diligently seeks for them". With all his qualification he therefore does ascribe some will to good in man under grace. Throughout the "Influences," his Christian experience belying a too syllogistic theology, leads him into significant evasions and qualifications.

The Arminian doctrine of Grace seemed to Rutherfurd to offer no assurance of salvation to any man never knew if he was saved but was always striving to be so; he was certainly right in claiming that later exponents of Arminian teaching came perilously near/

1. Examen, 353.
2. Influences, 141.
near Pelagianism, as Corvinus who taught, "ex bono usu donorum communium, etiam legis naturae, homines promereri gratiam conversionis". His doctrine was absolutely supra-lapsarian. Effective grace could alone be termed sufficient grace, and irresistible grace, predetermined eternally for the elect, was alone effective.

The Plan of Salvation.

Redemption. The second article of the Dutch Remonstrance profoundly disturbed Calvinist thought. The first article of the Remonstrance of 1610 had asserted indeed the principles of election and reprobation, though basing them on foreseen perseverance and obedience. The second went on to state that "Christ, the Saviour of the World died for all and every man, so that He obtained by the death on the Cross reconciliation and pardon for sin for all men; in such manner, however, that none but the faithful actually enjoy the same." The Calvinist reaction was violent, ending in the condemnation of this doctrine at the Synod of Dort. This reaction worked in two directions; on the one hand, there was a resolute and rigorous narrowing of the doctrine of the elect, as seen in the works of Gomarus, Twisse and Rutherford; on the other, there was an attempt to make it more comprehensive, more related to the Love of God, and, formally at least to widen the scope of the Redemption, which can be seen in the teaching of Amyrauld, Baxter, Vines, Calamy and to some degree/
Rutherford, following Twisse, asserted the principle of absolute election and that Christ died only for the elect. The violence of his assertion was due to the controversy in which he was embroiled. We have seen that he held the doctrine of the 'non-necessity of the Atonement. Walker's translation of a passage from the "Exercitationes Apologeticae" may be quoted. "God would not be God, if sin did not displease Him, for holiness is essential to God; but the punishment of sin is not formally included in the essence of sin but is something posterior in nature to sin already constituted in its entire essence; and therefore God punishes sin by no necessity of nature, nay, if He chooses, he might leave it altogether unpunished." In fact, God could have kept sin out of His Creation, had He so chosen. He might have kept all the sons of men and all the Angels in a sinless condition. He might have left sin unpunished had He so chosen, and, if His justice as justice demands satisfaction, "the "Sovereignty of free grace, not justice, determines how and who shall pay". In regard to the Saviour's death for the elect, he writes, "Infinite wisdom made choice beside other infinite possible ways, of this only possible way of redeeming". 'This only way' is Christ's dying for the elect and for the elect only. In no sense would he hold that He died for any other. He ruled out the very thought that the reprobate enjoyed any of the blessings purchased by Christ for his people — except 'per accidens', as when the godly being mixed/

1. Scottish Theology, 68.
2. Covenant of Life, 288.
3. Covenant of Life, 286.
mixed with the godly, participate in the hearing of the Word, but through no real purchase of such a blessing for them. The emphasis on the exclusiveness of the Redemption was, of course, conditioned by the Arminian formulations which gave men some 'right' to Redemption; the Prerogative which Rutherford denied to Kings, he vested eternally and absolutely in the Almighty; by His free Grace and free Decree, alone, was man saved. The position held by Rutherford was too extreme to prevail and through the influence of Boston and his School, the 'necessity' of the Atonement, as satisfaction for sin, came back to its original place in the doctrine of the Church.

Rutherford made it hard for any suggestion of a universal implication in the Atonement of Christ to creep into Scottish theology. The later prevalence of his teaching destroyed Simpson and caused the Marrow Men to be distrusted, though the theology of the latter was but a shadow of Amyraldism and indeed far less removed from the parent stock of Calvin than some of his own Bradwardinian thought. As good a way as any of bringing out what Rutherford taught on this matter will be to note briefly the universalist 'descensus Averni' which he sought to avoid and frustrate. The Arminian position has been stated. The theology of Amyraut, drawn to some extent from Cameron, was an attempt to make the Calvinist doctrine less forbidding without falling into Arminian error. It laid stress on the everlasting goodness of God, which, however, in the presence of sin, becomes righteousness and demands an/
Amyraut held the necessity of the Atonement. Prof. Lindsay writes of Amyraldism, "The purpose of God to save is simply the carrying out of the original and universal goodness of God. The work of Redemption is thus the carrying out of the original work of Creation. The purpose to redeem is set in the environment of the original purpose to create. When looked at from the point of view of the Creation, the supra-lapsarian, there is a universal reference to the work of Christ, but when we look at this purpose of God in the presence of sin, and when we know that some men seem to be impenitent, and therefore are not saved, when we take the supra-lapsarian power to save, we see that the theoretically universal reference is limited by the fact that some are not saved. The universal reference is theoretical and hypothetical; the limited reference to the elect is practical and real. Christ's work has a real reference only to some who are saved. This placing a hypothetical universal reference round the limited reference in the work of Christ is the distinctive feature in the theology of Amyraut. With regard to the Divine plan of salvation, Amyraldism was a statement of the problem rather than a solution. It referred the matter to the goodness of God in the eternal aspect, and to the badness of man in the temporal. "Christus mortuus est sufficenter, sed non actualiter pro omnibus". But why? Was it man's own action that rendered the Atonement limited in scope? Then Amyraut was an Arminian. Was it God who in the secret council of His Will caused the limitation?"
then Amyraut was a Calvinist and, as Prof. Lindsay points out, little removed except in sentiment from the divines of Dort, who held that "Christum mortuum esse sufficierit pro omnibus sed efficaciter pro electis." He does not, any more than the ultra-Calvinist, explain satisfactorily why a good God could thus desire, but not intend to save all men; he emphasised the desire; incompatibly with this emphasis, his basic Calvinist conceptions forced him to admit limitation in the intention, for he would not accept the Arminian view that man was responsible by putting obstacles to God's working out of His salvation. Vines and Calamy in the Westminster debate held to the classic and static form of Amyraut's doctrine. Baxter tried to improve on the second reference, that to man, by the introduction of a somewhat negative Arminianism holding that God offered Christ and life to all men within the bounds of the promulgation of the Gospel and that none were excluded from the promise of life and delivered to destructive punishment till they remedilessly rejected Him, though none will have Him till God's special grace make them willing. Rutherford held that Amyraldism was but the first step — and a large one — on the road to Arminianism. In the 'Influences,' he subjects Baxter's doctrine to a scathing attack and, at Westminster, he stood out resolutely against the building of any half-way houses in the Confession. In his essay on the Marrowmen, Mr Beaton states, "Never before perhaps in Scottish preaching was such stress laid on the offer of the Gospel to every sinner of the human race. True, the predecessors of the Marrowmen in the evangelical line such as Rutherford Traill and Binning made it prominent in their preaching/
Now Rutherfurd personally applied the Gospel to his hearers, but as far as doctrine is concerned, the above is about the antithesis of what Rutherfurd held. Rollock Cameron and Forbes were truer ancestors of the Marrowmen, in many ways, than Rutherfurd and Gillespie and the high Calvinists at Westminster. The Marrow teaching with regard to the extent of salvation was the classic teaching of Dort. "Christus mortuus est sufficienter pro omnibus sed efficaciter pro electis". As Reynolds put it, Dort was merely declaring the 'pretium in se'; Christ's death was valuable enough to have saved ten thousand worlds—if so intended—but God did not so intend. 'Sufficienter pro omnibus' was a statement of quality, not of purpose. The majority of the Marrowmen held this doctrine; where they went further, was in stressing the individual application of it; the price was so valuable that every believer could believe that Christ died for him. But to Rutherfurd, and none preached more gloriously of the wonder, power and glory of the love of Christ than he—the computation of the possible number of those for whom Christ died was an idle question. Christ died for the elect. The elect were fixed in number from all eternity. To drag in the words 'sufficiently for all' was to encourage lying doctrines and false hopes.

This being his standpoint, all else that Rutherfurd had to say on the matter was the rejection of any qualification of the absolute position and the destruction of supporting arguments.
The Arminian emphasised reconciliation rather than remission in the atoning work of Christ. Rutherfurd held that God forgave the elect once and for all; through their faith, they became aware of forgiveness, which was not earned by, but worked through faith. The Father was not merely rendered placable by the Atonement, which interpretation he placed on the Arminian teaching; He was, as far as the elect were concerned, placated once for all. For Him, Arminius taught a potential, not an actual reconciliation, in so far as man's salvation depended on the cooperation of his free will with divine grace. Christ's intercession in heaven was not a continual intercession with God, in Whom resided the power to forgive now that the Atonement was made) to save sinners as they cooperated with grace through faith; it was an intercession for grace for believers. "Hardly can these eschew this Pelagianism who teach that the death of Christ is a universal salve, applicable by the decree of God to save all and everyone of mankind, Christian and pagan, so they actually believe. For it cannot be said that Christ hath died to make all mankind savable upon condition of actual faith to receive Christ preached." With what seems blatant Empiricism, he denies that the Gospel offer was ever intended to be made to all men, for the simple reason that the Gospel never was, nor is now, being preached to all men. Some terrible theological sentences—in both the grammatical and juridical sense of the word—fall from the pen of this man who wrote so wondrously of Christ. "God hath/
hath no intention to save all, though He say all that believe shall be saved, nor comes such an offer from Christ's intention to die for all and every one. "I. The Gospel is not preachable to all and every nation at all and every age and difference of time."

In defence he maintained that the elect were those alone who truly believed. Though in his preaching he is much greater than his theology, in the latter he makes the goodwill of God extend to the elect as a class rather than to man, even elect, as an individual. "The conditional promise, either of life to all that shall keep the Law, or of salvation to all that believe on Christ, can infer no intention or goodwill in God to bestow the end and means upon either the one or the other, or any good will towards their persons." 2

The statement appears a good deal worse than what he is trying to prove. He is seeking to avoid a universal interpretation, being placed on a man's own experience of redemption, but it was just against such threadbare, yet dangerous statements as this that the Marrowmen rebelled. As Walker puts it, "The ground of the accusation (against them) was their holding that it is part of the direct act of faith to believe that Christ died for me and that what He did and suffered, He did and suffered for me." 3 As he points put, their opponents said that this was to hold that Christ died for every man, and they had Rutherfurd as their theological aegis.

"The satisfaction performed upon the Cross for sinners, though it be/

2. Covenant of Life, 243.
3. Scottish Theology, 87.
be for a certain particular number, determined of God, both as touching their number, so many, not all and everyone, and such persons by head, name, birth, &c. Yet it is not the justifying of me or John or Paul, for no man can know that Christ's satisfaction stands for you or me, by name and person, while first I and you believe, because it is the hid Decree of God. Nor is the legal imputation believable, nor is it revealed as it is terminable to single persons, to me or to you until by faith we apprehend it. His doctrine made Rutherford seemingly equate assurance of election with saving faith. We shall note his treatment of these later; The cause of this was his desire to assert categorically that Christ died only for the elect. His difference from the Marrowmen was, however, perhaps more formal than material, for no Scotsman ever preached more eloquently of the necessity for deep personal union between Redeemer and Redeemed.

If he denied the Arminian doctrine that Christ died sufficiently for all; without exception, none emphasised more the worth, sufficiency and blessedness of the sacrifice for those for whom He died. It was a complete Atonement and satisfaction for the elect, a finished act in that the justice of God was placated, not merely rendered placable. He suffered all the penalty that sinful man should have suffered; the satisfaction was a true satisfaction and payment of man's debt to justice, not merely one which God accounted sufficient to redeem. Christ died for sinful men, both representatively for them and integrally as one of I. Covenant of Life, 208.
of them. He repudiated the Arminian view that Christ died for the good of man and that his death so influenced God that He sent the power of saving faith to all. As Christ's satisfaction was a true satisfaction, so the righteousness thereafter and thereby imputed to man, was a true righteousness, not a reckoned righteousness. While he emphasised that without the death of Christ there could have been no satisfaction, he cannot be regarded as holding a contemporary and later more prevalent view, that the satisfaction lay only in the passive obedience of Christ. He was always conscious of the wonder of His Master's life as well as of the glory of His death. He held that the whole obedience of Christ, the God-Man, was computed in the satisfaction. "For satisfaction is defined a voluntary restoring of the equivalent, and as good in the place of what is taken away, and the good restored must be (1) Undue (2) the proper good of the restorer, which agrees to the active and passive obedience of Christ."

The Covenant of Grace. The doctrine of the two Covenants, the Covenant of Works and the Covenant of Grace is the framework of the scheme of salvation taught for well nigh three centuries in Scotland. It had its variations. Cameron made the two into three, a Covenant with Adam, with Israel, and with man in Christ. Rutherford made the two also three, in a different fashion. As Dr A.F. Mitchell has pointed out, there was both in Scotland and in England a native school of Covenant teaching, directly descended from Calvin, before the more defined form of this doctrine shaped by Dutch theology entered the country. In England, Ames and Ball in

I. Covenant of Life,
in Scotland Rollock and Howie had expounded this conception, which by analogy appealed to the contractual elements of political thought beginning to prevail in the former, and to the nationalist ambitions of the latter country. Significantly, this doctrine appealed most to the Dutch and Anglo-Saxon genius; it influenced contemporary political thought by the parallelism of the Covenant between God and man and that between King and people; its sociology was a democratic as that of another Ball who queried

"When Adam delved and Eve span,
Who was then the gentleman?"

By no mere accident did Rutherfurd begin his Covenant of Life saying, "To be born of the house and seed of the second Adam must darken the glory of the first birth, so there is no great ground to boast of the skin and empty lustre of nobility and good blood."

Men were brothers in Adam, and in Christ, in sin and in salvation. Rutherfurd, holding the "non-necessity" of the Atonement, naturally held the same view of the Covenant. The whole plan had its origin in the free Grace of God. Even in the first Covenant, eternal life was due to Adam, not by nature but by promise. Adam by his disobedience, broke the Covenant of Works and man in him, as the federal head of humanity, fell under the wrath of God. In the first Covenant, God's promise gave man some rights as long as he obeyed, now he lost these rights for ever. Over and over again, Rutherfurd, who spoke so eloquently of the rights of man, in the courts of Kings, blazons it forth that he has none in the court of the King of Kings and that all that is granted there is of Divine Grace. He distrusted Rollock's term 'natural' as applied to the first Covenant because it
suggested that man had some natural rights in God. Man, having fallen, there was no necessity upon God to make a second Covenant with him; it was Arminian impiety to hold that God, having failed with man in making the first Covenant too rigid, as it were tries again in the second. The Covenant of Grace was a Covenant of free Grace. God sent His Son out of Love, but not out of necessity of Love; this to Rutherfurd makes the Love of God all the more wonderful in its freedom.

His supra-lapsarian standpoint again brought him up against historic difficulties which he could explain away only by scholastic distinctions. The Covenant of Grace was eternally conceived before the Fall in the secret counsels of the Trinity. He therefore made of it two Covenants -- a Covenant of Redemption, which God made with Christ the Mediator, and a Covenant of Reconciliation, made between God and man in Christ. This was a distinction not stressed in the older theology, now brought in to combat Arminian views. In the first, God having decreed from all eternity to save some, decrees also the means of salvation which is through the Mediator, Christ. The Son has no inferior place in this Decree, for what he does in divesting Himself and enduring the Cross is of His own free Will and of no compulsion. The equality of the Son in the Decree is strongly asserted and Rutherfurd states that, "The sufficiency of Christ's death depends upon the infiniteness of his person, not upon the free Decree of God".

1. Covenant of Life, 34.
2. Covenant of Life, 239.
The bond is struck between the Father and Son in eternity and the elect are redeemed. How does the eternal Covenant work out in History? The Covenant is revealed to man in the Redeemer and in His promise that, "Whosoever believeth in me shall be saved", and here the Calvinist was, as we have seen, hard put to it to counter Amyraldian and Arminian doctrine. Actually only the elect were redeemed, yet the promise of the Covenant of Reconciliation was, on the face of it, a universal promise even if mediated through a limiting condition. Rutherfurd used all the arguments and ruses of scholastic Calvinism to explain the issue in his "Covenant of Life". As a matter of fact, he says, only the elect truly believe, so only the elect are saved. That was one way out; another was to fall back in the old hedge-hog defence of the Calvinist, the distinction of the 'voluntas signi' and the 'Voluntas beneplaciti'. God commands all men to believe by the first, but by the second it is effected in the interests of the glory of Divine Justice, that not all men shall be believe. It is not an argument in which one delights to follow him, and it posed him with still another problem, that of the reprobate who were members of the Visible Church. The Covenant of Reconciliation he therefore described as having a twofold aspect also, internal and external. The Covenant of Grace was made through Christ with the member of the Visible Church on the external aspect; and Rutherfurd stood out staunchly for the availability of the means of grace, the Word and Sacraments to all within the fold of the Visible Church. His firm stand for the Baptism of infants because of the federal holiness/
...holiness of the parents may be remembered. He asked no more from members of the Church to qualify for membership than a profession of faith and a life free from scandal. The means of grace were to be denied to none, for no one knew who were God's elect. In reality, however, only those internally in the Covenant with Christ received His grace. "The invisible and mystical body of Christ and Church, is the only first principle and proper subject of the promises and privileges of special note in the Mediator Christ." The Visible Church was the sphere wherein the means of grace were administered; the Invisible Church was the sphere in which grace worked efficaciously. To repeat his metaphor and link the two:—to come into the fold of the Visible Church was to come within the net of grace; but once men were in the Covenant of grace, it was impossible that they should slip out of it as fish out of a net; they might slip and stumble within it, but never out of it. No Scottish writer has expressed better in epigram or in sermon the greatness and the power of the Grace of Christ and His patience, fidelity and love towards His Covenanted people. Open a page at random in the "Christ Dying" or in the "Influences of the Life of Grace" and glowing words of the Grace of God in Christ Jesus rise like a sweet perfume out of a musty store-room. "Some are all their life creeping children, yet saved." Of grace given in answer to prayer, he writes, "Sometimes the unwritten bill is answered. Sometimes he hears the dumb man's sighs and his breathing instead of his praying. Sometimes the Lord hears and sends the message of His deliverance but we hear not/

1. Covenant of Life, 130.
not, nor do we know or feel that He hears! "The Love of Christ needeth no exhortation to Acts of Love." He reproaches his own hard theology when he writes, "How many cast we out that Christ receives in? ... We look to what men may have, not to what they have not and consider not what God may give them ... We pity the sick, though our enemy and extend not compassion to the sinner erring, though the son of the same father. We see not the secret good in some and their sincerity which is dear to God." His Christian experience taught him as it taught the great 19th Century hymn writer,

"For the love of God is broader
Than the measures of man's mind
And the heart of the Eternal
Is most wonderfully kind."

We have seen this in the Sermons. At present Rutherfurd has placed man historically in the Covenant of Grace. How do they come there? ... How does he square the fact of their eternal election with the historic process of their conversion?

The Manner of Conversion. The finest part of the later Calvinist doctrine was its teaching on irresistible Grace; it was this which inspired its richest and greatest preaching, which is the acid test of dogmatic value. God having decreed to save the elect, gave them His Grace through Christ, which worked in them the faith by which they were saved, and continued to work in them a complete regeneration. The whole of the "Influences of the Life of Grace" is an exposition of the working of the Grace of God in the justified man, least interesting when it deals in scholastic analysis.

1. Influences, 112.
2. Influences, 303.
3. Influences, 325.
analysis, most vital when it relates the experiences of his own heart. It does reveal that the doctrine of the irristible Grace of God was no mere theological barricade put up against Arminian invasion, but a conviction, deep-rooted in the believer's experience and greatly fruitful in his life. We have seen how he opposed the Arminian doctrine that prevenient grace co-operated with the will of man to effect the faith which won salvation; but he was faced with the fact that, even in converted man, there is a great want of co-operation with the Grace of God and much sin resulting. If God's Grace was irristible, why should this be? He was again driven to scholastic distinction, this time in the nature of Grace itself. There is in the elect, he admits, a propensity to resist grace, because the 'habit' of corruption and the 'habit' of grace are opposed. But the resistance of the former to the latter is never completed, because the 'habit' of grace and the infusion of a new heart is irristible. 'Habit' means much more than the modern connotation of the word; it implies both a working principle within man and the whole spiritual temper resulting from it. Rutherford, by irristible grace, means 'ultimately irristible grace'; grace may lose some immediate battles, but never the last; or to put it better, it wins the first battle and despite reverses, its pervasive power triumphs in the human soul so that no man can slip from its hold. It is impossible for the will, completely and finally, to repudiate the internal grace of God. If this grace is not irristible, then conversion is a mere act of free will. Man may resist the/
the external means of grace; he may, in sort, resist before conversion; even when possessed of the habit of grace, the evil propensity will put up a fight, but grace prevails. Grace acts on the will, by illuminating the mind, kindling the affections, ordering the powers of believing, giving the perception of the persuasion of the intellect and finally, through these, forcing the assent of the believer. "Gratia est causa realiter trahens, intus docens, praedeterminans, sola et adequata. Et liberum arbitrium est actum tractum, edoctum. At hic non est uilla collateralitas inter gratiam et liberum arbitrium; sic enim voluntas nostra esset concausa socialiter vocans, praeveniens, trahens et gratia Dei altera concausa". The glory of conversion is God's; miserable man has no part in it. Those externally called to hear the Gospel, do not necessarily receive sufficient grace to work their conversion, and conversion is far more than only 'the perfect act of believing'; it is the infusion, once and for all, of a new heart. But he maintains that God's irresistibly determining the will in the act of conversion does not overthrow the liberty of the individual, "because the will does what it wishes to do with voluntary intent in itself and not against itself". No guilt for a man's non-conversion lies on God in His withdrawal of grace. "Man never wants the influence of God but his own sin superlatively is the cause". But irresistible grace meant no mere passive receptance of a magic way of life. All through the 'Influences' great stress is laid on man's putting himself in the way of receiving it. "It is/

2. Examen, 486.
3. Influences, 22.
Prayer, mortification of the flesh and spirit, the hearing of the Word, man must use these and all other ways to come near the fire of Christ; it was commanded and above all else, man could in no other way come to God, save through the grace of the Lord Jesus Christ, working faith within him. Whatever the faults of his dialectic, Rutherfurd is one of the greatest expounders in preaching that the work of conversion is superlatively of the grace of God. Justification by Faith. Although it was in essence the same, the later Reformed doctrine of Justification by Faith was more closely linked by ties of logic and psychology to the doctrine of election, than it had been in the original teaching of Calvin. The exponents of his teaching were driven to such a process by the criticism of their opponents. The ensuing controversies revived every old, and engendered many new versions and variations of the doctrine. "Justification to Calvin consists solely in the forgiveness of sins", writes Dr Mitchell Hunter, "The condition of being forgiven is the state of righteousness of which Paul speaks as the gift of God. It is not to be regarded as a reward bestowed upon faith, but as an immediate experience of faith. Faith indeed is not the precondition of forgiveness; it is that God worked experience itself. The birth of faith and the assurance of forgiveness coincide." This also was Rutherfurd's doctrine, but/

1. Influences, 131.
2. Teaching of Calvin, 110.
but he laid greater emphasis on certain aspects of it than its original expositor ever conceived or perhaps intended.

In the first instance, Rutherfurd insisted that justification is an act of God's free grace and of divine selection. God need not necessarily have justified us through faith. He might have used any other quality, as, for example, love, for the medium of our justification. "For God by no necessity of justice, but of His own free pleasure, requintheth faith as a condition of our actual reconciliation, for beside, that He might have required any other act of obedience, as love, He might have accepted the Ransom without requiring any act of obedience on our part, as the Lord bestowed a calm sea and deliverance from ship-wreck upon the idolatrous seamen, upon the very act of casting Jonah in the sea, without any act of saving faith on their part". This freedom of God's choice of method meant that man had not, through his possession of moral qualities, or of any special moral quality, a claim of right on God. His faith justified him, but he was not justified 'for' his faith. Faith was a medium of divine grace, not the cause of a divine reward. He eschewed also any claim of right based either on the merits of Christ or on the faith of the believer. God sent His Son to die and save men. He did not save men because the merits of the Son who died forced His hand to do so. This Arminian doctrine gave man a right to God, through the merits of Christ. As Rutherfurd saw it, "Then sure by the merits of Christ's death, it cannot come that God came in the flesh to save sinners. For the effect cannot but come from the cause; but/}

1. Covenant of Life, 12.
but the cause flows out from the effect, nor is the effect, to
wit Christ's incarnation and His dying, the cause of love
and free grace of God, which moved God to send His Son in the flesh,
but posterior unto and later than that love, for because He loved
us, He sent His Son in the flesh to die for us". So faith, as
faith, gave no right to a man to claim justification from God.

"Faith is no meritorious cause of right to remission and life eternal, nor a cause in part, or in whole, of our complete and actual reconciliation . . . for faith is a condition applying, not a cause buying, nor satisfying for us, and no cause giving in part or in whole any new right." The elaboration of this doctrine was
due to the desire to prevent any Neonomian tendencies, which would
make faith, as it were, a work, and give it an earning power in
the scheme of salvation. Rutherfurd heatedly attacked Baxter in
whom he saw this Arminian leaven working.

Despite the apparent externalism of the doctrine of Justification by Faith, as developed by 17th Century scholastic Calvinism, men like Rutherfurd and Twisse, had a deep personal faith in
their Redeemer. Perhaps because he possessed this faith, and
accepted it because he found it in himself, there is not in
Rutherfurd as much dissertation on the nature of saving faith
as might be expected. The externalism of his teaching that
man must believe that Christ died for the elect and then come
through assurance to believe that he was one of that number,
was more than counter-balanced by his transcendent belief in,

1. Covenant of Life, 231.
2. Covenant of Life, 233.
and experience of the grace of Christ, working in the heart of man, working that very assurance itself. So there is little disputation and differentiation of 'assenus' and 'fiducia' in his writings, for to him both were motivated by grace. All the same, some great utterances on faith come from his pen, especially in the posthumous sermon-treatise, The Power and Prevalency of Faith and Prayer. He refused to measure God's mercy by the quantity of a man's faith. "A little Faith layeth hold on Eternal Redemption and everlasting righteousness as well as a strong faith ...... a little Hand with small Fingers may receive a great Heaven and lay hold on the great Saviour of the world". If he asserted that God could have chosen any other means of imputation of righteousness, he wrote of faith, the means chosen, thus, "There is not more Gospel Grace in any condition performable by men than in Faith; because it towereth up to the Glory of Christ above the Heaven of Heavens and preacheth free Righteousness and plenteous Redemption, and layeth Flesh and Blood in the Dust, and as low as Hell, the Bondage of the Spirit of Fear and Condemnation." Of the working of grace on faith, he goes on, "Omnipotency sweetly, co-naturally and powerfully createth an Heavenly Propension in the Will and then softly draweth out the Consent; so the Soul is not married to Christ against its Will, the Spirit sets Faith a-going and makes it move sweetly on wheels oiled with the Love of Christ and His apprehended Beauty and Fairness. Because the Omnipotency of Grace, working Faith doth powerfully over all the Soul, leading the Thoughts and Reason captive; and Christ worketh/

1. Power and Prevalency, 92.
worketh so strongly on the reasoning Faculty, ravishing the Understanding and the Intellectuals that all the witty Reasonings are mastered, the Mind silenced and strongly drawn to apprehend Christ's Beauty."

With such a doctrine, the time sequence of the imputation of righteousness mattered little. The imputation was an act of grace; the faith which justified was a work of grace. Regarded from man's point of view, the faith which justifies precedes the imputation of righteousness; regarded by God, who works the faith, and has determined to whom righteousness shall be imputed, the imputation is antecedent to the created faith. Justification, and regeneration in the narrower sense of the rebirth, are therefore contemporaneous in the elect, though the efficacious grace of God was prerequisite to these processes, and absolutely necessary to the process of regeneration in the wider sense of the term -- that of the sanctified life of the elect -- which follows upon justification. It was this doctrine which Haliburton elaborated in "The Reason of Faith". The main points of the Calvinist doctrine of justification stand out strongly in the rest of Rutherford's teaching. Any view which seemed to imply justification, even partial or tentative justification by works, was rejected. He was especially hard on Baxter. "We are to beware of Mr Baxter's order of setting repentance and works of new obedience before justification". This was conditional justification. "So must men sweat and repent of/

1. Power and Prevalency, 102.
of their life before they be justified completely, but of half or quarter remission and justification, the Scripture is silent."

Saving faith included in its nature the intention of new obedience, but the intention of new obedience had by itself no saving power and the doctrine of Mr Baxter seemed to him no better than that of the Jesuits, who held, "facienti quod in se est, Deus non denegat gratiam". "Mr Baxter, to avoid Antinomianism makes Gospel faith to be nothing but repentance and new obedience". Like all the Reformers, he demonstrated that while faith does not and cannot exist without the other Christian virtues, of hope, love etc. it is faith alone that justifies. If any sort of justification by works were admitted, man was left struggling with the uncertainty of salvation and his peace of conscience was destroyed.

Somewhat grudgingly, he states, "Mr John Calvin says good works are, as it were, the inferior causes of the possession of life; he himself categorises them rather as an obedience to a divine commandment, for they are enjoined for the Glory of God, and also as a debt of gratitude which man owes his Redeemer.

Later Arminians, especially Episcopalians, had taught a figurative and metonymous doctrine of the Redeemer's reputed merits in such sentences as, "non enim justitia Christi, proprie id est, quod imputatur; sed id, propter quod nobis credentibus in ipsum imputatur justitia." This Rutherfurd denied; Christ's actual righteousness is imputed to us in our justification, and the plenary/

---

2. Examen, 507.
3. Covenant of Life, 177.
Soo, plenary forgiveness of our sins, not merely something, which on account of His merits is accounted to us as righteousness.

this does not mean that we are free from sin and stain in this life, for even our good works are tainted. Our justification and remission are perfect 'quoad ablationem reatus'; our sanctification is not perfect 'ad ablationem maculae physicae'.

Justification takes away our sins, "Non ut non sint, sed ut non imputentur". The grace which creates the justifying faith and the sanctified life is efficacious and energising and far beyond the Arminian conception of a moral suasion.

The Perseverance of the Saints. The perseverance of the saints was an inevitable corollary of the justification of the elect.

If man was once justified and destined to election to glory, then the natural conclusion was that in his human life, between his justification and his possession of eternal bliss, he could not slip from the grace of God, that having been once in grace, the regenerate man could not fall from grace. Viewing the lives of some of their less worthy Calvinist brethren, the Arminians had grave doubts on this matter, and after a tentative statement, proceeded to the definite conclusion that true believers might fall away from God by their own fault and lose faith wholly and finally.

The respective conclusions of the two bodies of theologians were dictated by their differing doctrines of the Grace of God;

For the Arminian it was co-operating with and resistible by it;

For the Calvinist it was dominating and irresistible. Rutherford on/

1. Examen, 521.
2. Examen, 539.
On this point reiterated the classic position of the Synod of Dort, that the elect cannot fall from glory, and that they receive from God grace to persevere to the end. He admits in them the sins of daily infirmity, the yielding to daily temptation, and stresses the need of mortification of the flesh, prayer and vigilance. They may even, like David, fall into heinous sin, which for a time enervates the certitude of final perseverance, but they never fall totally from the Covenant of Grace. Some texts sorely against his case, such as Hebrews, VI, 4, he attacks with his dogma of the elect, rather than with reasoned exegesis. Grant the possibility of the elect failing in perseverance, and the whole Decree of God is frustrated: such was his argument. God had failed, Christ had failed, grace had failed, if this were admitted. Even his scholastic Latin gains passion as he writes, "Articulus de Christi morte ejusque efficacia, de resurrectione, de Christi triumpho de morte, Diabolo et infernis, vanus esset si hi hostes de omnibus vere credentibus et electis, in aeternum triumphare possent." The truly elect persevere to the end. "Docemus perseverentiam esse effectum gratuitae electionis ad gloriam." With all his contemporaries in Scotland and England, Rutherfurd repulsed the hated spectre of non-perseverance, because it seemed to him to destroy the soul of the Christian religion, the free and irresistible grace of God.

The Assurance of Salvation. Rutherfurd approached this question with his eyes hard fixed upon the Arminian doctrines of contingency.

1. Examen, 552.
2. Examen, 567.
3. Examen, 596.
contingency and pretentious grace which, as has been seen, he held to destroy in man all peace of mind and assurance of salvation. He deplored any scholastic questions which divided up the nature of faith into too many certainties, certitudo sensus, certitudo spei, etc. There is, he says, in faith an assurance of the mind and intelligence, and assurance of the will and affections. The older and wiser Schoolmen, such as Cajetan and Scotus, had desired men to be certain that they were in grace; the evil influence of Trinitarian theology gave rise to the idea that it is not possible for a man to know if he is in grace, and, that certainty of faith is not commonly or always found. He puts the question simply. "Can adult believers (not only in the present, but even in their future state) be certain, with the certainty of intellect and of supernatural faith, of final perseverance and eternal salvation, by their special grace as elect?" He answers as simply. "Nos affirmamus." It is quite apparent, that faith, as he understands it, is of the mind, of the will and of the affections. It is assent to divine truth assuring the mind. It is obedience to divine injunction subduing the will. It is response to divine love quickening the heart. All these are in faith, assensus and fiducia alike, and the Holy Spirit works through these in the elect man to give him assurance of salvation. Every text that can be pressed into service, Cyprian, Chrysostom, and Augustine are arrayed in formidable support of his doctrine. With the Westminster Divines, he admits this assurance may suffer severe blows by reason of the sin of the believer, but the seed of the assurance is never lost, nor are they ever in utter despair.

I. Examen, 630.
The elect was by God made aware of his election. How? Deus tradidit nos: multa τεκνόρων quibus cognoscamus nos esse conversos. Peace of conscience, the sense of the love of God diffused in our hearts, glory in affliction, in the sensory part of his nature; along with the knowledge of the Truth, Immutability and Constancy of God and of the constant intercession of the Mediator, and above all, the witness and working of the Holy Spirit in his heart gave the believer abundant assurance of salvation.

Nowhere in Rutherford's theology is the question which troubled Dr Cunningham and Sir William Hamilton much discussed, namely as to whether infallible assurance belongs to the essence of faith. He does concern himself with the distinction of the direct act of faith "actio fidei directa" by which a man lays hold on Christ and which justifies, and the reflex act of faith 'actio fidei reflexa', by which we gain a comforting experience and assurance of our faith. In this doctrine, he was least scholastic. Faith was a little leaven leavening the whole lump, but that little saved. It was often imperfect, but always growing; even imperfect faith brought rich experience. "Faith, before it come to seed and full harvest, brings solid peace and comfort and saveth". Time and again in his sermons, he utters reproof to those who are always asking if their name is in the Lamb's Book of Life. It may therefore be claimed that he avoided the issue of the 'necessity' of assurance; but the Westminster Divines avoided it. "This infallible assurance doth not so belong to the essence of faith, but that a true/

true believer may wait long, and conflict with many difficulties, before he be partaker of it." In fact the statement that, "The Westminster Divines asserted that this assurance of salvation or infallible assurance of faith did not belong to the essence of faith," misses the mark, for the doctrine stated in the chapter can be quite well interpreted to mean that it is part of the essence of faith, though delayed in entrance, God working in it in his own good time. Rutherford and the Westminster Divines did not stress the necessity of the possession of assurance in saving faith, from the human point of view, as did some of the earlier Reformers; they believed it to be of the essence of faith, since God would not leave the elect comfortless, but they pointed out that the time and manner of its acquisition differed widely in the experience of the believer.

I. Confession of Faith, Chapter, 18.
Supra-lapsarian Calvinism would seem to be very little that man could achieve of himself in the good life, and to regard him as a marioneta in the hands of the Almighty. By a striking antithesis, the Calvinist was far from being a puppet in the hands of anybody else, and the inculcated sense of dependence on God gave him a resolute independence of human and political considerations, amply evidenced by Rutherford's own life. Throughout the 17th century, the people of Scotland and Holland had the least servile mentality in all Europe; discipline for the sins of the flesh in no way broke their spirit, and that spirit, if not exactly begotten by Calvinism, was sustained and strengthened by its massive and iron doctrines. Much sound practical teaching accompanied the exposition of these, for the Calvinist had to prove not only in theory, but in practice, that the doctrine of election was a moral force. The Westminster period was fertile in works of guidance for the Christian life, as a minute selection made from the Divines will show. There is Arrowsmith's A Chain of Principles ... Theological Aphorisms and Exercitions, (1659); Anthony Burgess's Spiritual Refining (1658); Burroughs's Of Earthy Mindedness and of Conversing in Heaven (1649); Gouge's Of Domestical Duties (1622); Herle's Wisdom's Tripos (1655); Wallis's The Life of Faith (1684). Countless other works of like nature exist, some little more than enlarged sermons, some extending to sizeable volumes. The Calvinist was left in no dubiety as to what duty God required of man.

Rutherford is undoubtedly at his best when he writes from his own Christian experience and turns that experience into a guiding/
guiding, glowing, and arresting aphorism. He imposes a schematic process on the believer to further the cultivation of the life of grace. He talks of 'habits', 'dispositions', 'withdrawings', in many an arid sentence, but the sweet fruits of the devout life hang everywhere on the scholastic cactus. If his psychological terminology is obsolete, so will the present terminology be outworn three centuries hence. The 'cases of conscience' and their cure, from the Christian standpoint, will be eternally the same. His whole preaching and teaching was summed up in the words "Live near Christ". How was man to gain such a life?

The first answer given by Rutherfurd, and all the other Calvinist divines, to the charge that if God did everything in men then it was useless for men to try to do anything, was that God commanded men to do a very great deal. Moral obligation to the Law of God was in no way abrogated by the fact of election. 'Christ Dying' is filled with trenchant anti-Antinomian preaching. As well as Puritan hatred of moral laxity, there was the element of self-defence in such preaching, for the Calvinist was aware that his antagonists claimed Antinomianism to be a logical outcome of his doctrine. Rutherfurd's vindictive and vindictive Antinomian preaching, his stern insistence on rigorous discipline, and more worthily, the high note of his moral preaching was his answer to such a charge.

Calvinism, and especially supra-lapsarian Calvinism, had to meet the accusation that, if God predetermined everything and was in everything, then human prayer was a meaningless act. The answer is simply that the shallow logic of this deduction has never had any/
any support in the Calvinist experience. Calvinism, as a religion, laid great emphasis, not only on the fact of prayer as an act of devotion, but on the content of the prayer itself. Rutherford, as all who knew him, tell us, was always praying. The diaries of Warriston, Brodie, Jaffray are full of praying. Warriston's attempts to coerce Providence may be pitiful exhibitions of sinful man seeking to bring the Almighty round to his side, but they show the dominating Calvinist belief that without God man can accomplish nothing. Three brief quotations out of hundreds sum up his doctrine. "Even the praying man starts not until God first prevent him to pray." 1 "Believing adds to believing, praying begets more praying. It is a naughty heart that is in the same case after prayer that it was in before." 2 "Were there no more in praying than communion with God, how sweet is it." 3

He had a strong antipathy, emerging over and over again in his Letters, towards prayer that was querulous, self-vindicatory or unmanly. He himself is never found complaining of his personal misfortunes, either in the sadness of Anwoth, or even when he lay stricken with the bitterness of death and defeat. Prayer would have been valueless had he not trusted through good and ill from first to last.

There were other acts of the religious life by which the converted man could put himself in the way of receiving beneficially the gracious influences of the spirit, provided that these acts were not regarded as acquiring merit, but as the cultivation of a state wherein the Spirit could operate more fully. In the Covenant of Life there is embedded a treatise 'Mortification' which /

1 Influences, 126.
2 Influences, 146.
3 Covenant of Life, 71.
which sets forth the ideals of Puritan asceticism to be practised by the believer. It is certainly as comprehensive a scheme of self-renunciation and other-worldliness as could have been penned by the most rigorous follower of St. Francis. Of all his contemporaries, he came nearest to following it, for wealth, power, place, or favour had, of themselves, no lure for him. He had, 'the last infirmity of noble minds', so perhaps he was rebuking himself when he wrote, "There must be a deadness to learning, to books and to book vanity....Who excels in learning, who admires not his own, the birth of his own mind....Ah, we are not dead to the Chair, the Pulpit, everyone loves to be counted and called rabbi ...The mind is a proud and haughty thing and we are not dead to it; the mind is not mortified to the mind."

The practice of the 'reflect act' was the positive side to the act of mortification as a preparation for the work of the spirit. Indeed, such acts were the work of the Spirit. In his sermon before the House of Lords, he wrote, "It is a reflect act to know our own acts of faith ....reflect acts are more rare and difficult, because more spiritual than direct acts". His "Reflex upon a Man's Mis-spent Life" backed with Challenges" reveals the nature of the process, which included every act of spiritual self-examination and Calvinist introspection. The daily life was to be passed in review, the daily sins rebuked, the daily faith tried, and the whole spirit bowed in repentance. But the reflect act was

1. Covenant of Life, 269.
2. Sermon before the House of Lords, 48.
limited to mere introspection, and Rutherfurd, in the Reflex and the Influences overflows with counsel for the sanctified life, through the positive reflect acts of faith, such as the meditation on the Life of Christ, the dwelling in wonder on His Grace, the thanking of God for all His mercies, the cultivation of quickened conscience. The Puritan was aware that in the religious life, duty was not enough. The doctrine of the reflect act was his answer to those who said he made his religion a barren obedience. He sought through applied processes, reflect acts, to stimulate the religious affections. The method was open to objection. As Jonathan Edwards noted later, it bred a superficial religiosity—but then, so have all spiritual schemes, Catholic, Anglican, Presbyterian or Quaker. When people learn the symptoms expected, they will both artificially cultivate them and come to believe they show them. No religious practice can be condemned because of its misuse by its adherents. Preaching was becoming more than merely iconoclastic, or rhapsodically evangelistic. From Rutherfurd, Dickson, Blair and others, Scotsmen were learning that the duty of the Christian man was to scrutinise and perfect the spiritual condition of his own soul through the Grace of God.

While Rutherfurd could counsel and outline spiritual practice, he ever insisted that all that was accomplished was through the Grace of God. The 'Influences of the Life of Grace' is an attempt to record the workings of the Spirit in the heart of man, through natural occasions, through supernatural deliverances, through joy and through sorrow, through reward and through punishment, through His/
His abundant presence and through His chastening absence — Rutherfurd has much to say of the absence of the Spirit as a salutary power— through the affections, through the reason and through the will. If parts of the work are tedious, scholastic disquisition, these are redeemed by the pearls of ripe Christian experience. He sets out on much the same task as Edwards in His 'Religious Affections'. He lacks Edward's clarity and order, but beside him Edwards seems often merely a commentator on the religious life. Rutherfurd is pithier, deeper in personal experience, richer in personal faith. As an Example, take the treatment of much the same thought. "As God in the salvation of men deals with them as rational and intelligent creatures, it appears agreeable to this wisdom that those who are saved, should be made sensible of their Being in those two different states. In the first place that they should be made sensible of their state of condemnation; and afterwards of their state of deliverance and happiness. How much better and simpler is Rutherfurd's sentence, 'Patience hath but half a work not its perfect work, when we are delivered and not humbled."
CONFESSIONS AND CATECHISMS.

The Confession or Faith.

It has been seen that the first task which the Westminster Assembly took up was the revision of the Thirty Nine Articles, and that this was laid aside on the arrival of the Scots, to pursue the formulation of Directories for Government and Worship. These earlier debates were not valueless, because they brought out the general agreement of the members on the theological matter of the Confession; the task that remained was to put the matter into satisfactory form. Formulation was the word that best applies to their dealings with the Confession, for, apart from the differences of the supra-lapsarian and infra-lapsarian schools of Calvinism, there was a unanimity of agreement on things doctrinal that was far from existing on things governmental. For this reason perhaps, the debates on the Confession and Catechisms are very curtly recorded. Changes of word and phrase are inserted and minutely recorded but nothing tells us who caused the change, which may sometimes be for clarity, or at another time to satisfy two parties who wished to read a somewhat different meaning into the phrase. Except in the matter of election, such differences were not great. The fact that the election debate gains the fullest minute suggests that it is the only doctrine on which some heated discussion arose. In these debates the Scots were individual theologians, not Scottish Commissioners. Rutherford was the disciple rather than the preceptor of English theology. He had departed from, rather than maintained the doctrines of the older school of Scottish Calvinism. He/
He was indeed well on the supra-lapsarian path, when he came to Westminster, but his contacts there firmly established him in it. Gillespie was only a little less supra-lapsarian. If they were resolute to propound in discipline, they were ready to learn in doctrine; in no subservient way, however, for in theological acumen, Rutherfurd was perhaps, second only to Twisse. The Scots did not exert and did not seek to exert in the formulation of the doctrinal standards the preponderant --preposterous according to Dr Shaw-- influence which they put forth in the debates on Government and Worship. They honestly reverenced England's fine theological tradition, and they sought, free from all national prejudice, to assist the Divines in creating the classic statement of British Calvinism.

A common Confession of Faith was as imperative for ecclesiastic al unity as a Directory for Government or for Worship. By August, 1644, the Scots began to think that its formulation had been too long delayed. Wariston, when he brought down the letters from the General Assembly in August, pressed the Assembly to begin consideration of a Confession to complete the work of uniformity. Burgess and Henderson added their voices in support and the matter was referred to the Grand Committee, who reported back on August 20th. They desired the Assembly to set up, "a Committee to join with the Commissioners of Scotland to draw up a Confession of Faith."

This the Assembly scrupled about doing as they had no injunctions from Parliament to that effect. Finally a Committee of nine, Temple, Gouge, Kerle, Gataker, Arrowsmith, Burroughs, Burgess, Vines/

I. Lightfoot, 305.
S/3. Vines, and Goodwin, was appointed to begin the task to be augmented on its own request a fortnight later by other ten members of Assembly, including Smith, Palmer and Herle. The Committee now included all the ablest Calvinist Theologians of the Assembly, indeed of England, and the Scots were well satisfied with its composition. They had great hopes of a speedy result. Debates on Church Government, on the Directory for Worship, on the Directory for Excommunication supervened to postpone the Assembly's consideration of the Confession. The Committee, however, went on with its work of preparing the sundry heads of the Confession which had been apportioned amongst them though progress was leisurely. Again pressure came from Scotland to hasten the projected Confession. Gillespie and the other Scottish Commissioners who had returned on April 9th, 1645, from the Assembly in Scotland presented a letter to Assembly and Parliament through the Grand Committee in which Scottish satisfaction with what had been already accomplished was expressed together with a strong reminder that the Confession and Catechism had yet to be completed. When this letter came before the Commons on April 14th, it found them involved in the business of Excommunication, and they were at present determining what sins of ignorance and scandal should debar from the Lord's Supper. The need for a Confession was particularly emphasised by the debate, and the House passed a resolution desiring the Assembly "with all convenient speed to resolve upon a Confession of Faith for the Church of England, and present it to the House." The Assembly appointed a small Committee to consider this.

1 Baillie, Volume 2, 248. 2 Vide Supra p. 293. 3 Peterkin, 429. 4 Commons Journal IV, 103.
It reported that the best way to settle the immediate needs of Parliament was to return to it a revised edition of the Thirty-nine Articles to serve until a Confession was prepared. The consideration of the Thirty-nine Articles was remitted to a Committee, either that one which had made the recommendation or the Committee originally appointed to revise them. Nothing more was done in the matter, in all likelihood because of opposition from the Scots, who would be suspicious of the establishment, even as a temporary expedient, of any of the former standards of the Episcopal regime.

On May 9th Parliament having sent a further demand for haste, it was ordered, "that the Assembly consider on Monday morning the best way to expedite the Confession of Faith and that the two Committees for the Confession be put into one." Only one Committee for the Confession is hitherto recorded in the Minutes, what the other was can only be conjectured; perhaps the supplementary members added in September 1644 sat as a separate Committee. This joint Committee seems to have given in some sort of report on the labours of its members, which, from the desultory way in which the doctrinal standards had up till now been considered was shapeless and unco-ordinated. The Assembly, viewing the matter before them, decided, "that the first draft of the Confession of Faith shall be drawn up by a Committee of a few:- Gataker, Harris, Temple, Burges, Reynolds, Hoyle, and Herle, with the Scottish Commissioners assisting. Warfield's view that this small Committee was /

I Minutes, 83.
/ was to supersede and not supplement the first Committee is much more feasible than Dr. Mitchell's, who thinks that it was to supplement. The Assembly, as a matter of fact, had now time to take the Confession seriously; the other Directories were largely off their hands, and they proceeded to deal with the Confession in more accordance with their method in formulating the other standards. This small Committee was intended to collect and collate all that had already been done, and to reduce it to orderly heads. This they did and presented a report on July 16th. Between July 11th and 14th the Assembly had been deciding to turn over these heads to its three great Committees, and on the 16th they divided the task of preparation among them. It was ordered, "The First Committee to prepare the Confession of Faith upon these heads: God and the Holy Trinity; God's decrees, Predestination, Election, etc.; the works of Creation and Providence; Man's Fall; The Second Committee: Sin, and the punishment thereof; Free Will; the Covenant of Grace; Christ our Mediator. The Third Committee: Effectual Vocation; Justification; Adoption; Sanctification."  From now on these Committees reported directly to the Assembly. Dr. Warfield has ably investigated the apparent inconsistencies in this theory, and shown that reports on some heads, given in by members not on the Committee responsible for them, were generally reports from the Convener of a small sub-Committee, appointed to deal with some position found particularly thorny, and to advise the Assembly concerning it. For example, Dr. Gouge, of the First Committee, made a report about Free Will on December 15th, 1645. Free Will had been allocated to the Second /

I Minutes, 114.
Second Committee. The very nature of the chapter shows that the Assembly would demand special advice on this most disputed of all theological problems. A similar case was Seaman's report on "Christian Liberty and Liberty of Conscience"; the drafting of this belonged to the First Committee, and Seaman was a member of the Second. It may be noted that the men who gave in such reports had all been members of the first Committee for the Confession of August 1644, or of its addition in September. They had been leading members of the various small sub-committees, through which Baillie suggests the original Committee had worked. Now the matter they had dealt with was referred back to them as experts for further report, and they probably worked over it with the same co-adjutors. The demise of the original Committee, as a committee, made little difference to the handling of the material; the theological personnel which dealt with individual heads remained fairly constant throughout. Moreover, there must have been a good deal of interchange and liaison between the Committees. Some of the chapters impinged on the theology of others. If there was on the First Committee a doctrinal expert on some point under discussion in the Second, it is certain he would be called in. Further, it may be borne in mind, that the whole Confession is really the work of a dozen leading theologians of the Assembly along with Rutherford and Gillespie. These men were practically those originally appointed, and they were fairly evenly dispersed through the three great Committees. For example, the First had Dr. Burgess, Dr. Smith, Dr. Hoyle, Dr. Gouge, Palmer, Goodwin, and Herle; the Second had Dr. Stanton, Arrowsmith, Seaman, Calamy and Lightfoot /

I Baillie II, 248.
The method now employed had decided advantages, for the small groups of experts in the large Committees had their drafts revised in them before they went finally to the Assembly. The Committee for distributing the heads functioned till February, 1646. On November 18th, 1645, the second distribution was made; To the First Committee: Perseverance, Christian Liberty, the Church, the Communion of Saints; to the Second Committee: Officers and Censures of the Church, Councils or Synods, Sacraments, Baptism and the Lord's Supper; To the Third Committee: the Law, Religion, Worship. On February 23rd, 1646, came the third distribution; to the First Committee: Christian Sabbath, the Civil Magistrate, Marriage and Divorce; To the Second Committee: Certainty of Salvation, Lies and Equivocation, the State of the Soul after Death; To the Third Committee: the Resurrection, the Last Judgement, Life Eternal. On August 19th, 1646, Faith. Repentance and Good Works were given, each in their order, to the three Committees.

From the date of the first distribution, head after head was turned in to the Assembly. Scrutiny was close, and debates keen, but free from the acrimony of those on Discipline and Government. There was less recommittal to the drafting Committee, or to special sub-committee, than the nature of the task would lead one to expect. This was undoubtedly due to the thorough and painstaking preparation and revision achieved in the large Committee before presentation to the Assembly. The lengthiest debates occurred over chapters I, III, VIII, XX, XXIII, namely those on The Holy Scriptures, God's Eternal Decree, Christ the Mediator, Christian Liberty, and the Civil Magistrate. The other chapters were debated...
debated at most three or four days on presentation, one or two on review, with a day or so for Scripture proofs. As the reports came in the Assembly discovered that, as well as the distributing committee, a collecting and reviewing committee was required. On July 8th, 1645, it was ordered, "That Mr Reynolds, Mr Herle, Mr Newcomen, be desired to take care of the wording of the Confession of Faith as it is voted in the Assembly from time to time, and to report to the Assembly when they think fit there should be any alteration in the words. They are first to consult with the Commissioners from the Church of Scotland, or one of them, before they report to the Assembly." This Committee did the work required of it till December 8th, 1645, when a larger committee comprising Tuckney, Reynolds, Newcomen, and Whitaker were appointed "to review the Confession of Faith as it is finished in the Assembly." On June 17th, 1646, the majority of the heads had passed through the Assembly and this committee reported on all that had been accomplished. The next day Arrowsmith was added to the committee, and the Assembly decided to consider the reviewed Confession head by head. This process continued from June to September, 1646, whilst the Assembly at the same time were framing the first draft of the latter part of the Confession. Pressure from Parliament hastened their labours. On September 25th, the first nineteen chapters were sent up to the House. On November 26th, the Confession was finished, but a few minor changes were made before it was presented by the whole Assembly to the Commons on December 4th, and to the Lords on December 7th. The careful transcription of the whole was the work of Dr. Burgess, the

Assessor.

I Minutes, 110.
Their immediate reward was a demand from the Commons on October 9th, a fortnight after the first nineteen chapters had been delivered, for proof texts. The Assembly was by now somewhat weary and wanted some respite from their labours. Someone, perhaps the Scots, had been seeking to add to them by instigating the appointment of a no-loophole committee, "to consider of the Confession of Faith what errors are not obviated in it, and to that end that there be a review of the Articles of England and Ireland." The motion was squashed. There was no such hope of suppressing Parliament's demand. The Assembly's plea that Scriptural proofs were hardly necessary, as the Confession's substance was 'received truth among all Churches' was disregarded. The work of supplying proofs began on January 6th, 1647. A small committee, later enlarged, brought the proofs before the Assembly, chapter by chapter. Not till April 5th were the proofs completed, and it was ten days later before they were all finally revised and added to the Confession. They were presented to both houses on April 27th, 1647. The Confession at last was completed. Its subsequent history in Parliament need not be entered upon here. The edition finally sanctioned in June 1648 omitted chapters XXX and XXI - Church Censures and Of Synods and Councils - and the fourth paragraph of XX, regarding the punishment of erroneous opinion by the Magistrate; more than half of XXIV was omitted, because of the Church's strict ideas of divorce and of the forbidden degrees. In Scotland, it had a speedy authorisation. The Confession, with proofs, was brought home by Gillespie, returning before the Assembly of 1647. Orders were given for three hundred copies / Minutes, 285-286.
copies to be printed for the use of Assembly. A special committee was appointed to deal with doubts and objections regarding any article. Few objections were given in, and these were obviated by the explanations inserted in the Act approving the Confession. These dealt with the absence of mention by name of Church-Governors, and with the power of the Magistrate to convene synods - this latter in the Scottish interpretation, was only allowable in an unsettled state of the Kingdom. Along with the Larger and Shorter Catechisms, the Confession was sanctioned by the Scottish Parliament on February 7th, 1649.

It is impossible here, to give a full account of the theology of the Westminster Confession, and of its sources. Professor Mitchell has established the Irish Articles as the basis upon which the Divines worked, drawn thereto by an admiration for Ussher, whom many would fain have seen in the Assembly. What concerns us is the part of the Scots in the formulation. Pressure from Scotland had brought the Assembly to launch out seriously on the task. The early drafting committee had the Scottish Commissioners joined with them, though there is no mention of them as connected with the later reviewing committee. This may have seemed superflous, both to themselves and to the Assembly, as they had access to the great Committees and freedom of debate in the Assembly. Study of the Minutes reveals them throughout acting, much less as national Commissioners than as individual theologians. The explanation is simple. Scottish Calvinism of the immediately preceding years had been of the moderate type, and had always been infra-lapsarian. The Confession /
Confession was creating a more rigid form and Rutherfurd and Gillespie were well satisfied with the way things were going, only intervening pertinaciously when the Assembly approached an originally Scottish theology, for the soteriological views of Calamy and Vines descended through Amyraut from Cameron. The debate on the third chapter, "of God’s Eternal Decree" was the occasion. It is the most fully reported debate in the Confession, because it was the most hotly contested part of it. The debate began on August 29th, and the divines immediately fell to over the title. That in the Irish Articles was, "Of God’s eternal Decree and Predestination". As Professor Warfield points out this was not tautological, but the assertion of the Divine Purpose in eternity and in time. I The head as first distributed to the Committee reads, "God’s Decrees, Predestination, Election etc.", though it would seem this was rather intended as a descriptive outlining of their work than a succinct title. Light is thrown on the matter by the Debate on the sixth paragraph. This, asserting the fact of election, goes on to assert the manner, in the Fall and Redemption, and the effect in justification, sanctification and adoption. Seaman, a resolute supralapsarian, would have had the words, "in the same decree" inserted after the opening sentence. "As God hath appointed the elect unto Glory, so hath he, by the eternal and most free purpose of His will, fore-ordained all the means thereunto." We have seen that Rutherfurd also viewed the Creation, Fall, Redemption and the whole soteriological process as

I. The Westminster Assembly and Its Work, 125.
as the effect of one decree. The supra-lapsarian sought to remove himself as far as possible from the Arminian whom he accused of multiplying the decrees and thus dividing the Will of God. Rutherfurd, as a compromise, would have had the words, 'God hath also decreed' inserted in the text, saying 'It is very probable but one decree but whether fit to express it in a Confession of Faith......". "It may be truth", said Calamy, "I think in our prolocutors' book, he gives a great deal of reason for it. But why should we put it in a Confession of Faith?". The majority agreed with Reynolds that they "should not put disputes and scholastical things into a Confession of Faith", and Seaman's proposal was rejected. The simple word, 'so' allowed both sides to take their own meaning. The Title, "Of God's Eternal Decree" preserved by the supra-lapsarians emphasised the unicity of God's purpose in all His doings and was allowed to stand.

The end of this paragraph, "Neither are any other redeemed by Christ, effectually called, justified, adopted, sanctified, and saved, but the elect only", was the most disputed part of the Confession. In the debate, Calamy brought forward what were practically Amyraldian views, moderate in statement, but only the more easily attacked by his opponents, because of their apologetic presentation. "I am far from redemption in the Arminian sense; but that that I hold is in the sense of our divines in the Synod of Dort, that Christ did pay a price for all --absolute intention for the elect, conditional intention for the reprobate in case they do believe --that all men should be salvables, non obstante lapsu/

I. Minutes, 153.
S3

Adami... that Jesus Christ did not only die sufficiently for all, but God did intend it to put all men in a state of salvation in case they do believe." Only by very fine hair-splitting could this be denied to be Amyraldism. Calamy had no need to be ashamed of his doctrine, but in the debate that followed he made a rather poor defence of it, though his opponents made some drastic utterances in defending theirs. Reynolds pointed out that Calamy's doctrine made Christ die conditionally for the reprobate, on a condition that they could not perform, to wit that they should believe. He further pointed out that 'sufficiently for all' in the canons of Dort implied only the 'pretium in se' of Christ's death and not the intention. We have already seen in Rutherfurd the classic attack on Amyraldism and in the ensuing debate all the usual arguments were employed. Rutherfurd claimed that to make all men salvable, was to make all men justifiable. Even the most moderate form of Amyraldism seemed to him the thin end of the Arminian wedge. He and Gillespie performed some terrible exegetical gymnastics, when they took up the text, "God so loved the world" and expounded it as meaning only the world of the elect. Dr Mitchell had tried to show that the Amyraldian view is not quite excluded by the paragraph in question, but his case this time is special pleading. The Westminster Divines aided by the Scots very definitely turned down any proposed Amyraldian addition or omission and it is an exceedingly subtle exegesis that could bring it out of the third chapter of the Confession. They emphasised their position by refusing to consider Whitaker's plea for praeterition/
/praeterition rather than reprobation. Although it was much debated, the clause 'fore-ordained to everlasting death' was firmly adhered to, and Mr Whitaker could only enter his dissent.

The other chapters of the Confession in which the Scots exerted a determinative power were those on the Church and on Church censures. The famous paragraph, "The Lord Jesus as King and Head of His Church hath therein appointed a government in the hand of Church officers distinct from the civil magistrate," began a debate which lasted throughout March and April, 1646. It was carried on while the dispute between the Assembly and Parliament over excommunication was in progress, and the bullying attitude of Parliament only made the divines more resolute to insist that the Church, of divine right, possessed the power to settle her own affairs, governmental and disciplinary. The Scots entered the battle with gusto, tempered with caution, for, as has been seen in the Excommunication debate they had suggested to the Assembly that it might be wise to take what they could get and work patiently for more, rather than insist categorically on what they should have. The advice was doubtless Henderson's. When the Assembly remained obdurate and presented their petition, they received every encouragement from Rutherford and Gillespie. After enduring rebuke from the Parliament delegates, they enjoyed a comforting exhortation from a Scottish parliamentarian, Warriston. The two Scots, Rutherford and Gillespie, had prepared the way for this debate, with, if anything, even greater intensity, than that devoted to any previous cause/

I. Vide supra. 270 ff.
cause. The Excommunication debate revealed that the clash between Church and State was coming. Before the Assembly's petition of August 4th, 1645, Colman had preached his famous Erastian sermon in the Commons on July 30th, 1645, to which Gillespie replied on August 27th, in a sermon before the Lords, but chiefly and cannily in the nine leaves of "Brotherly examination of some passages in Mr Coleman's late printed sermon". The pamphlet warfare between the two men went on all winter. During the winter, Rutherfurd worked himself ill by composing the "Divine Right of Church Government", setting forth every detail in the Scottish theory, battering every citadel of the opposition's argument and anticipating the proposed publication by Coleman of the Works of Erastus. The whole of this has already been studied. It is important to note that the work was widely bought and read by members of the Assembly and played no small part in influencing the arguments in the debate, causing a sharp dispute between its author and Coleman. Gillespie's 'Aaron's Rod' was published too late to influence the main debate. This was as reported very largely exegetical covering all the arguments which we have seen in the Divine Right and centering mostly on the exposition of Matthew, 18, and 1 Corinthians, 5.

Coleman fell ill, probably through over-strain, and died a day or so after the petition had been presented to Parliament on March 23rd. The Assembly honourably attended his funeral. His views had found little support. On 17th March, the Assembly had decided that his arguments had been answered, but on the 20th, they courteously deferred to the wishes of a sick man to be heard further.
They never did hear him again. On the 19th, they had appointed a Committee to "assert the jus divinum of Church censures, and in whose hands jure divino those censures are." The Scottish Commissioners were members. 1 On April 9th, it was resolved, 'nemine contradicente' that the Scriptures under consideration do prove that Jesus Christ hath appointed some to rule in His Church who are not civil magistrates and hath committed to them a government, which the people are commanded to yield obedience unto, distinct from the civil government." 2 Lightfoot, more scholarly, but less capable, than Coleman, sought to prolong the conflict but the Erastian had lost the day in the Assembly. In the dispute, some of the lay members had taken part. Sir John Cooke had demanded to know "whether Christ in the New Testament be named the King and Head of a visible political ministerial Church." 3 Gillespie had answered that Christ was King and Prophet, "not only to the elect, but to the visible, political ministerial Church." All the divines in the end were ranged against the Erastians, the argumentative Seaman, the moderate Vines, even Nye in sort deserted by giving no vote in their favour. The disputed chapter was finally placed at the beginning of Chapter XXX instead of in XXV; but in XXV the autonomy of the Church was firmly asserted when it is stated "that there is no other Head of the Church but the Lord Jesus Christ." The Scots had brought the whole Assembly to assert that the Church under Christ was master in Her own house and even the Independent could not dispute this truth.

1. Minutes, 438.
2. Minutes, 474.
3. Minutes, 430.
Rutherford's theology, apart from the supra-laparian emphasis, is the theology of the Confession. To all the debates, recorded and unrecorded, he must have made indefatigable contributions. His health was for a time endangered and the Assembly sent a delegation to visit him, witnessing to the esteem in which he was held.

What phrases he may have altered, what other doctrines called for forth his powers, we do not know. Yet the presence of this acute critical and dialectic Scottish mind in their midst kept the Assembly careful in the wording and precise in the phrasing of the great classic statement of the seventeenth Century.

The Catechisms.

"The Catechisms of the Westminster Assembly and especially their shorter Catechism may be regarded as, in several respects, the most remarkable of their symbolical books, the matured fruit of all their consultations and debates, the quintessence of that system of truth in which they desired to train English speaking youth, and faithful training in which, I believe, has done more on both sides of the Atlantic to keep alive reverence for the old theology than all other human instrumentalities whatever." So writes Professor Mitchell in "Catechisms of the Second Reformation" With the ultimate formulation of the Catechisms, of all the Westminster standards, the Scots had least to do. Rutherford had left Westminster before the Shorter Catechism was completely approved. The tale may be briefly told, England possessed abundance of catechisms and practical manuals for the religious life. Scotland had/
had hhd various catechisms in use, Calvin's Catechism, Craig's Catechism, and others. By 1630, the supply of these was limited and catechetical teaching more necessary than ever. Rutherfurd, we have seen, solved his own local problem and that of his district by drawing up his own catechism, which, if it betrays early and unformed thought on some minor points, is a fairly full statement of orthodox Calvinist teaching. It obtrudes none of his extreme theology but it was far too individual and vivid in phraseology ever to become national. Yet, when Rutherfurd, describes conscience as the watch dog of the soul, one feels he comes nearer to the principles of child instruction, than the chief author or authors of the Shorter Catechism. A brief, and very inadequate, "Catechism for young Children", little more than a statement of the Creed and the Commandments was published in Edinburgh in 1644. It was condemned by the Assembly of 1648, as full of gross errors, especially with regard to Universal Redemption. The Scottish Commissioners, Rutherfurd especially, were eager that a Catechism should be drawn up. In the maze of controversy, the 'young children' were forgotten and when a catechism was produced for them, undoubtedly the greatest catechism of any age and creed, it was drawn up by a mathematician and was fitter for students than children. The very Scottish Assembly which sanctioned it, found it "too long and too high for common people and children" and took measures to have a simpler redaction of it made.

When the Committee for the Directory of Public Worship was appointed, Palmer, the Assembly's expert on Christian pedagogics, was

I. Baillie, III.59.
was entrusted with the directory for catechising. The Assembly found Palmer's directory not entirely to their satisfaction and it was given over to the Scottish Commissioners for revision. The whole matter of this directory was treated in a rather hap-hazard way. The Scots seem to have interpreted the remit as a charge to supply a catechism or at least to include such a charge. Baillie writes hopefully, on December 26th, 1644, "We have also agreed in private on a draught of a catechise whereupon when it come into public, we expect little debate". There is little doubt that this catechism was the one which the Scots published a little later in the spring of 1645, (1644, old dating), as "The New Catechism according to the form of the Kirk of Scotland, published for the benefit of both Kingdoms". It was unlikely to be Rutherfurd's which was too natively Scots, though Professor Mitchell gives this theory possibility. The New Catechism is a simple literal exposition of the Creed, the Commandments and the Sacraments, bearing some traces of Rutherfurd's hand. Before the publication of their Catechism, four other members of Assembly had been added to Mr Palmer, 7th February, 1645, 'for hastening the Catechism'. The Assembly had by now added to the idea of furnishing a directory for catechising, that of supplying a catechism, aided thereto by the Scottish interpretation of the phrase 'directory for worship and catechising' in the Solemn League and Covenant. The Scottish Commissioners were disappointed in their hope of having their catechism adopted. It was politely shelved as the Assembly was now awaiting the report of Palmer's committee and such was Palmer's reputation/ 

I. Baillie, 2, 249.
2. Printed in Mitchell's Catechisms of the Second Reformation, 277 ff.
/reputation as a catechist that the Scots could not decently or diplomatically obtrude their own composition. They did the best they could: they published it.

Palmer's report was given on May 13th, 1645, and comprised a prefatory directory and an outline catechism. His method of catechising caused much debate. Each main question was answered by distinct statement which itself was broken up by question demanding the answer 'yes' or 'no'. The Scots who had criticised his first production, now supported him strongly, despite the neglect of their own production. Their reasons, as revealed in the debate, were sound and obvious. They felt that many of the members were conceiving a catechism to be a terse synopsis of a Confession -- which was exactly what at Westminster it became. They stood out for simplicity, and it seemed to them, Palmer's method had that merit. Rutherford's contribution, in the light of a man who had had great practical experience, in an uninstructed parish, was well worth any minister's notice. "It should be in the plainest and easiest way. It is a feeding of the lambs". Repelling the idea that some had put forward that it was not the proper work of a minister, he continued, "There is as much art in catechising as anything in the world. It may be doubted whether every minister do understand the most dexterous way of doing it". No decision was made, and the Committee for the Catechism, although enlarged from time to time, achieved little for over a year. About a quarter of Palmer's Catechism had been rehabilitated by December/.

I. Minutes, 92.
December, 1646, "but they are fallen into such mislikes and endless janglings about both the method and matter, that all think it will be a long work."

It was an effort to settle these janglings between those who put the method first and those who put the matter first, such as Seaman who was strong for what, "the child ought to have", that the Assembly decided on 14th January, 1647, to have two catechisms. As the letter of the Scottish Commissioners, in wording surely Rutherfurd's, dryly puts it, "The Assembly of Divines...found it very difficult to satisfy themselves or the world with one form of catechism or to dress up milk and meat both in one dish."

From now on, working from the material of the Confession of Faith, and other English Catechisms, Ball's, Ussher's etc., the Committee at length produced the Larger and Shorter Catechism. But in their composition, the Scots took little part. Henderson was dead. Baillie had gone before their formulation began. Gillespie left in May, 1647, when the Larger Catechism was being engendered. Rutherfurd departed before the Shorter was finally presented. The Larger Catechism was completed on 15th October, 1647, and presented to Parliament on the 22nd. The Shorter was completed round about 20th November, and presented to Parliament on the 25th. The proofs of both were given in to the House on the 14th April, 1648. Ecclesiastical literature would be the poorer for lack of the Shorter Catechism, as also would have been later Scottish life and thought. As Schaff has said, "in brevity, terseness and accuracy of definition, it is unsurpassed." From later attempts to supersede it, one is tempted to say, unsurpassable. No one regrets/

1. Baillie, "Idiolic."
regrets that Mr Palmer and the Scots Commissioners did not have the methods they sponsored adopted, least of all the nation that absorbed the Catechism into its life stream. Yet they were right in insisting that, as far as immediate needs were concerned, a simpler catechetical manual was required and the Assembly of 1648, which accepted and authorised the Catechisms with little or no debate over their doctrinal content, had misgivings as to their suitability for ignorant people and young children and sought to have a simpler form drawn up out of the Shorter.

Rouse's Psalms.

The metrical psalms came to occupy the unique and indispensable place in the worship which the Shorter Catechism occupied in the teaching of the Scottish Church. They made a gradual progress from dislike to affection in the minds of the Scottish Commissioners. Baillie was the chief agent in following their revision through the Assembly. He was the Commissioners' 'man of letters' and the task suited his recording and scholarly, yet timid mind which avoided the contentions of the Assembly as much as possible. "The Scottish Metrical Psalms", writes Dr Carruthers, "were neither originated nor were they finally completed by the Assembly; but it was due to their adoption by that body that they came, as part of the proposed uniformity of worship, to be used in Scotland, and their singing by the Covenanters endeared them to the heart of that nation". When the collection of metrical psalms edited and revised by Francie Rouse in 1641, was first brought to the Assembly's notice, the Scots were a little suspicious, both of the psalms and of the motive.  

