

Government and politics in Scotland, 1661-1681

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Abstract

The few studies of Restoration Scotland which exist have been dominated by the single issue of church government, or to be more precise, by the conflict between a government committed to the maintenance of an episcopal church structure imposed by Parliament in 1661-2, and presbyterian dissenters. It is the contention of the present work that this has led to a distorted, and occasionally misleading, picture of government and politics in the country during the years after the return of Charles II from exile in 1660.

The thesis covers a wide range of topics in an attempt to provide a more substantial overall interpretation of the period. After an initial chapter which discusses the Restoration settlement of 1661-3, providing a thematic and interpretative basis for the rest of the thesis, I adopt a more structural approach to the subject. There are chapters on the executive, government finances, the military and Parliament; the first two cover a twenty-year period, while the latter two discuss the years to about 1674. There follows a final chapter which examines the general political situation from 1674-1681, with emphasis placed on the themes discussed previously. This approach provides an opportunity for identifying some longer-term trends, as well as the means of re-evaluating more short-term political developments.

To an extent, the main focus is the administration of John Maitland, Earl, later Duke, of Lauderdale. Appointed Secretary to the King in 1660, he proved to be the most important Scottish politician of the period. After 1667, in the aftermath of war with the Dutch, he assumed more direct control of the administration. The attempt by him and his allies to introduce reforms in the vital areas of finances and the military is the focus of much of my analysis. These reforms, it is argued, were only partially successful, and during the 1670s Lauderdale's government became more exclusive and aggressive, provoking a great deal of opposition. Although the man's own personality, and indeed that of his royal master, Charles II, were important factors, ultimately it is contended that many of the problems facing Scottish government were structural, and can be related to the settlement described in the first chapter.

The thesis ends in 1681. By this year, the Secretary's domination of Scottish government had come to an end, making it a fairly natural cut-off point (although the sheer volume of sources available for the period made it also a pragmatic choice). In different chapters, I consider briefly the role played by James, Duke of York, the King's brother, who came to Scotland in late-1679, and whose prominence finally ensured Lauderdale's political demise. However, I argue that York's success has been exaggerated, and that many of the basic problems facing the country remained to be resolved. In my conclusion, I consider more generally the intractable problem of an ostensibly absolute monarchy in a kingdom where the King no longer resided.

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Introduction

The strange dearth of Scotland's Restoration historiography

It has become almost a commonplace for historians of seventeenth century Scotland to bemoan the lack of published work on the Restoration period. There is not a single general survey of the country between the years of 1660, when the monarchy was restored, and 1688, when King James VII fled the British Isles at the onset of the so-called 'Glorious Revolution'. There are no single-volume studies of either of the two reigns which filled these years - that of James being preceded by the far lengthier occupancy of the throne of his brother, Charles II. There are studies of England under both monarchs, but the northern kingdom has been oddly neglected - which may indeed be an apt metaphor for the period, as the following study suggests. I say 'oddly', because, while historical scholarship of a wide-ranging nature has been notable for its virtual non-existence, one aspect of the period has become part of the folklore of the dominant religious tradition in Scotland. The struggle between presbyterian dissenters and the government over the latter's attempt to impose an episcopalian structure on the church produced a number of the country's martyrs. It is surely undeniable that this conflict, which produced two rebellions, in 1666 and 1679, has dominated the history of the period to its detriment.

More or less all of the studies which have been produced focus on this issue. This is even true of the biographies which were published early in this century, the most significant perhaps being W. C. Mackenzie's punchy and slightly partisan commentary upon the career of John Maitland, Earl, later Duke, of Lauderdale, the most important Scottish politician of the period.¹ These biographies of the 'life and times' variety are naturally limited by their subjects, and their forays into matters relating to the government of the country are of little use to the modern scholar. The only recent full-length works relating specifically to Scotland have not broken new ground in terms of subject-matter, although they have provided a welcome departure from the unhealthy bias which afflicted much earlier church histories. I. B. Cowan's, *The Scottish covenanters, 1661-1688*, sought to consider those hardy and zealous presbyterian dissenters in a dispassionate manner, while J. Buckroyd's

monograph, *Church and state in Scotland, 1661-1681*, dissects the government's policies towards the church; she argues that political expediency rather than religious fervour lay behind the actions of government ministers, an interpretation which must surely secure the agreement of anyone who reads the surviving correspondence.²

The fact that these two books are concerned exclusively with the conflict over church government is testimony to the strength of the presbyterian traditions of the country. This is why it is odd that scholars have not been drawn to investigate the period more thoroughly as a whole; it is as if the importance of the period in presbyterian Scotland's cultural and religious heritage has rendered it impervious to wide-ranging critical investigation. It is worth noting that Buckroyd's book appeared as long ago as 1980; having injected religious historiography with a necessary dose of common-sense, perhaps it was felt that there was nothing left to say. However, this is clearly far from being the case, and my comments thus far are misleading in a sense, because there have been a number of articles which have shed light on various aspects of the period - for instance, the government's attitude to the Highlands, or the explosion of opposition to Lauderdale which surfaced in the Parliament of 1673. These articles are discussed where relevant, but it is obvious that the limitations of space mean that they can be no substitute for a full-length study, illuminating as they undoubtedly are. It is the aim of this thesis to present an integrated study of government and politics during the period, or to be precise, its first twenty years. Writing about Restoration Scotland has for too long been the history of an issue; it is now time to move towards the history of the country.

This, of course, is too grandiose an aim for a single thesis, and it is necessary to establish the present study's own very real limitations. The first point to make is that I have quite deliberately steered away from the religious issue, although because of its importance it is still considered in places. In the process, I offer interpretations which differ from earlier works, but it must be stressed that religious matters take something of a back-seat for once - which is only fair! The second limitation in terms of subject-matter is economics. I have included a chapter on government finances, a subject which I have placed at the forefront of my analysis, and during the course of my research I realised just how important the wider issue of the economy was to contemporaries; a decent investigation, building on some

earlier work by T. C. Smout in particular, would merit a thesis in itself. Consequently, the issue is given only passing attention. A limitation of a different kind is the period which is covered. My initial intention was to analyse both reigns - of Charles II and James VII - but the sheer volume of sources meant that this was an impossible task. The year 1681 was chosen because it marked the end of the Duke of Lauderdale's administration; the Scottish Secretary's long domination of his native country's political affairs makes his administration a fairly natural focus of attention. Moreover, the nature of Scotland's government, with the monarch usually delegating responsibility to favoured politicians, means that the history of an administration makes as much sense as the history of a reign.

There is one further book which should be mentioned. R. Hutton's *Charles II: King of England, Scotland and Ireland*, is a biography which concentrates mostly on the most powerful kingdom, but which devotes an admirable amount of attention to the fringes. It is interesting that a book by an English historian, whose main focus is his own country, should display a knowledge of sources for Scotland rivalled in its scope only by J. Buckroyd. This in itself surely must serve as some justification for what follows. Hutton's book serves also to demonstrate how many of the questions about Scotland's government, and indeed the politics of the period, remain to be answered. It is hoped that the present study builds on the foundations laid in particular by these two historians.³

Note on structure, themes, and sources

My intention is not simply to provide a straightforward account of politics. In some respects, I have adopted a structural approach to the period; this means that there are what might be regarded as partly self-contained 'institutional' chapters. I have taken important areas of the government - executive, financial, military, and Parliament - and analysed them over a long-term period. Political events are discussed within this framework. At the same time, the first and last chapters are more straightforward discussions of politics; in a sense these two chapters define the parameters of the thesis. This mixed approach explains why the title of the thesis is 'Government and politics in Scotland, 1661-1681'.

