LORD BROGHILL AND THE ADMINISTRATION OF SCOTLAND

1655-1656

by

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ABSTRACT

The Scots' declaration of King Charles II within days of the execution of Charles I made war with the new English Commonwealth inevitable. When it came the Scots were routed at Dunbar on 3 September, 1650, and within six months the English were masters of all of Scotland. Until September 1655, when a Council of State was erected, the nation was governed in the main by the Commander-in-Chief of the English army of occupation. The task of the newly-appointed President of the Council of State, Lord Broghill, was to reconcile the Scots to the regime. In this he was, however, unsuccessful, defeated in the end by the Scots' natural resentment of the regime's foreign character and financial oppression.

While the establishment of the Commonwealth and Protectorate in the decade after the execution of Charles I has continued to attract the attention of historians, it has only been very recently that more than a passing interest has been expressed in contemporary events in Scotland. Scottish historians themselves have been as guilty as their English counterparts in this omission, though few have dared express their disinterest as bluntly as John Hill Burton, whose view was that Scottish "history was dormant" at the time.[1] Little has been written, therefore, of the administration of Lord Broghill, the young Irishman whom Oliver Cromwell sent to Scotland in 1655 to preside over the newly-created Scottish Council of State. In the 1960s two articles were published which focussed to a certain extent on Broghill's government, but their conclusions were highly tentative, and, in some cases, not firmly based on the evidence.[2] Nor has Broghill's modern biographer, Kathleen Lynch, added anything appreciable to our knowledge of Broghill's service in Scotland. She concentrates almost entirely on his intelligence network and omits any mention of the more positive

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1 John H. Burton, The History of Scotland, second edition, Edinburgh and London, 1873, vol. VII, p. 50. cf. also Andrew Lang, A History of Scotland from the Roman Occupation. Edinburgh and London, vol. III, ch. IX; Gordon Donaldson, Scotland: James V to James VII, Edinburgh and London, 1965, ch. XVIII.

2 Paul J. Pinckney, "The Scottish representation in the Cromwellian parliament of 1656", The Scottish Historical Review, vol. 46, Aberdeen, 1967; Hugh Trevor-Roper, "Scotland and the Puritan Revolution", Historical Essays 1600-1750 Presented to David Ogg, (ed. H.E. Bell and R.L. Ollard), London, 1963. For more on these two authors see below, pp. 111, 117-119.

aspects of his rule.[1] In writing this paper, therefore, I have been mainly dependent on primary sources. The State Papers of John Thurloe, where many of Broghill's letters are to be discovered, was found to be the most important single source of information.[2] The diaries of John Nicoll, an Edinburgh resident, and of Sir Archibald Johnston of Wariston were also of great use, as were the Letters and Journals of Robert Baillie. The only manuscript source that was consulted was the Orrery Manuscript in the possession of Harvard University. This proved unfruitful.

The importance of Broghill's administration within the context of the Protectorate lies in the fact that it was used by Broghill himself as an opportunity — the last one as it turned out — to reconcile the Scots to the English regime. It provides, therefore, in microcosm, a study of the problems that the English government encountered in Scotland and of the reasons for its ultimate failure. Chapters I and II, dealing with Broghill's personal background and the condition of Scotland before his arrival, though in a sense introductory chapters, were thought essential to the purpose of placing his administration in perspective. In devoting chapter III solely to his negotiations with the ministers, I have meant to reflect the importance that Broghill himself placed on them, as the key to his policy and to the success or failure of his administration. Conversely, chapter IV, dealing with the lesser matters of government, is meant to give some indication of why

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1 Kathleen M. Lynch, Roger Boyle First Earl of Orrery, Knoxville, Tenn., 1965, pp. 86-88.

2 For the following cf. the Bibliography.

he failed in his quest.

Insofar as dating is concerned the modern style has been used throughout with the year beginning on 1 January. This, of course, conforms with the Scottish practice, the seventeenth century year, in England, being taken from 25 March. Financial sums, too, are given in pounds sterling and not pounds Scots, the latter being worth about one-twelth of the English currency in the mid-seventeenth century.

Finally, a word of thanks to those people without whose aid and timely advice this paper could not have been written. To my mother who not only typed the manuscript but allowed me to use her dining room as an office, I owe a special debt of gratitude, as I do to the librarians of the Inter-library Loan office of McGill University for their tireless service and well-tested patience. My heaviest debt of gratitude goes, however, to my director of the past four years, as an undergraduate and graduate student, Professor M.P. Maxwell, who has never failed to sustain me with his good advice and encouragement.

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ABBREVIATIONS

Baillie, *Letters and Journals*	- *The Letters and Journals of Robert Baillie.*
C.S.P. Dom	- *Calendar of State Papers, Domestic.*
C.S.P. Ire	- *Calendar of State Papers, Ireland.*
Hist. Mss. Comm.	- *Historical Manuscripts Commission*
Lynch, *Orrery*	- *Roger Boyle First Earl of Orrery*
Nicoll, *Diary*	- *A Diary of Public Transactions and Other Occurences...By John Nicoll.*
Thurloe, *State Papers*	- *A Collection of the State Papers of John Thurloe.*
Wariston, *Diary*	- *Diary of Sir Archibald Johnston of Wariston* [1655-1656].

CHAPTER I

LORD BROGHILL 1621 - 1655

Roger Boyle was born on 21 April, 1621, at Lismore Castle, county Waterford, Ireland. His father was Richard Boyle, the "great" Earl of Cork and his mother, Catherine, was the daughter of Sir Geoffrey Fenton, primcipal secretary of state in Ireland from 1580 until 1608. In 1628 Roger's father purchased the title for him by which he was to be known for many years: Baron of Broghill.[1]

It is important to realize, for an understanding of Broghill's later career, that he was born into the ruling class in Ireland. His father had emigrated from England in 1588 and had, in little more than a decade, secured a large landed fortune for himself. By the 1620s he had become widely regarded as a "fine pillar" of the "new English" interest in Ireland.[2] The term "new English" was essentially a political one and applied only to those individuals of the Protestant faith who owned land in Ireland and whose forbears had emigrated, or been born there, within the last two or three generations. Since the Irish Catholics — including among their number the "old English", another socio-political group, distinguished by its combined Catholicism and English descent[3] — were debarred by their religion from the principal offices of state, the "new English" virtually monopolized these and

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1 Kathleen M. Lynch, Roger Boyle First Earl of Orrery, Knoxville, Tenn., 1965, pp. 1, 6.

2 Calendar of State Papers, Ireland (1625-1632), p. 322.

3 On the "old English" cf. especially Aidan Clarke, The Old English in Ireland 1625-42, London, 1966.

represented, therefore, essentially the Protestant English interest in Ireland. Only at the level of mayor, for example, could an "old English" family like Roche, in Munster, occupy office.[1] In matters of state policy, not surprisingly, the "new English" were sharply anti-Catholic, though their worst excesses were usually kept in check by the English government, for reasons of its own.[2]

Broghill's father was not only a "fine pillar" of the "new English" interest in Ireland, he was also -- and this no doubt explains why -- possibly the greatest landowner in the British Isles.[3] In 1640 his income from his estates alone, spread throughout the several counties of Munster, amounted to approximately £20,000.[4] High office followed wealth and in 1613 he was appointed to the Irish Privy Council, in 1629 made a Lord Justice of Ireland, and in 1631 appointed to the post of Lord High Treasurer.[5] That he towered over his rivals not only in Dublin but in Munster is undoubted, but very little is known of either the "old English" or Irish families of Munster at this time. All of the Earl's children married well, though only two, his daughters Joan

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1 C.B. Gibson, The History of the County and City of Cork, vol. II, London, 1861, p. 1.

2 cf. Clarke, The Old English in Ireland, pp. 60-61.

3 Lawrence Stone, The Crisis of the Aristocracy 1558-1641, Oxford, 1965, p. 140.

4 Charles Smith, The ancient and present state of the county and city of Cork, vol. I, Dublin, 1750, pp. 64n, 65n; The Lismore Papers (Second Series), viz. Selections from the Private and Public (or State) Correspondence of Sir Richard Boyle, First and 'Great' Earl of Cork, (ed. Alexander B. Grosart), vol. V, London, 1886, p. 259; Cork also had extensive industrial holdings. cf. Dorothea Townshend, The Life and Letters of the Great Earl of Cork, London, 1904, pp. 100-107.

5 Dictionary of National Biography, s.v., 'Richard Boyle; first Earl of Cork.'

and Alice, married into influential Irish families, to Lords Kildare and Barry respectively. Both of the latter had been raised as Protestants. Lord Barry was later to fight gallantly by his father-in-law's side during the Irish Rebellion, despite the blandishments of his Catholic relatives to join them. He died in September 1642.[1]

Little is known of Broghill's early life.[2] In May 1630 he was enrolled in Trinity College, Dublin, where he studied for perhaps four years. The period he spent there, however, does not seem to have been a very rewarding one. Years later he confessed: "Amongst my many Faults, I know none which had a lesse Disputed Assendent over me, then a Detestation to Readeing and Studdy, in which vast unhappiness I continued till I went to see the World." In 1635 it was decided that his education, as well as that of his elder brother, Lewis, Viscount Kinalmeaky, would best be served by a European tour. To accompany them as both tutor and guardian, the Earl of Cork chose, on the recommendation of Sir Henry Wotton, the Provost of Eton, one Isaac Marcombes, a Frenchman by birth but "verie sound in Religion." In their three years on the continent the two young men stayed a year at Geneva, toured northern Italy and France, and spent a winter in Paris. In the meantime they acquired a thorough instruction in the Protestant religion as well as

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1 For the marriages of the Earl of Cork's children, cf. Townshend, Life and Letters of Cork, chapters IX and XIII.

2 Except where otherwise indicated the following paragraph is based upon Lynch, Orrery, pp. 11, 14-15, 18, 20-21.

in the more practical subjects of mathematics, French, and Italian.[1] They also learned the skills of the "perfect Cavalier"[2] — riding, dancing, and fencing — without which their education would have been considered incomplete, They returned to England in March 1639.

Broghill took little part in the crucial political events that transpired in England over the next three years. He did serve the King, during the months of May and June 1639, in the First Scots War but does not seem to have taken part in the Second.[3] Instead he preferred to consort with the literati of the court, or to indulge in the less reputable pursuits that abounded there.[4] In short he enjoyed immensely the life of a courtier. The high point of his court career was his marriage, on 27 January, 1641, to Lady Margaret Howard, the third daughter of the Earl of Suffolk.[5] The marriage offered little in practical terms, only a potential alliance in English politics, and had no bearing upon the Boyle interest in Ireland. Broghill left for his homeland, in company with his wife and father, in October 1641. They arrived at the southern port of Youghal just a few days before the outbreak of the Irish Rebellion.

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1 Stone, The Crisis of the Aristocracy, p. 698.

2 The expression used by Marcombes when predicting the result of the instruction received by Broghill's younger brothers. Stone, The Crisis of the Aristocracy, p. 698.

3 Townshend, Life and Letters of Cork, p. 330; Lynch, Orrery, pp. 22, 23, 31, 34.

4 His gambling debts soon reached the total of £1,000. cf Lynch, Orrery, pp. 24-26, 28.

5 Lynch, Orrery, p. 31; C.V. Wedgwood, The King's Peace 1637-1641, Fontana Library, Manchester, 1966, p. 281.

In essence the Rebellion was, from the start, a conflict between Protestant and Catholic. Throughout its many phases, until the threat of English intervention on a large scale became real in 1648, this remained constant. The Rebellion was not one against the King's authority as such: it was merely, as its chief supporters said, in defence of religion and liberty. The Catholic insurgents' demands, in February 1642, were of two types, reflecting their religious and civil disabilities. They would lay down their arms, they said, if they were permitted to hold political office jointly with the Protestants; if the English Parliament renounced its right to legislate for Ireland; if the laws regarding the exercise of the Catholic religion, passed under Queen Mary, were re-established; and if the statutes for the banishment of priests, the confiscation of estates of the Catholic laity, and the dissolution of the monasteries, were repealed.[1] Since the Protestant ruling class had no intention of agreeing to these demands, which were denounced as encompassing the extirpation of the Protestant religion, war became inevitable.[2]

Though the Rebellion did not spread to Munster immediately it did catch the Protestants by surprise when it came. Cork wrote that it "came as suddainely upon us as lightening. Noe man foresaw nor

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1 Thomas L. Coonan, The Irish Catholic Confederacy and the Puritan Revolution, Dublin and New York, 1954, p. 111.

2 Ibid., p. 111.

suspected it; nor had munition nor anything provided for it."[1] He ascribed this virtually defenseless posture to Strafford who, he said, as Lord Lieutenant of Ireland, had deprived "the greatest part of the English and protestants in this province" of their arms.[2] The latter had, however, already weakened their position considerably when, in October, they had dispatched several companies of foot to the aid of the government in Dublin.[3] When Lord Mountgarret, one of the Catholics' leading generals, therefore invaded the province with an army of about "5000 well armed" in December 1641,[4] he was able to secure control of most of the countryside and of many of the Protestants' lesser strongholds.[5]

Broghill, in the Autumn of 1641, was stationed in Lismore Castle. The fact that he had to stay there at all galled him. Rumours of massacres and the steady stream of refugees from the northern counties had bred "such desires of revenge" in the Protestants that, in the Earl of Cork's words, "every man hath laid aside all compassion and is as bloody in his desire against them [the Irish], as they have been in their execution of us."[6] Instead of being allowed to achieve the

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1 The Lismore Papers, series II, vol. V, p. 258.

2 Quoted in Townshend, Life and Letters of Cork, p. 417.

3 Thomas Carte, The Life of James Duke of Ormonde, new edition, Oxford, 1851, vol. V, appendix, pp. 259, 260.

4 Townshend, Life and Letters of Cork, p. 393.

5 History of the Irish confederation and the war in Ireland 1641 (-1649) containing a narrative of affairs of Ireland...by Richard Bellings, (ed. J.T. Gilbert), Dublin, 1882, vol. I, p. 64; Clarke, The Old English in Ireland, pp. 196-198.

6 Townshend, Life and Letters of Cork, p. 418.

"gallant exploit" that he yearned for,[1] however, Broghill was thrown back onto the defensive and, in fact, besieged by a detachment of Mountgarret's forces in late February. The siege, though, was brief and unsuccessful. The insurgents' forces at this time were composed of poor fighting material and they seem to have dismayed by the arrival at Youghal of Sir Charles Vavasour with reinforcements for the Protestant party.[2] Throughout the following summer and into the autumn Broghill was mainly engaged in cattle raiding and other small-scale pursuits, having neither the numbers nor the supplies to engage in a major offensive of his own. The one battle of major proportions that he did take part in was fought at Liscarrol on 3 September; three of his brothers fought alongside him at that time and one of them, Lord Kinalmeaky, was killed.[3]

In November 1642 Broghill sailed to England with his elder brother Richard, Viscount Dungarvan. They had only one aim in mind, to secure for the latter the post of Lord President of Munster, vacant since the death of Sir William St. Leger in July, but in this they were unsuccessful. After St. Leger's death the military command of the province had been made the joint responsibility of Murrough O'Brien, Earl of Inchiquin and the Earl of Barrymore, son-in-law to the Earl of Cork.[4] Barrymore's death, however, in September 1642 had left Inchiquin the

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1 The Lismore Papers, series II, vol. V, p. 39.

2 Edmund Borlase, The history of the execrable Irish rebellion trac'd from many preceding acts, to the grand eruption the 23 of October, 1641. And thence pursued to the act of settlement, MDCLXII..., London, 1680, p. 85; History of the Irish Confederation, (ed. J.T. Gilbert), vol. II, p. 72.

3 Lynch, Orrery, p. 43; Townshend, Life and Letters of Cork, pp. 424-426; Richard Bagwell, Ireland under the Stuarts and during the Interregnum, London, 1909, vol. II, p. 23.

4 Townshend, Life and Letters of Cork, p. 412.

virtual governor of the province. This was an intolerable situation to Cork. Inchiquin, though a Protestant, was the head of an ancient Irish family: most of his relatives were, therefore, Catholic. Because of this he had become, early in the war, widely suspected by the Protestants for his seemingly too friendly attitude towards the Irish, a suspicion that the Boyles fully shared.[1] This feeling, in turn, had led to a series of mutual slights that had only served to strain relations between Inchiquin and the Boyles even further.[2] For these reasons Cork would have liked to secure the coveted post of Lord President for his son. In the end he was denied this, however, and instead Broghill was appointed as a commissioner to assist Inchiquin in his duties.[3]

Broghill arrived back in Ireland in July 1643, two months before the signing of the Cessation. This was an agreement, arrived at after several months of negotiations, between the King and the Irish Catholics. It consisted essentially of a truce of one year. Its other terms included one for an exchange of prisoners and another to confirm the dominance of each side, Protestant and Catholic, over the areas they controlled on 15 September, the day of its adoption.[4]

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1 Memoirs of the Verney Family during the Civil War, (ed. Frances P. Verney), London, 1892, vol. II, p. 56; The Lismore Papers, series II, vol. V, pp. 93-95.

2 For example, cf. Townshend, Life and Letters of Cork, pp. 413-414, 430-431; Gibson, History of the County and City of Cork, vol. II, p. 77; Carte, Ormonde, vol. V, pp. 372-373; The Lismore Papers (First Series), viz. Autobiographical Notes, Remembrances and Diaries of Sir Richard Boyle, First and 'Great' Earl of Cork, (ed. Alexander B. Grosart), London, 1886, vol. V, p. 209; Letters and Papers Relating to the Irish Rebellion between 1642-46, (ed. J. Hogan), Irish Manuscripts Commission, Dublin, 1936, pp. 159-160.

3 Townshend, Life and Letters of Cork, p. 431. No date is given.

4 Bagwell, Ireland under the Stuarts, vol. II, p. 50.

The Munster Protestants had been little consulted in the negotiations that preceded the Cessation and had no reason to be pleased with its ultimate consequences. The most serious of these was that it shut off once and for all any hope of aid from the English Parliament. The latter recognized the agreement for what it was — a means by which the King might obtain reinforcements from Ireland for his forces in England — and denounced it as a "dishonourable, insufferable peace with the rebels".[1] Soon after this it sent naval forces to blockade the Irish coast.[2] For the Protestants in Munster, then, whose lands and goods had been taken and despoiled, and who were intent on recommencing hostilities at the most favorable moment, this meant that no aid at all could be expected from England.

The situation confronting the Munster Protestants in the summer of 1644 was, therefore, a critical one. Without hope of aid from Parliament and destitute of all but the barest means of subsistence,[3] they could not possibly have sustained a general offensive against the Irish or even maintained, probably, more than a scant resistance against a large-scale attack. When in June, therefore, the King authorized his Lord Lieutenant of Ireland, the Earl of Ormonde, to conclude a peace

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1 Quoted in Ibid., pp. 51-52.

2 Carte, Ormonde, vol. VI, pp. 99, 102, 141-142.

3 For this reason five hundred men had deserted the Protestant forces in the previous autumn. There are no grounds for supposing that the situation had improved in the meantime. cf. Carte, Ormonde, vol. V, p. 522.

with the Catholics,[1] a peace that the Protestants feared might be made at their expense,[2] they were forced into a fundamental re-examination of their whole position. Hitherto the Protestant leaders had supported the King's side in the English civil war. When it became clear, however, that the King was pursuing a policy that was potentially dangerous to them, in addition to the fact that no aid could be expected from England unless direct application was made to the English Parliament, they decided that at least a formal transfer of allegiance to the latter should be made; this was carried out, therefore, in mid-July. In their address to the King, dated 17 July, they argued that his negotiations with the Irish would "in all likelihood" cause "the Protestant Religion ...to be extirpated...."[3] To Parliament they declared, therefore, that for the defense of what they held most dear, "the true Protestant Religion, and...our Laws and Liberties", they would allow it to secure any or all of their garrisons.[4] In applying to Parliament, therefore, the Protestant leaders allowed that institution to gain a foothold in southern Ireland. That their transfer of allegiance involved a genuine change of heart towards the King's cause is, however, doubtful. In allying himself with Parliament Inchiquin, for one, looked forward mainly to the material benefits that he expected from it, "large Supplies" in particular and "good pay for 10,000 horse and foote...."[5]

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1 Bagwell, Ireland under the Stuarts, vol. II, p. 69.

2 Infra.

3 John Rushworth, Historical Collections of Private Passages of State, London, 1721, p. 918.

4 Ibid., p. 920.

5 Carte, Ormonde, vol. VI, pp. 171-172; Egmont Mss. vol. I, pt. I, Historical Manuscripts Commission, pp. 235-236.

In private he utterly disavowed the parliamentary cause and protested "that if hee sawe any likelyhood of security for the protestants heer [in Ireland] by some forraine releise or otherwise, hee would wave all dependance upon them [the parliamentary side], and imploye his best endeavours to serve his majestie...."[1] There is no evidence to suggest that Broghill felt otherwise.

The aid that the Protestant leaders anticipated when they threw their gates open to the English Parliament never materialized.[2] In November 1644 Broghill travelled to London to beg for assistance but met with little success and returned to Munster the following January with only £10,000; most of this was quickly spent on food and clothing and what remained was hardly sufficient for a month's provisions.[3] Under these circumstances the fighting capacity of the Munster Protestants remained sadly impaired. In April 1645 the Earl of Castlehaven, one of the Catholics' ablest commanders, led a large invasion force into the province and overran much of it. By May all of the Protestants' outer garrisons had been taken, including major ones at Mallow, Liscarrol, and Lismore; and Youghal, under Broghill's governorship since the previous August, had been put under siege.[4] In June Broghill managed to slip out of the town and went to London in search of aid,

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1 Carte, Ormonde, vol. VI, pp. 317-318.

2 C.S.P. Ire.,(1633-1647), p. 434.

3 Ibid., pp. 434-435.

4 Bagwell, Ireland under the Stuarts, vol. II, pp. 90-94.

but he once again encountered a cold reception. With the meager sum of £3,000 he was, however, at least able to relieve Youghal in September.[1] The condition of the Protestant forces remained critical until well into the following summer when, in May and June, Broghill was able to inflict two serious defeats on the enemy. In July, for the third time in less than one year, he set out for London and the seat of government.[2]

When Broghill arrived in London that summer (1646) he had two aims in mind: once again to solicit aid for his ill-kept forces at home and to ruin the reputation of his superior in Ireland, the Commander-in-Chief of the Munster forces, the Earl of Inchiquin. In his first objective he received no immediate satisfaction. Though events in Ireland had reached a new crisis level[3] and the civil war in England had apparently ended, the English political situation was still too fluid for Parliament even to consider the dispatch of large numbers of soldiers out of the country. It was to be some time, therefore, before reinforcements were to reach Ireland at the strength demanded by Broghill, about five thousand foot and fifteen hundred horse.[4] He had, however, more success in obtaining his second objective. The Boyle family's relations with Inchiquin, as we have seen,[5] had been

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1 The Tanner Letters, (ed. Charles McNeill), Irish Manuscript Commission, Dublin, 1943, p. 194; C.S.P. Ire., (1633-1647), p. 435.

2 Lynch, Orrery, pp. 54, 57; Egmont Mss. vol. I, pt. I, Hist. Mss. Comm., p. 301.

3 Ormonde had at last concluded a peace with the Irish and Broghill feared that many of the Munster Protestants would observe it "if some settled course be not taken for their livelihood." cf. Portland Mss, vol. I, pt. I, appendix, Hist. Mss. Comm., p. 390.

4 Ibid., p. 391.

5 See above. p. 8, 8n.

strained almost from the start of hostilities in Ireland. After the death of the Earl of Cork on 15 September, 1643, however, both sides seem to have submerged their rancour for the sake of the Protestant cause. It was only after several years of peaceful cooperation, therefore, that Broghill in 1646 determined to reopen the feud. Whether he actually felt that Inchiquin was untrustworthy, or whether he thought that the war effort was lagging due to a lack of enthusiasm on Inchiquin's part, is hard to say. What is certain is that, in the second half of the year, he was resolved to take advantage of whatever feeling that existed against Inchiquin to undermine his position in Munster. To this end he concerned himself with three tasks: to blacken Inchiquin's reputation as much as he could; to obtain for himself a command independent of Inchiquin's; and to ingratiate himself with the parliamentary Lord Lieutenant of Ireland, Lord Lisle. Though it is not clear how successful he was in his first two aims,[1] he does seem to have been completely successful in the third. He returned to Ireland with Lord Lisle in February 1647 and worked closely with the Lord Lieutenant what followed.