The Everyday Work of the Westminster Assembly and its Work, 1651.
motive, though prepared to give them a fair hearing. "An old most honest member of the House of Commons, Mr Rous, has helped the old Psalter, in most places faulty. His friends are very pressing in the Assembly that his book may be examined and helped by the Author in what places it shall be found meet, and then commend-ed to Parliament that they may enjoin the public use of it. One of their considerations is the great private advantage, which would by this book come to their friend." The introduction of the Psalms as a catchpenny scheme for an old, honest and indigent member, did not deprive it of Scottish support, though Baillie wished and sent for the Psalter of Mure of Rowallan to compare with Rous's. This latter now underwent a painstaking revision, in which all the Assembly poetasters lent a hand -- restrained by the Hebric ians. The Commons gave support to the scheme for a new psalter. Sir Benjamin Rudyard communicated their desire to the Assembly on November, 22nd, 1643. Henderson supported him because Rous's version seemed better than Lord Stirling's. The latter, 'King James's Psalms', was damned by its association with Episcopacy, but also because, though an improvement on the Reformation Psalter, it still contained too many long metres. The Scots were firmly insistent on common metre. Again they had the practical end in view; a people who loved ballad would sing psalms readily in a stanza akin to the Ballad Stanza. They were not prepared to let the Psalms slip through the Assembly, without constant reference to the Church at home. The Assembly allocated

I. Baillie, II,121.
allocated fifty psalms to each committee. Rous supervised and reviewed their findings; an attempt to restrain his rhyme, by appointing some Hebricians to consult with — or watch over him — "for the solidity of the work and the honour of the Assembly", came to nothing. Solidity was well cared for by the divines in the Committee.

In their report to the General Assembly of 1644, the commissioners informed it of the popularity the new version was gaining at Westminster, but stated that they had opposed its sanctioning for use in public worship till the Kirk of Scotland was acquainted with it. They sent up some specimens for judgement and suggested that the Assembly consider uniformity in praise through Rous's or a similar version of the psalms. The Commission of Assembly returned the Psalms with the request that a committee be appointed to go over them with Rous, and that a plain translation and common metre be employed. Such a committee was appointed, and when Baillie and Gillespie went North in December, for the January meeting of the Assembly, they took the Psalms with them. Gillespie on his return to Westminster, reported that the General Assembly had put them in the hands of a special committee, and that, "In general they liked very well the correcting and amending of the Psalter, and they wish the work may be carried on. Apparently, only about a hundred had been sent up, for the last fifty were sent up to Scotland in June, by the hand of Andrew Ker. Baillie wrote to Mure of Rowallan asking his opinion of those already in the hands of the Commission of Assembly, requesting him to send any/
any suggested alterations to himself in London or to the Commission at home. After the last fifty had been sent, he urged Lauderdale, who had returned to Scotland, to stir up the Commission's Committee for the Psalms to speed up their revision, as only the lack of their animadversions now hindered the printing.

On 14th November, the Assembly approved Rous's version as finally emended. The Commons authorised its printing, but not its public use, because the Scottish Kirk had still to send their comments on the completed copy. On 15th April, 1646, they ordered it to be printed, and after January 1st, to be used in all Churches. The Lords never concurred. They indulged in a fit of pique, because the Assembly had refused to sanction Mr Barton's Psalms. Mr Barton was their protégé and they made some effort to have the Assembly authorise his Psalms as an alternative to Rous's. Thus, before ever the Psalms came to the General Assembly of 1647, Scotland had been kept thoroughly acquainted with their revision, and had a direct hand in it. The comments which Baillie had solicited in November, 1645, had been sent, for in July, 1646, he states that the Scottish corrections "had been friendly received and almost all of them followed." When these were sent down, and when incorporated in the final printed text, it is difficult to determine.

In 1647, the General Assembly appointed a committee of four to revise the new metrical Psalter, instructing them to make use of the works of Mure, Zachary Boyd and any other in their labours, especially/

I. Baillie, II, 379.
especially our own Paraphrase (The Reformation Psalter). 'Any other' was a grudging permission to use 'King James' whose merits their best psalmodists recognised but whose political history was bad. Dr McMillan has shown that King James was considerably used by the revisers. One wonders sometimes if the enthusiasts for 'King James' overlook the fact that the economy of epithet and shortness of line of the Psalms make a common and coincident translation of certain phrases more than feasible. Some of 'King James' may well have found its way into the texts before 1647. Further Assembly instructions were:—'Because some Psalms in that Paraphrase sent from England are composed in verses which do not agree with the common tunes. Therefore it is also recommended that these Psalms be likewise turned in other verses which may agree to the common tunes, that is having the first line of eight syllables and the second line of six, that so both versions being together use may be made of either of them in Congregations as shall be found convenient.'

The revision was carefully done and supervised by the Commission of Assembly. The members of the Committee not only revised the portion allocated to them but revised each other revision. This revision was again revised by a Committee of the Commission on April 14th, 1648, and further, by other committees of April 20th and May 1st. The unsettled times possible kept the committee of April 20th from meeting fully and that of May was formed to see the work properly completed for the Assembly. The General/

2. Peterkin, 475.
General Assembly of 1648 enjoined that the Psalms be sent down to Presbyteries for comment. The Presbyteries' corrections were to be returned to the Commission who were to prepare a report for the next Assembly. These injunctions were carried out and the corrections received turned over by the Commission to John Adamson for examination and report. The Commission reported to the Assembly of 1649, but the Committee appointed to deal with the Psalms had their labours still unfinished when the Assembly rose; so power was given to the Commission to receive its report and "after perusal and re-examination thereof to conclude and establish it" and issue the Psalter for public use. The Commission spent November 20th to 23rd finally examining the much revised Psalter, and on 23rd November 1649, appointed it to be printed and published for public use. No other Westminster production endured such searching cross-examination in Scotland. If Scotland made these Psalms her own, it was only after rigorous tests as to the accuracy of translation and singableness of metre. She took them in with carefulness and maintained them with defiant affection for centuries.

1: Peterkin, 553.
Apart from his public work little is known of Rutherfurd's private life in England. His second wife, Jean McMath, whom he had married in April 1640, five months after his arrival in St. Andrews either accompanied him or followed later with his two young children. He mentions her in letter CCCVlll as being with him and under the care of a physician. Neither his nor his family's health was good in London, and there two children who had come up with his wife died. He fell ill through overwork and on at least one occasion took the cure at Epsom. All the other Commissioners managed to return home for a breath of their native air but the Kirk kept him at his post till November 1647 and he was only allowed to return home when all the "parts of Uniformity" were practically completed. In the earlier years of the Assembly there was an intimate social life amongst the members, and pleasant evenings were spent even with the Independents; he stayed long enough to see political feud destroy many personal friendships. He and Gillespie were inseparable, in some measure because they were thrown much together in debate but also because politically and theologically they were kindred spirits. The two men enjoyed a close friendship with Warriston which lasted all Gillespie's lifetime and

Note. I. Letter CCCX
on Rutherfurd's side till Warriston became a tool of the Protector. Never once in his letters does he mention Baillie though he writes with respect for Henderson, and with affection for Gillespie. Baillie seems always somewhat jealous of Rutherfurd's reputation as a scholar and his extravagant praise of Gillespie is perhaps a reflection of this. Rutherfurd, when his principles were at stake, could be cruelly intolerant but all the anecdotes preserved concerning him show that petty jealousy was a vice from which he was singularly free. An impulsive generosity in personal and private affairs was indeed one of his most lovable qualities.

A study of the work of the Scottish divines at Westminster dispels the fallacy that the great central figure was Henderson and that the others played assisting but relatively unimportant parts. In idolising Henderson, historians have done scant justice to his colleagues. For their work as a whole, these men made an admirably complementary quartet, of statesman, debater, theologian and intrigant - Henderson, Gillespie, Rutherfurd and Baillie. In Assembly debate, Rutherfurd and Gillespie were more active forces than Henderson. It is questionable if he could have brought any of the Directories as near to the practice outlined in his "Government and Order", without their debating and exegetical skill. However much
a Scottish Assembly might accept the ruling of Mr. Henderson, the Westminster Assembly were no such respecters of persons. Lightfoot, for example, listens with attention to Rutherford's exegesis, but is on occasion slightly impatient with Henderson's categoric assertions. The Assembly required the why and wherefore of all it enacted. Within the limits of Calvinist theology, and of Presbyterian ecclesiastical ideals, (widely enough interpreted), its members possessed open minds - more open than has been granted by the historians. A member was as ready to express himself satisfied with the 'proofs' of a fellow member as to express himself heartily dissatisfied with them. Lightfoot records incidents of English appreciation of Scottish argument. The ability in debate of the Independents was matched by the greater ability of the Scots, which succeeded in having the Assembly formulate standards of government and worship so closely in accordance with their own. These standards would not have so accorded, had not Rutherford and Gillespie been able to vindicate, by exegesis and debate, the theses which Henderson formulated.

"Had not God sent Mr. Henderson, Mr. Rutherford and Mr. Gillespie among them, I see not that they could have agreed to any settled government." I Baillie makes

(\textit{Note I:} Baillie, \textit{Vol.11,177.})
no unfounded claim. The Scots co-ordinated the Westminster divines from a mass of vague and variant Presbyterian idealists into a body accepting one common Presbyterian system. In this, the work of Rutherfurd and Gillespie was as vital as that of Henderson. In the game of Parliamentary intrigue and ecclesiastical opportunism, the Independents over-reached the latter and won. But in the Assembly, their casuistic arguments were met with others as casuistic and subtle. With no time limit set for debate, they found two opponents who could be as exhaustive (and as exhausting) as themselves. The tongue of Goodwin made no speech that Gillespie could not answer; the fertile mind of Nye could invent no distinctions that the mind of Rutherfurd could not counter. No small part of the contribution of Gillespie and Rutherfurd to the Scottish cause was the impress of their power of mind on the Assembly. Without this, Goodwin and Nye would certainly have drawn it much closer to Independent ideas. The brilliance and virulence of these was more than matched by that of the two Scots. Lightfoot’s Diary illuminates this. Even when he disagrees from it, he closely follows the argument of Rutherfurd or Gillespie. If anything, he reports the former more fully than the latter. His great interest was in exposition and exegesis—Rutherfurd’s forte. By Lightfoot he is always heard with interest and, if disagreed
with respect. He is the storehouse of theological argument, scriptural exposition and patristic lore for the Scots' cause. Gillespie was daily learning from him, using the knowledge with a quick, sure mind in the debates that ensued. It may be significant that he did not debate in the Assembly till after Rutherford's arrival in November, 1643.

No man of either nation was more assiduous or regular in his attendance at the Assembly debates than Rutherford. As far as can be gathered, he is the most voluminous speaker of the Scots, more so even than Gillespie. Although he arrived a month later than the latter, he stayed longest of all the Scottish Commissioners. Gillespie was absent in Scotland in the spring of 1645 and returned there three months before him. "Mr. Rutherford spoke ....... and there followed a large debate." Again and again, quite unconsciously, this is Lightfoot's comment after Rutherford has spoken. The Scotsman's syllogistic propounding of a question constantly set the Assembly debating. When not propounding syllogisms, he would be expounding Scripture to vindicate his case. He did both to effect. The later rigid anti-Erastian attitude of the Assembly shows how far along the pathway of his thought they had followed. Ashe, writing to Rutherford in 1657, refers to his former championship of the Presbyterian cause, and says, "You may be confident that many more eyes are upon you than any other
man in Scotland." The whole letter, apart from its diplomatic motive, shows that, even at this time, he was still regarded as the chief exponent of Presbyterian principles in England and Scotland. It was his work at Westminster that gave him such a position.

His first appearance was in the 'ruling elder' debate. The result was a formula, but one in which the Scots retained the substance of the office. By 1645, however, they had succeeded in having the eldership inserted by name in the Directory for Excommunication, and in some of the propositions of the Directory for Church Government. The Ordinance of 14th. March, 1646, was for "enabling of congregations to the choice of elders." This success was particularly due to the persistence of Rutherfurd in asserting and clamouring for the use of the term 'elder' in all propositions which concerned the office. Through his and Gillespie's efforts, the office of eldership was established, theoretically at least, in the Church of England. By their efforts also the propositions concerning the Presbyterian Courts worked through the Assembly. Gillespie gained the laurels of the debate, but Rutherfurd's diligent circulation of 'papers' outlining the Scottish arguments, is a background which cannot be overlooked. His penned dialectic was as powerful among the members of Assembly as the

(Note I: Consultations of Ministers, Vol.1,289)
spoken word of his colleague.

What outlining of the rights of congregational elderships exists in the standards of government is due as much to Rutherfurd as to any member of the Assembly. The 'paper' which the Scots had given in, concerning the privileges of individual elderships was inspired by him. It was fully in accord with the principles which caused him to advocate the sole right of the people to elect a pastor. In these, he was nearer to the Independents than any other member of the Assembly. The Directory for Church Government of 1645, which embodied the original propositions of 1644 (November), deals more fully with the congregational element in the Presbyterian system. This is due, no doubt, partly to the Independents. But that concessions were made to the latter, and that the English Presbyterian was brought to see the necessity of a certain congregational element in the Presbyterian system, must be attributed in part to the teaching and debating of Rutherfurd.

In the Directory of Public Worship, it was Rutherfurd's conception of Baptism, as public, yet unattended by any repetition of Creed, or elaborate Profession of Faith, which became established. In this he was at one with the English Presbyterians and prevailed on his colleagues to modify their doctrine, thus giving to his Church the form of Baptism which it now practises. Though Henderson may have been responsible for much of the
drafting of the Directory, Rutherfurd, as much as any other, piloted it successfully through the Assembly.

In the last great ecclesiastical matter which agitated the Assembly - the Church's right of Excommunication and its independence from the State - Rutherfurd, Gillespie and Warriston were the leading Scottish figures. Though unsuccessful with Parliament, these men certainly converted the Assembly to their principles. Through their propaganda, the Assembly underwent that change which caused it to become more assertive of its rights and privileges and of the Divine Right of Presbytery.

Outside the Assembly, Rutherfurd achieved fame by his literary labours. His stay in London produced four major theological works, besides two devotional volumes based on his sermons, and the papers which he must have written for circulation in the Assembly were innumerable. This was much more than the joint output of his colleagues. Baillie produced only the "Dissuasive from the Errors of the Time" and the "Historical Vindication of the Government of the Church of Scotland." Gillespie contented himself with "Aaron's Rod Blossoming," the Pamphlets against Coleman and the "CXI Propositions." Thus, while his colleagues were content to deal each with one aspect of Presbyterianism, Rutherfurd vindicated and expounded Presbyterian practices, principles, policy and politics in his several works.
All his works suffer from being written as controversial. He was always arguing syllogistically. Lengthy, diffuse and over-loaded with learning, they are formless and rambling, yet it is questionable if any Scotsman, before or since, has put so much thinking into the why and wherefore of his ecclesiastical doctrines. In one sense, he is less of a propagandist and pamphleteer than his colleagues: he does not write for the popular understanding, but rather for divines or those learned in Divinity. He was more prepared to counter volume with volume than pamphlet with pamphlet. Neither now nor in the later Protester-Resolutioner controversy does he seem to have cared for a semi-public literary dispute like the Gillespie-Coleman affair. He was ready enough to teach his doctrines from the pulpit but this he considered his pastoral duty. Argument was not for him conclusive unless backed by cumulative proof and there was little scope for such in a chap book.

By a strange fate, the man who shows least personal rancour of all the Scots at Westminster, is stigmatised with possessing most of it. The only place where this rancour appears is in the "Preface to "Lex, Rex" and that to the "Survey of the Spiritual Anti-Christ," where Maxwell and Burton respectively are the victims of his pen. In the works themselves, the subject is far too engrossing for him to pay much attention to the person
of his opponent. "Popish Prelate" here and there throughout his work signifies hardly anything in the age in which he wrote. There is ample reason to believe that, though he attacked the Independents in Assembly, and in his books, he was the most friendly of the Scottish Commissioners towards them. In his works and in his Letters, he speaks of them very highly. His rancour was always to be more political than personal. Maxwell is more hated as prelate and popish than because he is Maxwell. One could hardly say that Salmasius was abhorrent to Milton, more because of what he wrote than because he is Salmasius, a 'scoundrelly worm' who has dared to oppose the mighty Milton. Not even in his most bitter preface does Rutherfurd descend to personal scurrilities.

There is no doubt that Rutherfurd's works made him the leading exponent of Presbyterian thought in London. The "Jus Divinum Regiminis Ecclesiastici" of the Ministers of London only asserts doctrines which he had expounded in Assembly, in circulating paper and in his published work. Compared to the Smectymnuan treatises, the "Jus Divinum" shows the advance to a more rigid doctrine which the English Presbyterian had made under Scottish tuition. That the Parliamentarians at the time of the "Humble Petition and Advice" (1657) could reissue "Lex,Rex" (under a different
title, for the Scots and especially its author were not persona grata to Cromwell) argues that its principles found many supporters among the English Presbyterians.

One thinks of Rutherfurd at Westminster as the mind behind all his colleagues' efforts - not the mind directing these efforts, that was Henderson's - but the mind supplying them with argument, supplying them with written papers for circulation, supplying them with all the material of propaganda. He was the store house from which they drew. His spiritual home was the Assembly. He attended so regularly in the first years because he loved it. The speculations which wearied Henderson exhilarated him. It was only later, when political chicanery became intermingled with the Assembly debates, that the gusto with which he would assail Nye (he could dine with him afterwards) developed into a feeling of acrimony. Of the last acrimonious year and a half, Rutherfurd himself was weary.

When one considers his learning, his work in the Assembly by pen and tongue, his tremendous literary output, his reputation amongst men who were themselves the best scholars of a great nation, Rutherfurd must be recognised as the Scotsman who did most to bring the English Presbyterian as close to the Scottish standards as he ever came. Henderson may have formulated these standards originally. Rutherfurd, as far as ever it was
done, brought them to the Englishman - or the Englishman to them.

The task set the Scottish ecclesiastical Commissioners at Westminster was successfully fulfilled by them as far as the Assembly was concerned. They brought its members to agree upon and complete standards of doctrine, worship and government. They might have succeeded in imposing them politically - had Oliver Cromwell been a Scot.
Two outstanding events filled the Scottish scene when Rutherford was in London, the campaign of Montrose and Charles' surrender to the Scots with their subsequent rendition of him into English hands. It is needless to narrate in any more than outline events which ruined the faith of the common Lowland folk in the cause of a Stewart king, for later when they supported Charles II it was but half heartedly and with a dubious and watchful eye. The sullen suspicion which greeted Prince Charles Edward and added few Lowlanders to his numbers was due in no small measure to the traditional memory of the behaviour of a former 'Highland Host'.

The career of Montrose is the exposition in action of his character. In February 1638 James Graham, Earl of Montrose, mounted on a barrel, loudly denounced Episcopal tyranny and Royal oppression. James Leslie, Earl of Rothes, 'old, wise and canny, remarked "James, you will never be at rest till you are lifted above the rest on three fathoms of rope." He possessed a good measure of the 'vaunting ambition which o'erleaps itself'; he had the generosity of the aristocrat, and like Warriston, the terrible sincerity of the man whose vanity can encompass his own self deception; his steadfastness was undoubted but tinged with the quality of the man too proud to turn back when to do so is both wise and politic. He was a great soldier and a fine tactician; as also was the man who beat him, and David Leslie, as able a warrior, has had to bear vilification and depreciation of his real military talent, perhaps as much because he wrecked Montrose's military career at Philiphaugh, as because careless field-officers lost him Dunbar when his/
his strategy had Cromwell on the run. Montrose's early practice of politics was somewhat inglorious. Between 1638-1643 he intrigued constantly against Argyll. As has been seen he had circulated wild aims statements concerning the latter's political/which had won himself a prison cell and brought the author of the 'leasing' to the block. If he believed the statements on Argyll's dynastic ambitions he was remarkably credulous, if he did not, he was guilty of using them; if he believed and used them he was both credulous and impolitic. He had urged Charles I to come to Scotland and counselled him to use moderation Policy as much as principle dictated the advice. He wished Charles to have 'wise counsellors' of whom he certainly was to be one, if not chief; but it is highly questionable if Scotland under Montrose would have been any better governed than under Argyll. After the Incident there was no future for Montrose with any of the parties, Campbell or Hamilton, and even in England there was an initial reluctance in his employment as a Royalist captain. Why was a man now so romantically idealised in his own day so suspect by all parties? Was this due to his political standpoint; if so what was his political standpoint?

Lord Tweedsmuir makes Montrose a conservative Covenanter with moderate Royalist views and fixed constitutional principles. "He has much in common with Samuel Rutherford whose Lex Rex, published in 1644, lays down the thesis that sovereign power comes from the people who may in time of necessity resume the power." The two men had nothing in common. Lord Tweedsmuir's expositon of Montrose's "Essay on
Sovereign power" is often idyllic misinterpretation and judicious omission. Montrose in the Essay held the 'meaner people' - even the phrase is arrogant - incapable of being entrusted with power and absolute monarchy a worthier institution than democracy. "The effect of royal power restrained is the oppression and tyranny of subjects. The people under extended power (royal tyranny) are miserable but most miserable under restrained power." The emasculated cure he offered for despotism reads: "The effects of the former may be cured by good advice, satiety in the prince or fear of infamy or the pains of writers; or by some event which may bring a prince to the sense of his errors; and when nothing else can do it, seeing the prince is mortal, patience is a sovereign and dangerless remedy." What a justification! When did a tyrant listen to good advice or allow a free press? Did Charles? Are the morsels of freedom only the replete spew of a tyrant? Where is the common ground with Lex Rex? Montrose counselled moderation in the monarch but, despite some vague theorising on law, that moderation is a politic dependency on the ruler's supreme will. Montrose was an aristocrat disliked by his fellow feudalists, a Covenanter hated by the Covenanters; an imperious temper and vain spirit had much to do with the distrust he encountered. Nothing could be more naif than the close of the "Essay on Sovereign Power." He first of all appealed to the nobility to support the King against a mutinous and cut-throat commonalty. "The people jealous of their liberty, when you deserve best, to shelter themselves will make you shorter by a head or serve you with an ostracism. If their first act be against kingly power
their next act will be against you. For if the people be of a fierce nature they will cut your throats as did the Switzers of old; you will be contemptible as some of the antient houses in Holland are, their very burgomaster is the better man; your honours - life - fortunes stand at the discretion of a seditious people." In the next paragraph he appeals to the people to support the King against a rascally gang of wicked barons. "Do ye not know when monarchical government is shaken, the great ones strive for the garland with your blood and your fortune? Whereby you gain nothing; but instead of a race of kings who have governed you two thousand years with peace and justice, and have preserved your liberties against all domineering nations, shall purchase to yourselves vultures and tigers to rule over your posterity." Such a method of argument was hardly likely to win either vulture baron or cut-throat people to Charles's cause or endear Montrose as a national leader. The ending gives the Essay a tone of patent insincerity, of an attempt and a ludicrous one to play both sides against each other. Nobles' party and people's party were to be at strife soon enough; at the moment Montrose's actions joined them more closely against a common foe; his Scottish supporters were only a handful of personal friends. He hated Argyll, he despised Hamilton, he distrusted the clergy, he scorned the people, Charles was his only hope of glory and the anti-Campbell clans his only hope for an army.

Thus after the rather niggard employment of his services in

1 Montrose 405
2 Montrose 405
England, Montrose, after an abortive attempt to raise the South, turned North, alone, to raise the standard of his King. No Scotsman will doubt his valour, his daring and his prowess. He united Colkitto's Irish and the Atholl Highlanders and with his friends among the Ogilvie and Napier families as a staff, formed his army. Huntly's 'feckless' stirring had been already crushed and he got but little help from the members of that clan. He beat several Covenanting armies out of the field. Tippermuir, Aberdeen, Auldearn, Alford, Kilsyth, victory after victory followed in swift succession, till the "Committee for the management of the War" tired of Argyll, of Baillie, and of itself as military commanders, sent for David Leslie. Leslie swept north with his cavalry, learned at Gladsmuir of Montrose's whereabouts, appraised the situation, moved immediately to the attack and surprised and routed the master of surprise at Philiphaugh. Montrose had a good position but inferior forces and had been caught unprepared. His army at the moment of his defeat was stowing away the summer's plunder.

The pillage and atrocities of the campaign had economic and political repercussions, some immediate, some continuing for a century. In the North clansmen had looted clansmen, dirked their foes and burned their houses for centuries. Argyll had on sundry occasions behaved no better than a cateran avenging an old feud with the Covenant as a pretext. But he had left the centres of civilised life unharmed and had vented his spleen, malevolently and maliciously enough for a man who had progressive ideals, on the age old enemies of the Campbell clan. For years the burghs had been enjoying a civic life of their own.
own, in which trade and some crude manufactures were slowly but peacefully developing. To pay his forces Montrose let them loose in the burghs, on the meaner people he had claimed he was saving from the vultures and tigers. Neither the craftsman in the town, nor the poorest country hind was safe. The man who bears this evidence against him was a Royalist. Not only did he loot Aberdeen; Colkitto returned and mulcted the city for £10,000 which he forced the merchants to pay. As Spalding, the Royalist, describes the campaign the word 'plundering' flows often from his pen. Even after Aberdeen his army of Irish and Highlanders looted with persistence, raped with impunity, and slew with ferocity, in Aberdeen, Banff, Brechin, Dundee and numerous villages cursed its passing. "He comes and camps in the Birse still plundering wherever he goes." Patrick Gordon, of Montrose's own party, refers to the brutish uncleanness and filthy lust of the Irish: "They killed men ordinarily with no more feeling of compassion and with the same careless neglect that they killed a hen or a capon for supper." "The poor were stripped naked in the street. He loosed a horde of ruffians, nominally Roman Catholic, actually little better than savages on peaceful Presbyterian communities, murdering their men folks, on proved occasions their women folk and ruining their business and destroying their trade. Can it be wondered at that he left a legacy of hate? The Highland gillie - a Campbell - whose "heart was with the great Montrose" doubtless gave way to an atavistic impulse of admiration for a great leader of caterans. When Leslie took the Irish at Philiphaugh the Scots had the memories of the Ulster devilries on their

1 Spalding. Memorials 11 472
2 Spalding. Memorials 11 452.
kinsfolk, the Aberdeen atrocities, the burgh lootings, scattered but numerous acts of rape, murder, and pillage, all in a blood mist before their eyes. It seemed that these people were fiends or breeders of fiends, and that the only possible course of action was their extermination. So they were exterminated. A bitter sentence! One which must be regretted by the Church which allowed it, but which a whole nation felt to be cruelly deserved. Professor Hume Brown - a just historian - writes: "The only visible result of Montrose's year of victories was that it imparted into the strife of parties a spirit of vindictive ferocity of which the coming years were to see the lamentable effects. Thenceforward, the deterioration of Royalists and insurgents alike becomes every day more visible. Principles are lost in passion, the moral sense of the nation is distorted and seared by disingenuous pleadings and repeated acts of cruelty; and victory at all costs becomes the aim of each faction. To this debasement of the national character nothing contributed more than the futile and ill-judged enterprise of Montrose."

Ever picturesque, Andrew Lang draws the picture of the Covenanters as "ravens rowping for blood." Apart from the hounding down of the Irish, not so very much blood was shed. A few leaders including Sir William Pollok, Sir Robert Spottiswood, Sir Philip Nisbet, were executed in that brutal hour of reprisal that follows victory. There was some vituperation in some pulpits, but if Mr. Lang can commend Crawfurd's "practical ideas of throat cutting:" surely Churchmen, being

1 History of Scotland ii 335
but human, may be forgiven some vituperation of bloody men who had been notoriously bloody. Warriston's imprecations did not move the Estates to mass slaughter nor did the Church demand it. The Act of St. Andrews passed 6th January 1646 was remarkably lenient to the convicted rebels, far more lenient than the English Parliament's confiscations and sequestrations. It was a milder predecessor of the Act of Classes. Rebels were divided into roughly three classes; those who fought all the time, those who fought some of the time and those who aided and abetted. The fines varied from six years' rent for the most inveterate of the first class to half a year's rent for the last. The first class were deprived of State and civil office, but only until peace was settled, the second class till Parliament thought fit to reinstate them, the third could be retained in office if their judges so decided. As far as place was concerned an American Government and its supporters going out of office for a long spell loses as much as Montrose's party in 1646, for civil as well as state offices often change hands. The fines were carelessly collected and the money was often not there to collect. A law was passed enabling the sale of heritable property to pay fines which caused some litigation. Land was constantly changing ownership in these years, yet a great deal of this was due to the bankruptcy of the country and how much was due to the levied fines is difficult to determine. When they had executed a few minor leaders the nobles and barons stayed their hand, not because of any scruples at blood letting nor because of any so called bloodthirsty demands from the Kirk which revolted them/
them, for feudal Scotland had lived too much in blood to turn white at its colour, but because they were becoming suddenly aware of the new voice of the land, the voice of the people. It behoved these worthy gentlemen whose fathers had headed, hanged, assassinated, robbed, and exiled each other to close their ranks against the threat of a people whose voice was at present in the Kirk. Expediency and an awakening class consciousness tempered reprisals.

The Kirk was displeased with the lenient treatment of the rebels and the Commission of Assembly petitioned and protested against it. In fairness to them let it be remembered that the common people, of whom most of them were, had suffered most in the rising. The plundered laird had still his land, the burgher, farmer and cottager often lost their all and they were entitled to claim compensation from the workers of their ruin. Something of this was in the mind of the Commission and voiced in their protest of July 1646. It was no howl for blood; it asked the Estates to be careful whom they admitted to pardon and office and requested public justice lest "men seeing themselves disappointed of the public justice of the kingdom will thirst after revenge in a private way." In August the Commission asked for the enforcement of the civil sanctions by law inherent in the sentence of excommunication; they were seeking to achieve their object by the very dubious weapon a Covenanting state had put in their power. Still their last protest on the matter made no outrageously sanguinary demands. "We shall only desire that all such as have been involved in the rebellion may be kept from places of public trust, whether civil/
civil or military, and that you will take such course with them in moderating their power and regulating their carriage as that it may be known that you put a difference between those that have served God and their country, and those that have opposed them in the public cause."

Those who managed the affairs of the country were sorely tried men. Argyll was trying to reshape the Estates on democratic lines; the feudalists were beginning to react. The land was in a bad economic condition. As early as 1628 the country had been practically bankrupt and the Privy Council informed Charles that the Exchequer was empty. Montrose's rising had destroyed and disrupted trade and further ruined a ruined country. Land tenure was in a state of flux. The government had a foreign war on their hands and an army to supply and pay. These problems presented a Sisyphean task which would have defeated many a better administration than Argyll's strangely assorted Committee of Estates. Moody and subtle, he had a rough idea of a better shape of things to come but it was often surrounded by a mist of clan prejudice and feudal inhibitions. On top of all this the Scottish Estates were suddenly faced with the added problem of Charles himself. Charles rode into the Scottish camp at Newark in May 1646 enticed by false promises, only to be abandoned by his countrymen in February 1647 when his usefulness as a hostage for their arrears of Army pay was ended. Such is the verdict of that fervent Scotsman, Mr Andrew Lang. He tells us: "While he was thus offering himself at

1 Ass. Com. Rec. 1, 120
auction, with reservation of conscience, to the highest bidder, he meant to keep his terms with the highest bidder." Charles did nothing of the sort. He was, as Trevelyan writes, "temperamentally incapable of coming to an honest agreement and abiding by it." What can be said is that all the parties concerned, Charles, the Scots, the English Parliament and the Army, were engaged in a good deal of Machiavellian dealing and jockeying for position. Expanding Gardiner's statement that the Scots were somewhat unscrupulous in their dealings with the King, Lang asserts that the Scots deliberately enticed Charles to hold him as a hostage for their pay. The collector of fairy tales makes his chief authority Montreuil, a Jesuit diplomatist who lived in the faith that every man had his price. The story told is that the Scottish Commissioners promised honour, safety and respect to Charles whilst with their army, and that if the English Parliament refused, upon a message from the King, to restore him to his rights, they would declare for the King, and take his friends into their protection. Significantly the evidence comes from Montreuil who conducted the negotiations. A successful treaty with the Scots would have been a great achievement for a minor diplomatist; his failure was a bitter personal disappointment. He never understood the Scots. When negotiations turned out far other than he expected he blamed the Scots for giving a false lead. Charles knew that the Scots would be content with nothing less than the establishment of Presbyterianism and enforcement of the Covenant. He indeed wrote to

---

1 Hist. of Scot. 111, 173. (Sec. Ed. 1942).
2 Hist. of England 419, (Sec. Ed. 1942).
the Queen on the 21st April, "The Scots are abominable relapsed rogues
for Montreuil himself is ashamed of them." 1 Why the 'for'?  But
on his own showing he knew the hardening Scottish attitude before he
rode into their camp and he rode hoping to sow dissention among the
Scots and between them and their allies. As for the message referred
to by Montreuil, the only message to an English Parliament which
would have put the Scottish army at his back would have been a demand
for the complete establishment of Presbyterianism. Montreuil, a de¬
feated diplomatist, was apt to write with the ink of sour grapes.

Charles was treated in the Scottish camp with more honour, safety
and respect than he afterwards received from English hands. The
subsequent discussions and negotiations of the Scottish commissioners
with Charles at Newcastle centred round his taking of the Covenant and
its practical implementing in both Kingdoms. Argyll made a journey
to London "to do my service." 2 The phrase and the journey have been
found enigmatic. Argyll was seeking to keep peace between both
nations whilst negotiations with Charles were in progress and he
wished that peace to continue even after they had been completed. He
hoped to bring Charles to assent to the establishment of Presbyterianism
in both countries; as his Westminster speech shows he visualised a
closer union between Scotland and England through the ties of race,
religion and parliamentary government; each country would be master
in their own religious and political house and the similarity of the
institutions would be the guarantee of alliance. He pressed for a
Presbyterian England but asserted its freedom to choose its own form of
Presbyterianism with toleration for all decent Independents. He

1 Charles I in 1646, (Camden Soc. 36)
2 Thirl. 4.8.
would also have liked a closer economic relationship between the two countries. He hoped to bring a docile Charles to London and settle the whole matter in these terms. But Charles resisted Scottish pressure and Parliament, faced with the growing threat of the Army, made no obvious response to Argyll's pleading. He returned with little accomplished, either for Charles or the Covenant; it was practically impossible that he could have achieved anything which would have suited or united the interests of both.

Charles at Newcastle watched events with interest and wrote to the Queen: "My opinion upon the whole business is that these divisions will either serve to make them all join with me or else God hath prepared the way to punish them for their many rebellions and perfidies."

Argyll was less subtle than even his enemies credit him with being if he did not perceive Charles's duplicity as he kept on playing for time. Meanwhile negotiations for the payment of the Scots army were also proceeding and the votes passed through Parliament in August to September 1646. The Scots were to receive £200,000 and they were tendenciously promised £200,000 more. Long after these votes had been passed the Scots kept trying to make a Covenanter of Charles, with no success. The Commission of Assembly issued a warning against the King's entering the country without first taking the Covenant; a hard and bitter document, but no other course of action was practicable. Hume Brown sums up the situation thus: "With regard to the person of the king the Scots had three alternatives before them. They might put him at liberty to go abroad; they might carry him with them to Scotland; and they might surrender him to the English Parliament. To have permitted/
permitted him to go abroad would in all probability have involved the renewal of civil war at no distant date, as Charles had already been long in negotiation for the assistance of foreign powers. To have introduced him to Scotland would have been an act of madness on the part of the Scots, which would have endangered every advantage they had gained at such expense of treasure and blood. Charles had refused to accept the one condition on which they would have him as their king; and his presence in Scotland, as the past had already proved, would have been a source of disturbance which would have been fatal to the existing settlement. The alternative of handing him over to his English subjects was, in truth, the course which the interests of both kingdoms peremptorily demanded. The English Parliament had given the Scots clearly to understand that their refusal to put the king in their hands would be regarded as a declaration of war. The Scots had let Charles know that they would gladly abide this threat, if he were willing to accept their terms; but to fight for Charles on his own conditions would have been to stultify and undo all their action of the last ten years. To the last minute the Scots tried to come to an agreement with the King, as is witnessed by the Estates Declaration of 16th January 1647. Charles, still double-dealing, refused their terms, so he was surrendered and the English swore to the Scottish stipulations that "no harm, prejudice, violence nor injury be done to his royal person" and that his Posterity in nowise be prejudiced in their lawful succession to the Crown and Government of the Kingdoms. Who was the most perjured events were

1 Hist. of Scotland ii 340-341
to show, and even at this hour not the 'dourest' Covenanter would have surrendered a native prince to an English headsman's axe - not even Warriston. If Charles had taken the Covenant the Scots would have been involved in war because it was unlikely that the Army would stomach a Presbyterian England. Argyll had hoped to avoid this by producing from the North a constitutionally minded and Presbyterian Charles who would be acceptable to the majorities in both kingdoms. In this manner he hoped not only for peace but for a closer union. His methods were no worse than those of his contemporaries. He put what pressure he could on the captive Charles, there was always the veiled threat of the Scottish Army in his dealings with England; no side with a trump card scrupled to play it; he would have been a fool to neglect the ones he held. There was a Presbyterian party in England; the Scots were not forcing their own religion on another nation but mistakenly sometimes rather arrogantly seeking to aid, cajole, or coerce the English Presbyterian to establish his faith. They were wrong, but so was the Independent, so was the Episcopalian, for it was found impossible ever to make England completely Congregational, or completely Episcopalian, or completely Presbyterian.

Aside from the two great central events internal affairs in Scotland between 1643 and 1647 presented a bewildering and enigmatic complexity. Scotland was governed nominally by the Estates, but ruled by the Commission of Assembly. Opposition from the latter body could make any legislation ineffective and any enterprise a fiasco - as happened in the Engagement. The Commission's power lay less in its weapon of Church censures than in its amazingly competent propagandist machinery/
machinery; the pulpit and the presbyterian system formed superlative disseminating agents with tenacles in every corner. The Estates could issue an occasional Declaration and pamphlet but outside the larger centres of population they were hardly vocal. The Marquis of Argyll was the Kirk's greatest pillar and opinions vary as to whether he led the Commission or the Kirk led him. They were for a great part of the Covenanting journey in mutual agreement, till the accession of Charles II in 1649 complicated the issue, split the Kirk and drove Argyll somewhat reluctantly into the Resolutioner party. Argyll is a historic enigma; he stood with one foot in the past, the other in the future; he was a Highland chief and a Lowland statesman; he was a feudalist with democratic ideas; he could see beyond his own age but could not rise above its passions. He planned and formed a more constitutional system of government but descended to feudal intrigue; he at least visualised a strong administration but engaged in looting in the North, though clever enough to have his harrying legally sanctioned as a punitive expedition. In his support it may be said that he could only break feudal power with its own weapons, but in doing so he was not above paying an old score. Scotland legally, socially and agriculturally was still in the feudal age and he made a distinct effort to redeem her from it. He democratised the form of the Estates helped by his alliance with the Kirk. The years 1643-1648 saw the beginning of the feudal reaction against what was being achieved; the Engagement was the culminating point of the first reaction. Later Glencarn's Rising was a protest against Cromwellian treatment of the feudal baron. The final reaction against Argyll's/
Argyll's reforms came at the Restoration with the Act Recissory, but they did not all perish. At the Revolution his system was restored and gave life to the Scottish Parliament just before it passed out of existence as a separate entity. The reforms he initiated are worth a moment's notice.

Till the 17th century the Scottish Estates were little more than a Parliament in name. They met to appoint the Lords of the Articles who dealt with all the agenda of legislation, then met again to witness the Crown's assent to the Articles of legislation proposed. An Act of 1640 placed the initiation, discussion and conclusion of the legislation in the hands of the House. The example of free debate in the General Assembly had undoubtedly some influence on the passing of this Act. Laws were passed in 1640-41 to secure true election to the Estates. The eldest sons of peers who had the right to sit in Parliament without vote had this right withdrawn. The Church was banished from the House as an Estate though the Clerk of Assembly and the Agent of the Church was allowed to sit without vote. The office of Treasurer was abolished and put in the hands of a Commission of four. The Lords of the Articles were chosen equally, and made up of from six to eight members, from each Estate; their autocratic power of initiating and controlling legislation passed and they became a general business committee of the House, and even in this the freedom to elect 'ad hoc' committees now given to the House took more power out of their hands. Fines for lateness and absence were imposed. All grievances were to be heard "in plain and open Parliament" for backstairs/
backstairs methods had been a commonplace of feudal litigation in the Lords of the Articles. Parliament gained a new dignity by the opening of the new Parliament House in 1641, and became more procedure conscious, as witnessed by the greater care taken with minutes, records and registers. In the twinkling of an eye between 1639 and 1643 the Scottish Estates passed from legislative impotence to constitutional power. As long as the Estates were a nonentity and the nobles controlled the Lords of the Articles they cared little whether or not they were in a majority in the House. Their first recorded majorities are in 1643, 1645 and 1648 - significant fact. To serve their interest the feudal party was 'playing' the new constitution and packing the Parliament, they were driven to use the constitutional form to secure feudal ends. Professor Sandford Terry writes: "But whatever the inspiration the development of Parliament's constitutional powers in the short space of little more than three generations is almost startling. From being an silent Chamber of registration it developed into a Chamber of legislation and debate. It purged itself of those who had no claim to represent either the hereditary or elected Estates. It developed a procedure to meet its newly acquired constitutional powers. It obtained the control of its own membership regulated the constituencies and guarded the franchise. It qualified itself in a word, by development of three generations to share the traditions of the Parliament into which by the Union of 1707 it was merged - traditions which had been the slow growth of centuries."

1 The Scottish Parliament 1603-1707, 162
The reforms mentioned were practically all mooted between 1639-1643 though the commonwealth and the Restoration nullified them for a generation. If Argyll was, as even his detractors assent, the moving spirit in these years then he must have been the chief inspirer of the reforms. The secret enthusiasm of his moody, tortuous and perplexed mind was not military renown but the establishment in Scotland of a properly ordered constitutional state. He was always friendly to Rutherfurd the democratic theorist. Events betrayed him into a brief dictatorship; ecclesiasticism sometimes clouded his statesmanship; beside Montrose his light is a pale gleam, but he loved his nation more truly and achieved more for her in the end. He put her on the way to democratic life.

Although Argyll procured a constitutional form of government for the nation, much more was needed to restore its bankrupt fortunes. He failed to bring it economic competence; some of the circumstances causing that failure were entirely beyond his control. Scotland was already bankrupt; Montrose made the land a ruin; the taxes for the upkeep of the Army made Argyll, an unpopular figure and helped the Engagers temporarily to turn public opinion a little towards themselves. If he received any of the English money it was spent in the service of the Scottish state for by 1652 he was deeply in debt, and nobody could accuse him of riotous living. He was unable to retrieve his own or his country's financial fortunes although he had the vision to see that economic salvation lay in fair and free trade with England. Some desultory attempts were made to deal with the hapless state of the/
The land. Argyll established new industries in his own county; an effort was made to reform the excise, more perhaps in the interests of filling the Exchequer than of fostering trade by tariff reform; Acts were passed to ensure commercial honesty, e.g. "Anent the loyal packing of herring"; "against the mixing of lead with tin," etc., Economic legislation was rudimentary and dealt with local and immediate needs such as the controlling of the coal and salt export trade; often it was neither beneficial or far seeing. A national economic curative was beyond Argyll's power.

The hand of the Kirk is seen in his social legislation, even in the economic in such acts as those abolishing Monday and Saturday markets. Laws were passed for the establishing of schools and the planting of kirks; Sunday drink traffic was curtailed; divorce laws were clarified; old acts were revived and new acts formulated for the punishment of blasphemy, swearing, drinking and mockery of piety, and the fines levied were intended to be put to pious uses; the penalty for blasphemy was death - it was only once inflicted, and in a later age. The Kirk supported the upkeep of Leslie's army and numerous acts imposing taxes for maintenance, and controlling enforced billeting are found in the Statute book. But land was the great preoccupation of the Scot. Numerous acts were passed concerning the disposal, forfeiture and control of heritable property, and for one act of national legislation there are scores of ratifications of tenures, charters, privileges and titles. Thousands of these can be found in the decade under consideration. Feudal government could be rooted out more easily than the feudal land system.

1 Vide Acts of Parliament 1640-49
If Parliament was passing, formally, into a democratic body the Church was developing into what was suspiciously like an oligarchy with the Commission of Assembly as the oligarchs. The Commission's power was controlled to a certain degree by the Assembly which laid down its functions and outlined their scope and to whom it had to account for all its transactions. As the members of the Commission were always members of the Assembly and during its sitting managed its business in various sub-committees and through unofficial cabals this control was more nominal than real. Yet since the Kirk till the aftermath of the Engagement - the Act of Classes, the execution of Charles and the Public Resolutions - was united in policy, and dissenting voices easily suppressed the Commission was an administrative body, certainly enjoying very great powers but reflecting the will of the majority.

Dr. Mitchell thinks that as the Commission was constantly in session it was susceptible to impulsive action, sometimes bordering on panic in its dealings with sudden crises. It may be so for when Gillespie became the leading power in the Commission there was some ill-considered and bad-tempered action. Yet however virulently the Commission pursued certain courses it acted often with resolution, dignity, and, despite its detractors, humanity. Between 1642 and 1648 it was the greatest power in Scotland.

The Commission was created in 1642 "for public affairs of the Kirk and for prosecuting the desires of the Assembly to his Majesty and the Parliament of England." It was found a highly useful body, and though there were misgivings, it was decided to continue it. Baillie recorded that "The Commission from the General Assembly which before/
before was of small use (referring to James VI and 1597) like to become almost a constant judicatory and very profitable, but of so high a strain that to some it is terrible already." The chief objection to the Commission, in Scotland and elsewhere, was the judicatory powers which it exercised. Instead of being curtailed these were enlarged by succeeding Assemblies of which the Commissioners were leading members, so that some of them hesitated to use the power with which they were entrusted. Power was first liberally granted to the Commission by the Assembly of 1643 to enable the speedy implementing of the Solemn League and Covenant. The quorum was fixed at fifteen of whom twelve were to be ministers. The enabling Act runs: "And gives and grants unto them full power and Commission to consider and perform what they find necessary, by Praying and Preaching, by supplicating his Majesty and all Judicatories of this Kingdom, by Declarations and Remonstrances to the Parliament of England, to the Synod of Divines in that Kingdom, by Information Directions and Instructions to and continual correspondence with the Commissioners now designed by the Assembly to go to the Synod of Divines in England, or by any other lawful Ecclesiastic ways for furtherance of this great work in the union of this Island in Religion and Kirk-government and for continuance of our own Peace at home and of the common Peace betwixt the Nations and the keeping of good correspondence with the Kirks of this Island." Power was also given to concert with the Lords of Council and the Estates in Convention Parliament in Committee

1 Letters 11 55
2 Peterkin, Records of the Kirk, 360
in all this, and also to command and enjoin the subscription of the Covenant, to proceed to judge and censurate non-subscribers and to direct sessions, Presbyteries and Synods in the proper course of action. The Commission had also power to call an Assembly 'pro re nata'; all this "with as ample power in all matters particularly or generally above mentioned as any other Commission of General Assembly has had or been in use of before." In the Assembly of 1644 the Commission's powers were renewed and its numbers increased but its former proceedings were not sanctioned; "in respect of the present condition of affairs in this Kingdom their proceedings cannot be examined at this time." A direction regarding visiting St. Andrews University was, however, recalled.

On 28th January 1645 the proceedings of the two past years were approved and the Commission, with the same powers, renewed. From the printed Acts of the Assembly of 1645 it is clear that much of the Assembly's administrative work is being put into the hands of the Commission. For a Church setting itself in order, organising its resources and committed to a crusading foreign policy such a Commission with extensive power of immediate action was a vital necessity. The Commission made full use of its powers. It became a Presbyterian 'Court of High Commission' exercising very similar powers to that hated English tribunal; it showed small scruple in dictating to Synods and Presbyteries on local as well as national affairs and in overriding their judgments. Hasty acts of discipline were perpetrated by some sparsely attended meetings so that in 1647 the Assembly decreed that

1 Peterkin, 407.
"ministers shall not be deposed but in one of the quarterly meetings of this Commission"; yet in 1648 impossibly to deal with the brow-beaten but still truculent Engagers the Assembly declared "that all opposers of the Authority of this Commission in matters entrusted to them shall be holden as opposers of the General Assembly itself."

By 1648 its faults were blatantly apparent, not only was its hand heavy but its composition lent itself to ecclesiastical manoeuvre. "There is too great a change of persons and too great an addition of men who have never been members of any Assembly; also their power is too much enlarged even to process all who oppose their orders as well as of the General Assembly." As the Kirk became less National and more partisan packing the Commission to secure a favourable decision became a common practice. It was this Commission with its opportunities for intrigue which manufactured ecclesiastical careerists like Patrick Gillespie and James Sharp. Those abroad began to view its behaviour with concern; Spang wrote to Baillie in March 1649 "Generally the great power whilk the Commission of the Kirk exerciseth displeaseth all: It is but an extraordinary meeting and yet sits constantly and more ordinarily than any Synod; yea and without the knowledge of provincial Synods and Presbyteries deposes ministers, enjoins, 'pro authoritate', what writs they please to be read, inflicts censures on those who will not read them. If the Kirk of Scotland look not to this in time, we will lament it when we cannot mend it. They say four or five rule that meeting; and is not the liberty of

1 Baillie 111 65
the Kirk come to a fair market thereby?". The Commission comported itself as a court, of the church, on one occasion as an ecclesiastical 'justice ayre'. To deal with Montrosian sympathisers in the North it sat in Aberdeen from May 12th to May 26th 1646. Ten ministers were deposed, eight were suspended, some were rebuked; many of the laity were made to appear, confess and repent, some were excommunicated. So many were brought in that a set form of confession had to be drawn up. Thus the more isolated provinces were made to feel the weight of its hand. Grimly they punished; any compliers who, once pardoned became 'mockers of repentance' were dealt with severely.

The Commission was the ear and mouth of the Kirk, the disseminator and director of her public policy. An intelligence system was devised, incomparably superior to anything the Estates could command. Each Presbytery had a corresponding member who received information from, and passed on information to a specially appointed member of the Commission. Control was exerted over purely civil affairs. The burghs of Glasgow and Aberdeen had elected magistrates deemed unsuitable by the Church; by constantly dunning and petitioning the Estates the Commission had these elections set aside by Act of Parliament. The burghs resented the ecclesiastical interference. Through their London representatives the Commission suggested to the English Church how she should order the province of Northumberland by creating a presbytery and abolishing the Monday and Saturday markets at Newcastle. The Statute Book shows the success of their petitions to Parliament for a more severe moral legislation by its acts against

1 Baillie iii 81
adultery, incest, abortion, sorcery and rape; and against the excommunicate, beggars and moss-troopers, but only in the matter of sorcery does the law appear to have been hounded beyond the utmost boundaries of justice and mercy by the insistence of the Kirk. If it was hard, the Commission, in its early years, sought to be impartial. Great and small alike had to appear and confess before those who had been out with Montrose, or had refused the Covenant, or had signed Seaforth's band were 'relaxed' and enabled to hold public office. This was in measure a political control. If an outlaw was unrepentant the writ to the Synod and Presbytery ran "We decree and ordain the persons before designed to be summarily excommunicated." The garrison of Inverness sent to the Commission asking them to speed up Parliament in sending their supplies. When Estates and Commission agreed a letter was sent to ministers enjoining them to "publicly and privately exhort the people to be content with the necessary burdens without which the Army cannot be maintained." (Oct. 1647). When at the Engagement their ways parted the Commission sent letters to ministers and Presbyteries ordering them to disobey and to cause others to disobey what were at the time valid acts of Parliament.

Yet despite all this the Commission proceeded diligently with the better work of the Church. It planted Kirks and schools, cared for the colleges, it sought to stir up in Parliament some social sense of responsibility for the war ravaged counties. A collection was organized for, and carefully distributed among the impoverished inhabitants of

---

1 Ass. Comm. Rec. 1. 322
Argyll. The education of children of Roman Catholic parents was supervised. All the multitudinous detail of Church affairs was ordered and often completely settled. Briefly, the Commission was at one and the same time an infliction and a necessity.

There is, therefore, some ground for holding that the General Assembly from 1644-1648 was as much the agent of the Commission, registering and giving legal sanction to its actions, as it was a spontaneous legislative court. At least it can be said that the same men directed both bodies they legally sanctified in the one what they autocratically performed in the other. The Assembly of 1644 was of little note as the Kirk was marking time till the Westminster Commissioners had the results of their doctrinal conferences ready to put before the next Assembly. The work of planting Kirks and of the disciplinary oversight of the ministry continued. A commission was appointed to visit Orkney, Shetland, Caithness, Sutherland and Ross; there is no record that it did so, for Montrose soon stood on the Northern path. At this Assembly the right of dissent and complaint from Synods and Presbyteries to Assemblies was established; the complainer was held censurable if his complaint was unfounded. The Assembly of 1645 had the Directory for the Public Worship of God before them. It was thoroughly considered in Committee, animadversions invited and discussed, and finally approved by the Assembly with the reservations already noted. The Committee also made some other recommendations which were approved; the Exercise of reading and

1 Page
expounding Scripture was placed half an hour before the time for Public Worship; the Sacrament of Baptism was directed to be administered between Sermon and Blessing; the minister was allowed one but not more than two assisting ministers at Communion, this was to favour the evangelic communion seasons prevalent in the South-West. Mr. George Gillespie had temporarily returned from the South full of Puritan and political fervour and an act was passed against children keeping Yule days; masters were ordered to punish severely any scholar found observing Christmas with the old rites - the birch not Santa Claus was to be the reward for so great a sinner. Mr. Gillespie now penned for the Assembly, or the Assembly issued for Mr. Gillespie, the first of many such manifestations that were to flow from his venomous pen, "A Solemn and Seasonable Warning to Noblemen, Barons, Boroughs, Ministers and Commons" a denunciation of backsliding, and a prophecy and promise of woe and judgment for those who deserted the common cause. From the same pen almost certainly came the arrogant "Humble Remonstrance to the King's Most Excellent Majesty." Charles deserved to be told much that it tells him but it was written in so uncouth and insulting a manner that the author could be none but Gillespie. Henderson, Blair or Douglas could never have been guilty of so tactless a production especially while negotiations with Charles were in progress at Uxbridge. Charles's obduracy, however, was unsettling the Scottish temper, so Gillespie's 'humble' words were sent to Charles. "We make bold to warn your Majesty freely, that the guilt which

1 Peterkin 430
cleaveth fast to your Majesty and to your Throne is such as if not timely repented cannot but involve yourself and your Posterity under the wrath of the ever living God; For your being guilty of the shedding of the blood of many thousands of your Majesty's best Subjects; For your permitting the Mass and other Idolatry, both in your own family and in your Dominions; For your authorising, by the Book of Sports, the profaning of the Lord's Day; For your not punishing of public scandals and much profaneness about your Court; For the shutting of your ears from the humble and just desires of your faithful Subjects; For your complying too much with the Popish party many ways and namely by concluding the Cessation of Arms in Ireland, and your embracing the counsels of those who have not set God or your good before their eyes; For your resisting and opposing this Cause which so much concerneth the glory of God, your own honour and happiness and the peace and safety of the kingdom; and for what other causes your Majesty is most conscious and may best judge and search your own conscience (nor would we have mentioned any particulars if they had not been public and known.) For all which it is high time for your Majesty to fall down at the footstool of the King of Glory, to acknowledge your offence, to repent timely, to make your peace with God through Jesus Christ (Whose blood is able to wash away your great sin) and to be no longer unwilling that the Son of God reign over you and your kingdom in his pure Ordinances of Church-government and Worship." The Humble Remonstrance coupled with the publication of Lex Rex were enough of themselves to wreck negotiations at Uxbridge.

1 Peterkin 430
military fortunes were not yet so low that he would tamely brook such a tirade. George Gillespie's venom and spleen often spoiled his case, infuriated his enemies, shattered agreement and embarrassed his friends. These were early examples of his vituperative powers.

Much more worthy was the attempt of the Assembly to deal with the educational problems of the day. A committee appointed to consider the "Advancement of Learning and good Order in Grammar Schools and Colleges" presented overtures which were approved by the Assembly. Schools and colleges were to be inspected twice a year by visitors appointed by Presbytery and Burgh Council so that the "diligence of the masters and proficiency of the pupils" might be approved; because of the "great decay of Poesy and ability to make verse" all masters appointed were to be able both to make and teach others to make Latin verse; here at least was an attempt at the elements of some cultural teaching. None were to be taught Greek or philosophy till about to enter the University and then only if they were competent in Latin. Precautions were taken against cramming; young scholars were not to proceed to higher classes but were to go through all the classes in order. Only a very brilliant scholar might be allowed such a promotion, and promotion was to be from class to class for merit after due examination. No one was to receive a degree from one college if he had already been rejected in another. Commissioners from each college were to meet together regularly to form a common educational policy. A Bursary system for divinity students was brought into being by which each Presbytery of twelve Kirks maintained a bursar at £100 yearly, the bursary lasting four years. This Education Act, if pedantic/
pedantic, at least showed a real desire to get on with the education of the people. Subsequent visitations of Schools by delegates from Presbytery and Synod kept the Act from becoming a dead letter. The Church's advancement of education was one of the contributory factors to the present breaking up of feudal power.

The Assembly of 1646 excommunicated the Earl of Seaforth for his rather futile 'Band' and sat down to consider corruptions in the ministry. Hard on others, they were not sparing on themselves. The corruptions discovered included worldliness, lack of family piety, lightness of apparel in ministers' wives - the good men seem to have had trouble at home as well as abroad or perhaps they grudged the price of a Lex Rex for a new tippet - tippling, Sabbath breaking, using small and minced oaths, ignorance of Scripture. With regard to the pastor's office they regretted a professional rather than spiritual outlook, silence in the public cause, lifelessness in preaching and neglect of private prayer as prevalent faults. They sought the cure in a closer supervision of the ministry and in pleading for a deeper spiritual life. This Assembly also endeavoured to foster a supply of Gaelic speaking ministers and expectants to evangelise the Highlands and Islands. Even in the Commonwealth this problem was still acute, the ministers who were supplied often living in unpaid starvation
THE ENGAGEMENT

The Engagement was nominally a secret treaty entered into by Charles and Commissioners from the Scottish Estates by which, in return for certain promised concessions, religious and economic, the Scots pledged themselves to raise an army for the purpose of placing the King in a position of freedom and security and empowering his free negotiation with the English Parliament on civil and religious affairs. It was a treaty which wrecked the temporary if somewhat dubious harmony of the Scottish Estates, and its consequences eventually wrecked the more solid unity of the Scottish Church and gave it over to faction and discord.

This struggle of the years 1647-48 has been considered as one between Church and State in which for a brief moment the dark winter which had its zero hour on the Whitehall scaffold, the Church triumphed. Most of the historians who, no doubt justly, reprehend the theocratic character of the Church at this time frequently omit to mention the equally reprehensible feudalism of the Estates. The Acts of Parliament of these years show that much more time was still spent by that body over its functions as a glorified land court settling feudal supplications, transfers and successions by individual consideration and the usual backstairs intrigue, than on evolving any comprehensive legislation to deal with land problems already becoming chaotic. Petitions for social security and redress of grievances elicited some few measures of amelioration, ever more honoured in the breach than by the observance. Feudalism, as has been seen, swopped horses at the time of the National Covenant, but the ecclesiastical charger had/
had taken the bit between his teeth and the nobles were now frantically looking for a curb. This struggle was not alone between Church and State, as such, over their respective rights, but also between a body of churchmen holding democratic political opinions based on Scripture, and a tenacious feudal opposition who sought an opportunity to regain a power which the later Stewarts had broken politically, and a local influence which the establishment of kirk session and presbytery had considerably weakened in county and parish. The sapping of feudal tradition and prestige throughout Scotland was greatly accountable to the institution of these two bodies; even later the Justice of the Peace Court of local magnates instituted by Cromwell and continued by successive rulers was never able to take proper root on Scottish soil, because the Church courts really undertook the great part of the work of moral correction. Thus while the Engagement was the means of the rupture between Church and State, the rupture was inevitable because its causes lay deeper than the relations of either party to Charles, deeper than the foreign policy of the Solemn League and Covenant, deeper even than the ancient disputes clamant in Church and State. The old feudal order became suddenly aware that its day was passing and its power. The death struggle with a new order was beginning, and the issues in Scotland were complicated by the fact that the new order - or disorder for Scottish democracy though vociferous in Rutherford, Gillespie and Guthrie, was incoherent in form and shape - was presided over by churchmen who through the agency of the Commission of Assembly owned autocratic control over a democratic Church/
Church and were tempted by success to extend it to civil and political affairs.

Support for the feudal party within the Church was negligible and easily crushed, existing chiefly amongst ministers who were scions of, or owed their livings to some great feudal house, and who, as in the North East, were far enough away from the Commission's authority to risk defying it till they felt the length and strength of its arm. The only Edinburgh rebels against the Commission's actings were two sincere and disinterested Royalists, Ramsay and Colville. The Estates were much less united in policy than the Commission. There were two parties opposed to the purely feudal group led by, or leading, the Duke of Hamilton. Insignificant now, because compelled by circumstances to disguise their designs, were Royalists of the Montrosian pattern who desired a strong Crown with a capable administration as a check to feudal factiousness and ecclesiastical tyranny. This party were a mixed lot and not always altruistic in their service. It included a few sincere Presbyterian Royalists such as Crawfurd, fortune hunters such as the Earl of Callander, General Middleton whose genius for mal-administration became notorious in the Restoration years, and lately converted, dwarfing all in political stature, John Maitland, Earl of Lauderdale.

The effective opposition in the Estates to this feudal group around Hamilton came from the party led and managed by Argyll. It has been called the Church party since it firmly consistently supported or was supported by, the Church. Argyll's repute as a statesman has suffered because of his incapacity as a soldier in an age of soldier-statesmen/
statesmen. He was distrusted by the King whom he opposed, by the nobles whom he thwarted. Montrose in his essay on "Sovereign Power" accused him of using preacher and populace to serve his own ends. S.R.Gardiner and Willock, his biographer, consider him an interpreter of the incoherent movements towards constitutional freedom which perplexed the land. "He saw clearly ideas of which the masses were dimly conscious," writes Gardiner— and as noted, Argyll's record to 1649 is, apart from his military exploits, not unworthy of such praise. A professed admirer of the English parliamentary system and eagerly desirous of a closer union between the two nations, his ideal of government was that of a limited monarchy ruling through a strong administration. This administration was not the feudal coterie knit by class interest which even Lauderdale would still have kept, but a body of men of all Estates handfasted to a common policy. To some such a conception Argyll was groping his way. The body of men who enjoyed brief power after Preston were the macabre beginnings of a Whig Junto. Even the disastrous Act of Classes was a grim forerunner of the principle that a defeated party must lose office. The strength of his party lay less in the Burghs who were somewhat venal and changeable whenever trade concessions were alluringly offered, than in the shires, especially in the West and Fife, where since the beginning of the century the lesser tenant had been waging warfare against oppressive feudal rights.

The Hamilton party came into being as a feudal reaction for which there were many causes. Charles had reassumed feu duties

1 History of Civil War viii 392
snatched by the nobles at the Reformation, and it seemed to the latter that now, by supporting the King, he might be persuaded to return them since the success of the Engagement would place them in a better bargaining position. The majority of the lesser tenants who received more favourable terms from the Crown than from the feudal superior adhered to the Argyll party. The insecurity of land tenure due to confiscations, debts and deprivation was a present source of great unrest. "People here are very dissatisfied and I am told that Scotland is a country where such dissatisfaction is very dangerous and those who have most part in the direction of public affairs show so great fear of the future and say they foresee great disorders," wrote Montreuil in March 1647. The land was full of 'grievances'. The Act of St. Andrews penalising the adherents of Montrose, an early precursor of the Act of Classes, had strengthened in the nobles a certain class loyalty in the increasing interest of self preservation. In the old faction fights the fall of a noble house had meant the enrichment of some other, by Royal grant or by marriage with the remaining female heirs. Now fines and forfeitures were ruining some without greatly enriching any. The feudal reaction began when Parliament sanctioned Middleton's favourable terms to Montrose and in subsequent sittings in the next two years rebated the fines and annulled the forfeitures, in sundry cases, despite clerical opposition. This small shadow of the Act of Classes began to unite the nobles against a policy which they feared, and rightly, would deprive them of political power.
and not a little of their lands and fortune. The continuous requests from the Assembly Commission for "names of rebels" to be processed before ecclesiastical courts for being out with Montrose, while they received some lip service and half hearted compliance from Parliament only acerbated the dislike of a proud class for clerical interference and further united the nobles. Hitherto the system of patronage had given the noble a certain control over the clergy; now there existed agitation to have it abolished. By sword thrust and pinprick the feudal body was being drained of its life blood, and sinister and supreme amongst the destroyers was the Commission of Assembly.

It was with the Hamilton feudalists that the small Royalist group united. They had no common ground with the Argyll party. They had the feudal tie with the Hamiltonians and there may have been another reason. English propaganda, Royalist, Independent and Presbyterian alike had in varying degrees, as occasion suited and alliances changed, been ready with the malicious and untruthful taunt that the Scots had sold their king. A sense of injustice, a sense of shame at so being labelled Judas rankled in the hearts of the Scottish Estates. This was not the main motive of the Engagement, but was powerful in allying the feudal and Royalist parties and was subtly and sedulously made use of by the latter. A professed desire for patriotic self-justification was a brighter cloak to dress a cause than that of feudal rehabilitation.

By the beginning of 1648 Hamilton had most of the Lords, more than half of the shires and almost half of the boroughs in his party. The temporary defection of half the shires from Argyll is less easily explainable/
explainable than that of the boroughs - the fact that the one was rather more, the other rather less, than half, is more or less accidental. One reason for the shires' dissatisfaction with the Argyll regime - and subsequently with the Hamilton - was that the Army was expensive, and its quartering both a problem to the Estates and a nuisance to the Country, and till the Hamiltons came to complete power Argyll managed and manœuvred that it should be retained. Throughout 1646, 1647 Acts were passed for its payment and provision, but the repeated legislation shows how ineffective these measures were. The outrageous conduct of some officers and soldiers was cited in the Acts and the evils of oppressive billeting, plundering, extortion, occasionally rape, were common. The middle classes of tenant and burgher suffered a good deal and neither a victorious career nor the Commission's benediction made the taxes for the upkeep of the Army popular. Argyll needed a standing army to suppress any further Royalist risings, but the extra taxation and the evils of quartering lost him some of the support of shires and boroughs for the time. It has also to be remembered that the lesser tenants were not altogether emancipated from the control of their feudal superior and some followed their chiefs in voting. It was chiefly some of the larger boroughs that followed Hamilton. Local feuds in these between ministers and magistrates were becoming not uncommon; local presbyteries were seeking to dictate in and control burgh elections. The Assembly Commission had interfered in the affairs of Glasgow and Aberdeen, and by petition to Parliament, had nominees of their own reinstated in

1 Act. Parl. VI. I, 381, etc.
the Town Council of Glasgow. Even in dyal burghs such procedure was resented and their secession to Hamilton measured that resentment.

But although a minority in Parliament the Argyll opposition was a majority in the country. Hamilton admitted that whilst he had the Peers, the Kirk had the people. The Commission of Assembly was more representative of the people than the members of the Estates. The ministry, intolerant as it was, was more and more recruited from what middle class then existed, and the Commission in many of its documents gave voice to the grievances and made petition for better legislation on behalf of the lower and poorer classes. Cases of individual widows and orphans were taken up and, as noted, Parliament was bullied into providing some amelioration for the despoiled inhabitants of Argyllshire. The land had just endured the ravages of Montrose. Despite the panegyrist, the records of Commission and other documents show that the Lowland peasant had no love for him. The butchery of his Irish soldiery had more behind it than ecclesiastical incitation, for the blood of slaughtered Ulster kinsfolk called for vengeance. With Argyll's brutal harrying in the North the Lowland Scot was unconcerned; it was Highlander and Highlander in the old cuthroat game. But Montrose had done in Scotland what Strafford perished for proposing to do in England. He had loosed a Celtic and Catholic fury from its most barbaric quarters on the southern Scot. He was a renegade to his Lowland blood as much as to the Covenant. The people ostracised him for the first, as much as the Church ostracised him for the latter disloyalty. The people of the South were sick/
sick of war, pillage, and quartering. The lairds and burghers who had gone over to Hamilton because of Argyll's army taxes, in the early months of 1648 when Hamilton for his own ends and to gain popularity sponsored the agitation to disband the army, now hoped that a successful Engagement would mean English pay for Scottish pockets — indeed that bribe was extended — and so relieve home finance. The other half of their number and the bulk of the people acquiesced in the upkeep of the Army lest there should be a second Rising, but were desirous of peace with England which would allow it to be largely disbanded and free again the limited channels of trade and commerce. Economic and religious conditions forbade any great enthusiasm for a King whom the bulk of his people had never seen, but who had loosed Montrose upon them, and who now agreed with the political party most likely to increase their feudal dues and burdens. Farming and agriculture had in the last few years experienced some relief from the feudal limitations under which they had suffered. The tenants of the South wished this process extended, not curtailed, as curtailed it later was, by the Act Rescisory and the last lunacies of reactionary feudalism in Middleton's Parliament composed of the very men who now supported the Engagement. The Commission of Assembly fomented opposition in every possible way. Economic unrest was supercharged with religious and Covenanting fanaticism and crude democratic dogma. Every parish pulpit was made the vehicle of its propaganda. Measures were devised for the sending of intelligence to the presbyteries and for receiving it from them. In pamphlet and pulpit warfare the Engagers were completely outmaneuvered for they had not the men or means/
means to conduct it and could only pass legislation to muzzle their opponents - which it completely failed in doing.

There were thus many considerations other than the purely ecclesiastical which aligned the Scots into three parties and it was this multiplicity and complexity of interest which made it difficult to see an exact dividing line between the policies of many of the protagonists. The personal duplicity of some of the Engager Leaders was a further complication in affairs already, by events in England, by events at home and by the plottings of Charles, disastrously tangled. Baillie, Montreuil and Row all refer to three parties - Argyll, Hamilton, Royalist. Yet Baillie and Montreuil, politically poles apart, wrote, the one: "The proceedings of some are not only double and triple but so manifold that as no other, so in my mind, themselves, know not what they intend." the other, "For my part I find it very difficult in Scotland to assure one's self thus of the fidelity of men and to say precisely to whom those are who are only for themselves." "A selfish and needy" people was Montreuil's comment on the Scots. Needy they were and doubtless to the aristocratic servant of the autocratic French regime a people's desire for economic and religious freedom seemed selfish. His comments on the venality of the Scottish nobles were a little less unjust, but actually despite his fears and insinuations there is no real evidence that on this occasion any allegiance was bought or sold for a hard cash transaction. Political promissory notes were all that a bankrupt King

1 Baillie 111, 18
3 Mont. 11, 354
2 Mont. 11, 83
4 Mont. 11, 382
and a hardly less bankrupt Parliament had to offer. The French observer believed that the leaders were a good deal in their followers' hands as he noticed Hamilton's vacillations and Argyll's increasing tendency to follow Kirk policy. Caprice and circumstance played their usual part in feudal politics, intrigue and confusion were rife so the Frenchman can be excused his superficial estimate of the struggle as a local counterpart of his own Fronde, with Argyll and Hamilton as leading Scottish Frondeurs juggling for position, and each afraid to strike. As dangerous to the Engagers' success as the opposition of the Kirk was this age old bane of all Scottish feudal hosts, the jealousies and intrigues of their leaders.