The opening chapter examines the first Restoration Parliament; its attitudes, membership and legislation are investigated in some detail. The legislation which restored the powers of the Crown naturally shaped the course of politics subsequently. Attention is also focused on the practical concerns of the Parliament, particularly in the areas of finances and the military, which have been neglected by historians to a large extent. This chapter thus establishes the setting for the next four. It is followed by two chapters which cover the entire twenty year period of the thesis. The first considers the actual membership of the government, with the bulk of the discussion centring on the Privy Council, the kingdom's executive body. I also stress the problematic relationship between Edinburgh, where the Council usually sat, and London, where the King and his Secretary ordinarily resided; this important theme is also touched upon in the opening chapter. The third chapter is innovatory in the sense that there has been virtually nothing in the way of analysis of the royal government's finances after 1660. It is contended that this subject should actually be placed at the centre of analysis of the period, especially after the establishment of the country's first standing army, which had to be paid for. The administration's financial health and its military policies - including its actions against presbyterian dissenters - were inextricably linked.

These military policies are the subject of the fourth chapter, which ends around 1674. The army was so important during these years that it must surely be regarded as forming a branch of government in itself. I consider not only the conflict with presbyterians, but also the role of soldiers as tax-collectors. This, it is argued, is a vital issue, and, again, it has received virtually no serious attention; the focus on tax-collection as a source of strife in the country, and a major problem for the government, complements the study of finances in the previous chapter. Thus, royal finances, the military, taxation, and the religious controversy, were all connected in what might be regarded as a vicious policy circle - of the government's making. The importance of taxation is a feature also of the fifth chapter, which deals with Parliament. The prominence of the Estates (Scotland's Parliament was composed of four estates - nobility, bishops, shire commissioners, burgh commissioners - during this period) during the covenanting revolution of the 1640s makes it essential to discuss its role in the subsequent period. The opening chapter tells the story of the first three meetings after 1660, so the fifth analyses its role during the years from 1665 to c.

1674; I look at each meeting in detail, in order to shed light on Parliament's workings, and also to see what can be learned about attitudes to its role in the post-revolutionary period. The emergence of an opposition to Lauderdale in the 1673 meeting is also examined, and current interpretations challenged.

The final chapter deals with the years from 1674 to 1681, ending with Lauderdale's political demise (indeed he died in 1682). I focus on the major themes brought out in the previous two chapters - the role of the military, and the opposition - as well as discussing the attitude and policies of the government. It is shown how the problems outlined in the four 'institutional' chapters impinged upon and shaped the tumultuous political events which marked the last few years of Lauderdale's government. It is contended finally that the problems facing Scotland's politicians, and the country as a whole, were ultimately of a structural nature; that is, the problems stemmed from flaws in the country's political structures. Indeed, in a sense, they were demonstrably the result of the Restoration settlement of 1661-3. The approach I have adopted is designed to provide insights into both the government and the politics of Restoration Scotland, and where relevant I have made comparisons with the other Stuart realms, and with continental developments. Ultimately, it is hoped that the subject-matter and the arguments I present can help establish a more comprehensive debate for the future.

I have already commented upon the volume of sources which exists for the study of Scotland in the period. This of course means that, if a thesis is actually to be produced, one has to be selective. In addition to the various printed sources, for instance, the Acts of Parliaments of Scotland, and the Register of the Privy Council of Scotland, the main focus must be the vast correspondence collections held in the Scottish Record Office, the National Library of Scotland, and elsewhere. However, for my chapter on government finances, and for various other matters, I have made use of the Exchequer papers in the Scottish Record Office, which are virtually untouched by historians of this period. It was not possible to consult all of the correspondence collections, so I made a choice as follows; I consulted the Lauderdale papers from the British Library (in conjunction with those selected by O. Airy for publication in the late-nineteenth century, which were very selective); the Yester papers in the National Library; and the Hamilton papers in the Scottish Record Office. Together these represent the chief government minister, an individual (John Hay, Earl of Tweeddale) who

was part of the government before joining the opposition, and a third (William Douglas, Duke of Hamilton), who was a fairly consistent opponent of the government. This seemed to be the best way to provide a balanced perspective. Needless to say, there is much still to be done in this area. It is ironic that such an under-studied period is so well-served by documentary sources.

References

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- ². I. B. Cowan, *The Scottish covenanters, 1661-1688* (London, 1976); J. Buckroyd, *Church and state in Scotland, 1661-1681* (Edinburgh, 1980).
- ³. R. Hutton, *Charles II: King of England, Scotland and Ireland* (Oxford, 1989).

Abbreviations

For full references, see bibliography at end of thesis. These are the most commonly used abbreviations

APS - Acts of the Parliaments of Scotland

BL - British Library

HMC - Historic Manuscripts Commission

LP - Lauderdale papers (ed O. Airy)

NLS - National Library of Scotland

RPCS - Register of the Privy Council of Scotland (all volumes are from the third series)

SHR - Scottish Historical Review

SRO - Scottish Record Office

Note

All monetary values are pounds Scots unless specified. The Scottish pound was one-twelfth of the value of a pound sterling

Chapter 1

Retreat from revolution: the Scottish Parliament and the restored monarchy, 1661-3

Introduction

In May 1660 Charles Stuart was welcomed back to England from his exile at Breda in the United Provinces. Thus, the monarchy was restored throughout the British Isles - the three kingdoms of England, Scotland, and Ireland - barely a decade after the execution of the thirty year old monarch's father, Charles I. A few astute promises, most explicitly aimed at England in the Declaration of Breda, enabled the King to assume his thrones without formal limitations, and with a minimum of discontent. Charles II was welcomed in his three kingdoms, primarily because monarchy alone seemed to offer order and stability; the gradual collapse of effective military government after the death of Oliver Cromwell in September 1658 left no obvious alternative.¹

For Scotland the return of the King marked the end of the ignominious subjugation of the kingdom to the cromwellians; regardless of the perceived merits of the administration during the 1650s, it is clear that just about everyone wanted rid of the remaining English garrisons, the 'badges of slavery', as soon as possible.² However, during 1660, the Scots, with the exception of a handful of courtiers, were little more than lobbyists and observers of events in England. After his return, Charles and his chief adviser, Edward Hyde, later Earl of Clarendon, were concerned primarily with English affairs: Scotland and Ireland were less of a priority. These kingdoms were simply to remain peaceful. In August 1660, the

Committee of Estates of 1651 was revived to maintain order in Scotland until a Parliament could meet. This was a temporary expedient, allowing the King to deal with English affairs. As such, the 'Restoration' in Scotland was really effected from January 1661, when the Parliament did meet and proceeded to destroy the covenanting revolution of the 1640s.³