Broghill arrived at Cork on 22 February. Not surprisingly he and Lisle immediately found fault with Inchiquin's administration.[2] In the power struggle that ensued in the following weeks the latter was excluded from the government's counsels and those that sided with him

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1 Egmont Mss. vol. I, pt. I, Hist. Mss. Comm., p. 314; Ibid., vol. I, pt. II, pp. 342, 355, 368; C.S.P. Ire., (1633-1647), p. 510.

2 Egmont Mss. vol. I, pt. II, Hist. Mss. Comm., p. 366.

were thrust from their posts.[1] In a short time Broghill was, according to Inchiquin, completely master of the situation.[2] This condition, however, proved shortlived. On 15 April Lisle's commission as Lord Lieutenant expired and Inchiquin, by virtue of his authority as Lord President, was able to order him out of the country.[3] Broghill had no choice but to leave with him. He had no intention, however, of abating his campaign against his nominal superior. Over the next eighteen months he continued to poison the minds of the members of Parliament against Inchiquin, referring to him as a "rebel" and "traitor", and in the summer of 1647 initiated impeachment proceedings against him in the Commons.[5] These, however, made little progress in a House that had far more urgent matters under consideration. Inchiquin,too, by his achievements in the field must have done much to allay suspicion of himself. In May 1647 he was able to take Cappoquin, Dromana, and Dungarvan from the Irish and in September stormed and captured Cashel.[6] As a mark of its favour, Parliament gave Broghill a sum of £2,000 in February 1648 and in March made him Master of the Ordnance in Ireland. In the latter month, indeed, preparations were being made in London for

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1 Egmont Mss. vol. I, pt. II, Hist. Mss. Comm., pp. 371, 373, 385, 390.

2 Ibid., p. 380.

3 Bagwell, Ireland under the Stuarts, vol. II, p. 151; Lynch, Orrery, pp. 58-59.

4 Egmont Mss. vol. I, pt. II, Hist. Mss. Comm., p. 461.

5 Lynch, Orrery, p. 61; The Parliamentary or Constitutional History of England, London, 1755, vol. XVI, pp. 82-83.

6 Bagwell, Ireland under the Stuarts, vol. II, pp. 150, 152-153.

an expedition to be led by Broghill that would have permitted him to supplant Inchiquin by force.[1] By this time, however, it is clear, Broghill was beginning to have serious doubts about the whole course of events in England and especially of his part in them.

The English political scene early in 1648 had reached a critical point.[2] Following his surrender to the Scots in May 1646, the King had been delivered into the custody of Parliament (January 1647) and then been seized by the army and kept its prisoner (June 1647-January 1649). On 26 December, 1647, however, he had signed a secret Engagement with representatives of the Scottish nobility that resulted, in April 1648, in a second civil war. In the meantime (January 1648) Parliament had broken off negotiations with him. Before dispersing in April to crush the scattered royalist insurrections that the King had fomented, the army leaders determined that he, as a "man of blood", should be brought to trial.

This turn of events was in all likelihood quite unexpected by Broghill. Though he had not, before the war, shown a very great interest in politics, or in all probability ever been much aware of the issues dividing King and Parliament, he could hardly have been unaware of the sad and dangerous condition into which the King had fallen: the the army's prisoner in Carisbrooke Castle, "reduced from three Kingdoms to three rooms" there,[3] and in possible danger of his life. With the

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1 Lynch, Orrery, pp. 62-63.

2 The following paragraph is based upon The Stuart Constitution 1603-1688: Documents and Commentary, (ed. J.P. Kenyon), Cambridge, 1966, pp. 292-293.

3 Lynch, Orrery, p. 64.

monarchy itself in such straits, therefore, he resolved to do all that he could to aid it, even at the risk of a temporary eclipse of his Irish interests. To this end he began, in April 1648, a correspondence with the Queen and Prince of Wales regarding his possible service with them. The only stipulation that he made was that, if he was to serve alongside Inchiquin, who had on 3 April already declared his allegiance to the King, it must not be as his subordinate.[1] Though his overture was "as well received as he could wish" there were still great difficulties in the way of its consummation.[2] His still-strained relations with Inchiquin, especially, posed an obstacle. The Earl of Ormonde, still officially the King's Lord Lieutenant, but since 1647 in attendance upon the Prince of Wales in the Low Countries, tried to sooth these but without success.[3] Finally it required no less than the King's execution on 30 January, 1649, to force Broghill's hand. By April it was known in Holland, where Charles II was residing, that he intended to be there as speedily as he could to accompany his new sovereign to Ireland.[4] Charles, for his part, wrote to Ormonde in Ireland urging him to do all that he could "to settle a right understanding" between his new protégé and Inchiquin.[5] In early April, therefore, Broghill set out for London to

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1 Lynch, Orrery, p. 64.

2 Collection of Original Letters and Papers Concerning the Affairs of England, from the Year 1641 to 1660, (ed. Thomas Carte), London, 1759, vol. II, p. 353.

3 Carte, Ormonde, vol. VI, p. 578.

4 Lynch, Orrery, pp. 68-69.

5 Ibid., p. 68; Collection of Original Letters, (ed. Thomas Carte), p. 370.

continue from there to the Hague. Little did he know that his plans were to suffer a sharp reversal.

There is only one account of the curious episode that occurred in London and which changed the course of Broghill's career for the next ten years: that of his later chaplain, Thomas Morrice.[1] There seems little reason to doubt its truthfulness. Soon after arriving in London, Broghill received some unexpected news. Oliver Cromwell, he was informed, was aware of his presence in the city and intended to pay him a visit. Not long after this message was delivered Cromwell indeed came to Broghill's lodgings and made him an incredible offer. He knew, he said, of Broghill's plans to join the King and had already given an order for his arrest. He (Broghill) could avoid this fate, however, on one condition: he must agree to reverse his plans and aid Cromwell in the reconquest of Ireland. He should serve as a general officer, not be asked to subscribe to any oaths, and fight against the Irish only. He must also make his decision immediately.

> For a man of Broghill's active temperament and soldierly instincts, the decision to accept Cromwell's terms was inevitable. Languishment of uncertain duration in the Tower — if not a worse fate — was an unbearable alternative. Broghill genuinely desired to serve the King and managed to convince himself that it was "a very great Providence" that he could be preserved for this ultimate end. Meanwhile, he could accomplish the

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1 The following paragraph is based on this. cf. Memoirs of the most Remarkable Passages in the Life and Death of the Right Honourable Roger, Earl of Orrery, pp. 10-11, attached to A Collection of the State Letters of...Roger Boyle, (ed. Thomas Morrice), London, 1742.

> project closest to his heart, the conquest of Munster for the Protestant interest there. 1

This explanation, by Broghill's latest biographer, of his acceptance of Cromwell's offer is probably as close to the truth as we shall come. For years Broghill's primary purpose had been to serve the Protestant interest — his interest — in Ireland. Since the war began he had received little or nothing in rent from his Irish estates and his elder brother, Lord Kinalmeaky, had been killed by the Catholics.[2] In 1644 he, alongwith his fellow officers in Munster, had applied to the English Parliament for aid when it was observed that the King's policies were placing the Protestant interest in jeopardy. He may have thought, too, that the best guarantee for that interest lay in Cromwell's offer, since Inchiquin's and Ormonde's alliance with the Irish against Cromwell left no guarantee for the future.[3] There was, therefore, good reason to choose his side. Broghill's acceptance of Cromwell's offer, however, does nothing to enhance his own reputation. He may have considered that, despite the fact that he had apparently "changed sides", he still had the same interests at heart. No amount of words, however, can dispel the fact that he had committed himself to a man who had just murdered the King, and whose purposes were directly counter to those of the new monarch, whose interests he had intended to uphold a few weeks earlier.

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1 Lynch, Orrery, p. 71.

2 Egmont Mss. vol. I, pt. II, Hist. Mss. Comm., p. 491.

3 Inchiquin had signed a truce with the Irish on 20 May, 1648. cf. Bagwell, Ireland under the Stuarts, vol. II, pp. 165-167.

Broghill did not return to Ireland until October 1649, two months after the departure of his new commander.[1] His services to Cromwell were, however, immediate and of great importance. By employing the large influence that he had in Munster, he induced the major towns of Cork, Kinsale, and Youghal to surrender without resistance in November. He was received by the last, he said, "with all the real demonstrations of gladness an overjoyed people were capable of": proof that his choice of Cromwell over the Irish and their allies, Inchiquin and Ormonde, was popular among the Munster Protestants.[2] Soon after this the towns of Baltimore, Castlehaven and Mallow surrendered also.[3] By December the greater part of Munster lay at his feet.

Cromwell was most appreciative of Broghill's accomplishments. On 19 December he wrote to the Speaker of the House, William Lenthall:

> And, indeed, upon this occasion [Broghill's capture of Dungarvan on 2 December] I must needs say that in the bringing in of this garrison, Kingssale, the fort of Bandonbridge, and divers other garrisons, his Lordship hath been most eminently serviceable unto you, and I do earnestly and humbly desire he may be taken into consideration, his Lordship never having shrunk from your interest, though under as great trial and necessities as any man, he having his whole fortune under the power of the enemy.... 4

In the Spring campaign Broghill did almost as well, attacking and

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1 Lynch, Orrery, p. 72.

2 Bagwell, Ireland under the Stuarts, vol. II,pp. 208-209; Lynch, Orrery, pp. 72-73.

3 Bagwell, Ireland under the Stuarts, vol. II, p. 209.

4 Appendix to the Seventh Report, Hist. Mss. Comm., p. 73.

routing an enemy force near Limerick in March and at Macroom in April. His assistance was also decisive in Cromwell's capture of Clonmel in May.[1] When Cromwell left Ireland that month the backbone of the Irish resistance had been broken, though isolated pockets of resistance still existed. In July and August 1650 Broghill was occupied with Henry Ireton, Cromwell's son-in-law, in the siege of Waterford, but after its fall, on 10 August, was largely engaged on his own.[2] The one commander of any rank among the Irish that still possessed a considerable following in Munster was Sir Donough MacCarthy, Viscount Muskerry and for the next year and a half Broghill was constantly in his pursuit. The only pitched battle that they fought was near Kanturk in June 1651 from which Broghill emerged the clear victor.[3] After this only mopping up operations remained. The last stronghold that the Catholics held in Munster was Drumagh and this was taken by Broghill in June 1652.[4] By that time the war was virtually over, though it was not declared officially ended until September 1653.

The close of hostilities in Ireland necessarily ended the first phase of Broghill's career under the Commonwealth. Hitherto he had served mainly as a soldier and, as such, had been instrumental in reducing Ireland to England's will. The advent of peace, however, did

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1 Bagwell, Ireland under the Stuarts, vol. II, pp. 222-223; Lynch, Orrery, pp. 78-79.

2 Lynch, Orrery, p. 79.

3 Bagwell, Ireland under the Stuarts, vol. II, pp. 267-268; A contemporary history of affairs in Ireland from 1641 to 1652, (ed. J. T. Gilbert), Irish Archaeological and Celtic Society, Dublin, 1880, vol. III, appendix, pp. 234, 245.

4 A contemporary history of affairs in Ireland, (ed. J.T. Gilbert), vol. III, p. 323.

not shut the doors to his further advancement but rather opened them wider.[1] While his achievements as a soldier were acknowledged in London — and had earned him the admiration of Cromwell — new vistas were now opened to him as an administrator. And the English government, facing a monumental challenge in Ireland, soon found itself only too willing to make use of his knowledge and experience.

As soon as it was known in England that the war in Ireland had been virtually won, plans for the establishment of a civil government there were undertaken. Though these were completed in October 1650, the parliamentary commissioners that were to carry them out did not arrive in Ireland until the following January. Their duties were in the main reducible to three: they were to be solely responsible for the war effort, were to reduce expenses where they could — and raise a sufficient revenue —,and take a special care for the administration of justice. Soon after their arrival, to make their task easier, the commissioners divided the area that they controlled into six precincts and placed a military governor over each. As the area under effective English control continued to grow, six more precincts were added. Each precinct also possessed its own commissioners for the collection of revenue and the administration of justice.[2] In the precinct of Cork, Broghill shared the command of the Commonwealth forces with Colonel

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1 Broghill was rewarded by Parliament in 1651 with a grant of land, in Ireland, worth £1,000 'per annum'. cf. Ireland under the Commonwealth, (ed. Robert Dunlop), Manchester, 1913, vol. II, p. 294.

2 J.C. Beckett, The Making of Modern Ireland 1603-1923, New York, 1966, pp. 104-105; Bagwell, Ireland under the Stuarts, vol. II, p. 246.

Robert Phaire and was a commissioner of revenue.[1] Two tasks that he was actively engaged in were the dispatch of officers and men, that had surrendered to the English, to the continent, and the deportation of Irish men, women and children to New England. To each he brought an enthusiasm and efficiency that was acknowledged by the parliamentary commissioners.[2] Broghill's potential usefulness to the English administration, however, as a man possessing Irish experience, was not fully realized until 1653.

In 1652 the Commonwealth government launched in Ireland what was without doubt its most ambitious project: the transplantation to Connaught. As an undertaking, the transplantation demanded more time, involved greater numbers, and was more consequential, in terms of its long-term impact, that any other project that the Commonwealth undertook. For it involved, if we define it by the Act of Settlement of 12 August 1652, nothing less than the expropriation of the owners of some two-thirds of the land in Ireland.[3]

The transplantation was designed to solve three problems. It was considered by many to be, first of all, a prime means of bringing order and good government to Ireland. This, however, was nothing new: it had been the aim of every English Government since Elizabeth's.

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1 Ireland under the Commonwealth, (ed. R. Dunlop), pp. 269, 298.

2 Ibid., pp. 308, 341, 368-369, 374-375.

3 Christopher Hill, The Century of Revolution 1603-1714, London, 1966, pp. 114-115; Bagwell, Ireland under the Stuarts, vol. II, pp. 317-318.

Other problems, however, were more pressing and demanded immediate answers. Two classes or groups of individuals looked to the transplantation to provide reimbursement in land for services delivered. The first, in point of time, was the Adventurers, individuals who had in 1641 pledged sums of money for the suppression of the Irish revolt and had been promised lands in Ireland as repayment. The second was composed of the soldiers who had fought in Ireland since June 1649 and whom the parliamentary commissioners, as a means of saving revenue, wanted to disband. Both groups, however, had to wait for more than a year before they received even partial satisfaction.[1]

The delay in carrying out the transplantation was occasioned by the fact that the Act of Settlement, which first envisaged it, had declared only which persons or classes of persons were to forfeit a part of their lands, and not how the forfeitures were to be enforced or how the lands so forfeited were to be distributed to the new claimants. These deficiencies were rectified to a certain extent by fresh instructions sent from London in July 1653, but it was not until September that the latter were regularized by an act of Parliament.[2] The plan then visualized was that all of the "delinquent" proprietors were to be removed across the Shannon into Connaught by 1 May, 1654, to receive estates there. The soldiers' and Adventurers' claims were to be met from forfeited estates set out in ten counties in the other three provinces; what

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1 Beckett, The Making of Modern Ireland, pp. 105-106; C. V. Wedgwood, The King's War 1641-1647, Fontana Library, Manchester, 1966, pp. 66-67.

2 S.R. Gardiner, "The Transplantation to Connaught", The English Historical Review, vol. XIV, London, 1899, pp. 708-709.

remained in the way of forfeited property was to be disposed of by the English government as it saw fit.[1]

From August 1653 until the spring of 1654, when he left for London to attend the First Protectorate Parliament, Broghill played an important role in the transplantation process, not only in his own precinct of Cork but on the national level. In the former, as a commissioner of revenue, he was responsible not only for the correct valuation of the estates of those forfeited, but for their distribution to their new owners as well.[2] On the national level he sat, at least for a time, on a standing committee whose task it was to consider all matters referred to them by the parliamentary commissioners, including the transplantation and how it might be "managed and carried on with the most advantage to the Commonwealth."[3] He had already attained a place, therefore, at the center of affairs. In the latter capacity he was, in all probability, responsible, along with his fellow councillors, for the erection in January 1654 of the standing committees at Athlone and Loughrea, whose tasks were respectively the final investigation of delinquency and the assignation of lands in Connaught.[4] Though it is not clear that he sat on either of these two committees it seems

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1 Beckett, The Making of Modern Ireland, p. 107.

2 Gardiner, "The Transplantation to Connaught", pp. 711, 713; Ireland under the Commonwealth, (ed. R. Dunlop), pp. 389-394.

3 Gardiner, "The Transplantation to Connaught", pp. 709-710; Ireland under the Commonwealth, (ed. R. Dunlop), pp. 369-370.

4 John P. Prendergast, The Cromwellian Settlement of Ireland, second edition, London, 1870, p. 147; Gardiner, "The Transplantation to Connaught", p. 717.

certain that his advice was closely followed throughout. In April 1654, when Broghill was in London, he was one of those asked by the parliamentary commissioners to submit further proposals to Cromwell regarding the transplantation.[1]

The whole scheme of transplantation, substituting as it did on such a vast scale Protestant landowners for Catholic ones, must have appealed warmly to Broghill and drawn him closer to the regime that sponsored it. For this and for personal favours that the administration extended to him,[2] he was able to show his appreciation in the Parliament of 1654. After unsuccessfully opposing a proposal that would have virtually transformed the Parliament into a constituent assembly, he reportedly swore that he would have wished to redeem "that wound [to Cromwell's authority] with a pound of the best blood of my body."[3] By that time, too, (late 1654), he had become a chief adviser to Cromwell on Irish affairs. His influence was sought not only by private suitors for their own ends but even by the parliamentary commissioners.[4] In October he appeared before the Council of State on his own behalf to represent the importance of constituting Henry Cromwell Lieutenant-General of the army in Ireland.[5] By then, therefore,

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1 R.W. Ramsay, Henry Cromwell, London and New York, 1933, pp. 42-43.

2 cf. Lynch, Orrery, p. 85; Calendar of State Papers, Domestic, (1654), pp. 337-338; C.S.P. Dom., (1655), p. 157.

3 Recorded by the parliamentary diarist, Thomas Burton, and quoted in S.R. Gardiner, History of the Commonwealth and Protectorate 1649-1656, new edition, London, 1903, vol. III, p. 204.

4 Egmont Mss. vol. 1, pt. II, Hist. Mss. Comm., pp. 542, 555-556; C.S.P. Ire., (1647-1660), p. 617.

5 C.S.P. Dom., (1654), p. 382.

he had become a principal friend of the regime.

In March 1655 Broghill was appointed to the Presidency of the Scottish Council of State. What exactly the Protector's reasons were for his appointment we do not know. Certainly Broghill's loyalty to the regime was unquestionable: he had proven this during both the suppression of the Rebellion and the last Parliament, though in the former, clearly, he had wider interests at heart. He did not lack administrative experience either. In both the transplantation and the deportation of large numbers of people from Ireland, he had demonstrated his capability of handling large tasks. Cromwell may have been impressed, too, by Broghill's ability to talk, to persuade and cajole, as he had done in 1649 when he induced the principal towns in Munster to surrender. He knew that what was needed in Scotland was a man with such attributes that could take over the task of governing from the unimaginative Monck and possibly reconcile the Scots to the regime.[1] Finally Cromwell must clearly have felt that Broghill was simply better qualified, both in terms of personality and experience, than most others in his administration. Certainly no individual as unsophisticated as a John Desborough, for example, or having such an aversion to established religion as a Charles Fleetwood, could hope to succeed in a country like Scotland where a high degree of both statesmanship and toleration

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1 ie. George Monck, commander-in-chief of the English army in Scotland 1654-1660. See below, chap. II.

in a person were required.[1]

As important as any of the above criteria, however, was Broghill's own social background. His appointment came during what historians have come to recognize as the second, conservative period of Cromwell's ascendency in England, following the failure in 1653 of the Nominated Parliament.[2] Cromwell, it has been said, "no longer hoped to realize the rule of God's people in England: instead he saw himself as a constable whose task was to prevent Englishmen from flying at one another's throats." While we shall have to examine Broghill's administration in light of this later, it is clearly safe to say here that his appointment accurately reflected the changed mood in England. As the son of perhaps the wealthiest landowner in the British Isles, with a wife who was a member of one of England's greatest families, and as a former courtier and royalist himself, Broghill could hardly have found acceptance — or looked for it — among Cromwell's early, radical friends. When these were driven from power in 1653, however, he no doubt found that he shared at least some common attitudes with those who remained. He could hardly have disagreed with these words of Cromwell, at any rate, spoken to the First Protectorate Parliament: "a nobleman, a gentleman, a yeoman: that is a good interest of the nation and a great one."

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1 cf. D.N.B., s.v. "John Desborough"; Ibid., s.v. "Charles Fleetwood". Though "a firm and sincere son of the church of England", Broghill held moderate views. "To dissenters" he always spoke "in honour of episcopacy" and "To bishops...in favour of the dissenters." Though he never let his own views obtrude upon his policies in Scotland, he did refer, in a later reference, to "heresy" as being, along with poverty, one of the "great diseases in that country". cf. Morrice's Memoirs of the...Right Honourable Roger, Earl of Orrery, pp. 48-49, and his A Collection of the State Letters of...Roger Boyle, London, 1742, p. 202.

2 cf. especially Christopher Hill, God's Englishman: Oliver Cromwell and the English Revolution, London, 1970, chapers V-VII; the two quotations in this paragraph are taken from here, pp. 143, 150.

Regarding the terms of his employment, Broghill is said to have made only one stipulation: that he should be asked to serve for one year only. Whether this is true or not is hard to say; it is, however, doubtful.[1] Ludlow was the first to mention it, in his Memoirs, and the story was later taken up by Broghill's first biographer, Morrice.[2] Neither source is, however, reliable. Ludlow was out of favour in 1655 and was not, therefore, close to events, and Morrice's narrative, interspersing as it does fact with fiction, is not always dependable. There is no mention of it either, by Broghill or anyone else, in the records of the time. In apparent contradiction to the story, also, is the fact that in May 1656 Broghill wrote to London asking only for a three months pass to return to England to attend his own and the public business.[3] Presumably he would have then returned to Scotland to resume his duties there. Whether he actually insisted, therefore, that his term in Scotland should be limited to one year is questionable. If this was the case it would clearly indicate that he regarded the appointment with some disrelish, removing him, as it did, from the center of affairs. This, however, is only speculation. What is certain is that he left London for his new post in August 1655.[4]

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1 The Memoirs of Edmund Ludlow, (ed. C.H. Firth), Oxford, 1894, vol. 1, p. 395.

2 Morrice, Memoirs of the...Right Honourable Roger, Earl of Orrery, p. 22.

3 A Collection of the State Papers of John Thurloe, (ed. T. Birch), London, 1742, vol. V, p. 18.

4 Thurloe, State Papers, vol. III, pp. 727, 737.

CHAPTER II

SCOTLAND IN 1655 AND THE FORMATION OF THE COUNCIL

> For the tyme, all Scotland is exceeding quiet, but in a very uncomfortable condition; very many of the Noblemen and gentlemen, what with imprisonments, banishments, forfaulters, fynes...and private debts from their former troubles, are wracked or going to wrack. The commonalitie and others are oppressed with maintainance to the English armie. Strange want of money upon want of trade, for our towns have no considerable trade; and what is, the English has possessed it. The victuall is extraordinarie cheap; in God's mercie, but judgment to many. Want of justice, for we have no Barron-Courts; our sheriffs have little skill, for common being English sojours; our Lords of Session, a few English, unexperienced with our law, and who, this twelve moneth, hes done little or nought; great is our suffering through want of that Court. After long neglect of us as no nation, at last a supreme Councell of State, with power in all things, is come doune, of six or seven English sojours and two of our complying gentlemen, Colonell Lockhart and Colonell Swinton. We expect little good from them;
>
> Baillie, Letters and Journals, 1655.

Baillie's morose and pessimistic estimate of Scotland's woe in the year of Broghill's appointment to the Scottish Council was very near the truth: in only two instances could its accuracy be reasonably doubted — in its assertion of the English monopolization of Scotland's trade and the absence of Baron Courts — and these were relatively minor.[1] As an estimate, therefore, it was remarkably accurate. By

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1 Baron Courts were in fact re-established in Scotland, after their suppression in January 1651, by ordinance of the Protector, 12 April, 1654. cf. Acts of the Parliaments of Scotland, vol. VI, pt. II, p. 816; also, Records of the Baron Court of Stitchill, 1655-1807, (ed. Clement B. Gunn), Scottish History Society, vol. L, Edinburgh, 1905. On the state of Scotland's trade, see below pp. 50-51.