The Engagement precipitated by English affairs. Throughout 1647 a continuous stream of negotiation flowed back and forward between King, Parliament and the Army. Charles played fast and loose with all parties in the ostrich-like faith that he was indispensable to all, alienating all but those whose affairs were so desperate that an alliance with him was their only salvation, or those who hated the Independent Army so much that they were willing to forego former political gains and established religious principles to extirpate this apparently anarchic threat to Church and Constitution. A proposal in the English Parliament in March 1647 to treat directly with Charles without waiting for the arrival of the Scottish Commissioners acerbated the feelings of both Scottish Church and State and made all parties anxious as to the outcome. Lauderdale was sent up to England because he was the one man whom both the Argyll and Hamilton parties/
parties trusted. He was trusted as one who would put Scottish interests first in all his actions. Till the advent of Lady Dysart his nationalism, if selfish, was never in question, though his policy suffered many changes and vicissitudes. When he arrived at Westminster in April he found affairs in sorry shape for the Presbyterian cause in either country. The Independents were gaining control of the Army, and the Army was gaining control of Parliament whom it had forced to make concession after concession. The Presbyterians in Parliament were again ready to court a Scottish alliance and a furtive intrigue proceeded with Lauderdale and his fellow commissioners to approach Charles and bring a Scottish army to restore Presbyterian power. As a result Charles on May 12th offered to Parliament the adoption of Presbyterianism for three years and the control of the militia for ten. If Lauderdale sponsored these offers he conceded more than the Kirk or even the majority of the Scottish Estates were then prepared to allow and the incident marks the beginning of his adherence to the Royalist interest. The Army retorted by seizing Charles at Holmby, conveying him to Newmarket, and moving on London. Eleven of the leading Presbyterians were compelled to withdraw from the House and the Army presented to the King "The Heads of the Proposals," the best terms he ever received. "Unlike the Presbyterian propositions of Newcastle they are fairly liberal in their treatment of both political and ecclesiastical opponents. They sought to conciliate the king by ignoring the establishment of Presbytery and disallowing the enforcement of the Covenant, tolerating episcopacy, minus the power of the Bishops, and even popery, if popery would\textsuperscript{f}
would be content to eschew political intrigue. They struck at the root of the vicious system of imposing penalties for religious opinions. They sought to inaugurate a juster system of political representation and thus to lessen at least the anomaly of a Parliament whose claim to represent the nation rested more on theoretic than on real grounds. They dealt on the whole very gently with the defeated side, especially if we bear in mind the wholesale proscription of opponents attendant on other revolutions ancient and even modern. Charles was indeed asked to surrender a large part of his prerogative, but Charles could not fairly expect the victors to ignore the sacrifices and sufferings which the abuse of his prerogative had entailed and restore him to his full kingly rights. A probationary period was absolutely essential to the security of these rights for which so many bloody battles had been fought, and to the maintenance of which the Stewart idea of royal supremacy and the idea of parliamentary supremacy as represented by a close corporation like the Long Parliament were equally dangerous.  

When he rejected the Heads of the Proposals Charles signed his death warrant. He had now offers from both parties. Under the malign influence of French political practice as preached by Mazarin's disciple Bellievre he proceeded to treat them as if they were rival groups of Frondeurs and by playing each against the other sought to strengthen the power of the Crown. The action of the Army caused a stir in the North. The Scottish Estates saw their Commissioners flouted. Lauderdale was forcibly

1 Mackinnon. Hist. of Mod. Liberty. 4 iv, 25
prevented from seeing Charles at Woburn. The kirk saw its beloved Covenant, worse than criticised, ignored, by the Army. National antagonism to England rose. All parties were set to make political capital out of the situation, especially the Hamiltonians, though none of them were in July 1647 quite sure as to how it was to be made. For the moment it seemed as if Argyll's might be the war party since the standing army was controlled and supported by it. The Leslies were resolute Covenanters. The clergy supported the taxes for its upkeep. Argyll sought to have the country placed in a posture of defence and to raise another army. Hamilton worked to have the army disbanded, thereby occasioning "Remonstrances" from the Church against such a procedure fulminating against Scottish Malignants. Montreuil whose record of facts is always accurate, but whose understanding of the mind and motives of the leaders was often extravagantly conjectural saw in the disagreement of Argyll and Hamilton at one moment a deep plot to allay suspicion in England as to Scottish intentions, at the next an equally Jesuitical political contrivance to lure Charles with false promises which they could afterwards claim that the unsettled state of Scotland prevented them from keeping. Montreuil himself was a Jesuit and perhaps thus trained in suspicion. Vitriolic preaching against the Independents was rife. The leaders of the Church, Douglas, Dickson and Guthrie, were not entirely unwilling to sanction a crusade against England in the cause of a Covenanted King. Baillie believed that if the "state of the question" had been made

1 Mont. 11, 188
clear the Church would have been willing to engage. On July 14th the Commission of Assembly issued a "Declaration" whose main theme was "Can any good come out of England?", an indictment of English influence in Scotland since the Union and the manifold grievances resulting from it. Lauderdale fuming with resentment at his treatment in England, sent home so inflammatory a report that even the enemies of the Independents consented to its being suppressed. However all that was achieved by August 1647 was that a rather uncertain Commission of Assembly petitioned a more uncertain Committee of Estates to urge a most uncertain English Parliament to do something with the Independents. The Assembly which met in August with Douglas as Moderator devoted itself largely to doctrinal matters, but issued a letter to their English brethren which reproached all English breaches of the Covenant, rebuked English Presbyterian backslidings, attacked the Heads of the Proposals, but gave no inkling as to what the Kirk's attitude to the State's foreign policy was likely to be. Politically the Assembly may be most noted for the return of the acrimonious Mr. George Gillespie to Scottish affairs.

Charles, now exhausting the patience of Army and Parliament by his duplicity. He had refused the Heads of the Proposals. Parliament offered him in September what was practically the old Newcastle Propositions urging Scottish and English Presbyterianism, whereupon he suggested the Heads of the Proposals as a more satisfactory basis for negotiation. He assiduously avoided a decision and escaped to Carsbrooke in November. From there he reopened negotiations offering

1 Baillie, iii, 25, 35  
3 Mont. 11, 207
Parliament Presbyterianism for three years and control of the militia for his lifetime. The Houses again put forward a selection from the Newcastle propositions in the Four Bills. These concerned chiefly the control of the militia and the invalidation of any of the King’s declarations against Parliament. They asked in a supernumerary clause for his consent to the Acts establishing Presbyterianism, but made notable concessions on religious toleration and established some of the doctrinal Articles of the Church of England as the standard of orthodoxy in preference to the Westminster Confession. Charles received them on the 24th December; on the 26th he signed Engagement with the Scots whose Commissioners had been rebuffed by Parliament’s refusal to reveal to them the contents of the Four Bills. The Engagement was disastrous for both the contracting parties. It divided Scotland which it sought to unite; it united in temporary measure an England whom it was meant to divide; it alienated the party in the Army who had hitherto sought to come to terms with Charles and brought him a step nearer to the block.

It was probably because they were in a measure misled by the Kirk’s bitterness towards the Independents that the Scottish Estates moved quickly towards the realisation of this concordat with Charles. In the past year many Royalist sympathisers had taken the Covenant and signed dubious professions of penitence, so many indeed that the Commission had to draw up a guiding "form of confession" for use by Presbyteries. Yet the Church was bound to be well aware that the "confessions" were ironically made to secure entrance into the public

1 Ass. Com. Rec. 1, 247
and political arena. Hamilton, Harbottle, Traquair, Seaforth and countless lesser men made their ironic obeisance and entered the fold to trouble the flock and dupe the shepherds. Daily the Hamilton party grew in power till the feudal element by which it was ruled gained control in the Committee of Estates. Their growing strength helped Argyll to make up his mind. At the end of August he told Montreuil plainly that he did not think that the Scots should undertake anything for Charles if he did not satisfy them on the point of religion which he despaired of him ever doing. Baillie counselled Lauderdale in October "Meddle not with drivers so long as you are near the Thames....Forget not that your very large man is not at your back, therefore be very tost." The "very large man" is certainly Argyll. He was weighing cannily the supposed advantages of armed intervention in England in the Presbyterian and Parliamentary cause; overtures sent to him by several ousted Presbyterian officers imply that he was considering, or thought to be considering the project. But these received the dusty answer that "a Scottish army would not fail to enter England when there was reason for doing it." He had kept the standing army for reasons of internal security, not for the purpose of blackmailing England, from fear of Montrose rather than from fear of Cromwell. He had astutely used the condition of affairs in England as a protest for its retention despite the efforts of Hamilton and a resolution of the Committee of Estates to have it disbanded, - a Hamilton manoeuvre directed solely to win popularity in the country. With grim humour he told Montreuil he would be willing to employ the

1 Mont. ii, 247  
2 Mont. ii, 323  
3 Mont. ii, 260, 291  
4 Baillie, iii, 22.
Scottish army in Charles's service when Charles granted all their requests and when France provided help; both conditions extremely improbable. He was never in favour of a war with Puritan England, for though he loved Independents but little, he loved Malignants less, and the latter were the greatest danger to Scotland's peace. His policy expressed in his famous speech to the English Parliament was the creation of a constitutional monarchy, a close economic union, and a religious unity to bind the countries closer together and in the last he refused to press a rigorous uniformity, believing that England should choose her own form of Presbyterianism with liberty to tender consciences. He was behind the letters of the Commission to the representatives at Westminster in 1646 urging them not to stick too much on "want of a full uniformity." Every dictate and intuition of his political wisdom was opposed to the Engagement. He knew Charles's prevarications; he knew Hamilton's weakness and Cromwell's strength; he knew Parliament's weakness and the Army's strength. He had sent allied forces to assist Parliament against the King but the former had then a strong fighting force and powerful sources of supply at its disposal. It was a different thing to bolster up a discredited Parliament against a strong Army, or to support a King with no forces against the professional New Model. England in trouble had turned to Scotland with reluctance and saw her Army leave English soil with no regret. Argyll saw that a Scottish invasion would only serve to unite many members of the House with the Army even if temporarily, and

1 Ass. Com. Rec. 1, 75
beget in others a sullen neutrality. A settlement imposed by the success of the Scots would be hateful to England’s dignity and no surety of peace. Cromwell, in seeking an understanding between Army and Parliament, had said "What we gain in a free way is better than twice as much in a forced way and will be more truly ours and our posterity's." Argyll was far seeing enough to try in relations with England to observe such a principle. When finally he went to war it was necessity not Principle which led him. He believed that the Engagement would be unsuccessful; he did his best to mar its operation because he believed that even if it were successful no benefit would accrue to the two kingdoms. In the Committee of Estates he was still strong enough to procure that the secret instructions sent to the Commissioners in London should contain nothing likely to cause a rupture between the nations and Hamilton protested to Montreuil that the instructions would have been much more favourable to the King but for Argyll's machinations.

By November 1647 the three parties were reduced to two by the alliance of feudalist and Royalist into the Engagers nominally led by Hamilton, really led by Lanark who in his own person combined the two draging passions of the parties, being a devout Royalist and a strong feudalist. Yet withal the bulk of that party were primarily desirous of restoration of feudal privilege and feudal control of the King, and the Royalists "faute de mieux" clustered under their banner, half hearted trimmers like Traquair, Royalist converts like Lauderdale, Cavaliers like Callander, temporary adherents like the fussy Loudon. Discontent and enticement brought half the burghs into the camp and political/
political manipulation half the shires. Only the credulous could believe that the Engagement would be palatable to all these components or that it would be other than a stepping stone to a feudal autocracy under a feudally limited King. The Anti-Engager and peace party was led by Argyll and was perhaps for a very brief moment the least popular owing to a national sentiment of revulsion at England's treatment of Charles. Some doubtless also felt that war would take the army to English soil where it would cease to harass douce Scottish tenants. It gained in popularity as Hamilton's taxes and levies were imposed and as the unsatisfactory nature of Charles's terms were revealed. The party objected to the Engagement not merely because it was a forlorn hope but because it was a false one and demanded more concrete and less equivocal assurances from Charles. Had these been given it might have been rent assunder for in the Church who supported it there were many ready to sponsor a religious war against the Independents under a Covenanted king. When later Charles II took the Covenant the futility of its demands drove Argyll to war and ruin. At present the Church's policy was dictated by the varying degrees of its hates and hopes. The majority detested Independents but hated Malignants with a bitter hatred. This evil in their midst was more clamant and dangerous than the other which lay outside their gates, and they still hoped that by some manifestation of Providence, the Presbyterian Parliament would be delivered from the Independent Army blight. Cromwell the iconoclast, iconoclast "malgre lui" sometimes, was to break this hope along with their cherished idol, of the Solemn/
Solemn League and Covenant.

In whose mind did the policy of the Engagement first take shape? Not in Hamilton's who never had a mind of his own; he possessed a ducal diadem, came of an ancient house, could be easily handled by his party, so his fortune, or misfortune, placed him in a role he was utterly incapable of filling. More resolute and energetic was his brother Lanark. To him and to Lauderdale appertained the chief credit or discredit of the Engagement. Lanark had become a resolute Royalist more honestly disinterested than most of his feudal colleagues. His care of his niece, Lady Anne Hamilton, to whom, and not to his own daughters, the family estates descended after her father's and his own death, showed in him a lovable uprightness of conduct. He was an hotheaded and impulsive as his brother was irresolute and wavering, and little likely by nature to submit to ecclesiastical tyranny. The duke shrank from decisions; his brother rushed at them. The Hamilton papers reveal that Charles came more and more to rely on Lanark as his chief agent in the management of Scottish affairs and he proved loyal to Charles and his son till his death for the latter at Worcester. Montreuil was never sure of how far he was disinterestedly for Charles, how far he was seeking the interest of his house and party. At least one may say he served them all with honour. The best Scottish nobles of the age were a puzzling alchemy of self-seeking, self-centredness and self-sacrifice. Montrose, Argyll, Cassillis, Crawford! The first two lost their lives for certain principles, the last two at the Restoration lost all hope of place because, though Royalist, they would not forswear the principles of the National Covenant. Somewhere in/
in these men, concealed by the dross of vanity, greed and political ambition lingered a spark of the old chivalric ideal of 'noblesse oblige'. Yet Lanark's personal uprightness, and loyalty to the causes he espoused did not debar him from the practice of political deceit. In 1646 he tried to persuade Charles to accept the Scottish terms as a temporary measure; believing them unjust he was ready to assist him to overthrow them at the earliest opportunity. His letters deplored the entrenchment on Charles's temporal power and expressed detestation of the Church's policy. In November 1647 Charles wrote to him "Many things may be offered to obtain a treaty one that may be altered when/comes to treat." This policy was pursued by both in the Engagement. Lanark vouched to the Church for Charles' fidelity to terms, a fidelity which he was well aware existed neither in Charles nor himself. Burnet gives the picture of a man quick tempered, rash with a rather dry tongue and a quick mind, personally honorable and entirely unselfish and incorruptible. Montreuil distrusted him; it is impossible to find anyone that the suspicious Jesuit did trust; the abiding creed of this ambassador of the 'auld ally' being that every Scot had his price. Apart from his efforts to cheat the Kirk, Lanark was the most sincere as he was the most resolute of the Engagers.

Of different calibre was Lauderdale the Gracchus of the Church who became its Sulla. "Jeun hermite, vieux diable," he seemed to the bewildered Covenanters who even after the Restoration were slow

1 Burnet, Dukes of Hamilton, 392
2 Dukes of Hamilton, 416
to believe ill of him or to expect it. After Argyll the ablest
Scottish parliamentarian, he witnessed parliamentary inefficiency in
two nations and came to believe the only possibility of efficient
government lay in the administration having supreme power. He became
a crude Scottish Stafford with the handicaps of Scottish Covenanters,
Scottish feudalism, Lady Dysart and Charles II to impair his own
efficiency and ultimately ruin his career. He had strong prejudices.
He disliked Englishmen, and intensely, English Independents; he
retained his early ecclesiastical dislike for Bishops. He was no
lover of the Hamiltons nor had he any great affection for Charles I.
His tergiversation on the Church party in Scotland was due largely to
his unpleasant experiences as a diplomat in England, for he was a
proud man and though his gifts were great they were matched by his
vanity. He never quite learned to make his cunning servant to his
pride. His one grave fault as a politician was that he at times
overreached himself through inborn arrogance, though he was generally
astute enough to retrench and redeem the situation. Now he was remem-
bering some upstart member of the House who had jeered at the uncultu-
tured accent and thick voice of the Scot. True he later learned to
make them a jest for the 'Merry Monarch', the sorry jest of self
defence with bitterness behind. Independency the creed of Cromwell,
Ireton, Harrison and the Levellers, was anathema to the aristocratic
and Presbyterian Scot. The Army had roused him - a credited am-
bassador - from his lodgings and sent him packing. The dispatches
he penned from England were so furious that even his fellow conspira-
tors were compelled to suppress them for fear of a premature agitation
His/
His protests to Parliament gained no apology. He continued to sit on the Committee for Both Kingdoms but became more and more estranged from Parliament whose lukewarm consideration in May of his proposals for the securing of the King with Scottish help had ensured their complete failure. In them he had gone beyond the powers granted him by the Scottish Parliament but he was sick of parliaments and now saw in them a body to whom to present the 'fait accompli' for formal ratification and financial support. An insulted envoy, an outwitted Presbyterian, a ridiculed Scot, the self-esteem of this man sprung from a house of distinguished Scottish statesmen was savagely hurt, and a blow at his self-esteem Lauderdale could ill abide or little forgive.

There were other reasons for his turning to Charles, for in many ways he was a practical man. He feared an English military regime would endanger his own country. He realised the impotence of the English Parliament and the impracticability of their schemes. Throughout his life he was to show an astute awareness of the impracticability of his opponents' plans and an intelligent turning of their futility to his own account. In his schemes he sought the practical and the practicable, but they were defeated now, as they were later, because he discounted too much the fervour of the fanatic, especially of the South Western Scot and the unpractical nature of men who valued land and lives less than Covenant and Creed. For him the Covenants, especially the Solemn League and Covenant, were now useless cargo for a ship foundering in heavy seas. It was the Scottish Estates and nation that Lauderdale was primarily concerned in rescuing Their/
Their interests and those of the King appeared at this moment identical so he informed Montreuil "that he placed no restriction on the obligation that rested on them to serve their king as he had done formerly," a complete lapse from the Covenanting position. Yet the Scotland he desired to preserve was still the old semi-feudal Scotland, governed by a strong administration, enlarged if the secret purpose in the Engagement of taking over the North of England accredited to him by Burnet is true, emancipated from English interference, but a Scotland where his class would still be the most privileged, and where the Church though Presbyterian and Established, would be powerless to influence or determine large affairs of state. The power he allowed to the Crown was limited by the ancient laws of the kingdom, especially those laws preserving the status and stability of his class. He was too much of a materialist ever to believe in the Divine Right of Kings - or of Covenants.

Loudon was a lusty and fussy Scottish noble who had a modicum of ability, abundance of self-assurance, some political cunning and the fortune or misfortune of being born into the Argyll party and under the necessity of following his Campbell chief. He rose with Argyll and was Lord Chancellor of Scotland. His acquired dignity inspired him to a little self assertion and independent political manœuvre and the lively Lanark and loquacious Lauderdale were somewhat more congenial company than the sombre and ironic Argyll when a gentleman wished to make a night of it. These two wily workers, well knowing that it was useless to tempt Argyll, and impossible to win him/

I. Montreuil, Correspondence, S.H.S., ii, 401.
him, snared his second in command that their course might not lack sanctification. Till late in 1647 Argyll's policy was somewhat obscure to his followers waiting on the lead and his ensuing opposition to the Engagement seemed superficially a dog in the manger attitude to Hamilton. Loudon, a secret lover of the flesh pots, found the reins a little loose and wriggled out to browse for himself. The leader who held the reins connived at his going, knowing that the crack of the Covenanting whip would bring the errant forager back with a considerable amount of informative fodder for his master. Of course Loudon later had to recant the Engagement and he did so with penitential gusto in a lengthy document presented to the Assembly Commission in December 1640 wherein he "thankfully acknowledges the mercy and favour of God for discovering to me (after my return to Scotland) the errors and evil of my way." The parenthesis is significant. He gave as his reasons for participating in the treaty the English Parliament's omission of all reference to the Covenant in the Four Bills and the impossibility of procuring any other terms from Charles than those offered in the Engagement, which he stated himself to have accepted only as a basis for further concessions, and only as far as they satisfied the Kirk and Kingdom of Scotland. When the Kirk damned the Engagement Loudon left his associates, his prime policy was self regard and in pursuing it he was not so imperceptive or easy-going as his friends believed him. No better sidelight on a politicians character could exist than an underscored book from his 2

1 Ass. Com. Rec. 11, 125.
2 In the library of Mr. J.D. Ogilvie, Barloch, Milngavie
of Policy in a Christian Life" by John Saltmarsh, an epitome of the
creed of Mr. Worldly Wiseman. Passages underscored by the worthy
Early are "Wisdom to conceal one's hatred" (XXI): "How to detract
from oneself modestly" (XXX): "How to make use of circumlocutory
speeches" (CXVI): "Resist not a popular opinion with violence"
(CXXX): "How to make a prudent relation of matters" (CXL): "How
to apologise with authority" (CCXXVII): "How and when to use mildness
in a factious time" (CCXXX). Surely he marked some of these as he
drew up his recantation to the Commission, but the Machiavellian
maxims of self interest were his guiding lights. In the end Argyll
lost his head, Loudon never in any way lost his. He crept into the
Engagement impressed with his own importance and crept out impressed
by his own perilous rashness.

This eclectic trio, a Hamilton, a Maitland and a Campbell negotiat-
ed the treaty at Carisbrooke. Their one bond was aristocratic and
feudal, for their families had been often at strife and their views
in domestic and ecclesiastical policy were quite different. Momenta-
arily they dealt with Charles in an attempt ultimately meant to restore
feudal privilege in Scotland by compounding and conniving at a
practically unconditional restoration in England. With great
duplicity, but equal necessity they made great play with the further-
ance of the Covenants to the Scots and to the Presbyterians in
England - not to Charles. The latter had small reason to trust the
Scots nobility and it was the last act of a desperate man when he
did. He had rejected alternately the proposals of Army and Parlia-
ment who both agreed in denying him any immediate or ultimate control
of/
of the militia, or any veto on legislation. A measure of personal and religious tolerance for himself and his followers Cromwell prepared to grant. The Scots held so truculently and tenaciously to the Covenant and the Establishment of Presbyterianism in England that the treating trio dare not openly disavow them, but Scotland had always been prepared to grant Charles wider civil powers - in England. In the Engagement, protesting against the English Parliament's actions the drafters affirmed that "they shall assert the right which belongs to the Crown in the power of the militia, the Great Seal, bestowing of honours and offices of trust, choice of Privy Councillors, and the right of the king's negative voice in Parliament." Charles's first need was an army, his second control of it and of the legislation so with a smart wink from Lanark, cynical blink from Lauderdale, an apparently crass stare from Loudon and the ironical uplifting of the King's eyebrows at the dubious ecclesiastical clauses, the Engagement was signed. Success would bring Charles the means of establishing Episcopacy by the loopholes provided. At the worst he deemed the treaty an effective bludgeon with which to blackmail Parliament, a bludgeon remorselessly struck from his hand by the vote of No Addresses on January 17th, 1648. The Army's neglect of the Covenant in the Heads of the Proposals, Parliament's neglect of it in the Four Bills and the disregard of the Scottish Commissioners in all these negotiations certainly freed the Scots from any obligation and entitled them to treat independently with Charles. How far they were entitled

1 Gardiner', Constit. Doc. (Sec. Ed 349)
to treat on English affairs was of more dubious morality and wisdom. The Engagement was signed and sealed on the 27th December 1647 and 'lapped in lead' was buried in the earth till it could be safely transferred. It contained regarding himself the best terms Charles ever got, the best terms he ever gave, but it would have been better for himself and Scotland had it never been disinterred.

The Engagement was a formula of concessions which neither of the contracting parties had the authority de facto nor de jure to make and of pledges which neither of them had the power to perform; Charles even inserted a reservation that though he pledged he was not thereby "obliged to desire" their performance. The preamble expressed the King's ironic belief that those who entered the Solemn League and Covenant did so "for the preservation of his Majesty's person and authority according to their allegiance and no ways to diminish his just power and greatness" and averred that in a free Parliament he would be "content to confirm the said Solemn League and Covenant by Act of Parliament in both Kingdoms, for the security of those who had taken or shall take the said Covenant." In effect an obnoxious treaty was to be registered and allowed to lapse. He next promised to confirm in England by Act of Parliament, for three years, Presbyterian government, the Directory of Worship and the Assembly of Divines at Westminster with the proviso that his household should be allowed to use their own order of divine service. To the Westminster divines were to be added twenty chosen by the King, and Commissioners from Scotland, whereby after the three years Church Government after the Word of God would be established. A list of 'heresies' including Arminians/
Arminians and Independents but forbearing mention of Episcopalians and Presbyterians was cited for suppression by Parliament.

The King promised that after the Kingdom of Scotland had declared for him he would confirm the Solemn League and Covenant as aforementioned and would give assurance by Act of Parliament that neither he nor his successors would "quarrel, call in question nor command the contrary of any of the Acts passed in the last triennial Scottish Parliament," "nor question any for giving obedience to the same." This again was a negative concession and the Engagers seemed more like plenipotentiaries of a beaten cause seeking to escape punitive legislation than Commissioners of a freed State to a beaten King. There followed an indictment of the Army's seizure of the King, coercion of Parliament and sending Proposals to the King without consent of the Scots, especially as the framers of the Engagement regarded these proposals as contrary to the Covenant and destructive to the King's rights, the Parliament's privileges and the People's liberty.

The Scottish pledge followed. It began with a tendentious gloss on Charles' willingness to give satisfaction concerning religion. Because of this willingness the Commissioners pledged the Kingdom of Scotland to engage themselves in a peacable way "to endeavour that his Majesty may come to London in safety, honour and freedom for a personal treaty with the Houses of Parliament and the Commissions of Scotland upon such Propositions as shall be mutually agreed in between the Kingdoms." The Commissioners prelude to these peaceful endeavours was the demand now stated that the English armies should be/
be disbanded falling which the Kingdom of Scotland would emit Decla-

erations "against the unjust proceedings of the Two Houses of Parlia-

ment towards his Majesty and the Kingdom of Scotland wherein they shall assert the right which belongs to the Crown in the power of the militia, the Great Seal, bestowing of Honours and offices of trust, choice of Privy Councillors, the right of the King's negative voice in Parliament." Upon the issuing of this Declaration a Scottish army was to be sent into England "for the preservation and establish-

ment of religion, for defence of his Majesty's power and authority and restoring him to his government, to the just rights of the Crown and to his full revenues, for defence of the privileges of Parliament and liberty of the subject, for making a firm union between the Kingdoms under his Majesty and his posterity and settling a lasting peace." Strange augury of the peaceful intention was the promise that so that Charles might speedily be put in a position to treat "the said army shall be on the march before the said peaceable message and Declaration be delivered to the House." Peaceable treaty by attempted blackmail was the half intention. The members of this army were to be protected in their persons and estates obviously irrespective of creed. The Scots were to occupy Berwick, Carlisle, Newcastle, Tynemouth and Hartlepool and their expenses still due from the previous war - against Charles - and those incurred in this one in his favour were to be paid. The King was pledged to bring about a complete union between the Kingdoms or if this was not feasible to remove all restrictions on trade between the two countries and to protect Scottish commerce. This was patently angling for burgh support/
support in Southern and Eastern Scotland. None of these things were obligatory on the King till the Scots had declared for him.

Charles signed and sealed on the 26th December pledging himself to full performance if the Scots acted in accordance with the agreement. The three L's signed and expressed themselves confident that the Scots would engage, but their initial letters might instead of an L have been a question mark. They witnessed the King's addendum "that he is neither obliged to desire the settling of Presbyterian government nor present a Bill to that effect" and that "no person whatsoever shall suffer in his estate, or corporal punishment for not submitting to Presbyterian government." Lanark, their enemy, Lauderdale their former emissary, Loudon the temporary emigre, all alike knew that the Scots Presbyterians would accept no such proposition and they carefully signed this as witnesses not as assentors, but as witnesses who suppressed the truth of Charles's attitude they were practically assentors. When Loudon returned to the fold the Church was made aware of the King's evasions, which indeed added little to its knowledge of the King's practice but served to enhance its bitterness towards him and made the Commission insist on the Estates depriving him of the right of veto. It was perceived that if he were successful the King could point to this clause as a protest that all the concessions granted had been wrung from him in durance and against his will and would proceed to rescind them accordingly. The negotiations allowed the insertion somewhat as a quid pro quo for there followed some additional articles by which the King promised/
promised to employ Scots equally with English in foreign negotiations and treaties, that a considerable and competent number of Scotsmen (originally a third) would be on his Majesty's Privy Council, that a third of the Royal Household would be Scots and that he would reside frequently in Scotland. These were concessions to Scottish aristocratic desires for financial opportunity. The concealment of these last additions was the evil leaven of the treaty, for the three sought thereby to make a bargain for their class at the expense of less their country, indeed a bargain for their class than for themselves and their party. The Engagement was impossible, impracticable and insincere. Lauderdale knew it was a temporary formula, for Loudon it went too far, for Lanark it did not go far enough, in the King's interest. Charles had no intention of keeping his pledges. The Scottish Presbyterian woodcock had no intention of being caught by such springes.

Contemporary accounts both Royalist and Presbyterian manifest the whole transaction as entirely dishonourable, though from different viewpoints. Clarendon affirms without stating his authority that the Scottish Commissioners led the King to believe that the treaty was only a subterfuge to procure an army from Scotland and that when the business was brought to a successful issue all would submit to the King's will. Lanark, whose policy was closest to this wish may have been his informant, and been responsible for the administration of this soothing syrup to Charles. It could not have been Loudon, and Lauderdale, who was at present for unrestricted service in the

1 Clarendon, x, 166
King's cause, had the Engager army been successful, would ill have tolerated Charles' interference in Scottish affairs. Burnet says that Lauderdale told him Charles promised the Scots, in return for their help, that Northumberland, Cumberland and Westmorland would be incorporated in the Northern Kingdom. The Duke may have been in his cups, or indulging a sense of humour at the expense of the worthy and credulous historian, or perhaps, in vino veritas, he was stating part of the price that brought him into the Engager camp. These may be the 'monstrous' terms Hyde said the Scots wrested from Charles, if so they were concessions he had neither the desire, power or intention of finally granting.

The battle had now to be joined with the Church whose Commission had watched the development of negotiations with suspicion, and sarcasm. For better or worse the Church won the battle, for they as much as Cromwell were responsible for the defeat at Preston. The ill-fed, ill-led, ill-equipped army, which crossed the Border, owed its sorry condition largely to the ecclesiastical opposition which it of deprived David Leslie its best general and many capable officers, had encouraged mutiny, fostered desertion, and made recruitment and enlistment an ecclesiastical offence. The Kirk had at its disposal the pulpit, by far the most powerful instrument of propaganda in Scotland, for it backed political declarations with ecclesiastical sanctions and claimed scriptural and even divine authority for its pronouncements. The feudal party had no adequate counter-propaganda or

1 Burnet, History of His Own Times, (1839), 22.
2. Clarendon, 2, 160
means of disseminating it. Their influence decreased, as their war measures increased and they could only conscript levies of sullen and unwilling peasants from their estates and equip them poorly.

Glasgow resisted attempts at conscription and "forced billetting."

The citizens of Edinburgh had indeed - with Parliamentary backing and blessing - staged a riot when the Church processed their old minister Andrew Ramsay, but they too were opposed to military adventuring. A news-letter of the time runs: "The wives of Edinburgh and Leith who carry a great sway especially at home do cry for peace and say their husbands shall not fight." They had sent them out gladly enough in the Bishops' wars. Thus the Commission's attitude was not unpatriotic for they interpreted the will of the general commonality even if they helped to mould that will and it must always be remembered that there was a good representation of lay members in the Commission. Ecclesiastical sackcloth was a drab dress for the new Scotland but it was no worse than feudal fetters. The paper warfare waged between Church and State by 'Declaration' 'Representation' and 'Vindication' seems diffuse and relatively unimportant; as a matter of fact it delayed the actions of the Engagers and cramped their legislation. Since every Declaration and Vindication was carried through presbytery to every parish in the land the passive resistance and active opposition which wrecked the Engagement was steadily engendered. Led by Leslie, equipped and trained in New Model fashion, inspired by a crusading spirit, a Scottish army with hard fighting might have succeeded but the Engagers' forces had none of these things.

1 A Message from the Estates of Scotland, 1648, n. 3
in Library of J. D. Ogilvie, Milngavie.
The Commission of Assembly created to deal with sudden emergencies which might arise between meetings of Assembly had acquired, as has been seen, a power which was entirely autocratic and alien to the democratic presbyterian system. Half a dozen figures dominated its counsels, not all of uniform stamp, for although the Church was united in opposition to Episcopacy and to the Engagement, in measures of internal policy and even regarding the exact relationship to the State there were many differences of opinion.

The mantle of leadership had fallen from the shoulders of Alexander Henderson to clothe the less imposing personality of Mr. Robert Douglas, of whom Gustavus Adolphus is reputed to have said "I could very well trust an army to him." Perhaps the story is an effort of hagiology to raise the stock of Henderson's successor; Scottish military affairs in Douglas's day were singularly unfortunate and he showed no remarkably outstanding powers of statesmanship. He lacked the intellectual gifts and state craft of his predecessor but possessed some address and a certain moderation. He allowed Gillespie to gain control at the crisis in the Engagement; he showed no great ability in the Resolutioner-Protesster controversy and allowed himself to be duped and outwitted at the Restoration by James Sharp. Throughout he was more guided by opportunity than creative of it and his achievements were those of the opportunist. His sense of opportunity and good address doubtless inspired the words of Gustavus who valued these qualities in the fields of war and diplomacy.

The real leader of the opposition was George Gillespie who had returned.
returned to Scotland with the aura of a Westminster divine about his head. He has been seen there, trenchant in debate and sound in scholarship; now he flung himself with a grim fey spirit into a more turbulent arena. The quick mind, the able scholarship, were still there little impaired at first by failing health, but his vitriolic temper, scathing tongue and intolerance of opposition even in his own party, increased the rancour in the contending factions. He was a bad Moderator of the 1643 Assembly for he never knew moderation and the business got completely out of control. Yet he was the fire in the Church, a staunch Presbyterian, a fervid democrat; dying as he was, his zeal against Erastians, Arminians and Malignants gave himself and the Church no rest. Men followed with superstitious awe the flame and light of the spirit dwelling in that frail body so near eternity for it seemed impossible to them that it could beguile.

If Gillespie was the fire James Guthrie was the iron, Cromwell's Short "little man who would not bow". As resolute as Gillespie he lacked his great scholarship but possessed much of his quickness of mind and readiness of tongue together with a more ordered habit in both. Not living so near eternity he was somewhat more human and even on the brink of it could jestingly indulge his fondness for cheese. An adroit manager of men, a brisker man of affairs, he possessed a saving grace of humour which a colleague of Gillespie and Warriston must have sorely needed, and an imp of mischief and satire lurked often suppressed and forlorn behind the grim Presbyterian facade. Happier times might have seen him a great organiser in the Church. There were others. Rutherfurd returned in November 1647. His was
the fuel which made hot the fire and tempered the iron. To him and
to his teaching Gillespie and Guthrie owed many of their principles,
their arguments and their scholarship. He was the mind and mentor
of Scottish Presbyterian democracy. In the Commission also were
David Dickson, the veteran evangelist, more canny and conservative
now, Robert Blair, pastor evangelicus, steadfast ultra-Presbyterian
but hater of strife; timid Mr. Baillie conveniently sick and taking
purges when crises called him to be there and make up his mind, the
aged and cantankerous Calderwood, the ranting Cant, and the runabout
and turnabout Mr. Patrick Gillespie.

The nobles had to face the intellectual ability of Scotland, man
with more learning, able to argue a legal case, able to match feudal
chicanery with clerical casuistry and resolute to death in the opinions
they held. The ministers were forced not only into ecclesiastical
but into social politics. Since the Reformation the ministry was
becoming more and more drawn from the middle and even poorer classes
because poor stipends held no allurements to aristocratic cadets.
Its learning compared with the Scottish Roman Catholic clergy was
immeasurably greater and wider. Baronial disregard for what remedial
social legislation had found statute declaration was blatant and
patent and men like Guthrie had ample instance and argument for
attacking the nobles as oppressors of the poor as well as oppressors
of the Church. It was not that the Church merely enlisted a mob to
support the Cause. The ministers were desirous of better social
conditions and used all their efforts to procure them. It would have
been/
been criminal as well as extremely foolish for the ministers to disregard the care of the people of Scotland or the cause of the people of Scotland in the prosecution of their own case and it is exactly because while it harshly disciplined the soul, it did not neglect, by any alliance with feudal power, the bodily and domestic sufferings of the common man that the Church emerged after the Restoration chastened but healthily alive.

The three noble Commissioners returned from England in February and gave a preliminary report to the Committee of Estates on the tenth of that month. Loudon dealt with the negotiations prior to the King's flight to Carisbrooke, Lauderdale with his own English experience, Lanark with the Engagement negotiations. Loudon's indisposition - he had reason to be nervous and his speech had the circumlocutions of a man 'ill at ease' - postponed a complete narration till Tuesday, February 15th when Lanark was brief, Loudon again lengthy and Lauderdale terse. It was doubtless hoped that Loudon would win the Argyllians but looking at their grim glum faces the Chancellor's slow utterance became more hesitant as he felt more in the dock than in the President's chair. The Commission of Assembly met the same day and petitioned the Committee for information on foreign affairs. Rumour was fife; Hamilton put about a report from Chei'sley, secretary of the Scots Commissioners in England, that Charles had sanctioned the Covenant and some of the clergy were wishfully deceived by it. Baillie wrote that preliminary accounts made all ready to rise quickly for the

1 Mont. 11, 32
King's deliverance especially since the Independents had given a just cause for war by their breaches of the Solemn League and Covenant. According to him the Kirk knew there was little chance of these being healed by negotiation but the ministers had seriously to consider whether war would not gravely imperil the ecclesiastical and political stability of their own country, though even this some were prepared to put in hazard under the banner of a Covenanted King. The Commission's petition was a comparatively inoffensive craving for information containing no claims to dictate policy. The information was given to them by Loudon the next day along with a letter from the King. He was unable to make a "prudent relation of matters" which would satisfy the clergy and neither modest detraction of himself nor circumlocution - the counsels of his maxim book - had any effect. He was bluntly told to give in his report concisely in writing. A day was appointed when all concerned might fast over the business. At the same time English Commissioners whose task was to spy and divide arrived in Edinburgh and were in touch with the Church party. They gained little for neither Engager nor anti-Engager, despite their differences, were friendly disposed towards England.

On the 18th February a sub-committee of the Commission including among with clerical members as Douglas, Gillespie and Rutherford, Argyll, Balmerino and Warriston as elders was appointed to confer with a similar sub-committee of the Estates. On the 22nd Loudon's relation having been received in writing the Commission in immediate considera-

1 Baillie 111, 25, 33 2 Ass. Com. Rec. 1, 355
tion declared the concessions regarding Covenant and Presbyterian government utterly worthless and destructive and the concessions on the suppression of heresy of little value because of the omission of Episcopacy, Erastianism and Papacy. The next day the Moderator and Clerk with power to co-opt were appointed to base a 'Declaration' on the votes of the Commission and transmit it to the Committee of Estates. On the 25th that body anticipating events sent a request to the Commission that they should pass no resolutions nor issue declarations without first communicating them to the Committee but cautiously added that this request was not meant to prejudice the power or privilege of either judicatory. The Commission returned an equivocal answer, for while saying that they would keep in touch with the Committee of Estates and communicate any Declaration to them they did not say whether they would issue it before or after it was submitted. On the 28th and 29th the ecclesiastical leaders had meetings with Loudon, Lauderdale and Lanark to consider the Declaration and the objections to it. Lanark was the chief objector but although his proposals were categorically refused the ministers were not altogether adamant in their attitude. There was a possible war party in the Commission provided that the control of the Army by Covenanting generals, and an oath of allegiance to the Solemn League and Covenant by all participating, was secured. The only concession to the absolute enforcing of the Covenant, however, which they would make was to waive Charles personal taking of it for according to Baillie the demand that "The King not to be restored till he have

1 Ass. Com. Rec. 1, 368  
sworn the Covenant" was altered to "Religion and Covenant to be settled and thereupon the King to be restored." This was a concession to Loudon and Lauderdale. But the obvious equivocations of the Engagement and its formulators, the intransegeance of Lanark and his attempt to create an opposition ecclesiastical party confirmed all the Church's suspicions and rapidly removed all chance of agreement. An assertive anti-clerical attitude in the feudal party further roused the temper of the Church and nullified all attempts of Loudon and Lauderdale at reconciliation.

On the 1st March the Declaration was approved. It named two dangers to the Covenant, the Independents who wrecked by force, the Malignants who worked by fraud. There was, it stated, great need of reasserting the basic principles of that treaty because some were desirous of relieving Charles of any need of subscribing to them before his reinstatement in power. This implied Lanark who had sought to have this clause removed from the Declaration. Angling for Loudon and Lauderdale the Commission commended those who had striven to make Charles give fuller satisfaction in religious matters. Loudon was caught and in his recantation eagerly embraced this attributed merit. Support for monarchic government "according to the Covenant" was promised but Charles's letter to the Commission which anticipated their satisfaction with his terms was to be regarded as having no relation to fact. The King's sanctioning of the Covenant for the security of those who had taken it, to them merely implied his self-interest, even this he was not in a true position

---

1 Baillie 111,53 ff. and Ass. Com. Rec. 1, 372
to grant, even granted it was unsatisfactory, for it was not the imposition of the Covenant on both nations, and it left Sectaries and Malignants at liberty to refuse to sign. The granting of a "negative vote" in legislation, the Commission pointed out, completely nullified the three years trial of Presbyterianism before establishment of it by Parliament, since Charles could veto any such legislation and had as lately as 16th November said that as a King and a Christian he could never consent to abolish Episcopacy, which statement he had reaffirmed in a letter to the House on December 26th the day after his letter to the Scottish Church. The omission of Prelacy, Popery and Erastianism from the list of proscribed heresies was noted with the sarcastic addition "we see not how it (this suppression) can be reconciled with his Majesty's message of November 16th in which there was a concession of toleration to all such as differ from Presbyterial government." The Declaration ended with a summons to holier living and separation from Malignants, urged the keeping of a wary eye on Sectary and Royalist especially Royalists who used subterfuge and procured commissions from Charles and who not long ago sought by minimising the danger from Sectaries to have the Covenanting army disbanded. The Estates are cautioned against any action likely to cause an irreparable breach of the Covenant. The whole document was a shrewd revelation of the fallacies of the treaty with a good few palpable hits. It has more of Guthrie's dry sarcasm than Gillespie's vitriolic bitterness for the latter has not yet got all the reins between his feverish fingers."

By now Parliament had met and the Declaration was presented. The

Commission/

Commission received a courteous answer and a request for a fast. The answer asked that publication should be delayed till the Estates had time to deliberate on it and stated that they considered the Declaration no entrenchment on their privileges as they hoped the Commission would consider this request no invasion of theirs. But the Kirk decided it was and gave in the tart reply that "the desire to us to take no course for publishing on divulging the said Declaration till the return of the answer is such as the Kirk hath not been acquainted with the like." A perturbed Parliament saw that the propaganda war was on and sought to scotch it. A deputation asked the Commission if they meant to publish the Declaration on Sunday. They replied they "did not so intend" - technically true - but the following Monday they sent out the printed copies to the Presbyteries with instructions that it was to be read the Sunday after it arrived in each parish. Parliament had sought the delay in order to get in first with their own Declaration which Lanark, assisted by Loudon was preparing. Trick was met by trick, the Scots were learning some chicanery of manoeuvre from Westminster. Three days later, on a request for a conference, the Commission appointed a sub-committee, which as its composition was preponderantly moderate, showed still some attempt at a 'rapprochement' to meet with a deputation of the Estates. But the next day, Thursday, March 16th, Parliament nominated a 'Danger Committee' to deal with matters of defence and passed votes on the seizure of Berwick and Carlisle. Only five of the eighteen members of the

1 Ass. Com. Rec. 1, 387  
3 Ass. Com. Rec. 1, 394  
2 Ass. Com. Rec. 1, 389, 90  
4 Mont. 11, 426; Ass. Com. Rec. 1, 522
Committee were Argyllians. The Kirk believing that the issues under negotiation had really been predetermined refused for the time any further conference and now began open criticism and boycott of Parliamentary actions. Loudon began to turn. His speeches began to emphasise the danger from those who favoured bishops although he still professed allegiance to the Engagement. Montreuil was further bewildered. Parliament's delicate treatment of the Kirk and Loudon's oratory led the cynical Frenchman to conjecture that the whole affair was a scheme to blackmail England in the name of Charles, and when the cash to buy off the Scots arrived, to use the Kirk's opposition as an excuse on the Engagers part for failing the King. Certainly had England bid at all, or bid high enough one may wonder how many of his feudal associates Lanark, personally incorruptible, would have retained. Feudal interest in the business was so great that never before had so many nobles been present in Parliament. But England did not bid, both Lanark and the Kirk were sincere in their ends, if not altogether honest in the means they used to procure them, so the conjecture never became reality.

On the 22nd March the Commission, having repeatedly refused conference with the Estates, presented them with "Eight Desires" as a basis for subsequent negotiation. These contained a demand for a clear statement of reasons for the declaration of war and for a promise that none would be made without advising the Church concerning it, such reasons were to include a precise account of the so called

1 Mont. 11, 4c6-42o
2 Mont. 11, 426--2o
3 Baillie 111, 35.
breaches of the treaty by the Independents, and were to contain nothing which would break the union of the two Kingdoms or alienate the Presbyterian party in England. Assistance from Malignants was utterly reprobated and the Estates were asked to declare Charles's offers unsatisfactory, demand his consent to Acts of Parliament enforcing the Solemn League and Covenant and fully establishing Presbyterian Government, Directory of Worship and Confession of Faith in all his Majesty's dominions, and exact an oath before his reinstatement that he would never revoke these Acts. It was laid down that only Covenanters should be given command in the Army, and a solemn oath be drawn up, in which the Church would have the same interest as they had in the Solemn League and Covenant. This last clause was the work of Warriston and Gillespie who had already proposed an oath of association for the Anti-Engagers which the wiser members of the Commission rejected as extreme, as it was also technically illegal and they only went as far as to embody a request for this third Covenant in their Desires. At this time the comic duel of Argyll and Crawfurd gave the Engagers opportunity for some malicious satire at the expense of the leader of the opposition but the Commission made an edifying and impartial example of rebuking him - tactfully in camera. They dealt less tenderly with Andrew Ramsay and William Colville who refused to read the Declaration, suspending Ramsay from the ministry despite popular riot and Parliamentary interference.

Parliament's answer to the Eight Desires was a promise that they

---

would clearly formulate the causus belli and only engage in a war which would strengthen the union of the two Kingdoms, along with vague agreement in principle to the suppression of Malignants and reference of it to a committee of twenty-four. When agreement was reached on these first issues Parliament said it would be willing to declare Charles's terms unsatisfactory. Charles's relation to the Covenant was referred to committee to find more smooth expression; a pledge was given to employ only persons of known integrity, and to accord the Church a "due interest" in the framing of an Engagement. This reply given to the Commission on 28th March was not an answer but an evasion and the ministers retorted with a sarcastic point by point exposition of its obvious fallacies with the refusal of any further conference till their demands for "state of the question" were clearly answered. Baillie more optimistically than the other evidence supports believed the Church and the State were at one time near agreement, but that Callander's designs on Berwick and Carlisle wrecked any such hope. Neither Charles nor the Scottish Estates could give a "state of the question" satisfactory to an angry and suspicious Church. The "sticks in the negotiations" as Baillie called them, were caused by deeper things than Callander's pushful policy though the latter pushed Hamilton into a bolder and more open defiance of the Church and spurred the Commission to active counter action. Synods were warned and instructed to wait on the Commission's pronouncements and to forward immediately to the latter matters of

1 Ass. Com. Rec. 1, 420 ff.
2 Baillie, iii, 44.
public interest. Ramsay was processed in the teeth of Parliamentary and municipal opposition. Next the Scottish Parliament crossed the Rubicon with their impudent and ironic demands on England:— Compulsory imposition of the Covenant, complete establishment of the Presbyterian system, total extirpation of heresies (including those excluded in the agreement with Charles), the disbanding of the Army, the restoration of expelled Presbyterian members of Parliament and the placing of Charles in a position to treat freely. It was a naif ultimatum asking England to suppress herself as a religious, political and military entity, demanding concessions never asked nor hoped for from the King. It was the ultimatum of the wolf to the lamb but the wolf proved very senile and the lamb had iron horns and sides. Callander's war party was completely in the ascendency. Lanark said the demands were made "high and full, knowing full well they will be refused and we obliged to resent it." 2

In the beginning of April Loudon tried to get the gist of the Clergy's desires granted and with the support of Cassilis and the vacillating Traquair he nearly succeeded had not the totally uncompromising attitude of the Commission exasperated the nobles who finally acquiesced in sending the demands to England. As war became inevitable, Loudon seceded to his former allegiance to Argyll. Perhaps he had conceived the Engagement as a piece of bluff to win good terms for Scotland from Charles and Parliament alike and in the final settlement good gold for Scottish pockets. When the bluff

---

1 Mont. 11, 451  2 Dukes of Hamilton, 433
was called he refused to overplay a bad hand - a dubious King and not a few knaves. The Commission now attacked the Estates for demanding from the English Parliament what they had refused to ask from the King and for making a pretext of war out of their refusing what he also had refused. One or two local riots and protests in favour of the Engagement acerbated the ecclesiastical temper and the first step towards interference in civil politics was made. On the 13th April another 'Desire' was added to the eight. Still protesting, somewhat in the strain of Hamlet's mother, that they were not averse to an Engagement on satisfactory terms, the Commission desired that the Estates would abstain from any action which would put a power of veto in the King's hands to the danger of the religion and liberties of both Kingdoms. It was Guthrie's work. Yet despite this and other agitations the ministers continued to pray daily and preach weekly in Parliament and doubtless dealt faithfully with the members in their sermons.

On the 21st April Parliament published their Declaration preceding it with a letter to the Commission asserting their right to conduct their own affairs, with due regard to the just rights and liberties of the Kirk. It was a rather impolitic and hypocritical conglomeratin of mixed motives and betrayed causes. A railing prelude referred to "disaffected persons and enemies of the State," obviously the Commission.

The Declaration damned the Independents' breaches of the Covenant and

1 Mont. ii, 451
2 Ass. Com. Rec. i, 453
3 Ass. Com. Rec. i, 464
their treatment of Charles in England. It mentioned, naively saying it refused to mention, the fact that England owed them £310,000 for brotherly assistance against the King. It assured all and sundry that as a "brotherly and amicable way of settling their differences" they had sent their demands to England, demands which Lanark had assured Montreuil and others were meant to be impossible, and which others hoped would loosen the strings about the necks of the Exchequer's money bags, though it was those about the necks of the dogs of war that were unloosed. Vague promises were made regarding the suppression of Malignants "if they rose in arms" and regarding the employment of loyal Covenants in commands. The Engagers pledged themselves to make Charles establish Presbyterianism totally and perpetually in the Kingdoms, aware of the impossibility of any such transaction and with this specious blare of the feudal trumpet summoned all subjects to show themselves true supporters of the King. An immediate reply from the Commission dealt with the insincerity and evasion apparent, its core being the words "after so many unsatisfactory answers and messages from his Majesty we do not expect a right understanding between his Majesty and his people till somewhat proceed from him towards a clear satisfaction of the just desires of the people and especially in point of religion." Rutherford was appointed to preach to Parliament the following Sunday and it is to be regretted that this sermon was not preserved. Revolt spread further as the Commission sent a letter to the Presbyters stating their intention to proceed as if Parliament had made no such resolutions as those expressed in the Declaration.

There/
There was now published the Church's most important commentary on the whole question of the Engagement. "The Humble Representation of the Commission of the General Assembly to the honourable Estates of Parliament upon their Declaration lately communicate to us." It is worth reading as a piece of satiric Scots' literature, full of dry sarcasm, even humour and a certain mordant irony. The pen is Guthrie's, the policy is Gillespie's, the political ideals those which Lex Rex had given to the Scottish churchmen. It was the best statement of their case but was of necessity weak in any offered alternative to Engager policy for Cromwell's power, Parliament's impotence at Charles's insincerity left them few that were satisfactory. The Representation reiterated the old protest that the Church was not against an Engagement to free England from the Independent curse if the cause was clear and the security good enough, but the desired security lay in the establishment of Presbyterianism in England which Charles had not the will nor Parliament the power to grant nor had the latter any great desire to see it imposed on Scottish lines by a Scottish army. The Kirk's one hope would just have lain in a Scottish 'New Model' which could break the Independent's military power and impose on England the desired regime, though such an action would have reunited in opposition the differing sects of Puritan Englishmen. By now the Scottish people were resentful of war levies Argyll or Hamiltonian, and the semi-feudal recruitment and organisation of the Scottish force made it difficult to create a competent fighting

1 Ass. Com. Rec. 1, 489
machine under either Royalist or Covenanting leaders. Dunbar was lost because family and feudal considerations as well as ministerial purges interfered with the appointment to commands. Leslie lost because of incompetent regimental officers posted by family influence in an army whose choice of officers had already been circumscribed by the Act of Classes. There is a hint at the end of the Declaration that its framers knew they had come to a political impasse. "We plainly declare our dissent from the complex circumstantial state of the present business". Despite able criticism and profound ideals, bankrupt of a feasible policy, the Kirk could only utter a warning and wash hands of the affair; unless they had abandoned the Covenant it was all they could do, till there was staged in the Act of Classes, a virulent and vindictive assertion of the "I told you so" in the Representation. The 'Representation' opened with a veiled attack on Hamilton, aimed at splitting the new concord with Callendar, in which his supposed pretensions to the Crown, his bad advice to Charles at the time of the National Covenant and his present alliance with the Covenant breakers were all dragged out without mentioning him by name. The clergy were defended against the charge of inciting the people against the Estates. England's supposed breach of the Covenant as a casus belli was discussed and dismissed on the grounds that although a party in England might have broken it even as a party in Scotland had broken it, this was no cause for war as the most important part of both nations had taken the Covenant, despite the inconstancy and infidelity of some. That the English Government had treated/
with

The mention of the non-payment of treaty debts in the Estates' Declaration was ridiculed as niggling and insistence laid on satisfaction in religious matters before any consideration for the safety of Charles. Such had been the Scots' demands at Newcastle and they could not be materially altered without scandal and inconsistency. "If a King do not his duty for the maintenance of the true religion and maintenance of justice, it is not his safety alone that makes his people to be in quietness and righteousness." The ultimate outcome of the Engagement is feared. "Your Lordships are resolved not to put any such power into his Majesty's hands.....But what you resolve not now you may resolve afterwards." The Drunken Parliament was the dire fulfillment of this foreboding and even at the moment the private correspondence of Lanark and Lauderdale showed that such resolvings were being mooted. The Representation was as much a political as an ecclesiastical document but it showed a sounder interpretation of treaty obligations and democratic principles than Parliament's Declaration.

The next move took the Kirk party to open rebellion. The Commission sent to Presbyteries a succinct form of the Representation called a "Short Information" and instructions that "we do advertise and advise you that every one of you withdraw yourselves from giving any assistance or concurrence in any way to the proceedings in that Engagement and specially that you neither send any of your number forth to attend their forces nor yet read or allow others to read any/
any orders or papers concerning the advancement of their present 
Engagement as you will be answerable to the ensuing Assembly." In 
view of the Acts putting the country in a state of defence and ordering 
a military levy this ecclesiastical boycott was legally little short of treason. Through Middleton the Engagers retained the services of most of the Army officers; they lost David Leslie and Holborn. Hamilton and Callander after bickering over the command, came to 
terms, Hamilton being appointed Commander-in-Chief, Callander his 
deputy. Argyll refused any part in the matter, Loudon followed his 
chief and as Montreuil viewed the Covenanting Achilles dwelling 
peacefully in his tent, he gravely doubted the sincerity of the men 
who left him unmolested. "Whatever goodwill the Scots may have....
I always put in the category of doubtful things." Discounting even 
the loyalties which did exist in the Hamilton camp he steadily regarded 
the dispute as a war "between Presbyterians and Independents as to who 
shall control this island." He believed to the end that Argyll and 
Hamilton had a secret understanding to work the Engagement for their 
private profit and that Lauderdale's mission to bring Prince Charles 
to Scotland was an attempt to secure another hostage through whom to 
blackmail the King. Seeing perfidy where there was none, accusing 
the loyal Lanark of crocodile tears, he was a dubious agent for Charles 
but accounting for his Jesuit suspicion he throws light on the shifti-
ness of many of the Hamilton party. Lanark himself wrote "Many 
among us pretend to loyalty but have such faint hearts and love their

1 Ass. Com. Rec. 1, 529, 31 2 Mont. 11, 481
fortunes so well that they dare not act where there is danger: others have both courage and affection but their ambition will not allow them to act if they be not absolute; and they have no power of themselves without a conjunction with some of greater eminence than themselves. Thus while we are tearing ourselves in pieces through factions and self interests, perit Saguntum, our King is forgot.... The Chancellor has made a foul defection and those that pretend affection to the King are not so united as they ought to be." Two things were needed for victory speed and strength. Some wished Hamilton to march, though with inadequate forces, in hope of English support, others deprecated a hasty march before gaining equipment and strength of number. "The Duke saw great reason on both ends." He delayed long enough to warn England of his intentions, not long enough to equip his army and secure the rear at home, and thus fell.

The opposition of the Church which ruined the Engager cause was backed by the people. Fife and all the South West were resolutely opposed, counties in which the name of Rutherford was a spell. But opposition was widespread. The opposition party in the Estates was powerful and unified with Kirk and people behind it, and members of various burghs and shires bribed or coerced into the Hamilton group finding the cause unpopular and people indifferent or hostile, began to waver in their allegiance. In April Edinburgh mob had rabbled the Commission for laying hands on Andrew Ramsay an honest man and beloved pastor acting as his conscience led him. But in June the same mob

1 Dukes of Hamilton, 432 2 Dukes of Hamilton, 449
hurled stones and abuse at Hamilton as he rode through with an escort of three hundred men. In Glasgow his levies and taxes made him even more unpopular. Forced billeting, the press gang, levies for the upkeep of the army, greatly depreciated the Engagers' stock. Everywhere the Church fomented the discontent, a supreme weapon given into their hands. The Estates sought to curtail these activities and overawe the Presbyteries by sending them a letter dated 11th May asserting their supreme authority in matters political. It was a querulous document, betraying their weakness and fondly trying to argue with men whose doctrines were set and whose skill in such a controversy far exceeded the nobles' powers. "Is there any other authority in this Kingdom but that of (King and) the Parliament and what flows from them that can pretend any authoritative power and choice of the Instruments and managers of their public resolutions? Is it a subject and theme for the disputes of Church judicatories whether his Majesty hath a negative voice in Parliament or not?" The Church answered that there was such an authority and that they could define its measure and flung the answer in Parliament's face in their "Humble Vindication....in answer to the Letter of the High and Honourable Court of Parliament dated 11th May," in which indeed there was very little humility.

The "Vindication" justified the Commission's acts on the ground that Parliamentary policy was endangering the peace of the Church by determining religious matters without its consent. While admitting that Parliament might determine the civil relationship between subject and prince its authors claimed that that the Church had also some say in the matter for while the Church could not choose a man for a civil
office it could and must outline the moral qualifications with which men in such offices were to be endowed. This was the evil seed of the purging practice as immorality and anti-presbyterianism came for extremists to be identical. Scripture was cited as being against the doctrine of a royal veto and Parliament asked "not to interest themselves in any quarrel for his Majesty's negative voice because of the great dangers which may thereby come to religion." The answer to the charge that the Commission had incurred the penalty of treason by stirring up subjects to disobey the laws of the Kingdom is met by the political philosophy of Lex Rex. Rutherfurd had claimed that if Parliament erred the people had the right to deal with the matter (how, he was never quite sure, perhaps, as here, by passive disobedience). "Civil obedience to Acts of Parliament is either in things unlawful and contrary to the Words of God, or in things lawful and right. In the former case it is a sin to obey; in the latter case a sin not to obey." Again, "the authority of Parliament is one thing, an Act of Parliament another thing. We do still acknowledge their authority when we do not obey this Act. Whatsoever be the treason of impugning the authority of Parliament, it can be no treason to obey God rather than men." The framers of the Vindication were men in love with the constitutional principle that the changing of evil laws should not be frustrated by royal veto, a principle that they surely had at right to assert. Where they erred was in claiming divine authority for their own interpretation of the law and practically

1 Ass. Com. Rec. 1, 552
2 Ass. Com. Rec. 1, 553
divine inspiration in their choice of the godly men who were to administer it. They erred disastrously in employing ecclesiastical sanctions to achieve civil conditions favourable to their party and programme and brought on themselves by so doing the reaction of the "Killing Times."

Till the Vindication was published some slight hope of compromise may have existed. Now there was none. Argyll considered a counter rising. At the end of May he met Eglinton and Cassilis at Ayr where the project was reviewed, especially as Fife also seemed on the point of resistance. But still avoiding an open breach with Hamilton as assiduously as Hamilton avoided one with him, he contented himself with refusing support believing like Gamaliel, "if this counsel or this work be of men it will come to nought." He withdrew to Inverary; Fife did not rise but sat sullen. Eglinton half-heartedly allowed forces to be levied in his lands. The Western lairds seeing their leaders temporising told the rank and file of the party who had assembled at Mauchline, to disperse, but stouter hearted, if less politic than their leaders they advanced to Mauchline Moor where they were routed by Middleton. There is little doubt that Argyll foresaw Hamilton's fate. His army was unpopular. Baillie, no extremist, deplored its doings, saying, "Our loss and danger was not so great by James Graham."

The West was seething with revolt. "There is indeed in our people a great animosity put in them both by our preaching and discourse, also by the extreme great oppression of the soldiers; so that it fears me if Lambert be come to Carlisle with fresh men and have put Langdale

---

1 Baillie, iii, 48
into the town, as they say, so soon as our army shall be entangled with
the English many of our people rise on their backs."

Parliament passed acts putting all the nation's life and state under conscription for the levy whilst the Commission was busy declaring these acts unlawful. Then Hamilton began his mad march into England, ill equipped, with a sullen people in his rear, and with a Church which he could not stifle about to meet in Assembly and ratify every Act of the Commission which had obstructed and opposed him. His fate was sealed and Argyll wisely refused to provoke civil war and party bloodshed on Scottish soil. His subsequent coup d'état if opportunistic in achievement, and retributive in its functioning, was at least bloodless.

While the Scottish army was mustering at Annan the General Assembly met on July 12th. It was to use Baillie's word, a 'jangle'. The usual leaders were absent. Argyll and Loudon were in retirement according to Baillie to avoid the payment of maintenance for the Engager army; Warriston was with Argyll in Kintyre to avoid the task of prosecuting the ministers charged with inciting the rioters of Mauchline Moor; there is no record of Rutherford's presence and he appears to have served on none of its sub-committees. George Gillespie was appointed Moderator. He was quite unable to cope with the task for temperamentally he was unfit for it as Rutherford, and he was a dying man. Too much of the partisan he spent what strength was left to him arguing with those over whom he was Moderator. Mr. James Guthrie rose in the ascendency and his 'brisk hand' was distrusted by Baillie, Douglas, Dickson and all moderate men. The
Commission's/ 1 Baillie III, 49 2. Baillie, iii, 53.
Commission's Declarations, Representations and Petitions were all ratified. A Declaration was passed against the Acts of Parliament of 10th June and a lengthier one was drawn up against the Engagement. The rambling nature of the latter showed the flagging of Gillespie's tremendous earlier powers. More papers were drawn up in answer to the Committee of Estates. No new material in argument appeared in any of these documents. Engager ministers like Colville and Ramsay underwent a tortuous examination and trial and were suspended. Overtures for "remedying the grievous and common sins of the land" were brought forward. Prolonged and irritation were common features of this Assembly. The Larger and Shorter Catechisms were approved but the Directory for Church Government was attacked by Calderwood because of its 'Kirk Session' propositions and its examination along with that of Gillespie's CXI Propositions was continued till the next Assembly. Rous's Psalms were sent down to Presbyteries for examination and revision, reports were to be sent to the Commission of Assembly which was to revise and collate Presbytery corrections and present the result to the Assembly of 1649. The captious atmosphere thus delayed the passing of the last of the Westminster standards, but the Church spent great care and patience over the Psalms which were for centuries to be the life blood of its praise. Baillie's description of this Assembly is dispirited and ominous. He had loved Mr. George "that brave youth"; now - "In the morning I went away desirous after much toil to be home that night, unwilling to wait on the Commission to jangle with the Moderator. The matter of this unhappy Engagement/
Engagement I hope will not last - but new grounds of division may possibly arise which may make our contentions greater." They did.
The Act of Classes.

Rutherfurd in the years of the Engagement and the Remonstrance was a figure of the first political magnitude. Cromwell disliked him and reckoned him as one of the four chief men in Scotland. Haldouz believed him the fons et origo of anti-Monarchic agitation, yet in the conduct of affairs he was less often in the public eye than Douglas, Guthrie or even Dickson. He was not fond of intrigue and was inexpert in that political game. He was happier in the pulpit than in the Council chamber. He loved the lecture room better than the Commission's meeting place. Of all the leaders he was least often at the Commission and then chiefly when some special object such as the penning of Representations or the passing of Act abolishing patronage demanded the wide learning and argumentative prowess of his pen. Through these he dominated the Scotland of his time. He was the last great Reformation theologian. Boyd and Bruce were long since gone. Henderson was dead. Gillespie had died in the heat of battle. Baillie, the other Westminster Divine, was too timid and tentative to have force. Rutherfurd was left, the greatest Divine his Church possessed, the most learned, the most respected, and the most honest. He remained true to his principles when peer and politician both deserted him. Both the party and the principles that he had given the Nation were now in power. The creation of south-west Whigdom was his work. He wrought tirelessly and invincibly to order and regulate the Kirk. But he seized on ancient and cruel weapons to establish his purpose, even if few churches knew any other, the
the weapons of excommunication and suppression. These were now employed by the party of his creation. The man who taught and expounded them to the Nation was naturally looked upon as an authority when it came to their imposition.

Events following the defeat of the Engagers Army at Preston swiftly put the Anti-Engagers in power. The South-west rose in arms under Eglinton and Loudon, and marched on Edinburgh, which was occupied by Leven and Leslie. Lanark and the remains of the Engager Committee of Estates seized Perth and Stirling and defeated Argyll's forces in a skirmish near the later town. Cromwell hearing that the Engagers commanded central Scotland, entered the Northern Kingdom and occupied the Merse. He sent word to the Anti-Engagers that he did so in pursuit of his enemies and the enemies of both Kingdoms, and that as soon as he had subdued them and brought them to terms he would leave the country. The Engagers saw that their case was hopeless. At first they entered into negotiations with a high hand, demanding practically the status quo ante and their retention of office as the price of laying down their arms. But as Row naïvely puts it, "Hearing of the English Armies entering the Kingdom they became a good deal more calm and a great deal more reasonable in their demands." ¹ The terms which they were ultimately compelled to accept assured them of their lives and properties, but the penalty for their conduct, was in the civil respect, to be at the discretion of the next Parliament, in the religious, at that of the General Assembly and its Commissioners; meantime, they were to lay down all public office in the State and disband their army. Prisoners on both sides were released. While these terms were

¹ Row, Life of Blair, 208.
were being negotiated the English Army lay about Haddington and Dunbar. Shortly after the pacification Cromwell came to Edinburgh. He was greatly feted by the new Anti-Engager Committee of Estates and gave in to them a paper "showing how far the late Engagement tended to the detriment of the Kingdom of England, and with all desiring that none that had a hand in it might be permitted to carry office in Scotland, either in judicatories or armies, which desire was granted by the Committee of Estates." Cromwell had purging tendencies and saw also that such a procedure would store up enough trouble to keep the Scots busy amongst themselves; Argyll and Warriston were not averse to such a course of action which so suited their political and theological ideas. They had proceeded on similar lines against the supporters of Montrose. It is not at all improbable that at their meeting with Cromwell they got him to sponsor this demand in order to lend force to their tactics; Cromwell seeing one move further, did so, because of the entangling problems likely to arise and keep Scottish eyes from the South. Argyll hoped that discipline would unite, Cromwell that it would divide Scotland. When the promise was given Cromwell left the Kingdom in honest accordance with his agreement, leaving only two regiments of cavalry under Lambert till the Scots had formed a standing army of their own to keep order. Lambert's forces left Scotland as soon as Leslie had the Scottish New Model in hand. Rutherfurd was not one of the deputation of Ministers who waited on Cromwell. He shared Blair's views that he was an egregious dissembler and 'a greetin deevil', was Blair's succinct epitome.

The Scottish Parliament met on January 4th 1649, and proceeded I Row, Life of Blair, 209.
proceeded to pass the notorious Act of Classes. Notorious as it was — it was bloodless. Intolerant and unwise as it was, the bargain on life and property was kept. It was modelled on the former Act dealing with the Montrosians. As far as its provisions went, a beaten party might well expect to lose office. They still do, if not so drastically. It was not the way out, though that was a bitter pill, often with excommunication and suspension as its hard medicine, but the way back to office and public life in sackcloth and ashes through the sombre portals of the Kirk, that irked feudal pride and later stirred the feudal party to a bloody revenge. The Act divided the recalcitrants into four categories:— (1) All who had acted in the Engagement or been out with James Graham; (2) All malignants who favoured the Engagement, and petitioned Parliament in its favour; (3) Any public official who did not oppose the Engagement or oppose the desires of any petition of the Kirk judicatories against it; (4) All officials given to uncleanness, bribery, swearing, drunkenness, profane conversation, etc. All classes were deprived from all public offices. The first class were made incapable of holding office for life; the second were excluded for ten years, the third for five years and the last for one year. All the last had to satisfy the Kirk about the soundness of their Covenanting principles before they were again admitted to office.

The South West in Power.

When Cromwell left Edinburgh on October 7th., and the anti-Engagers began putting the political and ecclesiastical house in order, Rutherfurd returned to the Commission of Assembly on the 6th. September. Its August meetings had been occupied with drafting further Declarations to the Committee of Estates, which he may well have regarded as spurious and useless. He took his place on the Commission the day after Argyll, Cassillis, Loudon and the Western men entered the city which seems to show he may have been with them. He was immediately placed on the sub-committee "to consider what is incumbent to the Commission to do at this time for security of Religion and prosecution of the Covenant." A short Declaration was drawn up which was practically an incitement to all to join the ranks of the anti-Engagers as the only practical way to a sound peace. From its phraseology, Rutherfurd might well be its penman. To the overtures of Lanark and the Engagers, the Commission turned a deaf ear, refusing to act for them in any way, or to mediate between them and their opponents. It began the system of punitive purgation by seeking out from the Presbyteries all the names of ministers and expectants who had been with the army or supported the Engagers' cause. The Commission's counsel to the anti-Engagers was to reject further all Lanark's terms. In November, Rutherfurd incited the Commission to punitive measures. A letter from the Synod
of Fife of which he was Moderator informed the Commission that in the Synod of Perth ministers had been holding clandestine meetings with a view to petitioning the last General Assembly in favour of the Engagement. Fife, hearing of this, held a rigorous self-examination, but found themselves happily without sin. Such a process of investigation, they would commend to other Synods through the Commission, "signifying to you our deep sense of such courses in others, and our desire that ye would, with all convenient diligence and zeal go about to discover and take order with the guilty". Rutherfurd prevailed on the Commission to take up the matter. All petitions or resolutions in support of the Engagement were rigorously enquired into 'as dangerous malignant designs tending to the dividing of the Kirk.' The Presbyteries of Stirling, Linlithgow and Haddington were found to have been considering such petitions and sundry others were commanded to try themselves further in the business of 'divisive supplications' and report to the Commission by January.

The proposed trial of Charles now turned the eyes of the people to the ecclesiastical state of their neighbour. They issued "A Seasonable Testimony against Toleration and the present proceedings of Sectaries and their Abbetors in England." This paper was the work of Rutherfurd, aided by
Guthrie and Patrick Gillespie. I

On 23rd January, the Act of the Classes was passed. The Commission wrote to Parliament commending the Act and following the principle expressed in their 'Vindication' outlined the delinquencies which they deemed worthy of punishment. These were more political than moral as expressed in the Commission's letter of 18th January. Even "wishing or expecting a change such as profane men wait for" is reckoned worthy of punishment." The whole tone of the letter is more akin to dictation than suggestion. 2 The Act of the Classes itself was the product of party jealousy, political exigency and Presbyterian disciplinary theory. The charge that its formulaters were actuated by avarice may be disregarded. The holding of place in Scotland was more often the cause of impoverishment than of enrichment, as the financial fate of Traquair or of Argyll himself showed, nor was there any evidence that any of the offices of which the Engagers were deprived were sold, though Argyll was ready to see his rivals for political power divested of every place which would give them it.