In 1660, the King did appoint his key Scottish officials, and was guided by the pragmatism which marked his appointments throughout the British Isles. In England, the administration was a mixed-bag, including a number of men associated with the parliamentary cause, much to the annoyance of cavaliers hoping for revenge and recompense. The Irish administration was headed by former army officers, who were rewarded for their role in effecting the King's return.⁴ Charles II further demonstrated his capacity to ignore deliberately former allegiances with his choice of Scottish officials. John, Earl of Middleton, (Commissioner to Parliament), John Maitland, Earl, later Duke, of Lauderdale (Secretary), William Cunningham, Earl of Glencairn (Chancellor), and John Lindsay, Earl of Crawford-Lindsay (Treasurer), had all sided with the covenanters at some point during the 1640s. However, all of these men had backed the Engagement of 1648, and had latterly shifted to a more royalist position, supporting Charles II against Cromwell. Those associated with the 'radical' regime of 1649 were ignored (with the exception of John Kennedy, Earl of Cassillis, made an Extraordinary Lord of Session, although he soon demitted his place).⁵ The King displayed political awareness by recognising that he had to include former covenanters and parliamentarians in his administrations. Yet it is also the case that the men concerned took a pragmatic view of the situation: the best way to secure their own positions was to associate themselves with the restored monarchy. This realistic sense of self-preservation can perhaps be detected in a more general mood; the return of the young King offered the possibility of peace and stability, and even the wary were willing to acquiesce. Yet, there was still a great deal of uncertainty. In Scotland, with the fire of the covenants reduced to little more than fragile embers, it is difficult to discover anyone who had a firm idea about what should come next. In 1661, Parliament provided what amounted to the political and religious equivalent of the short, sharp shock treatment. The result was an almost complete reassertion of the royal prerogative. By the end of the session one might have concluded that the covenanters had achieved precisely nothing.

1661 session: resurgent monarchy

The Estates gathered in Edinburgh for their opening session of January 1661 with an appropriate display of pomp and ceremony (to the chagrin of hard-line presbyterians), following an equally vivacious welcome for the Commissioner, the Earl of Middleton. His opening speech exhorted Parliament to condemn the measures passed by the covenanters and restore the King's prerogative powers.⁶ His words did not fall on deaf ears. Parliament was certainly well attended, but more significant were the attitudes of those present. A recent study has shown that less than half of the 75 peers present had been involved with the covenanting Parliaments. Even more striking is the fact that somewhat less than one-third of the shire and burgh commissioners had previous parliamentary experience (although some others had served on local committees, or had been active in burgh politics).⁷ Thus, a large majority in Parliament can in a sense be regarded as 'new' men, without prominent records or noticeably strong allegiances. There is evidence for management of the elections, but we cannot discount the possibility of a genuine royalist reaction. One writer has noted the contemporary view that there was a groundswell of antipathy towards ministers, who were, of course, closely associated with the covenants.⁸ What is clear is that Parliament as a whole had no covenanting axe to grind; its proceedings reveal consistent loyalty to the restored monarch.

It has been noted that Middleton proceeded cautiously during the opening weeks of the Parliament. His instructions make no mention of church government, highlighting the wariness at Court over this issue. His priority was to secure the prerogative powers of the Crown which had been removed by the covenanters. The Convention of Estates of 1643 and the Parliament of 1649 were to be annulled, as they had proceeded without royal authority. However, the Parliaments which had been authorized by the King were to retain their legal status; specific enactments which curtailed the prerogative were to be rescinded. These instructions indicate uncertainty about attitudes in Scotland to presbyterianism, and, significantly, to the role of Parliament itself. This uncertainty stemmed from insecurity at Court: the King had, after all, returned to England little more than six months previously. Consequently, in his opening speech, Middleton urged Parliament to grant financial provision for the maintenance of a military force to secure the monarchy - a portentous

demand.⁹ This caution should not be overstated, however, because within three months (Parliament sitting on only 27 days), the royalist agenda had been achieved, and indeed the King's expectations surpassed with the passage of an act which wiped out all the constitutional legislation introduced by the covenanters, including that relating to the government of the church.

The first step, on 4 January, was the imposition of an oath of allegiance containing a strong suggestion of unfettered monarchical authority and hinting at interference in the church. This met with a small, if vocal, opposition led by the Earl of Cassillis, some (including the earl) actually leaving the chamber. The concern related to the scope of the oath, ie whether it extended to the church; the reassurances provided by the Lord Advocate, Sir John Fletcher of New Cranston, that it did not, must have impressed no-one. Cassillis and the others who walked out (said to have included George, Lord Melville and Sir John Crawford of Kilburnie, commissioner for Ayrshire) deprived themselves of a forum to express their views, making life easier for Middleton. However, more significantly, the vast majority of members took the oath without reservation. Thus, Parliament signified its loyalty to the Crown.¹⁰

A few days later the Committee of the Articles was chosen. The revival of the Articles signified a renewed determination on the part of the Crown to control the agenda of Parliament and minimize debate. The attempts by James VI and, more particularly, Charles I to reduce the Estates, through the Committee, to little more than a rubber-stamp for royal policies, had led the covenanters in 1640 to make the Articles optional, and subject to the will of Parliament; if utilized, each estate was to elect its own representatives. In 1661, this remained the case, but it is clear that the Committee was fairly strictly controlled. Crucially, officers of state were included in the membership of the Committee: the Commissioner was taking no chances.¹¹ Safeguards were enacted for Parliament as a whole; if the Lords of the Articles did not represent an overture to the House, any member was free to present it to the Commissioner and the full Estates, who were to meet twice a week to that end. If this seems to signify institutional development, there is nothing to indicate whether it was

utilized. Moreover, the discretionary powers granted to the Commissioner and the political context served as further limitations upon freedom of action for members. The ultimate agenda of the Crown is revealed by the cautionary remark that the current structure of the Committee,

shall be without prejudice of any course the Kings Majestie with advice of the estates shall think fitt to take hereafter either as to the number or maner of election....

It is likely that the safeguards were included to avoid antagonizing Parliament at this early stage, but their significance should not be exaggerated. The structure utilized by Charles I could not be introduced until the episcopate was resettled: the bishops were in fact added to the Committee in the 1662 session.¹²

The control of the agenda by the Committee makes it more difficult to judge the mood of the 160 or so other members of the House. However, directed by the Articles, Parliament now proceeded to pass legislation reasserting the King's right to choose his own ministers and Privy Councillors and to nominate Lords of Session, and his right to call and dissolve Parliament at will without statutory safeguards, negating two of the most important measures of the constitutional Revolution of 1640-1. A few days later, enactments passed during the reign of James VI prohibiting the convocation of subjects or the making of leagues or bands without royal consent, were revived.¹³ The revival of the 1585 enactment against private banding without royal consent marks the direction of legislative policy. In 1638 those heading the challenge to Charles I had taken care that their National Covenant did not come within the scope of this particular legislation.¹⁴ The 1661 acts demonstrate awareness of the legal shrewdness and ideological subtlety of the covenant whose implications they were out to destroy:

any explanation or gloss, that during these late troubles has been put upon these acts, As that they are not to be extended against any leagues, Councils, Conventions, Assemblies or meetings, made, holden or kept by the Subjects for the preservation of the King's Majesty, the Religion, Laws and Liberties

of the Kingdom, or for the public good either of kirk or kingdom, are false and disloyal and contrary to the true and genuine meaning of these acts...¹⁵