1655 Scotland had become to all intents and purposes a mere province of the English Commonwealth. Occupied by an English army of occupation, its nobility and "very many of the...gentry" were beset by debt on every side,[1] its people were borne down by a massive burden of taxation,[2] its trade was languishing,[3] for long periods of time its justice was unattended,[4] and its government was a mere administrative body, totally lacking in imagination and initiative.[5] To understand, however, more fully what the condition of Scotland was in 1655, so that we may see Broghill's administration in perspective, we shall have to return to at least the year 1650 and examine the events that engendered it.

The story of Cromwell's march into Scotland, his victory at Dunbar, and subsequent defeat of the remaining Scots forces both within Scotland itself and at Worcester, is well known, and a detailed description here is unnecessary.[6] After Cromwell's return into England in August 1651

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1 See below pp. 42-43.

2 See below p. 50.

3 See below pp. 50-51.

4 "It is to be rememberit, that all the last somer in anno 1654, and all this last winter and somer in anno 1655, thair wes no sitting Sessioun in Edinburgh, nor no calling of Actiounes be ressioun of the absens of the Judges, viz. Judge Smith, Judge Swintoun, and Judge Lokhart being at Lundoun employed as Commissioneris from Scotland to the Parliament of England." — A Diary of Public Transactions and Other Occurences, Chiefly in Scotland, from January 1650 to June 1667. By John Nicoll, (ed. David Laing), Bannatyne Club, Edinburgh, 1836, p. 155.

5 See below pp. 39-40.

6 cf. W.S. Douglas, Cromwell's Scotch Campaigns 1650-1651, London, 1898; C.H. Firth, Oliver Cromwell and the Rule of the Puritans in England, New York and London, 1900, ch. XIV.

in pursuit of Charles II, the task of subjugating the Scots was entrusted to Lieutenant-General George Monck. With no major enemy forces left in the field, Monck was able to carry out his task methodically, reducing the Scots' strongholds one after another.[1] Stirling and Dundee fell in August 1651, St. Andrews, Aberdeen, and Montrose in September. In November and December the Marquis of Huntly and Lord Balcarres laid down their arms and signed articles of capitulation to the English. By May 1652 the last flicker of organized resistance to the invading forces was extinguished with the surrender of Dunnottar Castle, and only mopping up operations remained. These were carried out in the months that followed by Colonel Robert Lilburne in the Highlands and by Major-General Richard Deane in Argyleshire. Argyle himself was in August compelled to sign an agreement with Deane, which, though moderate, inevitably left him firmly subordinate to the English administration.[2] With his formal submission, the military conquest of Scotland was complete.

The first impulse of the English Parliament after Cromwell's crowning victory at Worcester on 3 September, 1651, was to annex Scotland

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1 The following paragraph is based on the Introduction to Scotland and the Commonwealth; Letters and Papers Relating to the Military Government of Scotland, from August 1651 to December 1653, (ed. C. H. Firth), Scottish History Society, vol. 18, Edinburgh, 1895.

2 By this agreement and a second one signed in October, not only were the English garrisons, initially stationed on his estates, withdrawn, but he was allowed a certain latitude in his "good endeavours for the establishing religion according to his conscience." cf. Ibid., pp. 48-49, 56.

outright to the Commonwealth as a conquered province.[1] This was probably no less than what was expected in Scotland; as one observer remarked, "The drift of the English is to destroye the whole Nobility & Gentrie, & erect a commonwealth subiect to that of England...as being conquished by them."[2] On 9 September it was referred to a committee of the House to draft a bill "for asserting the Right of the Commonwealth to so much of Scotland" as was now under their power,[3] and on the twenty-sixth following the House instructed the Council of State to nominate "fit persons to be sent as Commissioners into Scotland...for the Managing of the Civil Government...there."[4] These were duly appointed on 23 October and dispatched to Scotland in December;[5] by that time, however, English policy had changed: from one of annexation to political incorporation or union.

The most probable explanation for the change of policy is that the first, initiated in the Commons only six days after Worcester, represented nothing more than the anti-Scots sentiment that that victory had aroused

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1 The Cromwellian Union: Papers Relating to the Negotiations for an Incorporating Union between England and Scotland 1651-1652, (ed. C. Sanford Terry), Scottish History Society, vol. XL, Edinburgh, 1902, Intro., p. XVII.

2 M.V. Hay, The Blairs Papers 1603-1660, London and Edinburgh, 1929, p. 38.

3 The Cromwellian Union, (ed. C.S. Terry), p. XVII.

4 Ibid., p. XVII. The commissioners were: Chief-Justice Oliver St. John, Sir Henry Vane, junior, Major Richard Solway, Colonel George Fenwick, Major-General John Lambert, Major-General Richard Deane, and Robert Tichbourne, an alderman of the city of London.

5 Ibid., pp. XVII, XXIV.

in the House, while the second, framed by the Council more than a month after Worcester, represented carefully thought-out government policy. The new policy was presented to the House on 23 October and was passed five days later as "A Declaration of the Parliament of the Commonwealth of England, concerning the Settlement of Scotland."[1] In calling for political union, it differed from the annexationist policy in one very important respect: whereas the latter had promised the Scots no more than subjection, the Declaration contained the germ of what the government hoped would be the basis of a stable union, the sharing of political power with the Scots, which would amount in actual fact to a Scottish voice in Scottish affairs, cemented by the extension to Scotland of a certain "freedome". To secure "the freedome to be established to the people" in Scotland, and at the same time to safeguard "the security to the commonwealth...for time to come", the Declaration read, the Scots should share "the same Government that is established here, and enjoyed by the good people of this Nation...with such convenient speed as the same can be made practicable amongst them."[2]

The "freedome" to be extended to the Scots was to be achieved mainly by the liberation of the Scottish tenants from their feudal dependence on their landlords. In the mid-seventeenth century this dependence varied enormously in degree, depending largely on the kind of tenure by which the tenant held his lands. Those who held by "feuferme" tenure,

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1 Ibid., pp. XX-XXI. Hereafter referred to as either the Declaration or the Declaration of 28 October. Printed in Ibid., pp. XXI-XXIII.

2 Ibid., pp. XXI-XXII.

which rested on a cash basis, were subject to no military or judicial obligations whatsoever, while those who held by the more ancient "ward-holding" tenure were not only subject to such onerous obligations as attending their lord in battle and his Baron-Court in peace-time, but to other more archaic customs as well.[1] These were the people that benefited most from English policy. Those "people of Scotland who were Vassals, or Tenants", the Declaration continued, were to be "set free from their former dependencies and bondage-services...and admitted as Tenants, Freeholders, and Heritors...to live...like a free People, delivered...from their former slaveries, vassalage, and oppressions".[2] That this and other social reforms carried out by the Commonwealth in Scotland can be partly attributed to a genuine social conscience can hardly be doubted. Not only was Cromwell later to speak proudly of the Commonwealth's role in rescuing "the meaner sort" in Scotland from "their own great Lords," who, he said, "made them work for their living no better than the Peasants of France",[3] but other reforms that the Commonwealth introduced there, such as the establishment of impartial justice and the enrichment of the univefsities,[4] were accompanied by similar reforms in England.[5] Yet it would be an error to assume that

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1 cf. T.C. Smout, A History of the Scottish People 1560-1830, London, 1969, pp. 136-137.

2 The Cromwellian Union, (ed. C.S. Terry), p. XXIII.

3 The Letters and Speeches of Oliver Cromwell, (ed. Thomas Carlyle and S.C. Lomas), London, 1904, vol. III, p. 179.

4 cf. Nicoll, Diary, pp. 164-167.

5 cf. Margaret James, Social Problems and Social Policy during the Puritan Revolution 1640-1660, London, 1930, ch. VII, pts. I and IV.

this was the only impulse that lay behind their enactment.[1] In this case and in that of the extension to Scotland of impartial justice,[2] the only other major reform that particularly touched the subject's "freedome", another less charitable motive affected the government's thinking, and that was its preoccupation with security. By liberating the Scottish tenants from their dependence on their landlords, it was thought that the security of the Commonwealth might be served simultaneously by destroying the Lords' military control over their tenants and by reconciling the latter to the regime. In pursuing this course the government was only following the line of action suggested to it by those cognizant with Scottish affairs,[3] though whether the policy that it embodied was arrived at independently, because self-evident, or was the result of outside influence cannot be said; nor does it matter.

The quest for security must also be seen as the most important motive for allowing the Scots a voice in their own affairs. If the union was to be placed on a solid foundation, if it was not to be in constant danger from the north, if the burden placed upon the English treasury

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1 cf. H.R. Trevor-Roper, "Scotland and the Puritan Revolution", Historical Essays 1600-1750 Presented to David Ogg, (ed. H.E. Bell and R.L. Ollard), London, 1963, pp. 78-130.

2 "And, to speik treuth, the Englisches wer moir indulgent and mercifull to the Scottis, nor wes the Scottis to thair awin cuntriemen, and nychtbouris...and thair justice exceidit the Scottis in many thinges..." — Nicoll, Diary, p. 104.

3 cf. Scotland and the Commonwealth, (ed. C.H. Firth), appendix, p. 339; Original Letters and Papers of State, Addressed to Oliver Cromwell, (ed. John Nickolls), London, 1743, p. 29; Joseph Mayer, Inedited Letters of Cromwell, Colonel Jones, Bradshaw and other Regicides, Transactions of the Historic Society of Lancashire and Cheshire, new series, Liverpool, 1861, p. 192. It was also, in Monck's view, necessary "to assist the weak Inhabitants, and weaken the mighty." cf. Albemarle, George Monck, duke of, Observations upon Military and Political Affairs, London, 1671, p. 143.

by the army of occupation was not to become a permanent feature of the Commonwealth fiscal system, if the Scots were in short to be pacified, then some means of conciliation must be found to appease them, and what more politic and magnanimous a manner than this, the allowance of participation in the Commonwealth government. In this instance Ludlow probably expressed the English attitude best when he spoke of the great "condescension it was in the Parliament of England, to permit a people they have conquered, to have a part in the legislative power."[1]

The new dispensation was announced to the Scots on 12 February, 1652, with the proclamation and distribution to the shires of the Commons' Declaration of 28 October.[2] That it was greeted with anything more than weary resignation by the majority of Scots may be reasonably doubted. After nearly a decade and a half of civil disturbance and war the Scottish people in general seem to have been eager for a return to peace-time conditions. Thus Monck was able to report in October 1651 that "the people generally are desirous of a settlement",[3] while another observer a little later (December 1651) concurred: "the humour of the people [is not] in general desirous of new commotions but rather desirous to sit still, so as they may have any ease or settlement."[4] That this attitude was in the main induced by the knowledge of Scotland's shat-

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1 The Memoirs of Edmund Ludlow, (ed. C.H. Firth), vol. I, pp. 298-299.

2 Nicoll, Diary, p. 81.

3 Scotland and the Commonwealth, (ed. C.H. Firth), appendix, p. 337.

4 The Cromwellian Union, (ed. C.S. Terry), p. 1.

tering defeat and hopeless military position is unquestionable. Yet it would seem to have been reinforced for many Scots by a certain fatalism that persuaded them that their present subjection was nothing less than divine retribution for their sins. With no way of knowing either the extent or the intensity with which this belief was held, it would clearly be hazardous to invest it with too great a significance. But that it reinforced the natural inclination of some Scots to a passive acceptance of the English dominance may be assumed. The discernment of "the hand of God" against oneself could only have led to one result, passive acceptance of His will. Thus, for many Scots, the "dreadful appearance of God against us at Dunbar"[2] was soon transposed into an acceptance of of their "oppressors...who are bidden...of God...to do what they do."[3]

The process of effecting the union was a long and arduous one.[4] On the same day that the Declaration of 28 October was proclaimed from the Mercat Cross of Edinburgh, the parliamentary commissioners, appointed the previous October to initiate the first steps towards union,[5] directed the Scots to elect representatives to consent to the union

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1 The Autobiography of Anne Lady Halkett, (ed. John G. Nichols), Camden Society, new series, vol. XIII, London, 1875, p. 111.

2 Diary of Alexander Jaffray, (ed. John Barclay), third edition, Aberdeen, 1856, p. 62.

3 Letters of Samuel Rutherford, (ed. A.A. Bonar), Edinburgh and London, 1904, p. 682.

4 The following paragraph is based on the Introduction to The Cromwellian Union, (ed. C.S. Terry), pp. XXV, XXX-L, LXXIV. The quotations are taken from pp. XXXI and XXXVII.

5 See above p. 32.

on their behalf. This was done and by 1 March a solid majority of the burghs and shires had satisfactorily complied with the commissioners' demands; the latter then felt able to delegate two of their number to present their report to the Commons. The report received immediate attention and on 18 March it was resolved by the House that an Act should be brought in which would incorporate "Scotland into one Commonwealth with England", and give the Scots the right of electing members to the "Parliament of England, in such Proportion and at such Time as this Parliament shall think fit." In this way the English Parliament declared its own omnipotence in the matter of deciding the terms of union. In September Scottish representatives journeyed to London to advise about the details of settlement, but their function, it has been truthfully said, "was purely consultative." In any case this hardly mattered. All the progress that had been made towards union up to April 1653 was virtually nullified with the dissolution of the Long Parliament. It was not until 12 April, 1654, that the union was formally constituted, and only then by an ordinance of the Protector. The latter was not ratified until April 1657, when it was passed as a Bill by the Second Protectorate Parliament.

The Ordinance of Union was essentially an embodiment of the main tenets of the Declaration of 28 October.[1] While formally discharging the Scots from their allegiance to "the issue and posterity of Charles Stuart", it established the union of "the people of Scotland...with the

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1 For the text of the ordinance and the following quotations, cf. Acts of the Parliaments of Scotland, vol. VI, pt. II, p. 816.

people of England, into one Commonwealth, and under one government", and gave Scotland thirty seats in the new Commonwealth Parliament. In the economic sphere it declared that free trade should henceforth govern commercial relations between the two countries, and that taxes should be levied "proportionally, from the whole people of the Commonwealth." Finally, with its blanket declaration that all "heritors, proprietors, and possessors of land" were to "hold their respective lands...by deed, charter, patent, or enfeoffment...without rendering... any other duty, service, vassalage, or demand", it gave expression to the English government's desire to abolish the vestiges of feudalism that still governed the relations between lord and tenant in Scotland.

The government that the parliamentary commissioners left behind them in Scotland, after their withdrawal in May 1652, was a curious amalgam of overlapping jurisdictions and personnel. The Commander-in-Chief of the army was the most important public figure, responsible as he was not only for the security of the state and the enforcement of its laws, but for its financial administration as well.[1] To help him there were appointed three civilian boards of commissioners whose tasks were the administration of justice,[2] the regulation of the universities and the ministry,[3] and the management of the sequestrated estates.[4] Only three

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1 Scotland and the Commonwealth, (ed. C.H. Firth), Intro., p. XXXI; C.S.P. Dom., (1652-1653), pp. 416-417.

2 C.S.P. Dom., (1651-1652), p. 210; Nicoll, Diary, p. 93.

3 Scotland and the Commonwealth, (ed. C.H. Firth), p. 44.

4 Ibid., pp. XXXI, 74.

of the seven judges were Scots;[1] the other four — Edward Mosley, John Marsh, Andrew Owen and George Smith — and the three sequestration commissioners — Samuel Desborough, Richard Saltonstall and Edmund Syler — acted also as the commissioners for the universities and the ministry. The latter three, in addition, carried out the miscellaneous tasks of government that were outside the purview of the Commander-in-Chief.[2] Finally, no sharp lines were drawn between the jurisdictions of the several boards and army commander. Both the commissioners for the universities and the Commander-in-Chief, for example, were empowered to see that all due maintenance was received by those ministers who were well-affected to the Commonwealth,[3] and if only the commissioners were authorized to remove those of scandalous life and conversation, the commander might sometimes engage in punitive measures of his own.[4]

The government, like that in England, rested largely on military force. By 1655 five large fortresses had been erected or were in the

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1 These were Sir William Lockhart of Lee, John Swinton of Swinton, and Sir John Hope of Craighall.

2 cf. C.S.P. Dom., (1652-1653), pp. 221, 241, 323; C.S.P. Dom., (1653-1654), pp. 105, 140, 190.

3 Scotland and the Commonwealth, (ed. C.H. Firth), p. 44; cf. Monck's instructions on becoming Commander-in-Chief, in Scotland and the Protectorate: Letters and Papers Relating to the Military Government of Scotland from January 1654 to June 1659, (ed. C.H. Firth), Scottish History Society, vol. XXXI, Edinburgh, 1899, pp. 76-80.

4 C.S.P. Dom., (1652-1653), p. 417; Nicoll, Diary, pp. 135-136; The Diary of Mr. John Lamont of Newton 1649-1671, (ed. George R. Kinlock), Maitland Club, Edinburgh, 1830, p. 86.

process of construction at Leith, Ayr, Perth, Inverlochy, and Inverness, and from these garrisons and more than a score of lesser ones throughout the country the English were able to keep the population in obedience. The chiefs of clans were held strictly accountable, under penalty, for the good behaviour of their clansmen, only a select few were allowed the privilege of carrying weapons, and passes, signed either by Monck or his second-in-command, Major-General Thomas Morgan, were compulsory for those who wished to travel from one area of the country to another.[1] That these police measures were necessary was demonstrated by the ease with which widespread disaffection could coalesce into rebellion as it did in Glencairne's Rising in 1653-1655. This rebellion, led at first by the Earl of Glencairne and then by Charles II's own emissary, the Earl of Middleton, attracted a fairly large following among the nobility and attained dangerous proportions in early 1654.[2] By that time, when Monck arrived back in Scotland to take over the post of Commander-in-Chief from Robert Lilburne (April 1654), it had spread into the Lowlands and even in some parts, to the borders.[3] It was, however, crushed by Monck later that year. Though the Scots had accepted defeat in 1651 and had generally acquiesced in the achievement of the union, they had done so out of necessity and not out of

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1 cf. for example, Social Life in Former Days, chiefly in the Province of Moray. Illustrated by Letters and Family Papers, (ed. E. D. Dunbar), second series, Edinburgh, 1866, pp. 55-56; Nicoll, Diary, p. 124; Sir William Fraser, Memorials of the Family of Wemyss of Wemyss, Edinburgh, 1888, vol. III, p. 97; Scotland and the Protectorate, (ed. C.H. Firth), pp. XXXIII-XXXVIII.

2 It included at one time the Earls of Atholl and Seaforth, and Lords Lorne, Balcarres, and Kenmure.

3 Scotland and the Protectorate, (ed. C.H. Firth), p. 90.

genuine inclination. Disaffection showed itself in many ways. It became a matter of principle among the Scots not to accept employment under the English,[1] and even the wearing of a sword might be suspected as a sign of compliance with the invaders.[2] At the same time, most of the clergy were railing against the new regime from their pulpits.[3] Thus Lilburne, the Commander-in-Chief in 1653, remarked ruefully that "the spiritt of the generality" was "a deadely antipathy against us",[4] and Broghill, in 1655, found "the people generally, if not universally, ...disaffected."[5] That, with the exception of Glencairne's Rising, Scotland remined quiet until the Restoration was a tribute to the strength of the English garrison.

From the first, the English determined that neither the nobility nor the clergy should be allowed to exercise any independent authority. That the nobility in general felt inclined to do so may perhaps be doubted. Due to the heavy financial outlay of the war years and the wastage of their lands, many were heavily in debt, the Earl of Haddington, for example, to an amount in excess of £12,500, and the Earl of Calendar and Lord Cranston to £10,500 and £10,000 respectively.[6] Others,

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1 cf. A.J.G. Mackay, Memoir of Sir James Dalrymple First Viscount Stair, Edinburgh, 1873, p. 61; "Memoir of John Geddy, by Robert Mylne, Junior", Abbotsford Club Miscellany, vol. I, Edinburgh, 1836, p. 330; The Diary of Alexander Brodie of Brodie, (ed. David Laing), Spalding Club, Aberdeen 1863, p. 41.

2 The Autobiography of Anne Lady Halkett, (ed. J.G, Nichols), p. 76.

3 See below pp. 47-49.

4 Scotland and the Commonwealth, (ed. C.H. Firth), p. 271.

5 Thurloe, State Papers, vol. IV, p. 41.

6 Sir William Fraser, Memorials of the Earls of Haddington, Edinburgh, 1889, vol. I, p. 217; C.S.P. Dom., (1655-1656), p. 54; Gordon Donaldson, Scotland: James V to James VII, Edinburgh and London, 1965, pp. 349-350.

like the Earls of Hume and Lothian, had their estates mortgaged to their creditors.[1] The nobility were also hurt by the abolition of their feudal privileges: in this regard the Earl of Sutherland, in January 1656, estimated his losses since 1654 at about £2,000.[2] Nor was this all. Due to the evenhanded justice now dispensed in the courts, their creditors were now able to make their actions effective. "In this Godis justice wes sene; for as our nobles had usit utheris, so wer thai delt with, and as thai opprest the pure subjects of this land, so wer thai borne down, thair persones punisched, and thair landis confiscat, and rentes and living sequestrat."[3] In desperation many joined Glencairne,[4] only to suffer further financial loss in 1654, with the promulgation of the Ordinance of Pardon and Grace. This fined them so heavily — the sums ranged from £1,000 to £15,000[5] — that it tended to bear out the observation of one onlooker two years earlier: that the English so intended to impoverish Scotland "that it will never think more of revolting."[6] Over the next few years the fined persons were so generally engaged in mitigation of their fines that they could hardly have pursued any more thoughts of rebellion. So far as we know, only one noble, the Earl of

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1 Donaldson, Scotland: James V to James VII, p. 350.

2 C.S.P. Dom., (1655-1656), p. 127.

3 Nicoll, Diary, p. 104.

4 cf. Scotland and the Commonwealth, (ed. C.H. Firth), pp. 266-267, 271, 289, 296.

5 cf Acts of the Parliaments of Scotland, vol. VI, pt. II, p. 812.

6 Hay, The Blairs Papers, p. 48.

Kellie, contemplated exile on the continent, where "Providence" might allow him to "live like a gentleman";[1] otherwise it seems clear that the majority were satisfied "to return to their respective dwellings to live in as much peace as their enemies would lett them."[2]

The burghs too were tranquil under the English hegemony. To Monck they "were the very first, that owned us, and submitted to us, and have ever since lived peaceably under us, and whose interest is most agreeable with ours, by reason of their trade and traffick..."[3] There were, of course, other good reasons for their acquiescence, not the least of which was the threat of direct English interference in burgh elections. The most blatant instance of this occurred in March 1652 with the removal and replacement of those Glasgow magistrates who had opposed the union.[4] Fortunately for the regime this took place just as new councillors were freely elected in Edinburgh, who were the first to swear the oath, tendered to all office holders, of fidelity and obedience to the Commonwealth Parliament:[5] "a leading card to the rest of the Burghs in Scotland."[6] In the following months many burghs

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1 C.S.P. Dom., (1655-1656), p. 63.

2 Memorie of the Somervilles; being a history of the baronial house of Somerville by James Eleventh Lord Somerville, (ed. Sir Walter Scott), Edinburgh, 1815, vol. II, p. 458.

3 Thurloe, State Papers, vol. VI, p. 529.

4 Nicoll, Diary, p. 89; "Memoirs by James Burns, Bailie of the City of Glasgow, --1644-1661", Historical Fragments, Relative to Scotish Affairs, from 1635 to 1661, (ed. James Maidment), Edinburgh, 1833, p. 23.

5 Nicoll, Diary, p. 88.

6 Letters from Roundhead Officers Written from Scotland and Chiefly Addressed to Captain Adam Baynes. July MDCL-June MDCLX, (ed. J.Y. Akerman), Bannatyne Club, Edinburgh, 1856, p. 9.

followed Edinburgh's example and in September 1652 a general order was issued by the Commander-in-Chief that all burghs should elect new magistrates.[1] Those elected held office continuously until 1655, fresh elections being forbidden in 1653 and 1654, under the shadow of Glencairne's Rising.

The center of disaffection in Scotland under the Cromwellian regime was the Kirk, and against it the punitive measures of Broghill's predecessors were for once ineffectual. For two years previous to the English conquest, the Kirk, through its Commission of Assembly and its allies on the Committee of Estates, had ruled virtually supreme in the state. This unusual situation had developed shortly after August 1648 when the Engagers - as the supporters of the Engagement of December 1647 were known — had invaded England and been defeated by an English army at Preston. Their aim had been to free the King from his captivity in Carisbrooke Castle and allow him to return to London "with safety, freedome, and honour..."[2] Their cause had had a wide appeal to lay people generally,[3] but had been vigorously and almost unanimously opposed by the clergy.[4] The latter had been instrumental in leading the nation into war on the parliamentary side in 1643 because they could not trust the King, if victorious, to honour concessions that he had made years earlier regarding the Kirk, and they had insisted,

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1 Nicoll, Diary, p. 101.