Warriston had been closely associated with Gillespie and Rutherford in the Excommunication debates at Westminster. These two had, more than all others, violently asserted the Church's right to remove and punish by

2. Ibid. 170.
excommunication all religious offenders. As one of their arguments they asserted the Hebraic dogma that the presence of the wicked in a Church or nation brought the wrath and Curse of God upon both. This theme they voiced incessantly throughout the sittings of the Commission in 1648. Warriston, as his Diary shows, was a highly impressionable man, all the more so when the impressions he received supported and strengthened the policy he had meant to pursue. He believed, or led himself to believe — for he was a master in self-persuasion — that the Act of **Classes** was not a political manoeuvre, but an instrument for averting the Divine wrath from Scotland. Its very comprehensiveness is due to the ecclesiastical doctrine behind it. Had it been formed by one who was merely a 'political', the chief leaders might have suffered but lesser men would have escaped. Left to themselves, it is questionable if Argyll, Cassillis and Balmerino would have done more than deprive their opponents of office and power; Cromwell had asked nothing more. But with the same exhaustiveness with which he examined the polemic of a doctrinal opponent, Rutherfurd insisted that the Estates should examine all and every person in whatsoever office, connected with the Engagement, lest their holding that office should bring God's wrath on the land. He was the author of the letter from Fife
already mentioned, the inspiration if not the author, of the letter of 18th. January, in which the Commission asked the Estates to find scope in their Act to punish even the intentions of a doubtful case. The 'Classes' of the Act were due to the Church's demand for an extensive purge, a demand which Rutherford created.

Warriston who framed the Act was in complete sympathy with the extremists. He used as a basis the Act of 1646 which fined and excluded temporarily from office classes of persons implicated in the rising of Montrose. But here, no fine, option or compounding was allowed. Even as excommunication was punishment by deprivation of right and privilege, so this Act is a civil excommunication by deprivation of all civil right and privilege, ad vitam in some cases, for a lesser term in others. A clause in it submitted to a theory proclaimed in the 'Vindication'. No person, even after the expiry of his time of disqualification, could be reappointed to office till he had given satisfaction to the Kirk and both Kingdoms. In the 'Vindication', it had been claimed that though the Church did not choose a man for office, yet it should outline the qualities that such a man in such an office should possess. The Act of Classes went further. It made the Church a judge as to whether or not he possessed them. This fatal concession was the cause of all
subsequent strife.

Behind the Act is the idea that a pure nation would alone be blessed and that Church and State should combine in removing from all positions within themselves whatsoever would contaminate the stream of their public life. Warriston, Rutherfurd, Gillespie, James Guthrie and Patrick Gillespie were the men most responsible for its promulgation.

It is difficult not to be partisan in estimating the politics of the Engagement. The anti-Engagers were right in refusing to involve Scotland with an England with whom they were in alliance upon the flimsy grounds of the latter's breach of a treaty, which the Engagers had already broken themselves. They were tactically right in asking for full satisfaction from Charles before they did anything for him. For one who was most upright in private life, Charles's word had a notable elasticity in political affairs. The satisfaction which they demanded from him, - establishment of Presbyterianism in England, was more open to question. If Charles had given them satisfaction in this, many of them would have shown no scruples in marching on England - as they themselves admitted. They argued that circumstances had not changed since Newcastle and that nothing could be done for Charles. They cannot be blamed for Whitehall; they could not have foreseen Charles's fate for the simple reason that Cromwell himself did not foresee it. The
evidence of history is that Charles was put to death
because nobody knew what to do with him.

The anti-Engagers were the more democratic
of the two parties. Their denial of the King's negative
voice in Parliament is a tenet of Rutherfurd, which was
preached by Gillespie and put into practice by Warriston.
The 'Representation' had been, despite Baillie's criticism
of its prolixity, and its ecclesiastical authorship, a
democratic document, with a sound international principle
(with a modern pertinence) namely, that no nation should
invade a neighbouring nation on the grounds that therein
is a party, causing internal disturbance, and hostile to
themselves. But the 'Vindication of the Representation'
was theocratic and impolitic. It claimed the right of
the Church to determine in some respects the relation
between subject and sovereign and worse still the relation
between person and office. If the infallibility of
Church appointment to office was tested by the election
of Lauderdale as an ecclesiastical Commissioner, it was
shattered by the choice of field officers at Dunbar. The
theocratic element worked havoc among the anti-Engagers
from the very day of their triumph. For the presence of
that element in the party, Rutherfurd was greatly responsible.

He was a leading figure in all the Engager
controversy, the ecclesiastical adviser of Argyll and
Warriston, with whom his last years in London had brought
him into close contact. He entered the Commission with a prestige as a writer on ecclesiastical, political and theological affairs that none of his comppeers possessed, indeed with a reputation that was continental. All his powers were used in support of the extreme anti-Engagers. We have seen that the first 'Declaration' of the Commission was revised and stiffened by him and his colleagues, Gillespie, Guthrie, Livingstone and Blair, (the last was yet in fairly close agreement with him). His peremptoriness ill became a negotiator and, for a few days afterwards, more moderate men attempted unsuccessfully to come to an agreement with Parliament. His concern during the negotiations on the 'Eight Demands' lest the Commission's men should concede too much, or be suborned in some way to the Parliamentary cause, can be imagined. Too often had he seen similar committees of the Westminster Assembly treat with the English Parliament and engage in political side-stepping, if not in complete tergiversation. When the Committee again reverted to the policy of the firm hand, Parliament's request for a conference on the state of affairs was given to Rutherfurd, Blair and Gillespie to answer. Guthrie, Rutherfurd and Patrick Gillespie were appointed "to think upon letters to be sent to the Synods at this time." There would be no dubiety about the propaganda in any letters which these men wrote. With regard to the "Representation" and the "Vindication", if Rutherfurd's pen was not in them, his teaching was. He
collaborated in them and may have written some of them. The democratic principles of the "Representation" and the unfortunate theocratic ones of the "Vindication" were alike his gift to his age. They were the result of his experience in England. Opposition to Charles made him a democrat; later he became an unyielding theocrat, because of the conflicts between an Erastian Parliament and the Westminster divines. Patrick Gillespie and James Guthrie, though busy penmen at this time, owed their ideas to the original teaching of Rutherfurd. Fearful that the Scottish Parliament might mete out to the Assembly Commission and to the General Assembly the same measure as had been given by the English Parliament to the Westminster divines, Rutherfurd, Warriston and Gillespie asserted the principles of theocracy to an illogical extreme in the "Vindication." Both Row and Baillie (1) aver that many members of the Commission were not in favour of such drastic avowals. It is noteworthy that when the Act of the Classes was passed, it was the reverse in principle, of the English Ordinance, establishing the Presbyteries. In the latter, all ecclesiastical causes were subject to final appeal to Parliament, in the former, the lifting of a purely civil disqualification was made subsequent to satisfaction being given to the Kirk. Apart from all this, Rutherfurd, and through him his party, could always count on a large following from the South Western clergy.

Note (1) Baillie, 111, 57.
The political status of his Church now assured, Rutherfurd turned his powers to the worthier task of organising its government on Westminster principles. On 25th. January, the Commission "appoints Messrs. Samuel Rutherfurd, John Livingstone, James Guthrie, Patrick Gillespie and Alexander Peirson to draw a draught of Petition to the Parliament for the discharging Patronages of Kirks." (1) There is no doubt but that Rutherfurd procured the appointment of this committee. Henderson had written "liberty of election is in part pre-judged and hindered by patronages and presentations, which are still in use there, not by the rules of their discipline, but by the toleration of that which cannot be avoided." (2) Rutherfurd, in his "Due Right", expressed himself as strongly against the practice and now that the Church was all-powerful, seized the opportunity of having patronage abolished. (3) On the 30th. January, a Petition was drawn up by this committee and approved by the Commission. "On 14th. February, he and Wood were appointed "to draw up reasons to show the unlawfulness of patronage and to give them to those that attend Parliament to be made use of." (4) The Commission was making sure that the opponents of patronage in Parliament would be well instructed in their argument. On 28th. February, the Commission again petitioned Parliament in a lengthy document, appending the reasons

(2) Henderson, Govt. and Order, p.11.
(3) Due Right, 457 ff.
against patronage, and drawn up by Rutherfurd. All his arguments showing the interference of patronage with free election, its liability to abuses, its unscriptural nature were sound and valid. His historical arguments were based on the Petition in the XII head of the Second Book of Discipline, craving abolition of patronage. He was a little at fault in interpreting the IV head of the First Book of Discipline, as inconsistent with patronage, for therein it was tacitly admitted, "the minister elected or presented, examined, etc." (1) The whole Petition was a succinct reasonable and historical indictment of the evils of patronage, with the supreme merit of being successful. On March 9th, Parliament passed an Act abolishing Patronages, "whether belonging to the King or to any lay patron, Presbyteries or others." Rutherford's close connection with Warriston and Argyll certainly facilitated the granting of this abolition to the Church. This object achieved, he ceased to attend the Commission until after the Assembly of 1649. In the Commission's dealings with Charles II, during the spring and summer, Rutherford played no part. He distrusted the son as much as the father, but since his political allies supported the former, he maintained a significant silence. Unable cordially to assent to, unwilling to dissent from, all the negotiations with the young King, he remained aloof from

Note (1) First Book of Discipline, p.30. (1621 Edition)
the Commission whilst these proceeded. When in July, 1650, Charles passed through St. Andrews on his way to Falkland, Rutherford welcomed him with an address in Latin, "much on the duty of Kings" and told him that "if he persisted not in the Covenant, actum est de rege et de regia." 

On July 7th, 1649, the General Assembly met with many irreconcilable elements at large within it, warring even in the minds of the individual members themselves. Argyll was there, swithering now between Kirk and Crown; Warriston was there, but events were marching so rapidly that no amount of legal sophistry could cope with them. Douglas was torn between loyalty to the Church and loyalty to Charles and how best to serve both without unduly humiliating either. Sturdy democracy and truculent theocracy were present in the persons of Guthrie, Rutherford and Patrick Gillespie.

The Assembly, following up the abolition of patronage, proceeded to legislate for the election of ministers. Baillie gives the following account: (2)

"We had great debate for an act of election of ministers. Mr. David Calderwood was peremptor, that according to the Second Book of Discipline, the election should be given to the Presbyterie, with power to the major part of the people to dissent, upon reason to be judged of by the Presbyterie. Mr. Rutherford and Mr. Wood were as peremptor to put the power and voices of

(1) Lamont, Chronicle of Fife, 24.
(2) Baillie, 111,94.
election in the body of the people, contrasted from their eldership; but the most of us was in Mr. Gillespie's mind, in his Miscellanies, that the direction was the Presbyteries, the election the Session's, and the consent the people's."

Calderwood's theory was based on respect for tradition and on his peculiar doctrine that the Kirk Session was only a committee of Presbytery, hence the decision in election should belong to the Presbytery. The procedure adopted was the following:— On a vacancy, the Presbytery send a man to preach in the vacant charge or the Session may suit them for a man. The latter subsequently meet and elect a pastor. Intimation of the choice is given to the congregation for their consent. If this is forth-coming, the Presbytery try the expectant and if he sustains the trials, ordain him. Should the majority of the people object, to the minister elect, the Presbytery have the final decision. The defects of this procedure were soon apparent.

"However already we find the defect of our act

I find it the design now of leading brethren, that the Presbyteries shall not meddle at all with any recommendations, but leave that wholly to any particularly busy man of the Presbyterie, to whisper in the ear some leading person of the parish to get voices to any young man, though never heard in privy exercise, that he, by desire of the people to the Presbyterie, may be put on trials for such a Church."

Note (1) Ibid. 111,95.
Rutherfurd was almost alone in insisting on the people's untrammeled right to elect a minister. He had preached this doctrine in Anwoth; he had pleaded it at Westminster, and he made a last effort now to have it become the law of the Church. The absolute freedom of the people's choice in electing a minister is his great contribution to the ecclesiastical doctrines of the Scottish Church. In this, he was the most modern of his coœpeers, for it is exactly the practice which he advocated - free election, with subsequent induction by Presbytery, that has become the law of the Church. His democratic spirit allowed him to assent to no other principle, and yet the same men could be drawn to support the most violently theocratic tenets, which contradicted even some of his own former teaching.

He was one of those who supported a stringent act against, "receiving Engagers to public Satisfaction." (1) Baillie may hint that he penned it. (2) In the trial and depositions of those who supported the Engagement, he played only too vigorous a part. A severe act was passed against those who had drafted the supplication for moderating the power of the Commission of Assembly. The reason alleged for the severity was that the supplication was a malignant manoeuvre to undermine the Presbyterian cause. The Act was never put in force, but the democratic spirit

(1) Peterkin, 543.
(2) Baillie, 111, 93.
was in sad subjection to the theocratic when the penning of a petition on procedure, such as this was, could incur the heaviest penalties of the Church. Rous's Psalms were discussed, remitted to the Commission, authorised by them in November, 1649, and by the Committee of Estates in January, 1650. In the complexity of the Assembly's debates, or in the violence of the trials of delinquents, the work nearest to Rutherfurd's heart, the passing of the Directory of Church Government, was not even attempted.

The Assembly of 1649 marks the zenith of Rutherfurd's power and influence. His party was in office and in power. The militant and puritan Presbyterianism of the West, which he had done so much to form, was freely at work, purging Church and State of all but the 'godly party'. The Westminster standards of worship and instruction had been sanctioned by the Church. True, the Directory for Church Government was not yet authorised, but there was little reason to doubt that it would be. Although he was an extremist, he was still a respected leader of the whole Church and not merely the head of a contentious faction within it. Only one small cloud darkened his horizon - the negotiations with Charles Stuart. But the cloud became a day of storm and thick darkness for the Church, through which he battled bravely, if often mistakenly, till in the end, weary of it all.

I. It never was — vide Note to page
he longed for the light of a better country.

In the negotiations which brought Charles to Scotland, Rutherfurd took little part. He was appointed one of the Commission's Committee for receiving the papers and letters from the Commissioners dealing with Charles, but this is the sum and total of his contribution to a transaction which he must have viewed with misgiving. During 1649, he was engaged chiefly with further literary efforts and with the domestic affairs of his College.

According to Balfour, Rutherfurd, Blair and Wood were carrying out an ultra-Presbyterian, anti-monarchist programme and pogrom.

(1) "Thir three men has with their abettors laid these following grounds (1) to displace and defame quocunque modo all honest and learned men (2) all that affects monarchy or kingly government (3) to displace all these in place that holds not their tenets and to suffer none to be preferred but of their own stamp (4) to have all places in the University at their disposition that all, both masters and scholars may depend on them that with the more cunning they both poison the fountains of religion and policy."

His statement is ill founded in the case of Wood, partly so in the case of Blair and only partly true regarding Rutherfurd, but it shows that the latter was never regarded as favourable to the type of monarchy represented by the Stewarts.

There is little record of the Assembly of July 1650, which welcomed Charles home. It ratified all the proceedings of the former Commission in their dealings with him, but exercised a duplicity, or tact in concealing a good deal of Charles's behaviour throughout the negotiations. It was agreed, at a meeting of ministers before the Assembly to "forbear mentioning in the Assembly anything which might make the King or his way odious at the entry of his government." (1) Unfortunately, this policy which might have raised no murmur, had the army won at Dunbar, presented the Remonstrants with the secret sins of Charles as a cause of the defeat and further strengthened the outcries of the 'purging party.'

(1) Row, Life of Blair, 231.
SCHISM IN THE KIRK.

Events, 1649-1651.

The execution of Charles I placed the leaders of Scotland, as Hume Brown says, "in a predicament from which no peaceable statesmanship could have delivered them." Gone for ever was Argyll's hope of an alliance and union with a Covenanted England — even with a moderately tolerant Independent England. The Scots, even the extreme Covenanters, were horror struck at the deed. Six days after the execution the Scottish Estates proclaimed Prince Charles King of Great Britain, France, and Ireland, but an Act passed a few days later made his taking of both Covenants the condition of his return to even a nominal exercise of power. A deputation consisting of Cassilis, Brodie of Brodie, Jaffray, Provost of Aberdeen, for the Estates, and Wood, Baillie and Winram of Liberton, for the Kirk, were sent to treat with Charles in Holland in March. Charles had, however, two other less exacting foundations of hope,—Ormonde in Ireland, and Montrose, who was urging the possibility of wresting Scotland from Covenanting clutches. Cromwell speedily annihilated the Irish delusion in September. Seeing the state of affairs Argyll again attempted negotiations. In December Winram approached Charles again on behalf of the Covenanters. On January 11th Charles sent him back with a request for Commissioners and on January 12th sent the Garter to Montrose. He was quite blatantly using Montrose as a lever for better terms. Mr Lang, of course, blames the Covenanters. "The lad whom they were corrupting fought as he might for his honour." Had Charles ever any?

The Scottish terms offered were the swearing of the Covenants,
Covenants, the establishment of Presbyterianism in England with personal conforming of Charles and his household, recognition of the Act of Classes, enforcement of the penal laws against Roman Catholics, annulment of all treaties contrary to such laws (e.g. that with Ormonde) and of all commissions prejudicial to the Covenant (e.g. that of Montrose). For over a month Charles in vain sought better terms and at last on assurance of an indemnity for Montrose if he would lay down his arms, he signed a draft agreement conceding all the demands except that concerning Ormonde, but promised to give in also in this if the Scottish Parliament would be content with no less. He sent Sir William Fleming to Montrose to inform him of the agreement and order him to disband, but two days later added instructions which allowed Fleming to countermand such an order if it seemed against the King's interest. The orders would have come too late; the Merry Monarch was making scurvy use of Montrose as a pawn in the game. There was excuse for duplicity with the Covenanters, there was none for his treatment of Montrose. Honour was a bauble to him before ever he set foot on Scottish soil or listened to Calvinistic sermons on the duties of Kings. Montrose landed in the North, was beaten at Carbisdale, tried and executed. What else could have been done with him would have been a difficult question for the statesmen to decide: exiled, he was always a source of trouble to the Scottish State, in prison with possibilities of escape he would have been no better. He had no party; Lanark, now Hamilton, and Lauderdale persistently intrigued against him at Court; the Lowlands would never have tolerated his leadership.
leadership. He had caused Scotland too much scathe. The reproach that has fallen on the parties to his execution is the result of the indignities he suffered rather than of the fate which befell him. These indignities were largely due to the hysterical Warriston.

Charles before landing at Speymouth swore to and subscribed the Covenant, and as Livingstone dryly noted, "For the outward part of swearing and subscribing he performed anything that could be required." Argyll now had his Covenanted King. But a good deal of duplicity had to be exercised to clothe Charles with the robe of Covenanting Righteousness. A hush-hush policy was pursued by the leaders of the General Assembly of 1650. Charles's promiscuous dancing—and other promiscuities—his use of the Service Book, kneeling at Communion, reluctance to take the Covenant and to negotiate on the terms laid down were reported in private to leading ministers, but not to Assembly. This forbearance was "so as not to make the King or his way odious at the entering in of his Government." The Commissioners were thanked for their great pains, fidelity and constancy, and in the Assembly, very meretriciously they declared "what good hopes they had of the King's sincerity in subscribing and swearing the Covenant."

Argyll afterwards wrote that at this time he was a man distracted. Issues were inextricably complicated beyond any disentanglement. Up to Dunbar he sought to make Charles a good Covenanter, and Charles sought to make the more moderate Covenanters good Royalists. Possibly Charles had the balance of the success, at least he had enough success to disturb the extremists and with
/with Cromwell facing them the Committee for Purging the Army depleted its strength by a severe purge of good officers and stalwart fighting men. Hamilton, Laderdale, and other Engagers were still kept out of the country. Argyll was tacit when Charles was bullied into signing the notorious Declaration concerning the sins of his father, great grandmother, and even great great grandmother. David Leslie lost Dunbar. Few Generals could have been so sorely tried in ordering an Army, saddled as he was with a Council of War, who told him when to fight and when to forbear, with bad officers and with indifferent supplies. Even if he had won, affairs in Scotland would have been no better, and in Britain might have been much worse. The strong hand of Cromwell was needed in the chaos and Charles through tribulation had yet to acquire political dexterity though he never acquired political or any other kind of morality. After Dunbar Argyll was more than ever the victim of Necessity. He had become entangled in her net when Charles's head fell at Whitehall. As a Scotsman, he could not ally with the Regicides; as a Covenanter he would not ally with Malignants. He took the only possible step - he procured a Covenanted King. If this step was neither wise nor truly practicable, it was inevitable. He had to make the best of a bad job. He had refused the lip service of the Engagers in 1648. He accepted that of Charles in 1650 because there was nothing else he could do short of provoking a civil war in Scotland. As a safeguard he sought for a time to keep the leaders of the Engagement still in exile, and the first and second Classes of them out of office. The defeat at Dunbar changed the whole face of the recruiting situation.
The Committee of Estates had now to evacuate the South, and hovered between Stirling, Dunfermline and Perth. The Army lay at Stirling in a poor and broken condition. If ever it was to be effective, it needed both men and money. The Western men under Colonels Ker and Strachan seceded from the their ranks to establish a pure army which would deal impartially with Malignant and Sectary. Ker was sincere enough; attacked Lambert, was beaten and captured. Strachan, a professional soldier with Sectarian leanings deserted to Cromwell's cause. When Charles was crowned in January 1651 the Anti-Engagers found their way back to Scotland. Hamilton, Lauderdale, Crawford, Glencairn, Middleton, Atholl all returned. Middleton and Atholl raised an Army in the North, and demanded to be allowed to fight for King and Country. Charles started to join them, but after a two days' tour was brought back to Perth. Middleton was ordered to disband his forces, and Mr James Guthrie excommunicated him though the Commission of Assembly repenting of their decision had ordered him not to proceed. Middleton, who later had to do penance before he could win back a place in the Army, never forgave Guthrie. It became clear that Engager help was needed if an Army was to be formed, and so 'The Public Resolutions' had their origin. The Act of Classes was repealed on June 2nd, 1651. Months before its repeal Hamilton, Lauderdale, Crawford and others had found their way back to the Committee of Estates, and to control of military affairs. In March, the Estates voted that Engagers could be allowed to sit on the Army Committee. Argyll, Loudon, Burleigh, Lothian and others voted against this measure; the Barons and Shires voted that the King take upon himself the conduct of the Army. Argyll's
/ Argyll's ineptitude as a commander had brought about this change, as did also his intrigue to have the incompetent Callendar made Commander-in-Chief, thus reviving an old dispute of the Engagement in hope of splitting the Hamilton party. In this he failed, and though he supported the Resolution the conduct of affairs which were now more or less purely military passed out of his hands, and he reverted to the wary aloofness with which he had screened himself before Preston. Cromwell outflanked the Scottish Army by crossing the Forth and taking Burntisland and Perth. With no other alternative, the Scottish Army moved into England. Better disciplined than any of its predecessors, it only lost the day at Worcester because it was hopelessly outnumbered.

The Remonstrance.

In dealing with the Resolutioner-Protester controversy in which Rutherfurd played so active a part, it is difficult to find an exact starting point. The politics, foreign and internal or Scotland now seethed with complications. Various policies were put forward and openly, or secretly pursued by parties and by party leaders - by the Remonstrants, by Warriston and the extremists, by Argyll and the more politically minded, by Middleton and the Royalists, by Douglas and the moderate Church party. Not least of all the complications were the divided loyalties which 'worked like madness in the brain' of the participants themselves. Much of the bitterness which lay between Resolutioner and Protester existed because each knew the other had some just ground for reproach.

The drifting of the Church into two more or less defined
defined parties became clearly apparent at the Edinburgh meeting in the 'West Kirk' to decide what was to be done anent Charles's refusal to sign the infamous Declaration confessing the sins of his House as the cause of all the civil bloodshed. Dickson and Douglas would fain have respected his scruples and modified the Declaration. Patrick Gillespie heatedly insisted that sign Charles must if the Army was to fight for him. The Army pressed for a 'state of the question' i.e. the ground on which they were to fight. So the Commission enacted that "As they do disclaim all sin and guilt of the King and of his House, so they will not own him nor his interest otherways than with a subordination to God, and so far as he owns and prosecutes the cause of God and disclaims his and his father's opposition to the work of God and to the Covenant, and likewise all the enemies thereof." Douglas maintained later that the Act was intended only for the satisfaction of the Army and never meant to be published. It was sanctioned by the Committee of Estates, and Warriston had a declaration embodying it circulated amongst Cromwell's troops. Charles signed on August 16th.

Dunbar accentuated the difference between the parties and the Church, though it seems to have been little mourned by the extremists on either side. Charles and the Royalists secretly rejoiced over the defeat of the 'purged Army', and Rutherford's opinion "that our army through the sinful miscarriage of men hath fallen, and daresay it is a better and more comfortable disposition than if the Lord had given us the victory", was generally acquiesced in by those who subsequently became Protesters.

1 Warriston's Diary, Vol.II.18.
2 Letter, CCCXXIX.
Regretted by neither, the defeat was made use of by certain sections in both parties. Among the more moderate, the opinion was put forward that it was caused by the too severe purging which the Army had undergone and a modification or repeal of the Acts of the Classes was agitated. To the other side it seemed, that Dunbar was the visiting of God's wrath on an unjust cause fought with a sinful army and that further purging was needed. The Assembly Commission, however, was still united enough to return a sharp answer to a query of Charles concerning the relaxing of and alliance with them against the common enemy. Plainly, even if the moderates were willing to relax them, they were unwilling to do it for Charles's sake. "If self-interest and gaining of a crown have been more in your eye than the advancing of religion and righteousness, it is an iniquity to be repented of and one for which your Majesty ought to be humbled" I - so runs the Commission's answer.

The 'godly party' made the first political move after Dunbar by the presentation of the Western Remonstrance to the Estates. With it Rutherfurd had little directly to do. Though he dissented from the Commission's findings concerning it and sympathised with its theses, he was not a Remonstrant. During its agitation, he was in Fife or attending the Commission's meetings at Perth and Stirling, assisting in the answer to Charles's letter justifying "The Start", investigating the 'oppressions' of the ill-paid soldiery, and the profanity of the

With Wood, Durham and Douglas he presented the lengthy reproof to Charles for his two days' escapade - or escape. 2

After Dunbar, the Western counties formed themselves into an Association and levied that army which was put under the command of leaders of their own choosing, Cols. Strachan and Ker. From the "Gentlemen, Officers and Ministers attending the Western Forces" came the Remonstrance. Baillie accuses Warriston, Guthrie and Gillespie of penning it - a charge which they all denied. The original of the Remonstrance was one framed by the Synod of Glasgow. 3

"The first vent of their notions was at the Provincial in Glasgow where Mr Patrick, Mr G., Mr Hutcheson, Ker, Strachan and others, with much night-waking did bring forth that strange Remonstrance of the Synod, where Mr Patrick, obtaining a Committee to consider the sins procuring the wrath of God on the land, did put such men on it as he liked best and by them the framing of the draught was put upon himself."

Baillie refers to Warriston and Guthrie, "betwixt whom and them (the Western Remonstrants) the posts then and thereafter run very thick, night and day." The Synod's Remonstrance was presented to the Commission on 16th October.

According to Baillie, the Western Remonstrance was finally drafted at Dumfries. "By their earnest missives they had brought Warriston from Stirling to Dumfries. There after some debate the draught of the Remonstrance is brought to some perfection." 4

1 Ibid. 76.
2 Ibid. 76.
3 Baillie, III, 115.
4 Baillie, III, 118.
Who were its authors? Warriston appears to deny authorship in his Diary. Along with two other accusations made against him, was that of contriving and penning the Remonstrance, of which he says, "All three untrue in fact, and the last, if true, a good duty". 1 His denial appears evasive; he could have placed an elastic interpretation on the words 'contriving and penning' and he was not at Dumfries without having some share in it. Nor can Patrick Gillespie's evasive denial before the Commission be accepted. His own Remonstrance was more carefully worded concerning the sins of the King and of their Lordships. But at Dumfries, the Remonstrance was made more categoric and explicit to suit the more thorough-going Strachan. 2

The Remonstrance reviewed all the Estates' transactions with Charles and his and their duplicity. The sinfulness of his dealings with Montrose are largely discussed (sinful enough they were, but not as the Remonstrants thought them). Charles's insincere profession of the Covenant, his refusal to sign the Declaration, "The Start", were all brought forward. Finally the Remonstrants declared that they disclaim all the sin and guilt of the King "and cannot own him or his interests in the state of the quarrel betwixt us and the enemy". They suspected and deprecated the intention of "some eminent persons in our counsels and forces" with designs to invade England and force the King on that nation, and asked for a more rigid purging of the Estates and Army. An economic motive appeared. Pointing out that "the sins of oppression, covetousness and self-seeking have often been reproved in your Lordships," the Remonstrance claimed redress for

1 Warriston's Diary, II, 78.
2 Baillie, III, 118.
for the oppressed poor. As already seen, taxation was highest in the West and the Western men seized the opportunity of making their complaints known. The Remonstrance closed with an avowal by its adherents that they also are responsible for the sins of the land, but henceforth intended to mend their ways. So far from agreeing with the Sectaries, they were about to risk their lives against them.¹

What is most pertinent is that the Remonstrance marked the parting of the ways between Argyll and Warriston in the internal policy of Church and State. Whatever may have been their dealings with Cromwell, Rutherfurd had followed their policy in all that pertained to the relationship of Church and State throughout the years of the Engagement. Now he had to choose whom he would follow - Argyll, now Royalist, or Warriston, Remonstrant and even suspect of trafficking with Cromwell. A copy of the Remonstrance was given to the Commission on 24th October. They returned a politic answer, referred the matter to a future meeting at Perth on 14th November and expressed the hope that the Army of the West would be successful. Had it been so, the Commission and the Estates might, at Perth, have dealt differently with the Remonstrants. Historians of the Protectorate use the words 'Remonstrants' and 'Protesters' interchangeably, as if they were the same. Undoubtedly, the bulk of the Remonstrants became Protesters, but there were Protesters who were never Remonstrants. The Remonstrants were the first to dissociate themselves from Charles. Their policy embraced the disowning of their monarch which many of the Protesters never did, and to which Rutherfurd at

/ at this time, was averse. The Remonstrants numbered many who, whatever their present protestation later readily served Cromwell. They were composed of the South West party which now parted from Argyll, practically parted from the Church, and for a time, parted from their ancient preceptor, Rutherfurd.

On 15th November, the Commission met at Stirling and appointed a committee to report on the Remonstrance which included Rutherfurd, Guthrie, Gillespie and Warriston. John Livingstone and Sir John Cheisly were later added, so the Remonstrants were reasonably sure of a fair hearing. On the 16th, the Commission was summoned to Perth to confer with the Committee of Estates. A conference between representatives of these two bodies, the Remonstrance and proposals for uniting the armies (Ker's, Leslie's and Middleton's) were considered. Resolutioner and Protester later accused each other of acrimonious and disorderly conduct throughout. Gillespie and Warriston defended the Remonstrance; Argyll, Loudon, Douglas and Wood opposed it; Rutherfurd and Durham averred there was a good deal of truth in it. The Committee of Estates passed a very light sentence. They found it, as relating to the civil judicatures, scandalous and injurious to His Majesty's person, and asked the Commission to give an interpretation of it as relating to the Church courts. They promised to take no steps against those who had adhered to it, except they should continue obdurate by "persisting in and prosecuting of what is therein contrary to the laws of the Kingdom." When the Commission took up the matter, Rutherfurd tried to postpone their giving any 'sense' upon it, lest it should discourage the Remonstrants acting against the enemy. He also tried to persuade the Remonstrants to withdraw
withdraw their 'paper'. How whole-hearted he may have been in the latter is doubtful. The Commission gave a very mild finding. They admitted the truth of much of the Remonstrance, but decided that it reflected on the last Assembly and tended to divide the Church. Beyond this, they refused to go, hoping that at their next meeting the Remonstrants would have satisfactorily explained themselves. Even from this 'Sense' on the Remonstrance, Rutherfurd, Guthrie, Cant and others dissented. It was indeed, more a dissent from the policy of giving an interpretation, than from that actually given. The correspondence which Rutherfurd engaged in with Ker, shows that he was not unaware of the political quagmire in which the Remonstrants might find themselves. It may be that his letters kept Ker from following Strachan into active service with Cromwell. He advised Ker to make no separate terms apart from Parliament. "As for your particular treating with the invaders of our land, I have no mind to it ....... Keep yourself in the love of God; and in order to that, as far in obedience and subjection to the King (whose salvation and true happiness my soul desireth) and to every ordinance of man for the Lord's sake, and to the fundamental laws of this Kingdom as the Lord requireth." 2 Rutherfurd was anxious to reconcile the Remonstrants with the ecclesiastical and political government. He had a bitter aversion to the 'sectaries' and had lately published two works against them. Cromwell distinguished him by "speaking particularly of Mr Samuel Rutherfurd as a liar". 3 Rutherfurd knew more than any other the religious temper of the South West.

1 Baillie, III, 123.
2 Letters, CCCXXXI.
3 Warriston, Diary II, 39.
His letters to Ker show his fear that the Remonstrants might come to terms with Cromwell and subsequently fall into sectarian practices. At this moment, he therefore tried to avert any precipitate action by Estates or Commission which might force the Remonstrants into alliance with the Sectaries. He failed to effect a reconciliation and the swiftly following events forced him into closer alliance with Warriston and the extremists.

To sum up, the Remonstrance was a political document, addressed to the Committee of Estates through the Commission of Assembly, setting forth a definite political policy. That policy was one of separation from the state and implied division in the Church, both abhorrent to the Presbyterian mind. The men suspected of framing the Remonstrance were those later suspected of desiring to create a Scottish Commonwealth. It withdrew from Argyll and the Kirk the military power of the West. It withdrew from them also the legal talent of Warriston and the managing abilities of Patrick Gillespie. Actually, the Remonstrance and its effects begat the Public Resolutions which in their turn begat the Protesters. The defeat of the Remonstrant forces by Lambert destroyed them as a political party. Some went over to Cromwell and the English interest, others later merged in the Protesters who were more essentially ecclesiastic.

The Protestation.

The dispersal of the Western forces by Lambert was a blow to the hopes even of those who had damned the Remonstrance and certainly placed them in a position of great military insecurity. To raise an adequate army was the cardinal question. The
The Resolutioner controversy arose from the needs of the recruiter. Considerable agitation went on, as has been seen, among many in the Estates and Commission alike to restore the Engagers to their former privileges that the country might have their services. On December 14th, Parliament then in session at Perth, sent a query to the Commission. "What persons are to be admitted to rise in arms and join with the forces of the Kingdom and in what capacity for defence thereof against the army of Sectaries who (contrary to the Solemn League and Covenant and Treaties) have most unjustly invaded and are destroying the Kingdom." 1 The Commission, which hardly contained a member of the Warriston-Gillespie party replied, "We cannot be against raising of all feasible persons in the land and permitting them to fight...... except such as are excommunicate, forfaulted, notoriously profane or flagitious and such as have been from the beginning and continue still obdurate and professed enemies and opposers of the Covenant and Cause of God." 2 On the afternoon of the same day, as that on which they gave this answer, they proceeded to deal more or less favourably with about thirty petitions for the relaxation of ecclesiastical censures. A copy of the Commission's Resolution was sent to the Presbyteries, accompanied as an emollient by an "Act for censuring such as act or comply with the Sectarian Army now infecting the Kingdom." From now the Commission have two occupations - answering the Presbyteries' protests against the Resolution and relaxing Engagers. The Presbyteries of Ayr, Glasgow, Aberdeen, Paisley

/ Paisley and Stirling all protested on the grounds that the Resolution separated the cause of the defence of the Kingdom from the cause of the Covenant and gave the Commission plainly to understand that they considered the Resolution a preliminary to further negotiations with the Malignants. How could the Army be purged if such a resolution were carried out? Guthrie and his colleague Bennett were so active against the Resolution that they were summoned to Perth by the Estates. In January 1651, the Commission met at St. Andrews. Rutherfurd attended only the first day's session. He served on none of its committees and subscribed none of its documents. Neither the company nor the work—the relaxing of Engagers—was congenial. But as yet he avoided violent rupture.

That which moved him to open an active resistance to Douglas, Dickson and their party was the second Resolution of May 24th. On March 19th, a second query was addressed to the Commission. I

"Whether or not it be sinful and unlawful, for the more effectual prosecution of the Public Resolutions for the defence of the Cause, King and Kingdom, to admit such persons to be members of the Committee of Estates who are now debarred from the public trust, they being such as have satisfied the Kirk for the offences for which they were excluded, and are since admitted to enter in Covenant with us."

The Commission evaded answer by pleading that they had too small a quorum to justify a definite finding. On 5th April, the Estates asked for a meeting of the Commission at Perth on the 17th.
/17th to give "their clear and deliberate judgement and resolution, if it be sinful and unlawful to repeal and rescind the Act of the Classes which approvedly would much tend to unity and so to the more effectual prosecution of the Public Resolutions of the Church and State." The Commission, which Rutherfurd attended, evaded answer by replying that they could not meet on that date. They reproved Parliament for admitting unrelaxed Engagers to place. Rutherfurd's influence in Fife was waning, for a letter given in to the Commission from the Synod (which met at Cupar at the same time) commended the Resolution. From this letter Rutherfurd and three others dissented in the Synod and were afterwards threatened with citation to the General Assembly. Wood also procured a letter of approval from the University of St. Andrews. As he was Rutherfurd's colleague there, a bitter personal note crept into the latter's opposition to the Resolutions. With Blair, as yet inclined to be sympathetic to the anti-Resolutioners, he refused to read the 'Warning' issued by the Commission on the 20th March. Regarding the Fast proclaimed by them for the last Sunday, he "kept a fast apart on contrary causes." At Perth on 24th May, the Commission were forced to a decision. They left it to Parliament to determine whether the clause which made admission of Engagers to office subsequent to the consent of the English Parliament, was valid or not. Otherwise, as they did not make the Act of the Classes, they could not repeal it. As far as sins against the Covenant were concerned, no time limit was set for exclusion. If a man had satisfied the Church,

2 Row, Life of Blair, p. 264, 269.
4 Warriston, Diary, p. 57, Vol. II.
Church, the State might do with him as seemed good. The Commission sought to temper its surrender by issuing certain caveats:— (I) No Act of Parliament dealing with religion, especially since 1648, was to be repealed. (2) No revenge was to be taken on anti-Engagers. (3) No anti-Engager was to be removed from office nor any who were still trustworthy though placed there since 1648. (4) Any received again by Parliament were to subscribe to these caveats.

On the same day, the Commission sent a letter to the Presbyteries instructing them to seek out any within their bounds who disobeyed or opposed the Resolutions, and, if after conference with them, they found them still disobedient, to cite them to appear before the next General Assembly. Against all this procedure, "Mr S. Rutherfurd and Mr Jas. Guthrie wrote peremptory letters to the old way at all hazards." They continued writing them till the Assembly met at St. Andrews on July 16th.

The leadership of the Protester Party in the Assembly fell upon Rutherfurd. Warriston was absent, fearing his safety at the hands of the Committee of Estates. Gillespie and Guthrie had no secure position as members of Assembly, for it was more than feared that they might be processed. The Resolutioners, however, were unwilling to lose Rutherfurd. He was the last great Westminster figure, (Baillie had never so succeeded in stamping his personality on a party or a policy) and there were many who would still follow a cause because Rutherfurd led it.

Unfeignedly desirous of his support they attributed his secession to the malign influence of Warriston. "Mr David Dickson upbraided Mr Rutherfurd and alleged he was ensnared by others who

---

1 Baillie, Vol. III, 128.
who had strange designs in their minds against government, both civil and ecclesiastic and that the Kirk would cast them and him out." I

There was only one policy the anti-Resolutioners could now pursue - to have the Assembly postpone or refuse the ratification of the Resolutions. It was clear that it was prepared to follow the opposite course. The anti-Resolutioners began their attack by objecting to the members of the Commission who had passed the Resolution taking their seat, on the ground that the Commission's proceedings had been scandalous. Rutherfurd gave in a paper against the constitution of the Assembly, which caused much debate but was laid aside as being subversive. I After an unproductive conference between the parties, the King's letter was read the following day. It asked for censures on those who were contrary to the Public Resolutions. After two days' acrimonious and unimportant debating, the defeat of the army at Inverkeithing caused the Assembly to hold a midnight meeting and adjourn to Dundee. At this meeting, the protest against the unlawfulness of this Assembly was given in, according to Row and Gordon, by Rutherfurd. 2 (Dr. Hay Fleming considers it was given in by Andrew Cant). 3 The Protestation declared the Assembly to be unlawful on these grounds:- (I) Because it was a prelimited Assembly, in regard that the free votes for choosing commissioners were hindered by the Commission's letter to the Presbyteries desiring them to cite all unsatisfied men to the Assembly, if after conference, they were not satisfied. (2) Because of the King's letter overawing the Assembly. (3) Because of the Lord High

1 Warriston, Diary Vol.II,p.100.
2 Row, Life of Cally, p.277; Gordon, Acc.of Ass., Peterkin,627
3 Row, Life of Cally, p.277; Gordon, in Peterkin,628.
4 Warriston Diary,Vol.II,90o.
High Commissioner's speech tending to the prelimiting of the members of Assembly. (4) Because the members of the preceding Commission of Assembly were members of this Assembly which should not be in regard that the Commission had led to a course of defection.

Rutherford and Warriston were jointly responsible for the Protest. In his Diary, Warriston tells of his wife's coming safely to St. Andrews on the morning of Wednesday, 16th July, and of the giving in of all his papers to the Assembly by Mr Samuel Rutherford. It is more than conjectural that the paper against the constitution of the Assembly which Rutherford gave in later that day was a copy of, or at least a redaction of one sent to him by Warriston through his wife. It probably contained the objections on the grounds of prelimitation. Warriston's public letter against the Resolutions was also handed by Rutherford to the Moderator. Promise was given that it would be read on the 18th or 19th. It never was read, possibly through fear of further debate. On July 27th, Warriston wrote, "I apprehended some had given in my paper anent the constitution of the General Assembly." As this could not be his letter against the Resolutions, it was in all likelihood, the paper which Rutherford offered or the source of it. On the 28th, when he heard of the Protestation subscribed by twenty eight ministers against the Assembly, he accounted for its composition, "on some few reasons taken out of the paper anent the constitution and some taken from the present procedure of the Assembly and keeping a general clause

1 Warriston, Diary, 84-86.
2 Warriston, Diary, 86, Life of Blair, 279.
3 Warriston, Diary, 90.
clause for the rest." The paper "anent the constitution" was that given in by Rutherfurd and undoubtedly Warriston's in origin. It contained the 'prelimitation' objections and possibly those against the late members of Commission being eligible. The conception of delaying proceedings by protest against their legality seems typically Warriston's. When Rutherfurd was faced with the crisis arising from the defeat of Inverkeithing, he took the original paper against the Assembly's constitution, added to it the objections against His Majesty's letter and against the Lord High Commissioner's speech and also a clause reserving further reasons of protest, and thus formulated the Protestation. This on the grounds already given, declared the nullity of the Assembly and entered a declinature from it.

Despite all this, the Assembly took no action against him, perhaps afraid that if they did so, more opposition would be raised than could be easily dealt with. At Dundee, however, they processed Gillespie, Guthrie, Simpson, Naismith and Menzies and deposed the first three. No mention of Rutherfurd was made, but according to his own evidence, his respite was to be brief. The Commission which met at Alyth on 28th August, intended to depose him but were prevented from so doing by their capture by the English forces. Before the Assembly dissolved, the savage pamphlet warfare of Resolutioner and Protester had begun. The Assembly issued "A Warning and Declaration" directed against the Protesters. The latter circulated a paper penned by Rutherfurd for "strengthening and clearing the grounds of the Protestation and taking off such objections as are usually made to the same."
The crisis at St. Andrews made him the leader of the Protesters. Aware of the value of his name and fame, Gillespie and Guthrie were content to act through him. He was the leader of his party in that he supplied many of the ecclesiastical and ecclesiasticopolitical principles for which they fought, though, as in the "Discovery of the Sins" the production of Gillespie and Guthrie and the Western Protesters, his doctrines were taken to further extremes than he would ever have sanctioned. He was not the leader of the Protesters in their later political manoeuvring. At Westminster, he had dealt little in such matters for he was never a subtle politician. The straight-forward moves of ecclesiastical politics, Protest, Declinature, Petition and Remonstrance, he could understand, but the complicated intrigue of Scotland (and Scotsmen) during the Commonwealth, bewildered and wearied him. He had shown himself too much opposed to 'separation' ever to be at ease with the restless Guthrie, the chameleon-like Gillespie or the now factious and often hysterical Warriston. Henderson had dreamt of a Presbyterian Britain and died for it. Rutherfurd had shared the dream. His hope of realising it was what brought him amongst his present companions, who dreamt of very different things and forgot this beloved, if misguided, Scottish ideal, in the guerilla warfare they waged with the Resolutioners and into which Rutherfurd was often sadly dragged.

It is to be remembered that since 1641, at least, there had existed in the Church an ultra-puritanic party, with which Rutherfurd had sympathised, who had been in favour of a more rigorous application of the doctrine of 'scandal' in Church affairs. In the Engager tangle, they had been the most extreme
extreme anti-Engagers; now, along with evangelicals like John Livingstone, they formed the bulk of the Protester party. Rutherfurd had therefore certain moral and religious affinities with the membership of the party to add to the ecclesiastical reasons which brought him into it. When he became a Protester, he became a party propagandist. He himself wearied of the work, which contributed little to the life or the doctrines of the Scottish Church. The alliance of Warriiston, Patrick Gillespie, Guthrie and Rutherfurd was marred by religious hysteria and not occasionally tinged with suspicion and distrust. Two of them were not free from self-seeking. How different a picture of loyalty, achievement, and true enthusiasm the fellowship of Rutherfurd, Henderson, George Gillespie and Baillie at Westminster presented.

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

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

During August 1651, Rutherford was occupied pleading the cause he had sponsored, by 'paper', letter, sermon and personal canvass. He sought to further the Protester cause in Fife. There is a constant interchange of letters between him and Warriston. No suspicion of treating with the enemy ever rested upon him. According to Warriston, he protested against some negotiations of Blair with the Cromwellian officers.  

"I heard from my uncle's wife many strange things of Mr Blair... his base fearfulness in the treating with the enemy and drawing up a vile protection, till Mr Samuel Rutherford opposed and mended it, to whose chamber they were forced to go and to consult."

Obscure as this reference is, it is significant as showing that Rutherford had no intention of furthering his cause by courting Cromwellian favour.

After Worcester, the Protesters met at Edinburgh in the beginning of October to take counsel. Rutherford was 'Moderator' of the meeting. It began with a confession of private sins in which some of the confessors were human enough to make judicious omissions. Patrick Gillespie moved for a vigorous prosecution of the Protestation. Durham, who sought to advocate milder measures, was in a minority of one. Jaffray of Aberdeen,

1 Warriston, Diary, III. Vol.II
2 Warriston, Diary, 137, Vol.II
Aberdeen, Cromwellian in his sympathies, offered a paper on "The Causes of the Lord's Controversy with the Land" which inspired the latter "Causes of God's Wrath." The negotiations with Charles, the public Resolutions, the St. Andrews Assembly, were all condemned. It was decided that, since the St. Andrews Assembly was invalid, the Commission appointed in 1650 was still in existence and those who were free of the Public Resolutions and had been members of it, should still sit as that Commission. Rutherfurd may have put forward the idea to obviate a charge of separation from the Church but it appears most likely to have been a proposal of Gillespie. Warriston was in two minds over it but ultimately gave the proposal his support.

Rutherfurd's unhappiness in his allies was soon apparent. The Westland Protesters met in December at Kilmarnock and gave out a paper entitled "A Discovery after some Search of the Sins of Ministers." Guthrie and Gillespie were, according to Balfour, instigators. I. The 'Discovery' shows at a glance for how much Rutherfurd was responsible - and for how much he was not. The first 'discovery' - "The taxing of ourselves by solemn covenants and oaths to the perpetual maintenance of some things for which there is no warrant in the Word, as perpetual adherence to monarchy in such a line, and constant maintenance of the privilege of Parliament" - could well be the practical application of some of the doctrines of the "Lex Rex." The eighth 'discovery' - pitching upon our form of Presbyterial government as the uttermost attainable perfection of reformation" - was not for Rutherfurd a sin, it was divine truth for which he would have died. The

The 'Discovery' shows that the Puritan party in the Protesters, abetted by Gillespie, was prepared to treat with Cromwell. Rutherfurd might have been ready to use Cromwell — as the anti-Engagers had used him — to establish his party in power, but he would have subscribed to none of the concessions to Sectarianism, implicit in the 'Discovery'.

A meeting of the Protester 'Commission' was held in Edinburgh in December 1651. According to Blair, it was called because some who had before been "pious and godly men regretted to see many of their party running to sinful compliance with the enemy." The man likeliest to have such regrets was Rutherfurd and the meeting was doubtless prompted by his annoyance at the 'Discovery' and its pernicious doctrine. The meeting was acrimonious and disorderly. The sectarian element, which was largely lay, objected strongly to ministerial preeminence in the ordering and constitution of the meeting and pressed for a 'compliance' with Cromwell. According to Row, overtures for such a compliance had already been drawn up amongst that section of the Protesters. Against these some agitated the drawing up of a 'testimony' against Cromwell and the Sectaries. Others were in favour of sending to Cromwell a more diplomatic letter of remonstrance. A letter was eventually drafted — containing more remonstrance than diplomacy. It met with an indifferent reception, being regarded by Cromwell as an attempt on the part of the Protesters, while pleading for liberty, to gain power for their own faction.

In February, an effort at agreement on a "Warning and Testimony" initiated by the Resolutioners' Commission, failed.

1. Row, Life of Blair, 289
2. Row, Life of Blair, 289
3. Consultations of the Ministers of
failed. Warriston and Gillespie were now suspected of underhand dealings with Cromwell and for this reason had, according to the Resolutioners, no desire to be associated with this 'Testimony' against him. They criticised the Protesters' letter because "they did not speak one word against the abolition of monarchical government and the liberties of Parliament." I All the Protesters were not, however, Cromwellians. The district which Rutherfurd had 'Covenanted' refused to take the 'Tender', or consent to the kingdom's incorporation with England. "The Stewartry of Galloway gave a notable answer to the English demands, that they could not consent to incorporation." 2

Arising from an overture of the Synod of Fife sent to the various synods, a conference of ministers of both parties was held in Edinburgh in the beginning of May, 1652. Negotiations between them were as unfruitful as ever. Warriston, counselled Rutherfurd and Cant to abstain from this conference - advice which they seem to have taken. When the Assembly met in July, Warriston appeared with a 'Representation' which he craved leave to read. After debate this was granted. The Representation gave reasons for the illegality of the Assembly and asked for a conference. The Assembly refused to grant a conference before it was constituted. Thereat Warriston gave in a Protestation, signed by sixty seven ministers and eighty three elders. Rutherfurd had, with Warriston and Livingstone, the chief share in drafting these papers. Overtures for reconciliation failed; the Protesters refused to disown the Protest or the Resolutioners the Resolutions. After the Assembly, a lull followed in the

1 Row, Life of Blair, 293.
2 Warriston, Diary, Vol. II. 152.
the activities of both parties. Rutherfurd, Guthrie and Gillespie were faced with the problem of defection in their ranks, and the opprobrium it reflected on their party. Menzies and Charteris, ministers, and Jaffray, late provost of Aberdeen, had declared for separation and more 'pure' practices in Church worship. Little success attended efforts made by Rutherfurd to regain these separatists. As a result of this defection, many of the Westland lairds, in October, fell away to the Resolutioners. In November, negotiations between meetings of Resolutioners and Protesters in Edinburgh were again a failure. They had been inspired by the 'neuters', led by Blair, in order to prevent further acrimonious action and propaganda from making the breach between the two parties irreparable. A measure of success was almost achieved, but a delay in the negotiations marred all efforts for peace. The publication by the Protesters of the "Nullity of the Dundee Assembly", followed a few months later by the "Causes of God's Wrath", ruined all hopes of reconciliation - as Warriston probably hoped they would.

In March, 1653, a meeting of Protesters gave out a "Testimony against the English Actings in Scotland". Cant, Rutherfurd and Guthrie were its authors. Gillespie, who was accepting the Principalship of Glasgow University at English hands, was against its publication, but the anti-Cromwellian party, of whom Rutherfurd can be regarded as the leader, prevailed in having it published. A Declaration against the Aberdeen Separatists was also issued. In July, the General Assembly met. The Protesters were ready with the usual Protestation against it. Some of the members of 1 Consultations of the Ministers of Edinburgh, Vol. I, 13 - Life of Blair, 305.
of the Assembly met with the Protesters, but "All that could be obtained of them was that their Protestation (which they knew would be made against the Assembly) should be drawn up in more mild and gentle expressions than the former was. Rutherford was drawing nearer to conciliation. But the Assembly was dissolved by the English soldiers as also was the Protesters' meeting and from thenceforth the factions and turbulent counsels of Guthrie and Warriston were to prevail in the Protester party. Rutherford was now becoming more and more a man apart from his party. He was wearying of Warriston and Guthrie's factiousness, and distrustful of Gillespie's politics. Yet he could not bring himself, in any fashion, to countenance the Resolutions. As the best of the Resolutioners were to turn their efforts to the worthier task of penning their 'Brief Commentaries', so he turns his pen to the "Covenant of Life" and "The Influences of the Life of Grace."

Schisms which had been projected by the fatal Act of Classes had now torn Scotland assunder and weakened her power. On what did the parties of the Church differ? Not in doctrine,—all were rigid Calvinist and had lately accepted the Westminster Confession; not in Church government,—except for a few Protesters all were violently Presbyterian and had accepted the Westminster Directory for Church Government: not in worship,—for liturgies gone, the sermon held sway; not on discipline,—for all were agreed on the manner and method of Church Censures. It was the questions of the persons to whom these censures were to be applied which rent the Church and State. Excommunication had been a political weapon of the Popes. The ingenious Warriston discovered it anew and applied

I Life of Blair, 307.
applied it to civil as to religious affairs. It was in the
first place the political weapon which the Argyll party took up
to out-maneuvre their opponents. But their weapon was based
on an insecure dogma, namely that when the 'ungodly' were purged
out, victory was certain. When, instead of victory, defeat
resulted, there were only two conclusions; either the purging
from communion and from office was itself sinful, or it had been
inefficiently done. The Resolutioner, within himself, knew the
first to be true; the Protester resolutely clung to the latter
view which could but end in anarchy. This might be called the
formal cause of the separation which was projected by the impera-
tive need for the repeal of the Act of Classes, if material
affairs were to prosper.

The material cause of the division lay in the nature of the
actors. Crude, often macabre, prefigurations of Whig and Tory
were coming into being in Church and State in this complicated
Whirligig of anarchy. The Protesters were made up of men who
favoured a more representative form of government in the State,
a more popular election of ministers in the Church. In 1649,
Rutherfurd had secured the abolition of patronage by Assembly and
Estates and the popular election of ministers. At the Revolu-
tion settlement, the South West party was strong enough to
retain this Act, and only in the 'Erasitian' days of Anne was
patronage reintroduced. But others in Church and State viewed
these changes with disgust. The pulpit was the most powerful
existing agent for the dissemination of propaganda. The nobles
had used it at the time of the Covenant and had no wish now to
lose control of it. There were reasons why many Churchmen
Churchmen distrusted the new means of election and Douglas and Dickson obeyed the conservative principle in their nature and in the Church when they again sought alliance with the feudal party, though the formal cause of the alliance was the repeal of the Act of Classes. Though the body of the people may not have participated in this struggle, the Protesters were sons of the people, misguided often, and the Protester-Resolutioner conflict was in a measure the projection of the struggle of middle class against feudalism into Church affairs. The Act of Classes had showed the 'popular party', not for the first or last time in history, using dictatorship, this time ecclesiastical, to achieve its ends. Both parties still paid lip service to the Solemn League and Covenant, though their leaders well knew that it was now a dead letter.

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

On April 12th, 1654, the Kingdoms of Scotland and England were knocked together with the flat of the Protector's sword. An Ordinance was promulgated stating, "That all the people of Scotland and of the Isle of Orkney and Zetland and all Dominions and Territories belonging unto Scotland, are and shall be and hereby are Incorporated into Constituted Established Declared and Confirmed one Commonwealth with England. And in every Parliament to be held successively for the said Commonwealth thirty persons shall be called from and serve for Scotland."

Weary of delays in this matter which had dragged through the sittings of Rump and Barebones Parliaments, Cromwell hammered the two Kingdoms together. As the metal of both peoples was decidedly cool to it, there were all the inevitable flaws and faults in such a junction. Yet Cromwell meant to be as fair and just as the circumstances allowed. Examination of the preceding parliamentary attempts at Union shows him more generous than his parliaments would have been. He used the flat of the sword on the Northern Kingdom as he used the edge of it on its King, because he did not see, in the circumstances, what else he could do. The Ordinance as promulgated did not become an Act of Union till April 23rd, 1657, when the House passed it along with sundry others. By then the fact of the Union had become so well established that this sanctioning produced little comment except a complaint of its detrimental effect on the Newcastle salt trade.

Had Scotland any say in or influence on the Ordinance of Union as framed?
framed by the Protector and his Council? This Ordinance was the child of the Declaration of October 28th, 1651, known as applied in Scotland as the 'Tender'. The English Commissioners who brought this Declaration to Scotland in the Spring of 1652 presented it to the Shires and Burghs along with a demand for civil obedience to the Parliament of the Commonwealth and the request to them to offer "what they conceived requisite for bringing to effect the said Union and Settlement with speed and best satisfaction to the people of Scotland!" The said Shires and Burghs asked quite a lot for their 'best satisfaction' but did not offer much for a 'Settlement with speed.' Still these 'offers', the experiences gained in the government of Scotland between the time of the Tender and that of the Ordinance, the recrudescence of old prejudices and the formation of new, shaped the tentative Declaration of 1651 into the Ordinance of 1654. The dour spirit of the Scots, divided in everything but a sullen hatred of Cromwell, wrested from him and his Council better terms than Parliament would have given. He wished the land to have quiet and there was in him and in some of his Council, such as Broghil and Monk, a sense of fairness lacking in Vane and other Parliamentarians. Scotland as well as the Protector could have prayed sincerely on more than one occasion past and present, "Sir Harry Vane, Sir Harry Vane, the Lord deliver me from Sir Harry Vane."

The Battle of Worcester, the capture of the Scottish Committee of

1 Crom. Un. X
Estates, the subjugation of the Scottish Lowlands and the taking of St. Andrews, Dundee, Aberdeen and Montrose placed before the English Parliament the problem of the administration of the occupied territories which in the meantime was being carried on in a rough and ready way by the Army officers. The first intention was to treat it as a conquered province. The shade of Edward I must still have lingered in Westminster, for on September 9th, Parliament appointed a Committee to bring in a Bill, "for asserting the Right of this Commonwealth to as much of Scotland as is now under the Power of the Forces of this Commonwealth and how the same may be settled under the Government of the Commonwealth." Little more than a fortnight after, it instructed the Council of State to nominate Commissioners for Scotland with instructions for dealing with affairs there to the best advantage of the Commonwealth. England's 'right' and advantage were the prime concern. On October 22nd, Oliver St. John, Harry Vane (Jnr.), Salway, Fenwick, Lambert, Deane and Tichbourne were recommended after some deliberation and reference to the Irish and Scottish Committee. But there were wiser heads in the Council than among the Parliamentary followers of Sir Harry Vane. The Commissioners for Annexation, by December 4th, had become Commissioners for the Promulgation of the Parliament's Declaration and for Investigation into Scottish affairs. Cromwell and his officers knew the temper of 'that nation'. It was thought possible that an offered union with commercial benefits would keep the country quiet by dividing the parties on the issue and evoking less need for

1 Crom. Un. XVII
for a larger and more expensive army of occupation. An arbitrary annexation might have effected a reuniting of the now schism-torn people. Even Argyll, credited with a desire for Union, would have abhorred the thought of such. The larger army then needed would have drained England of men and money. England found it politic to be magnanimous, or, in the not infrequent English fashion, found it best to be politic and convinced herself she was magnanimous. "How great condescension it was in the Parliament of England to permit a people they have conquered to have part in that legislative power." So wrote Ludlow. Scratch the skin of the Republican, and the Englishman and his prejudices are found as vital and as virulent as ever they were in Edward Hyde. The Scot who fought for the privileges of the Long Parliament might have expected some consideration even from its abbreviated remains. But its deification of Common Law - a most chaotic affair - and its blind insistence on 'privilege' made them obdurate to many practical considerations. This emerged in their adoption of the Instructions prepared for the Commissioners. In Clause 7, on the administration of justice in Scotland, the original Instruction had read, "And to that end as near as the Constitution and use of the people there and the present affairs will permit, you are to see that the laws of England as to matter of Government be put in execution in Scotland." The House deleted "as near as the Constitution and use of the people there." Law in Scotland might be but poorly administered but in content it was somewhat clearer than English Common Law, and to seek to foist English law on Scotland was both/
both stupid and impractical, as later Protectorate Governors of that country found. In Clause 6, the Council had given power to the Commissioners "to remove out of any Corporation or out of any office or place of magistracy, government or authority in Scotland any of the governors, officers or others of the Scottish nation whom you shall find unfit for the trust reposed in them." Again the House ruled out the words "of the Scottish nation" so giving its Commissioners power over the Army officers.

These Instructions are a fair manifesto of the policy which England adopted towards Scotland. With the changes which were afterwards dictated by experience, they show the general lines upon which Scotland was governed under the Protectorate. Briefly the instructions to the Commissioners were these - to publish Parliament's Declaration, to confer with the 'fit persons' chosen by the people in various districts on the state of the country and to report thereon to Parliament, to promote the preaching of the Gospel, to reform the schools, Universities and colleges, and encourage godliness and learning, to purge the magistracy, etc., ut supra, and bring government into consonance with English law. They were to appoint what courts and magistrates they thought fit. They had power to imprison, fine, confiscate and reward, and were to organise and control the public revenue, be present at councils of war, exercise Admiralty jurisdiction and commission whom they thought fit to undertake all these separate tasks. They were to enjoy the support of the Army and frequent reports were to be made to Parliament.

1 Scot. and Prot. 393-398
Provided with these Instructions and the Declaration, Vane, Salway Fenwick, St. John, and Tichbourne arrived in Scotland on January 15th, 1652, to join the military members of the Commission already there. They annulled all Charles's Power, Jurisdiction and Authority by Declaration and destroyed his Arms in Kirk, Castle, Cross and Parliament, all with due pomp and ceremony. The Commissioners next issued an order to Shires and Burghs to appoint representatives to come to Dalkeith with power to assent to the Union as held forth in the Declaration of October 8th, 1651 - the Tender. The preamble was a sinister and ironic echo of the Solemn League and Covenant. England now sought to "improve the power which God hath now given them for the advancement of the glory of God and the good and welfare of the whole Island."

With regard to Scotland which in 1643 had taken pity on the "distressed estate of the Church and Kingdom of England," the latter Kingdom now expressed the same concern for her Northern neighbour and determined "to promote the Preaching of the Gospel there and to advance the Power of true Religion." Was the framing of this clause Vane's revenge for the Covenant? The expressed intention with the implied practice of 'toleration' found little acceptance in any of the Scottish ecclesiastical parties, and caused trouble throughout the Protectorate. In 1643 the Scots had promised to protest the rights and privileges of the English Parliament. Now in return it was determined "that Scotland shall and may be incorporated into and become one Commonwealth with this of England" and achieve the blessing "of the same Government

1 Nicoll, 81
that is established here and enjoyed by the good people of this nation" - a Government which Cromwell a year later ousted with a tirade against its corruption, injustice and petty jealousies and against the drunkenness, embezzlement and immorality of some of its members. As already noted, a special Declaration had abrogated all Scottish courts and judicatories. The Declaration further confiscated all the Crown lands, the estates of those who had been out with Hamilton in 1648, the estates of those who had lately invaded England with Charles and the Estates of those still in arms against the Commonwealth. An exception was made of those who had after Dunbar deserted Charles and ceased to bear arms against the Parliament. This afforded a loophole for the Party of the Marquis of Argyll. All who had not borne arms were secured in their property and estates. Tenants who had been compelled or influenced to serve with their noblemen were granted freedom from all feudal service and promised that they should enjoy from and under the Commonwealth, proportions of the said confiscated lands "under such easy rents and reasonable conditions as may enable them and their heirs and posterity to live with a more comfortable substance than formerly." This bribe or condition swayed many of the Shires and Burghs alike to accept the Tender. The carrying of it out had important political and economic effects on Protectorate rule in Scotland. The Tender incorporated Scotland into England in Mr. Blair's words, as "when the poor bird is embodied in the hawk that hath eaten it up." It asked for the unconditional

---

1 Row, 391-2
surrender of Scotland in all matters civil and religious. It was punitive, not legislative. All administrative powers were vested in those who brought it.

Despite the storm raised by the toleration for Sectaries implicit in the Declaration and indeed made explicit in a published Explanation of the Commissioners' own formulation, the Burghs and Shires sooner or later nearly all took the Tender. Row remarks that many Malignants were very forward as Commissioners in taking it. Most men were glad to find some security for property and estate. The protests, recommendations, dissents and complaints of the commissioners who appeared at Dalkeith, whether of Malignant or Resolutioner or Remonstrant origin, served to guide the Commissioners to a more lenient and politic course. The main objections were against the 'toleration', against the arbitrariness of the change, against the vagueness and incoherence of the Declaration and the fact that the people had no say in it. Removal of the confiscations was sought as was the passing of an Act of Oblivion, the abatement of the 'Cess' and the restoration of the Courts of Justice. The submission of the whole matter to a Scottish Convention was sought by a considerable number and this suggestion was to a certain extent acted on by the Commissioners.

The voice of the beaten and divided nation was at least strong enough not to be utterly ignored. Vane and Fenwick returned to London and in reporting to the House advised the framing of an Act of Union, and suggested that Parliament should permit the assenting Shires and Burghs to elect commissioners who should meet and chose fourteen members

---

1 Nicoll, 84
2 Crom. Un. XXX
for the Shires and seven for the Burghs to appear at Westminster with full power to effect the Union. The House decided to frame an Act of Union granting Scotland power to elect members of Parliament in a proportion to be determined and endorsed Vane's suggestion that the Scots should send Commissioners to England. This suggestion was embodied in a Declaration of March 25th which empowered the Shires and Burghs who had taken the Tender to elect Commissioners to meet in Edinburgh on or before August 20th, 1652, that they might appoint twenty-one deputies to proceed to England by October 1st to perfect the Union. This Declaration was published in Edinburgh on April 21st.

In the interval during Vane's absence the English Commissioners had restored some order, appointed sheriffs, reconstructed the Court of Session and effected a sounder administration in civic and fiscal affairs.

Out of eighty-nine constituencies which had taken the Tender only sixty were represented at the appointed meeting. Since the Declaration allowed a majority to elect, the assembled delegates elected deputies to represent Scotland in London. Lilburne, writing to Cromwell, characterised the persons elected as 'notoriously corrupt'; They were mostly lesser gentlemen attracted by the offer of security held out in the last part of the Tender. Some hoped to and did profit by Parliament's confiscations - viz. Sir William Lockhart and Sir John Swinton. Lockhart later served with ability and eminence under the Protector. But though not the better sort of men whom Lilburne desired, in London they represented Scottish interests as well as any others/
others in the circumstances could have done. Sneered at by the English, jeered at by the Scots at home, they may have returned as Lamont says, "with little or nothing done," they may have been petitioners rather than commissioners as Row mocks, but on certain occasions they defied Parliament and asserted certain principles of equity in the matter of taxation and representation both with reason and dignity.

The tale of their sorry business is told by Professor Terry in his preface to the Cromwellian Union XXXVII-XLIII. Their status as commissioners was questioned; they were allowed no deliberative power; they were allowed to express only individual not collective, authoritative opinions as an official body, on the matters put before them. Sometimes they were consulted on the draft Bill of Union and sometimes they were not. Their claim for sixty members was halved. But the Bill was not passed. Cromwell dissolved the Rump on April 19th. If present it must have been some compensation for all the sneers and snubs from a privilege-proud oligarchy, for the Scottish members to see Vane, Witelock, Martin, Challoner and Wentworth writhing under the lash of the Lord General's tongue and to watch them helplessly turned out of their proud place by his soldiery.

The Rump failed to provide an Act of Union. The Bill to that effect read the first and second time on April 13th, died with it, as also did the Bill of Oblivion which supplemented it. The Council of State held some conference on the matter of Union with Lockhart and two or three others. The deputation served to bring the former into contact with Cromwell and the Council and from now on he took an important part/
part in all Scottish, even in English and international affairs. He was one of the five Scottish members who represented Scotland in the Barebones Parliament. As he was the ablest of the Scottish deputies, it is not unlikely that it was he who supplied the Council with the gist of the proposals which on August 10th they put before Parliament as coming from the Commissioners from Scotland. These asked for abatement of the Cess, that legal procedure in Scotland might be according to the law and practice of the Nation, that sequestration and confiscations might be taken off and measures taken to stop the complete financial ruin of sequestrated people, that Crown tenants might enjoy their rights till the law settled them and that the King's debts before the war should be paid. Release of prisoners, establishment of the mint, payment of public accounts were also asked for. Parliament, with this paper before them, began to draft an Act of Union which was read the first time on October 4th, 1653. But the 'Little Daft Parliament' united to its zeal for reform a passion for abolition. Chancery, Church patronage, tithes, University endowments all were to go and the first two for that time did. The saner members of the Little Parliament manoeuvred for a time when the zealots were in the minority and passed a resolution abolishing itself. Still there was no Act of Union.

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

The Council who drafted the final Ordinance, were, as Gardiner writes, "men of practical efficiency opposed to further changes in the State, and above all, to anything savouring of fanaticism. Such men are usually content to devote themselves to the task of carrying on government without taking into account the theories on which any special government is founded. Such were the instruments of Napoléon I such too were the Councillors of Oliver." Their Ordinance, taking the circumstances into account, was not unduly harsh. It could not be pleasing to the Scots because of its sources. It brought some direct, some indirect benefits. Any economic misery it caused was due to the foreign policy of England and not to anything in the Ordinance itself. It was better than the Rump Parliament would have granted, even in measure than the Parliament of Anne was at first prepared to grant, for no Company clause was inserted in its Free Trade concessions.

The Ordinance incorporated Scotland and its territories into the Commonwealth of England. The St. Andrews Cross was embodied in the Arms of the Commonwealth. Free Trade between the two countries was established, the same customs, privileges and prohibitions prevailing in both. The Scottish Parliament was abolished and all

---

1 Crom. and Prot. III, 3
all Charles's authority through and in it. All feudal and semi-
feudal dues and privileges were discharged and hereditary jurisdiction
made practically null and void by the discharge of all tenants from
attending any of their lords' hereditary judiciary Courts. While this
was aimed at securing the support of the growing faculty of profession-
al lawyers and judges, it was after all, only a continuance of the
attack on the remaining feudal jurisdictions, privileges, fees and
casualties begun by James VI and still further legitimately and soundly
but most unfortunately and tactlessly carried out by Charles in the
Act of Revocation. This clause in the Ordinance of Union was only the
consummation of a process of defeudalisation which the sovereigns of
Scotland had long desired along with a growing number of their subjects.
It undoubtedly made the Union palatable to the lesser lairds and to
the Burghs. An Ordinance establishing Courts Baron and an Ordinance
of Pardon and Grace accompanied the Union Ordinance to Scotland.

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

On/
On May 4th, 1654, Monk proclaimed the Protectorate and the Union at the Mercat Cross of Edinburgh. It was one thing to proclaim, another to effect. A settled machinery for the administration of affairs in Scotland was still lacking. From 1652 the Administration had been carried on by a number of temporary expedients. During the unsettled times subsequent to Worcester the Army officers exercised the jurisdiction of military occupation. Then followed the visit of the Commissioners. They reconstructed the Court of Session to consist of seven Commissioners of Justice, four English and three Scots, established a Court of Admiralty, appointed new sheriffs and sought to reform taxation. During 1652-53 the Commander in Chief, Deane, was head of the financial administration, determining both tax and expenditure and paying the salaries of all officials civil and military. Then came the Glencairn Rising and for the time being all executive and administrative power passed into the hand of the Commander in Chief.