A further act reserved to the King the sole right to declare war and make peace, to conclude treaties, and to raise his subjects in arms, reversing further the legislation of the 1640s.¹⁶ These enactments of January 1661 were an explicit rejection of an executive function for Parliament; in particular, the rescinding of the Triennial act, which guaranteed the constitutional right of Parliament to sit regardless of royal wishes, highlighted the strength of reaction. That this was not simply a Crown dictat is apparent from a petition of 1660 to the King from the nobles, gentry and burgesses of Scotland in London, which had stated that "the sole power of calling and holding of parliaments, and the way and manner thereof, doth reside in your majesty".¹⁷ However, it was still envisaged that Parliament should perform some role in the government of the country. Gilbert Burnet asserts that the original draft of the act granting to the King the sole right to arm his subjects contained a clause which would have allowed the imposition of taxation by royal decree; Sir John Gilmour of Craigmillar, President of the Court of Session and a member of the Articles, argued that the kingdom should not be required to pay for any additional military force unless this was agreed in a Parliament or Convention of Estates. Whatever its origins, this important qualification found its way into the act, guaranteeing a role for Parliament in the granting of extraordinary taxation.¹⁸

In general, however, the attitude of Parliament is unmistakable. Sir Archibald Primrose, Clerk-Register, wrote to Lauderdale that, "never was there a parliament so frank for the king". James Sharp, royal chaplain and soon to become Archbishop of St Andrews, remarked that the Parliament had simply made amends for its previous actions and had vindicated the honour of the kingdom, a sentiment echoed by Sir John Hamilton, Lord Belhaven, in February.¹⁹ If Middleton set the agenda, the majority followed his lead; at the very least, they were willing to acquiesce in the demands of the restored King. This precipitous desire to demonstrate the loyalty of the Parliament perhaps more than anything else helps to explain the Restoration settlement in Scotland.²⁰

Parliament also moved against the 'bogyman' of the Restoration - the radical minister. On 16 January an act was passed ordering 'remonstrator' ministers to leave Edinburgh for the duration of Parliament. The demonization of militant presbyterians had been started by the Committee of Estates in August 1660, with the arrest of a group of ministers who had drawn up a document pointing out that Charles II was still bound by the covenants (which was probably true, if meaningless). James Guthrie, their leader, remained in prison. The act passed in January went further, however, in its menacing tone; a curfew of ten o'clock at night was imposed on all inhabitants of the town, regardless of status. There is no way of determining the effectiveness of this measure, but its inclusion tainted everyone who disobeyed with the label of remonstrator.²¹ Such an atmosphere made opposition to the royal agenda more difficult; at the same time, Parliament seems to have been quite content to demonstrate its loyalty by harassing a few ministers.

Radicalism of any variety was the scapegoat of the Restoration throughout the British Isles. Venner's hopeless republican rising in London in January 1661 led to the passing in the Scottish Parliament of an act prohibiting meetings of quakers, anabaptists and other 'seditious' groups. This act was paralleled in Ireland (where Parliament was not yet sitting) with a proclamation which listed catholics and presbyterians among the agents of fanaticism, in addition to the radicals. These acts, and the attacks on ministers in Scotland, have to be regarded in the context of an aggressive conservatism which manifested itself in the early years of the Restoration period. It has been noted that the most powerful force in English politics after 1660 was the fear of violent change and disorder. Consequently, one of the first measures of the 'Cavalier' Parliament in May 1661 was an 'Act against tumults and disorders'. The measures against presbyterians in Scotland can perhaps be seen as vindictiveness, especially as Middleton harboured a violent dislike of them.²² In this way, however, the blame for the covenanting revolution - which in its early stages had involved most of the Scottish elites - was directed at a relatively small number of zealots. This can be seen as contributing to the creation of the propaganda device of the 'fanatic' or 'extremist', the subversive by nature to be found haunting government proclamations and correspondence for more than two decades.

This aggressive attitude found further expression on 22 January, when the Convention of 1643 was annulled; three days later it was declared illegal to renew the Solemn League and Covenant passed at that meeting. Thus, the supreme icon of militant presbyterianism was deprived of its statutory basis. In some respects, the Solemn League was the most explicit symbol of the 'extremism' of the 1640s; significantly, a few months later, it was ordered to be burnt publicly in both England and Ireland.²³ The symbolic resonance of the Scottish Parliament's actions should not be underestimated. Covenanting was firmly in the dock in 1661; Argyll languished in jail, while his great rival, the royalist saint Montrose, had been buried with ostentatious solemnity.²⁴ This was a full-scale reaction, even if the trappings were contrived. Middleton and his allies would gladly have pushed ahead and passed an act rescinding all of the legislation of the 1640s; perhaps ironically, the King himself, backed by Clarendon and Lauderdale, slowed the pace, fearful of provoking unrest through rash measures.²⁵

In keeping with the Commissioner's instructions, on 9 February the acts of the Parliament and Committees of 1649 were annulled as being unlawful; at the same time, partly as a sop to conservative opinion within Parliament, the Engagement of 1648 was approved. The Engagement, under which Scottish military assistance for Charles I had been assured in return for stated concessions, had represented a victory for conservative elements in the covenanting movement and royalists, and was a manifestation of,

that indispensable duty, whereunto this kingdom and the subjects thereof, are by the law of God, by the law of nature and nations, by the municipal laws of the land, by their allegiance, and by all the strictest bonds of conscience and honour, obliged to the most sacred person and Royal Authority of the King's Majesty....²⁶

A sizeable minority of those sitting in the present Parliament had backed the Engagement, therefore this act was a welcome sign of approbation. Yet, on 20 February, the kingdom was again reminded of its sins, with an act which condemned the delivery of Charles I to the

English in 1647.²⁷ Middleton sought to secure the royalist agenda, and, of course, his own position at Court, by exploiting the transgressions of the 1640s, while at the same time offering a palliative to those on whom government throughout the country would ultimately rely.

These two acts also provide an indication of the ideology underpinning the legislation of the Parliament. One of the most important aspects of the National Covenant of 1638 was its distinction between the office of monarchy and the 'ungodly' monarch who personally failed to uphold the 'true religion' and the fundamental laws and liberties of the kingdom.²⁸ Monarchical authority and the person of the King were deemed to be distinct: if the monarch abused his position or neglected his proper functions, his subjects could, and indeed were duty-bound to, restrain him, using force if necessary. This distinction was a fundamental challenge to absolute monarchy as envisaged by Charles I, and indeed by his sons, as monarchical authority became conditional upon protection of the reformed religion (as defined by the covenanters) and observance of those fundamental laws and liberties. Therefore, the royalists, now in the driving seat, had to emphasise the importance of the person of the King: obedience had to be unconditional. Consequently, the Engagement had been simply a manifestation of the kingdom's duty. Moreover, the delivery of Charles I to the English had been, "a most sinful, disloyal and unworthy act, contrary to the will and commandment of God, contrary to all laws divine and humane; Contrary to the duty and allegiance of subjects...."; it had been an unacceptable breach of the duty to serve and protect the person of the monarch himself, that is, the person of Charles I. These acts were therefore of symbolic importance as statements of the unconditional allegiance owed to the King.