2 The Records of the Commissions of the General Assemblies of the Church of Scotland...1648 and 1649, (ed. A.F. Mitchell and James Christie), Scottish History Society, vol. XXV, Edinburgh, 1896, p. 10.

3 Donaldson, Scotland: James V to James VII, p. 337.

4 cf. The Life of Mr. Robert Blair...with a...Continuation of the History of the Times to 1680. by...Mr. William Row, (ed. Thomas M'Crie), Wodrow Society, Edinburgh, 1843, p. 203n.

in the Solemn League and Covenant of 1643, that their parliamentary allies should uphold the true "Reformed Religion in the Church of Scotland."[1] The Engagement, made with no regard for religion but with a King that was deeply opposed to Presbyterianism, had clearly jeopardized this. To the ministers it amounted to "a manifest postponing of the safety of Religion to his Majesties safety, of the freedome of the Gospel to his Majesties freedome, and of the honour of God to his Majesties honour."[2] It was not until after the Engagers' defeat, however, that they were able to reassert themselves. Taking the defeat at Preston as their signal, the extremists of the southwest rallied and marched on Edinburgh in the "Whiggamore Raid."[3] The Engagers were turned out of office and their places on the Committee of Estates were taken over by those in favor with the ministers, men like Argyle, Cassilis, and Englinton; a "sweet harmony" then ensued between the Committee and the Commission of Assembly, where real power lay.[4] In January 1649 the Commission adopted the Act of Classes, which excluded from office not only all those who had supported the Engagement but even those who had not protested against it; a number of ministers — we do not know how many — were deposed also.[5] In 1650, therefore, when Cromwell marched

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1 A Source Book of Scottish History, (ed. W.C. Dickinson and Gordon Donaldson), London and Edinburgh, 1954, pp. 122-123.

2 Records of the Commissions of the General Assemblies...1648 and 1649, (ed. A.F. Mitchell and James Christie), p. 10.

3 cf. Donaldson, Scotland: James V to James VII, p. 338.

4 The Life of Mr. Robert Blair, (ed. Thomas M'Crie), p. 221.

5 Ibid., pp. 221, 221n; Donaldson, Scotland: James V to James VII p. 339.

north to deal with the Scots, who had the year before declared for Charles II, he found that the Scottish government was dominated by the ministry and that the nation's traditional ruling class was largely excluded from political power.

Partly, no doubt, because they had held the fullness of power before the invasion, the ministers resented the English presence even more than they otherwise would have. This, at least, was the opinion of some contemporary observers.[1] Their subsequent animosity towards the English, however, was based on more than this. By executing the King in 1649 and by introducing into Scotland in 1650 a religious toleration that extended even to Roman Catholics,[2] the English, in the eyes of the Kirk, had committed two heinous sins. In the Solemn League and Covenant of 1643 they had sworn before God to uphold, as we have seen,[3] both the true "Reformed Religion in the Church of Scotland" and the "King's Majesty's Person and Authority".[4] By 1650 the invaders had already destroyed one and were threatening the other. "As for the Presbyteriate or any other form of church government", they declared, they were "ready to embrace as much as appears...to be according to the word of God."[5] Thus a virtually boundless toleration was allowed. Both

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1 cf. for example, The Cromwellian Union, (ed. C.S. Terry), p. 7; C.S.P. Dom., (1651-1652), p. 103.

2 Hay, The Blairs Papers, pp. 47-48, 55.

3 See above p. 46.

4 A Source Book of Scottish History, (ed. W.C. Dickinson and Gordon Donaldson), pp. 122-123.

5 C.S.P. Dom., (1650), pp. 244-245.

laymen and ministers protested against the new dispensation, the former in their replies to the parliamentary commissioners' summons, in February 1652, to accept the union,[1] and the latter from their pulpits. Only the ministry, however, continued a vocal opposition after 1652, and their prayers for the King were instrumental in stirring up support for Glencairne's Rising.[2] The ministers considered their praying for the King "a duty, not only enjoined in the Word of God, and established by the law of the land,...but also as bound upon our Consciences with our own consent, both in the National, and Solemn League and Covenant, wherein He also hath entered with us".[3] To this the government replied that anyone found to be "reviling the present Government" or endeavoring "to debauch or keep the People dis-affected, by praying for the pretended King of Scots...or by praying or preaching for a Monarchicall Government" was to "be severly punished and proceeded against, as an Enemy, and a Disturber of the Peace of the Commonwealth."[4] Thus the General Assembly was forcibly dissolved in 1653,[5] private

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1 The Cromwellian Union, (ed. C.S. Terry), pp. XXVI-XXVII.

2 cf. Scotland and the Commonwealth, (ed. C.H. Firth), pp. 62, 80, 122-123.

3 Some Reasons, Why the Ministers of Christ in Scotland ought not to be troubled for praying for the King, in Redpath Tracts, (McGill University), series 1, 1653, p. 5 (bound in and paginated continuously with a) Declaration of the commissioners for visitation of universities... Against Praying, or Preaching for the pretended King of Scotland.

4 Ibid., p. 3.

5 cf. The Life of Mr. Robert Blair, (ed. Thomas M'Crie), p. 307.

meetings were broken up,[1] and men imprisoned.[2] By 1655, however, it is clear that such measures had taken little effect. Prayers for the King continued to resound from the pulpits and Broghill who, as we have seen, found "the people generally, if not universally...disaffected", found the ministry, "who have a papall power over them", in the same condition.[3]

Economic conditions in Scotland, too, during the Interregnum, were scarcely conducive to good relations between the English and the Scots. With large areas of her land still recovering from devastation, and her trade barely recovered from the depression of the war years,[4] Scotland's condition after the conquest was aptly described by one witness as "most miserable, most poore & most pittiful".[5] Though prices were low, and food cheap and plentiful,[6] money was scarce, "not a pennie goeing",[7] and taxation was heavy. Even Cromwell admitted that

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1 Nicoll, Diary, pp. 135-136; The Diary of Mr. John Lamont of Newton, (ed. G.R. Kinlock), p. 86.

2 "Collections by a Private Hand at Edinburgh, — 1650-1661", Historical Fragments, Relative to Scotish Affairs, from 1635 to 1661, (ed. James Maidment), p. 46.

3 Thurloe, State Papers, vol. IV, p.41.

4 Theodora Keith, Commercial Relations of England and Scotland 1603-1707, Cambridge, 1910, pp. 56-57,66-67.

5 Hay, The Blairs Papers, p. 48.

6 Nicoll, Diary, pp. 130, 137, 149.

7 William Fraser, The Red Book of Grandtully, Edinburgh, 1868, vol. II, p. 149.

under his administration Scotland was "a very ruined Nation".[1] "Bankruptes and brokin men throw all the pairtes of the natioun increst", one observor remarked;[2] another concurred, reporting that "the poverty of that countrey is incredible".[3] To pay for the English army of occupation, as assessment, arbitrarily set in 1651 by the English government at £10,000, was levied, which never exceeded £8,500 after collection, and which was in 1657 reduced to £6,000.[4] Nevertheless the burden was a heavy one, variously estimated by the English themselves at between a fifth and a quarter of Scotland's rent.[5] It was not without some validity that one commentator compared the taxation of 1655, after the imposition of an excise duty, to "bidding people mak brick without straw".[6] The disaffection of the Scottish people, that Broghill so quickly recognized in 1655, was in no small measure due to this heavy load. Nor did the Scots gain from the proclamation of free trade between their country and England in 1654. By prohibiting the export of such Scottish staples as wool and hides, on the grounds that they should be finished at home, the English in fact dealt a severe blow to Scotland's export trade. Commerce was already at a low ebb due to the disruption

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1 Letters and Speeches of Oliver Cromwell, (ed. Thomas Carlyle and S.C. Lomas), vol. III, p. 179.

2 Nicoll, Diary, p. 122.

3 Hay, The Blairs Papers, p. 48

4 Keith, Commercial Relations of England and Scotland 1603-1707, pp. 58-59; Scotland and the Commonwealth, (ed. C.H. Firth), pp. XXX-XXXI.

5 cf. Thurloe, State Papers, vol. VI, p. 330; Letters from Roundhead Officers, (ed. J.Y. Akerman), p. 59.

6 Diary of Sir Archibald Johnston of Wariston, [1655-1660], (ed. James D. Ogilvie), Scottish History Society, third series, vol. XXXIV, Edinburgh, 1940, p. 20.

of the nation's markets by the Anglo-Dutch War of 1652-1654 and it was made worse by piracy on the high seas.[1] So acute was the trade depression, in fact, that Monck noted in 1655 that the customs, which were to go towards the pay of the army, would hardly pay the officers' salaries.[2] In 1656 "many skipperis and maryneris wer takin to sea to serve the Inglisches. Mony of thame without compulsioun...thair being lytill or no imployment for thame utherwayes in tred or merchandice, the seas being foull with pirattis and robberis."[3] Locally, too, Scottish craftsmen sometimes found themselves in competition with Englishmen who established trades near some of the larger garrisons. Their presence was not appreciated by the Scots who accused them, as Aberdeen and Edinburgh did, of unlawfully excercising an exclusive privilege, and without paying local taxes.[4] The effects of the English presence, however, probably had one good side effect: by their importation of great stores of commodities the invaders were said to have "not only civilized but enriched" Inverness;[5] a particular case that was, in all likelihood, repeated in other areas.

On 28 February, 1655, the first step was taken towards "setling a

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1 Keith, Commercial Relations of England and Scotland 1603-1707, pp. 61, 67, 68-69.

2 Scotland and the Protectorate, (ed. C.H. Firth), p. 204.

3 Nicoll, Diary, p. 174.

4 Aberdeen Council Letters, (ed. Louise B. Taylor), London, 1952, vol. III, pp. 220, 248; Extracts from the Records of the Burgh of Edinburgh, 1642-1655, (ed. Marguerite Wood), Edinburgh, 1938, p. 275.

5 Chronicles of the Frasers: The Wardlaw Manuscript, (ed. William Mackay), Scottish History Society, vol. XLVII, Edinburgh, 1905, p. 415.

Civill government in Scotland", when the Council of State in London referred the matter to an 'ad hoc' committee of nine.[1] The committee reported back to the Council on 23 March and on 30 March it was resolved "That the civill government in Scotland shall be by a Counsell."[2] In early April it was rumored that Lord Broghill was to be its President and that "General Monck, Scout master Downeing, and Mr. Desbrow, the Earl of Twedaile, Colonel Lockhart, Sir James McDowell of Garthland and Provost Jefferies...were to bee...Members."[3] The inclusion of the last four, all Scots, is interesting, in that it would have given them an equal representation on the new body. As it turned out, Scottish representation on the Council, named on 4 May, numbered only two, of a total of nine, those two being Sir William Lockhart of Lee and John Swinton, Commissioners for the Administration of Justice in Scotland since May 1652.[4] The English were General Monck, Charles Howard, Thomas Cooper, Adrian Scroope, Nathaniel Whetham and Samuel Desborough, all, except the last, army officers and, of course, the Irish Broghill; a tenth member, Sir Edward Rhodes, also an officer, was added later.[5] Scottish experience was represented in the new Council by Monck, Lockhart and Swinton, Desborough, another of the Scottish commissioners

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1 Acts of the Parliaments of Scotland, vol. VI, pt. II, p. 756.

2 Ibid., p. 756.

3 The Clarke Papers, (ed. C.H. Firth), Royal Historical Society, London, 1899, vol. III, p. 32.

4 Acts of the Parliaments of Scotland, vol. VI, pt. II, p. 757.

5 For the background of each individual member, see Appendix I, p. 121.

named in 1652, and Cooper, on active duty in Scotland since 1651. Whether the reduced Scottish representation was due to the wave of conservatism that enveloped the English government after Penruddock's Rising in March 1655,[1] or whether a greater representation was ever in fact envisaged, is hard to say.

The reasons for the establishment of the Council can only be conjectured. The political bankruptcy of the regime and its dependence on military force had been shown by Glencairne's Rising. The Scots, though perhaps by 1655 grown "peaceable minded",[2] had become so only through force of circumstance. Disaffection was still rife among the people and the clergy remained untamed. That this condition was partly due to the sharing of responsibilities, in the old system, between the boards of commissioners and Commander-in-Chief, is possible, for no central authority had existed for the discussion and formulation of policy. It may have been too that the Commander-in-Chief was overburdened, responsible as he was not only for the security of the state and the well-being of the army, but for the collection and allocation of all taxes as well. Thus the Council took over all of his financial responsibilities, including supervision of the assessment, customs, and excise, and even certain responsibilities for state security.[3] It was also to assume

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1 cf. S.R. Gardiner, History of the Commonwealth and Protectorate 1649-1656, new edition, London, 1903, vol. III.

2 Mercurius Politicus, August II, 1655, p. 5563, in Redpath Tracts (McGill University), series IV, 1655-1656.

3 For the Council's full instructions, see Appendix II, p. 129.

full responsibility for policy regarding the Kirk. The foremost consideration, however, may have been a personal one. Monck, though eulogized in 1651 as "the most properly fitted for management of affairs" in Scotland,[1] had not shown the personal qualities necessary for the successful conciliation of the Scots. What was needed was a man possessing both administrative experience and imagination. In Broghill, Cromwell was fortunate in having such a man. In only one year in Scotland he gained, it was said, "more on the effections of the people than all the English" that had ever gone before him in that country.[2]

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1 Scotland and the Commonwealth, (ed. C.H. Firth), appendix, pp. 323-324.

2 The Letters and Journals of Robert Baillie, (ed. David Laing), Edinburgh, 1842, vol. III, p. 315.

CHAPTER III

LORD BROGHILL AND THE KIRK

Broghill arrived in Edinburgh on 12 September, 1655.[1] From the first he regarded his main task as that of effecting a reconciliation between the regime and the nation. To achieve this he felt that he must work mainly through the Kirk, as an institution that exercised "a papall power" over the people.[2] At no time did he, in his lay policy, make a conscious effort to secure the support of large numbers of the influential and propertied classes. His main task, as he saw it, was not only to put a stop to the Kirk's seditious practice of offering prayers for the King, but "to gaine [from it] a considerable honnest party" for the Protector, which "would have a great and a generall ascendent over all such in this nation", and by which he "might cut off Charles Stuard's hopes by the rootes...."[3] It was a basically conservative policy: no larger aims were at stake.[4] Whether or not his aims were realistic, or his methods wise, we shall have to decide later. His policy, at least, was a positive one. To fulfil it, however, he had first to come to grips with the two parties that had since 1650 divided the Kirk in an irreparable schism. It is to the formation of these parties, therefore, and to the nature of the

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1 Scotland and the Protectorate, (ed. C.H. Firth), p. 306.

2 Thurloe, State Papers, vol. IV, p. 41.

3 Ibid., p. 557.

4 See below pp. 117-119.

schism in the Kirk that we must now turn.

As we have seen, for more than a year following the Engagement, Scotland's government had been theocratic in the extreme. Most of the nobility and gentry had been excluded from political office by the Act of Classes and the government had been dominated by the ministry through its Commission of Assembly. The beginning of the end of this unusual situation — and of unity among the ministry — came, however, with the execution of Charles I on 30 January, 1649.

The unity of the Kirk was first shaken on the question of which conditions, if any, were to be imposed on Charles II before his formal proclamation in Scotland. Most of the ministers were content that he should make a simple declaration of his acceptance of the Covenant and Solemn League. A minority felt, however, that such a declaration was meaningless unless accompanied by some form of visible proof of his real acquiescence with the principles underlying both documents.[1] When Charles did subscribe to the Covenant and Solemn League in June 1650, it was transparently clear, nevertheless, that he had done so only as a last resort and for the sole purpose of regaining his throne. "For the outward part of swearing and subscryving the Covenant", it was said, he "performed anything that could have been required...yet without any evidence of ane reall change in his heart, and without forsaking

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1 Baillie, Letters and Journals, vol. III, pp. 113-114.

former principles, counsells, and company."[1] It was not, however, until after the Scots' defeat at Dunbar on 3 September, 1650, when the stress of defeat had set in, that the doubt about his conversion became matter for division in the Kirk.

The schism in the Kirk may be said to have begun on 17 October, 1650, for it was on that day that the so-called Western Remonstrance was drafted. Shortly after Dunbar several lairds and ministers had drawn themselves together in the west and, with the Committee of Estates' permission, raised their own army, later to be known as the Western Army.[2] The most prominent of its leaders were two Colonels, Gilbert Ker and Archibald Strachan, and, among the ministers, James Guthrie of Stirling and Patrick Gillespie of Glasgow. The Remonstrance was mainly their work.

In bold language the Remonstrance proclaimed that the overwhelming defeat at Dunbar was the direct result, first, of the Kirk's "sinful way of agreement with the King", and second, of the King's own "countenancing and intertaining the Malignant partie in the Kingdome (i.e. the Engagers)....": both were, its authors regarded, "hie provocations[3]

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1 "The Life of Mr. John Livingston, Minister of the Gospel. Written by Himself", (ed. W.K. Tweedie), Select Biographies, Wodrow Society, Edinburgh, 1845, vol. I, p. 183.

2 W.L. Mathieson, Politics and Religion: A Study in Scottish History from the Reformation to the Revolution, Glasgow, 1902, vol. II, pp. 128-129.

3 The following paragraph is based on the text of the Remonstrance in The Records of the Commissions of the General Assemblies of the Church of Scotland...1650...to 1652, (ed. James Christie), Scottish History Society, vol. LXIII, Edinburgh, 1909, pp. 95-116.

befor the Lord...." Because, therefore, it was clear that the King was "not prosecuting the Cause of God, and walking in Subordination to God, but rather in opposition to...God and the Covenant", they declared that they could not "owne him nor his interest" in their quarrel with the English, except in "so farre as he ownes and prosecutes the Cause"; in the meantime he should be restrained from "the exercise of his power, vntill such tyme as there shall be convinceing and clear evidences of an reall change in him." In addition the authors called for a more rigorous application of the Act of Classes. Finally they closed with a threat: they would "to the vtmost of our power indeavour to gett things remedied according to our places and callings"; an assertion that could only be interpreted as meaning a private bond or covenant.

The Remonstrance was to lead to an eventual schism in the Kirk. On 28 November, despite the opposition of its supporters, it was denounced by the Commission as "apt to breid divisions in this Kirk and Kingdom",[1] and, in December, its supporters among the Western Army, led by Ker and Strachan, purged that force of those who were opposed to their views.[2] What unity remained to the Kirk after these events was destroyed in December when, on the 14th of that month, the Commission, in its first so-called "public resolution", virtually repealed the Act of Classes. The Western Army had been crushed by a force under Lambert on 1 December so that, by the middle of the month, all of Scotland south of the Forth

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1 Records of the Commissions of the General Assemblies 1650-1652, (ed. J. Christie), pp. 131-132.

2 Nicoll, Diary, p. 36.

had been occupied by the English. In view of this situation the Commission ruled, in reply to the Committee of Estate's query as to who should be allowed to rise in arms against the enemy, that it would not "be against the raising of all sensible persones in the land...except such as are excommunicat, forfaulted, notoriously profane, or flagitious ...or...professed enemies and opposers of the Covenant and Cause of God;...."[1] At this the ministers "that favoured the Remonstrance and that association" left the Commission in protest.[2] A few presbyteries, Glasgow and Stirling especially, denounced the resolution openly.[3] Guthrie, from Stirling, likened it to the old Engagement, "a joyning with Malignants to suppress Sectaries, a joyning hand with a black devill to suppress a white devill...."[4] Finally, in March 1651, the Commission moved to suppress such opinions when it issued "A Short Exhortation and Warning to the Ministers and Professours of this Kirk", inhibiting them from expressing views like Guthrie's, and ordering the presbyteries to proceed against all such who did.[5]

What followed was anti-climactic. In June 1651, after securing the Commission's acquiescence in its second "public resolution", the

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1 Records of the Commissions of the General Assemblies 1650-1652, (ed. J. Christie), p. 159.

2 The Life of Mr. Robert Blair, (ed. Thomas M'Crie), p. 252.

3 cf. Records of the Commissions of the General Assemblies 1650-1652, (ed. J. Christie), pp. 173-181, 196-199.

4 Ibid., p. 175.

5 Ibid., pp. 346-352.

Committee of Estate formally repealed the Act of Classes. In July the General Assembly, held at St. Andrews and Dundee, ratified the resolutions and the Protesters, or Remonstrators, as the supporters of the Remonstrance were known, again withdrew in a body, this time, however, leaving a protestation behind denouncing both the Assembly's proceedings and its constitutionality. For this, Gillespie, Guthrie, and another minister, James Symson of Airth were deposed. In October the schism reached its culmination when the leading Protesters — Guthrie, Gillespie, Archibald Johnston of Wariston, and several others — met in Edinburgh and, disclaiming the legality of the last assembly, arrogated to themselves the authority of the Commission of Assembly of 1650.[1] By far the most prominent of the ministers on the Resolutioner's side, as the supporters of the public resolutions were known, were David Dickson and Robert Douglas, both ministers of Edinburgh, and James Wood and James Sharp.

The effect of the schism on the Kirk was disastrous. Everywhere presbyteries were divided into Resolutioner and Protester factions[2] and admission to the ministry was made dependent on the individual candidate's opinion.[3] Since the Protesters were a distinct minority

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1 Ibid., pp. 440-442; Mathieson, Politics and Religion, vol. II, pp. 134-139; The Life of Mr. Robert Blair, (ed. Thomas M'Crie), p. 286.

2 cf. The Life of Mr. Robert Blair, (ed. Thomas M'Crie), p. 285; Baillie, Letters and Journals, vol. III, pp. 246-249.

3 "I saw non could enter to the ministerie without ingadging in some of these factions, and espousing their interests." — The Memoirs of Sir Robert Sibbald, (ed. Francis P. Hett), Oxford, 1932, pp. 55-56; Selections from the Minutes of the Presbyteries of St. Andrews and Cupar, M.DC.XLII-M.DC.XCVIII, (ed. George R. Kinlock), Abbotsford Club, Edinburgh, 1837, p. 71.

in the Kirk, occupying — according to the Resolutioners — about 150 of the nation's 900 parishes,[1] they were often compelled to resort to extraordinary means in order to admit any of their own. Usually this involved appealing to a neighbouring presbytery, where they held a majority, to "lawfully" ordain and admit their candidate into a parish, even where another minister was already in lawful occupation. This course was justified as "no breach upon the being and essentials of Kirk Government...especially when this conspiracy [to keep them out] is generally throughout the Country" and when the majority of presbyteries were corrupt.[2] The Resolutioners, of course, knew better[3] but they always suffered from a severe handicap: before Broghill's administration the Protesters, not they, were the party most in favour with the English.[4] Union meanwhile between the two parties remained out of the question. The Protesters regarded the rescinding of the Act of Classes by the Resolutioners as nothing less than a clear case of putting the King's and kingdom's cause before God's: "God was thereby mocked, and sin and wrath increased."[5] With such a party, union was

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1 Thurloe, State Papers, vol. IV, p. 558.

2 [James Guthrie], Protesters no Subverters and Presbyterie no Papacie, Edinburgh, 1658, p. 34.

3 "Yea, by this principle, may not some number of Presbyters, perhaps erroneous and hereticall, plant all the Congregations in a Nationall Church, upon the Call of some few of their own mind; and yet violate nothing that if divine in Presbiteriall Government?"— [George Hutcheson and James Wood], A Review and Examination of a Pamphlet lately published, Bearing the Title of Protesters no Subverters, and Presbyterie no Papacy, &c., Edinburgh, 1659, p. 30.

4 Infra.

5 [Guthrie], Protesters no Subverters and Presbyterie no Papacie, p. 20.

impossible. Wariston and Guthrie expressed their common attitude to the issue in this way: "We judge it but the effect of the wisdom of the flesh and to smell rankly of a carnal politic spirit to halve and divide the things of God for making peace amongst men."[1]

The Protesters found favour with the English, not because Cromwell deliberately favoured them in order to keep the Kirk disunited,[2] but "because they pretended to more devotion, and because they [the English] considered them as men who had disoblig'd the King."[3] The Protesters had discontinued their prayers for the King after Worcester.[4] To Monck, therefore, who had to worry about the effects of the Resolutioners' remembering the King in their prayers, they were always "the honest party" in the Kirk.[5] The Commissioners for the Universities, too, seem to have generally favoured them,[6] no doubt at first for the same reasons as Monck and then, additionally, after 1654, as a result of guidelines laid down in London. Early that year Cromwell had sent for representatives of both parties to appear before him at Whitehall so that he might effect not only a reconciliation between them but

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1 Quoted in J. D. Douglas, Light in the North: The Story of the Scottish Covenanters, Exeter, 1964, p. 74.