At the time when he issued the Proclamation, Monk was supreme ruler of Scotland under the English Council of State. His commission dated April 6th, 1654, gives him almost absolute power. He was to reduce and settle the country and protect the interests of true religion. He was authorised to suspend any magistrate, sheriff or officer of disloyal or dangerous tendencies. By himself or deputy, he might administer any oath to any person whatsoever. He might imprison restrain, secure or confine anywhere in the Commonwealth any disobeying or opposing the present government. He might release those whom he thought fit. He could protect or favour whom he pleased or those who were or might afterwards be in arms in Scotland and grant them pardons (this/
(this was limited to people whose rents did not exceed £400 a year and who were not excepted in the Ordinance of Pardon and Grace.) He was to erect forts, control the press, pay the justices and levy fines on Shires who allowed raiders to escape. He was given power to raise a regiment of Highlanders not exceeding six hundred men. Fines were to be laid on the relatives of those out with Middston and Glencarm and any Englishman in arms with them was to be put to death. These powers Monk enjoyed from April 1654 till the appointment of a Council of State for Scotland in May, 1655. To the credit of the taciturn Devon soldier, he used them with discretion and integrity. He came to a Scotland smouldering with rebellion and seething with grievances. The rebellion he suppressed ruthlessly, the grievances he sought to remedy as justly as the English Council would permit. In a year he had the land quiet and governable. The first year and a half of the Protectorate was Scotland under Monk.
The Feudal Reaction

Monk came to Scotland primarily as a military commander to deal with Glencairn's rising. It was not despite Lilborne's fears, a national rising. Some desperate, debt-ridden, if loyal enough, noblemen based a forlorn hope on the inveiglement of the English in a war with the Dutch. The brilliance of Montrose's campaign, the enterprise, foolish enough perhaps of the Engagers, the Covenanting patriotism which with better field officers and equipment might have beaten Cromwell at Dunbar, the Thermopylean, almost 'fey', valour of the Army that won to Worcester and fell there, were all lacking.

Glencairn was a good loyalist, a fair company commander but little more. Middleton was a first rate general officer but he had few cavalry and little equipment. Of the others some, like Graham of Duchray, were staunchly loyal to the last, some, as Middleton found to his sorrow, were vox et praeterea nihil.

The leaders of the Rising were all broken men. Few of Scotland's great leaders were left. With the exception of Argyll these were either dead or in prison. Lesser men held place in Church and State. All parties in these, Royalist, Engager, Covenanting Royalist of '49-'52, Remonstrant, Resolutioner and Protester had in their turn been shattered by the sword of the Lord General or by the violence of their own internal disentention. The two parties, Resolutioner and Protester, fought bitterly but bloodlessly within the nation. They fought as men sometimes fight because of bitter memories and inward rancours, rather than because any real occasion for strife was left. Within the Scottish state Argyll alone of all the great remained/
remained, now without a plan and without a policy. The Hamiltons were gone. Leslie, Lauderdale and Crawford were in prison. Montrose’s head withered on a Tolbooth spike. A few tampered furtively and futilely with the idea of a Scottish Commonwealth. All that was left was a war-weary people, poor to the point of starvation, and men, high and low alike, concerned less for King and Covenant, than for their personal safety and the security of what remained to them.

What were the causes of the Rising? Some lay in the Tenders and its concomitant effects. The confiscations of that Declaration beggared nobles already bankrupt. By it also their tenants were set free from all former dependencies and portions of the forfeited land let to them at easy rents. The nobles feared worse might come. It did. The Union Ordinance sought to destroy the remaining traces of feudal law and practice. The nobles rose with Glencairn for a similar reason to that for which they had signed the National Covenant. The Act of Revocation, as we saw, had taken away part of the yearly revenue of the ‘titular of the tiend’, nullified much of his right of patronage and destroyed most of his financial hold over the lesser heritor. So noble had made common cause with the Kirk. The Protectorate was now erasing the last traces of feudalism. Lesser heritors and gentlemen, like Lockhart and Swinton, were rising on the fall of their feudal superiors. A new class of professional lawyers and judges was rising to curb baronial power. The noble had no longer the happy privilege of being both prosecutor and judge in his own case or in his own court, or before the Court of which he might be one. The power of Shire and

1 Row, 293
Burgh was growing if but slowly. Nobles now rose for the Crown as they had risen for the Covenant, as they had risen in the Engagement, as they had risen for Charles II, to save the relics of their dying power by opposing the party who sought to deprive them of it. Glencairn's Rising was the last articulate armed protest in Scotland against the passing of the feudal regime and privilege.

Other factors encouraged the Rising. England's war with the Dutch took away the strong hands of Deane and Monk and some of their best troops and substituted the weaker Colonel Lilborne. Troubles between Parliament and Lord General might well have been taken to point to another civil war in the brewing. Cromwell had sent off batches of disaffected soldiers to Scotland to be out of the way and under the disciplinarians Monk and Deane. Though these were not numerically large they suggested to the Scots a weakness in the English camp more apparent than real. From the alacrity with which the leaders of the Rising came to terms, it might well appear a glorious piece of blackmail. "Glencairn led the way to the rest as of going out so of coming in," writes Baillie dryly. Lilburne had counselled the taking off of the sequestrations as a means of dispersing the insurgents. The nobles, aware of their nuisance value, gave trouble long enough for Monk to adopt Lilburne's counsel as a cheap and sure way of finally clearing up the business. Nicoll calls the risers "desperate men, sequestrate, sequestrable and much in debt" and writing of the final break up, attributes it to their divisions, hatreds and contentions. "Pride also and avarice was not deficient for English gold was not sparing."  

1 Baillie, Letters, III, 255  
2 Nicoll, 136
The country as a whole gave little active help to the insurgents, although Lilburne believed that it was only waiting for some outstanding success or a strong landing of foreign forces. Neither Resolutioner nor Protestor loved England, but neither gave much support to Glencairn. Baillie wrote, and his was the party most likely to support, "for in all this Northland Rising to my best knowledge, there is no minister in Scotland who has had the least hand or meddling." The country suffered from both parties, from petty extortions of the English soldiers, from the demands and impositions of the Insurgents, and from moss troopers who took advantage of the unquiet time to fight for their 'ain hand' and to rob in the name of the King. Lilburne thought the generality of the people were behind these secret contrivements and that many gave supplies willingly. Nicoll, Lamont and Baillie, diarists all of different viewpoints, assert that the depredations of Glencairn, Kenmure and their followers were much resented. Lamont cites a case where the English punished a man unjustly for compliance because his horses were stolen. Such things did not endear the English to the Lowlander any more than it did Glencairn the cause of them. The Presbytery of Hamilton debated whether Kenmure or the English were the greatest enemies. It was decided that the English were the greatest.

The people maliciously hindered, boycotted or misled the English wherever possible, but few rose in arms and the lowlander resented the recrudescence of the ancient practice of horselifting. Baillie's

1 Baillie, Letters, III, 252  
2 Nicoll, 112; Lamont, 62; Baillie, III, 256  
3 Nicoll, 116
verdict was, "the country everywhere suffers much, but is patient, for they see no remedy." He believed that the tumults and raids were "not so much to do anything against the English as to make some noise of a party to encourage the King’s friends abroad to send him, supplies of men, arms and money." According to him, the personnel of the army was Highlanders - expert horselifters - old soldiers and younger sons inspired by a sense of adventure - or by the paternal desire to have a limb on each side of the fence, according to Lilburne. All the diarists note the growth of the forces in 1653. Estimates of their numbers at their zenith vary from Monk’s own of five thousand men to Baillie’s of between ten thousand and twenty thousand, including about two thousand horse. Monk’s estimate is probably the more correct.

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

1 Baillie, III, 250
2 Ibid 250.
3 Baillie, III, 256
4 Scot. and Comm. 65-70
5 Gardiner, History of Commonwealth and Protectorate, II, 391 (1894.)
Throughout June 1653 the insurgent leaders met, planned and bickered in the Highlands. More of the discontented nobles and younger sons joined them. Balcarras, Sir Arthur Forbes and Lord Lorne came in, the latter with his father's curse - a copy of which was duly sent to Lilburne. Argyll was playing safe. Lilburne dispersed the General Assembly on July 22nd, because of these tumults. The Protesters protested against the civil power dispersing an Assembly against which they themselves had protested. But the Kirk gave the Rising little help. Glencairn was suspect. Middleton, was as little trusted. There was little mutual trust among the confederates themselves. They were broken men, but broken party men and party prejudices still lingered. Glencairn was an Engager, punished by the Act of Classes, though readmitted to the Committee of Estates in 1651. He was no lover of Presbyterians as he later showed. Balcarras, however, was a Royalist Covenanter and wished the confederates as a test, to rewear the Solemn League and Covenant and appoint a Commission to command the Army. Lorne was Argyll's son, not unnaturally suspect, and when Kenmure sought to use severe measures in Kintyre on some of his father's settlers, withstood him. Lorne was Campbell, Glengarry Macdonald, and swords were out between the pair when they met. After Middleton's arrival he and Glencairn quarrelled over the place of second in command which was given to Sir George Munro, a professional soldier, not to Glencairn. The things that divided were stronger than the cause which united. Charles deserved little better for making the historic libel that a Scottish army, however well it looked, would not fight and fathering it on David Leslie the best general that he ever had.
The year 1653 favoured the Rising. There was a good harvest and Nicoll tells that the winter was warm and dry from October onwards. Right on till March 1654 there were only 'seven showers' and the winter was 'exceeding hot'. The King's standard was raised at Killin on July 27th. Various lords rode in with the men they had raised. Argyll was enigmatically inactive. Sir Robert Murray believed him to be waiting his chance to rise for the Crown when safe to do so. Lilburne was at first suspicious but help he received from Argyll in Colonel Cobbet's western expedition convinced him that he was firm for the Government. At first Lilburne was but little troubled by the Rising, thinking it but part of the general unrest which the English victories over the Dutch fleet would speedily settle. He believed, like Baillie, that it was but a noise, made to enhance Charles's reputation abroad. An English news letter of April 28th stated, "All is quiet in the Highlands and Glen-garry hath parted with his forces." His disregard of them encouraged the Royalists. A firm hand at the very outset would have completely scotched the Rising. Lilburne was short of adequate forces. Once he saw the danger he proceeded to magnify it in about the same proportion as he had minimised it. This he may have done to get more troops and supplies from England. Monk himself had often to magnify a need before he got men, money or supplies from the South. The actual threat and danger cannot be wholly estimated from Lilburne's letters to the Lord General. He did lack men, ships and money: economy and

1 Clar. Reb. XIII, 62  
2 Scot. and Comm., 134  
3 Scot. and Comm. 147  
4 Spottiswood Miscellany, II, 113
Dutch war had reduced the army of occupation. The higher field officers had developed a habit of slipping back to England for a prolonged stay with their families. He had only one major of cavalry when the insurrection broke out and cavalry with their mobility was his great necessity. The force at his disposal amounted to twelve thousand. He had eleven regiments of foot but much of these were needed for garrison duty. His cavalry were inadequate to deal with the running foray which Glencairn and Kenmure cleverly developed throughout a fine Autumn and an open winter. They raided into the Lowlands and in cavalry skirmishes gave as good as they got. The country did suffer much, for the horses which Kenmure left unstolen Lilburne confiscated to mount his infantry. Successful looting appealed to mosstrooper and clansman. The raiders, perhaps that is the best term for this last small feudal host, grew in number and Lilburne, with the surprised exasperation of the Englishman who has tried to govern mildly and received a nasty shock, wrote for someone to supercede him, "such a one as may pay these people for their knavery....Monk's spirit would do well among them." The Protector thought so also, and Monk arrived in Scotland on April 22nd, 1654, two months after Middleton.

He had fewer handicaps in dealing with the Rising than his predecessor. He had absolutely full and complete control in dealing with the insurgents. He got the men and supplies which Lilburne lacked. The Dutch peace freed those for him and cast a corresponding damper on the spirits of his opponents. It is true that Middleton's arrival for the time caused a new stir and brought some fresh accretions to/
to the insurgents. But a falling off soon began in the usual fashion of Highland hosts and Monk had a trained army with which to harry their dwindling forces. The Earls of Montrose, Mar and Selkirk with other noblemen, had joined the Rising in the winter and Lilburne put its numbers at about six thousand men. By July they were in broken bands and the most effective force left under Middleton was about eight hundred horse and twelve hundred foot.

Monk's military policy when he came to Scotland was simple. His first task was to secure the Lowlands against an invasion or against the infiltration of raiding parties of horse from the North which had so much troubled Lilburne in the winter and alarmed him into that state which, if not assumed to force more supplies from England, bordered on panic. He had also to prevent supplies of horse going North, for Middleton, warned by Montrose's fate, purposed to descend on the Lowlands with Lowland cavalry and not with a Highland host who were looked upon as much as enemies as the English and had also the unfortunate habit of dwindling to a sorry remnant after a successful loot. To secure these objects he demanded and obtained fresh men and money from the Protector. From May 10th till June 9th when he set out on his Highland campaign from Perth Monk watched the passes to and from the North. He moved from Dalkeith to Cardrows Castle, waiting there some days for the grass to grow that his cavalry might manoeuvre in the North. Then he moved back to Kilsyth and from thence to Buchanan, where he burned the boats which conveyed men, horses and cattle across to the Northern passes. Glasgow was garrisoned by a strong force of cavalry. Argyll, now compliant, kept down/
down the West. Dumbarton and Dunstaffnage were garrisoned. On June 9th Monk moved from Perth to Ruthven leaving garrisons at Loch Tay, Weems Castle and Balloch. His line of communications to the rear was now safe and he set out on his Highland campaign. His campaign in miniature somewhat resembled Sherman’s march on Atlanta. As generals there is a striking resemblance between the two men. Sherman in his Memoirs, says that his policy was to make his army into “a mobile machine, willing and able to start at a minute’s notice and to subsist on the scantiest food.” The creation of such a force was Monk’s achievement. “Throughout he kept his force mobile: much as he favoured the shock value of the pike he preferred to arm his men with muskets; and dragoons or mounted infantry took the place of regular cavalry. Up and down the country were dotted depots in which arms, ammunition and ‘bisket and cheese’—the iron rations of a seventeenth Century army were stored.” Like the later General, he was a great military organiser. He would take chances but preferred to leave as little to chance as possible. Like Sherman, he had to drive into an enemy country which teemed with impregnable natural fortresses, though Middleton never fought from these as Johnston fought from his. Middleton had been blamed for not doing so and for allowing his forces to dwindle in avoiding action, a policy which, if long continued, destroys the morale of an army. Like the great American too, Monk employed continual flanking reconnaissance movement, so that he was never once surprised. The policy behind both marches was the

1 Honest George Monk, J.G.D. Davis, 142
same: to destroy all the enemies' possible sources of supply. Monk burned the houses, destroyed the crops and seized all the cattle he could secure, so that the enemy might find no sustenance for his forces. The actual route taken by the English commander has occasioned some difference of opinion, but the following would seem approximately correct. From Ruthven he marched to Loch Lochy, after learning that Middleton was in Kintail. Thereafter, he laid waste the country of Lochiel and proceeded up Glenmoriston to Glen Garry. From there his course was by Loch Alsh to the MacKenzie country but Middleton got some of his foot over to Skye and his horse avoided engagement. Monk now marched to Inverness to rest his troops, but at Dunain learned that Middleton was in Atholl. He sent Colonel Morgan to head him off should he seek to break out through Braemar and himself by a route not yet certainly established drove south into Atholl. On July 10th he was at Weems Castle, on the 12th at Lawers. His enemy was moving from the head of Loch Tay into Glenstrea where Monk's scouts sighted him. At this time, he writes in a letter to the Protector that he had "marched them from four thousand down to twelve hundred." He showed very little sorrow that the places he had not burned were burned by the enemy who had harried some of Argyll's country and threatened to burn more, "so that the whole Highlands will probably be laid waste." He saw in this prospects of a speedy pacification, especially if a little leniency was used in the matter of the Cess, which, as he cannily pointed out, "they are not like to pay." Both sides made more use of the torch than the sword in their methods of campaign. Monk/
Monk thought that to achieve a permanent pacification it was better to "pinch their bellies than to shed their blood." His own men's also were somewhat pinched. He followed hard after Middleton, who from Glenstree went into Rannoch. Monk's army was now feeling the pinch of marching on 'bisket and cheese', but in Glen Lyon word was brought of Middleton's defeat at Dalnaspidal by Colonel Morgan who had closed in from Braemar. The Rising was over.

Middleton was a good soldier doomed to fight lost causes. The dissolute hardness of his later life was due to some of his experiences as a leader of men. He failed to appeal to the sentiments of the Gael as he failed to win the trust of the Presbyterian Lowlander. Everything was against him. He got little in the way of supplies from Europe and Charles refused to come to Scotland to set the heather ablaze, doubtless wisely. Yet the reproachful letters he sent to Middleton were an ill requital of the services of a man risking the halter for his sake. And the Scots, while they did not betray his men, would not rise for him in many great numbers. He had the same difficulty as Leslie with surly officers who thought noble blood the chief claim to command and whose resulting jealousies played havoc with the integrity of his army. Glencairn, the first out, left him because Sir George Munro was appointed second in command, Glengarry and Atholl, Kenmure and Middleton himself, disputed over trivial affairs so that their Council was often a continuous jangle. A letter from Scotland says, "the nobles wished to have Glencairn as leader and as he has not been appointed both he and the rest of the Lords/
Lords keep their men in their own places and lordships so that their army this summer has been nothing but a small running party."

Middleton was under instructions from Charles to avoid action till winter when the time would suit him better. By then he had no army as Montrose might have prophesied to Charles, had he been alive. A delaying rearguard action was the most Middleton could ever have fought; he had not the supplies to offer a strong frontal defence, even in a narrow defile. Ambush was out of the question; the calibre of Monk was different from that of Elcho or Argyll or Baillie; he was not to be caught unprepared or outflanked, and Middleton had not the intuitive genius of Montrose or the military skill of Leslie with which to oppose Monk's tactics. But it was the internal dissentions of his army which hastened disaster. If the Protector, who had destroyed all feudal privilege by a stroke of his pen could by that act have destroyed all feudal jealousies, Monk would have won his laurels less easily.

With the defeat of Middleton the victor settled down to the task of pacifying the country. August and September were good months for the torch. They were spent by Monk and Morgan in devastating all parts of the Highlands where the beaten insurgents could have found winter quarters. With the exception of the twenty-four hours sack of Dundee the 'horrors' of which are still a matter of dispute, fewer charges of wanton cruelty to the persons of the vanquished could be brought against Monk than against most supreme commanders of his age.

1 Scot. and Prot. 171
In this campaign there were fewer certainly than stained the name of Montrose, of Leslie, or of Claverhouse. Havoc he wrought of set purpose, but the work done, there seemed almost a note of pity in his letter telling Cromwell of the desperate state of the Highlands, laid waste by both parties. Few knew what was going on inside George Monk's head, but pity for what he saw even while he had to do it, as well as policy may have inspired his counsels to leniency. He took no chances that leniency would be considered as weakness, for whilst endeavouring to remove causes of political unrest he went on with the work of establishing garrisons and forts to hold down Highlands and Lowlands alike as speedily as local conditions and Protectorate finance would allow.

His experience in Scotland showed him the practical wisdom of not a few of Lilburne's suggestions. The latter had gauged the political, better than he did the military situation. He had suggested that with the exception of five or six grave offenders, for example's sake, all sequestrations and forfeitures should be abandoned and a free pardon offered to all in arms on condition that they live peaceably. He had proposed that a price be put on the head of the insurgents and another of his counsels which Monk adopted was that licenses be given to noblemen to levy regiments in Scotland for foreign princes not at war with the Commonwealth; thus the land would get rid of the unemployed soldier - a very fertile source of mischief. If Charles had had money, and the disbanded Scots the inclination to foreign service, the Protectorate might have rued this policy. Charles wrote to Leven forbidding the taking/
taking up of the licenses as mischievous and with one exception the project fell through. Under the Council's orders full power had been given to the general to treat with and grant terms to the nobles. In Baillie's opinion, "the English gave tolerable terms to them all and by this wisdom hath gotten them all quiet." The private treaties made with the nobles all contained similar terms and showed Monk's policy. They were pardoned and allowed to keep their personal arms. Financial security was to be given for their good behaviour as also for that of the landowners and cadets of the house serving as officers under them. The sequestration of their estates real and personal imposed in the Ordinance of Pardon and Grace was lifted. The treaty with Glencairn, the chief offender, runs, "that the Earl of Glencairn and .......shall enjoy their estates both real and personal....without any trouble or molestation." In all the treaties it was made a condition that the private soldiers should sell their horses. Monk wanted no more chasing. Even the fines imposed by the Ordinance of Pardon and Grace were reduced. Lord Forrester's from £2500 was reduced to £1500 and when he pleaded that he could not pay because of debt Monk promised his influence for further amelioration and honourably fulfilled the promise. Some nobles, such as Atholl and Seaforth, who were out with Glencairn, fared better indeed than those who were not, for although named in the twenty-four excluded by the Ordinance from grace, the sequestration of their estates was now lifted. It stayed in effect on the estates of others, like Leslie and Lauderdale who

---

1 Scot. and Prot. 166
languished in English prisons. The debt encompassed noblemen found it difficult to pay their fines and in response to Monk's appeals the Council passed an Ordinance on May 16th which allowed some ease in the matter.

Having dealt with the masters, Monk had to deal with the men. The problem of masterless men roving all over the countryside was serious. He had in his commission been granted power to transport to any English plantation such of the enemy found in arms as he thought fit. It was the most ignoble thing he sought to do. He could be tempted by the purse when the temptation did not affect his loyalty or the efficiency of his army or navy. He never misused a quarter-master's power to enrich himself at the expense of efficiency. Scottish Restoration Royalists, like Lauderdale, more culpably sold the blood of their countrymen to the Barbados. At first Monk opposed transportation, fearing its unsettling effect on the people; later he thought it a 'good work' for ridving the land of troublesome men. After Middleton's defeat he looked on men in arms as criminals and vagabonds to be dealt with accordingly. About five hundred were sold into servitude - nominally. The Scots found many means of escape. Some bribed the shipmasters to set them ashore at another port. Others sent money before them to Barbados, where they were bought and freed by agents. The terms with their leaders necessarily released others. This practice did not become established in Scotland from fear of a general rising, as it was against the Protector's policy to alienate

1 Scot. and Prot. 81
the body of the people. When later the English Council proposed to deal with vagabondage in Scotland by wholesale transportation, Broghill pointed out, "the General and all other knowing men are of opinion, if you offer to press men for that service, it with put the whole country in a flame." Ships for the trade were scarce; the profits were thus negligible; the effect might be disastrous. So Monk at this time moved by decency or diplomacy or by both, dropped the business.

He tried next the expedient of foreign military service, but this too failed to solve the social problem of settling the men who knew no trade but war. Charles II used his influence with the nobles to prevent the levying of regiments for foreign war. Glencairn, Atholl, Kenmure, Montrose and others all received permission to recruit, in their treaties which none of them used. Lord Cranston, who attempted to raise one thousand men for the Swedish service, found them mutinous and desertions frequent. The General had to depend on his army to keep the peace. He quietened but never settled the land. The problem of unemployment and vagabondage continued and was in measure aggravated by other conditions. Grier, Dalziel and Claverhouse had later no difficulty in finding riders for their bloody work and there were men, desperate by poverty as well as by prejudice, on the Covenanting side also. Monk's present measures to keep the peace were temporary, but immediately successful.

Besides the establishment and construction of forts throughout the land, Monk adopted various expedients to ensure that the land was

1 Act. Parl. Scot. VI, 2, 891
kept quiet. Persons going from one part of Scotland to another, or from Scotland to England, had to have permits signed by the General or his officers. Permits were required to carry firearms. The harbouring of mosstroopers was made a penal offence and ministers were required to publish the fact. Landowners favourable to the Government were authorised to raise forces for pursuit of reivers or to defend themselves against them. All Highland chiefs were made responsible for their clans and on giving bonds to keep the peace, were allowed to keep arms for their defence. If a chief was party to an onfall or refused to punish his followers for one, neighbouring chiefs were authorised to attack him. Lochiel was in 1659 so authorised to deal with Glengarry. Following the old adage, "set a thief to catch a thief," he used clansmen of dubious reputation to catch their own kin - one, Colonel Macgregor, had to deal with his own inveterate clan. Lowland gentlemen, living on the borders of the Highlands, were allowed to raise bands to defend themselves and the Cess in the county was reduced for their maintenance. The Justice of the Peace system, introduced by James VI, was thoroughly established throughout the land at Monk’s request. He suggested that in the Highlands the man next the chief be appointed justice, "which would probably keep them in awe or divide them."

It was chiefly the establishment of the forts and garrisons that kept order in the land. Besides the main forts, smaller ones were spread over the country and garrisons with a company of foot or a troop of horse, sometimes both. The small forts were often old castles put in a state of defence.

1 Scot. and Prot. Introd. and 93
The General had at least twenty-eight garrisoned forts and also guards in the chief towns. The main fortresses, the cost of whose building and upkeep was a serious drain on the revenue, were at Leith, Ayr, Perth, Inverlochly and Inverness. The building of some of these forts began before Monk arrived in Scotland, but the work had progressed in a haphazard way, till his driving energy brought it to completion.

The army of occupation in Scotland varied in strength as circumstances dictated. At the beginning of the troubles Lilburne had twelve thousand foot and two thousand horse. Monk received reinforcements to deal with the rising. In July 1655 the force was fixed at thirteen regiments and one company of foot, seven regiments of horse and four companies of dragoons. In October 1655 the number was reduced to eleven regiments of foot and five of horse. Later this was further brought down by reducing the strength of company and troop. Financial considerations dictated these reductions. Little change took place in the personnel of the foot regiments during their stay in Scotland; some cavalry units were withdrawn and others sent to replace them. Monk counselled Cromwell to let the garrisons intended for Scotland settle there permanently as such a procedure would prevent the absenteeism of officers and the trickling away to England of some of the men. When he crossed the border in 1659, in the fashion of many a proconsular officer, he had a disciplined army with him upon whose personal loyalty he could depend. Except for the Overton 'plot' in 1654, there was little disaffection in his army. This plot had

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

In September 1655 the Council for Scotland, appointed in May, relieved Monk of many of the responsibilities which he had carried. A foreigner, coming to a people he originally disliked, he had acted with marked restraint and fairness. Baillie and Nicoll both pay tribute to his rule. Skinner, his biographer, gives a picture of him as being rather short sighted, but remarkably quick of hearing. His mental characteristics were not unlike the physical. In some ways, as he was to show in later political affairs, he lacked the long view, but what he saw at hand he saw clearly and did with the utmost concentration Taciturn, like the owl in the adage, the less he spoke the more he heard - his information service was always excellent. He had an ear quick to hear the whispers of a nation. His ear led him in 1659 across Tweed and in 1660 to Dover and to a Dukedom.
Cromwell's policy aimed at a more thorough-going and pervasive union than that accomplished by Monk's military occupation. He hoped that what had been won by the sword might be kept by other and more peaceable means. His policy was that which earlier the opponents of Argyll had attributed to that statesman, the winning of the people by the expansion of civic and municipal powers and privileges at the expense of those of the nobility. This policy was not uniformly successful, for although Glasgow seems to have prospered, Edinburgh and other burghs did not. The foreign wars and the jealousy of the English merchants deprived the meagre Scottish industries of any great economic profit, nullifying any privileges they had gained by the Union. In January 1653 Cromwell stated, "I do truly think they are a very ruined nation," though he claimed that the middle and poorer classes were in a better condition than under the semi-serfdom of their nobles. The creation of a strong middle class as a balance against the factious power of the nobles was the keystone of the Protector's Scottish policy. The Restoration in Scotland was the reaction of a feudal government having its last desperate fling.

The government of Scotland was not placed in the hands of the Scottish Council when it was there, largely in the hands of Monk when, as was often the case, the business of the Commonwealth drew most of its members to Westminster or further afield. The members of Parliament for Scotland were able to do little for her. There were only five representatives in the Barebones Parliament. Although the number/

1 Speeches of Oliver Cromwell, Stainer (1901), 382.
number of members had been fixed at thirty, only twenty for Scotland attended the Protector's first Parliament. Twelve of these were English or belonged to the executive. In the Parliament of 1656 twenty-one of the thirty belonged to the administration or were English. The rest were, according to Monk, 'honest and peaceable'—and pliant—Scotsmen. Gardiner considers the Scottish members to have been Cromwell's 'pocket burghs'. They were ready to crown him if need be. The very able Lockhart of Lee, with his personal grievance against the House of Stewart for their neglect of his service, now allied by marriage to the House of Cromwell, was the leader of the Protector's Scottish party. When Scotland's affairs occupied the House, admittably seldom and when thrust upon it, the Scottish members, English and native alike, creditably, if ineffectively, fought for the interests of the nation. In the debate on the Act of Union, which dragged a weary length through the session of 1656 Downing, Monk's Scout-master, made an able defence of the Scottish Dean of Guild institution in defending Scottish burgh privileges. Other members sought a fairer basis of taxation without much success. As far as the record of these debates go, the Scottish members seem to have loyally supported a set of instructions drawn up by the Convention of Royal Burghs on August 27th, 1656. These instructions dealt largely with economic considerations and put forward a desire for concessions in regard to reduction of taxation and freedom of foreign trade that the English Parliament was loath to grant. It is noteworthy that men like Desborough and Downing (who, although now sitting for Carlisle, had earlier sat for Peebles and Border Burghs) very honestly represented

1 Crom. Un. LXII
2 Gardiner, History of the Commonwealth and Protectorate, 11, 8, (1901)
the interest of their constituencies.

The actual government of Scotland was in the hands of the Scottish Council of State. Its members were Lord Broghil, Monk, Colonels Charles Howard, Adrian Scrope, Nathanial Whethan and Thomas Cooper, Samuel Desborough and Sir John Swinton. Broghil was generally praised for his moderate spirit, at least by the Resolutioner party, whom he favoured and whose face he saved in the matter of praying for Charles. Naturally the Protestors took a somewhat different view of his character. Warriston called him, "the instrument of our ruin" and spoke of his "fair pretence and high words." In July 1657 hearing that Broghil might come back to Scotland, he wrote, "the Lord prevent Lord Broghil's going to Scotland or coming to the Council here." On Monk and Lockhart, Broghil, though President of the Council, largely depended for advice on Scottish military and legal affairs. He had a more affable manner than the General. He came when the land was subdued and when concessions were politic: conditions favoured a reputation for generosity, though he undoubtedly had address, ability and an amiable disposition. He was feared and disliked by the Protestors. "Lord free us of him...and send some Mordecai in his stead," wrote their leader.

The dealings of the Scottish Council and of Cromwell with the Resolutioner and Protestor parties fill the political activities of the later years of the Protectorate in Scotland. Monk wrote in 1657 "All things are quiet, but truly the Scots are now as Malignant as

1 Baillie III, 212; Nicoll, 183
2 Diary III, 95.
3 Warriston III, 62.
ever"; but men had now little means of showing hatred for their conqueror. Rising had failed. Ecclesiastical conflict raged between the two parties in the Church and in the early Protectorate riot and the rabbling of an unwanted intruded minister were not infrequent. Military force was sometimes used to place a nominee. The land was full of sullen hates, the hatred of the Scot for his ancient foe, the hatred of a dour bitter party for a Prince who had deceived them and for those who had supported him. Enmity and bitterness increased between Resolutioner and Protester and between Protester and Protester. With so many causes for ecclesiastical and political strife, personal feuds between the nobles were innumerable. To Monk the land might seem as Malignant as ever, but its impotent and suicidal jealousies and its great poverty kept it more powerless than did his army. To them we return.
Cromwell and the Kirk

Cromwell had been suspected of instigating the Act of Classes to promote division amongst the Scots. Once achieved, it was English policy to perpetuate it. The violent pamphlets of both parties were sanctioned by the censorship with this purpose. The amiable Broghil pursued a similar policy, for while seemingly favouring the Resolutioners, he was 'courting' both parties, not so much for the sake of uniting them, as to make them more amenable to the Protector's government. With the advent of the Protectorate, the nature of the struggle between the two parties changed. Hitherto, bad and bitter as it had been, with certain 'rights' claimed by both sides, with many wrongs inflicted on the opponent, it had been at least honestly based on contending principles. It now deteriorated into an intrigue for power or as much as either party could get of it, and into an attempt to plant kIRKS with as many of their adherents for whom nomination, election or downright intrusion could be procured. The process was gradual but when Cromwell, who had a certain intellectual, as well as political interest, in ecclesiastical orators - and oddities - finally sent the Scots ministers home to settle their affairs peaceably among themselves, he had assured himself that the thing was practically impossible and that no danger from the Kirk threatened his regime.

As a matter of fact, his first Act of ecclesiastical polity, within the Ordinance of Union, nearly united the two parties through engendering bitter opposition to himself. He had established 'toleration';

1 Thurloe, V, 123
now he sought to regulate the planting of Kirks with ministers. Knowing the political outlook of some of the Protesters, their more democratic and anti-Royalist opinions, Cromwell at first sought in them fit instruments for his policy. The English looked on the Protesters as the Fifth Monarchy Men of Scotland. In March 1654 he sent for Gillespie, John Livingstone and Menzies (the Separatist) to come to London. Later in May, he sent for Blair and Douglas, Resolutioners and Guthrie, anti-Cromwellian Protester. None of the last two went, the first two politely, the latter peremptorily refusing to go. Gillespie and Livingstone made the journey. It did not receive the blessing of their party. As soon as the contents of the letters were revealed, Rutherfurd, at a meeting of Protesters, proposed a fuller Testimony against Cromwell's doings. Its vitriolic denunciation of Sectaries and Toleration is from his pen and was meant to counteract any complacency or compliancy on the part of Gillespie in London. Mr. Gillespie had like all good party men, a tough skin which was quite resilient to testimony of friend and foe alike. He brought back the Ordinance which both sides of the Church dubbed, "Mr. Gillespie's Charter." This was the Ordinance of August 3th, 1654, "for the better support of the Universities of Scotland and encouragement of Public Preachers there." By it, ministers of both factions were appointed to a Board of Provincial Certifiers who were to select the ministers for appointment to vacant charges. In this respect was to be had, "to the choice of the more sober and godly part of the people, although the same should not prove to be the greater part." Nominees appointed
to vacancies were to be disposed to live peaceably under the present Government. The ministers nominated as members of the Board for the five districts formed were mostly Protesters, though one or two Resolutioners were also named in the Ordinance to give an appearance of equity.

Gillespie had procured good terms for his party as far as opportunity for manoeuvre was concerned. There were men in that party who had more scrupulous principles, who were Presbyterians with a dislike of State interference in ecclesiastical affairs, who were Scotsmen with an intense dislike and distrust of Cromwell. "All those whose names were inserted in it, except some few Protesters, did speak much against it, and condemn it, as much as any other honest ministers", wrote Row. The majority of the Protesters, honourably refused to use the power given to them through the wording of, and certifier appointed by, the Ordinance. Rutherfurd caused a meeting of Protesters held in Warriston's house to condemn it. "We debated all day about taking commissions from the English and voted negatively against it, that in ecclesiastical matters we could take none, and that upon their nomination and command we could not take or exercise extensive power over the whole Church." They issued a paper on the Ordinance entitled, "Considerations of the Order of Duty of Ministers provided in the late Ordinance" which rejected the power given to named ministers as prelatic and countered the defence that the magistrate might take steps to remedy extraordinary cases by stating,

1 Life of Blair, 318 2 Warriston's Diary, ii, 305.
"the Protector and his Council be not the lawful magistrates." 1 The Considerations were a testimony to the honour and patriotism of many of this body of violent, bigoted, yet sincere and steadfast men - the last two epithets not being applied to Gillespie or Warriston.

Cromwell's first attempt to govern ecclesiastically through the Protesters failed because Rutherfurd was a power in the party. He made it at Monk's suggestion, for the latter favoured the Protesters, according to Warriston, because the Resolutioners ceased praying for Charles through Broghil's intervention, instead of at his behest.

Even before this Monk seemed inclined to make use of the Protesters in ecclesiastical affairs. He became, however, dubious about the effect of the Ordinance. In December 1654 he wrote to the Protector:

"I dare not be so bold as to give advice what is best to be done, though it may be (I conceive) a measure to unite the ministers, because whether it may be a means to carry on your interest, I cannot tell." 2

The Act did not unite the ministers in obedience to Cromwell and Monk was right in questioning if such unity was to the Protector's interest. The Resolutioners resolutely opposed the Ordinance and published their own 'Considerations' and 'Grievances' anent its being put into effect. Alike with the Protesters, they regarded it as an unwarranted intrusion and subversive of the whole Presbyterian system of Church Government.

Gillespie had worked consistently in the English interest. Baillie calls him and Livingstone "the English agents." 3 He had tried to stop his party's protest against the English Actings; he tried to

1 Consult. of Min. I, 65  2 Scot. and Prot. 220
3 Letters, III, 298
persuade them now to use the Ordinance. He had promised more to
Cromwell than he could perform, for his party denied the Protector's
right to any title in Scotland save that of Usurper.

There is little evidence that the Ordinance was widely applied.
Two years later it was found to be so little regarded and so few Pro-
vincial Certifiers were to be found that the Council in Scotland was
authorised to act itself in the planting of Kirks according to the in-
tent of the Ordinance. Baillie records instances of it being used
to intrude Protesters into a charge, including cases at Douglas, Both-
kennar, Stirling and Eccles. The first was at Gillespie's instiga-
tion, the next two at Guthrie's. The latter's position in his party
is interesting. Baillie believed that, although protesting with
Warriston against the Ordinance, he was nevertheless quite unscrupulous
in using it. Indeed he protested too much for sincerity. "Mr.
Guthrie has no dealings with the English and does no wrong!" he wrote
ironically. Warriston accused him of insincerity when he himself
was about to accept the Clerk Registrarship. Guthrie again protested
against taking office from the Protector, but his colleague believed
he wished the place for Sir John Swinton. Spite dictated this accusa-
tion. Guthrie's policy differed from that of Warriston and Gillespie
in that, while accepting for his party from Cromwell and having little
scruple in using it, he refused to accept office from the Protector or
further his cause. Two of the intrusions, at least, were by military
force and caused riot. After 1655 the prevailing party in the Pres-
bytery or district was as a rule allowed to appoint their nominee.

1 Baillie, III, 247, 258, 263, 264
The Ordinance endeared the Protector to nobody save Mr. Gillespie, and started a movement towards unity for its opposition. The more moderate Churchmen, James Durham and Robert Blair, organised a meeting at Edinburgh in June 1655 to reconcile the two parties. Their proposals for reconciliation met with some approval, Gillespie being almost willing to accept them, perhaps because union would widen his influence. Warriston and Guthrie would have no union without a drastic retrospective purge in the Kirk, which meant little less than putting all Church Government in the hands of the Protesters. Rutherford was not present. Guthrie and Warriston remained adamant and irreconcilable and the consultations broke up, with Mr. Durham and Mr. Blair remarking very truly "that as long as Warriston and Mr. James Guthrie did guide that party there could be no peace possible." Rutherford drew more and more out of the Counsels of the party. He distrusted Gillespie's dealings with Cromwell and saw Warriston and Guthrie going the same way - the latter to totter to his fall in grand Protectorate employment. All that he had stood for, the Covenants, The Westminster Standards, stern opposition to Erastian principles, was being shelved by these men, though they still paid lip service. "In 1656 Warriston and Guthrie began to come near the English" - so Baillie.

For the present the two of them were bankrupt of any constructive political idea. They could only break up attempts at reconciliation. One expedient they did try. As the old Covenants were powerless, Warriston harped back to an idea which he had once formed of drawing up another. It was this which had earlier brought him along with Guthrie/
Guthrie and Gillespie to incur the charge of desiring to form a separate Scottish Commonwealth. "Warriston and Mr. James Guthrie had fallen on a new conceit to put all the godly in the land of their faction under the band of a new Covenant, which Mr. James Guthrie had drawn on some sheets of paper, from which he had cut off all the articles of our former Covenants, which concerned the King, Parliament or liberties of the land or mutual defence. Guthrie had put the idea before a meeting of Protesters in January 1655. Gillespie opposed it because such a Covenant would have incurred the Protector's displeasure. In September 1655 Guthrie had the draft of a Covenant prepared and Warriston had his 'reasons' ready for the taking of the new oath.

The Scottish Council, hearing of the proposed Covenant, summoned Guthrie and Warriston before them, but were satisfied with an apology. Monk visited Warriston, probably with a friendly warning. Lockhart sent for him and spoke, "very threatening things if we minted a Covenant," pointing out that such a thing might shed much blood and cause much suffering. Past experience made Lockhart wise for his nation's good. Swinton cynically told them pointblank that the Protector would be jealous of any Covenant meant to build up a party and that he preferred "all parties broken and they (the present power) supreme over all." An acid exposition of the Council's policy from Sir John.

Another factor killed Guthrie's Covenant quickly. The West disapproved of it when it was brought into their Presbyteries and the support of the West was needed in any Protester cause; it was their

1 Baillie, III, 297
their stronghold. Loyal to the old Covenants, they would have no new one. No copy of this Covenant has survived. Broghil's account of it was that it refused to meddle with civil government, but was formed to strengthen its subscribers in matters of faith and doctrine in times of backsliding. Warriston's conversation with Swinton, as recorded in his Diary, shows that the Covenant aimed at putting ecclesiastical disciplinary power in the hands of the Protesters. He proposed to Swinton that the Protesters so covenanted would purge the Church and "live contentedly under them and not rise with others, who though they would restore civil liberty, yet would not so countenance God's interest." Here Warriston is seen, as Baillie truly suspected, drawing close to the English. He had deserted the patriotic position of Rutherfurd who would have no truck with the Ordinance. Given his Covenant for purging the Church, he was content that his country should be in subjection. Purging had been originally intended to create a pure and ipso facto victorious Church and State. Now that the State was gone, along with its home and foreign policy, it became a mere move in the manoeuvre for power by the Protester leaders. Not without reason Baillie saw in the introduction of this Covenant the break up of the Protesters.

At the same time that the Protesters were falling into ill-repute with the Council over their Covenant, the Resolutioners experienced trouble because of their offering prayers for Charles. Doubtless he needed them. They did little else for him and stopped doing this, at least openly. Two Declarations, one of August 2nd, 1652, and one

1 Diary, III, II
2 Baillie, III, 298
of March 26th, 1655, had prohibited ministers from praying publicly for the King. Lilburne had been annoyed by this practice at the time of Glencairn’s Rising, for though the ministers played little part in it, such prayers seemed to countenance sedition. The later Proclamation by Monk threatened with suspension of stipend and further penalties all who continued to pray for the King, but the practice went on and some were imprisoned. The Council was determined to stop it but feared that oppressive measures might cause serious trouble. Broghil held private conferences with several leading ministers. Having felt the hand of Monk, they were more amenable to him. It was largely a case of face-saving. The ministers would not cease from praying so long as it was thought that they did so under threat. The Council issued a Proclamation annulling the penalties and giving the ministers six weeks grace to reconsider their attitude. In that time the greater number of Resolutioners ceased praying for Charles by name. Veiled allusions only were made from the pulpit, and the people groaned responsive ly. Few of the Protesters had prayed for him since Dunbar. By October 1655 the question ceased to have any importance, and no more was heard of any repressive legislation. A mocking spirit took possession of the Protesters at the Resolutioners’ surrender. Monk took offence because they had done for Broghil what they had refused him and began to “befriend openly the Remonstrants.” Some jealousy may have existed between these two, but the policy by which the Protestant took his woes to Monk and Resolutioner his grievances to Broghil was not unprofitable to the Protector’s interest! Broghil’s policy was to play the Right against the Left and by wrecking both to construct a/
a new party favourable to the Protectorate. He wrote to Thurloe "We shall hardly do our work by building with any of these two parties but by composing a third." He hoped to get the body of the third party from moderate Resolutioners, for whom he had some partiality, and from Protesters-politicals such as Gillespie. Monk knew the Scots better. Broghil's present achievement was to bring the Resolutioners to pledge themselves to live peaceably under the Protectorate.

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

This conference began in Edinburgh on November 3th, 1655, and lasted three weeks. The 'papers' exchanged between the two parties were lengthy and tedious. The Resolutioners declared their willing-

1 Baillie, III, 296
ness to pass over all Acts of the last Assemblies which had contained any sentence on the Protesters. The latter stated that such was not enough; since the Resolutioners avowed the absolute legality of these Assemblies, their Acts could at any time be put in force. They asked for the disavowal of the Constitution of the said Assemblies and Commissions appointed thereby and for a purged Commission to be appointed from that of 1650 which was in their view the last legal Commission. This the Resolutioners could not grant. The papers showed how the original issued had been lost. The quarrels centred round the legality of two Assemblies and their respective Commissions and round the desire to have a majority on the Commission which was to rebuild the Church. The Resolutioners presented a fairly united front. The Protesters were divided, "some joining with the Union, some with the Ordinance, some standing by the Protestation on the grounds for which it was made." On 24th November it looked as if the Union party had prevailed, but Warriston blessed God that the day closed without a movement towards reconciliation. Through his efforts, and Guthrie's, a unanimous resolution of dissatisfaction with the Resolutioner proposals was carried. Rutherfurd, increasingly weary, was again absent.

With this breakdown, the sincerer and more honest, if mistaken element of political and ecclesiastical idealism which had characterised both parties and redeemed them from the charge of utter factiousness well nigh vanishes. This disaster was the work of Guthrie and Warriston. On the other hand, a mechanical union, based on a formula composed by Gillespie might have been as spiritually disastrous for the Church/
Church. Abject surrender to the State for political security is as bad, if not worse for the life of a Church as perverse opposition on mistakenly religious grounds. The fury of the Killing Times in which the Church endured concurrently both these evils intervened before the via media of the Revolution.

The parties turned now to their respective patrons, Protesters to Monk, Resolutioners to Broghil. The Protesters drew up a petition to the Council, formulated by James Simpson and thoroughly revised by Guthrie and Warriston, which was practically the old demand for a Commission to regulate the Church, in which they would have chief power. Hearing of the petition, the Resolutioners sent a Representation to the Council to counteract it. In February they also petitioned the President to remedy the Church's state with regard to the non-payment of ministers' stipends and other irregularities. They asked that the law of ann, by which a year of a deceased minister's stipend was payable to his widow, should be put into effect. Some of the abuses for which they asked redress were beyond the power of the Council to remedy and due to the economic chaos of the country. Broghil entered into negotiations with both parties, hoping as ever to form a third Cromwellian party in the Church. In his letters to Cromwell he paid tribute to the upright life of the Protesters, noted the usefulness of James Sharp, Gillespie and Livingstone, and characterised Warriston and Guthrie as inveterate enemies of the Protectorate and "Fifth Monarchy Presbyterians." An attempt which he made to procure the Protesters' sanction for their lay members acceptance of office as Justices/
Justices of the Peace, failed through Warriston's opposition.

The summer of 1656 brought no great event in Resolutioner-Protester affairs. By now, Warriston was 'swithering' about taking office as Lord Clerk Register, a position which had once been his and whose emoluments he sorely needed. From his Diary it appears that Argyll was working in his interest in England. He had protested he would not take office under Cromwell yet his Diary shows him arraying his reasons and excuses for taking it - providing for his family, taking care of national interests, doing the necessary work even under a Usurper. He was kept on tenterhooks for another year. The office obviously was the bait held out to draw the inveterate Protester into the English camp and was the only bait which could so have drawn him. That he was nibbling was soon apparent to his party whose policy became little more than mechanical intrigue for the scene of strife shifted from the Edinburgh Churches to the ante-rooms of the Protector's court. Forgotten now was their avowal "not to take or exercise power over the Church" from the Usurper. The Resolutioners still feared their opponents would in the end have their Commission for purging erected. Throughout 1656 the 'planting' of Kirks continued. Wherever the Protesters managed to have a nominee planted Baillie characterised him with true Resolutioner partisanship as "a little mannikin of small parts," "a very feckless-like thing in his person," "another young thing lately laureate." Where the Protesters had most power to present as in the West, they did so. Where the Resolutioners enjoyed

1 Baillie, III, 314 ff.
the majority as in the Lothians and the East, their nominees were appointed. Less intrusion by force occurred, for Broghil had put certain powers into Resolutioner hands in return for concessions on their part. In August he got them to accept an amendment of the 1654 Ordinance. Stipends were to be granted on the certification of moral fitness of a minister elect by the Presbytery instead of by Provincial Certifiers. Every minister before admission was to subscribe a declaration of his willingness to live peaceably under the present government. One hundred and fifty settled Resolutioners voluntarily signed this engagement. While having less need to fear intrusions they had put themselves on the road to Westminster and dealings with the Usurper.

The Protesters were well on that road. Gillespie, now Principal of Glasgow University, had travelled it often and jauntily. Warriston had his own reasons for a journey which offered opportunity to deal for the Registership or his pension therefrom. He tried to conceal his thirst to go from his colleagues and from himself. When the petitioners chose James Simpson he was mightily cast down. The mission had as its object the Protester demand for their purging Commission. When Simpson reached London he found that the Resolutioners had sent one before him as able, versatile and unscrupulous as Gillespie - Mr James Sharp. A letter from Rutherfurd who was still a name of repute in English Presbyterian circles, predisposed the London ministers in Simpson's favour. Sharp won their favour by a trick, typically sharp. He procured a letter from Edinburgh full of praises of Rutherfurd/
Rutherfurd, as his had been of vituperation against the other party. "Whatever Mr. Rutherfurd thinks of us, or others, yet he is very dear unto us, because of the gifts and graces of God in him and his service done to the Church of Christ. . . . We do attribute his keenness of spirit . . . to his want of prudence. . . . requisite for managing aright of public differences." Sharp skilfully played on an Englishman's vanity, the desire to be thought fair and the dislike of others who apparently are not. An abler than Simpson was needed to cope with Sharp, so Warriston, Guthrie, Gillespie and Sir Andrew Ker of Greenhead set off to London in January 1657. Monk gave them a letter of commendation for their 'peaceable' and compliant behaviour and stated in it that, "they are better to be trusted than the other party" The Scots who twelve years before had, through the persistent efforts of four of their number, consolidated the standards of Presbyterianism at Westminster, paraded in pamphlets at the seat of their triumph all their present divisions and disorders. The representatives of each party had audience with Cromwell, sometimes simultaneously to their mutual discomfiture. Warriston, as his Diary shows, became less engrossed with the cause of the Protesters and more taken up with prosecuting his suit for the Registership. On the matter of accepting this office he and Guthrie quarrelled furiously. The breach made was never healed, and the latter sent bitter reports home on Warriston's conduct.

The Protector at first seemed willing to give a favourable hearing to the Protesters. That party had now clarified its demands.
asked for a Commission to be appointed by him which would govern the
Church according to its laws passed before 1651, in effect a Protester
oligarchy. To give an appearance of justice it was proposed that
committees of visitation, made up of an equal number of both parties,
should be set up "for planting and purging ministers and elders and
for comprising of present and future divisions in Presbyteries" within
the bounds of every Synod. Over these committees was to be set a
general committee of delegates from each Synod, again of an equal
number to which the Synods might appeal against the decisions of their
committees of visitation. This showed how far the Protester leaders
had travelled from Presbyterian principles. To seek nomination of a
Commission from the Protector was an act of absolute Erastianism. When
the Assembly Commission first took shape as a body of the Church, in
the years of the civil war, Rutherfurd and others had distrusted it as
being something extraneous to the Presbyterian principle and as an en¬
couragement to ecclesiastical oligarchy. It was not a 'court' for its
dealings had to find ratification by Assembly. The Commission now
sought, having to account for its acts to no Assembly, was practically
ecclesiastical despotism. The appointment of committees of Synod
with ordering powers was a bureaucracy alien to Presbyterianism. The
justification which the Protesters put forward for the establishment
of such a system was that it was needed in the present condition of
the Church. But Warriston and Gillespie were not men to scruple at
the access of power such a system offered, nor was Guthrie, though

1 Consultations, II, 98
more Presbyterian than they and bitterly referring to Warriston as "our Independent." The great four at Westminster, Rutherford, Henderson, George Gillespie and Baillie, betrayed no Scottish cause and projected Scottish ideology to some measure on the formless English Presbyterian system; the men of 'no account' who deputised for Scotland before a sneering Parliament on the matter of Union, showed dignity and strove as well as they could for Scottish interests; the present trio sacrificed two great Presbyterian principles - the anti-Erastian conduct of Church affairs and government by ascending Church courts - to their own pet schemes and party demands. The deterioration was complete, for they sacrificed their party demands to their own pet schemes. Warriston pursued his Registrership; Gillespie developed a love of ostentation and a thirst for money for public building which his enemies hinted did not all go to building the College of which he was Principal.

Arguments which Cromwell used in debate with Sharp showed that he had listened to Protester promptings from Gillespie. Sharp's part had been allied with the Malignant against the godly and his sympathy was with the other who, had it been as wholly prepared to tolerate Independency as it was to abuse Resolutioners, might have had its way from him. After hearing Sharp, who withstood a cross examination by Guthrie and Warriston, and retorted with ability, Cromwell remarked "That makes somewhat towards the proof that your Church is of such a constitution at present that there is need of an extraordinary remedy to promote purity and godliness, if it be made out that Acts were made/
made and these Acts improved to the prejudice of godly men and obstruction of godliness." Earlier he had talked of the Scottish Church not being in a capacity to reform itself and needing an extraordinary remedy. A further meeting where the opposing representatives filled the air with mutual recrimination showed the Protector the sad state of the Church but did nothing to solve the problem.

The tide began to turn against the Protesters in March. A petition to the Council by Guthrie to have a Resolutioner minister in Stirling removed and a Protester placed, was refused through Broghil's influence. The Humble Petition and Advice was making its way through Parliament and Cromwell was considering a Crown. On the day the Petition was ready for presentation a reissue of Rutherfurd's "Lex Rex" with the new title "A Treatise of Civil Polity" was published. It contained much on the duty of Kings - or Protectors. Who published it? There are three possibilities - the military party who opposed Cromwell's acceptance of the Kingship, Rutherfurd and the Scottish Protesters who misliked the conduct of affairs by Gillespie and Warriston and their dealing with the Protector, or James Sharp! The Resolutioner party, by publishing the work of their great opponent at this juncture, hoped to throw discredit on his party, if that party were to be suspected of the publication. Cromwell nearly accepted the Crown; only deference to the wishes of old comrades in arms prevented him; but he had little love for the Parliamentarians who had opposed his acceptance. "Lex Rex" could not be esteemed a work supporting the Humble Petition and Cromwell became wary of the party whose

1 Consultations, I, 360  
2 Consultations, I, 354
leader had written it. Guthrie may have been responsible for the publication. Warriston found him reading a copy of "Lex Rex" at the time. If he was, he published without the knowledge of the other two, who would not have been guilty of such bad tactics. But publication or re-publication of a violent piece of writing by an opponent, to discredit him with the Government, was not an unknown trick of the age. Perhaps James Sharp could have told the story which is left in obscurity.

The action next taken by the Protesters was absolutely Erastian. They tried to have the Act of Classes or its import inserted into the Humble Petition and Advice. They gave to Cromwell and other members of Parliament copies of "Reasons why Advisers, Assistors, Suitors and Abettors of the War, 1648, against the Parliament of England should be excluded from trust as well as the invaders thereof in the 4th and 13th Article of the Bill." The reason for this was that the original part of the Humble Petition dealing with Scotland debarred from office and franchise all who had been in the Engagement but enfranchised all who since March 1652 "have lived peaceably and thereby given testimony of their good affections to the Commonwealth." Argyll may have been some hand in composing the 'Reasons' which Warriston drew up with some difficulty because of Mr. Gillespie's and Mr. Guthrie's rooted jealousy respecting every word the other spake." The 'Reasons' hinted at Cromwell's part in instigating the Act of Classes and magnified the danger of the Association of Resolutioners with Malignants.

1 Diary, III, 73
Warriston's petition was not for the time without effect on the Protector who feared the thinnest edge of a very thin Malignant wedge being driven into Scotland. He made a speech to a Committee of Parliament in which he ridiculed the argument that if all Engagers were excluded there would be no members from Scotland and suggested an amendment which offered 1648 as the date from which men's peaceable behaviour would qualify for citizenship, thus accepting in principle Warriston's advice. The proviso affecting employment and franchise in Scotland which owed its inspiration to Warriston ran as follows-

"Provided that such as invaded England under Duke Hamilton in the year 1648 or advised, consented, assisted, or voluntarily contributed to that war, and were for that cause barred from public trust by the Parliament of Scotland, be incapable to elect or to be elected, to sit and serve as members of Parliament or in other places of trust related to the 4th and 13th articles of the Petition and Advice, excepting such as have borne arms for his Highness or the Parliament, or have been admitted to sit and serve in the Parliaments of the Commonwealth of England and are of a good life and conversation, or such as shall hereafter be declared by his Highness, with advice of his Council to have given some signal testimony of their good affection and continuance therein be capable of such elections and trust."  

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

1 Consultations, II, 41
sixty-six votes to sixty-two. The English members took little interest in the affair, looking on it as a dispute between Argyllians and Hamiltonians. The proviso was carried by the Independents and the native Scottish members such as Lord Tweedale and Sir James Macdowal who feared the original latitude granted in the Bill might impair their future status or election as members. The Protesters had gained a technical political triumph, only technical, for the proviso was never put into effect. In gaining it they suffered a party tragedy. Baillie, his opponent, but once great admirer, writes "My Lord Warriston's domestic straits made him content, contrary to his former resolutions, to embrace his prior place of Register from his Highness."

When Cromwell, mentioning his present straits, asked Warriston if he "were clear to serve and take employment," he answered that he was if it were "in things lawful and conducible to the service of God and His people and his Highness therein." And so the leading Protester, despite his protests, became a tool and servant of the Protector's. As his latest biographer writes, "If thus Warriston met the great crisis in his life, it was not entirely the emotion of the moment that forced his surrender; he had already fortified himself against the arguments for adhering to those principles of non-compliance which for years past he had insisted on to others and to himself. His was still the acute methodical mind which long before had drawn 'reasons' against surrendering the Covenant; 'reasons' for holding a

1 Letters, III, 352
2 Diary, 77 & 78
General Assembly with or without Royal sanction; 'reasons' for great national decisions; and later for party decisions; and now for his own." On James Guthrie's residence in London had the opposite effect. He had hoped to have the Protester cause sustained in Church affairs; he saw his colleagues successful in purely political and personal matters; he grieved at their rigour in the proviso, saying that good men had been cut out in the Engagement, and he had heard Wariston's railings against those who had accepted office and his dissuasions of others, like Brodie of Brodie, who would have taken it. All these had been far more than the mere personal and private resolutions which Baillie only notes in Wariston. To the downright Guthrie Wariston's actions had betrayed his cause, and Cromwell found in him "the short man who would not bow." Sick of the sorry intrigues, Guthrie went home, a more fervent Scottish nationalist than ever.

"Lord Broghil and his band" prevailed in the end. Lambert on whom the Protesters chiefly depended, had fallen from grace having been removed from the Army and Council. Hope that the disunited Protesters would procure their Commission and their Committees was departing from them; nevertheless Gillaspie, Wariston and Simpson continued to solicit Protector and Council until a Committee of fourteen men was appointed to hear them and report. Of this Committee seven were lay, seven clerical, and of the latter four were Independents. Sharp thought the Committee ill-disposed to his cause - "the major part are Independents and the rest are mongrel Presbyterians." The Protesters'
demands added a request that Presbyteries who had separated themselves from them might not be permitted to exercise any authority. Both parties were in constant attendance on the Committee. The proposals of the Protesters for Commission and Committees were recommended to the Council by Dr. Owen and Independent ministers, but the Presbyterian members gave a report unfavourable to their demands as putting Scotland under the domination of a Protester clique. The Council advised the disputants to go home and settle their quarrels and then set about the reform of the Kirk.

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

It was becoming apparent that those who interceded for the godly were more concerned with procuring place for themselves. The Protector finally decided against the proposals for a Commission and reverted to
the scheme of the original Ordinance; in a disputed vacancy the Council were to give maintenance after nomination by the Provincial Certifiers. At the same time Thurloe told Sharp that he did not think it likely that this would again be put into effect. As a matter of fact, nothing was done to alter the status quo. The practice kept was based on the concession by which Presbyteries, Resolutioner, Protester or united, could certify to the Council those nominated to vacancies in their jurisdiction which thereafter appointed and gave maintenance. The Ordinance and its Certifiers was a dead letter, because few of either side cared to act under it. Sharp had not worked in vain; he had kept the ecclesiastical power from passing into the hands of the other party, helped by the fact that Cromwell was latterly turning from the Independents who had supported the Protesters, to lean more on the moderate Presbyterians in political matters. Monk too had withdrawn his support from that party. Row summed up the whole business, "So did the Protector as a feeder of the flame, fox-like carry himself, that neither of the factions should run down or ruin the other, but that they should continue contending." Many in both parties were weary of the London intrigues of their leaders. In the later years of the Protectorate it was more the personal bitterness of the leaders than anything else which kept the Church disunited. After 1657 there was far less rioting, intrusion and local strife. Leaders and pamphlets kept old sores open but had the Restoration not intervened, almost certainly a compromise for a united Church would have been found. The London intrigues/  

1. Row, Life of Blair, 334.
intriguers all met sorry fates, Warriston and Guthrie the scaffold (Guthrie with the buoyant courage always his), Sharp assassination, Gillespie just escaped the rope to die in pitiful obscurity. All except Guthrie betrayed their best ideals; Sharp a little later was to enjoy a name synonymous with Judas in Presbyterian annals.

If it is regarded with the logic of a retrospective survey of their Church's foreign policy as expressed in the Solemn League and Covenant, the Protesters' actions were a trag-comic house that Jack built. They sought a Commission to purge the Church to cleanse the State to bring the victory to overthrow Cromwell to destroy Independence to establish Presbyterianism in England. The party upon whom their leaders finally depended to get their Commission was the Independents whom they had sought to destroy; a truly ironic reductio ad absurdum. The desires of their followers and the ideals behind the original demand were completely disregarded. Nor were the Resolutioners much more consistent. They claimed loyalty to King and Covenanters, but well knew the King was no Covenanter. In claiming that he was, their leaders were wilfully deceiving themselves and their followers. They came to intrigue with Cromwell as readily as the Protesters. Yet it was apparent that Cromwell could and would no more put a Resolutioner faction (which had been Malignant) in power than suffer the ultra-Covenanting Protesters to hold sway and establish a consolidated Church under the Covenanting banner. A good deal of the inconsistency of conduct and behaviour disappears if one eliminates the former cardinal element of the Church's foreign policy —
the Solemn League and Covenant. Both sides had come to see the impossibility of its present achievement, though neither would admit this for it had great propaganda value, especially when each could charge its opponent with forsaking the ideal of a Presbyterian Britain formerly held tenaciously. The anomalous nature of the political position of the parties lay simply in the fact that both still pleaded it - to their followers, "for home consumption" is the modern term - while in practice in their dealings with the Protector it was most conspicuously absent.

The fixing of attention on the Resolutioner-Protester intrigues through Solemn League and Covenant spectacles conceals the real importance of the conflict which was between two classes of men who were here sorting themselves out in the Church and seeking to rule her, men drawn from the burgher classes and men, such as Douglas and Baillie, who had aristocratic connections and clung to some feudal links with the State. There were extremists in both. One party was democratic often to the point of violence, the other, viewing with distrust the violent courses of some of their opponents, fell back on the Covenant alliance with the nobles, prepared in doing so to surrender some of their late-won privileges. The Protesters were the more evangelical, but their evangelism was sometimes cursed by the prophetic raving and diatribe against Malignant sectary and all who opposed them, characteristic of later Cameronian preaching. The Resolutioners were -comparatively - more moderate in utterance, yet their moderation was blest with much sound and practical Christian preaching/
preaching and much good work in education and catechising. The extreme Protesters later became followers of Richard Cameron; the ultra-conservative Resolutioner entered the second Episcopacy without qualm and fell with it. The evils of the Restoration caused sane men of both parties to revert again to the old standard of a Presbyterian Scotland as set down in the National Covenant. Both sides made definite and distinctive contributions to the Revolution Settlement. Had not patronage, the relic of Feudalism, been reintroduced in 1712, Established, United and Free, the Church of Scotland might have remained throughout her history.
THE PROTECTOR'S PEACE

The Church in Scotland owes more to Cromwell than Scotsmen have been willing to acknowledge. His suppression of the General Assembly was in the interests of political security, but it is possible that the suppression kept schism from becoming so national as to persist even after the Revolution. The existence of two warring Assemblies in the Protectorate, and such undoubtedly would have come into being, would have magnified the schism and decisively altered the history of the Scottish Church. It may be conjectural, but had such Assemblies existed the bitterness of the feud might have made the moderate episcopacy of the Restoration more welcome and Scotland might, through weariness, have accepted the system of James VI which the folly of his son had wrecked. Cromwell saved the Church from such a feud and he gave the land seven years of peace in which the Westminster standards were so diligently inculcated by both parties that there was never any subsequent danger of any form of episcopacy being popular with the majority. Such a form as did come was imposed by political intrigue, not by popular consent. In the Protector's peace and supported by him the work of education and evangelism prospered, but prospered often slowly and painfully through lack of men, lack of means, lack of support from impoverished heritors and the countless other lacks of a poverty stricken country. The recently published Records of the Synod of Argyll show the Kirk at work among an ignorant people, trying to bring order from chaos and to establish religion and knowledge where there was little of either. It was not the golden age which Kirkton depicts, but the following
study of the social and economic condition of the time will show with what tremendous difficulties the Church was faced. An enlightened age may sneer at her methods but the Augustan age of Scottish culture of Scott, of Hume, of the Edinburgh Reviewers, has its roots in the educational and disciplinary work begun by these men who earned from some of these later compatriots little but satire for their pains.

**Religious Life in the Middle of the Seventeenth Century**

While Cromwell suppressed or continued the suppression of the highest ecclesiastical court, the General Assembly, the other courts of the Church were left to function in matters ecclesiastically more or less unhindered by any extraneous jurisdiction. The bureaucracy which the Protesters had sought to impose never materialised and they had claimed that their Commissions and Committees were only temporary to erect a 'pure' Presbyterian Church. It will be seen in this how the Puritan element had influenced Presbyterian thought. Rutherford and other Scottish divines had violently controverted the Independents' idea that a Church should be made up only of 'Saints', men of visible godliness. Holding the doctrine of the Visible and Invisible Church, the Presbyterian held that a man's profession of faith was sufficient for his admission to the privileges of membership of the Visible Church provided always he committed no act of open 'scandal'. Rejected was the idea of a Church being a group of banded 'Saints', each group more or less unrelated to the other. But a political offence had been made in the Act of Classes an ecclesiastical 'scandal'. Woe to them by whom that 'scandal' came. The Protesters, soundly Presbyterian with/
with the exception of a few of their number, resolute opponents of Independent Congregationalism, yet cried loud and long for a 'pure' Presbyterian Church. Demand created supply. The Resolutioners, while less inclined in their Courts to punish political backsliding, in order to manifest that they were as zealous for righteousness as the other party, stirred themselves to deal sharply and insistently with any moral delinquency. So English Puritan Congregationalism helped to strengthen the thought that, while utter 'purity' was not of the esse of the Visible Church, it was a cardinal necessity for the bene esse of Church and State. Thus the fact that the moral jurisdiction of the Courts of the Kirk was unhampered, even aided by the Justices of the Peace, and the intrusion of the 'pure' idea into Presbyterian ideology caused in the Protectorate a continuance, if not an increase in the severity of Church discipline, with very evil results. The Kirk had set itself against evil before; with the establishment of the powers of the greater and lesser excommunication as the punitive instruments of the Church and the thirst for 'purity' to remove the causes of God's wrath, parish, people and peerage underwent a drastic purging and punishment wherever 'scandal' was found. With little that they could do in the way of constructive legislation except plant Kirks and schools, which caused many a dispute, Synods and Presbyteries of Resolutioner and Protester alike devoted themselves zealously to this unhappy business, ably assisted by the Kirk Sessions.

A nation's morals may cause much debate. Neither the early chroniclers, Fordoun or Froissart, nor the Calvinist Calderwood, gave Scotland/
Scotland a very good reputation. The pages of the latter tell of the ignorance, immorality and backsliding of the people and the lawlessness of the Lairds. Yet Scotland was not any worse than any other land of its age, than the France of Henry IV, or the England of Elizabeth or Cromwell. Dirt and disease may have enhanced rampant vices and likely enough caused a lot of it. Evils in Scotland were more naked and less gilded. There is not much room to doubt that life was nasty, brutish and short. Nicoll's Diary and other diaries of the age are full of cases of incest, adultery and even bestiality. Neither Nicoll, nor Brodie, nor Jaffray had a churchman's interest in the matter; Nicoll a lawyer, Brodie and Lomont lairds, Jaffray a Quaker. Reading their annals one sees a very different Scotland from that of Kirkton's 'golden age'. It must be borne in mind, however, that the machinery for search and punishment of fault and the registration of it had become much more efficient than in former years. When reading it is easy to get the impression that in the Protectorate iniquity increased greatly, simply because, assisted by the Justices of the Peace, the Courts of the Kirk saw that no moral delinquency went unpunished. Each parish knew its own faults. It is recorded in the annals of a parish near Peebles that anyone who kept his door shut on Sunday afternoon against the visits of the elders would be convicted of secret drinking. Elders had a right of inquisition into the most private affairs of the flock; little wonder that much was dragged to light that would better have rested in darkness. No class was free from sin. The morality of the nobles was no better than that of the people. Both the godly Loudon and the very ungodly Rothes/
Rothes were proved adulterers. The Laird of Brodie's sister, most regrettably for him played the harlot but happily mended it by marriage. Loeseness and uncleanness were rife, caused by poverty, uncertainty of life and unclean conditions of living. These would for instance explain the crimes of bestiality recorded as they would many of the cases of sexual misconduct. The Kirk took Calvin's way to cleanse, as the only way they knew. It was the only way the age knew, for few thinkers of that time or much later rose above the idea of justice, ecclesiastical or civil, being punitive and preventive. Calvin had killed libertinism in Geneva; Resolutioner and Protester alike sought to do so in Scotland by the same methods. They were men trying to fight evil conditions with ruthless and cruel weapons - the stool of repentance, the sackcloth of shame, the fine imposed by civil magistrate when the Church convicted of moral offence, the lesser excommunication by suspension from Communion, the more terrible threat of utter damnation imposed by giving the victim over to the devil in the greater excommunication, by these means evil was scotched and driven underground, penitence was hypocritical and smouldering resentments nursed. When James Guthrie delivered Middleton to the devil in Stirling Kirk, he hanged himself and made an inveterate enemy for his Church. The rigour of discipline enforced in the Protectorate explains why the country endured for a time the second Episcopate. Many were as glad to escape from the spiritual domination of the clergy as they were to escape from the English yoke. It was the threat of Rome in James VII which again kindled Presbyterian fervour. The
The efficiency and intensification of the disciplinary system under the Protectorate manifested itself cruelly in the great number of executions for infanticide. These increased in this time. It is not that more illegitimate children were born, but the system of inquisition and punishment was more perfect. The horror at facing exposure before Kirk Session and congregation drove many a woman to this crime of concealment. Nicoll records with pity that many women of good family suffered the death penalty. Instead of the Roman confession and absolution, which whatever their faults at least kept down infanticide statistics, the sinner had to face public exhibition and popular derision. Women of the lower classes were less tempted to this crime. Executions were often tragically of girls of decent family who, to avoid the ordeal of public mental torture had slain their children. As far as can be gathered, there was more infanticide in the South and West where discipline was stricter and the Justices functioned more effectively than in the North where Presbyterian organisation was less perfect.