It is impossible to ascertain whether this ideological drive stemmed from conviction, or was simply contrived to benefit self-seeking politicians (as well as the Crown). However, the impact upon the country, in political and constitutional terms, remained the same. At the end of February, it was enacted that all those in public office had to display their commitment to, or acquiescence in, the civil settlement imposed by statute. All office-holders, from Privy Councillors to clerks in the lowest courts, had to take the oath of allegiance and sign an 'Acknowledgement of his Majesties Prerogative'; otherwise, they

would lose their places, and "be lookt upon as persones disaffected to his Majesties Authority and Government". The acknowledgement basically affirmed the legislation passed in January, while explicitly rejecting the legitimacy of the covenants. Unsurprisingly, Cassillis lost his place as an Extraordinary Lord of Session for refusing the oaths. In June, the policy was extended to the ecclesiastical sphere when it was ordained that ministers had to take the oath of allegiance before they could be presented to benefices; if a patron did not comply, the right of presentation would fall to the King. Thus, in the long term, it was hoped to secure a loyal ministry.²⁹ More importantly, with the passing of the oath of allegiance, it would be fair to say that the tables had been well and truly turned on the covenanters.

Moreover, it is in this ideological context that the restoration of episcopacy in Scotland should be regarded. For the royalists the agenda was straightforward, the rhetoric basic, even fundamentalist; presbyterianism was inherently rebellious, and incompatible with the security of the monarchy; it was the 'pretence of religion' which disguised and justified the treasonable designs of the covenanters.³⁰ Unfortunately, in terms of the future peace of Scotland, Charles II and Clarendon inclined to agree with the Commissioner. Despite this, the King was initially unwilling to countenance rash measures, an attitude which stemmed from his insecurity in the early years after his return from exile, rather than any concern for the well-being of Scottish presbyterians. His desire to avoid trouble likewise partly explains his unease about the rigid settlement demanded by militant Anglicans in England, effected by the Act of Uniformity passed in 1662, and his desire to provide some degree of toleration for non-conformists there. Yet, at the same time, this desire does not seem to have extended to Scotland. His Declaration of Indulgence, issued in December 1662, provided no relief for Scottish dissenters, already suffering from government military harassment.³¹

The 'Act Recissory' which passed on 28 March 1661 paved the way for the restoration of episcopacy in Scotland. This act, which annulled the Parliaments of 1640 to 1648 (but not that of 1649, which had already been declared unlawful), removed the statutory basis of the presbyterian system introduced by the covenanters. The accompanying 'Act Concerning Religion and Church Government' stipulated that any ecclesiastical settlement would rest on compatibility with monarchical government, the final decision being referred to Charles

himself.³² The passing of the Act Recissory represented something of a gamble for Middleton; precociously, he decided to press ahead without waiting for royal approval.³³ Such a sweeping measure can perhaps be viewed as unwise, especially after the earlier systematic and careful unpicking of the covenanters' legislation. If the main target of the act was the presbyterian church settlement, then there was a plethora of statutes to be repealed; thus there is perhaps truth in Burnet's claim that the tiresome process of annulling particular statutes gave rise to the suggestion of a general act.³⁴ Yet it can be argued (and the Commissioner's confidence suggests) that it was precisely the success of the royalists during January and February which prompted Middleton to take the initiative, regardless of conservative opinion, and in spite of vociferous criticism from the kirk, which was simply brushed aside. Middleton wanted to enhance his royalist credentials, presenting an image of the arch-Cavalier in total control of the Scottish Parliament, where so much humiliation had been inflicted upon the King's father. In this the Commissioner was at least partly successful, at any rate among royalists elsewhere in the British Isles; he was said to have been popular in the House of Commons, where there was actually a proposal - after the passage of the act in Scotland - that the legislation of the English Long Parliament be repealed in its entirety - a proposal blocked by the King.³⁵

Despite misgivings about the timing and scope of the act, Charles and Clarendon endorsed the proceedings of the Parliament. Indeed, Clarendon wanted the act published in England, along with Parliament's letter, as fitting expressions of loyalty to impress the English 'Cavalier' Parliament, which met in May 1661. After the passage of the act, Glencairn and John Leslie, Earl of Rothes, a royalist who had been appointed President of the Privy Council, travelled to Court to persuade the King about the wisdom of the move to restore episcopacy; Middleton joined them soon after. Despite the half-hearted caution of Lauderdale - the Commissioner's rival at Court - and Crawford-Lindsay's outright opposition (for which he ultimately demitted his position as Treasurer), the King agreed to the proposal; not least, however, because it suited his inclinations.³⁶ One recent work regards the reintroduction of episcopacy in 1661-2 solely as the work of Middleton and the Parliament, absolving Charles and Clarendon of any effective role. One problem is the lack of evidence referring directly to the monarch's views, but a conciliatory letter of 1660 which provided hope for presbyterian ministers can hardly be interpreted as a declaration of intent,

given Charles's tendency to promise all things to all men.³⁷ Middleton's initiative was predicated on subsequent royal approval, and the gamble paid off. There is nothing to suggest that Charles II (and Clarendon) regarded the Commissioner's actions unfavourably.

The Act Recissory stirred some within the Scottish Parliament to express their doubts about its implications. It should be noted that the act annulled the Engagement Parliament of 1648, whose actions had been approved only the previous month. Actually, it is not surprising that Middleton wanted to annul the Engagement; although it had signalled a willingness to accept compromise and was designed to aid Charles I, it also maintained the legitimacy of the covenanting settlement - both civil and religious - within Scotland. The February act recognized the essential loyalty of the 1648 Parliament, but the terms of the Engagement itself remained odious.³⁸ This apparent contradiction can be explained by Middleton's growing confidence, perhaps even arrogance; he no longer felt any need to offer such concessions to old engagers, although indemnity was promised for all except those to be named by Parliament (and in July a clause was inserted which guaranteed private rights secured during the repealed Parliaments - the Act Recissory and the earlier act repealing the 1649 Parliament were not touched with the royal sceptre until July).³⁹ Nevertheless, the arrangement was shoddy, and must have generated considerable bemusement within the chamber.

William Douglas, third Duke of Hamilton, and Crawford-Lindsay - a member of the government - headed the relatively small group (perhaps 40 out of more than 200) who expressed criticism of the act. Hamilton argued that the 1648 Parliament had acted in the interests of Charles I, and had received the latter's approbation. Furthermore, the 1641 Parliament should be regarded as legal because Charles I had in fact been present. A Parliament warranted by the King could not be disregarded in such a manner.⁴⁰ This argument highlights unease about the implications for Parliament contained in such a measure, demonstrating the obvious point that positive memories of the 1640s had not completely dissipated. However, Hamilton's view also provides an expression of the mood of the Parliament in 1661, and a reason for the relative ease with which Middleton carried his agenda. The emphasis was on the *loyalty* of the Engagement Parliament. The 1641 meeting was legal *because* it had received royal approbation; the military victories of the

covenanters were conveniently forgotten. A Parliament meeting without royal permission was illegal; implicit was the rejection of the right to resist the Crown, the essence of the National Covenant. Thus, the criticism of the Act Recissory within Parliament could achieve nothing in practical terms, and it passed easily enough.