2 Rosalind Mitchison, A History of Scotland, London, 1970, p. 235.

3 Memoirs of the Affairs of Scotland from the Restoration of King Charles II. A.D.M.DC.LX. By Sir George Mackenzie of Rosehaugh, (ed. T. Thomson), Edinburgh, 1821, pp. 15-16.

4 The Life of Mr. Robert Blair, (ed. Thomas M'Crie), p. 309.

5 Thurloe, State Papers, vol. III, p. 117.

6 Baillie, Letters and Journals, vol. III, pp. 220, 244, 248, 257.

also, what was probably more important to him, "a good understanding between the people of God" of both nations.[1] Only the Protesters complied with this summons, however, and from their meeting with Cromwell that summer issued the Ordinance of 8 August, 1654, or, as it came to be known in Scotland, after the man principally responsible for it, "Gillespie's Charter". Its effect would have been to give the Protesters, on a nation-wide basis, sole authority for determining the fitness of candidates for the ministry.[2] Its reception in Scotland was, however, everywhere unfavorable. Even "those whose names were inserted in it..[for the purpose of effecting its provisions]..did speak much against it, and condemn it", and several synods declared against it, "especially the Synods of Lothian and Fife;"[3] Fife, because "att a dash,[it] did overthrowe the discipline and government of the church...by sessions, presbyteries, and assemblies."[4] This was indeed the main exception made against it and the reason for its non-acceptance. Very few likewise could bring themselves to accept what "wes gevin out by ane civill Judge, and as the commoun brute wes

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1 The Letters and Speeches of Oliver Cromwell, (ed. Thomas Carlyle and S.C. Lomas), vol. III, p. 448; Scotland and the Protectorate, (ed. C.H. Firth), pp. 57, 102; The Life of Mr. Robert Blair, (ed. Thomas M'Crie), pp. 315-316.

2 The Ordinance divided Scotland into five provinces and named several provincial certifyers for each. Their task was to certify the candidate's fitness for the ministry, whether he was "godly and able", and upon their certification depended the candidate's authorization for a parish by the Commissioners for the Universities and the Ministry. The great majority of the provincial certifyers were Protesters. For the text of the Ordinance, cf. Nicoll, Diary, pp. 164-167.

3 The Life of Mr. Robert Blair, (ed. Thomas M'Crie), pp. 318-319.

4 Diary of John Lamont of Newton 1649-1671, ed. George R. Kinloch), p. 81.

among the pepill, and unjust usurper."[1] So weak was the support for the ordinance in fact that it was never even published in Scotland, at least not before Broghill's arrival. His attempt to put it into execution was to prove to be a major miscalculation.

This then was the condition of the Kirk when Broghill arrived in Edinburgh in September. Deeply divided within itself, with the great majority of its ministers still praying publicly for the King, it would have presented a formidable challenge to any governor. That Broghill dealt with it as well as he did is proof, we shall see, not only of his ability as a diplomat but as a statesman.

Broghill's first encounter with the Kirk was a minor one but it contained useful lessons for the future. On 27 November, 1654, James Guthrie had written to Wariston about reviving the Covenant, "in a more spirituall way" than before and "with the advantage of some articles that have been formerlye lesse thought upon..."[2] At that time the idea was but "a confused mishapen thought" in Guthrie's mind and nothing more was heard of it until April 1655 when, in a return letter to Guthrie, Wariston reminded him "about the lands reconfederacy."[3]

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1 Nicoll, Diary, p. 136.

2 Laing Mss. vol. I, Historical Manuscripts Commission, pp. 295-296. Not a single copy of this second Covenant is known to have survived to this day. What Guthrie meant, therefore, when he spoke of "a more spiritual way" than before can only be conjectured. Baillie, however, reported (cf. infra) that the Covenant contained no mention of the King or of "the liberties of the land." Thus we might safely conclude that, as a document, it was much less overtly political in tone than the first (of 1638) and that it concentrated to a much greater extent on the Kirk, its ills, and the means by which its strength and "unity" might be best maintained.

3 Wariston, Diary, p. I.

Again the project seems to have been lost amid a host of other pursuits and it was not until the following August that it was finally taken up in earnest. At a meeting of the leading Protesters on 31 August, probably at Wariston's house, the subject was given a thorough airing and met opposition from two sides.[1]

Within the party itself — it was solely a Protester project — the new Covenant was opposed by a moderate faction led by John Livingston and Gillespie. The main point of difference between this group and the extremists led by Wariston and Guthrie lay in its attitude towards union. In the five years since the Remonstrance was drafted the opinion of the extremists in this regard had not changed: they still thought of union as smelling "rankly of a carnal politic spirit...." The moderates, however, felt otherwise. They were tired of the bitter factional strife that the schism had stirred up in the Kirk and were prepared to explore terms of compromise with the Resolutioners.[2] The effect of the projected Covenant, however, we may be reasonably certain, would have been to widen the schism in the Kirk and not narrow it. Given the identity of its authors this is not surprising. The Covenant was, in its final draft (7 September), an exclusive document, designed for "the Godly" only in the nation,[3] "to strengthen themselves in matters of faith and doctrine";[4] nor was its

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1 Ibid., pp. 6-8.

2 Both Gillespie and John Carstaires, for example, in their exasperation with the extremists, once "lett fall [that] if they had thought on al the inconveniences they had absteaned from protesting [against the resolutions] at St. Andrews." — Wariston, Diary, p. 4.

3 Ibid., pp. 8, 9.

4 Thurloe, State Papers, vol. IV, p. 37.

omission of any mention of the King or of former articles concerning the "liberties of the land" calculated to appease the Resolutioners.[1] Baillie suspected it as soon as he heard of it and urged that it "be searchit...with all possible cair: it declairs the mynd of these who are for it to state the skisme of our Church for ever;..."[2] Lockhart, speaking for the government at the meeting of 31 August, stormed at Wariston and Guthrie over it and declared "that the present power would never give or suffer power to on [e] of the pairtyes to use jurisdiction over the uther."[3] And Livingston claimed that it was "not expedient."[4] Ignoring these remonstrations, however, Wariston and Guthrie proceeded with their plans and on 8 September the new Covenant began circulating among "the godly" in the land.[5]

This was the situation when Broghill arrived. Within a few days he had been informed of the document and, though his information was only partial, he concluded that "the looks of it are not good." Writing to the Protector he promised that "if we finde it any thinge of an ill tendency, we shall, I trust, soone put an ende unto it one way or another."[6] This was on 15 September and after this date our

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1 Baillie, Letters and Journals, vol. III, p. 297; Wariston, Diary, p. 7.

2 Baillie, Letters and Journals, vol. III, p. 276.

3 Wariston, Diary, p. 7.

4 Ibid., p. 6-7.

5 The Diary of Alexander Brodie of Brodie, MDCLII-MDCLXXX and of his Son, James Brodie of Brodie, MCCLXXX-MDCLXXXV, (ed. David Laing), Spalding Club, Aberdeen, 1863, p. 155.

6 Thurloe, State Papers, vol. IV, pp. 37-38.

information is insufficient. Broghill, however, makes no more mention of it so that it is probable that he thought the question under control. It appears that he, indeed, "spoke threatning words of Waristoune and...Guthrie" about the Covenant though it may be that, after making his views known, he left it principally to the moderates among the Protesters, especially Gillespie, to undo it quietly.[1] Baillie at least credits Gillespie with "crushing" it.[2] On 20 November, 1655, at another meeting of the Protesters, Wariston only "with difficultye got it agreed to keepe it in dependance...til a mor convenient season."[3] This is the last we hear of it.

The controversy over the Covenant at least served to introduce Broghill to a few of the leading personalities of one party and to give him some idea of the forces with which he would have to contend. In a letter to London dated 22 September, he summarized his initial views of the Kirk:[4]

> I begin now to have some little light in affaires, and finde accordinge to the best thereof, that ther is much difference, at lest as to us, betweene the publicke resolutioners and the remonstrators; tho' I must confess I esteeme the latter the better sort of people: the former love Charles Stuart, and hate us; the latter love neither him nor us. Their anymosityes are soe great, that I am persuaded, they are hardly reconcilable to each other, and possibly both of them are the like unto us. Our honest generall had a beleif, that the remonstrators would

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1 Baillie, Letters and Journals, vol. III, pp. 297-298.

2 Ibid., p. 276.

3 Wariston, Diary, p. 12.

4 Thurloe, State Papers, vol. IV, p. 49.

> have owned and closed with the present government, if the Lord Warriston and som others had not hindered it, as beleevinge it might have ruin'd theire interrests. As I now stand informed, I thinke indeed, it might be noe very difficult thinge, to get either party to acknowledg our government, if you would put the power therefrom into their hands to suppress the others; upon which they are beleeved to be soe invettratly bent, that to accomplish that end, they would think noe thinge too deare. 'Tis not impossible, but from this division som outward good may be wrought; but for a reall closure, I doubt it never will be effected. Last week they (I meane the publicke resolution men) would leave of prayinge for the king, if the penalty for doeinge soe were taken of; and this weeke they proposed to the councill by colonell Lokhart, they would desist, if it were increased,....Wee have set monday next apart to determine on som rule. In thes men...we shall dally noe longer, for orders havinge bin made, and not executed, have made them the more bold, and us the more contemned. I beleeve we shal be free to declare, that as we shall protect and countenance all such ministers, as preach Christ and live quietly and obediently under the government; soe if after a fixt day...they shall presume to pray for and owne Charles Stuard publickly, we will not only take away ther stipends, but also hinder them from preachinge, tell they give good satisfaction not to run againe into that fault, nor under a pretence of publishinge the gospell, incite the people to blood and tumults, then which nothinge is more opposite to it.

After only a week in Edinburgh, then, Broghill had begun to cope with the problems posed by a recalcitrant clergy. It was clear to him from the beginning that his first task, before anything else could be thought of, was to halt the Ministers' outrageous practice of offering prayers for the King. This turned out to be a less difficult task than he might at first have expected.

Whatever the feelings of the ministry were in 1653 regarding their "duty" of praying for the King,[1] it is clear, by 1655, that

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1 See above p. 48.

the principle that had underlain their actions was wearing thin. If the National Covenant and Solemn League had bound them to remember the King's person in their prayers, these bonds themselves had lost much of their former authority. Baillie remarked in 1656 of "the little remainder of love" that remained to them[1] and Wariston, too, heard "of the lands growing dayly in haytred of the Covenant."[2] The "Covenant is almost buried" one observer had noted ecstatically in December 1651[3] and, though a hostile witness — he was a Catholic missionary — we might safely accept his verdict: the Covenant could only have found general discredit after the stunning defeats suffered in its name. After 1651 nothing more was ever heard of it until 1655 when Wariston and Guthrie attempted to introduce their amended version, and even their own party could not agree on this. In 1654 Wariston heard that the leading Resolutioners — David Dickson, Robert Douglas, and James Hamilton — had said to Monck "that they did not, nor should not, praye for the King's restitution, but only for the sanctifyed use of his trouble;...that they called him King only by way of distinction..."[4], and, when Broghill brought the issue to a head in September 1655, by threatening to deprive the ministers of their stipends

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1 Baillie, Letters and Journals, vol. III, p. 308.

2 Wariston, Diary, p. 27.

3 Hay, The Blairs Papers, p. 71.

4 Diary of Sir Archibald Johnston of Wariston [1650-1654], (ed. D.H. Fleming), Scottish History Society, Second Series, vol. XVIII, Edinburgh, 1919, p. 257.

if they continued their refractory practice, Douglas probably represented his party's feelings best when he "professed, he thoght praying for the King, noe such necessarie matter as to quitt ther ministrie for it."[1]

The changed mood in 1655 can be seen in several other ways. Ministers "that did not meddle with any civill effaires" had become more popular than ever among the people, and when, in November, Andrew Ramsey and several other ministers, deposed in 1648 over the Engagement, were readmitted to the ministry, it was to their "great contentment".[2] More importantly, and more indicative of the changed feeling in the ministry itself, was the readmittance, in September, of the burgh magistrates to the communion table after a four-year absence, as "time had much altered the case":[3] an action that in effect condoned the magistrate's violation of the Solemn League and Covenant implied in their recognition of the English "sectarian" government. The logical next step, therefore, for the English was to secure the ministers' recognition of their government. Broghill was to work on this — and succeed — but he had first to induce the ministers to leave the King out of their prayers. If ever the time was ripe for this, it was September 1655, and, as we have seen, before his first week in office was out, he had begun to attempt it.

It soon became clear to the ministers that the question was not

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1 Diary of Alexander Brodie of Brodie, (ed. David Laing), p. 155.

2 Nicoll, Diary, pp. 168-169.

3 Baillie, Letters and Journals, vol. III, p. 280.

so much one of whether or not they should desist from praying for the King, but whether or not they could do so on honourable terms. This is explained by the fact that Broghill brought to the government's counsels a determination that had been missing before. Whereas previous proclamations forbidding the practice of including the King in prayer had only resulted in the temporary confinement of a few individuals, "it was knowne, als cleer as the sunne", after Broghill's arrival, "that [the government] intended not to suffer our ministers in Scotland to preach the gospel" by whatever means, "if they had prayed in such tearms as formerlie."[1] Those ministers who presumed "to pray for and owne Charles Stuart publickly" were, as we have already seen,[2] not only to lose their stipends but to be hindered from preaching as well, and Broghill warned the Resolutioner leaders, Douglas and Dickson, that "if they should persevere in that practice, they should quickly" realize that the government had power to make its "just orders" felt.[3] This threat, in addition to another, that if they — the Resolutioners — did not forsake their prayers for the King, the government might "put soe much of the kirk power in the remonstrators' hands, as might sufficiently enable them...to punish their disobedience and contempt",[4] was enough to bring the Resolutioners around. For them giving up their prayers for the King had become a matter of necessity — and of saving

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1 Scotland and the Protectorate, (ed. C.H. Firth), p. 322.

2 See above p. 68.

3 Thurloe, State Papers, vol. IV, p. 56.

4 Ibid., p. 56.

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Only one consideration, then, governed the ministers' proceedings: to quit their practice regarding the King with the least amount of scandal possible. To do this they had first to persuade Broghill to withdraw Monck's proclamation of 26 March, 1655. This had threatened those of their number, who continued to pray for the King, with the loss of their stipends, and on no terms could such a material consideration be made the basis, openly at least, of their surrender.[1] At a meeting with Broghill, then, soon after his arrival, the Resolutioner leaders, Douglas and Dickson, asked that the proclamation be repealed and that a little time be given them during which they might consult their brethren about their practice of praying for the King. After "a long debate," Broghill wrote, "they gave me this assurance,[that] if those penaltyes were nuld [if Monck's proclamation were withdrawn]...and.... [if] we would give them foure or five weeks time to consult their brethren, they would not only freely leave of that manner of prayinge, but also soe far close with and owne our authority, as I should be convinced [that] had they bin well handled, they had not bin now at this distance, and would not longe continue at it."[2] Broghill had no difficulty in persuading the Council that this was the best course to follow, the thought occurring to them "that...the neerer thes men drew unto us, the more neer also the remonstrators would..."[3]

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1 Baillie, Letters and Journals, vol. III, p. 281.

2 Thurloe, State Papers, vol. IV, p. 56.

3 Ibid., p. 56.

The fifth of November, then, was set as the date before which the ministers were to be "free" to make up their minds concerning the King, and after which they were to face the full rigour of the law.[1] The government was not kept waiting. On 2 October the Ministers of Edinburgh began to omit explicit prayers for the King and the rest of the ministry soon followed their example.[2] Seven days later, in a letter to Thurloe, Broghill was able to announce triumphantly "a peece of newse, which till now thes many yeers could not truly have bin written unto you from Edinbrough; which is, that the last Lord's day [7 October] all the ministers heere have declyned publickly prayinge for Charles Steuard...."[3] He thought that his dealings with the Kirk had confirmed an important lesson: "They are a sorte of people, which if to be wrought upon, it must be by degrees, and by pryvate conferences; for in all publicke disputes men as much contend for creddit as for truth."[4]

The ministers of Edinburgh justified their apparent abandonment of the King in a resolution dated 5 October. It scarcely masked the element of coercion that lay behind their action. Citing the "unavoidable prejudices not to many godly Ministers only, but to the Ministerie itself, and to the free exercises of the Gospell in this land" that the

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1 "Collections by a Private Hand at Edinburgh, — 1650-1661," Historical Fragments, Relative to Scotish Affairs, from 1635 to 1661, (ed. James Maidment), pp. 49-50; Thurloe, State Papers, vol. IV, p. 58.

2 Diary of Alexander Brodie of Brodie, (ed. David Laing), p. 160.

3 Thurloe, State Papers, vol. IV, p. 73.

4 Ibid., p. 73.

continuance of prayers for the King would bring, they resolved to forbear the practice,

> declaring in the simplicity of our hearts that, as it was not stubborness of spirit nor any carnall respect, but religious motives, that engaged us to continue in that practise untill this tyme, so it is not out of levity, nor from anie fear of losse or personall suffering, nor from any worldly advantage, or carnall motive whatsoever, that now we forbear it, but from clear conviction in our consciences that the forbearance thereof in the case before mentioned is lawfull, necessarie, and for the advantage of the precious Gospell of Christ in this distracted Kirk, which is and ever shall be through His grace dearer to us than our lives. [1]

The reaction of the ministers' parishioners to their change of heart seems to have been minimal. Burnet states that it "exposed them to much censure, since such a carnal consideration as the force of law for their benefices...seemed to be that which determined them." [2] Burnet, though, was writing only from hearsay. Baillie, a contemporary witness, reported that "Some of our people, from whom we did not expect it, were offended; but above all, Generall Monk was irritat against us, as if we had yielded to Broghill what we denyed to him...." [3] This, in all likelihood, is nearer to the truth. While Baillie, as a supporter of the Resolutioner party in the Kirk, may well have minimized, consciously or not, the people's reaction, it is doubtful,

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1 Consultations of the Ministers of Edinburgh, 1652-1657, (ed. William Stephen), pp. 89-90.

2 Burnet's History of my Own Time, (ed. Osmund Airy), Oxford, 1897, vol. I, p. 112.

3 Baillie, Letters and Journals, vol. III, p. 296.

given the changed atmosphere of 1655, whether those who had earlier complied with the English would have remonstrated with the ministers now. As for Monck, he had, since his coming into Scotland, openly favoured the Protester party and had even supported Wariston and Guthrie in reviving the Covenant.[1] His continued distrust of the Resolutioners, therefore, was to be expected.

In persuading the ministers to renounce their public prayers for the King, Broghill had achieved something that none of his predecessors had been able to do. No group or corporate body in the realm now professed allegiance to any authority other than the Protector's. More importantly the ministers were now clearly on the defensive. Broghill's threat to put into the hands of the Protesters sole power in the Kirk had had its desired effect. The Resolutioner leaders were now prepared to perform what he most desired, to "soe far close with and owne...[the English] authority, as... [he] should be convinced [that] had they bin well handled, they had not bin now at this distance...."[2] If Broghill had then proceeded to encourage the Resolutioners in this thinking, by holding out the advantages to be gained, while doing the same for the Protesters, he might have so balanced the two Kirk parties as to make them both court his government. In this way he might have lured both into ceding concessions in return for his favour. This he recognized and, though he must have known that he would have been unable to prolong this act

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1 cf. Wariston, Diary, pp. 8, 10.

2 Thurloe, State Papers, vol. IV, p. 56.

indefinitely, he also knew that it would at least be preferable to putting "the power absolutely" into the hands of either party, by which the government "will loose both."[1] How then, we might ask, could he have possibly reconciled this view with his attempt, a few weeks later, at putting into execution the Ordinance of 8 August, 1654, the effect of which, as we have seen,[2] would have been to allow the Protesters a virtual monopoly in the certification of candidates for the ministry? The explanation, as we shall see, seems to lie in the fact that his instructions not only called for it, but that he saw, or thought that he saw, in it a means of effecting his own larger design: the formation of a "considerable honnest party" in the Kirk that "might in all respects be really advantageous to...Cromwell's service."[3]

Broghill's instructions regarding the Kirk were explicit. He was:

> To promote the preaching of the Gospell and the power of true religion and holiness, and take care that the usual maintenance is received by pious and qualified ministers, according to the Ordinance of 8 Aug. 1654, for the better support of the universities in Scotland, and encouragement of public preachers there.[4]

The effects that he looked for from the execution of the Ordinance

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1 Ibid., p. 56.

2 See above p. 63.

3 Thurloe, State Papers, vol. IV, p. 557.

4 C.S.P. Dom., (1655), p. 108.

he described in a letter to secretary Thurloe written about 16 October.[1] The views are those that he presented to several of the leading Protesters — Livingston and Gillespie, Sir George Maxwell of Pollock and Sir Andrew Carr, and three unnamed ministers — in a conference that he had had with them shortly before.

The Protesters had begun by detailing "the sad condition the kirke was in by reason of the ill principles most of the kirke men were of", meaning, of course, the Resolutioners. Broghill answered that he thought "the providence of God had offered a way for [remedying] both", that is, the condition of the Kirk and the "ill principles" of the Resolutioners, and that was:

> the puttinge his highness's ordinance in force of the 8th August 54, for admittinge only of deservinge men into the ministry; which was a good and speedy way to seperate their good brethern from the rod, who then would be more apt to close with them, then whilst they were intangled in partyse, wher interrest and the sense of past ingagements might make them stik to one another; and when by such separation none but the good would be left, the agreement would be easy, and the hinderinge of unworthy men's admission in the future would be the consequence of such an accord.

This he "fortyfyed with the best arguments..[that he] could" before the meeting broke up, "som beinge cleere in the thinge, and others havinge jellosyes and scruples", which, he feared, "they will have, whilst they live." He added that "when the kirke was well purged, [after the more godly of the Resolutioners had closed with the Protesters] his highnes would be as reddy to heare what then they had

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1 The following, including the quotations, is taken from Thurloe, State Papers, vol. IV, pp. 127-129.

to say, and doe them right, as now he was to redress the ill they suffered;...."

In thinking this way Broghill betrayed a naivety that he was not to lose except through hard experience. Though he had once before stated that he thought the two Kirk parties "hardly reconcilable to each other",[1] he seems to have assumed now, in mid-October, first, that at least some of the Resolutioner party — and they the most godly — would close with the Protesters rather than be excluded from the Kirk altogether, and, second, that the Ordinance itself would be accepted by the Protesters, or at least by enough of them, to make its execution feasible. In both assumptions he was proven wrong. When the Ordinance was proclaimed on 24 October its reception was decidedly luke warm. Though exact numbers are hard to come by, Monck wrote in December that only "some of the protesters...[were] resolved to act by it",[2] while Baillie reported that a number, taking their lead from Gillespie and Livingston, attempted to make use of it but that these were a minority.[3]

The Ordinance was, therefore, for a second time, a failure. Why Broghill thought that it might be otherwise we do not know. It is possible, however, that at this time he was strongly under the influence of Gillespie. The latter was a close friend of Cromwell and had been appointed by the Protector to the Principalship of Glasgow University

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1 See above p. 67.

2 Thurloe, State Papers, vol. IV, p. 282.

3 Baillie, Letters and Journals, vol. III, pp. 301-302.

in 1652. Since he was the first in Scotland to pray for the Protector's interest — before the Council of State on 14 October[1] — we may assume that he was Broghill's friend as well. And, because he was one of the authors of the Ordinance we may be sure that he used his influence in its favour. Nevertheless Broghill had little enough reason to believe that the Ordinance would succeed. There was little basis for believing that the Resolutioners would join with the Protesters rather than face eventual exclusion from the ministry, and no guarantee at all that the extremists among the Protesters led by Wariston and Guthrie, would accept the Ordinance. In fact they did not. The one assumption that Broghill did make that possessed some basis he did not follow up: this was that both parties had some desire to recognize and cooperate with his government. The Protesters — at least, Livingston and Gillespie — had already given him some assurance of this in early October and so, of course, had the Resolutioner leaders.[2] In attempting to put the Ordinance into effect, then, we can only conclude that Broghill was hoping against hope. All that he thought he had to do was to put the Ordinance into force and let the remaining pieces fall into place. When this did not happen chagrin and disillusionment were his reward. He had, however, at least learned an important lesson. His easy victory over the Resolutioners regarding the King had made him overconfident. After the failure of the Ordinance had become obvious in November he determined to tread more warily in his relations with the ministry. In a letter to London that month, he wrote: " I must truly

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1 Nicoll, Diary, p. 162.