On one matter, the English magistrate and soldier was reluctant to act, namely in cases of witchcraft. England was just escaping from the trammels of that superstition; Scotland was utterly fettered. A fundamentalist interpretation of Scripture imposed with rigour the law "Thou shalt not suffer a witch to live." The different forms of witchcraft punished, devil possession, encompassing the death of a neighbour by burning a waxen image of him, need not be dealt with here. James I had hounded on the witch pricker; Charles's Episcopacy had dealt more cautiously; with the establishment of Presbyterianism, the/
the persecution of witches acquired new thoroughness. Accusations both spiteful and anonymous were heeded. Kirk Sessions seldom dropped a case. Innumerable commissions for trial of witches were issued to lairds in their parishes. 'Bluidy' Mackenzie, who creditably sought some amelioration of the sad state of accused witches, wrote, "I have observed that scarce ever any who were accused before a country assize of neighbours did escape." He denounced the prickers as villainous cheats. In 1661 Lang reckons that eighty people were lying in various prisons awaiting sentence. The English were horrified at the measures employed to procure sentence. Women whose only sin was that they were old, deformed and daft, or helpless with a piece of land someone else wanted, or on occasion reluctant to some man's advances, were hanged up by the heels, whipped, had lighted candles placed in their mouths and suffered other unspeakable tortures. Under the Protectorate some accusations were procured, but a measure of repression was employed to keep this evil practice in hand as is proved by the number waiting sentence at the end of the regime and by the insensate outburst of witch-hunting under the 'Roaring' Parliament. The latter, having lost its religion and its righteousness, had to find some substitute; this was the best evidence of zeal for the glory of God they could show and 'bluidy' Mackenzie was the only one to protest.

There is a nobler side to Scottish religious life. Cromwell allowed the Presbyterians to keep their institutions, and in allowing this allowed them to perpetuate the standards which became vital elements in Scottish Presbyterianism. This has often been overlooked.

1 Lang, Sir George Mackenzie, 44
We have seen that in 1645 the Assembly sanctioned the Westminster 'Form of Church Government' and the 'Directory for Worship'; in 1647 it accepted with a few limitations the 'Westminster Confession of Faith', still the Church's confession; in 1648 the Larger and Shorter Catechisms were approved; in 1649 the metrical version of the Psalms became the Church's praise. Few historians will deny that these played a great part in shaping the mental and moral life of the next centuries. The Protector let the Church possess their standards in peace and her ministers inculcated them daily. Resolutioners and Protector both taught, catechised and exhorted conformity to these doctrines and tenets by every means in their power. The Protector left to the Scots the cream of their Presbyterianism with no restriction as to how much they should swallow themselves provided none was forced down English throats. In the peace of the Protectorate the fundamentals of Presbyterian dogma were so well inculcated that the second Episcopate was little more than an external imposition and the country as a whole returned both naturally and willingly to them at the Revolution. The Church had six years peace in which to teach, and the first six years of any educational plan in child or nation are vital to its history.

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

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

Many of the other features of religious life in Scotland have been already noted. Sermons were not always so long nor so dull as generally supposed; nor in the Protectorate were they so controversial as might have been expected. The Gospel was preached more often than the opposing sect reviled. Not even the Protector himself stopped the mouth of a good man preaching even if his ecclesiastical tenets were not those he held himself and bluntly preached before him. An English soldier, full of Independent zeal, might occasionally rise in wrath from the pew to contradict the preacher, but no preacher was silenced, except in prayer for Charles; this does not seem to have been an undue hardship. Baillie, in this case a prejudiced critic, ridiculed the preaching of the Protesters, or rather their delivery as "a strange kind of sighing, the like whereof I have never heard, as a pythonising out of the belly of a second person." He had heard it before; it was a cultivation of the nasal whine of the English Puritan and was not characteristic of the best of the Protesters, who

1 Cunningham, Church History, II, 61
doubtless lost the affectation when their Church became the open Galloway moor.

Some practices which prevailed in the Scottish Church to a very recent date, descended from this time, notably the sacramental fast. On fast days preceding Communion, sermon after sermon was preached throughout the day. These were often based on a certain portion of Scripture, which was methodically broken up, doctrine elicited and lesson applied in three or four sermons. Sermons accompanied the Communion in like manner and on the following Monday three or four sermons of thanksgiving were preached. Many of the ministers of the district would assist at the Celebration and people thronged from the surrounding countryside for the occasion. This practice was encouraged, especially by the Protesters; it offered unrivalled opportunities for propaganda and was left practically undisturbed by the English, possibly through fear of causing riot. It became so established that neither the Acts nor the dragoons of the Restoration Parliament could suppress it, and it emerged after the Revolution to continue till the late nineteenth Century. In the Free Church, and in the Established Church in Highland districts a modified form of the practice still continues.

Because of the Act of Classes, many of the magistrates of various burghs were suspended from Communion and later also because they took the Tender. The Magistrates of Edinburgh were shut out for six years and no Communion celebrated in a City charge. St. Andrews was in like state. To shut off a city from the Sacrament, because of supposed sins of its Magistracy, was as grave an evil as a papal interdict.
It was a mistake; Edinburgh, which went wild with joy at the Covenant, went drunk with it at the Restoration.

Despite contention and wrangling, the whole Church earnestly carried on as far as able the traditional work of the old Roman Church, the care of the poor and the education of the people. The care of the poor was parochial and the funds procured by collection in Church or by fines imposed by the magistrate for sundry religious and other offences. This did not cope with the mass of human misery caused by the civil wars but it afforded a measure of local relief. One fears that it was the 'godly' poor who benefitted; the vagrant, deserving or undeserving, had little done to redeem his state - save a threatened transportation enmasse to Barbados. The work of establishing schools and improving the colleges went on financially assisted by the Protector himself.

From the finer achievements of the Church, one might conclude that it is possible to magnify unduly the difference between Protester and Resolutioner. Even the intractable Warriston would listen to a Resolutioner preacher, mark the sermon down in his Diary and add the note that it was a good one, pertinent to the time and much enjoyed. A good minister was sure of a good hearing; even an intruded pastor might come to be loved. The bitterness was more often in the pamphlet and personal dislikes of the leaders for each other, e.g. Baillie's for Gillespie, Warriston's for Douglas, Rutherford's for Wood, than in any prolonged acrimonious contentions between their professed followers. In the West and South West, Presbyteries were mostly Protester/
Protestor; in the East and North, they were mostly Resolutioner with the interesting exception of the Aberdeen Independents. A Protester Presbytery would exist alongside a Resolutioner in counties where the parties were evenly matched as in Stirling. In cases of vacancies each Presbytery was allowed to certify nominees to charges under their jurisdiction. This eliminated many occasions of strife except in Presbyteries such as Glasgow, where there was a strong representation of both parties. With regard to their strength, they were perhaps thirty percent Protestor to seventy percent Resolutioner; the Resolutioners rather exaggerated when they claimed that they were six times as many as their opponents; it was the Protestor party which grew in strength, possibly because young men who most swelled its ranks are by nature extreme.

There were many evils in the land in the sixth decade of the Century and churchmen in seeking to destroy them increased its woe. The Calvinist sense of sin magnified the faults of the populace in clerical utterances; yet the English villager, squire or noble was not any more moral than his Scottish contemporary; he only got off with his sins more lightly. Through the efficiency of the Presbyterian practice of record in Kirk Session and all other courts, till the time when it was decreed that the name of the sinner disciplined should be erased after three years, the sins of great and small in every parish were catalogued. The Protectorate in reality preserved Presbyterianism for, as noted, the things that gave it life and body had only recently seen light and grew in grace in these years. They grew all the better for want of a General Assembly which would have turned/
turned the party Jangle to national strife in a national court and
disordered the Church even more completely. The Church of Scotland
owed more to Cromwell than she has hitherto recognised. Indeed in
that day an English Independent complained, that the Protector so
favoured Presbyterians in Scotland that Independent ministers and
officials had no chance to gain a livelihood and that Scottish Inde-
dependents could not enjoy "that freedom and encouragement which justly
they expected when the English first came to Scotland." The Presby-
terian came to curse his King more than the Protector.

Other religions did exist in Scotland but suspect and precariously.
The English soldiery had their own meeting places and preachers. These
were attended by the Scot who was dissatisfied with his minister or
by the ecclesiastically disgruntled. This last may account for a
temporary outburst of Independency at Aberdeen. Aberdeen which had
gloried in her Episcopalian 'Doctors' now had Independents in her
Professors' Chairs. Pique at losing her Doctors and a dislike of
the tyranny and tediousness of Mr. Andrew Cant, the chief minister,
may well have made some of her citizens welcome a creed that could
oppose the Presbyterian with impunity. It is an interesting irony
that Aberdeen, which was the scene of the Covenant scotching the only
trace of Independency in Scottish Presbyterianism, the 'private
meetings', saw the first native outburst of Independency proper.

In 1652 Alex. Jaffray, John Manzies, John Row, William Moore and
Andrew Birnie issued a letter declaring that "The Congregational way

1 Pitilloch, The Hammer of Persecution, p. 14
comes nearer to the pattern of the Word than our classical form." Jaffray had been a prisoner in England and coming into contact with Cromwell had become a sincere convert to Independency. His influence prevailed on the others. Row was Cant's colleague and lectured in Hebrew at King's College. Eaton was minister of the Second Charge of Old Machar; Menzies was Professor of Divinity at Marischal College; Moore was Professor of Mathematics in the same College and its Principal; Birnie was the Regent of the same College. Theirs was an academic Independency. The movement did not thrive; no Independent Church was founded in Aberdeen, though one was established in East Kilbride by Charteris, its minister. It was short lived. The explanation of the affair was that Jaffray, a sincerely religiously man and provost of the city, came back from England filled with the new idea and loaded with its literature. A study group was started; Row and Menzies were nothing if not vehement, and took up the new cause with enthusiasm and profit, with the more enthusiasm, because it brought profit. Row was made Principal of King's College and like Gillespie secured funds from Cromwell for building. Baillie declared, "Almost all in both Colleges had avowedly gone over to Independency." The movement made some progress in the city and once an Independent Communion was held in Greyfriars Kirk, but despite the vehemence of Row and Menzies, perhaps because of the adoption of the new form had been largely academic, no permanent result developed and the Haldanes instituted Congregationalism in Scotland afresh and apart from any Scottish Tradition.

More/
More permanent was the work of Jaffray himself whose religious life developed quietly and sincerely in the Protectorate regime. Finally he became a Quaker, drawing many in the North among those who had inclined to Independency to that faith. His mind had been deeply impressed through contact with the Quakers who were finding the way to Scotland, Fox among them. To the Scot any guilty of religious eccentricity were dubbed "Quakers". The doctrine of the Inner Light was abhorrent to Independent and Presbyterian alike, both believing in the ultimate and final Revelation of the Word as contained in Holy Writ. The Quakers' appearance in Scotland, as in England, was attended by riot, rabbling and malicious buffoonery. "In this month of January 1655 and sundry other months preceding, and many months following, there rose up great numbers of that damnable sect of Quakers who, being deluded by Satan, drew away to their profession both men and women, sundry of them walking through the streets, all naked except their shirts, crying, 'This is the way, walk ye in it.'" So Nicoll begins his account of the rise of the Quaker sect in Scotland. Some English soldiers and Scottish men and women were deluded. He writes, "The devil working strongly upon their imaginations, made them believe that the spirit descended upon them like a doo... The evil spirit prevailed with much people and charged them to deny all ministerial teaching and ordinances." 1 In 1657 he notes a further increase of Quakers in Scotland and their public orations on the Castle Hill of Edinburgh. Baillie relates that they were plentiful around Lenzie and Douglas and like to prove troublesome because, "They in a

1 Nicoll, 145
furious way cry down both ministry and magistracy." The reason for the hatred of Churchman and lawyer alike is apparent. No very strong Quaker community was established in Scotland till, after the Protectorate, Jaffray and later Barclay developed it in the North, purged of its early excesses. The impingement of the cruder form of Quakerism, for it was not at first the quiet and sober faith it became upon the minds of people who believed in devil-possession and the material nature and appearances of the devil, was bound to cause much gross and grotesque eccentricity. A curious feature of Scottish witchcraft had been the belief of the witch that he or she had been visited by and had held intercourse with the devil. It was as easy a contra-suggestion to depone the Holy Spirit as the visitant. All this simply meant that the Church charged the victim with blasphemy instead of witchcraft. On such a charge, James Naylor, one of Fox's English converts, suffered fiendish punishment. Fox himself visited Scotland in 1657. The Council had him arrested, but he was released preached with vigour and even had the temerity to address a mob on the Castle Hill engaged in attendance at the burning of a witch. Both Monk and the Church set their hand against the Quakers so that in the Protectorate, though crude outbursts occurred, no large settled community took definite root.

In 1655 Row records Presbyterian concern at the growth of Roman Catholicism in the North. Father William Ballantyne and other priests working in the extreme North had met with considerable success. The Council issued a proclamation, imposing the death penalty on any

1 Letters, III, 323 2 Firth, I, 94 ff.
priest found in Scotland after a certain date. The ministers appointed two of their number to re-evangelise Caithness, but one refused the mission and the other died. Roman Catholicism in remote outposts remained little disturbed.

The Social and Economic Condition of the Country.

Addressing the House in January 1658 Cromwell thus referred to Scotland, "And hath Scotland been long settled? Have not they a like sense of poverty? I speak plainly. In good earnest, I do think the Scots nation have been under as great a suffering in point of livelihood and subsistence outwardly, as any people I have yet named to you. I do think truly they are a very ruined nation. And yet in a way, I have spoken with some gentlemen from thence hopeful enough; it hath pleased God to give that plentiful encouragement to the meanest sort in Scotland.....The meaner sort in Scotland live as well and are likely to come into as thriving a condition under your Government, as when they were under their own great lords who made them work for their living no better than the Peasants of France. I am loath to speak anything which may reflect upon that nation; but the middle sort of people do grow up there into such a substance as makes their lives comfortable, if not better than they were before." 1 This statement was not altogether false, not altogether true. The Protectorate had seen the ruin, for the time being, of the great landed proprietors. But the meaner sort too had suffered the burnings and lootings of Cromwell's own army and of Monk's; the middle sort had

1 Letters and Speeches, 5th Ed. 343
had their industries ruined by invasion and their trade ruined by foreign war. It might be the Protector's policy to create a strong middle class as a balance against the mobility, but there was no immensely wealthy merchant community in Scotland as in England, from whom to create it. A good deal of the 'comfort' that Scotland enjoyed was more due to some exceedingly good harvest years than to any Protectorate legislation. Although money was scarce, corn was mercifully plentiful and was still as much a nexus of exchange in country districts between cottar and farmer and farmer and laird as the currency of the realm. From 1654, however, men had quiet to win their crops undisturbed. The Protector gave the land peace; the measure of prosperity he gave it, even to the 'middle sort', whom he sought to favour, is more open to doubt.

Contemporary annalists all bemoan the sorry state of the country and their complaints persist throughout the Protectorate period. In 1655 Baillie wrote, "For the time all Scotland is exceeding quiet but in a very uncomfortable condition; very many of the Noblemen and gentlemen, what with imprisonments, banishments, forfaulters, fines, as yet continuing without any releasement, and private debts from their former troubles, are wrecked or going to wreck. The commonalty and others are oppressed with maintainance to the English army. Strange want of money upon want of trade, for our towns have no considerable trade and what is, the English has possessed it. The victual is extraordinary cheap in God's mercy, but judgment to many." In 1656 he told the same story. "Deep poverty keeps all estates exceedingly at under/
under; the taxes of all sorts are so great, the trade so little that it's marvel if extreme scarcity of money end not ere long in some mischief." In 1657 Nicoll wrote, "Poverty and scarcity of money daily increased by reason of the great burdens and charges imposed upon the people, which not only constrained them to sell their lands and estates, but even their household gear and plenishing and some their clothes and abuilzements." Conditions in 1658 had not improved, and in this year Baillie wrote, "The country lies very quiet; it is exceeding poor; trade is not; the English has all the moneys. Our nobles' families are almost gone....many of our chief families' estates are cracking; nor is there any appearance of any human relief for the time." It was natural that the Scot should blame his evil condition on the English invader who had ruined his commerce and spoiled his fields as well as some of his fairest architecture. By Cromwell's own army in 1651, "This ours land was brought to open confusion and shame, the English army ramping through the Kingdom without opposition, destroying our corn and raising money wherever they went, for maintenance of their army and garrison." Added to all this Monk estimated that Glencairn's Rising cost the land £200,000; in 1654, the value of exported commodities was £820,000 Scots, i.e. about £68,330, so that if capital stock to the value of £200,000 was destroyed in the Glencairn affair alone which was subsequent to the civil war, the state of the country must have been well nigh ruinous.

Yet for this poverty stricken condition there were many causes, not all arising from the civil war. Other factors were at work.

1 Letters, III, 288 & 357  
2 Diary, 207  
4 Nicoll, 122
Scotland was changing over from the feudal to the modern state, which in itself caused economic complications in the fiscal system. Many of the nobles had extended their lands by feuing the Crown land and Church lands which, at the Reformation, had reverted to the Crown and the annual feu for these had to be paid. Wardholding of land was gradually giving way to feu holding. The object of the Crown in feuing land often compulsorily was to raise cash; the greater barons when military service was no longer an adequate or desirable compensation for letting land and payment in kind raised problems of converting corn into cash, began to resort to the practice of feuing and of insisting on rent on cash. Newer and more expensive methods of living now prevailed amongst the upper classes. Before the Union the Scottish noble had largely lived off his own and on his own land; after the Union, he travelled South and needed money to spend, bringing back more expensive tastes to his own country, whose satisfaction needed still more money. Formerly his needs were for corn and cattle to feed his retainers, often a small standing army, subsequently, his needs were for wealth to keep up his personal estate and at the moment when his cash needs were becoming greatest, Charles was limiting his resources by the Act of Revocation. Another loss was profit from hereditary jurisdictions which were passing out of the hands of the nobility. There was an all round demand for cash from Crown downwards and the process of change from the corn to the cash nexus of exchange between superior and tenant was another factor in breaking the power of feudalism in Scotland.

Scotland had never had a plentiful currency. All the older Chroniclers/
chroniclers state the scarcity of gold and silver. James VI did much to encourage Scottish industry as had James IV, yet even the improved condition of industry and commerce, due to his efforts, and he toiled assiduously that Scotland might profit commercially by the Union, did not bring an appreciable increase in the amount of circulating currency. The products of the land were almost wholly agricultural. In 1614 writes Miss I.F. Grant, "Out of a total of £820,524 therefore, about £651,394 was produced in the rural districts and £169,130, including manufactured goods and bread consisted of goods the raw materials of which were rural, and which were even in some cases largely country trades. The remaining item, the fisheries, only partly an urban trade, amounted to £153,334." The result of this was that most of the cash from the sale of commodities went primarily or nominally into the pockets of the noble or of the Crown who held the land; actually, a good deal of it found its way into the hands of the merchant who supplied the noble with imported luxuries, but currency circulation among the 'meager sort' of feudal dependents was practically nil; much of the capital so realised was spent elsewhere than in the land, on foreign luxury or on foreign purposes of the Crown. Spalding, writing a few years after the Act of Revocation commented, "All change and trade was taken away, because these 'slight tourneuris' was the only money passing through all Scotland." The noble before the civil war was in a financially insecure state, seeking to raise cash in a country where there was but little. Methods of taxation, of feuing and of renting by Crown and noble to raise more

1 Grant, Social and Economic Development of Scotland before 1603, p. 311
2 History, 235 & 663
became oppressive long before Cromwell's hated 'Cess'. "In all bygone times, our West country hath been much oppressed in taxation. Their lands are so high retourned that a forty merk land with us will not pay so much as two merk land elsewhere, by which means it comes that some five or six poor shires in the West as Ayr, Galloway, Clydesdale, Lennox and Renfrew, will pay more taxation than all Scotland besides."

Not a little of what cash there was in Scotland fell into the hands of the trader, rather than that of the producer. Despite foreign wars, the Scottish trader in the first half of the 17th Century carried on a traffic with the Baltic, France, the Netherlands and Spain. This trade suffered during the Cromwellian regime. The large debts for which merchants sued noblemen so that the latter had to stay at home to avoid arrest for debt, Argyll among the number, would suggest that in the Protectorate the balance of cash was in burgher hands. Miss Keith says of the early part of the 17th Century, "The Burghs and people generally wanted restraint of export and free import, the landowners and coal-owners desired free export and restricted import." The reason is obvious; free import gave burghs and townspeople cheaper foreign commodities while at the same time, restricted export made home produce more abundant and cheap. The land owner and country producer naturally desired free export to have a wider market for his goods. In the Protectorate the burghs also were forced to support free export that currency might enter the country to rehabilitate industry. The internal disturbances of the Civil

1 Ballie, II, 79.  
2 Commercial Relations, 25  
3 Convention of Royal Burghs, III, 341
War considerably reduced export trade by destroying much of the capital stock from which it sprung. Consequently the land owner had not the wherewithal to pay the merchant for goods which he had imported. The feudal system of land tenure, with limited exceptions, forbade him to sell land to pay a debt and in the Protectorate legislation had to be passed allowing debtors to take up land in payment - another inroad on feudal practice. By the time of the Protectorate, much of the wealth of Scotland, if wealth it could be called, was in the coffers of the merchants and importers of the Royal Burghs who had a practical monopoly of foreign trade. It can easily be seen why the country districts were more anti-Cromwellian than the Burghs; they had suffered much more.

A further source of economic poverty lay, paradoxically enough, in the more efficient administration of Treasury affairs. These were not so well managed as those in England, though even there in that age, management was by no means perfect. Since the advent of the Octavians however, the collection of Revenue had been comparatively less haphazard and more under the control of the Crown than formerly. Here again, much of what was raised went out of the country, an evil of Union and participation in English wars. In 1621 Scotland granted James £1,200,000 Scots, payable over three years, to help in the war in support of the Elector Palatine. In 1625 £400,000 Scots was granted to Charles in support of his war with France, a war which at the same time considerably hampered Scottish trade with that country, which had hitherto flourished, owing to the privileges, practically amounting to naturalisation, enjoyed by Scottish merchants trading in France.
Scotland produced no Jack Cade or John Ball; even 'Lex Rex' discouraged rebellion on account of grievous taxation; but taxation was becoming grievous by 1625 and no doubt the feeling that a measure of relief from it might thus be secured, prompted merchant as well as landowner to sign the National Covenant. The Administration under James VI who had the interest of Scotland at heart, and under Charles who had largely forgotten it was draining away for alien purposes the already scanty supply of currency which the land possessed, at the same time as the feudal breakdown, new standards of living and English wars were depleting the pockets of both nobles and merchants, the former more so than the latter for one class was as thrifty as the other was spendthrift.

Under Cromwell the land was poor, the noble was bankrupt, the merchant suffered from the Dutch and later the Spanish war, and the Administration was even more efficient in extraction. Conditions already prevailing were aggravated with some very few compensations.

Scotland groaned under the 'Cess.' In the early occupation military commanders had levied a rough and ready assessment on Shires and Burghs under their control. By their instructions Parliament had given the Commissioners who arrived in 1652 power to order taxation for the upkeep of the army and Administration. In 1652 they imposed an assessment of £10,000 a month to be levied on Scotland. Deane was authorised to apportion the amounts on the various districts and to settle the abatements, not to exceed £2,000 a month to be made in the various localities whose agriculture or industry had been adversely affected by the war. Parliament in October 1652 approved the Commissioners'
Commissioners' imposition and continued the assessment to May 1653. On that date, the Council of State continued it till November and from then the Barebones Parliament extended it to June 1654. Nominally the sum to be raised was £10,000 per month, actually the sum was £8,500, £90,000 Scots per month. The Assessment was made with little regard to the present resources of the land. It was based on valuations made in 1629, 1644-5 and 1649, before the devastation of the wars and these were not to be unduly reckoned in the calculation. "Scotland as well in its integrity and intrinsic value before the late wars as in its present poverty through devastation and spoil by the wars" was to be the norm of assessment. The tax was fixed at 48 shillings Scots per £100 valuation per month, i.e. 26.8 percent per annum. Monk stated that after Glencairn's Rising the most he could raise was £7,300 per month. His calculations were accurate and moved him to pity. In 1657 he wrote to Thurloe, "I must desire you will consider this poor country... I can make it appear that one way or another they pay £100 out of four for their assessment... Unless there be some course taken that they may come in equality with England it will go hard with this people." The Assessment of the three Kingdoms at this time was £80,000 per month, of which Scotland nominally paid £10,000, Ireland £10,000, England £60,000. Thus Scotland paid one sixth of the sum paid by England although the latter's wealth was variously computed as twelve, sixteen and twenty times greater than that of Scotland. Monk estimated that Scotland's riches was a

1 Domestic State Papers, Interregnum, 60-62
2 Thurloe, State Paters, VI. 330
sixteenth of England's. Though Scotland's revenue was fixed at one
sixth for taxation purposes, the English Parliament casuistically
allowed it as about one twelfth, when it came to the matter of Parlia-
mentary representation. Monk in the end secured the reduction of
the Cess from £10,000 to £6,000 per month at which it remained till
the Restoration. The resuscitated Long Parliament tried to double it.

The Cess was collected systematically and rigorously. Surveyors
and assessors were appointed from each parish and burgh, collectors
and sub-collectors for each Shire. Refusal to pay brought the dis-
tress of goods, the collector having power to break into a household
and lay hands on the 'chest' or other article that might be conveniently
sold. From Nicoll it appears that on occasion this was done. In
many cases the Cess was a capital levy. According to the Order of
the Council it was levied on estates real and personal and even house-
hold plate was assessed. With little ready cash, and no rent in-
coming, unfortunate people were forced to seal their possessions to
pay it.

In July 1653 Scottish members had complained to Parliament as
Monk did later, that, "The Cess of Scotland.....exceeds a fourth part
of the Rent (i.e. valuation)." The Cess exceeded more than that.
The figures already quoted, given in 1614 for the value of yearly
exports, £820,000 Scots, were for comparatively peaceful times at sea
and fairly prosperous years at home. Taking even this figure as a
norm, the Cess of £1,080,000 Scots exceeded it by £260,000 Scots
(£21,666). As war had injured many of the staple industries and

1 Firth, Hist. of Prot. II, 117
2 Act Parl. Scot. VI, 2. 842
destroyed much of the stock on which the main exports of wool, skins and leather goods depended, it is possible that the excess of taxation over possible income from this source was much greater. As Scottish exports, mainly agricultural were the surplus left over when the land had sustenance, heavy taxation in the first years of the Protectorate, by exceeding not only one quarter of the Valuation, but by greatly exceeding the total value of export trade was completely destroying national solvency. The reduction of the Cess to £6,000 meant that taxation probably equalled the total value of export. There was no opportunity in all this for Scotland to achieve any economic prosperity.

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

"The burdens within this nation daily increased and namely within the town of Edinburgh, such as cesses for entertainment of soldiers; 2. contributions for the fire in Glasgow to such persons as were damaged;....above an thousand families; 3. collection for ministers' stipends in Edinburgh...who had fled from the English on their coming to Edinburgh; 4. the annuity of house mails; 5. collection for the soldiers imprisoned in England; 6. contribution to the poor in Edinburgh; 7. contribution for repairing and building up the two Kirks, viz. the Greyfriars Kirk and the College Kirk; 8. another collection for alteration of three Kirks and division of one Kirk in two for ease and accommodation of the hearers; 9. a new imposition for Baptism and Marriage given to Mr. Patrick Henderson, viz. for every marriage 30 shillings and for every baptism 24 shillings; 10. for seats in the Kirk which we were forced to pay for, otherwise be frustrated of the Word; 11. fees quarterly to the beadles of the Kirk; 12. ordinary bills at 6 pence sterling; 13. William Purves's production; 14. Mr. Sharp's protocols; 15. monthly contribution for the poor; 16. weekly contribution for coal and candle to the main guard; 17. furnishing of soldiers with bed coal and candle within our own private families; 18. lanterns with candles hung out upon the street during the whole time of winter; 19. the expenses put upon passes to all those that went abroad five miles of the town of Edinburgh and other towns; 20. cesses paid six month before the time and advancement of £10,000 sterling uplifted through this nation."

1 Nicoll, I, 87-88
This passage shows that Kirk and burgh took further toll from the already oppressed tax payer.

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

Tucker decided to organise the Excise first. It was practically a new impost and he decided to let the Customs wait as they already functioned, although badly. Taxes such as the Excise had been farmed in Scotland, i.e. let to collectors for a fixed sum, the collector making the most of the bargain. There were English and Scots among these publicans, who like their Biblical predecessors enjoyed little popularity. Tucker and his commissioners began work in September 1655, deciding to farm the taxes for four months at first as they did not know the intrinsic value of the Shires and Burghs and what their relative consumption of excisable liquor might be. Returns of excise under former administration they found "but a glimmering and misty light" and a four months' trial of the farming system seemed the best basis for future assessments. It was decided to treat with the proposing farmers severally, to find out how much they would give and from this fix a minimum price and ask for sealed offers above it to be handed in upon which the highest bidder, if of good security, would procure the farm of the Shire under question. The Scots were as astute/
astute as Tucker. When the day came, "the mercat was full of people but few buyers." Many wished to upset the whole scheme. The magistrates of the chief burghs hypocritically pleading "the case and benefit of their poor" tried to arrange the letting of the chief Burghs apart from their Shires, and when they were unsuccessful in this, sought to get preference in the bidding. This being refused them, the magistrates, wherever the Excise was being let, sought to stop the bidding; as the Scottish Council had instructed the Excise Commissioners that all the Shires were to be farmed, the magistrates reckoned that, if they could stop the bidding, the farms would then fall to them at whatever rate they chose. But the Commissioners procured an order from the Council, allowing them to collect the unfarmed Shires themselves and again the magistrates were foiled. Tucker described the magistrates as exercising "a kind of sovereignty over the people" and saw in this a minor attempt of the merchant class to control taxation for its own profit. All the Shires were let, except Argyll, Bute, Inverness, Sutherland, Cromarty and Caithness, which the Commissioners decided to collect themselves, with somewhat meagre results. The Excise was levied on beer, ale and strong waters.

The first month brought out the difficulties of the Excisemen. The measures employed, e.g. the 'tree', varied in different parts of the country, so the Council decided that, as a standard, eleven gallons should be accounted a barrel. The old tax had been imposed on the boll or firlot of malt brewed, not on the quantity of ale and Tucker wished to revert to the older practice. The Council refused their consent as, "there is no absolute necessity of making such a change at that/
that time, more than a bare complying with the capacity and genius of the people." The same English policy later infuriated the Colonies and started the "Boston Tea Party." This time, however, England repented and afterwards allowed the farmers to tax by boll or by barrel as was most convenient. The Excisemen also were a problem the English were hated; the Scottish were apt to avenge private injury; most were new to the work. The Council, knowing the people, "through poverty and an inate habit of their own to be crows, obstinate clamorous and prone to apprehend every action as oppression or injury and again to repel either by noise or force," decided to give the farmers only collecting power and reserved the judicial power to themselves; the result was the people did not pay. The farmer was then allowed to execute summonses and a "timely conformity ensued." A four months' letting neither paid the farmers nor made for peace, so thereafter the Excise was let by the year, with better results.

An Excise on salt was considered, which was manufactured in the coal districts of Fife and the Lothians. Spies, envoy Tucker calls them, were sent to review the industry and find the weekly output. The proprietors discovered that they would have to pay duty, that their salt shipped to England would have to pay duty and that the English buyer would have to pay duty, so quite naturally objected to exported salt being taxed, unless such salt was sold duty free in England. Attempts to assess output failed, because of the method of making. The coal masters gave to the 'makers' so much coal, for which that latter returned so much salt to the masters and kept what was left to/
to pay themselves. The 'makers' salt was peddled in the country, the masters' exported. The masters refused to register the quantity of salt made and, claiming this to be the makers' liability, told Tucker to proceed at law if he liked. The poverty of the 'makers' forbade any action against them, so Tucker proposed to tax the masters as 'first buyers' if they were not producers. These now reverted to the claim that they were producers, but said that the system of working made a true account impossible, which was probably correct. They offered a small sum for farming their own Excise, but the Commissioners decided to collect themselves and divided the salt areas into four districts. A system of boycott which hurt the home industry started. The Scots had salted their own fish with foreign salt which was duty free and began to buy more than they needed and use the surplus for domestic purposes. No local salt was bought. The Council tried to stop the practice by allowing imported salt to be used only to cure fish for merchandise, if it were duty free. The salt bought by people to cure fish for their own use had to pay duty. The loopholes in avoiding the salt Excise were so many that income from it was never considerable and hardly paid its collection.

The organisation of the Excise was as thorough and efficient as the farming principle allowed and with a few disturbances was well administered. The revenue from Excise in 1656 was £36,964; by 1659 it had risen to £47,444.

Tucker's second task was to reform the Customs. An Ordinance was promulgated authorising all Customs officials to search ships for contraband goods. Contraband trading and lax Customs officials who sought/
sought their own, rather than the Crown's profit, had been notoriously prevalent. Power was given to collectors to receive both export and import duties and to search all warehouses and collect tax on all goods imported since June 1655. Collectors were ordered to keep true accounts and men were appointed to supervise the 'wayters' (weighers) in Leith and other ports. These weighers were trained men and the Council ordered that they should be transferrable from port to port as need arose and enjoy a standard wage to ensure their honesty. Each port was to have a head searcher and itinerant surveyors were appointed to supervise the work of collectors and weighers thereat and to examine all accounts. The port especially was watched for ships slipping up to the higher ports to avoid duty at Leith and in this district the military commander at Linlithgow exercised the duty of preventive officer. Tucker often accompanied the itinerant surveyor to instruct him in his duties. Leith was the most important port of the day as trade was still largely continental; it had a collector, assistant collector and checker; the head searcher and itinerant surveyor were also resident. It was a sort of school for Customs officers, for when a vacancy occurred, it was filled by men from Leith. Till Tucker took the matter in hand, "everyone pursued his own way and all of them intended more the receiving of moneys for writing bills, coquettes and transires than levying what was due to the State." He imparted to the Scottish Customs an efficiency which it never quite lost, and he established the Excise permanently in Scotland. Despite his efforts, the revenue from Customs was never large. In 1655-56 it was £5,800 and by 1659 through his efforts and
a slight improvement in trade due to the cessation of the Dutch war it amounted to £12,000.

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

hibition deprived Scotland of revenue from the export of her raw materials and, the English war with the Dutch dealt a serious blow to Scottish trade, the larger part of which was carried on with that country in wool, leather and hides, cloth and spirits being imported in return. In 1650 the Council of State had sought to have Cromwell prohibit Dutch trade with Scotland, because it 'beat out' the English. "Their malignancy is such, notwithstanding all the favours they have received from you.....that they will buy nothing of the English if they can have it from the Dutch." A vain search would be made for any economic favour, granted by England of her free will for which the Scots could have afforded to sacrifice their best source of trade. It was later sought, fortunately unsuccessfully, to close the Scottish Staple at Campvere. In the Protectorate the Scots had less to sell in Holland and had to undergo risk and loss in selling it till after the Dutch War. England's war with Spain next impaired their trade with that country which had been not inconsiderable in relation to the bulk of Scottish commerce. Market after market was lost on the Continent and never completely regained. It was loss at the time, but it caused the eventual search for new markets which ultimately centred a great Scottish trade in the West with a New World, despite Darien and English merchant greed. If prohibitions ruined export, the Navigation Act, which prohibited the import of goods except in Commonwealth ships or ships of the exporting country, imposed heavy strictures on import. Scotland had not England's shipping. Her vessels were mostly built in Holland and the Dutch war and the Civil Wars had considerably lessened her tonnage. Sufficient native merchantmen/
merchantmen to bring in the necessary imports were lacking. In the Petition of the Royal Burghs, already mentioned, permission was sought to transport coal and salt in whatever ships foreign or native they could procure, and to import certain necessary commodities, e.g. French salt for curing fish, in foreign ships, whether or not they were of the exporting nation. Various expedients were adopted to avoid English restrictions. Trade with Holland continued during the Wars. In the Spanish War, the Scots traded with Spain by sailing to Holland and procuring Dutch passes, shipping a Dutch master or a partly Dutch crew. According to Tucker, they brought goods from Spain and elsewhere in Dutch ships which were made over to Scottish merchants by a bill of sale in the Scottish port and so became "ships of the nation"; unloaded they set to sea and resumed their Dutch nationality.

The only Scottish industry which prospered through the Union was the salt trade. Cheap Scottish salt was sold in England to the detriment of Newcastle's trade in that commodity. Parliament, having refused concessions to the Scottish Burghs, refused to grant a petition of Newcastle against the free passage of Scottish salt, on the grounds that the Union gave the same privileges to both nations and that cheap salt, while it hurt Newcastle, benefitted the whole nation. "A general good is to be preferred before a particular." Such was their ruling and one eminently beneficial to the English merchant and manufacturer who needed cheap crude salt for curing purposes. A Scottish plea to have the export duty on coal relaxed was granted and in 1653 it was reduced from four shillings a ton, exported in native ships and eight

1 Report, 44 & 45 2 Crom. Un. LXX
shillings a ton exported in foreign ships, to two shillings and five respectively. The reduction held good only for a year. Scottish industry throughout the decade suffered from the imposition of an equal Customs with England. Equal tariff imposts caused much economic loss to the Scots, since their exported articles being of poorer quality than the English had yet the same Customs to pay and profit was considerably lessened. Imports had the same duty with the result that prices were higher than the Scot could pay and the imported article, when bought, caused uneconomic debts to be accumulated by the buyer.

The economic union between the two countries was apparently just-on paper; it took no account of the respective wealth of the two nations either in purchasing power or in exportable commodities. The period of union was too short to bring the blessings intended. Had it had a longer trial it might have brought a reasonable prosperity and latterly, as the increased revenue showed, though this was but a fraction of England's, Scottish trade was beginning to show signs of improvement. The Cess ruined all chance of real development. One consolation the Scots could have had, if they had known it; the upkeep of the army and administration in Scotland was impoverishing England. In 1659 the total revenue from Scotland was £143,652; the expenses of occupation and administration were £307,271, a deficit of £163,119. This deficit had varied yearly between £130,000 and £160,000. England was very glad of a judicial separation after the Restoration.

The condition and state of the feudal landowner has been noted throughout/
throughout. Through confiscation, sale for debt and other causes, many of the large feudal demesnes were broken up and never again achieved their former nature of small principalities. The smaller heritor owed his independence to the Protectorate, for after that date it was never lost; he became master on and of his own land. The Ordinances and Acts which destroyed feudal privileges, escheats and casualties were repealed by the Act Recissory but they had done their work and heritor and tenant were thereafter freed from many iniquities which had deterred profitable working of the land. The Protector endeavoured to assure that, while the noble lost his power, he kept his rank. While he was concerned to improve the condition of the meaner sort, neither he nor his Council ever thought that sort should have any voice in their improvement. Levellers and Fifth Monarchy Men gave him trouble enough at home without such agitators finding another domicile in Scotland. Therefore throughout the course of his rule, Ordinances of the Council and Declaration by the Scottish Council sought to ease somewhat the straitened circumstances of the nobles. Wives of men penalised by exception in the Act of Pardon and Grace received annuities from the confiscations many of the 'excepted' persons had their estates restored; now they received a further consideration in the matter of their debts. Scottish law, in form, was severe regarding debt recovery, though few merchants would enter a noble's demesne to distress his goods. But with their power broken, the merchants pressed with assiduity their debts against the nobility. In 1654 an Ordinance allowed debtors who could not pay to appoint a convenient future date at which they would/
would pay with interest; if they were then unable to do so, they were allowed to part with land in payment, valued as in 1648. It is difficult to ascertain how far this settled the question, for the Burghs objected to the Act; it was coin the merchant wanted, not land. As the trader objected to becoming farmer and landlord, it may be reckoned that trade, even then, and with bad debts, had its profits.

Three of the Protectorate years were exceptionally good agriculturally (1654, 1656, and 1657). 1655 and 1658 were bad, but prices were high which compensated the producers who could sell to the English army of occupation. 1656 was exceptionally good. In the good years, though currency was scarce, corn was cheap and plentiful and poverty did not mean starvation; 1655 and 58 did bring hardship to the poor; Cromwell did not live to see the condition of the 'meaner sort' in 1658. How poor the agricultural worker was is difficult to determine. In the Protectorate the English practice of having the wages fixed by the Justices of the Peace in each Shire was introduced. Professor Thorold Rogers states that in England the Justices as a landed class used their power to depress wages in their own interest. It is not likely that their Scottish contemporaries were any better or, with the prevalent scarcity of cash, that they could afford to be. An assessment of wages made by the Justices of the Peace for the Shire of Edinburgh is extant, which reveals that the wages of the agricultural labourer were mostly paid in kind, a cot house, so much arable land, so much corn, so much grazing being allowed.

1 Nicoll, 130, 188, 208
to the hind for the services of himself and his wife, the 'half hind' receiving less, the labourer less still. The wages fixed in Midlothian were likely to be among the highest, as it was possibly one of the shires best developed agriculturally. The wages of a hind (chief ploughman) were as follows: - a cot house and kail yard, 15 bolls oats, one and a half bolls peas, ground to sow one and a half bolls oats and a firlot (quarter boll) of beer, pasture for two cows or five sheep. His wages were therefore from five to thirty bolls of oats together with the other perquisites. In 1654 corn was £4 Scots a boll. His wages therefore averaged about £112 Scots i.e. about £9 a year plus perquisites. This payment in kind had compensations for the price of corn and meal varied greatly with the weather from year to year. In 1563 a boll of meal cost five merks, three pounds six and eightpence. In the following year it cost only eighteen shillings. A century later prices still fluctuated; in 1658 corn was double the price of 1657 which like 1654 was a cheap year. In 1658 it must have been at least £8 per boll. The agricultural labourer, if paid in kind, at least had sustenance, but when it is considered that in the present century, allowing for the buying of bread, the average family of the agricultural worker uses approximately eight to nine hundredweight of flour and six hundredweight of meal and receives that quantity of meal with his wages, it does not appear that the labourer in the 17th Century had much more than sustenance. Twenty-five bolls of oats would not yield much more than twenty-five hundredweights of meal for a boll of oats would not then yield the hundred and forty pounds of

1 Baillie, III, 256
meal given in modern farming measure through better milling and better 
oats. (The above statistics were received from persons in agricul-
tural employment from thirty to fifty years. Till well into this 
Century wages were not much above the sustenance level.) The few 
coins the labourer possessed came from the sale of his surplus. A 
half hing's wages were half the above, a shepherd's about two thirds. 
The wages of the artisan worked out as follows:— masons 1/1₄ per day, 
carpenters 1/-, labourers 8d. The corresponding figures in England 
were 1/6, 1/6 and 1/-. The figure of from five to six shillings a 
week, compared with from eight shillings to nine shillings in England. 
As compared with the agricultural worker the artisan had from £12 to 
£14 a year, but if victual was dear he suffered accordingly. If the 
wages fixed by the Midlothian Justices are any criteria, the Scottish 
labourer was better paid according to the comparative wealth of the 
Country, than his English fellow. Wages in other shires must have 
been lower; no record of their fixing exists for these years. The 
'meaner sort' were rather grossly used, alike in town and country. In 
the country they had their sustenance and a few pence for ale — all the 
farmer could economically afford. In the towns the magistrates were 
not free from the invidious pursuit of class interest. Writing of 
the Edinburgh Magistrates, whom, as a Glasgow man, he compares most 
unfavourably with the honest dignitaries of his own city, Nicoll thus 
criticises, "In all these matters they were negligent and the people 
poor abused and neglected. In all taxation, Cesses and other burdens 
the mean middle and poor sort of the people of Edinburgh were the only 
sufferers and the rich of the town and such as were of power and 
influence/
influence were overlooked and escaped." Tucker had accused Burgh magistrates of the same sort of conduct; freedom here as elsewhere was construed in terms of class and Cromwell's efforts on behalf of the 'meaner sort' found obstruction in every quarter.

Mortality was high in all classes. The diaries are full of deaths of first, second and third wives whose lot seems to have been to bear child after child and die young. Many of the children too died at an early age. Insanitary conditions caused much of the disease and death in the land and war time conditions, adding to human misery, increased the death roll. Scotland had not enjoyed a reputation for cleanliness; she blamed her ill-repute on lack of good soap. In 1619 when the enterprising Nathaniel Udward sought a licence to manufacture it, the Privy Council records narrate that "this foreign pestiferous and noisome soap was the cause of many shameful and heavy imputations against this Kingdom especially by strangers frequenting the Kingdom, who cannot abide the stinking smell of napery and linen cloth washen with this filthy soap." If bad soap was the cause of unpleasant linen, it was not to blame for foul streets. Monk by personal insistence, managed to have Edinburgh kept fairly clean and better lighted at night, but his efforts were only partly successful. Nicoll complained that although rates were levied for providing carts to remove the filth, it was not done. There is no reason to believe that any of the other Scottish cities were more cleanly in their habits.

The Church in Scotland carried on the work of education throughout...
all the disturbances. In that work they had Cromwell's whole-hearted support, though they refused to believe it and scrupled to take it, owing to the visiting of Universities and the planting of Kirks being coupled in the unfortunate Ordinance brought down by the disliked Gillespie. No part of Cromwell's Scottish policy was more disinterested than his care for education. Gillespie could always procure a grant for University purposes from the man who had saved Oxford from the spoiler and resented the Barebones Parliament's attack on University privileges. Cromwell had the countryman's respect for learning and the reformer's desire to see an educated people. Robert Baillie, as Professor of Divinity at Glasgow, incessantly complained that Gillespie, the Principal, taught but seldom, spent most of his time on ecclesiastical politics and gave what he had left of it to the erection of costly buildings in the college. When Baillie became Principal, he had the same pride in his buildings and tried to get 30,000 merks out of Lauderdale to carry on Gillespie's programme with less success than Gillespie had suited Cromwell. He even upheld Oliver's generosity. "Mr. Gillespie got from Oliver well paid.... which puts us in the greater hope of his Majesty's fatherly bounty." - a hope quite unfulfilled. In 1656 the South and West sides of Glasgow University were completed; the North and South sides of the outer court were next tackled and finally the whole front pulled down and rebuilt. In 1654 the Protector granted Glasgow the lands of the Bishopric of Galloway, and to complete the work of building further revenues formerly belonging to the Dean and Chapter were apportioned. Aberdeen received the revenues of the lands of its own Bishopric and

1 Letters, III, 486
the Cromwell Tower of King's College was built by the subscriptions of Cromwellian officers. As Aberdeen under Row was for the time being a hotbed of Independent thought, the subscriptions doubtless came readily and were liberal. Edinburgh was given a grant of £20 a year in 1658. St. Andrews got little. Rutherfurd, whom Cromwell disliked, was Principal of St. Mary's, James Wood of St. Salvator's. Rutherfurd the Protester, would ask no favour; Wood, the Resolutioner, in honour could not be less resolute than his Protester colleague.

The 'visitors' of the Universities and later the Council paid no undue regard to party and some to merit in their appointments. Baillie complained of McWard, the Protester, being intruded on Glasgow, but McWard was a fair scholar and better than the Resolutioner nominee. Robert Leighton was appointed Principal of Edinburgh. James Wood was through Broghil's influence, appointed Principal of the Old College, St. Salvator's, at St. Andrews, and not Campbell the Protester. More than purely political influence procured the appointment of Row as Principal of King's College and John Mæzies as Professor of Divinity in Marischal College, Aberdeen. Professor G.D.Henderson has shown that both were competent scholars and able administrators. Professors and regents in office were allowed to remain; at least none were dismissed for being either Resolutioner or Protester. The knowledge imparted was still the Scholastic teaching of the age and the Calvinist theology of the Church. Greek, Latin and Hebrew were taught and an increasing high standard in these demanded from the student. It is customary to bemoan Scotland's lack of literary output, to see Drummond

1 Religious Life in Scotland, 109-113
as a solitary star in a heaven darkened by clouds of controversy, Calvinism and Catechism. Yet no finer examples of Scots prose have been penned than exist in the Sermons of Samuel Rutherfurd and James Durham. As with the higher, so with the lower realms of education; no interference was offered and every encouragement given to the planting of schools throughout the land. An Ordinance was issued allocating £1,200 for the planting of schools in the Highlands, where the Protector feared that they had not heard "so much as whether there be a Holy Ghost."

Administration.

"Justice," wrote Rutherfurd in 'Lex Rex', "should be at as easy a rate to the poor as a draught of water." Scottish justice in past centuries had been neither cheap, speedy nor even. The Law lacked codification; except for Sir James Balfour's "Practicks" (then unpublished), Sir John Skene's "Treatises and Collection of early Statute Law" and Sir Thomas Craig's "Jus Feudale" published only in 1656, forty-seven years after his death, at a time when feudal law was being ruthlessly destroyed, there was no clear Code of Law. Many of the prevalent legal evils, delay and costliness, England shared with her Northern neighbour, and if justice was more even in Scotland, it was, if anything, more intricate. When the English Commissioners departed from Scots Law, it was the Law of equity they followed, not English Common Law. The charge to the Commissioners of 1653 had been to bring Scottish Law into consonance with English; in the Protectorate the Commissioners for the administration of justice were charged to judge/
judge "according to equity and good conscience" - which they very honestly did to the dismay of some of their Scottish colleagues. As far as a layman can judge, their decisions as recorded in the "Decisions of the English Judges during the Usurpation" (1772), all mostly concerned with land or property are sound judgements based on equity. In spite of the incoherence of Scottish Law, the impossibility of any attempt to apply the equally incoherent English Common Law, Nicoll, a lawyer himself, wrote, "and to speak the truth, the English were more indulgent and merciful to the Scots nor were the Scots to their own countrymen and neighbours as was too evident and their justice exceeded the Scots in many things as was reputed." With no personal interests, they judged justly. "Diel thank them, a wheen kinless loons!" was the reputed comment on their justice by a later Restoration judge; ties of kin were the curse of Scottish legal administration.

It was chiefly in the administration of justice that changes were made. The Ordinance of Union had abolished all the powers of the Scottish Parliament, which had numbered among them power to try causes. The Court of Session, its Lords Ordinary and Extraordinary, Inner House and Outers House, was abolished. This Court, originally created by James VI to take the weight of civil cases from the judicial committees of Parliament and Privy Council, had never been popular. The same corruption and feudalism of the administration which James V sought to remedy prevailed within it also and continued to prevail in the Restoration period. The destruction of feudal bonds was a

1 Nicoll, 104
necessary concomitant of a just administration and it was this which made Protectorate justice sound. Of the Court of Session, Sheriff Mackay writes, "Its judges were accused with good cause of arbitrariness, partiality and bribery and crimes of deeper dye had in some cases disgraced the judicial office." In fairness to the Court, it was the working of the system rather than the system itself, which was found inefficient, for the Scottish Council through press of business found it necessary to restore a form of the Outer House. The Commissioners for the Administration of Justice, who took the place of the Court of Session, were appointed in May 1652 under the great seal of the Commonwealth. They were seven in number, with no President, each taking the chair in weekly rotation. Mosely, March, Owen and Smith were English lawyers; Sir John Hope of Craighall was son of a former Lord Advocate and of a legal family; Sir William Lockhart was more diplomatist and soldier than lawyer; Sir John Swinton was a time serving politician. The personnel of the Commission underwent considerable change throughout the Protectorate. Hope dropped out after 1654 when new Commissioners were appointed; Fenwick, Smith, Swinton, Lockhart, Mosely and Alexander Pearson of Southall. In 1655 Lockhart and Swinton became members of the Scottish Council and ceased to function as judges; Sir James Learmont and Sir Andrew Ker were appointed in their place. When they died in 1657 James Dalrymple and Alexander Brodie were appointed. The salary of the Scottish members was £300 per annum - half that of the English.

1 Life of Stair, 45
The Commissioners began their work in May 1652 by imposing a tactless oath on the Bar and instituting a sound measure of legal reform. The first demanded that the advocates should take the Tender, and in the first part of it asked them to swear to be "true and faithful to the Commonwealth of England." To ask what was practically abjuration of nationality was a needless insult to a profession valuing its traditions. The leading advocates withdrew from the Bar but eventually returned when the Tender was laid aside. A tradition existed that this secession started the practice of voluminous written pleadings which became characteristic of the Scottish Bar for two centuries, since it was found necessary to instruct the English judges in Scots Law, these instructions being drawn out by the seceding advocates but signed by the compliant members of the Bar. The reform which outlasted the Protectorate and was a benefit to the country was the abolition of Latin and verbal contractions in all legal documents; henceforth these were drawn up in English. This reform was permanent. The Commissioners instituted a purge of the clerical staff of the judicatories and "filled up the rooms of the justice courts with very honest clerks." They issued orders for the regulation of legal fees, prevention of delays in process and custody of deeds to deter the extortion and malpractices which had been not infrequent. A special day each week was appointed for the causes of the poor.

The work of these Commissioners, like that of the Court of Session before them, lay in dealing with Civil causes, practically all concerned with land tenure and property rights. The Protectorate regime, with its confiscations, allocations, grants, fines and abolition of feudal

\[1 \text{ Nicol, 104}\]
rights had brought the system of land holding and inheritance into a state bordering on chaos. Writing to Thurloe, Broghil stated that the judges had told him there were nearly 50,000 cases pending. As a result of this, the Outer House where one judge could try cases which would have occupied the time of four (which was a quorum of Commissioners) was revived and greater expedition of legal business achieved. 50,000 cases seems something of an exaggeration. If the calculation was correct about 10% of the population must have been involved in litigation in the higher courts alone. The 'Decisions' are not a twentieth of that number, though it is obvious that the collection is not by any means complete. There were long periods when the Commissioners did not sit. The sessions are recorded are November 1655, March '56, June and July '56, November '56 to February '57, June and July '57, November '57 to February '58, June and July '58. Twelve decisions is the highest number recorded as dealt with in one day. The practice was both to consider written pleadings and issue judgement therefrom, these having been considered by the Commissioners in avizandum, and to listen to the advocates and forthwith give judgement in foro. To deal with the numerous cases recorded, let alone the 50,000 pending, the judges must have possessed a remarkable degree of diligence, patience and acumen. Respect was paid to Scots Law in considering evidence of possession, tenure, etc., but where present conditions confused the issue, judgements of equity were the rule. The Scottish Bar did not suffer by an acquaintance with such principles Stair's 'Institutes', the first great treatise on Scots Law, owed something to its author's contact with these English lawyers. The judges/
judges met constant obstruction in their task from vested interests and from legal prejudice; they sat too seldom to cope with all the litigation pending; but by introducing the principle of equity in judgement as opposed to that of privilege, defended by every quirk of feudal law, they gave something to the Bar never quite lost, not even in MacKenzie, who after all sought justice for the witches on principles of equity.

In the Shires the abolition of hereditary jurisdictions made it necessary to put something in their stead. In every shire Justices of the Peace were established and ordered to hold quarter sessions in February, May, August and October. Monk was a Justice for each shire. The Justices were mostly gentlemen of the Shire who took the oath of office prescribed, which both parties in the Church opposed. Both Malignants and Covenanter could be found in their number. They had numerous and varied social and judicial functions of which the following is a brief summary from the Ordinance establishing or rather re-establishing the office - for James VI had formerly sought to introduce the system in the interests of law and order in an unruly land.

The Justices could restrain any who threatened another till he gave security that he would keep the peace; if a case of assault was insufficiently punished by the sheriff, they had power to report the matter to the Council and on its instruction mete out due penalty; in the case of collusion between the guilty person and the sheriff, the Justices were to report to the Council who would deal with the subordination - a Malignant sheriff was not likely to punish heavily one of Middleton's Moss troopers nor a hereditary sheriff one of his own retainers/
retainers unless he had sinned against himself. Riot, Vagabondage, poaching, drunkenness, Sabbath profanation, cursing and fornication were to be tried by them and punished. The fines for the last crime Scots were fixed at £400 Scots for a nobleman, £200/for a baron, £25 Scots for a farmer, etc., and were doubled for every repetition of the offence. They had to assure that highways and bridges in the Shires and Burghs under their jurisdiction were kept in a proper state of repair; they had to oversee legal brewing and regulate the quarterly wages of labourers, punishing those who refused to serve with imprisonment; they fixed the price of craftsmen's work. Power of emergency action in a plague was given to them. They had control of the jails and appointed constables in each parish at a shilling per day, when there were 'constabulary duties to be done.' The Justices were responsible for the care of the poor. In cases of major crimes, murder, felony, incest, etc., they were to take recognisances and pass the case on to the criminal court.

In many districts, the Justices functioned efficiently. They were the civil arm by which the Kirk visited its discipline on the persons and pockets of offenders. They kept the peace, perhaps not so much through their constables as through the knowledge of those who would disturb it that the Army was behind the Law to enforce severe penalties; the English officers resident in the Shires were included among the Justices of the Peace. So well did the system work in the Highlands that Monk feared outbreak from the Lowlands rather than from that quarter; letters from his officers there bore witness to the prevailing quiet and Monk wrote, "I find them very punctual in observing
of orders for apprehending any broken men or thieves in that country, which I could never bring them to till of late." The work of the Justices was not only to keep the peace but to establish its conditions hence their powers to fix wages, supervise legal brewing, etc. Here was an attempt to help the 'meaner sort', to establish in social practice some of the principle of equity which the Commissioners administer in the law. Presumably cost of living determined wages, the higher the price of corn the higher the wage. English experience of this system showed that a bad year with high prices caused the Justices to lower wages on the ground that the bad crop did not allow higher payment. In Scotland, much the same most likely happened; in a legal case the Justices might be fair, in matters of social and economic regulation they were as prone as the old hereditary sheriffs to serve their class and kin. In these unsettled times such officials were needed and the necessity of their institution is witnessed by the fact that Charles II continued the system with practically the same instructions to the Justices who were then, of course, Royalist. Their powers were employed in crushing the Covenanting movement in the South West. After the Revolution, perhaps because it was seen that the Justices could be too readily the servants of party, their powers gradually diminished, passing into the hands of the sheriff, of the Burgh magistrate, and of the Kirk Session. The supervision of licensing which in Scottish counties is still in their hands is a relic of their former powers.

A legal innovation of the Protectorate was the establishment of Courts Baron in every county

1 Act. Parl. VI, 2. 816
baronial courts and were in reality small debt courts set up in each parochial area, presided over by the local dignitaries. In each area, formerly deemed a 'manor' such a court was to be set up with power to determine suits of less than forty shillings value and to make bye-laws for the district. This court was intended to relieve the higher judicatories of the multitudinous small litigations which overwhelmed the courts. It perished with the Protectorate, having functioned but little.

The condition of the Burghs in trade and social life had been considered. The administration of their affairs was in the hands of the magistrates, who, within the limits of the Burgh, had powers similar to those of the Justices of the Peace, which they had gradually accumulated in the past century and which were still largely vested in the merchant class. Though their trade was diminished by the destruction of feudal legislation the power of the Burgh in its own affairs and in those of the realm was increased. The freedom which they enjoyed was used by the merchants to further their own interests and Baillie, Tucker and Nicoll, widely differing authorities, commented strongly on their petty tyranny. During the Protectorate the magistrates in various Burghs and the Kirk were at loggerheads with each other over the taking of the Tender, though as the regime extended the differences began to heal. Magisterial imposition of local taxes was a fertile source of discontent and in Edinburgh the advocates had sore strife with the baillies over an impost on beer and claret, additional to the Excise, which seemed to hit the faculty rather hard. The magistrates had little scruple in gathering where they had not strawed/
strayed; Edinburgh was constantly seeking to mulct Leith; other
cases of the same arbitrary extension of jurisdiction are recorded;
Cupar magistrates once sought to levy taxes on goods sold in Auchter-
muchty. The rise of Glasgow as a city dates from this time when it
had become second port in the realm, although possessing only twelve
ships, none over 100 tons; Leith was still the largest. The Pro-
tectorate administration showed favour to the city; Nicoll and Bailie
both write of the enterprise and industry of her magistrates. "Our
town thrives in proportion above all in the land." Gillespie's inter-
ference in magisterial affairs was checked by Monk and the town grew
steadily in wealth and importance. A few other Burghs, such as Inver-
ness, enjoyed a temporary prosperity because of the trade brought by
the residence of a large English garrison.

Under the Scottish Council other courts and Commissions than those
already mentioned functioned continuously. Admiralty and Exchequer
affairs were transacted by separate bodies and showed an impersonal
thoroughness in their administration. The offices of Signet, Privy
Seal and Lord Clerk Register were retained and employed. Over all the
Scottish Council created in 1655 had complete control. It exercised
an authority as supreme as that of the Star Chamber. It was the in-
strument of perfecting the Protector's policy; all its members were
his men, rather than servants of Parliament or of the English Council
of State. Professor Firth thinks that the guiding spirit of the
Council was Broghil, but Broghil was only little more than a year in
Scotland as its President. The true director of affairs was Monk who
was constantly resident; the other members, Scottish and English, were
often/
often in England attending Parliament or like Lockhart, employed on the Protector's business elsewhere. Monk remained behind to keep the peace. His letters show a painstaking care for all details of administration; his advice the Protector almost invariably followed, (e.g. in reducing the Cess); when someone wormed out of Cromwell some special favour or interference, a letter from Monk would always reinstate the status quo. It has been seen that he was a little inclined to be vengeful when tricked but as he was not often tricked, he was not often vengeful. If James I had determined to make "the key keep the castle and the bracken bush the cow" Monk sought to make even the key superfluous. Property, if depleted by the assessor and collector, was made safe from the robber. All the efforts of the administration were directed to making justice cheap, easy and impeccable; the establishment of the Justices and Courts Baron had the needs of the poor in view; in the Higher Courts fees were cheapened, though after the appointment of Warriston to the Registership, they rose again. Justice was expedited and the Scots bore tribute to its honesty. The English Commissioners worked hard and assiduously; unfettered by their Common Law and with a good deal more scope for their common sense, tied by no personal considerations, severe on occasion, just according to the light that was in them, they applied the economic clauses of the Union; the failure of these to lift up Scotland from poverty was due to the heavy assessment which Monk perceived and tried to remedy. His letter to Thurloe, already quoted, with its kindly wording, "I much desire you will pity this poor country" showed that he had a genuine regard for its welfare. So well did he do his work and in such high
if unvoiced respect was he held by the Scots, that during the anarchy that followed Richard Cromwell's abdication and the subsequent withdrawal of Monk and his army from Scotland in January 1660, no such intrigue and turmoil as broke out in the Southern Kingdom troubled Scotland which dwelt in peace until the Restoration. If Charles had sent Monk back to Scotland as his Commissioner the land might have been spared the sorrows of the Killing Time.
THE LAST YEARS.

The introduction to the study of Rutherfurd's last years must be a bibliographic note. In 1658, there appeared in Scotland "A Survey of the Survey of that Summe of Church Discipline, Penned by Mr Thomas Hooker.....by Mr Samuel Rutherfurd, Professor of Divinity in the University of St Andrews in Scotland". In a Footnote to Baillie's criticism of the work, Dr Laing writes, "The publication having been delayed, the author took occasion to prefix an Address to the Christian Reader containing some very severe remarks on the Resolutioners". Subsequent historians building on the footnote state that by this publication Rutherfurd intended to wreck the effect of the peace feelers put out by the Resolutioners in their Declaration .....expressing their earnest desires of Union and Peace with their dissenting brethren. He had no such intention. The publication of the Survey of the Survey shortly after the Declaration was purely, if most unhappily, fortuitous. As early as the end of 1655 Rutherfurd had sent the work to Crook, his London publisher. Baillie knew this and mentions it earlier himself. About a year afterwards, Rutherfurd wrote to Ashe, "I hear that the Answer to Mr Hooker is making some progress at the press." Ashe had told Baillie that the reason for delay in printing was that the Independent controversy was dead. By 1658, Presbyterians were winning some Cromwellian favour and the occasion/

2. Baillie, III, 303.
3. Thurloe, V, 656.
occasion for publication seemed more opportune; it was published and appeared in Scotland in May, 1658. There is nothing in the preface which can be dated later than the end of 1655. It may have requickened some smouldering animosities, but the hastiest perusal of the Resolutioners Declaration reveals it to be a very thorny olive branch, unlikely to placate men like Guthrie and Warriston by calling them Dissenters and cataloguing their ecclesiastical defaults. The Declaration was answered by Guthrie in his "Protesters No Subverters". There was a good deal in the Declaration concerning some of the Protesters' dealings with Cromwell, with which Rutherford would have agreed. The arrival of his book in Scotland coincided with this flare up of the dispute, although active intervention was far from his intention. The Resolutioners, at a meeting of Presbytery correspondents held in Edinburgh on 25th May, 1658, passed the following resolution:

"It being represented at the said meeting, that a book of Mr S. Rutherford's of his survey of Mr Hooker's lately printed, did contain some passages very dangerous unto and reflecting upon Presbyterial Government, therefore, it was recommended to professors of universities to provide themselves copies of the said book, that they, with the assistance of ministers next unto them, may carefully revise it, and communicate their observations and censures thereupon to the Brethren of Edinburgh, seriously desiring that they may go about this with a diligence". To all this, Rutherford made no political retort, though it is unlikely that/

I. Consultations, II, 140.
that he let his case go undefended in the class room and the pul-
pit of St. Andrews. The reproach of the Survey was that Rutherfurd
called his opponents Covenant breakers and consorters with Malig-
nants, which, by necessity, indeed, they had been. They could not
retort against him, as they could against other Protesters, that
he was a familiar of the Sectaries. They pitched upon some
injudicious remarks in the Preface, justifying the non-acquiescence
of inferior courts to the findings of a superior court. On the face of it, this was a volte face from the position he defended
at Westminster; in reality, what he states is that inferior
courts may disobey, when the decision of the superior court is
contrary to the Word of God. That loop-hole was always left to
the Presbyterian in a minority. Rutherfurd believed that the courts which had censured the Protesters had acted thus arbitrarily.
Now, in a minority, he conveniently ignores the teaching of the
Free Disputation against Pretended Liberty of Conscience which
had practically equated the decrees of synods and the Word of God.
His adversaries could turn his own arguments against him. Sick
in body and spirit, no biting retort came back from his pen.

No detailed account need be given of the Survey itself. Mr
Thomas Hooker of Connecticut had, in his "Survey of the Sum of
Church Discipline", published in 1648, taken up some of Rutherfurd's
strictures on Independency, and, in criticising them, resolutely
asserted the New England principles. Rutherfurd replied, with all
the old arguments, but less of the old fertility and ingenuity.
The work is a line for line comment on many of Hooker's statements,
containing much explanation, not a little evasion but nothing new in relation to the Presbyterian-Independent controversy. In Scotland, it possibly sold better for its preface than for its contents.

Apart from this reference to the "Survey", there is little record of him in the political maze of the years between 1653 and 1660. He disliked, distrusted, and detested Sharp and warned his colleagues against him. He sensed the autocrat in Sharp's refusal to have a colleague at Crail. As Sharp was a friend of Wood, relations between them were never cordial: he recognised in him the same type of ambitious intrigant as he had found in Patrick Gillespie. The dealings of Sharp are a part of History in which Rutherford played no part and they only need to be related as a preface to the last flight of the "renowned eagle of the Covenant".

In November, 1658, fearing the influence of Warriston with the new government, the Resolutioners sent Sharp to London as their agent. He worked assiduously to undermine any efforts of Warriston and Argyll in the Protester cause, though Argyll was less outrageous in his demands than Warriston. Their efforts to have a clause inserted in the proposed Bill of Union, "confirming of the liberties of all Church judicatories and Assemblies before the year 1650", particularly worried the Resolutioners. But the dissolution of Richard Cromwell's Parliament on 21st April, 1659, brought all schemes to naught. The restored Rump was not particularly favourable to Sharp. Warriston was a member of the new Council of State. Sharp was called before it, and his former assiduous interviewing of all likely to help his cause, occasioned a severe interrogation/
On 29th June, he was sent home and ordered to confine himself to his pastoral duties and keep out of political affairs. He was suspected thus early of trafficking with Charles's agents. Monk had thitherton remained quiet in Scotland. It is significant that though up till now he had favoured the Protesters, he now turned to Sharp. The latter assisted Monk to pen the Declaration to his army, made at Coldstream, on the march south and soon after received an invitation from the General to travel to London, which coincided with the desires of the Resolutioners to send him there. He played no small part in giving Monk all moral support in the restoration of the Long Parliament, which freed the Scottish political prisoners in the Tower and nominally sanctioned the Westminster Confession, minus the offending chapters. Thus, registering an academic and waning enthusiasm for Presbyterianism, the Long Parliament passed out of existence in March and Sharp returned home. He had seen that Parliament's Presbyterian legislation was half-hearted and that a return to Episcopacy was not unlikely. The Protesters' representative in London, Warriston, did nothing for his party. He was so entangled in the mesh of English politics, seeking place and pensions, that their communications were left disregarded and their wishes unfulfilled. He may have procured the pious order for the printing of the Solemn League and Covenant and the reviving of the legislation ordering it to be read once a month in Churches throughout England and Wales. As the Long Parliament dissolved/

2. Consultations, Introduction, XXVI.
It was obvious to all that Charles would be restored. The only question to be settled was the terms of the Restoration. There were in Scotland extremists, such as Guthrie, who would have had no King whatever. There were more moderate Protesters who desired a Covenanted King (this meant both Covenants). The Resolutioners were equally as strong in the same desire, as Douglas's letters show. There was a growing party, who wanted King and no Covenants. Very little but the obstinacy of a few Protester leaders kept the two middle parties apart and efforts towards union were being made in all Presbyteries and Synods. Old sores still rankled and mutual distrust still existed. Yet Rutherfurd himself was in a mood to accept overtures, if he could be assured of their sincerity and of the removal of all censures from the Protester leaders. Letter CCCLVI reveals that he had doubts, but he is now nearer considering union than at any time in the past. The Resolutioners' peace proposals had always had as a preamble the castigation of their brethren and a virtuous promise to forgive them, which was hardly a diplomatic approach. Their promise to have the Acts of Censure repealed by the next General Assembly had savoured too much of evasion, their avowal that meantime they would not be put into practice, of condescension, their request for submission to synodal judicatories, of arrogance. No less than disavowal and annulment of the whole proceedings of the Resolutioner Assemblies would originally content the Protesters. Now the lifting of the censures imposed on the leaders by the Assembly/
Assembly, and on lesser men by the Synods, would have contented the rank and file, had the parties had time to work out their united salvation. They never got it.

Sharp, now again in London, was acting in close concordance with Crawford and Lauderdale, and with Glencairn who had gone up on his own initiative. The latter had met along with others who had been mentioned in a list proposed by Monk as a Select Committee to choose Commissioners to send to England. This Committee, neither Monk nor any other Scottish representative body ever sanctioned. The feudal party was beginning to lift up its head. In May, Sharp, at Monk's request, and with Douglas's sanction, journeyed to Charles at Breda. Douglas still hoped for the Solemn League and Covenant, which had by now passed out of the mind of James Sharp as practical or profitable politics. He returned with Charles, and kept strictly out of meddling with English ecclesiastical affairs.

The Protesters sought to take belated political action. They approached Douglas and offered to take concerted action in petitioning the King against the establishment of Episcopacy in England. Douglas had by now, decidedly, if reluctantly, given over the idea of pressing the Solemn League and Covenant, and refused their request, passing on to them a veiled warning, not so veiled in the letter of Sharp who had just written to him, "The Protesters will not be welcome here; their doom is sight". It was.

Argyll

1. Consultations, II, 175.
2. Wodrow, History, I, 45.
Argyll was arrested; as were Sir James Stewart and Sir John Chiesly. Warriston escaped, to be later taken and executed.

Guthrie and other members of the Protester party were arrested on 23rd August, when holding a meeting in Edinburgh. Charles nominated his Privy Council; Glencairn was made Chancellor, Rothes President, Lauderdale Secretary. Still, on August 31st, Sharp returned with a letter from Charles to the Presbytery of Edinburgh, promising to protect and preserve the government of the Church of Scotland, recognising the Acts of the Resolutioner Assemblies and intimating that another Assembly would be called as soon as affairs permitted. No such Assembly was ever called. Parliament met on January 1st, 1661. By one Act after another, it destroyed all the Covenanting legislation. In the reactionary Act ReciISSory, it rendered null and void all the achievements in Church and State of the past twenty three years. By Act of 6th, September, 1661, Episcopacy was made the form of Church Government in Scotland.