Towards the end of May, the reaction against the covenants was expressed visibly with the executions of Archibald Campbell, Marquis of Argyll, and James Guthrie, the minister seized the previous year. The former, a covenanting leader, had been captured in London, also in 1660, while attempting to gain access to the King. There does not seem to have been a particularly strong desire for blood in Scotland, but scapegoats were needed, and Charles himself seems to have displayed a vindictive streak in this instance. The trial against Argyll was a farce, with Lord Advocate Fletcher barely able to contain his venom behind the veneer of legality.⁴¹ Yet, of course, this was not the point: the executions were for show, a warning for rebels and a further demonstration of the kingdom's loyalty and repentance. Glencairn remarked cynically after the event that,

nothing could have allayed the jealousies of this nation [England] if some of these acts of justice had not been done, which hath convinced the most obstinate gainsayers of our loyalty....⁴²

If most Scots were less concerned than the Chancellor about English opinion, the execution of Argyll in particular must still have impressed deeply. Despite his reasonable defence that most of the country shared his guilt to some degree, Argyll's prominence since 1638 singled him out for punishment: after all, no-one else had placed the crown upon the head of Charles II at Scone in 1651.⁴³ For the Scottish elites, in Parliament and elsewhere, the reaction was possibly one of relief; although a general act of indemnity had not yet passed, it was clear that bloodletting was to be kept to a minimum. Traditionally, the possibility of reprisals for previous actions has been regarded as a stick wielded above the heads of members to ensure loyalty.⁴⁴ Certainly, there was some ambiguity in a royal proclamation of October 1660, which stated that "Our honour and the honour of that our ancient kingdome, being vindicat; And the ancient prerogative of the crowne being asserted: wee will grant...a full & free pardon and act of indemnity...." This seems to suggest that the exercise of royal

clemency was conditional upon good behaviour. Moreover, the delay in the passage in the act (September 1662) was in marked contrast to England, where an indemnity was passed as early as August 1660. However, Parliament itself was to conduct trials and name exceptions. As such, most could feel reasonably secure, but the uncertainty caused by the delay may have had some effect. In particular, those who had been closely associated with the 1649 Parliament, or who had noticeably complied with Cromwell, were potential targets, but this affected relatively few within Parliament.⁴⁵ The execution of Argyll symbolically marked the end of Scotland's covenanting experiment. In his remarkably stolid scaffold speech, the Marquis claimed god remained on his side; to most observers this must have seemed unlikely.⁴⁶ The actions of the Parliament were surely evidence that the Lord had deserted his chosen people.

The price of Restoration: financial and military provisions

The restored monarchy also required practical means to give effect to the authority claimed in legislation. Here again, Parliament was forthcoming. In March 1661, it was enacted that the King should receive £480,000 a year from excise duties. This act benefited landowners since it shifted the fiscal burden on to the populace as a whole - the excise was composed mostly of a tax on beer and spirits. In financial terms, this annuity for life, along with rents and traditional customs duties, was intended to provide a stable base for the monarchy.⁴⁷ Charles was also to benefit from arrears of taxation dating from the covenanting period, which were to be used largely to pay off his debts.⁴⁸ Significantly, the annuity was in part specifically designed to pay for royalist troops: "towards the interteanment of any such forces as his Majestie shall think fit to raise and keep up within this Kingdome".⁴⁹ The provision for military security should come as no surprise; monarchical authority had been severely curbed and finally displaced through the utilisation of such violent means by the opponents of Charles I and his son. The Crown intended to crush any future opposition to its authority by force if necessary.

The retention of cromwellian garrisons in Scotland until 1662 is usually regarded as having helped to ensure that Parliament acquiesced in Court policies.⁵⁰ This is true in a sense.

Parliament certainly wanted rid of the forces, expressing this desire in a petition to the King, but the government itself seems to have been divided on the issue. Clarendon (and possibly George Monck, Duke of Albemarle, former commander of the soldiers) urged that they be retained until the country was settled, but Glencairn, Rothes, Lauderdale, and Charles II himself, wanted them disbanded as soon as possible.⁵¹ The main problem appears to have been finding the money to pay their arrears (in September 1660 the cost of the garrisons was cited as the main reason for additional financial demands, including continuation of the excise).⁵² Retention of the Usurper's troops was politically undesirable, on mainland Britain at any rate, despite their connection with the powerful former cromwellian Albemarle.⁵³ It is very unlikely that the soldiers would actually have been deployed against the King's Scottish subjects. Indeed, a degree of insecurity can be detected in the cautious dealings of the Privy Council with the English garrisons, mediating in disputes between soldiers and town dwellers, and intervening to ensure supplies were provided at fair prices.⁵⁴ Nevertheless, the honour of the kingdom, and the cost involved, meant that Parliament was keen to be shot of the occupiers.

The establishment of a peacetime standing force under royal control was probably regarded as necessary, even if unwelcome: the conservative climate of the Restoration was conducive to such an attitude. A petition by the nobility, gentry and burgesses of Scotland to the King in 1660, which had urged the disbanding of the English garrisons, stated that, if he regarded forces as necessary for the peace of the kingdom, he should employ his Scots subjects.⁵⁵ Middleton certainly made known his intention to raise a standing army; he had been appointed Captain-General of the forces and Governor of Edinburgh Castle towards the end of 1660. In March 1661, the parliamentary commissioner for the burgh of Aberdeen, William Gray, writing to his town Council, was clear that the money from the excise was intended to maintain a native Scots force of 1000 foot and 200 horse.⁵⁶ The possibility of a threat to the King's authority - and to the peace of the country - made this palatable. Of course, those in Parliament who granted provision for a small force did not foresee the battles to come. Their attitude can, once again, be described as loyal; at the very least, acquiescent. At the same time, there were also preparations for settling a national militia. The act of January 1661 had expressed the sole right of the King to raise his subjects in arms (full title: 'Act anent his Majesties Prerogative in the Militia and in making of Peace &

War or treaties & leagues with forraine Princes or Estates'); a few months later, the equivalent right was recognized by the English Parliament. In Scotland, only those of known loyalty were to receive commissions.⁵⁷ These proposals were not given immediate effect, although a further act was passed in 1663. The rationale, however, was the perceived need for effective security; the defence of King and kingdom against subversion or invasion.

The discussion thus far has concentrated on the constitutional enactments of the Parliament and the practical measures passed in favour of the Crown. However, Charles II was not the only person to benefit from the proceedings of Parliament in 1661. It was clearly important that there was a minimum of disruption during the transition to monarchical government. However, many royalists expected scores to be settled with former enemies, or to be rewarded for their loyalty. The King had to balance these demands against his own financial limitations and his view that pragmatism was the best way to achieve stability.

An important means of avoiding unnecessary disruption was to secure property rights while altering constitutional arrangements. The proceedings of the law courts and the Exchequer which sat by warrant of the 1649 Parliament were declared to be valid, unless anything had passed in Exchequer which was prejudicial to the interests of the Crown; any complaints in relation to private cases were to be heard by the Treasurer and Commissioners of Exchequer. A month later, another act confirmed judicial proceedings during the cromwellian occupation, with similar qualifications. The Act Recissory confirmed private rights passed in any of the rescinded Parliaments (1640-1648), although individual cases could be reconsidered in the current, or following, session. In 1660, the Convention Parliament in England had passed a similar measure.⁵⁸ In this way it was hoped that the events of the previous two decades would not cause further uncertainty or acrimony, while the door was opened for those with legitimate grievances to pursue them in law.⁵⁹

There was pressure for the opening of the College of Justice prior to the downsitting of Parliament. Moreover, in February 1661, it was reported that the sitting of the law courts was "much longed for as a great reviving to many honest people heir". As a result, on 26 April it was enacted that the Court of Session would meet from 4 June; Sheriff, Commissary and other inferior courts were "to continew in their former administrations as they did

before the troubles". This represented a desire not only to facilitate the transaction of private business, but also to restore normality to the country; law and order under the monarchy replacing the unnatural impositions of the cromwellians. The traditional mesh of heritable jurisdictions was returned (with the exception, until 1662, of episcopal jurisdiction), signalling the restored power of the nobility in particular throughout the country. Three weeks previously, also in this traditionalist vein, all royal burgh charters had been ratified.⁶⁰ This 'restoration' highlights the conservatism of the Parliament; Charles II and his advisers had no inclination to interfere with these structures of local power (although commissioners of excise, an innovation of the 1640s, were retained).⁶¹ This was both reactionary and pragmatic; once again, the goal was stability.