2 Thurloe, State Papers, vol. IV, pp. 56-57, 127.

profess, if I writt any thinge, which might give you a rise to beleeve I put any confidence in the ministers heere, as to their good affections, I did egregiously mistake; for truly I would desyer a longer time for their probation then I hope I shall stay heere, before I could advisedly pass such an opinion open them."[1]

The last stage of Broghill's dealings with the Kirk began in November. The action that precipitated it and forced Broghill to re-examine his whole attitude to the Kirk parties was the petitioning of the Council, by the extremist faction of the Protesters, for the revival of the Commission of Assembly of 1650.

In October 1651, as we have seen, the leading Protesters had gathered together in Edinburgh and had assumed to themselves the authority of this body. Since the Commission was composed solely of those of the Protester party, its effect would have been to endow that party with sole authority in the Kirk for the placing and displacing of ministers.[2] The party's leaders professed that it was only for the "purging out of insufficient and scandalous ministers" but its real purpose was hidden from no one.[3] Few would have cared to venture that many of those described as "insufficient and scandalous" would be found among the

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1 Thurloe, State Papers, vol. IV, pp. 56-57, 127.

2 The Protesters nominated twenty-nine of their number to sit on the Commission, the authority of which they maintained to be still in being. The Resolutioners could not sit on it or even recognize it because to do so would have involved their implicit acceptance of the illegality of the General Assemblies of 1651 and 1652, which had upheld the public resolutions. cf. Baillie, Letters and Journals, vol. III, p. 300.

3 Thurloe, State Papers, vol. IV, p. 256.

Protester party or that they would be replaced by any among the Resolutioners. Baillie spoke for the latter when he described it as "worse than Mr. Gillespie's ordinance...for it was alone for stipends in order to planting; but this is ane usurpation of the whole immediate jurisdiction; worse than Independencie" and "worse than Episcopacie;"[1] "one of the vilest, most shamefull, and tyrannical tricks that ever was heard of...in any time."[2]

The notion of renewing the Commission did not meet with any strenuous opposition from within the party. The reason for this seems clear enough. Not only did the defeat of the Ordinance leave the party with no alternative if it was to plant the Kirk with honest and Godly ministers, but the effect of its defeat must also have been to discredit its backers among the moderate faction led by Gillespie.[3] The only disagreement that did arise was over the wording of the petition to the Council. Some were worried about the effect that their insistence on former testimonies against the Ordinance and English conduct would have on the Council; others were not. In the end they expressed them "in some smooth general expression"[4] that they deemed unobjectionable. The final draft of the petition was drawn up on 28 November and seems to have been handed in to the Council on 4 or 5 December.[5]

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1 Baillie, Letters and Journals, vol. III, p. 300.

2 Ibid., p. 324.

3 Ibid., p. 298.

4 Wariston, Diary, pp. 16-17.

5 Thurloe, State Papers, vol. IV, pp. 255-257; Wariston, Diary, p. 19.

The petition was significant within the context of Broghill's Kirk policy not so much for its direct consequences, which were naught, in the sense that Broghill never allowed it to be put into effect, as for its indirect ones. It compelled the Resolutioners to approach Broghill once again, after a period during which they had had little hearing,[1] in a more compliant posture than they might otherwise have assumed, and at a time when Broghill himself was reassessing his own strategy regarding the Kirk. The Ordinance had failed and it had become very clear that for many of the Protesters it was as much of an anathema as union. What then of the Resolutioners? They had already — before the end of September — expressed a desire to send representatives up to Cromwell to "owne" his authority and to live peaceably under his government but had been rebuffed.[2] Broghill, so he informed the Protector, had been unsure of the latter's feelings in the matter and was himself, at that time, undoubtedly very distrustful of a party that was still praying for the King. After the failure of the Ordinance, however, he must have begun to doubt the wisdom of his previous policy. The Protesters — with the exception of Gillespie — had not come any closer towards recognition of his government; the Resolutioners, he may have thought, now that they had at least given up praying for the King, might. In attempting to put the Ordinance into effect Broghill had tried to settle the government of the Kirk in a way that would be of service to the English interest, on the assumption that the ministers

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1 Baillie, Letters and Journals, vol. III, pp. 302, 305.

2 Thurloe, State Papers, vol. IV, pp. 56-57.

would afterwards agree to support his authority. Now, however, as we shall see, he was prepared to reverse his priorities. His principal purpose would be to secure recognition of his government from the moderates of both parties: they would receive his attention; the extremists would not. Only after this would the problem of Kirk government be settled. The Commission, therefore, could not be allowed to stand, putting into the hands of the Protesters as it did all authority in the Kirk, and with no corresponding gain for the English interest. The aim of this new strategy, then, was the same as that which he had pursued before with respect to the Ordinance — the gaining of "a considerable honnest party" for the Protector — but this time by another means, and in a more direct fashion.

The petition, therefore, did not receive an immediate reply. Almost as soon as it was handed in to the Council, the presbytery of Edinburgh drew up a declaration against it and their example may have been followed by others.[1] It was rumored that the petition had been sent up to London for the perusal of Cromwell and the Council of State but this is unlikely and there is no evidence to support it.[2] Throughout December, indeed, nothing of consequence happened. For most of the month Broghill was laid up by the gout and was unable to attend to any business whatever.[3] A final reckoning with the Kirk had, therefore, to be postponed and it was not until January 1656 that negotiations with the ministers

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1 Baillie, Letters and Journals, vol. III, p. 301.

2 Wariston, Diary, p. 21.

3 Thurloe, State Papers, vol. IV, p. 323.

were taken up once again.

"I have begun to sett some of the sober and honnestest of this nation to worke, to offer what might discriminate them from those, who hate and will not cheerfully live under this government."[1] So Broghill wrote to Thurloe on 8 January. The men to whom he referred were, without doubt, for the Protesters, Livingston and Gillespie, and, for the Resolutioners, David Dickson and Robert Douglas. The first two, he had concluded, were, despite their apparent association with the demand for the Commission, so vexed by the obstinate attitude of the extremists of their own party that they would gladly "close with any as soone as" these.[2] The latter he had already met in connection with the earlier negotiations concerning the King and were, with James Sharp, minister at Crail, to be their party's chief negotiators in the months ahead.

The dilemma facing the Resolutioners was a hard one. In their view, if Baillie's opinion may be taken as typical, the choice that faced them, was one of either complying with the English and recognizing their government or seeing them turn to the Protesters and the Commission of 1650:[3] a choice which was, in fact, no more than theoretical. By the end of January, then, they had made their decision. They told Broghill that they were disturbed not so much by the act of compliance itself as by the ignominy that such an act would cast upon them as "so opposite a change to what they lately weare." Hearing this Broghill concluded

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1 Thurloe, State Papers, vol. IV, p. 400.

2 Ibid., p. 557.

3 Baillie, Letters and Journals, vol. III, pp. 308-309.

that, since it was "their shame and not their consciences" that had now to be overcome, the worst difficulties were probably over.[1] In this he was quite correct. During the first few weeks of February the Resolutioner leaders were occupied in drawing up a statement in which they declared their resolution of living peaceably under the government. This paper was delivered to Broghill on the twenty-third.[2] The only request that they made was that the understanding should remain private so as not to jeopardize their efforts at converting their brethren. To this request Broghill gladly complied and assured them that only he, Cromwell, Monck and Thurloe should know:[3] an indication that his policy had been his own all along and that the Council had been largely ignored.[4] Almost immediately the Resolutioner leaders, led by Douglas and Dickson, began to labor "with their brethren...to bringe about what they have promised...."[5]

The impulse behind the Resolutioners' determination to recognize and comply with the English authority was without doubt prompted by the fear that Broghill would otherwise have thrown his whole weight behind the Protesters and the Commission of 1650. There does not seem to have been any genuine change of feeling towards the Protectorate. It is true

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1 Thurloe, State Papers, vol. IV, p. 479.

2 cf. Consultations of the Ministers of Edinburgh 1652-1657, (ed. William Stephen), pp. 198-201.

3 Thurloe, State Papers, vol. IV, p. 558.

4 Part of the reason for this, no doubt, was that (in Broghill's words) "our most secret debates in the councill have bin discovered." — Ibid., p. 105.

5 Ibid., p. 559.

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5 Ibid., p. 559.

that Douglas had once thought and no doubt still thought that he dare "not praye for the King's restitution; that...he.[the King], and his nobles and officers, reuling over us would be farre worse then the Inglishes..."[1] and it was true, too, that he had, on Sunday 24 February, "soe far preach[ed] for the government, that many" said "he was a turne-coate."[2] There is no evidence, however, to demonstrate that others followed his example. In complying with the English the Resolutioners merely confirmed what Broghill had always thought: that either party would do anything rather than see the other confirmed in power. At last he was fulfilling the policy that he had envisaged in September.

The success that accompanied Broghill's negotiations with the Resolutioners did not extend to his efforts with the Protesters. The reason for this seems to have been not so much that his spokesmen, Gillespie and Livingston, were remiss in following their "instructions" but that they exceeded them. Instead of concentrating on the moderate faction within the party as Broghill had wished, they — or, at least, Gillespie — tried to convince the extremists, too, that they should make an effort at arriving at an agreement with the English. Thus Gillespie warned Wariston plainly on 22 February that unless the party "owned their [the English] Gouvernment as lawful and declaired...[its] subjection to it and resolution for it...[it] would get nothing doen with" it.[3] Wariston and Guthrie were no doubt troubled by this but

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1 Diary of Sir Archibald Johnston of Wariston, (ed. D.H. Fleming), p. 221.

2 Thurloe, State Papers, vol. IV, p. 558.

3 Wariston, Diary, p. 27.

were not yet ready to give in. Instead, in March, they resolved to send representatives up to London to present their case directly to the Protector if and when they considered that the situation warranted such action.[1] This resolution had important consequences. In virtually abdicating from the contest for Broghill's favour, and in refusing to acknowledge his government, the Protesters eventually lost his favour completely and found themselves without any influence in the settlement of Kirk affairs.

This would come, however, only in the months ahead. In February Broghill still thought the Protesters "generally better, then the publicke resolutioners", even though the latter, he confessed, were beginning to "acte better towards us" than the former.[2] In letters to Cromwell dated 26 February, 11 March, and 15 April, he begged him to write a few words of encouragement to the ministers whom he was employing to persuade their brethren to acknowledge his government.[3] Finally, in May, he seems to have received a satisfactory reply.[4] The delay was typical, though, of the frustrations that he had experienced at the hands of the central government in other affairs.[5]

Visible proof of the Resolutioner leaders' activities is to be seen as early as April when at least some of the Edinburgh ministers

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1 Wariston, Diary, pp. 28-29.

2 Thurloe, State Papers, vol. IV, p. 479.

3 Ibid., pp. 559, 597, 700-701.

4 Thurloe, State Papers, vol. V, p. 17.

5 See below p. 103.

seem to have given evidence of their compliance with the regime.[1] Unfortunately from this time on almost until Broghill's departure from Scotland we have little information regarding his labours. Perhaps the most crucial deficiency is in regard to his relations with the Resolutioners and the gradual preference that he came to have for them. In February he had expressed a general preference for the Protester party.[2] In August he referred to a portion of that party as "the bitterest enemyes against the government in all Scotland...."[3] The reasons for this are not hard to guess; the details only are missing.

The extremists under Wariston and Guthrie could not accept the authority of the English government; nor could they tolerate the "amended" form of the Ordinance of 8 August, 1654, that was passed by the Protector on 31 July and sent up to Scotland soon afterwards. Although we cannot be certain that the new measure was devised by Broghill, it is probable. Broghill himself was later to claim credit for annulling "that part of the ordnance" which related to provincial certifyers (which the new ordinance did),[4] and he referred to the latter as capping his negotiations with the ministers, which, he said, had "bin [now] neere

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1 Diary of Alexander Brodie of Brodie, (ed. David Laing), p. 176.

2 Thurloe, State Papers, vol. IV, p. 479.

3 Thurloe, State Papers, vol. V, p. 336.

4 Register of the Consultations of the Ministers of Edinburgh and some other Brethren of the Ministry, 1657-1660, (ed. William Stephen), Scottish History Society, third series, vol. XVI, Edinburgh, 1930, p. 91.

a yeare a weavinge."[1] It is also quite unlikely that such a measure would have been taken without at least his concurrence. Finally, the effect of the new ordinance was to favor the Resolutioners, whom he had at last concluded to be the "honnester" of the two parties,[2] while the Protector himself still slightly favoured the Protesters.[3] Though the new measure has been referred to as solely an "amendment" of the Ordinance of 8 August,[4] in actual fact it was much more than this. It read in part:

> Whereas great inconveniency hath growne by the not putting in execucon the Ordinance of the 6th of August 1654 [sic]...through the default of the Provincial Certifyers [named] in the...Ordinance...; You [the Council] are hereby authorized and impowred... to allow and order unto such Ministers or Publique Preachers in Scotland as yot shalbe satisfied with, as qualified according to the intencon of yt Ordinance, their respective Stipendes.... 5

The import of the instruction was, therefore, to do away with the the Provincial Certifyers and to put the onus of allowance or disallowance of ministerial candidates on the Council. This was not, however, its only implication. The qualification "according to the intencon of yt Ordinance" was an empty one as the candidates for the ministry were to be considered upon the call of the presbyteries in place of the

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1 Thurloe, State Papers, vol. V, p. 336.

2 Ibid., p. 656.

3 See below p. 113.

4 Mathieson, Politics and Religion, vol. II, p. 172.

5 Acts of the Parliaments of Scotland, vol. VI, pt. II, p. 761.

now defunct certifyers. The significance of this was that it deprived the Protesters of their theoretical control over admission to the ministry, and, in fact, gave control to the Resolutioners, as the majority party in the Kirk. In this way Broghill repaid the Resolutioners for their compliance with the regime. The first part of the same qualification, "as you shalbe satisfied with", was even more important from the English point of view. It meant that no candidate for the ministry was to be allowed a stipend that did not first, in Broghill's words, "by a voluntary addres to the councell testify under his hand his resolution of livinge peaceably and inoffensively under his highnes government;...." [1] By this he expected:

> not only the kirke judicatory do or will owne the present authority even in kirke affaires (which they never till now did) but also forthwith above 150 of the parochial ministers will voluntary give the said engagement, and all others in the future, which are admitted, shall doe the like, whereby ere longe every minister in Scotland wil be obliged to the government under his owne hand freely, and being engaged themselves, they will in interest, if for nothing els, engage the people.... [2]

This was the culmination of Broghill's Kirk policy. The Resolutioners, representing the vast majority of the ministers, accepted the ordinance without compromise; the Protesters could not. [3] Immediately

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1 Thurloe, State Papers, vol. V, p. 655; for the form of the entrant's petition to the Council, cf. Consultations of the Ministers of Edinburgh 1652-1657, (ed. William Stephens), pp. 202-203.

2 Thurloe, State Papers, vol. V, pp. 301-302.

3 cf. Letters of Samuel Rutherford, (ed. A.A. Bonar), p. 681, for Rutherford's lamentations upon the ordinance.

upon hearing of the new instruction they prepared to send representatives to London to try to overturn the new settlement and to solicit Cromwell's favour personally. Eventually Gillespie joined Wariston and Guthrie in this undertaking.[1] In their own defence the Resolutioners were forced to adopt similar tactics and they resolved on James Sharp as their envoy. "Thes ar som of the fruits of your new orders concerninge the ministers", Broghill informed the Protector on 19 August, "they were asleepe till now, but now begin to looke about them, lest they should supplant each other."[2] Broghill himself left for London on 22 August never to return to Scotland again. He had achieved all that he had set out to do and nothing remained for him now except to safeguard the settlement that he had so carefully nurtured. Over the next few years, then, he was never to be very far from Scottish affairs and with Sharp, that "sober good man, and...friend and servant to his highness",[3] was to watch over carefully the Protector's — and Resolutioners' — interests.

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1 Originally Gillespie, in Broghill's view, had been "free to signe" the ordinance, but had soon afterwards begun to waver in his attachment to it. — Thurloe, State Papers, vol. V, pp. 336, 656.

2 Thurloe, State Papers, vol. V, p. 323.

3 Ibid., p. 655.

CHAPTER IV

THE TASK OF ADMINISTRATION

If Broghill regarded his main task in governing Scotland to be the acquisition of support for his government, he realized too that he bore an equal responsibility to the Protector for governing wisely, in the regime's interest. What this meant in practice was the more profitable operation of the government machine, the paring down of expenses and the more efficient raising of revenue. In carrying out this policy, however, Broghill could not have avoided the imposition of additional burdens upon the hardpressed Scots. This was the paradox that was to plague his administration. While, through the Kirk, he tried to reconcile the Scots to the regime, he was, at the same time, authorized by the Protector to improve the Scottish revenue,[1] and, in so doing, inevitably alienated the very people whose support he was seeking. In Broghill's defence it should be said that, in carrying out his economic policy, he was only following explicit instructions, and that, in some areas at least, such as that affecting the assessment, his freedom of action was severely restricted. In other areas, however, as in the recovery of concealed revenue from former crown lands, it is equally true that he proceeded with a zeal that, if indicative of his determination to serve the Protector, testified also to an apparent unconcern with public opinion, especially that of the propertied class,[2]

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1 See below, Appendix II, p. 129.

2 See below p. 104.

an astounding fact when his own social background is considered. Ironically, Broghill's personal popularity at the end of his administration was quite high, compared at least to that of any of his English predecessors.[1] The explanation for this, as we shall see, in all probability lay not so much in the general policy that he pursued — raising taxes has never been popular — as in the popularity of his Kirk policy and of specific decisions that he made regarding lesser affairs.

The first day of the Council's sitting was Monday, 17 September.[2] The Council's first business was the nomination and appointment of state officers. Edmund Syler, Richard Saltonstall, and Sir James MacDowell, "som of the councill beinge of opinion, that it would be requisite to have one of the cuntrey", were made commissioners collectively of the customs, excise, and sequestrated properties.[3] A John Baynes was given the post of receiver-general of the Exchequer[4] and the deputy-treasurer at Leith since 1652, George Bilton, was confirmed in his post.[5] One of the Council's first actions was to appoint a committee under a Captain Bracy to look into "the trade, fisheryes, and manufactures of the nation" to see how they might "be best carryed on...."[6] Since nothing more is

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1 See below p. 120.

2 Letters from Roundhead Officers, (ed. J.Y. Akerman), p. 119.

3 Thurloe, State Papers, vol. IV, p. 48.

4 Letters from Roundhead Officers, (ed. J.Y. Akerman), p. 119.

5 C.S.P. Dom., (1651-1652), p. 555; C.S.P. Dom., (1655-1656), pp. 93, 116. Baynes was made responsible, in Bilton's place, for the receipt and allocation of all revenues, save those accruing from the sequestrated properties and fines. Bilton was mainly responsible for the latter. cf. Scotland and the Protectorate, (ed. C.H. Firth), pp. 147, 202; Thurloe, State Papers, vol. IV, p. 57; C.S.P. Dom., (1655-1656), pp. 330-331, 385-386.

6 Thurloe, State Papers, vol. IV, p. 41.

heard of it, however, we might safely assume that the committee's meetings were shortlived. Subsequent attempts by Broghill to secure more protection for Scottish trade proved equally unsuccessful.[1]

The first important business of the Council was to settle the state's finances. This meant in effect regulating the nation's customs dues, instituting a new excise duty, authorizing the assessment, and erecting an exchequer court, through which the state could recover revenue formerly accruing to Kirk and crown property. At the same time it meant the adoption of such money-saving devices as the disbandment of a portion of the army and the reduction of the civil list.[2] The customs were easily looked after. Standardized rates, non-existent before, were instituted at each port and methods of accounting were regulated.[3] The rates do not seem to have been altered. The excise, however, demanded closer attention.

The excise duty was given precedence over the other revenue-raising schemes because of its newness.[4] A variation of it had been in use by the Scots before the conquest and the English seem to have attempted to keep it up, but with little success. The reason for this probably

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1 Ibid., p. 741; Thurloe, State Papers, vol. V, p. 323.

2 In October more than £1100 per month was saved through the disbandment of a portion of the forces: this on top of disbandments that had already been ordered in August and September. Retrenchments amounting to £2,800 'per annum' were made in the civil list. For disbandments in the army cf. Scotland and the Protectorate, (ed. C. H. Firth), pp. 296-299. 301-304; C.S.P. Dom., (1655), pp. 251, 260-261, 369; Thurloe, State Papers, vol. IV, p. 73. For the savings in the civil list, cf. Thurloe, State Papers, vol. IV, p. 533.

3 "Report by Thomas Tucker upon the Settlement of the Revenues of Excise and Customs in Scotland. A.D. MDCLVI.", Miscellany of the Scottish Burgh Records Society, (ed. James D. Marwich), Edinburgh, 1881, pp. 14, 29-30.

4 Ibid., p. 2.

lay in the difficulty and expense of collection: difficult in that it demanded a close supervision of imports and sales and expensive in that the state at that time - 1650 - was compelled to employ its own collectors, whose fees rendered the tax unremunerative.[1] When the Council announced its intention of imposing the tax, therefore, on 26 September,[2] it had already resolved to appoint its own collectors to collect the tax at the ports as virtually an extra customs duty on certain goods,[3] and to farm the inland excise, essentially a sales tax on the same goods, to the highest bidder.[4]

The scheme was accepted by the Scots resignedly and their agents gathered in Edinburgh in October to bid for its collection.[5] The shires that were farmed were usually looked after by representatives of the major burghs; the remainder were administered by the commissioners of customs and excise in the port towns.[6] To insure that a respectable sum was raised in each, the Council decreed that a base level should be set below which no bids should be accepted, the tax to be collected

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1 Thurloe, State Papers, vol. IV, p. 48; A Collection of the State Letters of...Roger Boyle, (ed. Thomas Morrice), p. 27.

2 Nicoll, Diary, p. 161.

3 The most important of these seem to have been ale, beer, wine, salt, and tobacco. cf. The Diary of Mr. John Lamont of Newton, (ed. George R. Kinlock), p. 91; Thurloe, State Papers, vol. IV, p. 48; Nicoll, Diary, p. 161.

4 Thurloe, State Papers, vol. IV, p. 48.

5 Nicoll, Diary, pp. 167-168. cf. below p. 77, note 1.

6 Thurloe, State Papers, vol. IV, pp. 531-533; "Report by Thomas Tucker upon the Settlement of...Excise and Customs in Scotland", (ed. James D. Marwick), p. 31.

by its own appointees.[1] The excise of the shire was also made inseparable from that of the town in, for example, a case like Aberdeen-Aberdeenshire, where the same collector was made responsible for both; in this way it was assured that no area of the country should escape the new tax.[2] The only counties that were not bid for were Argyle and Bute, Inverness, Ross, Sutherland, Caithness and Cromarty: "The two former of which being wholly Highlands, none would adventure to bidd any thing...for them and the rest, lyeing all northerly, and for the most part very little better" drawing bids that were too inconsiderable.[3] Commissioners therefore, "two gentlemen of those countryes," were appointed in a futile attempt to collect their excise.[4] The one at least who ventured into Argyleshire in October met with a better reception than his successor in January: he was stabbed and a few months later was still at death's door.[5]

Other than this incident and another at Edinburgh, where a rock was aimed at the unfortunate party that proclaimed the excise,[6] there is no indication of any determined disposition among the Scots not to pay the tax. In this we should no doubt see nothing more than a willingness on their part to face the inevitable. In the burghs the

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1 Thurloe, State Papers, vol. IV, p. 48.

2 "Report by Thomas Tucker upon the Settlement of...Excise and Customs in Scotland", (ed. James D. Marwick), p. 3.

3 Ibid., p. 4.

4 Ibid., p. 4.

5 Ibid., p. 11.

6 Thurloe, State Papers, vol. IV, p. 57.

the magistrates proceeded quickly in their task of supervising the tax's collection and in the shires the farmers or appointed commissioners seem to have had no difficulty in delegating their authority to subordinates.[1] Nor was the additional burden that it placed upon the Scots a light one. Though that collected at the ports was a paltry sum, averaging for the months of October, November and December, about £130, the inland excise was farmed at a rate of £2480 per month;[2] nor is there any reason to doubt that it was collected. In January, when the farms came up for renewal, competition for them was more fierce than before and the state was able to raise a larger revenue.[3]

Most of the excise money — two-thirds of it and of the proceeds from the customs — was earmarked for the payment of the army's arrears. The remainder was reserved for incidental charges most of which went towards the erection or repair of the great citadels that the English had erected or were erecting in the country.[4] There was, of course, never enough money. The army's arrears in June 1655 stood at more than £86,000 and there was never any hope of recovering this amount.[5] Instead

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1 cf. for example, Extracts from the Records of the Burgh of Glasgow, 1630-1662, (ed. James D. Marwick), Scottish Burgh Records Society, Glasgow, 1881, pp. 319-320; Extracts from the Records of the Royal Burgh of Stirling. AD. 1519-1666, (ed. R. Renwick), Glasgow Stirlingshire and Sons of the Rock Society, Glasgow, 1887, pp. 219-220; W. Macgill, Old Ross-shire and Scotland, Inverness, 1909, p. 116.