How far the establishment of Episcopacy was aided by the fatal division between Resolutioner and Protester, will always be a matter of dispute. It was the desertion of the Presbyterian cause by the feudal party that caused the temporary overthrow of the Church. Desire for power, hope of English preferment, reaction against a stern discipline, bitter memories and empty pockets, were all motives in the betrayal. The feudalists, more than James Sharp, were the Judas of the Restoration. Sharp was only its Demas.
Bodily ill health had prevented Rutherfurd moving out of the vicinity of St. Andrews, or taking any active part in affairs between 1658 and 1660. He had detested the Cromwellian policy of Warriston and Gillespie and retired from national life to write the later manuals of practical theology. Still resolutely Protestant, he maintained that interest practically alone in the Presbytery of St. Andrews, and the Synod of Fife. So much was his sincerity and learning respected, that, though he must have given them many an uncomfortable minute, neither of these Courts took any action against him. He intervened little in national business and sent opinions to Presbyteries and bishops only when he was asked for them. Angry attack on the other party is now absent, for in his heart he knew the leaders of his own well deserved censure. He desired union whole-heartedly, but loyalty to his former companions would not let him encourage its achievement, through any action hurtful to them. He was still suspicious of the intentions of the other party, and while his distrust of Wood was prejudiced, and ill-founded, he was right in his estimate of Sharp.

When Guthrie and others were arrested, the dying warrior would fain have dragged himself to their prison house to die by their side. With the clear vision of the dying, he foresaw how events would fall out. "If Christ doth own me, let me be in the grave in a bloody winding sheet and go from the scaffold in four quarters to grave or no grave. I am His debtor to seal with sufferings this precious truth; but oh, when it cometh to the/
/the push, I dare say nothing considering my weakness, wickedness and faintness. I see snares and temptations in capitulating, composing, ceding, minching with distinctions of circumstances, formalities, compliments and extenuations in the cause of Christ."

So he wrote to them in prison, and followed it up by penning his last political document. Guthrie and the others had drawn up a petition to Charles, craving the enforcement of the Covenants, reminding him of his oaths and setting forth the duties of Kings and princes, —a very brave, very straightforward and very rash document, which tightened the noose round Guthrie's neck.

Imprisonment left them powerless, so Rutherfurd wrote to several brethren to draw up a similar petition to the King. The letter appears to be written to friends in the South West and is restrained and careful in its wording. It assuredly counsels the brethren to ask for the establishment of the true religion, but reveals that Rutherfurd never was, and is not now, an anti-monarchist. "The Lord's admirable providence in bringing him to his throne ... so that now the Government is in a right line is to be adored!"

Further, he goes on, "We should disclaim such as have sinfully complied with the late usurpers; produce our written testimonies against them; our not accepting of offices and places of trust from them." Gillespie and Warriston would come under this sentence of outlawry. He asks for a justification of some of the Remonstrants, many of whom, "were gentlemen most loyal and never were enemies to His Majesty's royal power". This letter showed how far Rutherfurd was prepared to go. His next showed what he will not do.

Some temporising well wisher of the imprisoned men had drawn up a petition/

1. Letter, CCCLVII.
2. Letter, CCCLVIII.
resiling from the Remonstrance, 

petition to the Committee of Estates, for them to sign, which, it was hoped would procure their release. It was presented to Rutherfurd for opinion. He completely damned it. He expressed complete agreement with the brethren's petition. "I know of no offence that you have given (I will not say what offence may be taken), either as to the matter or manner of your petition." So he wrote to an imprisoned brother; he enlarges on the distinction between the King's just authority, and his supreme authority, and while it is obvious that there were things in the Remonstrance which he had disliked, he refused to condemn it, or those who had part in it.

Perhaps the presentation of this draft to Rutherfurd was a political test, and his refusal to disown and damn the Remonstrance sealed his own doom. The ministers, all but Guthrie, were soon released, and permitted to live at home. On 15th, September, 1660, the Committee of Estates had black listed the "Lex Rex" and ordered all copies of it to be handed in to the Crown solicitor before 16th October, when some of them were burned publicly in Edinburgh by the hangman, along with copies of Guthrie's "Causes of God's Wrath". Seven days later, some were also burned at the gate of his own College, and the work met the same fate in London. Rutherfurd was next deprived of all his university offices and of his pastoral charge; his stipend was confiscated and he was cited to appear before Parliament on a charge of treason. With the same sword hanging over his head, he wrote to Guthrie, "Think it not strange that men devise against you; whether it be to exile, the earth is the Lord's; or perpetual imprisonment, the Lord is your light"

1. Letter, CCCIX.
2. Lamont, 169.
and liberty; or a violent and bloody death, for the kingdom of heaven consisteth in a fair company of glorified martyrs and witnesses; of whom Jesus Christ is the chief witness, who for that cause was born and came into the world."

Ill health had prevented him appearing before the Committee of Estates in the winter of 1660. He was cited to Parliament, but being bedridden, could not appear. Messengers were sent in March to cite him to appear. The dying man replied, "I have got a summons already before a superior judge and judicatory, and it behoves me to answer my first summons, and ere your day arrive, I shall be where few kings and great folks come." With vindictive venom, Parliament voted that he should not be allowed to die in the College an action which drew a spirited protest from Lord Burleigh.

Rutherfurd's one regret was that he could not die for his cause at the Cross of Edinburgh or St. Andrews. There is no doubt whatever that he would have hanged in company with Guthrie with "Lex Rex" about his neck. Parliament would gladly have given him the fate he desired.

Rutherfurd and St. Andrews. Rutherfurd came to St. Andrews with reluctance and on several occasions would have left it with little regret, for much of his life there was spent amongst academic jealousies and bickerings fomented by the party disputes in the Church. The staff of the Colleges had accepted the Covenant but some had owed their appointment to the Primate and were not likely to welcome the fervent and unbending foe of Episcopacy, who had obviously been sent to set their house in Presbyterian order and watch carefully the teaching of orthodox doctrine. The new College

I. Letter, CCCCLXII.
/of St. Mary's, founded by Archbishop Beaton, was in 1579 designated by the Legislature and the General Assembly to become a seminary for the study of Divinity and its related languages. It was intended to install a Principal and four professors, the Principal to lecture upon Divinity and the four others to deal with other branches of theology and the theological languages. The intention was not fully carried out and in Rutherford's time, two professors and the Principal comprised the teaching staff, with assistance from able unplaced graduates, such as McWard and Jameson, who acted as tutors and Regents. The Professoriate under Episcopacy had consisted of Drs. Howie, Principal, Panther and Barron. Panther and Barron had now been compelled to withdraw, because of their attachment to Episcopacy and the alleged unsoundness of their Calvinism. Dr Howie subscribed the Covenant, gained the recognition of the Glasgow Assembly and retained the office which he had held since 1608. To keep him right, Rutherford was sent to the University of St. Andrews, which McWard calls, "the very nursery of all superstition in worship and error in doctrine and the sink of all profanity in conversation among the students". Whatever his opinion, Rutherford nowhere so slanders the College of which he was to become Principal.

Rutherford had considerable financial difficulties after his appointment. For three years no stipend was paid to him for his pastoral charge, and Howie, who was old and incapable, had let others/

I. Joshua Redivivus, Preface.
others grossly mismanage the College rents. On Rutherfurd, as sole colleague, fell the unhappy task of seeing affairs put in order, and he had to complain to the Committee of Estates to have it done. A Commission from that body demanded an account from Howie, on penalty of imprisonment, if he did not render it. He thereupon offered to resign, but Henderson, his friend and former University colleague, managed affairs so that, "he should all his life time enjoy full rent and honour without any diminution". The unworthy successor of Andrew Melville was left undisturbed till his death in 1647, when Rutherfurd was appointed Principal, but on Rutherfurd devolved the whole burden of the administration and teaching in the College till Alexander Colville, Professor of Divinity in Sedan, was brought home and appointed in 1642. In June, 1645, James Wood, minister of Denino, was also inducted as Professor, an appointment made all the more necessary by Rutherfurd's prolonged stay at Westminster.

On his return he took up the office of Principal, which the Assembly of 1647 had recommended the committee for visiting the University, to have conferred upon him. The Committee, through the Rector of the University, had the recommendation made good between 23rd December and 15th January, 1648. The care of the College was again added to his other manifold employments. Till the Public Resolutions, the Colleges worked in complete harmony. At least Balfour saw little difference between Rutherfurd and Wood in

I. Baillie, I, 361.
in the violence of their supposed anti-monarchist teaching. When the strife between Resolutioner and Protester broke out, the atmosphere of the College completely changed. High words and rancorous dispute between the colleagues became frequent. The students took sides. Teaching suffered. Wood and Colville were Resolutioner; Rutherfurd was Protester and his lonely position made him, in the early stages of the conflict, all the more intractable.

Wood, a fine scholar, a brother controversialist against the Independents, and no truckler to feudal politics, as later events showed; wearied of the daily janglings and sulky silences, which now pervaded the College, and procured his removal from the New College to St. Leonard's of which he became Principal. His place remained vacant for some time. In July, 1660, Rutherfurd sought to have William Rait appointed, but the Presbytery accepted and approved Colville's nomination of James Sharp, with whom Rutherfurd had already disagreed.

He gave the same painstaking care to his College as he gave to parish and to controversy. His zeal had brought the clash with Howie over his mismanagement of its revenues. Murray mentions that he was Rector of the University in 1651, but, according to the Kirk Session records, he was also Rector as early as 1643. A minute for May, 3rd, states, "All the members within the University, masters and students are appointed to subscribe the Covenant again and Mr Samuel Rutherfurd, Rector, is appointed before the subscription thereof, to have some explication of what points in it may be difficult to those of younger years and meaner capacities."

1. Life of Rutherford, 347.
2. Kirk Session Records, 12.
It would appear, therefore, that very shortly after his translation he was appointed to the Rectorship for the purpose of Covenanting the University. As Rector, he had the discipline of the colleges is his hand. Howie's incapacity and the lack of any other outstanding men, or reliable Covenanters dictated the appointment. He was again Rector in 1651; the office had passed to Wood in 1655. St. Andrews profited least of the Scottish Universities from the Protector's bounty. Cromwell was not likely to support the College ruled by the man whom he had called a liar, in a fit of spleen at having his plans thwarted. Rutherfurd was one of the Commission composed of delegates from the Scottish Universities, which met in Edinburgh in 1648 to plan a uniform system of teaching. The scheme did not materialise through divergencies of opinion and variation in prevailing curricula, but in this scheme his passion for uniformity was put to a worthy use. He was keen on having men of his own choice appointed to the regentships, but bore no personal grudge when they were not appointed; Alexander Jameson, whose election he had opposed, became one of his firmest friends.

As a professor and lecturer, he had students who worshipped him fervently, and students who disliked him intensely. To McEwan, Rutherfurd was the ideal professor. To another student - a later Conformist - "Rutherfurd was confused in his notions and methods of teaching, applying himself wholly to the writing of books against the Sectaries then most in vogue." The professor who flies off at a tangent is not unknown, but the last statement is prejudiced. He had a deep interest in the methods of education, and sought the best /

1 Baillie III, 205.
3 McLeod, Scottish Theology, 74.
best means he knew, to impart knowledge. Catechising had been his great interest in Anwoth, and he made an effort to come down to the child's mind. The clarity of the Examen shows that he could and did discipline his mind to lecture lucidly and concisely to his students, who were no doubt quite glad of a respite when he went off on the trail of John Goodwin or Thomas Hooker. They were, after all, listening to the greatest Scottish Divine of the age. He had refused the call to Harderwyk University in 1648. Twice in 1651, the University of Utrecht sent his brother James, an Officer in the Dutch Service, to persuade him to accept a call to the Chair of Divinity. That the Magistrates sent twice shows the repute in which he was held. To be colleague of Voetius was no small honour for a theologian. He refused because he felt he could not leave his Church in the hour of her adversity.

He insisted on the supreme importance of pastoral visitation. By letter, by lecture and by life, he drove home this lesson to the students and young men of his acquaintance. In a life filled with scholarship, administration, and controversy, he found time for a pastor's work in the landward part of the Parish, which was specially allotted to him. He received little remuneration for his pains. In September 1642, the Presbytery took note that the heritors of the landward part of the Parish had paid him no stipend since his induction. A committee was appointed to meet them, but the heritors did not compeer. All that he had received by July 1644 was £48:15/-.

2 It is more than possible that he did all his pastoral work in St. Andrews, practically unpaid. There was never any protest from him. It was a labour of love. The heritors

1 Murray, Life of Rutherford, 258.
2 Excerpt from Kirk Session for St. Andrews.
boycott may have had something to do with the rejection by the Presbytery of their presentation of Mr Andrew Auchinleck or Affleck as another minister of the town. Blair and Rutherfurd originally supported Affleck's nomination, but when the Presbytery objected they withdrew their support. Affleck, Minister of Largo, was popular in the town and surroundings, and bad feeling between the townsmen and the ministers ensued. Rutherfurd was on the point of accepting a call to West Calder, but he was prevailed upon to stay in St. Mary's. Lamont's Diary shows him, as ever, in demand for preaching on Communion occasions. Later, the internecine strife limited the pulpits in which he was welcome. There were no Protesters latterly in the Presbytery, and but half a dozen in the Synod. In bitterness of heart, on at least one occasion, he refused to serve the Tables with Blair and Wood, and when he preached in the afternoon visitors from Galloway found the Kirk "remarkably deserted" and sorrowed at it. It is possible that it was Wood's presence which drove him away, and that he continued to serve the Tables with Blair when Wood was not administering the Sacrament. He loved them both. On his deathbed he revealed his true appreciation of Wood. It may be dimmed by the fact that he 'forgave' Wood rather than ask Wood to forgive him, but in the personal side of the quarrel both were to blame. "Tell Mr James Wood from me I heartily forgive him all the wrongs he has done me, and desire him from me to declare himself the man that he is." It is typical of Rutherfurd that it never occurred to him to doubt himself, or his cause; the writer of the Testimony says of Wood "Mr Rutherfurd ever spake of him with regard and as a good man whom he loved." Wood remained faithful, and was outed not long afterwards /
wards, as also was Blair, who attended Rutherfurd on his deathbed. The strife between these worthy men was somewhat magnified by gossipy Mr Bailie, and later historians. All three retained an affection and respect for each other which they were too proud to admit. Rutherfurd died on the evening of the day the Act Recissory was passed, leaving a "Testimony to the work of the Reformation." His wife survived him fourteen years. All his children but one, Agnes, born in 1649, died before him. His last words were addressed to her — and there was no whining in them. "I have left you upon the Lord, it may be you will tell this to others, that the lines are fallen to me in pleasant places. I have a goodly heritage. I bless the Lord that gave me counsel." His own verdict on his own life was that he would not have had it otherwise, and he died firmly believing that his cause would yet triumph. His life was a full one, because he performed the humblest duty as diligently as the most honourable. In St. Andrews as in Anwoth, he never spared himself. "In a word, of his unparalleled painfulness and holy zeal about being about his Master's business; so that he seemed to pray constantly, to preach constantly, to catechise constantly, to be still visiting the sick in exhorting from house to house, to teach as much in the schools and spend as much time with young men, as if he had been sequestred from all the work besides and with all to write as much as if he had been constantly shut up in his closet...... so that one Mr Rutherfurd seemed to be many able Godly men in one, or one who was furnished with the grace and abilities of many." All we know of Rutherfurd vindicates the truth of McWard's statement.

1 Testimony (Quoting from Power and Prevalency.)
2 Joshua Redivivus, B.S.
The exponent of Presbyterian principles.

Rutherfurd lived in an age of controversy; his works are written in controversial form; the doctrines, given by him to the Church, — such as the free election of the pastor by the congregation —were for centuries to cause controversy. The major tenets and standards of Scottish Presbyterianism were shaped by others before him, but he, more than any other, vindicated, expounded and nationalised the principles underlying them. The apologist is the necessary consequent of the maker of creeds, and the additions, modifications and concessions which the requirements of controversy may cause the former to make in the creed he defends, often become with the lapse of time intrinsic, if minor, articles in it. Rutherfurd, the apologist of Scottish Presbyterianism, filled in many of the details of its constitution, which are now accepted as commonplace. Admittedly his works repeat diffusely much that has been said before and said better, but they contain things which have not been said before, nor have since been said better. He is original enough to differ from Calvin, to depart from the Books of Discipline, to oppose Henderson and to disagree violently with Calderwood, then regarded as the authentic interpreter of Scottish Presbyterianism. In these differences, as will be seen,
Rutherfurd's interpretation ultimately became embodied in the law of the Church (even though it took two centuries so to do).

The formation of his tenets was dictated by two controversies, that with the Episcopalian and that with the Independent. The influence of the former is more than abundantly noted by historians; the influence of the latter on Scottish Presbyterian doctrine has received but scant attention. It is interesting to see how much the Scottish Church owes through Rutherfurd, not exactly to the Independents, but certainly to the conflict with them. His arguments as related to the actual controversy have been noted in the various works considered; suffice it to say that he was the ablest opponent of the Independents. We may note briefly the contributions which he made, through this controversy, to the doctrines of the Scottish church.

The doctrine of the Church Visible and the Church Invisible was a Calvinist inheritance. It had been formulated chiefly in opposition to the Roman doctrine that the only Church was the Church Visible, and that assent to its teaching was alone necessary to make men members. The Calvinist held that the Church Visible was made up of all members who professed the Christian faith - he gave a deeper more ethical meaning to 'professing the
faith' than mere assent to teaching. The true Church of which Christ was the Head was the Church Invisible which must be inevitably saved and was composed of the elect. Such a doctrine was not sufficiently thorough going for the Puritan mind. It seemed to afford an apology for the existence of wickedness in Church members rather than cure it. The ethical and the more subjective interpretation which the Reformers put on a 'profession of faith' was as liable as Rome's to become slipshod and abused as a condition of membership. The Puritan argued that any hypocrite could profess the faith, and as far as morals were concerned, the members of the Reformed seemed little better than the members of the Roman church. The Independents therefore insisted that the true Church was the Visible church, but added that its members were only those who were visible saints.

The opposing theories caused a multitude of speculative questions to arise which have been outlined already and need not be considered here. Emphasis was now thrown on membership as determining the nature and the constitution of the church and the orthodox Calvinist doctrine had to be re-expounded to meet the attack from this new angle. The end of the Church Visible was to make its members of the Church Invisible, stated Rutherfurd - in Independent terminology to make professing saints real saints. With
this end in view, the Church dare not exclude those who professed the faith from its membership. Where otherwise could they hear the Word and obtain the sacraments, the efficacious means to salvation? The preacher's duty was to convert. Limit his preaching to a few visible saints and the power of the Gospel unto salvation is limited. Rutherfurd admitted that the immoral and scandalous might be found in a Church but in that case the Church has in its power the means of excising or disciplining these members. He was as desirous for a pure Church as his opponents, but he held firmly that a profession of faith was all that was asked in Scripture and all that the Church could ask. The faith professed might be pure and zealous, weak and wavering, hypocritical or mercenary, still the profession must be accepted. The Church's duty was by the Word and power of the spirit to make those who professed true Christian men. His doctrine remains that of the Scottish church to this day, which asks for no ritualist confirmation, no manifestations of excessive saintliness, but for a simple profession of the truths it teaches, loyalty to them and the pledge to an earnest striving after faith in Jesus Christ.

What shocked Rutherfurd was the arrogance and narrowness of the Independent view. (This much maligned theologian was found opposed to arrogance and narrowness
in the administration of the Sacrament of Baptism). It was arrogant because in judging of visible sainthood, the Independents arrogated to themselves the work of God. It was a characteristic of Scottish Reformed thought to shun anything which seemed to claim a jurisdiction belonging only to God. It still appears in the cottager who avows his intention of performing a task "If I'm spared;" it appeared in the harshest divine, who, in fencing the tables, always concluded, "This is not pronounced to exclude any penitent person." Rutherford himself admitted that an excommunicate might possibly be of the elect. The narrowness of the doctrine which limited the blessings, message and power of the Church to a few saints, was even more abhorrent to him. For him, not only was a man who professed the faith a member of a congregation, he was a member of the national Church, entitled to the Word and Sacraments throughout the land and even in the Protestant Churches of other lands, for he was a member of the Visible Church of Christ. The Scottish doctrine of Church membership, which embraced all Christian communions, (even those which refused to embrace theirs), and made the granting of membership, not the reward of an achieved 'saintliness', but the starting point of continuous Christian endeavour, could not be called narrow or formal. There is much in this that existed before him. Perhaps
Rutherfurd, more than any other, formulated, reiterated, expounded and gave it to the Church of his age and, through them, to succeeding generations. The Anglican and Congregationalist have still to find a doctrine as comprehensive and as Scripturally sound.

While he opposed the main doctrine of the Independents, Rutherfurd was not unwilling to learn somewhat from their practice. He sympathised with their Puritanism and looked with no unfavourable eye on some of their tenets. As early as his Anwoth ministry he had taught that the congregation should elect their pastor. Contact with his opponents showed him that there were certain congregational rights which should be granted within the Presbyterian system. Though he does not express it in so many words, it is obviously his belief that the rights and privileges of the individual member in certain things must be assured, in order that a congregation might not, through the use of an autocratic power by Presbytery, re-act towards Independent tenets. During the Commonwealth, this actually happened in Aberdeen and was in danger of happening in the South West. Ultra-Presbyterian though he was he would have given more consideration to the rights and privileges of every man or woman in the congregation, than any of his compeers, or many of his successors. He opposed the Independent idea that election of pastors might be by heads of families.
(In the 1832 Assembly Chalmers was to take up this idea that the majority of heads of families should be sufficient to veto a presentee). Nothing but the individual right of every member to elect would content Rutherford. "Nor are women, sons, servants, debarred from voicing in a election." (1) Women, he asserts, in this same place, have as much right in the election of their pastor as they have to confess Christ. Besides this, as emerged at Westminster, he was prepared to grant to the Kirk sessions more power in congregational affairs than were any other of his contemporaries. In some things he even allowed the pastor to be subordinate to the Kirk session. Furthermore, he asserted the principles of the Barrier Act even as regarding the latter. "Matters to be enacted by Assemblies are to be first referred to congregations and elderships of particular congregations before they are enacted." (2) Far from being narrow in his views of Church membership and lay rights within the Church, he was the most modern of his time and had arrived at ideals which took two and a half centuries to become established. He denied the congregation any right in Church censures, but so has the majority of Church men in all ages, and so still does the Presbyterian Church. He allowed that the Magistrate could compel men to a profession and thereby to membership, with the argument that this was for the peace and good of the Church. On the other hand, he stated, that the sword could not compel the

(1) "Survey of Survey." 256. (2) "Peaceable Plea" 63.
conscience. The explanation of the contradiction is simple. Though he never resiled from the position which gave a 'cumulative' power to the Magistrate in Church affairs, events, first at Westminster then during the Engagement and the Resolutions made him circumscribe and modify that power.

Whilst to Knox, Melville and Henderson may be ascribed the outlining and formulating, the Presbyterian standards of Church government, to Rutherfurd and Gillespie, by their writings and by their work at Westminster, belongs the credit of expanding and perpetuating them. Much of the outlining in detail of all the functions and sphere of Church officers, especially of the eldership, comes from their pens, and again the anvil on which this is hammered out is that of controversy with the Independents. In his early works Rutherfurd is concerned, above all else with ministerial power. The Books of Discipline and the Government and Order had been content to define the pastor's office, manner of ordination and duties. To Rutherfurd fell the task of staking his power by and in all these. He freed the pastor from responsibility in any way to his congregation in any pastoral act - or to any lay power whatsoever. He admitted that the pastor was subject to his elders in some things, but their only redress against him was through the higher courts of the Church. As the elders did not ordain they
could not deprive their pastor of his office. He asserted strongly the power ex officio resident in the pastor. The Second Book of Discipline had only claimed: "It appertains to the minister after lawful proceeding by the eldership, to pronounce the sentence of binding and loosing upon any person, according unto the power of the keys granted unto the kirk." (1) Most of the "Peaceable Plea" is a development of the thesis in the above sentence and takes it much further. Rutherfurd taught that ministerial power was held directly from Christ. When a man was orderly designated, to the pastorate, he received such power, at the ordination rather than by the ordination at the hands of his fellows. It is difficult to free Rutherfurd from a formal doctrine of the ordination which conveyed so much power. He insisted that no special grace was given by it other than the inward grace which the ordinand already had. Ordination was the acquisition of power rather than of grace and so succeeding generations of his Church regarded it, but the minister, there, became Christ's minister - that was made plain - not the Church's exactly (for he held the 'keys' were given to the ministerial Church, not to the Church as a whole), not the congregation's, but Christ's. This ministerial power was exercised Presbyterially. The minister however, did more than declare the sentence of the court;

---

(1) Second Book of Discipline. Chap. IV.
after its finding he actually did bind or loose. Because of the power given to him the sentence he pronounced was ratified in Heaven. This Rutherfurd maintained against all independent attempts to give the congregation any voice in Church sentences. He went further than the Books of Discipline and his Church readily accepted his teaching. The succeeding prevalence of ministerial autocracy in the parish was fostered by this doctrine which the clergy were ready to seize, whereas the worthier congregational elements with which he himself sought to temper it lay practically unheeded in his teaching.

Rutherfurd, however, rehabilitated the Scottish doctrine of the Eldership at a time when there was considerable dubiety as to the scope and function of that office. That the eldership exists in the Church in its present form was due to his and Gillespie's labours. The Books of Discipline recognised the elder's office and gave to him the serving of the tables, the oversight of the flock, and a place with the pastor in the Presbyterial assembly. The General Assembly of 1638 showed that some were inclined to question the last of these rights. The Church generally accepted the elder's sitting in Presbytery as authoritative and Scriptural. Much more dubiety existed regarding his power in a congregational court. The Kirk Session was a very vague body in the Second Book of Discipline. "When we speak of elders of particular
congregations we mean not that every particular parish kirk can, or may have, their own particular elderships." (1) Thus while prepared to accord the elder an administrative and curatory power, it denied to him any juridical power in the congregation in which he served, and suggested a small classis of the elderships of three or four kirks to try local cases. Although the Kirk Session was recognised as a court of the Kirk, what power it possessed was undefined and depended on its moderator or the Presbytery in which it was. In the Government and Order, Henderson laid down the juridical power of the Session to deal with offenders, but later at Westminster on receiving Calderwood's letter was inclined to retract. From the debates and the final proposition "Of Congregational Elderships" it is obvious that Rutherfurd and Gillespie stood firm, because the English Presbyterian alike with Calderwood, was at first chary of giving disciplinary power to the congregational elderships. The support of the Independents who were inclined to give more power to the congregational courts than to any other enabled these two Scots to establish the proposition. When it came before the Scottish Assembly in 1648, Calderwood's opposition to it was the cause of the postponed ratification of the Directory for Church Government, but the gist of it at the Revolution passed into the law of the Kirk. Rutherfurd saved the Church from subscribing to the theory that the Kirk Session was only a

(1) Second Book of Discipline. Chap. VII.
committee of Presbytery with no intrinsic power. The elder had been recognised by the Church since the Reformation, that he was ultimately established as a 'ruling' elder was the great work of Rutherfurd (with whom in this one must always associate Gillespie) through his untiring exposition of such an office as held forth in 1 Tim. V.

Rutherfurd was largely responsible for formulation of the Scottish conception of the disciplinary powers of the office bearers of the church especially in their perochial aspect. That the Kirk Session became so efficient - if also so autocratic - a body was due to his teaching. Of all men of his time he most extensively analyses the work and theory of the pastorate. The validity of Presbyterian orders, the practice that ordination should be given only upon election to a fixed place, the converting power of the pastor's office, that office in relation to the whole Church which after ordination allowed of the minister's preaching and administering the Sacraments in any Christian Church when so called were investigated and fully exhibited. Though he wrote no work of systematic ecclesiastical theology and though these all emerged in his controversy, he is the first Scotsman to nationalise and expound fully in his native tongue the Calvinist theory behind the practice of the Church of Scotland.

On the Presbyterian system of Church courts, in
origin, doctrine, theory and practice, Rutherfurd said everything that was to be said. Neither before nor since has as complete and exposition of Scottish Presbyterian government been given. In this respect his two works 'The Peaceable Plea' and the 'Due Right' supplemented by the 'Divine Right' and 'Survey of the Survey' occupy the same place in Scottish ecclesiastical thought as Hooker's "Law of Ecclesiastical Polity" fills in the English Church. To these two men the partisans of their respective Churches must go for the most cogent arguments in support of their ecclesiastical systems. A glance through the inserted summaries shows how much Rutherfurd's pen was devoted to expounding the Presbyterian system of courts. His work is in its main intention apologetic, directed chiefly against the Independents, yet it cannot be overlooked that his exposition of the nature, and defence of the rights of these courts, helped as materially to establish them as the Acts of Parliament and of Assembly. If Henderson needed to depend at Westminster on Rutherfurd's apologetic, much more so the ordinary minister was ready to learn from him, that he might establish intellectually in the minds of the people, a partiality for the system which had already been established by law.

How much Rutherfurd contributed to the definition of the Kirk Session has been noted. The other Church courts were by this time more naturalised in Scotland. But in outlining their functions, their relationship to the congregation, their Scriptural validity, and the place and power of Church officers within them, he was the supreme preacher. The main Scriptural arguments which he brought
forward for the Presbyterian system were Acts XV and Matt. XVIII, 17 ff. Of all the Scotsmen of his age, (Boyd perhaps excepted and he wrote in Latin) he brought the most learning to the exposition of these passages. Though his are the orthodox arguments of Presbyterianism, he accumulates the Fathers, antiquity, the Conciliars, the Reformers, and the post-Reformers, in support of them. If wealth of citation could prove his case, it was ten times proved. If his interpretation of the Council at Jerusalem and of "εἰς Ἄρα ἔκκλησία" was not wholly correct, neither was that of his opponents. He gave to his Church an exposition which it held for centuries, and while all of what he wrote may not be valid, much of it is and his descendants can still claim from much that he put forward that their church is 'agreeable to the Word of God.'

He demonstrated clearly the 'presbyterian' nature of the Church's courts. These (Kirk Sessions excepted) were all equal in 'intensive' power, e.g. excommunication by a Presbytery was exactly the same as excommunication by a Synod, the same power was resident in both courts, and the only difference lay in the extent of their power. Synod and Assembly, each had wider jurisdiction than the Presbytery. He showed that as a court the Presbytery ensured a fairer trial than any such by congregation or by bishop and that the system of appeals further made for a fair trial. He asserted
firmly that such courts were not elective by the people or congregation, but held their commission from Christ, though he admitted to their counsels men wise in affairs, though not in ecclesiastical office, that the Church might have the benefit of their guidance. He agreed that such Synods were not infallible and that the people who were moral agents could disobey them when they commanded aught disagreeable to the Word of God. It was pointed out by him that a graded system of courts was necessary since cases, which seemed only of local, might have a national importance, and the Church for its own good in establishing precedent had need to determine such cases through its higher courts. His greatest contribution to Presbyterian theory was the principle behind the Barrier Act. In the Peaceable Plea, as has been seen, he laid it down that matters to be enacted in Presbytery should be referred to the elderships of the particular congregations before they were so enacted. To this, few of his contemporaries accorded a full assent. It was not in the Books of Discipline nor in the Government and Order, and was dictated to some extent by his own democratic principles. The procedure which he advocated regarding eldership and Presbytery was adapted in 1697 to the relation of Assembly with the Presbyteries.

The problem of separation from the Church and its Courts occupied a great deal of his thought. In theory he was against any form of separation from a true Church,
though he conceived it possible to separate 'in' a Church from the ungodly party without separating from the Church itself. Whether such a distinction was practicable, or for the good of the Church, was answered in rather different sort by the Protestor-Resolutioner controversy. The unity of the Church, as well in external as in internal aspects, was the dearest of doctrines, and schism was for him the deadliest of sins, so deadly that in the "Disputation against Liberty of Conscience", he maintained that those who made the schism, even though they did not err in fundamentals, were to be punished by the civil Magistrate. He never doubted that his opponents were the schismatics. His policy after 1651 was so far in keeping with his doctrine, that he tried to separate 'in' the Church from participating in or sanctioning any of the acts of his opponents without making a complete secession from the Church. (Patrick Gillespie his colleague, was for some time in favour of the latter course). It cannot be said that Rutherfurd was entirely faithful to his early teaching. In the "Peaceable Plea", he had asserted that one must not cease to communicate because of the sins of fellow-communicants or because of some fault in the pastor, so long as the fundamentals of faith were not subverted in the Church. Yet in St. Andrews, so far did ecclesiastical strife blind him to his own earlier doctrine, that this was exactly what he himself did in relation to Wood and
his supporters. It may be noted that, while in the
"Peaceable Plea" Separation 'in' the Church is not
emphasised and is put forward only as a possible alternative
when no other course seems open, in the "Survey of the
Survey" he takes it up and makes an emphatic apology for
it as a necessary course of action. The truth was that
when he had a united Church behind him he justified
ecclesiastical unity so fully that when he fell into a
party he left himself few loopholes of escape from the
charge of denying his own teaching - except that he was in
the true Church and his opponents were seceders. Similarly,
when he had the civil Magistrate behind him he justified
the former's cumulative power of coercing a profession of
faith; when the Magistrate was against him - vide the
Engagers, Cromwell and Charles II - the only escape from
his own doctrine was to claim either that their deeds were
not lawful or they were not lawful magistrates, which meant
an intrusion of the ecclesiastical into the political sphere.
Rutherfurd's argument was not lost on subsequent secession
bodies, especially the Reformed Presbyterians who maintained
that their opponents not they, made the schism and that they
were in reality the true Church of Scotland adhering to the
Covenants.

On the Sacraments of the Church he wrote much.
His finest contribution, though it occupied less of his work
than the 'Lord's Supper' was his writing on the doctrine
and practice of the Sacrament of Baptism. He held rigid views concerning the administration of the former, but he prevailed on his colleagues to adopt a simpler order of Baptism than had been used in Scotland and he sought to make its administration as wide in scope as it was simple in order. Not even the children of excommunicate were to be refused Baptism (this is contrary to the First Book of Discipline). A child born within a Christian nation has the right to Christian Baptism. A later theologian of the Church, Boston of Ettrick, was to deny Rutherfurd's tenets and make the right of children to Baptism depend on the right of the immediate parents; if these were ungodly, Baptism could not be administered. Between these two views, the ministry of the Church of Scotland has since been divided. On the whole it may be claimed that Rutherfurd's doctrine in theory and practice has prevailed.

Regarding the Lord's Supper it is again rather with the administration and order that he is concerned than the doctrine of the Sacrament which he held in common with other Calvinists, Independent and Presbyterian alike. His insistence at Westminster on the Scottish practice, how far he was able to establish that practice in the Directory for the Lord's Supper has already been noted. The question of who were to be excluded from that Sacrament and who were to exclude most occupied his pen. This was the Erastian question proper. The "Divine Right" which partnered
"Aaron's Rod Blossoming" contained the Scottish reply to Erastian theory and established the sole right of the Church to pronounce censure in spiritual matters. The emphasis on a rigorous practice of Excommunication and a harsher doctrine of it which Rutherfurd developed, was again due to the Independent controversy. The Presbyterian felt the necessity of showing himself as devoted to the purity of the Church as his opponent. He affirmed that by excommunication the Church was kept as free from evil as was possible by human means, but he refused again to arrogate to himself the task of the Almighty in judging who were evil at heart. For him, only those whose sins were scandalous must be excluded. Profession of faith and a life free from scandal were the conditions of admission, but the sins included in the list of 'scandals' made that list wide enough in scope to satisfy most puritan critics. Absolution was to be pronounced, not after long testing and certain manifestation of inward grace in the penitent, but when he made a sincere profession of repentance. This was estimable in theory, but the professions of repentance which the Church received, in 1650-1652 were as insincere as the original grounds of excommunication had been thin. The Scottish doctrine of excommunication was no more knave-proof than the Independent doctrine of a pure Church.

Rutherfurd's part in the formulation of the doctrine and practice of excommunication cannot be commended,
though it must be remembered that zeal for the purity and
unity of the Church were the motives which inspired his
thought and action in this matter. Before Westminster
there was no clear doctrine of excommunication even among
the Scots. With the exception of the Bishops, till 1646
at least, the sentence of excommunication was sparingly
used and even immoral pastors were leniently dealt with
and persistence in scandal brought deposition but not
excommunication. The matters for Church censure seem to
have been dealt with by the Kirk Session in the patient
manner outlined in Henderson's "Government and Order" and
only obstinate cases were recommended to Presbytery.
But conflict with the Puritan doctrine of the Church as
formed of visible saints caused the Scots to formulate their
doctrine of scandal as apologetic and Rutherfurd more than
anyone else created it for his party. To prove it true
in practice scandalous sins began to be more zealously
punished by the clergy. Amongst these came to be included
what were political offences. Rutherfurd at Westminster
fearing perhaps that the Kirk Sessions's sympathies, political
or otherwise might be with the offender insisted on a more
summary procedure in excommunication. He did not succeed in
having his views completely embodied in the Directory for
excommunication, but he certainly sought to place a summary
power in the hands of the Presbytery, and the pronouncing of
the sentence in those of the minister. He held also that
the sentence pronounced by the latter was ratified in Heaven. It was exactly this procedure advocated by him, and by Gillespie which the Church used subsequent to his return from Westminster. Men were excommunicated by Presbytery and had sentence pronounced against them by their minister, who had never been delated to their Kirk Session nor dealt with by their eldership. In this the Church departed from its earlier and saner practice. When this summary procedure was allied in practical politics to the Hebraic theory that only a pure nation could be triumphant, the result was disastrous. In later days when the application of Church censures became more local and congregational a good deal of the harsher theory formulated by Rutherford and his colleagues in these years remained embodied in practice.

Rutherford's views on the relation of Church and State have been examined. They were those of orthodox Calvinism. He summed up the civil Magistrates' power regarding the Church as being 'cumulative' which meant that all his actions towards the Church must be directed towards its wellbeing. - as so interpreted by the Church itself. He taught that the Magistrate could compel men to a profession of faith and to the external acts of worship while admitting that he could not compel the conscience. His apologetic moves a little uneasily when he tries to reconcile these two conflicting beliefs. The "Disputation against Pretended
Liberty of Conscience" attempted to reconcile them; perhaps the shrillness of its argumentative tone is a subconscious effort at compensation for hiatus in a faulty argument. He considered conscience itself was no sure interpreter of the faith and elaborated the doctrine of fundamentals and non-fundamentals. To every fundamental or anything based upon it the Magistrate can rightly compel a man's assent. But he wrote in the "Disputation" - "errors in things not fundamental are punishable." This was strange doctrine from a man who had suffered exile and who died on the eve of a great persecution. Rutherfurd's passion for the unity of the Church and his hatred of schism caused him to ascribe to the Magistrate a power which would not now be allowed to belong to the latter. When circumstances so altered that the Magistrate (in this case Cromwell) took measures for the good of the Church, which were not to Rutherfurd's liking, his defence was that the Protector was not a lawful Magistrate. This meant ecclesiastical criticism of and interference in civil affairs - a practice which in the "Due Right" was rigidly eschewed. When the Estates answered their protestations against their citation of Guthrie and Bennet who were agitation against the Resolutions they quoted Rutherfurd in their support - and rightly - as giving in his "Due Right" power to the Magistrate thus to act for the peace of the Church and state. (1)

The doctrine of 'cumulative' power as he formulated it was a two-edged sword which wounded as much as defended the Church. It had far-reaching effects for the Reformed Presbyterian Church separated from all political affairs because the State refused to use this power as they conceived it should be used, for the furtherance of the Kirk's Covenants, whilst on the other hand it was using an Erastian power in the internal affairs of Church governments.

Such a power as the last Rutherfurd opposed mightily. Christ was the Head of the Church and its spiritual government was delegated by Him to its officers. To the Church's spiritual jurisdictions the Magistrate, as a man, was subordinate, just as the pastor, as a man, was subordinate to the Magistrate. He affirmed the illegality of patronage and unconditionally asserted the Church's right to do as seemed good with all her rents and revenues.

Establishmentarian and Free Churchmen could therefore in later years alike draw upon Rutherfurd to support their case. The truth is that Rutherfurd's ideal was a Free Established Church. Unfortunately, in him, the 'freedom' often meant in practice interference in secular affairs and 'Establishment' no toleration for any opposed, not only to Presbyterian doctrine, but even to Presbyterian politics. If one removes these faults, the accretions of the political circumstances of his age, it will be found that he gave to posterity the doctrine of a Church 'free' in the ordering of all spiritual - and
internal material - affairs, 'established' as the Church of the people, without being in any way subservient to the State.

Rutherfurd was the greatest ecclesiast the Scottish Church in his age possessed; it is possible that he is the most learned she has possessed in any age. His appointed task was to defend and expound her doctrines and none was better fitted for it. His learning was colossal; his citations always show deep acquaintance with the work of the author whom he quotes; they are seldom, if ever, mere lists quoted from other works. His knowledge of the 'Fathers' is almost, if not quite, as great as Boyd's, though his partiality is for the Latin rather than for the Greek theologians. His knowledge of the 'Schoolmen' of Aquinas, Abelard, Peter Lombard, Gerson and the Conciliars and many lesser men was unrivalled. He shows the same wide knowledge of the Reformers, - Luther, Calvin, Beza and the multitude of minor writers of the Post-Reformation. The French, Dutch and English writers of his age, the Jesuit political thinkers, the Independent controversialists, the popular pamphleteers are all read and digested for use as proofs or to be confuted. With such a critical apparatus behind him, his exposition of Scripture is painstaking and exhaustive. His greatest fault is that he uses a whole mass of learning to vindicate the smallest detail of the most minute of his arguments, but such a method his age demanded and such they got from him.
Such a learning, so applied, militates against originality of thought in the sense that it hinders the educing of any great new doctrine. Yet to the exposition of the old, Rutherfurd brought more original thinking than any man of his generation - indeed too much thinking. The controversial form of his work sometimes betrays his thinking into the fault of overstatement. In refuting an opponent, he occasionally over-states his own case and finds himself in a position which he has to modify or circumscribe, for he can never bring himself to resile.

Rutherfurd's work may now lie on dusty shelves. He is scholastic, controversial, bigoted some may say; he is easily side-tracked by the argument of an opponent or by the fertility of his own mind; he is guilty of overstatement and not always, even in his own cause, balanced in his judgement; he puzzles by syllogisms and by their multiplicity. But he gave to the pastors of his time the doctrines and theory of Presbyterianism which they handed down to succeeding generations and he defended these brilliantly in an age in which theological defence was a cardinal necessity of the Church's existence. As has been seen, he made great and valuable contributions to the doctrines of his Church, some of which were in advance of his generation and have outlived the harsher dogmas which he simultaneously and as authoritatively pronounced. In depth and subtlety of argument, in width of learning, in power of tongue and pen, Rutherfurd remains for ever the greatest Apologist of Scottish Presbyterianism.
The Man.

The approach to the study of Samuel Rutherfurd has generally been from a subjective angle. Taylor Innes in putting forward his theory of a dualistic personality, which finds in Rutherfurd the combination of scholastic and mystic, does not seek, beyond a few generalities, to place him accurately in the affairs of his age or to estimate his real contribution to the politics and the ecclesiastic tenets of his Church. He sees in him a shining Christian personality and an undying inspiration to love of freedom; but he would reduce his place in the Church's history to that of a mystic or of an intellectual gladiator in ephemeral controversy, losing grip of the essentials in juggling with the form of his arguments. Rutherfurd was no vague mystic; although a scholastic, he made valuable additions to the doctrine of his Church and was a powerful figure in its politics. Taylor Innes does not even mention his success in abolishing patronage.

If there was a bewildering dualism in his nature, it was not so much that of mystic and scholastic as of democrat and theocrat. The conflict in his mind between these principles is a problem to those who study him and was a problem to himself. It is not so much "St. Thomas and St. Francis under one hood" as a Gracchus and an Innocent III under one robe that perplexes. From the earliest years of his ministry, Rutherfurd's political leanings were democratic and he voiced them unhesitatingly in his sermons. Persecution
strengthened his adherence to them and the military success of his party enables him to publish "Lex, Rex."
This love of democracy was inherent in him rather than intellectually apprehended. It was for him more a passion than a postulate. Early in his ministry it was responsible for his sympathy with Independent views and his assertion that the election of pastor was by the people, women and servants as well as husbands and masters. Later, it led him more than any of his colleagues to sponsor the rights of congregational courts and even to suggest that Acts of Presbytery be sent down to them and to the congregation for consideration before enactment. In contradistinction, was the theocrat within him, - a more developed characteristic and one which in later years ousted that sense of fairness, engendered by his love of democracy, which had appeared in his dealings with the 'novationists' and with the Independents in his early years at Westminster. What little say the Books of Discipline or Henderson would have given to the congregation in the censures of the Church, he refused even in theory. He gave to the Magistrate, directed by the Church, a power over the bodies and goods of men accused of moral fault or politico-religious misdemeanour, which was not in accord with the true principles of democracy nor with his own teaching on the sanctity of private property. The theocrat was strong behind the doctrine of 'no toleration.' He acquiesced in, if he did not originate, the principle.
of the Act of Classes whereby the Kirk judged a man's qualifications for office. His theocracy deepened as he grew older, losing him many of his friends and success made him less lovable than affliction. Thus while his democratic leanings enhanced some of his ecclesiastical tenets, his theocratic fervour, when it entered into practical politics, worked havoc in Church and State. Some of this misalliance of conflicting ideals he fatally imparted to his followers for the principles of pure democracy and of theocracy are for ever irreconcilable. For this reason the Scottish Estates subsequent to 1645, even with their new found freedom, were never a highly efficient body. If the Act of Revocation drove the nobles from Charles I, the Act of the Classes, engendering fear both of democracy and theocracy, sent them scampering back to his son. Samuel Rutherfurd was before them as the pointed example of a politician in whom these formed an incompatible and truculent dualism.

The man who can be compared to St. Thomas and St. Francis, Gracchus and Innocent III, must have certain inconsistent and self-contradictory elements in his character. The explanation is that his mind was subconsciously as richly receptive of impressions as it was assimilative of learning. The claim that he was a man utterly unsusceptible to outside influences is preposterous. (1) He absorbed the atmosphere of the circumstances in which he found himself

and reacted to it more quickly than any of his contemporaries, none of whom were subjected to so many or so varied political and ecclesiastical changes. The torturing unrest of the early 'scandal,' the subsequent quiet and beauty of Anwoth, the weary months in Aberdeen, the bright Covenant years, Westminster and international fame, the winning fight with the Engagers, the bitterness of a lost cause, the hopelessness of leading a party divided in its counsels, the imminence of doom for Presbyterianism and of a martyr's death - these with their infinite variety and change, left different impressions and caused different reactions, so that it is not to be wondered at that incompatible and perplexing traits are found in him. His nature was volcanic; when one outlet for his energies was stopped, he broke forth elsewhere in some fresh eruption. When his voice in the pulpit was silenced, his Christological thought and religious experience poured forth tumultuously in the letters. At Westminster, unlimited opportunity for religious polemic and its publication was his and he directed every energy to using it. The religious devotee, though always present in him, retired into the background. The success of the anti-Engagers started him on a mad crusade for theocracy. The success of the Resolutioners plunged him into a bitter sectarian warfare. He lived very much in the present minute. Certain great ideals he held, but the emotion arising from the immediate circumstances in which he
found himself often dictated the temper in which he wrote, the arguments which he put forward and the policy he adopted for the furtherance of these. At different periods he would be found advocating different measures for the realisation of the same ideal. As events changed, and temper and standpoint with them, he incurred the charge of hypocrisy from his enemies and of inconsistency from his friends.

In effect, almost everything that seems contradictory in his actions, in his political principles, in his ecclesiastical doctrines, may be explained by the fact that he felt intensely and rushed hotheadedly to support the cause he loved or attack the one he hated. One may say that he is guilty of what would be called by Shakespearian critics 'episodic intensification', that is to say, the immediate need or passion of the minute caused him often to affirm violently or enlarge some tenet which throws it out of all proportion to his own main argument, often into conflict with that argument and with the accepted principles of his Church, just as the great dramatist, fired by the 'moment' of the play, such as the death of Antony, makes Cleopatra act sublimely, forgetting his original intention of creating her as a mercenary courtesan. He is guilty of pushing a position too far in the heat of the moment with the result that he finds himself contradicting himself or his Church. For example, in his opposition to Episcopacy, he advocated
private meetings further than was consistent with Presbyterian practice, and had later to explain, retract and modify some of his teaching. In dealing with the relationship of Church and State, he accords a power to the latter in one argument which in a later he may somewhat withdraw or qualify. The most striking instance of this 'episodic intensification' is in the Preface to the "Survey of the Survey". There he apparently rejects synodal claims which in the Free Disputation against Pretended Liberty of Conscience, he had firmly upheld. Admittedly he uses the loophole that he had left even there --- that obedience to synods was lawful only when their injunctions were according to the Word of God --- but the spirit of defence and defiance causes him to make assertions not in accord with his former teaching, or with what were his real ecclesiastical views. Such inconsistencies, however, are by their nature incidental and not fundamental in his main thought.

"Mr Samuel Rutherford ...... one who, if never so lightly offended, irreconcilable, void of mercy and charity, though a preacher of both in others."\(^1\) This is the harshest thing said of him by a contemporary and points again to the seeming contradiction. It is easy to conceive Warriston as an unlovely character but it is much more difficult to form such an opinion of his ally. He was certainly hot-tempered, but he was lovable despite this, for he enjoyed the deep friendship of many of his fellows for thirty years. He was not quick to take personal offence; it was only in the Protester years of his life, when he believed a great principle was at stake, that he was quite irreconcilable. He was quite humble

\(^1\) Dalfour, Annals, Vol. III, p. 413.
concerning his own gifts and never himself sought promotion or political favour. Till the rupture between them, he constantly deferred to his colleague, Blair, in the domestic affairs of their church. No word of foul personal scurrility - even in an age given to it - ever passed from his pen. His bitterness was always directed towards the practices and actions of his opponents, not to their persons. The note of resignation and humility more often sounds in his pages than the shriek of acrimony. Had he not written the "Free Disputation" and become a Protester, the term uncharitable might never have been applied to him; it was only when subsequent to Westminster his theocracy had become a mental obsession, that he showed himself wholly uncompromising. His opponents, with perhaps the exception of Blair, were, however, no more charitable than he. There was a shrill note in his voice, and, when in zeal for his cause he became shrill also in sentiment, the effect was an unlovely combination which irritated his hearers. The same shrill note appeared in his later polemic writing. Yet when that high shrill voice passed to dwell on the Christ he loved, the thought and style of the man became transformed and the congregation sat spell-bound under him.
In his Letters, Rutherfurd attempted to transmit his own religious experience, that he might encourage similar experiences in others. This was in line with his pastoral theology, for the experiences which he relates are based on his own personal practice of prayer, mortification and reflect acts. The value of this method has already been discussed in the letters. In a simpler and more direct age, it is possible that the letters were more religiously effective than the abstract study of them by a modern psychologist would reveal. Psychology has perhaps yet to study history, to realise that the mind of a people changes with successive generations, as does the psychological approach to it of any political or religious propaganda. The constant republication of the Letters shows that they were long considered powerful religious influences. An attempt has been made to show that a good deal of the so-called mysticism of the Letters is verbal, especially in the phraseology dealing with the Marriage of the Lamb. He would have himself have hated to be called 'mystic'—a term with which he damned Peter Sterry. In the Covenant of Life, he writes, "Truth cannot be gained mystically; a man may be very near God and yet stumble". He is not, therefore, a mystic in the sense that he either desired or experienced 'mystical' union with God, as a way of salvation. There is, however, a strain of mysticism in his nature, though not the warring principle, incompatible with the other elements within it, which Taylor Innes depicts. He was a man of contentions within and

I. Covenant of Life, I40.
and without, because he was a man of strong affections and passions; these were more definite than a sub-conscious warfare between a mystic and dialectician. But the little boy who saw a 'bonny white man' lift him out of the well into which he had fallen, points to the man with the latent passion for idealism and adoration, the man who idealised his Church and adored his Redeemer. James writes, "There are moments of sentimental and mystical experience that carry an enormous sense of inner authority and illumination, when they come. But they come seldom and they do not come to everyone and the rest of life makes either no connection with them or tends to contradict them more than it confirms them."

This was Rutherfurd's own case. He tells us of his 'blinks', of the moments when he is caught up into the presence of the Redeemer, and then there comes for him the sense of loss, the sense of absence of the Spirit, the long hungering for the next vision, for which by all the spiritual mechanics known to him, he tries to prepare his soul. All his life, he sought the presence of Christ and in prayer he often entered it. "The degree in which our experience is productive of practice shows the degree in which our experience is spiritual and divine," writes Jonathan Edwards. A steadfast uncomplaining spirit in affliction, a trust in God in the deepest adversity, a complete freedom from personal self-seeking, an utter humility regarding his own attainments, an utter uprightness of conduct, a fearless stand for the things that he held to be good, a passionate adoration for his Redeemer, these were the fruits of the inner spiritual life of Samuel Rutherfurd. His contentions

I Letters, LXXV, LXXVI, LXXX, but the phrase is 'literary and practically quotation of Jeremiah, 15, 10.
his bitterness, sprang from no personal springs; they were born of political and ecclesiastical ideals he defended; his implacability sprang from his belief that he was defending the Word of God. As he entered even more fully into the Presence in the last days, his eyes were opened. He had once written, "I will neither lead nor drive except I see Christ's love run in my channel and when I wait and look for him, the Upper Way, I see His wisdom is pleased to play me a slip and come the Lower Way". When he came to meet Christ at the end of the Low Road, —he saw, "If Christ pitieth blind eyes, He also pitieth a blind heart and all the corruptions of our nature; and His mercy is more tender that He seeth wrestling with unbelief and burdened, pained and overwhelmed in spirit with an hard heart. Could we lay our spiritual wound before Christ, he that touched the blind eyes out of tender compassion, can touch a blind heart, and loose an obdured soul out of his fetters". Dying, he looked back to the brightness of his life as a rough barrowman of the Lord in Anwoth and forward to the glory of Immanuel's Land.
APPENDIX OF ADDITIONAL NOTES.
Note to page 6. Rutherford's parentage.

Evidence from Woodrow other than that given by Murray, corroborates the statement that he was the son of a lesser heritor. Stirling's account in the Analecta (iii, 88,) definitely says he was the 'son of a heritor'. There is strong grounds for believing the ancestral lairdship to be that of West Nisbet. I have before me a letter from James Rutherford Brown W.S. Arthur's Lodge, Newington to Mr. Thomson of Hightae, dated Jan. 7th. 1886, which supports this claim. The writer states that his grandfather born in 1760 only a hundred years after Rutherford's death asserted that he was a "Nisbet Rutherford" descended from James Rutherford the brother of Samuel who when his period of service in the Dutch army was completed seems to have settled at Nisbet. It might appear from this that James was the eldest of three brothers, and it would be compatible with the other two brothers Samuel and George seeking careers in the scholastic professions. Perhaps James took over Nisbet when the father died and the mother went to stay with Samuel at Anwoth. If he was a younger son some military booty may have enabled him to purchase from Samuel, and compensate George for any share in the stock. The line of descent is given by Mr. Brown as follows:-
Charles Rutherford, Farmer in Nisbet (b. 1650?)  
   his son  
James Rutherford, Farmer West Nisbet, (called James of the Slap) m. his cousin Bessie Rutherford  
   his son  
Charles Nisbet, Farmer West Nisbet m. his cousin Elizabeth Rutherford, died 1754.  
   his son  
James Rutherford, Farmer, West Nisbet and also of Trows, Kelso. born 1734, m. Janet Hogg, died 1806 at Lantonhall.  
   his son (one of a large family)  
Alexander Rutherford writer Jedburgh.  
   born 1760 died 1846. grandfather of Mr. Rutherford Brown.  

The last named Alexander Rutherford asserted to Mr. Brown that the first of the line Charles Rutherford was the grandson of James, Samuel's brother. If James were Samuel's elder brother this is just possible, if his younger brother it is more likely that Charles Rutherford was James Rutherford's son.  

Why was the boy called Charles? Had Samuel like John Milton a Royalist in the family? At any rate the accumulated evidence makes it almost certain that Rutherford was the son of the heritor of Nisbet. The reputed site of the house where he was born is still shown, as is a tree marking the well where he as a child nearly lost his life.
Note to page 9. The Rutherfurd Scandal.

Since writing of the account of the 'scandal' a prolonged study has thrown only a little fresh light on the matter. Could the date of his marriage be ascertained final evidence of his innocence would surely be procured. It must be noted that Crawfurd who succeeded him is very vague in his charge. He only says "some scandal". Had fornication been the actual cause and proved it would surely have been stated. Crawfurd was in a position to know, and his words "was forced" are also suggestive of compulsion on a slender and opportunistic accusation.

The regents led a somewhat monastic existence. They attended lectures on Divinity whilst lecturing themselves. The income of the Regent of Humanity was 150 marks or about £8 sterling. The other regentships were only slightly more remunerative. All the regents lodged in the College to save house rent. They were forbidden to marry without the consent of the Principal. Rutherfurd in marrying Eupheme Hamilton had broken a disciplinary law of the College. When married he probably started to 'live out' instead of to 'live in' and Adamson, as has been seen, worked up the affair to get rid of him. Had Robert Rankin been the "culprit" he might have connived at the whole business. He was within his rights in punishing a breach of discipline, but his tar brush methods were paltry.

Did the scandal lie in the fact that it was Eupheme Hamilton that he married? Rutherfurd had become one of an
inner evangelic circle in Edinburgh including John Row of Carnock, Rigg of Athernie, John Mein, John Hamilton, Baillie Fleming of Leith, all inter-related by marriage. Fleming's wife was Marian Hamilton, mother of John Livingstone's future wife. John Mein's wife was Barbara Hamilton. In 1624 Rigg, Hamilton and Mein gave public testimony against the communion practices of William Forbes. For this Rigg was deposed from the magistracy and finally incarcerated for a time in Blackness. Hamilton was sent to Aberdeen and Mein to Elgin. (Calderwood VII.599 ff.) Rutherfurd as his letters show was in that circle. It was for this John Hamilton the apothecary and Dr. Jeally that Rutherfurd sent when his wife was dying in Anwoth. (Letter VIII) Kin she must have been to John Hamilton for Rutherfurd to have asked him to make so far a journey. Was she daughter? She was closely enough related for Adamson to decide that his regent had married into dangerous company. In his spite he was not averse to dragging the name of a girl of godly and anti-prelatic family in the dirt. The 'great scandal' was that Rutherfurd had married a daughter of his enemies.
Note to page 20.

Democracy and the Scottish Clergy.

In his Memoirs, Henry Guthry, no friend to Rutherfurd, comments on the popularity which Lex Rex enjoyed on its publication. It was in every minister's hand at the Assembly of 1645. Such a book could not have found favour amongst a clergy drawn exclusively from the scions of noble families or the sons of well to do gentry, and there were some like Guthry who deplored the enthusiasm with which it was received. But the general acclamation of this treatise reveals the manner of men who were entering the ministry of the church. The Fasté shows many of them at this time to be the sons of lesser heritors, bonnet lairds and merchants. John McLelland who came to Kirkcudbright in 1638 was the son of a burgess there of that town and had already been excommunicated by the Bishop of Doun. John Mein who succeeded Rutherfurd in Anwoth was the son of John Mein merchant of Edinburgh, a famous opposer of the Bishops. The National Covenant accelerated the "democratising" of the ministry. There had been priests drawn from the people in the Roman Catholic Church in Scotland, but they were largely illiterate and not in any sense vocal as a class. In the courts of the church between 1638 and 1650 a new class was to become united and find voice.

There were, of course, still men like Robert Baillie,
Robert Douglas, Henry Guthry and others who came from the ranks of the wealthier landed gentry who came to look with suspicion on the political doctrines of Rutherfurd and George Gillespie. The rift between Proster and Resolutioner is partly explained by this class distinction. The Protesters as will be seen came more from the "people" that is to say from the lesser heritors, merchants and farmers, the Resolutioners from the ranks of the lesser gentry. Certainly being the larger party the Resolutioners included a certain proportion of the "lower" class; the Protesters had an occasional laird of some distinction in their number, but any of these, such as James Durham, were not very happy in their company. Baillie is full of gibes at the personnel of the Protester party. "Mr. Harry Forsyth lately a baxter boy" is his cutting reference to one of its number (Letters II.313). The works of Rutherfurd, George Gillespie and James Guthrie amply reveal the more advanced democratic tendencies of the party who sponsored them, and whose gospels they became.

All this will be fully discussed in the course of this work, but preliminary attention may be called to some of these facts as evidence of a ministry springing from the people. A feudal reaction hanged James Guthrie and would have hanged Samuel Rutherfurd and George Gillespie had they not been dead. The writings of these men show the stock from which they were sprung. The ruthless disregard of social status in the Act of Classes, the abolition of patronage, the way in which even
a Hamilton was made to confess his fault to the Kirk, and a Middleton to appear in sackcloth showed that a class of men were coming into political existence who, because of religious principles, but certainly also because of their social origin had an avowed disregard for feudal or aristocratic privilege. Perhaps the Kirk's 'truculence' was due to the assertiveness of men hitherto inhibited by bonds of social deference seeking to establish the worth of their social status at the same time as they sought to establish the practice of their doctrines. Such a phenomenon is not unique in the pages of history.
The chronology of the Letters as far as it is needful or possible to determine has been discussed in the foregoing pages. Only eighty letters are extant, penned after the exile. These are fairly accurately dated by the occasions for which they were written. The Aberdeen letters had caught the fancy of the age and drew to Rutherfurd what in modern slang would be called a "fan mail". Perhaps he wearied of answering religious questions sent in the spirit of the autograph hunter. His restless pen was also now otherwise employed. When the original supply ceased or grew scant, the Letters began to be copied and collected. In the evidence of Row, already quoted, (History of the Kirk 396 - 397) we read "Mr. Samuel Rutherfurd wrote from Aberdeen very many letters to his own people and to many others of all ranks; which by the blessing of God, did great good not only to those to whom they were written, but to others to whose view in providence they came; so that sundry began to gather them together, and have whole books full of them, which if they were printed, I am confident, through the Lords rich mercy and blessing would not fail to do much good ........."

Two such M.S. collections are preserved and are in the possession of Dr. J.D. Ogilvie. One was made about 1650 for Lord George Melville and consists largely of Rutherfurd's
letters to Scottish peers. The second collection made some time after 1660 comprises letters written to his friends in Galloway and the West and was probably a circulatory manual of consolation in the "Killing Times".

The first printed edition of the letters was the "Joshua Redivious" printed by Mß Ward in Rotterdam in 1664, with a lengthy preface. In 1675 he supplemented it by a third part containing further material. The history of the subsequent editions is given in the following bibliography; that of 1765 became the basic edition from which all later editions were compiled. In the edition of 1891 Dr. Andrew Bonar finally collected all the letters, though, as has been noted, his chronology is somewhat faulty.
The Epistles of that worthie Servant of God Mr. Samuel Rutherford, minister of the Kirk of Anweth, wrytten from Aberdene (the tyme he was confyned yr for not conformitie). To such as loved Chryst and his treuth, anno 1637.

Vera fides concuti potest sed excati nequit.

4to. For G.L.M. Script. 1650.

The collection of lll letters (63 leaves) occurs in a manuscript volume, written by different hands and containing the following tractates,

(1) The copie of two letters wretten by Mr. John Welshe - the one was wretten to Sr. William Livingstoune of Kilsythe qho for the good of the said Mr. Johne and the rest of the ministers qho wer in Blacknesse, delt wth Mr. Johne Spotswood the Bishop of Glasgowe qho offered to Sir William to deale wth the King for yr pardone and enlargment if they scold confesse any wrong done to this Matie for holding the assemblie at Aberdene.

Upon the said Mr. Johne receaving a ltre for this effect from Sr. William returns y's answer as follows ..

The other was written to My Lady Fleming as follows ..

(2) A vision of Mr. David Lindsayes that appeared in the night being in his bed when he was in prison in the
Castle of blacknesse in the month of Octob 1589.
(This is written in shorthand character except in the case of Latin phrases which are written in full).

(3) The copie of a letter writen be Mr John Mack-Lalan to my Lord Kilcubright being a(t) Parliament 1649 Feb.20.

(4) The Letters of Rutherfurd.

(5) Three several treatises against prelacy; ordination by Bishops, the hierarchy, and the hearing of Curates - pp.44,30,25.

(6) (Reversing the book) "A Speech delivered in the Castle Chamber at Dublin the 22 Novbr. Anno 1622 ... By James Usher, Bishop of Meath" - with "the King's letter of thanks to the Bishop for the exposition of the Oath of Supremacie."

The interest of the volume lies in this early collection of Rutherfurd's letters - all save the last letter appear to have been written from Aberdeen; the last is dated St. Andrews, March 27, 1640, and is addressed to Lady Fingask in Strathearn, thus clearing up the doubt suggested by Dr. Bonar (No.CCXCVII, Ed.1891) that it may have been written to a local lady.
The Epistles of ye Worthie servant of God Mr. Samuell Rutherford wryten to his friends the tyme of his confynement at Aberdein 1637.

12mo. M.S. volume of pp.337 and (4pp.) of Table of names.

Josua Redivivus, Or Mr. Rutherfoord's Letters.

Divided in two Parts. The First, containing these which were written from Aberdeen, where he was confined by a sentence of the High Commission, drawn forth against him, partly upon the account of his declining them, partly upon the account of his Non-Conformitie. The Second, containing, some which were written from Anwoth, before he was by the Prelats persecution thrust from his Ministry; & others upon diverse occasions afterward, from St. Andrews, London, &c.

Now published, for the use of all the people of God; but more particularly, for those, who now are, or afterwards may be put to suffering for Christ & his cause; By A well-wisher to the work, & people of God.

Joh.16.2. They shall put you out of the synagogues; Yea, the time cometh that whosoever killeth you, will think that he doeth God service V.3. And these things will they doe unto you, because they have not known the Father, nor me.

2. Thess. 1:6. Seeing it is a righteous thing with God,
to recompense tribulation to them that trouble you. V. 7.
And to you who are troubled rest with us, when the Lord
Jesus shall be revealed from heaven with his mighty
Angels, &c.

Printed in the Yeer LXIII.

pp. (48), 576.

The same,

The second Edition ...
Printed in the Yeer 1671.
x - xxx (eights), A - Z, Aa - Nn (eights). (pp. (48) 376).

Mr. Rutherford's Letters, The Third Edition now divided
in three Parts. The First containing ...
The Second and Third containing ...
Printed in the Year cLXXV.

& 4, A - Z (eights), Aa - Mm (eights) Nn (four).
The Third Part, containing some more Letters of the same
Author, from Anwoth & Edinburgh, before his confinement
at Aberdeen; from Aberdeen during his confinement, and
from St. Andrewes, &c. after his enlargement.
(eight), h
pp. (8), 578, 120.
The original preface is withdrawn and a short preface, dealing mostly with the bad printing of the second edition is substituted. There is the addition of the 'Third Part' and of an Advertisement calling for the M.S. of Rutherfurd on Isaiah. There appears also a postscript by another author - as a conjecture Dr. Ogilvie suggests Carstairs.

The same, also called The Third Edition, and printed in the same year as the foregoing.

*4, B - Z (eights) Aa- Ss (eights).

Joshua Redivivus. Or Mr. Rutherfoord's Letters,
       Divided into three Parts ...
The fourth Edition ...
Printed in the Year 1692.

x,xx (in twelves), xxx ,A - Z (twelves) AA - Ee (twelves),
pp. (54) 666.

This reprints the original preface, the preface to the third edition, the Advertisement, and the postscript.
The same,
The Fifth Edition ...
Edinburgh, Printed by the Heirs and Successors of
Andrew Anderson, Printer to the Queens most Excellent
Majesty, Anno Domini MDCCIX.
pp. xxxvi, (4), 515.

This reprints the two prefaces, but not the Advertisement.

Mr. Rutherfoord's Letters, Now divided in Three Parts ...
The Fifth Edition ...
Edinburgh, Printed by Thomas Lumisden and John Robertson,
and sold at their Printing-house in the Fish-market;
and by John Paton and James Thomson, Booksellers in the
Parliament-Close; And sold at Glasgow by John Robertson,
James and John Browns, and Mrs. Brown, Booksellers. 1724.
pp. 604.

This uses the second preface, omitting the paragraphs
about the second edition. It also omits the
Advertisement.
The same...

The Sixth Edition...

Edinburgh, Printed by Thomas Lumisden and John Robertson, and sold at their Printing-house in the Fish-market, 1738.

pp. 526, plus 1 lead, Books sold by Thomas Lumisden, etc.

This is practically a replica of the fifth edition.

The same...

The Sixth Edition. (Texts omitted).

Edinburgh; Printed by E. and J. Robertson;

Sold at their shop in the first below the Exchange.

M DCC LXI. 1 leaf unsigned, A - Mm (Eights).

Nn (fours).

Title lead, plus pp. 566.

This omits all but the Letters.
Joshua Redivivus; or, Three Hundred and Fifty-Two
Religious Letters, by the late Eminently Pious
Mr. Samuel Rutherford, Professor of Divinity, at
St. Andrews.
Divided into Three Parts. The First, containing ... 
Second and Third, containing ...
To which is added,
The Author's Testimony to the covenanted work of Reformation,
between 1638 and 1649. And also his Dying Words,
containing several Advices to some Ministers and near Relations, not in any of the former Editions. As also,
A large Preface and Postscript, which were left out in some of the late Editions, supposed to be wrote by the Rev.
Mr. M'Cward.
The Ninth Edition.
Glasgow, printed by John Bryce, and sold at his Shop,
Salt-Market. M,DCC,LXV.
8vo. a - d (fours) A - Uuu (fours) Uuu is A Catalogue of Books printed and sold by John Bryce.

This edition became the standard text until Bonar's edition of 1891. It contains a new Advertisement, all the old prefatory matter, the postscript, Rutherford's 'Testimony' and 'Dying Words'.
The Letters of Samuel Rutherfurd.
Oliphant Anderson and Ferrier, 1891.
This is the finally revised edition of Dr. Bonar's two volume edition of 1863, which had incorporated ten extra letters from an edition of 1848 and added two others discovered by the editor.
Note to page 63.

Rutherfurd's posthumously printed Sermons.

The demand for Rutherfurd's letters created a demand for his sermons. Throughout the centuries that followed, sundry reprints of separate sermons appeared and were first collected in the edition of 1802 which Bonar used as the basis for his 1876 and final 1877 edition of the Communion Sermons. At least one forgery "The Door of Salvation Opened" (1737) made its appearance, and the text of the other sermons, through bad editing, became corrupt. Some of the sermons of Bonar's 1877 edition are included in the Hightae Manuscript, and one can see by comparison how the pithy Scots idiom has suffered. But, as has been pointed out, the Hightae transcription proves the authenticity of the Communion Sermons and restores to them some of their pristine freshness. A bibliography is here added of the posthumous collections of sermons, with an attempted chronology of the Communion Sermons and a bibliography of the earlier reprints. For the whole I am largely indebted to Dr. J.D. Ogilvie. The edition of 1877 is the standard edition of Rutherfurd's Communion Sermons. It is based on the collection of 1802 which contained nine sermons believed by the editor not to have been printed. But Nos. 2, 3, 5, 6 and 9 of the 1802 volume existed in earlier printed copies unknown to him, or in manuscript as originally taken down. A second portion of No.9 is also printed in the Quaint Sermons (No.V)
and is followed there by the Cruel Watchman which Dr. Bonar rejected from the "Fourteen Sermons" as not being genuine, but which in its original form in the Hightae transcriptions carries all the characteristics of Rutherfurd's genius.

The Communion Sermons.

1. A Collection of Valuable Sermons, Preached at Sacramental occasions, on several Subjects, and in Different places, in the years 1630 and 1637.
By the eminently learned and pious Mr. Samuel Rutherfurd, Professor of Divinity at St. Andrews. First Edition.
Glasgow: Printed by Stephen Young, Prince's Street, for Hugh Shields, Nether Newton, and S.Y. and sold by them, Adam Ferguson, Dovehill, and the Booksellers. 1802.

With a Preface and Notes by Rev. Andrew A. Bonar, D.D.
Glasgow: Charles Glass & Co., 85 Maxwell St. 1876.
12mo. pp. 290. Front of Anwoth Church.

3. Fourteen Communion Sermons.
As before. 12mo. p. 362. 1877.
Quaint Sermons of Samuel Rutherfurd Hitherto Unpublished
With A Preface By The Rev. Andrew A. Bonar, D.D.
London: Hodder And Stoughton 27 Paternoster Row.
MDCCCLXXXV.
8vo. pp. vi, ii, 384.