Another issue which affected the country as a whole - or at least the elites - was debt. The impact and role of credit in the economy of Scotland unfortunately remains a badly neglected subject; yet it is clear that lending was an increasingly important feature of business and financial life. One writer has remarked that, "Crushing debts, not royal absolutism or religious radicalism, may have represented the gravest threat to the early seventeenth-century Scottish nobility".⁶² Such a statement has to be tested further, but it is clear that debt was a major issue after 1660. By the time of the cromwellian wars of 1650-1, Scotland was financially exhausted after more than a decade of military and fiscal demands. During the 1650s, the military government continued to exact a high level of taxation: in 1660, this burden was one of the main grievances in the country. Furthermore, some landowners had suffered confiscation or had been forced to pay fines.⁶³ Charles II was keen to ensure a minimum of disruption, so he instructed Middleton to establish a framework for payment of debts which was suitable to all concerned. This was clearly a contentious issue, provoking considerable debate in Edinburgh. The result was an act passed in July 1661 which allowed six years grace for debtors, upon the fulfillment of specified conditions, including provision for interest payments.⁶⁴ The act contained safeguards and specified rights and obligations; in the present context, the significant point is that it represented a compromise, designed to balance a delicate situation (although the act was of course designed primarily to give relief to debtors). Financial insolvency could not be allowed to jeopardize the stability of the traditional order.

There were other measures designed to alleviate the financial burden of the previous twenty years. The estates of royalists who had been forfeited during the 1640s were restored. This was both symbolic and practical. James Graham, second Marquis of Montrose, was the most notable of these; in addition, he received the Cowal peninsula from the forfeited Campbell estates as compensation for his family's losses.⁶⁵ A number of individuals who were bound for public debts from 1638-41 and 1645 were granted a breathing space until the following session.⁶⁶ Commissioners were appointed (1661-2, 1663) with power to provide relief from interest payments for those forfeited by Cromwell.⁶⁷ Moreover, during the 1661-2 sessions, Parliament ordained that numerous nobles and lairds were to receive arrears of cess, a monthly imposition introduced by the covenanters, as compensation for losses or as payment for loans or money advanced by them. Others who had been subjected to punitive taxation for supporting the Engagement were to receive financial compensation from those in their shires who had benefited as a result. Sir John Wemyss of Bogie and Sir John Smith, former Commissary Generals to the army, were each to be allowed to collect eight months cess, imposed in 1648 and 1650 respectively. From that imposed in 1648 Treasurer Crawford-Lindsay and William, Lord Cochrane were to receive payment, while debts incurred by Wemyss of Bogie were also to be cleared. Not all of these men were sitting in Parliament, but a sizeable group were to benefit financially from these provisions.⁶⁸

This practice of collecting arrears of taxation imposed during the covenanting period, while at the same time conducting a wholesale attack on anything else associated with the covenanters, highlights a cynicism which in fact permeated the the whole settlement in Scotland. Despite the averred desire of the Crown to forget the past twenty years and heal divisions, Middleton and numerous others were clearly intent on exploiting anti-covenanting reaction for their own benefit. Collection of tax arrears could be stretched to enrich the perks of high office: Middleton was to get £100,000 from the money collected by Smith and Wemyss.⁶⁹ The return of the King in 1660 had initiated something of a scramble for financial favour; by the end of the year there was already a backlog of promises to be kept. By May 1661, Crawford-Lindsay and Sir William Bellenden, Treasurer-Deputy, were pleading with the king to moderate his profligacy, or at least to consult them before granting anything else.⁷⁰ It is probably fair to say that the desire for financial favour affected the attitudes of many within Parliament. Two former covenanters, John Campbell, Earl of Loudoun, and

William Ker, Earl of Lothian, are good examples of this: both expected Charles to stump up for pensions he had promised. Loudoun explicitly referred in a petition to his support for the measures passed in Parliament in favour of the prerogative.⁷¹ It seems that loyalty could be bought.

Therefore, if Parliament was primarily concerned with the restoration of the King's powers, there were also a number of measures which were designed to benefit the country as a whole (as well as a plethora of economic statutes, the range and effects of which are beyond the scope of the present discussion).⁷² Furthermore, many stood to gain personally, although often this simply meant the recuperation of financial losses. Many impoverished landowners looked to the Crown for assistance. This was the flip-side of reaction, and should not be underestimated. It is perhaps impossible to determine with regard to individuals where loyalty and conservatism ended and financial necessity or expectation began. Suffice to say, for many the two were closely related.

1662-3 sessions: consolidation and the rise of Lauderdale

Episcopacy was formally restored in the 1662 session of Parliament, which opened in May, although the episcopate had been selected during the previous winter. This completed the revival of pre-1638 institutions. It is probable that the reintroduction of the bishops was exclusively a government initiative, unlike the restoration of the King's civil powers, which enjoyed support in Parliament. If some areas of Scotland were more amenable than others to the return of the bishops, it can hardly be said that there was an upsurge in popular support similar to that which occurred in England.⁷³ For the government, episcopacy was a way of enhancing royal power: bishops were to act as a controlling influence in the kirk, and were to sit as the first estate in Parliament. This had been the reason for their revival under James VI and their prominence under Charles I. The initial reluctance of Charles II to countenance the necessary legislation stemmed from practical concerns about the timing of the move, rather than scruples about the desirability of it. After Middleton had presented him with the choice, he did not require much persuasion.

Parliament itself seems to have exhibited greater docility than in the previous year - or, at least, there is no record of any debates or opposition. The vast majority of the peers and shire commissioners who attended in 1661 did so again. It should be noted, however, that Hamilton and Crawford-Lindsay, who had both criticized the Act Recissory, were absent in 1662, although the former reappeared the following year. Moreover, three of those associated with the 1649 Parliament - Cassillis, John, Earl of Sutherland, and John Maclellan, Lord Kirkcudbright - did not attend, nor did Lord Melville, who had walked out the previous session. In 1663 other 'radical' peers joined the boycott, with the Earl of Lothian, and Lords Cathcart, Borthwick, Coupar, Ruthven and Balmerino conspicuous by their absence. It is worth noting that these men stayed away from Parliament during the twenty year period covered by this thesis - and longer. However, this was a small group, and noble attendance remained at more or less the same level, due to the appearance of men who were not present in 1661 - some of whom had royalist backgrounds.⁷⁴ Another point to note is that the burgh estate was badly depleted, with 19 of the 60 burghs who sent commissioners in 1661 unrepresented in the following two sessions. This prompted the passing of an act specifying fines for non-attendance (for all estates). There is no obvious reason for the absence of so many burgh commissioners, but distance, indifference, or hostility to the settlement are the most likely candidates. In 1663 Lauderdale was certainly concerned about disaffection in western burghs, but most of the absentees were from elsewhere. Whatever the reason, the combination of a lower turnout and the presence of the bishops probably served only to benefit the government.⁷⁵