2 cf. Thurloe, State Papers, vol. IV, pp. 531-533.

3 "Report by Thomas Tucker upon the Settlement of...Excise and Customs in Scotland", (ed. James D. Marwick), pp. 11, 33-34.

4 C.S.P. Dom., (1655-1656), pp. 20, 288, 310; Scotland and the Protectorate, (ed. C.H. Firth), pp. 294, 307-308. See above pp. 40-41.

5 Scotland and the Protectorate, (ed. C.H. Firth), pp. 294-295.

the excise and the other financial expedients that Broghill adopted only served to further estrange the regime from the people. "Poor people", it was said, "were greatly oppressed by collectors, and though complaints were made to the Council of Estate,...no redress was obtained."[1] This, without doubt, was the case. The excise, as a tax on commodities, would have placed a heavier burden on the poor than on the rich. And this, despite the enormous expense of the English presence in Scotland, could only have intensified the animosity that the people felt for the Protector.

Coincidentally with the establishment of the excise Broghill was dealing with other financial affairs. The two most important of these were the assessment and the erection of a court of exchequer.

When Broghill arrived in Scotland the assessments for the months of June through December had already been authorized by the Protector. The advent of a new government, however, had the effect of arousing the Scots to new efforts to secure the tax's abatement. In a letter of 7 November to Thurloe, Broghill described his reaction to these:

> All the shires in Scotland have petitioned, and are petitioninge by their express agents out of every shire, to abate them their burthens and taxes, which they terme insupportable. Possibly this is the better to prepare a way for som villany; but we give then the hearinge, and a parcell of as smooth language as they could wish; with which some seem satisfyed, others not. But 'tis the best payment we can give them, and as good as most of them merrit.... 2

This was expressive of both Broghill's attitude to the Scots and his method of rule. Though his concern for security, throughout his admini-

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1 The Life of Mr. Robert Blair, (ed. Thomas M'Crie), p. 326; cf. also Diary of Alexander Brodie of Brodie, (ed. David Laing), p. 168.

2 Thurloe, State Papers, vol. IV, p. 160.

stration, amounted almost to an obsession,[1] he was always full of fair words for the Scots when the situation might demand it. There was, for example, more than a little truth in the assertion that it was his "courtesies more than his threats" that persuaded the ministers to abandon the King.[2] Mixed with Broghill's distrust of the Scots however -- he once said that he had "as little faith in a Scotsman as" any man[3] -- was a certain optimism that allowed him to think that his plans, for the Kirk especially, would always work out. The result of this was that he created false hopes in himself and others, and that, when these were dashed, only chagrin and disillusionment were left as reminders. Monck, it is clear, never shared his colleague's misplaced optimism and later, when his own views were borne out by events, was able to gently chide him for it.[4]

If Broghill was unable to lessen the assessment, both for economic and legal reasons,[5] he could at least try to apportion it more fairly and endeavour to lighten its load in other ways. The latter he attempted in October. The fees of the tax collectors he found to amount

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1 Broghill's letters are full of references to his intelligence-gathering network which provided him with full, up-to-date and accurate information regarding the potentially subversive activities of Scottish royalists. cf. Thurloe, State Papers, vol. IV, pp. 49, 105, 162, 187, 223, 271, 372.

2 Baillie, Letters and Journals, vol. III, p. 321.

3 Thurloe, State Papers, vol. IV, p. 559.

4 See below p. 117.

5 Since the assessment was imposed "by the supream authority", that is to say, by the Protector, the Scottish Council had no authority to lessen or enlarge it. cf Broghill's reply to the petition from the shire of Inverness, in Culloden Papers; comprising an extensive and interesting correspondence from the year 1625 to 1748, (ed. H.R. Duff), London, 1815, p. 9.

to nearly £5,000 per year, a heavy burden of which he thought he might ease the Scots, and, at the same time, raise the state's revenue.[1] He would, he said, employ an expedient which...

> I got the gentlemen of my cuntry in Ireland to accept of...and which did the publike worke, and freed the people from the charge. It is, that the shire doe give the tresurer sufficient security by the time limitted to pay in the assesment; and then that the gentry of the cuntry, quarterly by turnes, take the paynes and care of levyinge it gratis. This alsoe prevents inequallityes and favoringe of friends; for he, that is guilty of this one quarter, will have it retalliated upon him the next. This most I have spoken with take as a favor, and I thinke wil be practised thankfully by all.[2]

In this he was, however, disappointed so that both the government and the Scots were deprived of a more economical and perhaps more efficient mode of collection. It is doubtful whether many ever accepted the offer and Broghill never mentioned it again. By December, however, this time following instructions, he succeeded in modelling the assessment after the English practice.[3] This bore a marked resemblance to the system that he had previously proposed. Commissioners, many of them serving simultaneously as Justices of the Peace[4] and drawn mainly

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1 Thurloe, State Papers, vol. IV, p. 127.

2 Ibid., p. 127; cf. also More Culloden Papers, (ed. Duncan Warrand), Inverness, 1923, vol. 1, p. 134.

3 Thurloe, State Papers, vol. IV, p. 342.

4 Ibid., pp. 342-343. For the institution of Justices of the Peace, see below pp. 105-108.

from the gentry and nobility,[1] were nominated to supervise the collection of the tax in each shire.[2] The state's collectors continued to be employed however. As with the institution of the Justices those who refused their cooperation were no doubt excepted and replaced by more compliant individuals. The system, therefore, does not seem to have met with any difficulties.

Broghill was less successful in broadening the scope of the assessment. Previously it had been levied mainly as a property tax. In January 1656, however, the new assessment was proclaimed with the announcement that from that time on household goods and ministers' stipends were to be assessed as well.[3] The attack on the latter was particularly ill-advised as it could only have antagonized the very people that were the key to Broghill's main policy. Possibly the idea did not originate with him though one wonders whether it could have passed without his approval. In any case it was quickly withdrawn

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1 For the names of the Justices, cf. Scotland and the Protectorate, (ed. C.H. Firth), pp. 308-316. Many of the nobility were asked to serve; among many others were the Earls of Errol, Home, Murray, Nithsdale, Hartfell, Lothian, Tweedale, Wemyss. cf. Acts of the Parliaments of Scotland, vol. VI, pt. II, pp. 838-841.

2 cf. M.P. Ashley, Financial and Commercial Policy under the Cromwellian Protectorate, Oxford, 1934, p. 73.

3 Nicoll, Diary, p. 173; Wariston, Diary, p. 21; "Memoirs by James Burns, Bailie of the City of Glasgow,—1644-1661", Historical Fragments, Relative to Scotish Affairs, from 1635 to 1661, (ed. James Maidment), p. 29.

when the ministers remonstrated against it.[1] Just the thought, though, is indicative of the degree of desperation that accompanied the administration's relentless search for revenue.

The amount raised by the assessment after January we do not know. It is doubtful though that it ever stood at much more than £8,000 per month. In both September and April the Protector inquired whether any portion of the £2,000 abated from the official £10,000 figure might be raised for the payment of incidental costs.[2] The answer clearly was no. Even the anonymous author of a newsletter from Edinburgh made the propitiation of Scottish opinion dependent upon the reduction of the tax,[3] and a year later-1657-Monck was indeed constrained to reduce its level to a more manageable £6,000.[4] In this, then, as in his reintroduction of the excise, Broghill could only have aggravated public opinion where he otherwise sought to appease it.

The third and last major revenue-raising scheme that Broghill was expected to set in motion was the recovery of "concealed revenue belonging to the Crown, archbishops, bishops or deans and chapters..."[5] In accordance with this he was expected to erect a court of exchequer

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1 Diary of Alexander Brodie of Brodie, (ed. David Laing), p. 172; The Life of Mr. Robert Blair, (ed. Thomas M'Crie), p. 324.

2 C.S.P. Dom. (1655), p. 356; C.S.P. Dom. (1655-1656), p. 249.

3 Scotland and the Protectorate, (ed. C.H. Firth), p. 332.

4 See above p. 50.

5 Instruction to Council. See below Appendix II, p. 129.

through which the state's claims and the subject's appeals regarding the estates could be adjudicated. Broghill arrived in Edinburgh, therefore, with this in mind. He soon found, however, that the task could not be accomplished until the Council had first seen "a coppy of the powers and authoritye given unto the exchequer in England, by which (as to the judiciall part thereof)" it desired to be regulated.[1] This raised serious difficulties. The first request for information was sent on 27 September.[2] It was repeated or alluded to again on three different occasions—10 November, 27 November, and 20 December—yet with no reply, and it was not until 9 January, 1656, that a full answer was received.[3] In the meantime Broghill estimated, though on what basis we do not know, that the Protector had lost £100 per week through his dilatoriness.[4] The letter of 9 January confirmed that the power of prosecuting owners of alienated estates lay with the exchequer and that only lands alienated illegally by the last two Stuart kings were to be recovered.[5] After this date everything appears to have run smoothly. In February a proclamation was published which called upon holders of former Kirk and crown lands to appear before the judges,

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1 Thurloe, State Papers, vol. IV, p. 57.

2 Ibid., p. 57.

3 Ibid., pp. 184, 250, 328-329, 407.

4 Ibid., p. 329.

5 C.S.P. Dom. (1655-1656), p. 107.

in stages, to prove the legality of their holdings and to have a more "treu and perfyte Rentall" placed on them.[1] Most seem to have complied with the proclamation but those that did not were given until the following November to do so.[2] What the government gained from these activities in additional revenue is unknown. Since the court was only established in January, though and did not sit for several months after September 1656, the judges being absent while attending Parliament, the amount could not have been very great.[3] The one thing that we may be sure of is that if the court put the holders of such lands "to great charges and expenses", as one contemporary said it did,[4] then its activities could not have redounded to the government's credit; and since most of the people whom it affected must have come from the propertied class, as they were the only ones that could have held former Kirk and Crown lands, it was helping to alienate an influential group indeed.

Broghill's other activities and achievements in Scotland must at least have gone some way towards mitigating the adverse effects of his financial exactions; even here though the original impulse behind them was not always his own. The allowance of burgh elections, for example,

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1 cf. text of proclamation in Nicoll, Diary, pp. 175-177.

2 Edinburgh, 29 July, 1656. By the Judges of his Highness Court of Exchequer in Scotland. [a proclamation ordering obedience to the previous proclamation of 19 February].

3 Nicoll, Diary, pp. 173, 194.

4 Ibid., p. 175.

for the first time since 1652, did not originate with him at all, but seems to have been procured from the Protector as a favour, in advance of his arrival in Edinburgh, by that city's agent in London.[1] In this then Broghill was only acting, as he himself said, in the name of the Council and "accordinge to our instructions", though these must have been oral.[2] In other ways, too, he pursued policies that were beneficial to the Scots, or at least to certain segments of them, that had been experimented with or thought of before. Such were his attempts at securing easier treatment for insolvent debtors[3] and indemnities for those who had suffered for their compliance with the regime,[4] during Glencairne's Rising especially. Undoubtedly the most significant undertaking that he engaged in, however, from this point of view, was his institution, or perhaps more accurately re-institution,[5] of Justices of the Peace in Scotland.

Ever since the conquest the English had thought of instituting Justices in Scotland.[6] They would, it was thought, not only bring justice closer to the people but be a means of settling and civilizing

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1 cf. Extracts from the Records of the Burgh of Edinburgh 1642 to 1655, (ed. Marguerite Wood), p. 386. For the text of the proclamation allowing new elections, cf. Thurloe, State Papers, vol. IV, p. 52.

2 Thurloe, State Papers, vol. IV, p. 57.

3 cf. Nicoll, Diary, pp. 129, 178-179; Acts of the Parliaments of Scotland, vol. VI, pt. II, pp. 759, 760.

4 Acts of the Parliaments of Scotland, vol. VI, pt. II, p. 758; C.S.P. Dom., (1655-1656), pp. 48, 106.

5 See below p. 106.

6 cf. The Cromwellian Union, (C.S. Terry), p. 180.

the remoter reaches of the nation.[1] Monck broached the subject more than once to the Protector but either never received any official encouragement or never had enough time to devote to it himself.[2] It was not, then, until after Broghill's arrival that the project received the necessary attention and the planning and organization were allowed to go forward.[3] By November the latter had been completed and in December the Council's intentions were announced.[4]

Attempts had been made to establish Justices in Scotland before the Commonwealth — in 1587, 1609, 1617, and 1634 — but with little success.[5] The main reason for this no doubt lay in the fact that the Justices were unable to compete with the existing jurisdictions of baron courts, regality courts, and sheriff courts, which already attempted to fulfil, between themselves, many of the Justices' appointed tasks.[6] The Justices were hindered, too, by the fact that this earlier legislation had purposely rendered them inferior in authority to the existing jurisdictions. Except in this one particular, when the determining article was dropped, Broghill's legislation was similar to the earlier legislation.[7]

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1 Scotland and the Protectorate, (ed. C.H. Firth), p. 98.

2 Ibid., pp. 98, 106.

3 Thurloe, State Papers, vol. IV, p. 250.

4 Nicoll, Diary, p. 172.

5 Donaldson, Scotland: James V to James VII, pp. 224-225; Gilbert Hutcheson, Treatise of the Offices of Justice of Peace: Constable; Commissioner of Supply; and Commissioner under Comprehending Acts, in Scotland, Edinburgh, 1806, vol. I, pp. 7-11.

6 Donaldson, Scotland: James V to James VII, p. 225.

7 Hutcheson, Treatise on the Offices of Justice of Peace, vol. I, pp. 15-16.

The Justices were drawn mainly from the gentry though a few of the nobility were included.[1] Their duties were multifarious, embracing, as they did, everything from proceeding against persons for riot to mending bridges to ensuring that the Sabbath was properly observed.[2] In the last especially, as in that requiring them to proceed against "Mockers or Reproachers of piety",[3] they worked closely with the Kirk sessions.[4] Most who were designated as Justices accepted the responsibility, others did not.[5] Those who had scruples were given, in April, one more month "to advise"; those who refused outright, Broghill said, were struck from the list.[6] Though we do not know the extent to which compulsion might have been used, we do know of at least one case of imprisonment.[7] By April, however, the system really seems to have taken hold, and with good results. On 27 March, 1656, the following anonymous letter was sent from Perthshire:

> I cannot but acquaint you of the great conformity that this new establishment of Justices of Peace hath brought upon the heads of our country...; so that for fear of the justices and constables

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1 cf. list of Justices in Scotland and the Protectorate, (ed. C.H. Firth), pp. 308-316.

2 cf. Instructions to the Justices in Ibid., Appendix, pp. 403-405.

3 Ibid., p. 404.

4 cf. for example, The Records of Elgin 1234-1800, (ed. Stephen Ree), New Spalding Club, Aberdeen, 1908, vol. II, pp. 288, 289. Also, The Life of Mr. Robert Blair, (ed. Thomas M'Crie), pp. 326-327.

5 cf. for example, the objections of Colonel Gilbert Ker in Thurloe, State Papers, vol. IV, p. 480.

6 Ibid., p. 741.

7 The Autobiography of Anne Lady Halkett, (ed. J.G. Nichols), p. 107.

> there is neither an Argile man, nor Loghaber man that has taken in these bounds a nights meal for nought, or dare so much as carry a sword;...the like whereof hath never been heard of before, for which we have great reason to thank the Lord, and bless him for the care of the present governors over us. 1

The Scots, then, had at least this to thank Broghill for, and Broghill probably owed as much to the Justices, for they were, in all probability, his best allies in the task of securing acceptance of his government among the people.

Only two other tasks were to occupy Broghill before his departure for London in August. The first was prompted by the apparent increase in Scotland in the number of Catholics and the second was occasioned by the calling of Cromwell's Second Protectorate Parliament.

Ever since the conquest, and abetted by the confusion in the Kirk, Catholic missionaries had been allowed to proselytize in Scotland virtually unhindered. The reasons for this were two. Not only had the English authorities made no effort to stem their activities, but the disciplinary arm of the Kirk, the Kirk session, had often been blunted by the controversies that raged within it. In the absence of any sustained opposition, therefore, professed Catholics had begun to practice their religion openly and many converts had been made.[2] By 1655 Catholic missionaries had begun operating in all parts of Scotland.[3]

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1 Scotland and the Protectorate, (ed. C.H. Firth), p. 321n.

2 Hay, The Blairs Papers, p. 210; Memoirs of Scottish Catholics during the XVIIth and XVIIIth Centuries, (ed. William Forbes Leith), London, 1909, vol. II, pp. 64-65; The Diary of Mr. John Lamont of Newton, (ed. George R. Kinlock), p. 89.

3 Hay, The Blairs Papers, p. 210.

> For Church matters [said Baillie], there is no ecclesiastick government at all...;...the hand of power is not heavie on any for matters of religion...; yea, we heare of little trouble of Papists, who grow much in the North of Scotland, more than these eighty years, without any controll. We expect our Councell of State will see to it. 1

It was only in 1656, however, that the Council did take prompt action against the increasing numbers of Catholics. On 21 March it published a proclamation that gave all "Jesuites, Seminary-Priests, and Traficking Papists" until 20 April to leave the country; those who did not would face death.[2] The effect of this was to drive the priests into hiding or into the more remote reaches of the north.[3] We have no record of any actual executions. Action against lay Catholics was delayed until June, when orders regarding them were finally received from London. They were commanded to appear before the circuit judges to give security for their good behaviour and quiet deportment under the government.[4] Those that refused were to be brought forward physically by the military.[5]

The task of dispatching the priests from Scotland was no doubt an easy one for Broghill. It served a positive purpose, however, in that it was gratifying to the Kirk as well. Unable to destroy the Catholic cancer themselves, the ministers were compelled to appeal to the civil

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1 Baillie, Letters and Journals, vol. III, p. 291.

2 By his Highnes Councell in Scotland, For the Government thereof: A Declaration, for putting in Execution the Laws in force against Jesuites, Seminary-Priests, and Traficking Papists.

3 Hay, The Blairs Papers, pp. 92-93.

4 Thurloe, State Papers, vol. V, p. 86; Scotland and the Protectorate, (ed. C.H. Firth), pp. 329-330.

5 Hay, The Blairs Papers, p. 93.

power, but it was only under Broghill that they found a response. The President's reputation among them could only have gained thereby.

Management of elections to the Second Protectorate Parliament was the last task asked of Broghill while he remained in Scotland in the summer of 1656. It was not a difficult undertaking and much of the work seems, in fact, to have been undertaken by Monck. All of the Council, save Monck, secured seats for themselves[2] and the Scots that were elected — eleven out of a total of thirty[3] — were so only with the government's approval. Many were nominated by Monck[4] and Broghill had only to use his influence occasionally.[5] Baillie, it is true, remarked on the "great solicitation for votes" among his countrymen, but even this he qualified with the assertion that none would probably be "more cordiall" to "the Protector's desyres" than those that were elected in Scotland.[6] The testimony of other Scots, too, belies his

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1 Monck "thought fit to nominate" the Scottish members, he said, because they were not known to the Protector. cf. Thurloe, State Papers, vol. V, p. 367.

2 Broghill sat for Edinburgh the magistrates of which wanted a "persone of autoritie and place" to represent them. cf. Extracts from the Records of the Burgh of Edinburgh 1655 to 1665, (ed. Marguerite Wood), Edinburgh and London, 1940, pp. 31-32.

3 These were Andrew Ramsey, Alexander Douglas, Sir Alexander Wedderburn, Sir John Wemyss, Lord Cochrane, William Lockhart, Sir John Swinton, William Ker, Sir James MacDowell, the Earl of Tweedale, and Robert Stewart. The remaining members from Scotland were either members of the Council or English army officers. cf. the list of members in The Parliamentary or Constitutional History of England, London, 1760, vol. XXI, pp. 20-21.

4 Thurloe, State Papers, vol. V, p. 367.

5 Ibid., p. 295.

6 Baillie, Letters and Journals, vol. III, p. 318.

initial assertion, it being commonly thought that specific persons had been designated for each shire:[1] an observation that was largely borne out. Given this, to say that the members for Scotland were therefore in any way representative of Scottish opinion, as has been suggested recently,[2] is to stretch a point unduly. A number of them would later vote for Cromwell's acquisition of the crown[3] and this, as we shall see,[4] was not by any stretch of the imagination representative of Scottish opinion.

Broghill left Edinburgh for London on 22 August. He was not to return to Scotland again. His friends there, Monck wrote, were sorry to see him go[5] and a banquet was arranged by the city of Edinburgh in his honour.[6] Broghill, however, was not in all likelihood unhappy about leaving the country that had been his home for one year. Its cold and damp climate had proved injurious to his health and for

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1 cf. The Life of Mr. Robert Blair, (ed. Thomas M'Crie), p. 367; Diary of Alexander Brodie of Brodie, (ed. David Laing), p. 184.

2 cf. Paul J. Pinckney, "The Scottish representation in the Cromwellian parliament of 1656", The Scottish Historical Review, vol. 46, 1967, Aberdeen, pp. 95-114.

3 cf. "A Narrative of the Late Parliament, (So Called.)", The Harleian Miscellany, (ed. John Malham and William Oldys), London, 1810, vol. VI, p. 474.

4 See below p. 117.

5 Thurloe, State Papers, vol. V, p. 277.

6 Extracts from the Records of the Burgh of Edinburgh 1655 to 1665, (ed. Marguerite Wood), pp. 30-31; Nicoll, Diary, p. 183.

weeks at a time he had been laid up with the gout, barely able, as he said, "to crepe to the council chamber."[1] Afterwards he never could fathom how a man could love that stark and forbidding land.[2] It was, we may imagine, therefore with some relief that he headed south in August to London and the inner court of the Protector.

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1 Thurloe, State Papers, vol. IV, pp. 222, 323, 400.

2 cf. his letter to Ormonde about the "madness of the Scotch Highlander" who would have preferred living in the Highlands rather than Ireland.-- A Collection of the State Letters of...Roger Boyle, (ed. Thomas Morrice), p. 113.

CHAPTER V

CONCLUSION

Broghill's connection with Scottish affairs did not end immediately upon his return to London. He had still to defend the settlement that he had made in the Kirk against the machinations of the Protester party. The last was represented in the capital after January 1657 by its four most prominent spokesmen, Wariston, Guthrie, Gillespie and Sir Andrew Ker. Ranged against it, in alliance with Broghill, were James Sharpe, the Resolutioners' delegate to the to the court, and such allies as he could muster among the Protector's inner circle.[1] At first Cromwell seemed more inclined to favor the Protesters and, in his first meeting with their representatives and Sharp, expressed the view that "an extraordinary remedy" might be necessary to solve the Kirk's ills:[2] a clear reference to the Protesters' designs for erecting the Commission of Assembly of 1650. Working together, however, both Broghill and Sharp were able to wean him away from this view, and, with their friends, were able to show him that the Resolutioners were more compliant towards the regime than their Protesting brethren. The latter, befriended chiefly by Lambert and Fleetwood,[3] were never able to score any lasting successes and the one victory that they seemed to achieve,

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1 e.g, Secretary Thurloe, Sir Charles Wolseley and Colonel Philip Jones. cf. Consultations of the Ministers of Edinburgh 1657-1660, (ed. William Stephen), pp. 31, 51, 116, 121-122.

2 Ibid., pp. 354, 360.

3 Ibid., pp. 20, 26, 31-32, 43. Wariston's diary is a rich source of information for the Protesters' side of the negotiations. He was wont to complain that "Nobody so espouses our business as Brochil doeth theirs." — Diary, p. 62.

the amendment of the August 1656 settlement, proved stillborn.[1] When Broghill left for Ireland in August 1657, therefore, all of the Protesters' attempts to overturn his Kirk settlement had been stymied and the situation in Scotland, remained, until the Restoration, the way he had left it in 1656.