Two Communion Sermons, By Samuel Rutherfurd.
With an Introduction by D. Hay Fleming.
Printed from an Eighteenth Century M.S. in the Original Secession Magazine. 1886-7
This contains V and VI of the Communion Sermons.

A Transcript from an Eighteenth Century manuscript volume of XVIII Sermons and Communion Addresses by Samuel Rutherfurd - by H.J. Thomson of Hightae, editor of Quaint Sermons of Samuel Rutherfurd.
pp. (10) 661. (1885).

Chronology of the Communion Sermons.

Communion Sermon XIV 1629-30 (Anwoth)
" " XI (Christ and the Dove) 1630. Anwoth.
" " ii & iii ("Two Sermons") 1630, ii, Anwoth and iii in Kirmabreck.'
" " X (Christ's Napkin) 1633 Kirkcudbright

' Nos. ii and iii are stated in an earlier print to have been preached at Anwoth, but in the Communion Sermons the first is given as at Anwoth and the other at Kirkmabreck.
Communion Sermon vii and viii (1802) 1634 Anwoth
" " V (Hay Fleming 2) 1634 Kirkcudbright
" " XIII (The Lamb's Marriage) 1634 Kirkcudbright
" " I & IV (1802) 1634 - I Anwoth, IV Kirkcudbright
" " VI (Hay Fleming 1) 1634 Kirkcudbright
" " IX ("A Sermon" 1727) 1634 Anwoth
" " XII ("Exhortation etc.") 1643 London

BIBLIOGRAPHY OF EARLY REPRINTS.

Christ and the Dove.

1. Christ and The Doves Heavenly Salutations, with their Pleasant Conference together: Or A Sermon Before The Communion In Anwoth, Anno 1630. By that Flower (Sic) of the Church, Mr. Samuel Rutherfurd. (No imprint) 4to pp. 29. A - G² plus 1 leaf unsigned. (C.1709)

2. The same. Printed in the Year 1725.
8vo. pp. 47. A - F" (four leaves).

3. Heavenly Salutations, with Pleasant Conferences betwixt Christ and His People. In A Sermon Preached in Anwoth Before the Communion, Anno 1630.
On Canticles ii. 14, 15, 16, 17.
By that Flower of the Church, Mr. Samuel Rutherfurd, Sometime
Minister of the Gospel at Antwoth.

Glasgow: Printed by John Bryce, and sold at his shop opposite Gibson's-Wynd, Salt-Market - 1778.

Communion Sermons No. XI. Hightae M.S. No.3.

Christ's Napkin.

By that Flower of the Church; Famous, famous, Mr. Samuel Rutherfurd. Never before printed.
Revelation 21: Chapter 4,5,6,7,8, verses. (quoted).
(No imprint) 4to. A - F (two leaves) pp.23.

2. The same. Edinburgh: Printed in the year M.DCC.XXXIV.
8vo. A - D (four leaves) pp.31

3. The same. To which is added, An Epitaph put upon his grave stone, in the year 1735.
Glasgow: Printed by Alexander Miller, MDCCXXXIX.
8vo. A - D (four leaves) pp.32.

4. Glad Tidings to the People of God: or, Comfort afforded in the views of Death ... May 12th. 1633 ...
By that Faithful Servant of Christ, Mr. Samuel Rutherfurd,
Sometime Minister of the Gospel at Anwoth.
Glasgow: Printed by John Bryce, and sold at his shop opposite

5. The same. M.DCC, LXXXI.

6. Christ's Napkin: A Sermon Preached in Kirkcudbright,
May 12, 1633. By the Late Rev. Samuel Rutherfurd.
David Burns, Brechin: Montrose, G.W. Laird: Arbroath,
James Adam; Dundee, William Middleton; Edinburgh, John
Johnstone. MDCCCXLVI. Price Twopence.

1877. Communion Sermons No.X Hightae M.S. No.5.

The Exhortation at London.
1. A Cry from The Dead, Or the Resurrection of our Blessed
Saviour Jesus Christ. By Mr. Samuel Rutherfurd. From a
Manuscript never before printed. (Floral ornament).
Edinburgh: Entered according to Order.
8vo. n.d. pp.16. (pp.14 - 16 - "A Part of his last Sermon").

2. An Exhortation At A Communion To A Scots Congregation
In London, By Mr. Samuel Rutherfurd: From a Manuscript never
before Printed.
Edinburgh: Printed for George Jaffrey, and sold at his shop at the Trone-Church, 1719. Price three-half-pence.


3. The same.
Edinburgh, Printed and sold in Pearson's Close, opposite to the Cross, North Side of the Street, 1729.

pp.16.

4. The same - with same imprint - Anno MDCCXLI.

pp.16.

5. The same - same imprint - MDCCXLVI.

pp.16.

6. The same - same imprint - 1747.

pp.16.

7. The same - Edinburgh: Printed and sold at the Printing House in the Bull-Close, opposite to the Tron Church. MDCCCLXXIII.

pp.12.

Glasgow: Printed by Niven, Napier and Khull; Trongate; For Samuel and Archibald Gardiner, Publishers, Calton. 1804. Price Twopence.

Large 8vo. pp.13.
9. The same - Falkirk, Printed and sold by Daniel Reid, at his Printing office in the High Street.

MDCCLXXV.


1877. Communion Sermons. No. XII.

A Sermon preached by the Reverend Mr. Samuel Rutherfurd, On Cant. 5. 2,3,4,5,6.


This sermon was appended to some copies of the 1727 edition of Christ Dying. It is partially and most imperfectly reprinted in the Sermons of 1802, forming No. IX and reprinted by Dr. Bonar in 1876 and 1877. In these the place and date are given as at Anwoth, April 5,1637 - impossible, as Rutherfurd was then confined in Aberdeen.

A second part of the 1802 Sermon was printed as The Spouse's Longing for Christ in the volume Quaint Sermons, 1885. A few paragraphs from the first part are there repeated; the new portion begins at p.87. Quaintly enough the date in 1885 is given as April 5,1647 - equally impossible as Rutherfurd was then in London attending the Westminster Assembly.

The actual date may be taken as April 5,1635, as appears from Rutherfurd's letter to Marian McNaught (Bonar | L.1.) where he says, "I intend, God willing, that our Communion shall
be celebrated the first Sabbath after Pasch." In 1635 Easter Sunday fell on March 29, the "first Sabbath after", therefore was April 5.

Communion Sermons No.9.

The Cruel Watchman.

1. A Sermon Preached by Mr. Samuel Rutherfurd
Canticles, Chap. V. Verse 7,8,9...
Manuscript C.1690-1700. 19 leaves.

2. The Cruel Watchman: A Sermon on Son V.7,8,9,10.
By the late Reverend, Mr. Samuel Rutherfurd. Heb.XI.4. -
By it, he, being dead, yet spoke.
Edinburgh, Printed for James Ormiston, MDCCXXVIII.
A - F (four leaves) pp.48.

3. The same.
Glasgow: Printed by John Bryce. M,DCC,LXXXIV.
pp.24.
On p.24. the Epitaph is printed -

Although excluded by Drl Bonar in 1877 as not being genuinely Rutherfurd's this sermon appeared in the 1885 volume as The Church Seeking her Lord.
It was preached in the afternoon of April 5, 1635, but the date in Quaint Sermons (as in the previous sermon) is given as 1647.

4. The Cruel Watchmen: A Sermon, etc.

Glasgow. Printed and sold by Alexander Miller ... MDCCXXXVIII.

---

The Lamb's Marriage.

1. The Lamb's Marriage is come, etc.

A Sermon Preached At Kirkcudbright, before the Celebration of the Lord's Supper,
By Mr. Samuel Rutherfurd Minister of the Gospel at Antwoth, and afterwards at Stranraivers, (Sic).
On Revelation XIX, 7,8,9,10,11,12,13,14. Let us be glad and rejoice, and give honour to him, for the Lamb's Marriage is come, and his Wife hath made herself ready, etc.
Edinburgh, Printed for Duncan Ferguson, and sold by him. 1732.
A - D (four leaves) pp.32

2. The same.

Glasgow: Printed and sold by John Bryce, opposite Gibson's-Wynd, Salt-market. 1776.
A - C (four leaves) pp.24.

Communion Sermons XIII.
Two Sermons Preached at Anwoth, Containing the following Heads,

I. Christ wounded in the House of his Friends.
II. A Sword denounced against them for their Cruelty.
III. How Christians are tried by fiery Persecution.
IV. How they are refined when the Dross is taken away.
V. Then a glorious Church arises out of the Ashes when the Lord's Time comes.

From Zech. xiii. 6,7,8,9.

By Mr. Samuel Rutherfurd Minister of the Gospel there; A.D.1634.
Never before published.

Glasgow - College, Printed for Duncan Ferguson Chapman.
(MDCCXXXVIII).

Communion Sermons ii and iii.
"Christ's Palace in Aberdeen".

Rutherford was escorted to Aberdeen by friends from Galloway. The house in which he stayed was a tall narrow building in the Upper Kirkgate, "An honest man's house" he calls it. On his arrival he found the towns men "cold general and dry in their kindness". (Let. LXVI). As time went on, he received some courtesies, some pitying, some surreptitious, some patronising, (Let. LXIX) none of them offered in a manner likely to win a man who had undergone his recent private and public sufferings. Yet Rutherford made friends in the stronghold of his opponents and the ministers of the city sought to contrive his exile to Caithness or Orkney (Let. CLXI) because certain of the townspeople resorted to him. Nearer the end of his stay he wrote "Unknown faces favour me; enemies must speak good of the truth; my Master's cause purchaseth commendation." Perhaps he had gained Aberdeen's respect, if not its love; or perhaps some of the "men of Gallic's metal firm in no religion" were not unaware of the slow turning of the tide. (Letter CCV). An attempt in 1637, through the influence of Queensberry, to have Rutherford restored to Anwoth failed because Sydserf bluntly refused to allow it, on the grounds that Rutherford had committed treason. (Let. CCV). The
signing of the Covenant brought him forth from his
sea-girt prison.
Note to page 75.

The Dispute with Dr. Baron.

Rutherford was not long in Aberdeen till he found himself "openly preached against in the pulpits in my hearing, and tempted with disputations by the doctors especially by D.B." (Let. LXXXIX). It was gall and wormwood to him to have to listen silently to adverse doctrine, so he gladly accepted the opportunity of a semi-public disputation with Baron. A month or so later he wrote, "Thus I am in the meantime silent, which is my greatest grief. Dr. Baron hath often disputed with me, especially about Arminian controversies and for the ceremonies. Three yokings laid him by; and I have not been troubled with him since." (Let, CXVII). To George Gillespie he wrote "I am here troubled with the disputes of the great doctors (especially with Dr. B.) in Ceremonial and Arminian controversies, for all are corrupt here." (Let. CXLIV).

Rutherford later dealt with the views of the Doctors on the ceremonies in his "Dispute touching Scandal" embodied in the "Divine Right of Church Government". A full account of this is given later. The interesting point to determine is to what extent Baron and the other Doctors were Arminian. Rutherford does not call Baron "an Arminian" but says that he disputed "about" Arminianism and "for" the Ceremonies. The change of preposition is significant. Baron in his
own theological works denied that he was Arminian and disputed against specific Arminian theological positions, but as a staunch Episcopalian he was, to Rutherfurd, suspect of all heresy. Baron was infra-lapsarian in his Calvinism and a disciple of Cameron with regard to Predestination. To the young disciple of Twisse this midly Amyraldean Calvinism seemed a dangerous step towards Arminianism, which was the mortas disease of Episcopacy, and Episcopacy, was to him the gate to Rome.

In the dispute Baron held forth Cameron's doctrine that God predestined the wicked to hell because He foresaw their evil doings; he also held in the Amyraldean sense, that Christ died for all. If as late a Calvinist as Dr. Cunningham can state that in their ultimate implication the doctrines of Amyrald were Arminian it is obvious that Rutherfurd's logic would swiftly arrive at the same damning conclusion. Later in 1640 he was to have Dr. Sibbald convicted of unsound doctrine on evidence of a remark to a penitent by the Doctor "that if he had 'improved' the grace given him from God he need not have fallen into that sin" - which was hard on the Doctor, for when Rutherfurd's heart gets the better of his head in his sermons, he too could quite well be convicted of preaching Arminianism. As far as the Aberdeen Doctors were concerned, though their Calvinism was not acceptable to an Assembly which was prone
to accept Rutherfurd's theological evidence then it damned further their ablest opponents, there were, William Forbes excepted, few rank Arminians among them. They were outed for their anti-Covenanting views. Though the manner of their outing may be regretted, it was held necessary, for the Covenanters in the National interest, could allow no nucleus of opposition to survive as a possible danger to their ecclesiastical settlement.

The Doctors were a group of moderate Calvinists with a dislike for the doctrine of utter reprobation and with leanings to Cameron and Amyrald. But Rutherfurd, when he came smarting under his sentence to Aberdeen, had been already in contact with a more blatant Arminianism, imported from England; Maxwell and Sydserf who had not the scholastic sincerity of the Doctors had accepted it as a tenet of the Court partly, encouraged therein by William Forbes who was created bishop of Edinburgh in 1634.

In Edinburgh Rutherfurd found Arminians and they were Episcopal. In Aberdeen he found Episcopalians with less rigid theological views than his own so he was ready to find them Arminian. When he came into power he remembered the sermons to which he had listened in suppressed wrath, the controversies in which he had found himself in a minority of one, the polite disdain of great Doctors for a young enthusiast, so he harried them out of their town, their University, and their native land. Some of them, including
Baron, died in exile. Baillie's heart was sore for the death of "good Dr. Baron." Rutherfurd was undoubtedly chief instigator of the doctrinal charges against the Doctors, indeed he seems to have been instigator, delator and judge all in one, for on his evidence and verdict Sibbald was deposed. For two centuries from this time Arminianism or anything remotely approaching it found it hard to rear its head in Scotland.
The King's Proclamation.

The words in the Proclamation, specially applicable to Rutherfurd and Blair in the matter of the legality of their election to the Assembly, ran as follows:— "Whereof some of them were under the Censure of this Church, some under the Censure of the Church of Ireland, some long since banished for avowed teaching against Monarchy; others of them suspended and some admitted to the ministry contrary to the form prescribed by the Laws of the Kingdom; others of them Rebels at the Horn; some of them confined and all of them by Oath and Subscription bound to the overthrow of Episcopal Government." Although not an anti-monarchist, Rutherfurd fitted the bill on most of the disqualifying charges, but as the last charge included all members of the Assembly, little heed was paid to the accumulated indictment.
It is interesting to note that if Rutherfurd had a certain fondness for some Independent puritan practices, Thomas Goodwin had a certain sympathy with the Presbyterian desire for order. The factiousness of the Independents between 1644 and 1649 seems to have caused that sympathy to grown into a predilection, or something even stronger, for the Presbyterian system. I had always the feeling, fairly well rooted in evidence that it was largely the machinations of Nye that kept the Presbyterians and the Dissenting Brethren from a workable and fairly satisfying agreement. This feeling has been strengthened by the paragraph from the Ancrum Letters, pointed out to me by Dr. Ogilvie and now quoted. It occurs in a letter from Lady Vere Carr to her brother the Earl of Lothian written from London on November 27th 1649. The lady seems hardly aware what 'news' she is giving.

"Now for news. I can inform you of none, but that there is a book set forth by the City ministers concerning Presbyterian government, (1) which government Mr. Thomas Goodwin says, in his judgement, is the government that is nearest the will of Christ of any other in the main of it; and that for his part, he is resolved the next meeting at Sion College to take his Independent brethren of the ministry, who he says he is confident will join with him, if not he will go alone and offer the Presbyterian ministers to engage
with them in securing of the Confession of Faith, Directory for Worship and Government, and against all the heretical schismatical people; and to endeavour that penalties may be imposed upon all that shall transgress against them, and that they will join with them in their synods and provincial assemblies and executing church cesures, and admit of them that are godly to their sacraments, and will join with them in theirs, only providing they may have liberty to administer the sacrament to such as are really godly of their own party, and only conscientiously scruple to receive with a mixed company. I do not know whether this tedious story will be considerable to you as it is to some godly wise who here of admire it nor do I know the differences between the two parties so well as to be taken with it as a wonder". (Anerum-Lothian Papers 1875, - p.253).

Goodwin by 1649 had seen and suffered the extravagancies of Independency and, like Cromwell later, began to turn a more favourable eye upon the order of the Presbyterian government. Had he done so sooner, the fate of the Westminster Standards, in England, might have been different. His dogmatic and scholarly support of Nye supplied the weight of learning to his party and helped to widen the breach between them and the Presbyterians. Perhaps Goodwin's newly acquired dignity and office - he had been appointed President of Magdalen in this year - now tempered his Independent principles.
(1) A vindication of the Presbyterial Government and Ministry .......... published by the Ministers and Elders met together in a Provincial Assembly.
Note to page 249.

"The little Papers"; Scottish pamphlet propaganda at Westminster.

The Scottish Commissioners at Westminster spared no effort in their task of winning England for Presbyterianism. How mighty their labours were, the published quarto volumes of Baillie, Gillespie, and Rutherford show. Besides the appointed meetings of committees and sub-committees, Westminster abounded with unofficial conferences, dinners and suppers at which the Scots enjoyed both the fare and the fellowship. Many a "little paper" was doubtless read and discussed at these more informal meetings. Rutherford's "little papers" were admirably adapted for such discussion. But there were other "little papers" of quite a different nature, put out by the Scots, in the pamphlets of Henderson and Gillespie, especially of the latter.

Henderson was so engrossed in negotiations and drafting of treaties and proposals that he had little time for pamphleteering. His pamphlets too were always in the nature of a clear, unadorned statement or justification of national policy and practice. Such were his "Government and Order of the Church of Scotland" (1641) which he brought down to England in the autumn of 1640 and his "The Unlawfulness and Danger of Limited Prelacy" (1641) which when published, though moderate in tone, had a dubious reception, as
Parliament was still considering limited prelacy as a possible solution to the religious settlement. The one pamphlet of Westminster years, of a like nature, which is his production was the "Reformation of Church Government cleared from some Mistakes and Prejudices". It was published as from the Scottish Commissioners. (Vide page 185).

On the last Wednesday of each month, and on specially appointed Fast days, one of the Assembly divines preached a Sermon before the separate Houses of Parliament. Those of the four Scottish Commissioners have been preserved. The sermons have a propagandist savour, varying in intensity and method, as the nature of the preacher and the need of the occasion dictated. Henderson's are typical of his clear cool head. Despite his 'contretemps' with the "Scots Commissioners' Proclamation" (Feb. 1641) he left behind in England a name for moderation. In a pamphlet of 1649 "A Religious Scrutiny concerning Unequal Marriages, to be Represented to the General Assembly of the Kirk of Scotland" written by "Theophilus Philoparnus" (old Thomas Paget!) to defend the execution of Charles, allay Scottish suspicion, and prevent untoward action, the writer refers to Henderson in glowing terms. "The one Mr. Alexander Henderson of your own nation, whose praise in the Gospel hath been so great in the Churches abroad, and whose love abounded at home, in all knowledge and in all judgement, in the worst of times with you; and in special his most prudent and unwearied acting in the Assembly of Divines at Westminster in England in a
time of need, till preproperous death put a period to his
days .... He was a burning and a shining light to walk by."
(Religious Scrutiny 27)

Robert Baillie was too gossipy to be a drafter of state
charters, too timid to be a successful pamphleteer. The
"Historical Vindication of the Government of the Church of
Scotland" (1646) is his nearest attempt to the latter. Longer
than a pamphlet, shorter than a treatise, it is an attack on
John Maxwell's "Issachar's Burden." It lacks the terseness of
Henderson, the incisiveness of Gillespie, and, though scholarly,
is far short of Rutherfurd in learning.

George Gillespie had time, inclination, aptitude, and zest
for work of pamphleteering. It is apparent from his output that
he was definitely assigned to it by the other Commissioners.
Possessed of ample scholarship, an acute mind, and a vitriolic
tongue, he was ready to fly to the pamphlet press whenever
opportunity offered. There is occasionally something Swiftian
in his mordant malice. During his Westminster sojourn a
goodly number of pamphlets, some anonymous, were flung off by
his acid pen. The most notable were those of the dispute with
Coleman during the Erastian controversy (vide p.367) When
Gillespie published his sermon preached before the Lords on 27th
April August 1645, he added "A Brotherly Examination of Mr.
Coleman's late printed Sermon." Coleman's retort "A Brotherly
Examination Re-examined" drew the caustic rejoinder from him
"Nihil Respondes or A Discovery of the extreme Unsatisfactoriness
of Master John Coleman's Piece" .... (1645) Coleman replied with his "Male Dicis Maledicis" (1646) and Gillespie made a scathing finish with "Male Audis or An Answer to Mr. Coleman his Male Dicis" (1646). The death of Coleman ended this pamphlet war.

Other pamphlets were put out by him anonymously during the whole course of the Toleration dispute.

"Faces About or A Recrimination charged upon Mr. John Goodwin" (1644) defended Presbyterian discipline from the attack launched in John Goodwin's "Theomachia" (vide p.395). "Wholesome Severity Reconciled with Christian Liberty or The true Resolution of a present Controversy concerning Liberty of Conscience (licensed 1644)(1645) surveyed and attacked the "Bloody Tenent" of Roger Williams. "A Late Dialogue Betwixt A Civilian and a Divine concerning the present condition of the Church of England" deals further with the Excommunication controversy, and the "Vindication of Two Serious Questions attacking Prynne's "Suspension Suspended" was the Parthian shot in the battle before he turned North. The "CXI Propositions" (1647) were Gillespie's synopsis of the Church Government debates at Westminster. They lack the order of succinct credal statement and reveal the critic rather than the systematic theologian.

Gillespie was a source of wonder and of worry to his colleagues. It was doubtless their wiser counsels that prevailed on him to publish some of his pamphlets anonymously through fear of aggravating a delicate situation. His fearlessness was only
matched by his tactlessness. He seemed to live in a chronic state of irritation, due perhaps to indifferent health, which while it sharpened his pen, alienated many even of his friends.

These "little papers" of all sorts show how thoroughly the Scottish ecclesiastical Commissioners went about their work.
It is still much argued as to how far the Directory was an improvement on the Book of Common Order, even as to whether it was an improvement. The historical point of view is completely forgotten in the argument. What seems loss to a twentieth century liturgist, seemed and was gain to the seventeenth century divine. There is no need to dwell here on all the individual differences of the two Books. The historical fact is that the Book of Common Order had fallen into disuse, a new Directory was needed in order that divine worship might have seemly and fit expression, and the recent threat of Laud's Liturgy made the Scots determine it should be as far from the Liturgical as they could make it.

The Directory gave the Scottish Church at the time, what it most required, a manual of instruction in the ordering of the services of the church. The debates show the dimnies much concerned with the "meaning" of worship, with the implications behind all the acts of devotion and religious practices recommended. The directory for Prayer before Sermon, for example, is concerned with the frame of mind into which the minister must bring his hearers as well as with the composition of the prayer. All through the Directory is the same insistence on the meaning of worship; even the absence of an act of worship
at the burial of the dead had its meaning. The Directory was more explicit and orderly in instruction than Knox's Liturgy if it lacks some of the latter's freshness and warmth - and these latter qualities can soon be lost in much repetition. It made the preaching of the Word for all time to come the central act of Scottish public worship. Whether this be considered an 'improvement' on the Book of Common Order or not depends on the point of view of the individual. But by more explicit directions, by the careful Directory on The Preaching of the Word the Westminster Directory improved on the Book of Common Order and firmly established the Sermon in its place. Knox himself would have applauded the improvement. The age demanded more than a liturgy, for it was necessary to teach the pastor how to teach the people why and how they must worship. For that reason the intellectual element in worship finds emphasis in the Directory - and it is at the present time again in need of emphasis. The Directory, though some of its forms and practices were little used, has been the dominating influence in Scottish worship because of the tradition which it has preserved, the tradition of order without mechanisation, of dignity without tinsel, and of reverence without ostentation. There is still a widespread dislike for read prayers - or at least a regarding of them as second best - and a preference for the preached sermon, for which the Directory, and the praying and preaching begotten by it in past generations, are largely responsible.
Some of the departures from specified practices in the Directory have been already noted. Funeral services have come into being, whilst Fast days are becoming few and far between. Perhaps of necessity, the practice of all sitting 'at' the Lord's table in turn has disappeared in the Church of Scotland, though the Directory is responsible for preserving the simplicity and dignity of the Scottish Communion Service. Hymns and anthems have displaced much of the singing of the Psalms. Sermons have grown shorter and singings have become more plentiful. But the singing of Psalms, the reading of the Scriptures of the Old and New Testament, considered prayers of confession, thanksgiving, and intercession and above all the preaching of the Word, are still the body and blood of the Scottish service. All this, the Directory perpetuated. But it is to be remembered that it owed not a little to Henderson's Government and Order which in turn owed much to Knox. It is therefore somewhat invidious to ask if the Directory was an improvement on the Book of Common Order. A development of it or from it to suit the needs of the time, to both the modern minister could return with profit.
Note to page 302.

The Directory for Church Censures.

The Directory for Church Censures which contained three sections, "The order of proceeding with offenders who before excommunication manifest Repentance", The order of proceeding to Excommunication and The order of proceeding to Absolution," was presented to the General Assembly in 1647 in the Directory for Church Government and Ordination of Ministers brought down by Baillie and Gillespie from Westminster. As has been seen (vide page 196) this Directory was printed along with the Propositions of 1644 that they might be examined by Presbyteries. The Directory was remitted to a committee by the Assembly of 1648 and again by the Assembly of 1649 and there is no record of its later history. The Directory for Church Censures shared the fate of the larger Directory in which it was contained and did not pass into law. The Intervention of the Cromwellian regime and subsequently of the Restoration prevented the effective legislation of any such Directory. Gillespie's "CXI Propositions", printed at the same time as the Directory and approved of in principle by the Assembly of 1647 shared the same fate. They contained an assertion of the Scottish doctrine of excommunication and were remitted in 1647 to the four theological faculties for consideration and report to the next Assembly. At the Assembly of 1648 their consideration was continued till the Assembly of the following year, but

Peterkin. 482.
then the matter seems to have been dropped.

Censure and Excommunication were all too prevalent but what form was used is uncertain, and must have varied. Discipline was administered on the general lines of the Books of Discipline, the Kirk sessions dealing with minor, the presbytery with major cases. The form used may have been Knox's "Form and Order of Excommunication and Repentance," or the printed copies of the Directory for Church Government may have been employed. In some districts there was perhaps no directory available and a good deal of abuse of the practice. The acts of censure and of excommunication, stripped of any formal dignity must often have been crude and rather extemporary "flytings".

Finally in 1707, after several previous overtures to the Assembly the "Form of Process" became the law and practice of the Kirk. It embodied the principles and practices of the older standards, but meticulously detailed all procedure in the matter of discipline. The sinner became a case for trial rather than a soul for cure.
Note to page 305.

"Defensive Wars"

Between August 1642 and 1644 an abundant literature gathered round the subject of "Defensive Wars." The publication which begat the whole controversy was "A Declaration Of the Lords and Commons Assembled in Parliament, Setting Forth the Grounds and Reasons that necessitate them at this time to take up Defensive Arms for the Preservation of His Majesty's Person, The Maintenance of the True Religion, The Laws and Liberties of this Kingdom, And the Power and Privilege of Parliament" issued on August 3rd 1642. On August 4th at London, there was printed in support "Arguments which warranted the Scottish Subjects lawfully to take up Arms in Defence of their Religion and Liberty when they were in danger" which, written by Alexander Henderson, had been read from the Scottish pulpits in 1639 and answered by John Corbet in his pamphlet "Ungirding of the Scottish Armour" - (1639) - the best pamphlet on the King's side in the whole controversy. The pamphleteers on each side speedily joined issue. John Goodwin was almost first in the fray with his "Anti Cavalierism, or Truth Pleading As Well the Necessity As the Lawfulness of this Present War for the Suppressing of that Butcherly Brood of Cavaliering Incendiaries etc" (Oct.21, 1642). William Prynne followed with two tracts
on Psalm 105, 15. The central production of the controversy, although it but reproduced Corbet's arguments, was Dr. Ferne's "The Resolving of Conscience" (Dec. 1642) which drew upon him the full attack of all the Parliament's penmen. His chief antagonist was Charles Herle who, since Jeremy Burroughs had written the first "Answer" to Ferne, replied with "A Fuller Answer to a Treatise of Dr. Ferne". (Dec. 1642) The latter's retort was "Conscience Satisfied etc" (April 1643) to which Herle replied with "An Answer to Dr. Ferne's Reply" (May 1643), and it is possible that "The Subject of Supremacy" of June 14, 1643, is also his. In November 1643 Ferne issued "A Reply unto Several Treatises Pleading for the Arms now taken up by the Subject."

Besides these protagonists many others joined in, Dr. Hammond, Dudley Diggs, and John Doughty for the King; Herbert Palmer, William Bridge, William Prynne and others for the Parliament. I have seen at least fifty pamphlets of this controversy and there were perhaps many more written. It was the Ferne - Herle warfare that set Rutherfurd to write the "Defensive Wars" tractate which formed the original part of the Lex Rex.
Note to Page 307.

JOHN CORBET.

In 1638 John Corbet was minister of Bonyl (Bonhill) a collegiate church in the Provostry of Dumbarton. A confirmed Episcopalian, he was able and plausible and the brethren of the Synod of Glasgow had some hope that he would amend his ways and take the Covenant. At a committee meeting held at Irvine, Baillie had got Corbet to resile from his declinature of the 1638 Assembly. Some of the Dumbarton ministers, with possibly a little more knowledge of Corbet than the optimistic Mr. Baillie, however, pressed Corbet for more definite assurances than he was willing to give. The result was, that Corbet fled to Ireland and there published his "Ungirding of the Scottish Armour" a word for word refutation of Henderson's "Information for Defensive Arms." (Baillie 1.190). He was a pamphleteer of no mean ability, although Baillie splenetically calls the pamphlet, "most poor and short but one of the most venomous and bitter pamphlets." Corbet followed up with an ironic address to the Covenanters which showed a fair degree of scholarship, "the Epistle Congratulatory of Lysamachus Nicanor Of the Society of Jesu. To the Covenanters of Scotland. In which is paralleled our Sweet Harmony and correspondency in divers material points of Doctrine and Practise." (1640). In a later edition printed by
Leon Lichfield at Oxford in 1684 the publisher mentions another tract the "Examen Conjunctionis Scotianae" as being Corbet's and written at this time. I have seen no copy of it. Lysimachus Nicanor very ably drew attention to similarities in Jesuit and Covenanting political theory in order to bring opprobrium on the Scots. Corbet was hand in glove with Maxwell and the publication of his pamphlet was the indirect cause of the deposition of the tolerant Adair - also a Scot - from the bishopric of Killala and the enthronement of John Maxwell in his place. The story is told in "Clogie's Life and Death of William Bedell Bishop of Kilmore" (two biographies of William Bedell, Cambridge University Press, 1902). The Bishop of Derry understanding that there was a living vacant in the see of Killala sent Corbet to Adair for presentation. Adair, himself a Scot,man, who had favoured Blair and others, had no liking for Corbet and taunted him with being a renegade, and Corbet through pique engineered his temporary downfall. "But his reception with the Bishop (being of that nation) was so unpleasing to him, that he conceived great indignation against him. For the Bishop had told him (after the Scottish manner of jesting) that he was a corby messenger, alluding to his name Corby signifying a raven, and that it was an ill bird that defiled his own nest (alluding to his book, called "Lysimachus Nicanor", which he had penned in gaul or blood against his own countrymen,
the Scots"). Adair further taunted him with calumny or
cowardice for saying he had barely escaped with his life,
and yet had left his wife behind. All this "Mr. Corbet
gathered up carefully and brought with him to Dublin and
delivered all in full tale to those that sent him. They
being incensed thus against the Bishop cited him by
pursuivant to appear immediately at Dublin to answer at
the High Commission Court to those things that were
alleged against him by M.C. He was already condemned
before he came near them and his Bishopric designed for
(as it was afterwards given to) Mr. John Maxwell some time
Bishop of Ross in Scotland, whence he was excluded "(Life
of Bedell 147-148)".

According to Lichfield (Preface to Lysimachus Nicanor
p.7) Corbet was killed by the rebels in 1641. The living
for which he had had Adair deposed brought him no fortune.
Nor did the bishopric bring any to Maxwell who was in the
same rebellion, "stripped naked sore wounded and left
among the dead by the rebels"; he came afterwards to Dublin
and preached when occasion permitted, went over to Oxford
to engage in pamphleteering," came back to Ireland, and
was found dead in his study (14th February 1646), after
having heard news of the King's defeat. (Life of Bedell 149).
Note to page 318.

John Maxwell and the Presbyterians.

The Sacra Sancta Regum Majestas was an immediate instigator of Lwx Rex, but Maxwell had issued but shortly before a pamphlet which greatly incensed the Scottish Commissioners, especially as it was later taken up and used against them by the Independents. This was An Answer by Letter to a Worthy Gentleman Who desired of a Divine some reasons by which it might appeare how Inconsistent Presbyteriall Government is with Monarchy. In which ..... it is demonstrated it is inconsistent with any government whatsoever; is full of Faction, Sedition and treason, etc. Printed Anno 1644."

According to Thomason's Catalogue it was published in July 4th. 1644 being printed at Bristol. But it is generally believed to have been an Oxford production (Baillie ii. 207)

It is a sharp attack on the merits of the Presbyterian system not without some force of argument nor without a certain rude dry humour found in the Scots pamphlets on both sides. In the Preface to Lex Rex Rutherfurd says, "This cursed Prelate hath written of late a treatise against the presbyterial government of Scotland in which there is a bundle of lies, hellish calumnies and gross errors" and he spends all the Preface refuting the charges put forward in the "Answer by Letter".
In The Preface to "An Historicall Vindication of the Government of the Church of Scotland" (1646), Baillie says of this pamphlet "The Lord gave testimony against them; for by a sudden and unexpected fire, almost all the copies of that wicked Booke were destroyed before they were brought from the Printers' shoppe." Undaunted by this misfortune - or judgement - someone - Maxwell was now dead - again issued the book in 1646, under the title "The Burden of Issachar; or, The Tyrannicall Power and Practices of the Presbyterial Government in Scotland in their 1. Parochial Session. 2. Presbyterie. 3. Provinciall Synods. 4. General Assembly." The text was mainly the same as in "An Answer by Letter" but a new Preface and Postscript were added. In the Historical Vindication written largely in reply to "The Burden of Issachar" Baillie directly accuses the Independents of publishing the reprint. In his Preface to the "Survey of the Spiritual Anti Christ" Rutherford roundly charges Burton the Independent with stealing his arguments from Maxwell. The Preface to the Burden is addressed "A Protreptick to the English Nation, My deare Country-man and Brethren." Rather strange as coming from a Scot but the wording of this preface seems Maxwell's, or is a clever forgery. Perhaps the printer changed it's title. There is little doubt the Independents now in power did for interested reasons assist the distribution of the publications. "It was
known by whose serious recommendations, wings were set to the sides of that Fowl, that it might flee with all diligence much further and more quickly than the art and malice of the Malignants at Oxford were able to have carried it (Historical Vindication. Preface, B.) Baillie dealt with the charges in the Historicall Vindication already quoted. The whole story shows these doughty adversaries not unskilled in the craftier uses of propaganda.

"The Burden of Issachar" was republished by Roger L'Estrange in 1663 and it was again published in 1681 as "Presbytery Displayed" etc. Both these editions use the text of the 1644 edition.
Note to Page 377.

Prynne's Erastian pamphlets.

At the height of the Erastian controversy on August 25, 1645, Prynne anonymously issued a pamphlet of two sheets entitled "Four Serious Questions of Great Importance Concerning Excommunication and Suspension from the Sacraments; propounded to the Reverend Assembly etc. By A Lover of Peace and Truth." Prynne may have loved truth; if he loved Peace he was seldom seen in her company. The pamphlet set forward criticisms against the Scripture arguments for Excommunication with no great care or scholarship. He was speedily answered by George Walker in "A Brotherly and Friendly Censure of the Error of a dear Friend and Brother in Christian Affection" (1645). Prynne's ears - or lack of them - drew him more courteous treatment than he sometimes deserved, but he was more severely handled by the doughty Herbert Palmer in "A Full Answer to a Printed Paper entitled Four Serious Questions concerning Excommunication and Suspension from the Lord's Supper" (1645). Gillespie, preaching before the Lords on August 27th, set forth with vigour the case for the exclusion of scandalous persons from the Lord's Supper and again followed up the theme in a sermon which he preached in St. Margaret's, Westminster, on 5th September, a special Fast day appointed for the plague in Scotland. All this called for a serious and careful reply from Prynne and the result was "A Vindication of four Serious Questions" etc.

Vindication of Four Serious Questions title page.
in which he dealt with the political aspects of the situation and with the power of the magistrates to deal with scandalous offenders. It was this work which drew Rutherfurd's attack upon him.
Note to page 431.

The "Solemn Testimony" of 16th Jan.1649.

The title of this Testimony, as printed in Scotland, reads: "A Solemn Testimony Against Toleration And The present Proceedings of Sectaries and their Abettors in England. In Reference to Religion and Government. With An Admonition and Exhortation to their Brethren there, from the Commissioners of the General Assembly of the Kirk of Scotland (January 16) Together with the Return of the Honourable Estates of Parliament upon the said Testimony communicated to them and their Concurrency with the same (Jan.18)" Edinburgh Printed by Evan Tyler, Printer to the Kings most Excellent Majesty.

The English reprint is entitled "A Necessary and Seasonable Testimony Against Toleration etc ... As also the Return of the Estates of the Parliament thereupon, concurring with the said Testimony and in manifesting, that all the Members of Parliament have upon their Solemn Oath disclaimed the knowledge of, or occasion to the proceedings of the English Army against His Majesty or the Members of Parliament in England. Jan.18.1648/9. Together with a Letter from the said Commissioners to the Ministers in the Province of London of the same date. Allowed of and entered according to Order. London. Printed by A.M. for Tho. Underhill at the Bible in Woodstreet. 1649.

Wariston and Rutherfurd must have had some collaboration in the penning of this Testimony for it bears striking
resemblances to Chapter XXII of the "Free Disputation".
Perhaps the M.S. of the latter went down to England with the
same courier as the Testimony. Rutherfurd's idea of Monarchy
appear in the words of the latter asking "Were it not better
to preserve Monarchy and the Privileges of Parliament walking
in the middle betwixt Tyranny and Anarchy, betwixt Arbitrary
Government and confusion." By the time the Testimony reached
London the King was doomed.

To the first publication of The Solemn Testimony - of
which there are few copies - there had been added as evidenced
by the original title page, a copy of the letter of 6th
January in which the Scots Commissioners in London animadverted
somewhat ambiguously on the Parliament's proceedings against
the King, but trenchantly upon the practices of the Sectaries.
This letter - dated by mistake 5th July instead of 6th January,
in the title - was excluded from the Testimony, the title
page cancelled, and that already given substituted. The
letter of 5th July was the letter sent by the Assembly to the
King which, containing the accusation of blood guiltiness, was
printed in 1645 by Bostock the Kirk's printer in London and
later printed by Calvert to aggravate the case against the
King.  

On Jan. 27, the Commissioners at London wrote that acting
on instructions they had delivered one copy of the Testimony to
the Speaker of the House of Commons; "the inscription thereof
(at which we hear they are highly incensed) was read, but not

\[ T \text{Anorum Papers i. 234.} \quad J. \text{Baillie iii. 83.} \]
the Testimony itself." A second copy was handed to the Speaker of the House of Peers to await their next sitting and a third to the London ministers, "together with your letter which was very thankfully received and with great approbation." The London ministers as has been seen had issued a Testimony against Toleration. They now published a "Vindication of the Ministers of the Gospel in and about London" (Evan Tyler 1649) disclaiming any part in the King's execution and exhorting their people "to keep close to their Covenant Engagement". Later they caused the reprint of the Scottish Testimony to be issued under the title "A Necessary and Seasonable Testimony", etc., with the letter received from the Scottish Commission of Assembly.

The Testimony of Perth and Fife.

At a later date Rutherfurd was the instigator and almost certainly the author of another Testimony against Toleration. The Humble Petition and Advice of 1647 made a wide religious toleration law in all three nations. Protestor and Resolutioner alike abhorred its enactments and in some Presbyteries came together in a joint opposition. Presbyteries which were composed of both parties began to frame Testimonies. In July 1658 Jedburgh after drawing up a Testimony against Toleration sent a copy to Gideon Scott of Harden who passed it on to Monk. Monk wished the Council to deal with it, but as that body had adjourned he sent for the signatories of the Testimony to appear before him. Writing to Thurloe, Monk accused Col. Gilbert Ker of being the chief instigator of the Testimony. Ker was a Proster in close accord with Rutherfurd and sent or brought a copy of the Testimony to him. Rutherfurd found it "rare and necessary" and put forward the suggestion that all the shires in Scotland should adopt a similar course of action. He seems to have been asked to come to Edinburgh in August to consult with the signatories when they appeared before Monk, but the delay of the letter in reaching him and ill health prevented his doing so. Monk had purposed dealing severely with the signatories but his anger cooled on advice from the Protector's Council and a resentment towards Ker was the main result.

1. Thurloe VII. 323. 2. Letter CCCXLIX 3. Letter CCCLII
of the testimony. 1

Not long afterwards the Protester ministers of Perth and Fife drafted and circulated their Testimony against Toleration. It was signed by Rutherfurd and Guthrie and seven other Protesters and presented to the Scottish Council for transmission to the Protector's Council in England. It was a fearless and outspoken indictment of Cromwell's Covenant breaking and of his whole ecclesiastical policy. The style suggests that Rutherfurd penned it and that it has been revised by Guthrie.

The Testimony was not published till early in 1660 when it was printed along with Guthrie's "Considerations". The preface to the printed copy, dated November 1659, informs the reader that errors in the circulating copies have made printing necessary and also that there is more need now than ever for such testimony. The occasion which drew forth the publication was the signing of a petition in favour of Toleration by two hundred people, including some minor lairds, in the neighbourhood of Edinburgh. 2 This petition was forwarded to the Parliament and caused consternation amongst Protesters and Resolutioners alike. The Presbytery of Edinburgh on October 5th 1659 issued a "Testimony and Warning of the Presbytery of Edinburgh Against a late Petition tending (in the Scope and Design thereof) to the Overturning of the Ordinances and Truth of Christ in the Church." (This was reprinted with the Perth and

1. Letter-CECILH
2. Minutes of the Synod of Argyll S, H.S. Introduction J.D.Ogilvie, XXVI
Fife Testimony in 1729).

With the Perth and Fife Testimony was printed in 1660, a supporting letter from nine more Proster brethren. The full title of the Testimony as printed was:— "A Testimony to the Truth of Jesus Christ, or to the Doctrine, Worship, Discipline and Government of the Kirk of Scotland, and to the Solemn League and Covenant of the three Nations, Scotland, England and Ireland, and to the work of Uniformity in Religion, and Against the Errors, Heresies, Blasphemies, and diverse Practices of the Times; Especially against the Vast Toleration now on Foot in these Nations." The Testimony was reprinted in 1703 and 1729.
A BIBLIOGRAPHY OF THE WORKS OF

SAMUEL RUTHERFURD.

(Exclusive of the Letters and Communion Sermons).
(a) Exercitationes Apologeticae Pro Divina Gratia, In quibus vindicatur doctrina orthodoxa de divinis decretis, & Dei tum aeterni decreti, tum gratiae efficacis operationis, cum hominis libertate consociatione & subordinatione amica:
Studio & industria Samuelis Rhaeterfortis, Ecclesiae Anwetensis, in Gallovidia Scotiae Provincia, Pastoris.
Joh. Cap.8. v.36. Si itaque vos filius in libertatem vindicarit, vere liberi eritis.
Amstelredami, Apud Henricum Laurentii Bibliopolam, Anno M.DC.XXXVI.

(b) The same.
Franekeræ. Impensis Johannis Dhuiringh, Bibliopolae, Anno 1651.
⁸⁸, A - Ll⁸ (Ll⁸ blank).
A Peaceable and Temperate Plea for Paul’s Presbyterie In Scotland, Or A Modest and Brotherly Dispute of the government of the Church of Scotland, Wherein, Our Discipline is demonstrated to be the true Apostolick way of Divine Truth, and the Arguments on the contrary are friendly dissolved, the grounds of Separation and the Indepen(den)cies of particular Congregations, in Defence of Ecclesiasticall Presbyteries, Synods and Assemblies, are examined and tryed.

By Samuell Rutherford Professor of Divinity at Saint Andrews.  Psal.48.12 ... vers.13.

London, Printed for John Bartlet at the guilt-Cup neare St. Austins-gate. 1642.

4to.  pp.(16), 326.

(a) A Sermon Preached To The Honorable House of Commons:
At their late Solemne Fast, Wednesday Janu.31.1643 (4).
By Samuel Rutherford, professor of Divinitie in the Universitie of St. Andrews.  Exod. 3.2.
Published by order of the House of Commons.

Printed at London by Richard Cotes, for Richard Whittakers & Andrew Crooke, and are to be sold at their Shops in Pauls Church-yard, 1644.
4to.  pp.(4) 1-64.
(b) The Same,
   Edinburgh, Printed by Evan Tyler, Printer to the
   Kings most Excellent Majestie. 1644.
   4to. pp.(4), 1-64

(c) A Sermon Preached To the Honourable House of Commons,
    At their last Solemne Fast, in the Year of God, 1644.
    By Samuel Rutherfurd, Professor of Divinitie in the
    Universitie of St. Andrews. Exodus 3.2...
    Published by Order of the House of Commons.
    Printed at London by Richard Cotes, for Richard Whittakers,
    and Andrew Crooke, and are to be sold at their Shops
    in Pauls Church-yard, 1644.
    8vo. A - D² pp.(4), 1-60

(d) The same,
    Edinburgh, Re-printed in the Year 1709.
    4to. pp.67.

(e) The same, being pp.559-656 of an edition of The Trial
    and Triumph of Faith,
    12mo.
Edition (a) is the first edition printed at London as preached Jan. 1643 according to the English style, and followed by edition (b) reprinted, as in the case of Henderson's sermon in Dec. 1643, at Edinburgh having the date Jan. 1644 (Stylo Scotico) -

Edition (c) would appear to have been printed by the London printers in 1644, contemporary with (a), but it has this peculiarity (followed by (d), (e) and (f) that it bears to have been preached to the Commons "at their last Solemne Fast, in the Year of God, 1644." The occasion was not in 1644 in the English reckoning.

Dr. Ogilvie suggests that the small edition (c) was a Scots re-print late in the XVII Cent. perhaps early in the XVIII and that the original imprint was merely copied verbatim - In the whole series of Parliament Sermons only one other was issued in small form as well as in quarto - viz: Anthony Tuckney's of Aug. 30. 1643 and it was reprinted in the small form in 1654.

It is striking that reprints of Rutherfurd's Sermon
(d) (e) and (f) should all follow (c) in placing the occasion as at the "last Solemne Fast in 1644", seeing that the original edition as well as the Edinburgh edition give the day and month - and as (d) and (e) were Scots reprints it is not improbable that what was before them was edition (c) - likewise a Scots edition.

In the case of the reprints of the Lords Sermon the actual date is given, but there follows the small edition which as in the case of the Commons Sermon reprinted verbatim the imprint of (a).

Edition (f) - Rutherfurd's memory has suffered much by his editors. The well-meaning editor of the Cheltenham edition desired to render the sermons "more in accordance with modern taste, and fitted for devout perusal," by changes and omissions - but the early editions were what Rutherfurd printed.

Lex, Rex: The Law and the Prince. A Dispute for the just Prerogative of King and People.

Containing the Reasons and Causes of the most necessary Defensive Wars of the Kingdom of Scotland, and of their Expedition for the ayd and help of their dear Brethren of England. In which their Innocency is asserted, and a full Answer is given to a Seditious Pamphlet, Intituled, Sacrosancta Regum Majestas, or The Sacred and Royall
Prerogative of Christian Kings; Under the Name of
J.A. But penned by Jo: Maxwell the Excommunicate P:
Prelat.
With a Scriptural Confutation of the ruinous Grounds
of W. Barclay, H. Grotius, H. Arnisaeus, Ant. de Domi.
P. Bishop of Spalato, and of other late Anti-Magistratical
Royalists; as, The Author of Ossorianum, D. Fern,
E. Symmons, the Doctors of Aberdeen, &c.
In XLIV Questions.
Published by Authority. I Sam.12.25...
London: Printed for John Field, and are to be sold at his
house upon Addle-hill, near Baynards-Castle. Octob.7.1644.
4to. No.(40),467.

The same.
Reissued as "The Preeminence of the Election of Kings,
or A Plea for the Peoples Rights. Containing the Causes
of the most necessary Defensive Wars of the Kingdom of
Scotland, and of their Expedition for the aying of their
dear Brethren of England. United now in one Religion and
National Covenant for The Defence of the Kings Majesty
in maintenance of true Religion with A full Answer to a
violent and seditious Pamphlet, intituled, Sacro-
sancta Regum Majestas, or The Sacred and Royal Prerogative
of Kings; Under the name of J.A. But penned by John
Maxwell, a pretended Prelat excommunicated by the Church
of Scotland for Scandals and Heresies and an Outlaw to
the State of Scotland for Treason and Sedition.
With a Scriptural Examination of the full strength
of the Oxford Divinity for absolute Monarchy; particularly
also of W. Barclay, H. Grotius, H. Arnisaeus, Ant. de Domi,
Arch. of Spalato, and of others of that Way as D. Fern,
In XLIV Questions.
By Samuel Rutherfurd, Professor of Divinity in the
University of St. Andrews in Scotland.
Published by Authority.
London, printed for Laurence Chapman, and to be sold at
his shop next to the Fountain tavern in the Strand near
the Savoy, 1648."
The sheets are the same as the 1644 edition.

The same.
Reissued in 1657 as "A treatise of Civil Policy:
Being a relation of XLIV Questions concerning Prerogative
Right & Privilege, in Reference to the Supream Prince
and the People.
By Samuel Rutherfurd Professor of Divinity of St. Andrews
in Scotland.
London, printed and are to be sold by Simon Miller at the
Sign of the Star in St. Pauls Churchyard. MDCLVII."
The sheets are the same as the 1644 edition.
The Same.

Reprinted in 1843 with the original title page.
Published in Edinburgh by Robert Ogle and Oliver and Boyd.

The Due Right of Presbyteries Or, A Peaceable Plea For
The Government of the Church of Scotland, Wherein is
examined -

1. The Way of the Church of Christ in New England, in
   Brotherly equality and independency, or co-ordination,
   without subjection of one Church to another.
2. Their apology for the said Government, their Answers to
   thirty and two Questions are considered.
3. A Treatise for a Church Covenant is discussed.
4. The Arguments of Mr. Robinson in his justification of
   separation are discussed.
5. His Treatise, called, The peoples Plea for the
   exercise of prophecy, is tryed.
6. Diverse late arguments against presbyteriall govern-
   ment, and the power of synod are discussed, the power
   of the Prince in matters ecclesiastical modestly
   considered, & divers incident controversies resolved.

By Samuel Rutherfurd, Professor of Divinity at Saint
Andrews. Cant.6.10...

London, Printed by E. Griffin, for Richard Whittaker, and
Andrew Crook and are to be sold at their Shops in
Pauls Church-yard, 1644.

4to. pp.(24), 1-497, 484, 185-468
(a) A Sermon Preached Before The Right Honorable House of Lords. In the Abbey Church at Westminster, Wednesday the 25. day of June, 1645. Being the day appointed for solemne and publique humiliation.

By Samuel Rutherfurd Professor of Divinitie at St. Andrews. Essay 8.17...

London Printed by R.C. for Andrew Crook, and are to be sold at his shop at the signe of the Greene Dragon in Pauls Churchyard, 1645.

4to. A - K.

(b) The same,

8vo. a - e$

(c) The same,

Edinburgh, Re-printed in the Year 1709.

4to. A - r$

(I" is the title of the Commons Sermon similarly reprinted).

(d) The same, being pp. 453-558 of an edition of

The Trial and Triumph of Faith printed at Edinburgh by John Mossman and Company, 1721.

(e) The same, Edited and Revised by James E. Walker, M.A., Corpus Christi College, Oxford.

James New, 371 High Street, Cheltenham.


James Gemmell, 15 George IV. Bridge, Edinburgh (1879)

8vo. pp.(4), 1 - 32.
(a) The Tryal & Triumph Of Faith: Or, An Exposition of the History of Christ's Dispossessing of the daughter of the woman of Canaan. Delivered in Sermons; In which are opened,

The Victory of Faith; The excellency of Jesus
The condition of those Christ and Free-Grace;
that are tempted;

And some speciall Grounds and Principles of Libertinisme and Antinomian Errors, discovered By Samuel Rutherfurd, Professor of Divinitie in the Universitie of St. Andrews.

Revel. 2.28... Published by Authority. London: Printed by John Field, and are to be sold by Ralph Smith, at the Sign of the Bible in Cornhill near the Royall Exchange: 1645.

4to. pp. (24), 356.

(b) Another edition,


12mo. pp. (36) 452.

To this edition are added the two Parliament Sermons.

(c) Another edition,

Glasgow: Printed by Robert Smith and Alexander Hutcheson in Company, and sold by them at their Shops in the Salt-mercat. 1743.

12mo. pp. (32) 406 + one leaf of Books, etc.
(d) Another edition, with An Introductory Essay,
Edinburgh: Robert Ogle, 27, Union Place;
Maurice Ogle, Glasgow; and James Duncan, London.
MDCCCXXVII.

(e) Another edition, Issued by the Committee of the
General Assembly of the Free Church of Scotland for
the Publication of the Works of Scottish Reformers
and Divines.
Edinburgh: Printed for the Assembly's Committee.
MDCCCLXV.

The Divine Right of Church-Government And Excommunication:
Or, A Peaceable Dispute for the perfection of the holy
Scripture in point of Ceremonies and Church-Government;
In which The removal of the Service book is justified,
The six Books of Th. Erastus against Excommunication
are briefly examined; With a Vindication of that eminent
Divine Thed: Beza against the Aspersions of Erastus,
The Arguments of Mr. William Pryn, Rich: Hooker, Dr.
Morton, Dr. Jackson, Dr. John Forbes, and The Doctors
of Aberdeen; Touching Will-worship, Ceremonies, Imagery,
Idolatry, Things Indifferent, An Ambulatory Government;
The due and just Power of the Magistrate in matters of
Religion, and The Arguments of Mr. Pryn, in so far as they side with Erastus, are modestly discussed.

To which is added, A brief Tractate of Scandal; with an Answer to the new Doctrine of the Doctors of Aberdeen, touching Scandal.

By Samuel Rutherford, Professor of Divinity in the University of St. Andrews in Scotland.

Zach. 46 .... etc. Published by Authority.

London: Printed by John Field for Christopher Meredith at the Crane in Pauls Church-yard. MDCXLVI.

4to. pp. (28), 656,103. (March 3.1646).

(a) Christ Dying And Drawing Sinners to Himselfe. Or a Survey of our Saviour in his soule-suffering, his loneliness in his death, and the efficacie thereof. In which some cases of soul-trouble in weake beleevers, grounds of submission under the absence of Christ, with the flowings and heightnings of Free grace, are opened. Delivered in Sermons on the Evangel according to S. John. Chap.XII. vers. 27, 28, 29, 30, 31, 32, 33.

Where also are interjected some necessary Digressions, for the times, touching divers Errors of Antinomians, and a short vindication of the Doctrine of Protestants, from the Arminian pretended universality of Christ Dying for all, and Everyone of mankind; the Norall and fained way of resistible conversion of sinners, and what faith is
required of all within the visible Church, for the want whereof, many are condemned.

By Samuel Rutherford, Minister of the Gospel, and (sic) Professor of Divinity in the University of St. Andrews in Scotland.

Prov. 30.4.... Esai. 53.8....

London, Printed by J.D. for Andrew Crooke at the Green-Dragon in Pauls Church-yard. 1647.
4to. pp.(36) 1-452, 417-598, plus 1 leave blank (Gggs4)*.

(b) Another edition,

Edinburgh, Printed by T. Lumisdin and I. Robertson, for James Weir, Merchant in Cesford. MDCCXXVII.
8vo. pp.xxx,730.

(6) Another edition,


*Also another copy, as above, but having added 1 leaf with Errata.
A Survey of The Spirituall Antichrist. Opening The secrets of Familisme and Antinomianisme in the Anti-Christian Doctrine of John Saltmarsh, and Will Del, the present Preachers of the Army now in England, and of Robert Town, Tob. Crisp, A. Denne, Eaton, and others. In which is revealed the rise and spring of Antinomians, Familists, Libertines, Swenck-feldians, Enthuysiasts, & c. The minde of Luther a most professed opposer of Antinomians, is cleared, and diverse considerable points of the Law and the Gospel, of the Spirit and Letter, of the two Covenants, of the nature of free grace, exercise under temptations, mortification, justification, sanctification, are discovered.

In Two Parts. By Samuel Rutherfurd Professor of Divinity in the University of St. Andrews in Scotland.

1 Joh. 4.3... Matth. 24.24...

London, Printed by J.D. & R.J. for Andrew Crooke, and are to be sold at his shop at the Green-Dragon in Pauls Church-yard. 1648. (Nov. 1647.)

4to. pp. (48), 354, 239.

(a) The Last and Heavenly Speeches, And Glorious Departure Of John Viscount Kenmuir.

Edinburgh, Printed by Evan Tyler, Printer to the Kings most Excellent Majesty, 1649.

(b) The Last Speech And Dying Words Of The Right Honourable John Viscount of Kenmuir In Galloway; Who departed this Life, Sep.12. 1634. Containing His Conference with a Minister about his Soul's Case; And his Discourse to the Bishop of Galloway; His last Advice to his Brother-in-law, Lord Harris; And several other Persons of Distinction who came to visit him. Likewise his Instructions to his Coachman, and others of his Domestick Servants. Psal. lxvi.16... Isa.xxxviii.19... The Third Edition.

Edinburgh, Printed by William Gray, and Sold at his House at Magdalen's Chapel within the Cowgate-Head. MDCCXLIX. 12mo. A - E in fours. (E* is a Catalogue of Books).

Preface by Thomas Clark, dated Edinburgh, January 31st. 1749.

---

(c) The Last And Heavenly Speeches, And Glorious Departure, Of John, Viscount Kenmure. By Samuel Rutherfurd. With an introductory memoir of that Nobleman, and notes. By Thomas Murray, F.A.S.E. Author of "The Literary History of Galloway."

Edinburgh: Published by "Augh & Innes; William Collins, Glasgow; R.M. Timis, Dublin; James Duncan; James Nisbet; And Westley & Davus, London. MDCCXXVII.


* The second edition was published at Glasgow by Sanders in 1712
A Free Disputation Against pretended Liberty of
Conscience Tending To Resolve Doubts moved by Mr.
John Goodwin, John Baptist, Dr. Jer. Taylor, the
Belgick Arminians, Socinians, and other Authors
contending for lawlesse Liberty, or licentious
Toleration of Sects, and Heresies.
By Samuel Rutherfurd Professor of Divinity in the
University of St. Andrews. Psal.119.45...
London, Printed by R.J. for Andrew Crook, and are to
be sold at his shop, at the signe of the Green Dragon in
St. Pauls Church-yard. MDCIL.

Disputatio Scholastica De Divina Providentia. Variis
Prælectionibus, quod attinet ad summa rerum capita,
tradita S. Theologiae Adolescentibus Candidatis in
Inclyta Academia Andreapolitana, in qua adversus.
Jesuitas, Arminianos, Socinianos, de Dominis Dei,
actione ipsius determinatione & contenditur &
decertatur.
Adjectae sunt Disquisitiones Metaphysicae de Ente,
Possibile, Dominis Dei in entia & non entia, & variae
Questiones quae ad uberiorem & exquisitiorem cognitionem
Doctrinae de Providentia Divina imprimis condescunt.
Studiis & industria Samuellis Retorfortio S. Theologiae
Professoris in celebri & Inclyta Academia Andrearopolitana.

Jobi. Cap. XXIII. vers. 8,9... Rom. XI.33...

Edinburgi, Excudebant Haeredes Georgii Andersoni,
pr Roberto Bruno, sunt que venales in latere platiæ
Boreali, haud multum supra crucem, ad insigne solis.
Anno Dom. M.DC.L.
4to. pp.(48), 620.

The Protestation Of diverse Ministers, Against The Proceedings
of the late Commission of the Church Of Scotland. As Also
Against the lawfulnessse of the present pretended Assembly.
Printed at Leith by Evan Tyler, Anno Dom.1651.
4to. A4.

(a) The Covenant Of Life Opened: Or, A Treatise of the Covenant
of Grace, Containing something of

The Nature of the
Covenant of Works,

The Sovereignty of God,
The extent of the death
of Christ.
The nature & properties
of the Covenant of Grace:

(The Covenant of Surety-
ship or Redemption between
the Lord and the Son
Jesus Christ,
Infants right to Jesus
Christ, and the Seal of
Baptism:

With some Practicall Questions and Observations.
By Samuel Rutherfurd, Professor of Divinitie in the
University of S. Andrews. Zech. 6.12...13...
Edinburgh, Printed by Andro Anderson, for Robert Brown,
and are to be sold at his Shop, at the Sign of the Sun, Anno 1655.
4to. pp.(16),368. (Feb.20.1655).

(b) The same,
The second Impression corrected and amended...
London, Printed by R.C. and are to be sold at most Booksellers shops. 1655.
4to.

(c) The Same,
Edinburgh, Printed by A.A. for Robert Broun and are to be sold at his Shop, at the Sign of the Sun. Anno. 1655.

Edition (a) is the first - As a Protestant Rutherfurd could command the Edinburgh press in the years of the English occupation in Scotland; so could not his brethren among the Resolutioners, Dickson, Hutcheson, and others who in the same years had their Commentaries printed in London.
Edition (b) is a new setting-up-printed, as the imprint bears, at London, and is properly called "second edition". It repeats the error on page 1 of Abraham for Adam, which in the first edition was corrected by an over-slip.
Edition (c) is (b) with a new title-page, and is the English sheets.
A Survey Of The Survey of that Summe Of Church-Discipline
Penned by Mr. Thomas Hooker, Late Pastor of the Church
at Hartford upon Connecticut in New England. Wherein
The Way of the Churches of N. England is now re-examined;
Arguments in favour thereof winnowed; The Principles of
that Way discussed; and the Reasons of most seeming
strength and nerves, removed.
By Samuel Rutherfurd, Professor of Divinity in the
University of S. Andrews in Scotland.
Revel. 21.9...10... Ezek. 48.35...
London, Printed by J.G. for Andrew Crook, at the Green
Dragon in St. Paul's Church-yard. MDCLVIII.
4to. pp.(8), 521

Influences Of The Life of Grace, Or, A Practical Treatise
Concerning The Way, manner, and means of having and
improving of Spiritual Dispositions, and quickning
Influences from Christ the Resurrection and the Life.
By Samuel Rutherfurd, Professor of Divinity in the
University of St. Andrews in Scotland.
John 3.8... Cant.4.16...
London, Printed by T.C. for Andrew Crook, and are to be
sold by James Davies at the gilded Acorn neer the little
North door in St. Paul's Church-yard. 1659.
4to. pp.(34),438. (Mar. 2. 1659.)
Examen Arminianismi, Conscriptum et discipulis dictatum a
Doctissimo Clarissimo Vera. D. Samuele Rhetorforse, SS.
Theol. in Academia Scotiae Sanctandreana Doctore et Professore;
Recensitum et editum a Matthia Netheno
Ss. Th.D. et Profess.

Ultrajecti, Ex Officina Antonii
Smytegelt Bibli
Anno ☊/☉LXVIII.

"A Reflex upon a Mans Mis-spent Life, Backed with Challenges"
This exists in a Manuscript in the possession of Dr. J.D.
Ogilvie of Barloch, Milngavie, and is an expansion of the "
Directory" outlined in Letter CLIX to John Fleming baillie of
Leith. It was printed in the Original. Secession Magazine
of 1925.

Ane Catachism containing the Soume of Christian Religion.
By Mr. Samuel Rutherfurd.
This is in the Libray of Edinburgh University and was printed
by Dr. A.F. Mitchell in "Catechisms of the Second Reformation".
(James Nisbet & Co.) 1886.
The Power and Prevalency of Faith and Prayer Evidenced,
In a Practical Discourse upon Matth. 9,27,31.
By Mr Samuel Rutherford, sometime Professor of Divinity
in the Colledge of St. Andrews. ..................
Printed in the Year MDCCXIII.
Historical and Ecclesiastical.

Baillie, Robert: Letters and Journals, 3 Vols. (Laing's Edition.)
Balfour, Sir James: Annals, 4 Vols.
Balcanqual, Dr: A Large Declaration.
Beattie, James: History of the Church of Scotland during the Commonwealth.
Brodie, Alexander: Diary, (1863)
Buchan, John: Montrose.
Burnet, Gilbert: History of His Own Times.
" History of the Dukes of Hamilton.
Bonar, Horations, D.D.: Catechisms of the Scottish Reformation, (1866)
First and Second Books of Discipline.
Calderwood, David: History of the Kirk of Scotland, 8 Vols.
Carruthers, S.M. M.D., PhD.: The Everyday Work of the Westminster Assembly.
Correspondence of Scots Commissioners in London, 1644-46.
Consultation of the Ministers of Edinburgh, 1652-1660. 2 Vols. S.H.S.
Crawford: History of the University of Edinburgh.
Cunningham, John, D.D.: The Church History of Scotland.
Donne, John: Sermon, XV and LXVI. (Cambridge Plain Texts)
Dickson, David: Sermons and Therapeutica Sacra.
Life of Dickson. (Select Biographies).
Edgar, Andrew: Old Church Life in Scotland.
Firth, C.H. (Ed.): Scotland and the Commonwealth. S.H.S.
" " " Scotland and the Protectorate. S.H.S.
Fletcher, Joseph: History of Independency in England.

Gardiner, S.R. (Ed.) Charles II and Scotland. S.H.S.


" " : Assertion of the Government of the Church of Scotland.

" " : Treatise of Miscellany Questions.

" " : CXI Propositions

" " : Nihil Respondes, and Coleman Pamphlets.

Gordon, James: History of Scots Affairs, 1637-1641. (1841)


Gilmour, Robert: Samuel Rutherford.

General Assembly Commission Records, 1646-52. 3 Vols. S.H.S.

Hailes, Lord: Memorials and Letters relating to the History of Britain in the Reign of Charles I.


Hanbury, Benjamin: Historical Memorials relating to Independents.

Hay, Andrew of Craignethan: Diary, 1659-60. S.H.S.


" " " " : Religious Life in XVIIth Century Scotland.


Innes, A. Taylor: Samuel Rutherford. (Studies in Scottish Church History.)

Jaffrey, Alexander: Diary, (1856)

Johnston, Archibald Sir: Diary, 1639.

" " " : Diary, 1650-54. Ed. David Hay Fleming

" " " : Diary, 1654-1660. Ed. J.D. Ogilvie.

Lamont, J.: Diary, (1810 ed.)

Lightfoot, John: Journal of the Westminster Assembly.
Livingstone, John: Autobiography. (Select Biographies).

Mackenzie, Agnes Mure, D.Litt.: The Passing of the Stewarts.


Macpherson, John: The Doctrine of the Church in Scottish Theology.

Mackinnon, James: Social and Industrial History of Scotland.


Montereul, Jean de: Diplomatic Correspondences.


National Petition. Ed. J.D. Ogilvie, 1925.

Nicoll, John: Diary of Public Transactions, 1650-1667.

Orr, Sheriff, Alexander Henderson.


Pannier, L'Eglise Reforme de Paris.

Peterkin, A.: Records of the Kirk.

Presbyterian Records of St. Andrews and Cupar. (1837)

Propositions concerning Church Government and Directory for Church Government.

Rothes, Earl of, A Relation of Proceedings etc., Aug, 1637-July 1638, (1630)

Row, John; History of the Church of Scotland.

Row William; Autobiography and Life of Robert Blair.

Reasons of the Dissenting Brethren against Propositions concerning Presbyterian Government, 1648.

Rutherford, Samuel: A Peacable and Temperate Plea for Paul's Presbytery in Scotland.

Rutherford, Samuel: A Sermon before the House of Commons (1644).
Rutherfurd, Samuel: A Sermon before the House of Lords. (1645).
" " : The Due Right of Presbyteries. (1644).
" " : The Trial and Triumph of Faith. (1645).
" " : Chrich Dying and Drawing Sinners to Himself. A Viscount Kenmore. (1649).
" " : The Last and Heavenly Speeches of John Gordon, Viscount Kenmure. (1650).
" " : The Covenant of Life Opened. (1655).
" " : A Survey of Mr Hooker's Church Discipline. (1658).
" " : Influences of the Life of Grace. (1659).
" " : Joshua Redivivus. (1664).
" " : Twelve Communion Sermons. (1876, Bonar.)
" " : A Reflex on a Man's Mis-spent Life. (1737? 17th Cen. M.S.)
Catechism : Catechisms of the Second Reformation, contains his Catechism.

Shaw, W. A. : History of the English Church.
Spalding, John : Memorials of the Troubles.
Spottiswood, John : History of the Church of Scotland. (Folio Ed.)
Terry, Sandford C. : The Cromwellian Union.
Vienot, Histoire de la Reforme Francaise.
Walker, J. of Carnwath : Scottish Theology and Theologians.
Wodrow, Robert : Life of Boyd.
Whyte, A : Samuel Rutherfurd and Some of His Correspondents.
Theological.

Political.

Beza, Theodore: Refutation of the Political Theses of Erastus.
Baillie, Robert: A Disuasive from the Errors of the Time, 1645.
" " : Anabaptism the True Fountain of Independence, Antinomy, Brownism and Familism, 1647.
" " : An Historical Vindication of the Government of the Church of Scotland, 1646.

Brown, Hume P. George Buchanan.
Buchanan, George: De Jure Regni apud Scotos.
Coleman, Thomas: Hopes Deferred and Dashed. 1646.
Durham, James: Treatise concerning Scandal.
" " : Gangraena, 3rd Ed. 1646.
Erastus: Theses and Confirmation of Theses.
Evans, Erastus: Erastianism. (Epworth, 1933.)
Gillespie, George: An Useful Case of Conscience Discussed and Resolved. 1649 Ed.
" " : A Brotherly Examination. 1645.
" " : Nihil Respondes. 1645.
" " : Aaron's Rod Blossoming. 1646.

Hooker, Richard: Of the Laws of Ecclesiastical Polity.
Jus Divinum Regiminis Ecclesiastic i, by the Ministers of London. 1654
Lee, Robert, D.D: The Theses of Erastus. 1844.
Mason, David, LL.D: Life of Milton.
Mackinnon, James, D.D: Constitutional History of Scotland.
Maxwell, John: Sacro Sancta Regum Majestas. 1644.
Major, John: History of Greater Britain.
Prynne, William. :Vindication of Four Serious Questions. 1645.
Rutherfurd, Samuel. :Lex Rex. 1646.
" " :Divine Right of Church Government and Excommunion. 1646.
" " :A Survey of the Spiritual AntiChrist, 1648.
" " :A Free Disputation against Pretended Liberty of Conscience. 1649.


ADDITIONAL.
Anquez.:Histoires des Asemblees Politiques des Reformees de France.
Boyd, Robert. :Commentary on Ephesians.
Buchan, John. :Oliver Cromwell.
Binning, Hugh. :Sermons, 1670.
Cambridge History of English Literature, Relevant Volumes.
Cambridge Modern History, Relevant Volumes.

Fasti Ecclesiae Scoticae.
" " :History of Commonwealth and Protectorate.
" " :Constitutional Documents, 1625-1660.
Henderson, Alexander. :Sermons.
Journals of Lords and Commons.
Lang, Andrew. :History of Scotland, 4 Vols.
Lang, Andrew. *Life and Times of Sir George Mackenzie.*
Mackinnon, James, D.D. *History of Modern Liberty, Vols. 3 and 4.*
Neal, Daniel. *History of the Puritans.*
Naphthali and the Cloud of Witnesses.
Wodrow, Robert. *Analecta.*
" " *History of the Sufferings of the Church of Scotland.*