After his return from Scotland Broghill became one of Cromwell's most trusted advisers. "The protector", Whitelocke later wrote, "often advised...with the Lord Broghill, Pierepont, myself, sir Charles Wolseley, and Thurloe, and would be shut up three or four hours together in private discourse, and none were admitted to come in to him."[2] Though this intimacy was maintained until Cromwell's death in September 1658, it is clear that a change did occur in Broghill's attitude to the regime some time earlier. On 23 February, 1657, the Humble Petition and Advice, calling upon Cromwell to assume the crown, was taken up by the Commons. Broghill was one of its main backers and sat on the committee that offered it to the Protector.[3] From the benefit of hindsight the latter's refusal of the crown appears to be the turning point in Broghill's attitude to the Protectorate. Hereafter his confidence in

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1 Consultations of the Ministers of Edinburgh 1657-1660, (ed. William Stephen), p. 126; The amendment, in Sharp's words, would have meant "that in the case of differences in parishes, the Councill should give the maintenance to these who should be certified to them by the persons named in their ordinance." — Ibid., p. 117. cf. Acts of the Parliaments of Scotland, vol. VI, pt. II, p. 765.

2 Bulstrode Whitelocke, Memorials of the English Affairs, new edition, Oxford, 1853, vol. IV, p. 289.

3 Lynch, Orrery, p. 89.

the regime's ability to survive was definitely on the wane. He longed for retirement and only, in fact, returned to England in January 1658, after a six months sojourn in Ireland, on an earlier promise that he had made to the Protector.[1] After Cromwell's death in September 1658 he did his best to make Richard Cromwell's rule a reality but was unsuccessful in opposing the army officers.[2] When, in April 1659, Richard dissolved the Parliament that he had summoned just four months before and allowed his authority to devolve unto the senior officers, Broghill found himself in danger of arrest and hurriedly set out for Ireland.[3] From there he virtually waited for the Restoration to occur. After that event, on 7 March, 1660, he was made Lord President of Munster,[4] an office that he had continually sought but which had eluded him until now. He was to serve the new King, Charles II, in that capacity for the next twelve years. Following the Restoration Broghill's relations with at least one of his former allies improved appreciably. Inchiquin had returned to Ireland in 1663, after spending most of the last decade in the French service. The double marriage of his eldest son William to Broghill's daughter Margaret and of his daughter Mary to Henry Boyle, put "a good end", in Ormonde's words, to "old dissensions."[5] With Ormonde himself, appointed Lord Lieutenant of Ireland in November

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1 Thurloe, State Papers, vol. VI, p. 692.

2 Lynch, Orrery, pp. 95-96.

3 Ibid., p. 97.

4 Ibid., p. 103.

5 Ibid., pp. 124, 229; C.S.P. Ire., (1663-1665), p. 657.

1661, Broghill's relations were less friendly, a mutual jealousy, that grew worse with the years, appearing to have existed between the two from the start. An open rupture was, however, avoided.[1] With the suppression of his office of Lord President in 1672 Broghill was deprived of his last major political office. In his last years, therefore, he was occupied almost entirely with private affairs. He died on 16 October, 1679.

In Scotland Broghill had succeeded as far as any one man could succeed. "The King", Baillie wrote in September 1656, "is so farr forgot here, that not one man, so farr as I know, keeps any correspondence with him; nor doe we hear at all what he does or intends."[2] Broghill's inducement of the ministers to abandon their prayers for the King had, no doubt, promoted this. He had, therefore, to this extent achieved the aim which he had set for himself upon coming into Scotland: the cutting off "Charles Steward's hopes by the rootes." In a larger sense, however, Broghill's hopes were disappointed and his administration, a failure. If the ministers had forsworn their prayers for the King and engaged to live peaceably under the government, it did not necessarily follow, as Broghill thought it might, that they would actively engage the people to follow their example. In fact, if they did, and there is no evidence that they did, their appeals fell on deaf ears. Thus Broghill's dearest with, that the bulk of the Scottish people would give its support to the regime, was disappointed.

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1 cf. Lynch, Orrery, pp. 119, 125-126, 130-134, 224-227.

2 Baillie, Letters and Journals, vol. III, p. 321.

If the Scots did not maintain the same correspondence with the King as formerly, they were still, Monck informed him in January 1657, "as malignant as ever"(he could not resist adding, as "you would little beleive are such": a gentle chiding for what he thought was Broghill's misplaced optimism.)[1] The reasons for this are clear. Reinforcing the Scots' nationalistic feelings towards their oppressors was the severe financial burden that they were made to bear. And Broghill, in attempting to raise the revenue, had only made this burden the more insupportable. In this way he largely nullified what little he had achieved with the ministers. Monck recognized in 1657 that the only way that the Scots might be conciliated would be "to bring them to an equality" with the English in terms of taxation.[2] By then, of course, it was even too late for this. Thus the Scots, if they remained helpless before the strength of the English army of occupation, resented its presence and the authority that it represented, and waited quietly, like the English themselves, for their deliverance.

Did Broghill's administration reflect the more conservative mood that prevailed in English governing circles after the establishment of the Protectorate? This is the consensus among most historians[3] and seems to be in large measure valid. In an article published recently

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1 Scotland and the Protectorate, (ed. C.H. Firth), p. 347; cf. also Monck's letter to Thurloe, Ibid., p. 348. It was observed at the proclamation of the Second Protectorate in July 1657 that of 5000 or 6000 Scots present "nott one...open'd his mouth to say God blesse my Lord Protector." — Ibid., p. 362.

2 Thurloe, State Papers, vol. VI, p. 330.

3 cf. Christopher Hill, God's Englishmen: Oliver Cromwell and the English Revolution, p. 151; David Masson, The Life of John Milton: Narrated in Connexion with the Political, Ecclesiastical, and Literary History of his Time, London, 1877, vol. V, pp. 95-96; Paul J. Pinckney, "The Scottish representation in the Cromwellian parliament of 1656", The Scottish Historical Review, vol. 46, Aberdeen, 1967, p. 97 seq.

it has been maintained that Broghill's primary purpose in governing Scotland was to secure a party through which the Protector could realize his most cherished aim: the extension to Scotland of the same social revolution that he had ushered in in England: the laicization of Scottish society and the erection of a "gentry-republic."[1] Major steps had been taken towards this after the conquest with the abolition of feudal survivals and the reduction of the power of the Kirk and nobility. Broghill's task, it is said, was the formation of a party through which the social revolution could be carried on. To this end he is supposed to have worked through the Resolutioner party to "laicize" Scotland.[2] His policy, however, was doomed to failure by the absence of an essential ingredient: "a self-conscious independent laity with gentry leadership".[3]

There is little solid evidence to support this thesis and none at all to substantiate the role assigned to Broghill. The English Revolution undoubtedly possessed a certain social content which, in the abolition of feudalism and the establishment of impartial justice, was extended to Scotland. To assume, however, that Broghill regarded his principal task as that of safeguarding this social revolution or of extending it by "laicizing" Scotland through a Kirk party, is unwarranted. The thesis presupposed first of all that Cromwell was in 1655 still as unreservedly idealistic in his views on the great social

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1 H.R. Trevor-Roper, "Scotland and the Puritan Revolution", Historical Essays 1600-1750 Presented to David Ogg, (ed. H.E. Bell and R.L. Ollard), London, 1963, pp. 78-130.

2 Ibid., pp. 103, 119, 122.

3 Ibid., p. 123.

issues of the day as he had been during the early, halcyon days of the Little Parliament. It also assumes that he considered Broghill — with his conservative background — to be just the man to carry out such a policy. Both hypotheses are clearly very questionable. It must be remembered also that Cromwell himself was at this time pursuing, first, an anti-lay policy in his nomination of the Little Parliament and, secondly, an anti-gentry policy in his appointment of the Major-Generals. Broghill's primary purpose in Scotland, as we have seen, was to "cut off Charles Steward's hopes by the rootes" and secure for the regime a more positive support than it had hitherto been able to command. With this limited aim his administration clearly fell within a conservative mould. That he had any ulterior motives is highly doubtful.

Finally Broghill himself seems to have acquired a fair measure of popularity while in Scotland. "This Lord Broghall", Nicoll wrote...

> wes ane very worthy nobleman of great judgement, and weill beloved of all our Scottis natioun as knew him, and much desyred by thame to haif remayned in place of Presidencie; for he was much beloved of all this natioun for his singular witt and justice for the tyme. 1

The biographer of Robert Blair struck the same note: Broghill was "a moderate and jucicious man....friendly to honest ministers, and liked well all godly men."[2] It was Baillie's belief that "if men of my

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1 Nicoll, Diary, p. 183.

2 The Life of Mr. Robert Blair, (ed. Thomas M'Crie), p. 320.

Lord Broghill's parts and temper be long among us, they will make the present government more beloved than some men wish."[1] Broghill's Kirk policy was no doubt partly responsible, in not mainly responsible, for this feeling. Not only would it have prejudiced the Resolutioner ministers in his favor, but it would have secured the wholehearted approval of the Scottish laity, the bulk of which favoured the Resolutioners' cause. In other matters, too, as the allowance of burgh elections, the institution of Justices of the Peace, and the campaign against the Catholics, Broghill would have gained the esteem of the Scottish people. Even so, personal popularity could not have made Broghill's administration a success, judged as a whole. That he succeeded as far as any one man could is undoubtedly true; it was Cromwell's misfortune that this was not far enough.

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1 Baillie, Letters and Journals, vol. III, p. 321.

APPENDIX I

Background Information on the Members of the Council of State.[1]

Note. — The most notable feature of Broghill's Council of State was the social and political diversity of its members' backgrounds. Some, like Cooper and Whetham, were originally of low bourgeois origin; others, like Broghill and Howard, came from noble families. Half of the Council — Broghill, Monck, Howard, Lockhart and Swinton — had once been royalists; the remainder, like the regicide Scroope, had fought on the parliamentary side since the start of hostilities. In this diversity the Council gave abundant proof of Thurloe's later testimony that it was Cromwell's practice "to seek out men for places, not places for men."[2]

Thomas Cooper. Described in a hostile republican pamphlet of 1658 as a "shop-keeper, or salter in Southwark", it is probable that Cooper, "made a colonel at the first dash", was given the command of one of the new regiments raised in London in 1650-1651.[3] What his previous

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1 All except Broghill are considered. Except where otherwise indicated the material has been gleaned from the Dictionary of National Biography.

2 Quoted in Hill, God's Englishman: Oliver Cromwell and the English Revolution, p. 205. Clarendon, too, is worth quoting in this regard: "And he [Cromwell] must have had a wonderful understanding in the natures and humours of men, and as great a dexterity in the applying them, who, from a private and obscure birth...without interest of estate, alliance or friendships, could raise himself to such a height, and compound and knead such opposite and contradictory tempers, humours, and interests, into a consistence that contributed to his own designs and to their own destruction;" — The History of the Rebellion and Civil Wars in England, (ed. W. Dunn Macray), Oxford, 1888, vol. VI, p. 91.

3 C.H. Firth and Godfrey Davies, The Regimental History of Cromwell's Army, Oxford, 1940, vol. II, p. 477. The quotations, both from the same pamphlet, are quoted from here.

history was we do not know. Sent to Scotland at the head of his regiment in November 1651, he remained there intil December 1655 when he was dispatched to Ulster to assume command of the parliamentary forces there. In Scotland Cooper was stationed first in the extreme north and later at Ayr.[1] In July 1654 he was governor of Glasgow.[2] Active in the suppression of Glencairne's Rising, he received the surrender of both Lord Lorne and the Earl of Loudon.[3] He died in Ireland in 1659.

Samuel Desborough. The younger brother of John Desborough, one of Cromwell's major-generals, Samuel Desborough spent the civil war period in New England, having emigrated there in 1639. He returned to England in 1650. Through his brother's influence, no doubt, he was made one of the commissioners at Leith in 1651 and was jointly responsible, with the other commissioners,[4] for the day-to-day administration. Broghill described him as "a very good husband for the state, and laborious and industrious".[5] At the Restoration he embraced the Declaration of Breda and signed his submission in Monck's presence. The last thirty years of his life were spent privately at his country estate in Cambridgeshire. He died in 1690.

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1. C.H. Firth and Godfrey Davies, The Regimental History of Cromwell's Army, Oxford, 1940, vol. II, pp. 478-479.

2 Baillie, Letters and Journals, vol. III, p. 246.

3 Firth and Davies, The Regimental History of Cromwell's Army, vol. II, p. 478.

4 See above

5 Thurloe, State Papers, vol. IV, p. 57.

Charles Howard. The second son of Sir William Howard of Naworth, Howard was, with Broghill, the only member of the Council related to the nobility. Originally a royalist he was not cleared of his delinquency until 1646, when he paid a fine of £4,000. Charges of disaffection, which he was cleared of, were still brought against him as late as 1650. After distinguishing himself at Worcester, he gained rapidly in the Protector's esteem, being appointed to the Council of State in 1653 and to the command of the life guard in 1654. It is doubtful that Howard spent much time in Scotland. In September 1655 Broghill complained that the Council had him "but by snatches"[1] and in October he was given further employment as major-general in charge of Cumberland, Northumberland and Westmorland. In 1659 Howard acted in concert with Broghill against the army officers and was twice arrested after Richard Cromwell's fall. He held a number of offices after the Restoration and was raised to the peerage as Earl of Carlisle. He died in 1685.

Sir William Lockhart. One of the two Scottish members of Broghill's Council, Lockhart spent much of his early life as a soldier, first in the Dutch service and then in the French. When the Scots joined the civil war on the parliamentary side in 1643, he returned to Scotland and was made Lieutenant-Colonel of the Earl of Lanark's regiment. He received his knighthood from the King in 1646 after the latter's surrender to the Scots at Newark. An ardent royalist, Lockhart served

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1 Ibid., p. 57.

in the army of the Engagement and was preparing to command the King's horse in 1650 when he resigned rather than share the command. He later offered his services as a volunteer but was rebuffed. With this he is said to have withdrawn, exclaiming that "no king on earth should treat him in this manner." Soon after Worcester Lockhart linked his fortunes to those of Cromwell and was appointed one of the commissioners for the administration of justice in Scotland in May 1652. In December 1655 he was appointed ambassador to France, in which capacity he acquitted himself admirably. After the Restoration he lived privately first in Scotland and then on his English estates in Huntingdonshire. In July 1654 Lockhart married Robina Sewster, a niece, by her mother, of Cromwell. He died in 1676.

George Monck. A professional soldier, Monck served first in the expedition to Cadiz led by the Duke of Buckingham in 1625 and then at the siege of La Rochelle (1627). In 1629 he entered the Dutch service and did not return to England until the outbreak of the Scottish troubles in 1639. In 1640 he appears as Lieutenant-Colonel of the Earl of Newport's regiment. It was Monck's opinion ever afterwards that the civil war could have been avoided had the King dealt more severely with the Scots.[1] From the outbreak of the Irish Rebellion in 1641 until his capture by the parliamentary forces at Nantwich

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1 John Price, "The Mystery and Method of his Majesty's Happy Restauration, Laid Open to Publick View", Select Tracts relating to the Civil Wars in England in the Reign of King Charles the First, (ed. Francis Maseres), London, 1815, vol. II, p. 713.

in January 1644 Monck distinguished himself in the King's service. Following his capture he spent two years in the Tower, refusing all of the Parliament's entreaties to serve it. Finally, in the late summer of 1646, he was persuaded by Lord Lisle to serve in Ireland. Like Broghill, Monck drew a distinction between bearing arms against the Irish rebels and bearing arms against the King. Once in the service of Parliament, however, he never let his loyalty sway from it, until after the death of Cromwell in September 1658 when events in England became chaotic. Monck believed that "the greatest virtue which is required in a soldier is obedience" and that a general should defer to the civil power.[1] He was loyal to the King, therefore, until the royal cause appeared beyond recall and served the Protector faithfully until the latter's death. After the Restoration Monck served Charles II in a number of ways, at sea in 1666 during the Second Dutch War and in maintaining order in London during the Great Plague of 1665 and the Great Fire of the following year. He died in 1670.

Sir Edward Rhodes. The brother-in-law of Charles the First's great minister, the Earl of Strafford, Rhodes came from a prominent Yorkshire family.[2] He was knighted by Strafford himself and chosen by him in 1629 as one of the Deputy-Lieutenants for Yorkshire.[3] In the crisis

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1 M.P. Ashley, Cromwell's Generals, London, 1954, p. 199.

2 His sister Elizabeth married Strafford in the Autumn of 1632. Her dowry was £1,000. cf. C.V. Wedgwood, Thomas Wentworth First Earl of Strafford 1593-1641: A Revaluation, London, 1964, p. 124.

3 J.T. Cliffe, The Yorkshire Gentry from the Reformation to the Civil War, (London, 1969), pp. 238, 359.

of 1639-1640 when men and money were needed to serve the King in his conflict with the Scots, Rhodes, through the influence of his brother-in-law, took the moderate side and opposed the extremists' demands for a Parliament and redress of grievances.[1] When it became clear, however, in the spring of 1642 that events in England were quickly approaching a crisis he threw in his lot with the Parliament and became one of its most enthusiastic supporters.[2] In September-October 1642 when representatives of both sides in Yorkshire—Royalist and Parliamentarian—met together to draw up a treaty of neutrality, Rhodes was one of the few on the parliamentary side that opposed it.[3] In mid-1643 he was arrested with Sir John Hotham and his son for plotting treason but was, unlike the Hothams, cleared of the charge.[4] In 1646 Rhodes sat on the committee for compounding in Yorkshire[5] and in 1648 was dispatched by Parliament to retake Pontefract Castle, taken by the Royalists in the second civil war.[6] From this date until 1655 we hear no more of him, though he may have

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1 Ibid., p. 321.

2 Ibid., p. 330; Austin Woolrych, "Yorkshire's Treaty of Neutrality", History Today, vol. VI, 1956, p. 700.

3 Woolrych, "Yorkshire's Treaty of Neutrality", p. 704.

4 The Victoria History of the County of York, (ed. W. Page), London, 1913, vol. III, p. 423.

5 Yorkshire Royalist Composition Papers, (ed. John W. Clay), The Yorkshire Archaeological Society, vol. XV, Leeds, 1893, pp. 50, 53, 71, 177, 199, 237.

6 The Victoria History of the County of York, (ed. W. Page), p. 429.

ultimately risen to the rank of Major-General.[1] He was one of the first councillors to arrive in Edinburgh.[2]

Adrian Scroope. A regicide, Scroope was born of an Oxfordshire family. He matriculated from Oxford in 1617 and was a student at the Middle Temple in 1619. From the commencement of hostilities in 1642, Scroope fought on the parliamentary side, raising his own troop of horse. In 1646 he was a Major in Colonel Richard Graves's regiment and succeeded to the command of the regiment the following year. Appointed one of the King's judges he attended the court with exceptional regularity. In October 1649 Scroope was made governor of Bristol, the office that he held until his appointment to the Scottish Council in 1655. At the Restoration he surrendered himself to the King in obedience to a royal proclamation and was executed, for his part in the trial and execution of Charles I, on 17 October, 1660.

John Swinton. The eldest son of Sir Alexander Swinton, a Berwickshire laird, Swinton, with Lockhart, made up the Scottish representation on the Council. A firm covenanter, he opposed the dispatch of a deputation to Charles II in 1649 and urged the purgation of the Engagers from the Scottish forces before Dunbar. Soon after that battle he joined Cromwell, whether on his own initiative or not is unknown,

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1 cf. Wedgwood, Thomas Wentworth First Earl of Strafford, p. 145n.

2 Letters from Roundhead Officers, (ed. J.Y. Akerman), p. 118.

and in 1652 was made a commissioner for the administration of justice in Scotland. Swinton served the Protectorate faithfully and well, sitting in each of Oliver and Richard Cromwell's Parliaments. After the Restoration he suffered imprisonment for some years for his complicity with the regime.

Nathaniel Whetham. Born in Dorsetshire, Whetham was apprenticed in 1620-1621 to Edward Tirrell, the baker of the Inner Temple.[1] He succeeded Tirrell in 1632.[2] A puritan, Whetham joined the parliamentary forces soon after the start of the civil war and was given a captaincy in the regiment of Colonel Richard Browne.[3] In April 1643 he was made governor of Northampton.[4] By the end of that year he had attained the rank of Colonel.[5] Though Whetham is reported to have disapproved of the execution of the King and to have expressed his disapproval to Cromwell,[6] he was appointed in September 1649 to the governorship of Portsmouth, a position of great trust because of the town's naval facilities.[7] In 1659 he opposed the army officers and cooperated fully with Monck in the Restoration.[8] After 1660 he took little part in public affairs.

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1 W.C.D. and C.D. Whetham, A History of the Life of Colonel Nathaniel Whetham, London, 1907, pp. 1-2, 14.

2 Ibid., p. 23.

3 Ibid., p. 37.

4 Ibid., p. 51.

5 Ibid., pp. 59-60.

6 The Memoirs of Edmund Ludlow, (ed. C.H. Firth), vol. I, pp. 394-395.

7 Whetham, A History of the Life of Colonel Nathaniel Whetham, p.115.

8 Davies, The Regimental History of Cromwell's Army, vol. II, p. 584; Thomas Gumble, The Life of General Monk, duke of Albemarle, &c., with Remarks upon his Actions, London, 1671, p. 92.

APPENDIX II

"Instructions by the Protector, with advice of Council, to Gen. Geo. Monk, Roger Lord Broghill, Chas. Howard, Wm. Lockhart, John Swinton, Adrian Scrope, Sam. Desborow, Nath. Whetham, and Thos. Cooper, appointed his Highness' Council in Scotland, for the government of that nation: [1]

(1) To repair speedily into Scotland, and enquire into its state, and the readiest way for continuing good government, and preserving the union.

(2) To promote the preaching of the Gospel and the power of true religion and holiness, and take care that the usual maintenance is received by pious and qualified ministers, according to the Ordinance of 8 Aug. 1654, for the better support of the universities of Scotland, and encouragement of public preachers there. Also that public schools be supplied with able, pious, and well affected schoolmasters, and all due encouragement given them.

(3) To visit and reform the universities, colleges, and schools of learning, suspend such statutes as they find unfitting, propose others for encouragement of godliness and learning, remove scandalous, insufficient, or disaffected persons, and substitute others godly, learned, and fitting.

(4) To remove from any corporations dangerous, disaffected, or scandalous magistrates or officers, and cause fit persons to be chosen.

(5) To endeavour to preserve peace, and have justice well administered, and to promote the union by having the proceedings in courts of judicature conducted agreeably to the laws of England, as far as the rules of the courts will permit; and where this cannot be done, to certify the same to his Highness or Council.

(6) To certify the state of the whole revenue, its nature, whether by lands, forfeitures, customs, excise, &c., and times of payment, and send a particular account at once, and yearly, representing how the revenue might be improved.

(7) To take means to recover concealed revenue belonging to the Crown, archbishops, bishops, or deans and chapters, to improve the revenue, execute the orders for levying customs and excise, and see that all sums are paid into the Exchequer.

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1 From C.S.P. Dom. (1655), pp. 108-109.

(8) To consider of means to lessen the public expenses.

(9) To send for, commit to prison, restrain, or take security of any opposing the Government, and to discharge them when they see cause. Also to remove to England, or elsewhere, any whose residence in the parts they inhabit is judged dangerous, and to licence their return when they see cause.

(10) To reduce the officers and ministers employed on the service, and to set down, within 6 months, an establishment of salaries for Judges, Sequestration Commissioners, and others, and charge the same on the customs in Scotland, and 1/3 of the excise; the overplus of customs and excise, and the moneys from assessments and sequestrations in Scotland, to be charged with the pay of the forces in Scotland, and the rest for contingencies.

(11) To transport to the English plantations such enemies in arms as are in their power.

(12) To see that no Papist or disaffected person be charged with the administration of justice, or be in any place of trust, or be allowed to practice as counsellor or attorney, or to keep a school.

(13) To command and use presses for printing proclamations, declarations, orders, books, &c., for the service, and to prohibit when needful their use by others.

(14) To encourage commerce, advance manufactures and fisheries, consider how to improve them, and certify.

(15) To require from the Commander-in-chief and civil magistrates, and others, all aid needful in execution of these instructions.

(16) To appoint Commissioners for Customs and Excise, giving them power to recover all rates due, impose fines, issue warrants, summon persons, take oaths, imprison offenders, appoint inferior officers, receive appeals, and fulfil all the powers heretofore granted to any Commissioners for Customs or Excise, Commissioners for Preservation of Customs or for Receiving Appeals and Regulating Excise.

Proviso, that the Order and Declaration of Council for collecting the Excise in Scotland, bearing date 22 May 1655, do not make void an Ordinance of 23 March 1653-4, granting to the City of Edinburgh a tax of 4d. Scotch on all ale and beer spent there from 1 April 1654 to 10 Nov. 1657.

(17) To cause the monthly assessments in Scotland to be raised and levied on personal and real estates, in such proportions and according to such rules as those raised in England.

(18) The quorum to be 5."

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