The act which passed on 27 May returned to the bishops the rights they had enjoyed in 1637 in relation to their position within the church, their jurisdictions and their properties. The act also explicitly acknowledged the royal prerogative in matters concerning the 'externall government & policie of the church'.⁷⁶ A couple of weeks later, more provocative measures were enacted. In 1661, Parliament had ordered that services were to be held throughout the kingdom on 29 May to commemorate Charles II's return from exile (it was also his birthday). This profane gesture was contemptuously ignored by many ministers. Consequently, an act of 11 June 1662 condemned such perverse ingratitude for the country's deliverance from oppression; the culprits were to lose their benefices, unless they acknowledged their wrongdoing to the archbishop or bishop. They were then to take the

oath of allegiance, and inform their congregations of their actions. On the same day, it was enacted that ministers admitted since 1649 were to receive presentation from the relevant patron and collation from the bishop.⁷⁷ This reflects concern with forms and legitimacy, and the rights of property owners; at the same time, the view that, "this was the work of Middleton and designed simply to rub the noses of the ministers in the fact of episcopal government", is probably also valid.⁷⁸ Yet such an act was not inconsistent with the tenor of the legislation passed since 1661.

The 1662 session also saw the passage of an equally important, and underestimated, act, which continued the ideological attack on the covenants. The 'Act for Preservation of his Majesty's Person, Authority and Government', passed on 24 June, defined explicitly the constitutional order:⁷⁹

those positions, that it is lawful to subjects upon pretence of Reformation, or other pretence whatsoever, to enter into leagues and covenants, or to take up arms against the King; or that it is lawful to subjects, pretending his Majesty's authority, to take up arms against his person or those commissioned by him, or to suspend him from the exercise of his Royal Government or to put limitations upon their due obedience and allegiance, Are rebellious and treasonable...

This represented a specific condemnation of the civil consequences for monarchical authority inherent in covenanting ideology. The act then moved to denounce the activities of the covenanters and both the National Covenant and the Solemn League by name, declaring them as, "in themselves unlawful oaths,...taken by, and imposed upon the subjects of this kingdom, against the fundamental laws and liberties of the same...". Conversely, there followed a more dynamic assertion of the unassailable position of the King:

if any person or persons shall hereafter plot, contrive or intend death or destruction to the King's Majesty, or any bodily harm tending to death or destruction, or any restraint upon his Royal person, or to deprive, depose or suspend him, from the style, honour and Kingly name of the Imperial Crown

of this realm, or any other his Majesty's dominions,...Every such person or persons being upon sufficient probation legally convict thereof, shall be deemed, declared and adjudged traitors....

Furthermore, episcopal government of the church was to serve as a bastion for the defence of monarchical authority, in the same way as presbyterian ideologues had provided justification for the constitutional limitations imposed on the King in the 1640s. Thus it was illegal to provoke,

hatred or dislike of his Majesty's royal prerogative and supremacy in causes ecclesiastic or of the government of the church by Archbishops and bishops as it is now settled by law, or to justify any of the deeds, actings, practices or things abovementioned....

Crucially, anyone convicted of the offences outlined in the act was to be declared incapable of holding any civil, ecclesiastical or military office. This act appears to be based firmly upon a similar one passed in England the previous year, although it is typical of Middleton's attitude that there was no equivalent of a clause which guaranteed freedom of debate in Parliament.⁸⁰ Furthermore, office-holders throughout the country were subjected to the imposition of yet another oath - the 'Declaration to be signed by all persons in public trust', which was based on the text of part of the act of 24 June; it was also to be taken by those who attended Parliament.⁸¹ This built upon the oaths imposed in the previous session. The imposition of proscriptive oaths represented an attempt to inject new dynamism into the traditional structures of power in the kingdom by binding all in office, at any level, effectively the political nation, to the person of the King. It also demonstrated a willingness on the part of the government to utilize the coercive tools for exclusion of political opponents introduced by the covenanters, despite the attempt to eradicate other traces of revolutionary change. Subscription of the National Covenant had been the prerequisite for exercise of civil power during the 1640s; by 1662, this policy had been reversed, with the imposition of oaths demonstrating commitment to the royal prerogative.⁸²

By September 1662 government objectives with regard to civil authority and the church had been achieved, and thus finally the promised indemnity could be passed.⁸³ It is possible that the delay in the passage of this act stemmed from government inertia rather than deliberation. Middleton had received instructions to pass such an act prior to the first session, and in March 1661 he claimed a draft would be sent to Charles, although nothing was achieved at that time. Two months later, James Sharp reported that Glencairn and Lauderdale were in favour of passing it at once, while Rothes was worried about the 'inconveniences' which would follow. In January 1662, Middleton had received further instructions which make it clear that the intention was to ensure some financial gain through the imposition of punitive fines; a commission was appointed to decide upon names and amounts, ostensibly because there would not be enough time at the sitting of the Parliament (the commission named eight members of the Articles, and two Lords of Session).⁸⁴ Another nine months passed before the list of exceptions was presented to Parliament, forming the basis of a separate act. A total of 896 people were named, including only eight nobles, and fined varying amounts.⁸⁵ Apart from the peers (seven of whom had been present in 1649), no more than a handful of those fined were sitting in Parliament, presumably a belated reward for its loyalty.

Middleton also attempted at this point to strengthen his position at Court by excluding his main rivals from office. As Commissioner, he had identified himself with the virtually unfettered prerogative power of the King as the means of retaining his favour and popularity at Court; a military officer who had once fought for the covenanters before attaching himself to the royalist cause in the 1650s, he had been ennobled only in 1656, and was backed by the Earl of Clarendon, the powerful English Chancellor, a conservative Anglican with no time for Scottish interests or concerns.⁸⁶ To protect this alliance, and to retain favour with the King, Middleton had whole-heartedly embraced political reaction as his own. He also had to reward those individuals who crowded around him and provided active support in the expectation of recompensive favour. After the Restoration Scottish offices of state had been distributed among the loyal and favoured, but this left many unsatisfied, a situation which led to vicious factional intrigue. The main targets for Middleton were Secretary Lauderdale, and Treasurer Crawford-Lindsay, as well as the Justice-Clerk, Sir Robert Moray. The influence with the King that accompanied the position

of Secretary made it an obvious target. One of Middleton's main allies, Sir James Livingston, Earl of Newburgh, had been Clarendon's nominee for the post in 1660, and had remained ambitious. Sir George Mackenzie of Tarbet was likewise keen for preferment.⁸⁷ Lord Treasurer Crawford-Lindsay proved to be a relatively easy target, as he had made known his opposition to the reimposition of episcopacy on numerous occasions; his refusal to sign the Declaration cost him his position, but as early as July 1662 (two months before the act imposing the Declaration was passed) preparations were being made for his removal - there was, however, no immediate appointment of a replacement.⁸⁸ Lauderdale was much too politically agile to be caught by such direct measures. One alternative method of attack was to attempt to restrict his influence. The 'Act anent the children and posteritie of forfeited persons', passed on 9 September, rendered those guilty of violence against the King, or of rebellion, as well as their children and posterity, "incapable of his Majesties favour and...disabled to enjoy any honours, dignities, offices, lands, possessions or inheritance within this kingdome...". Anyone who petitioned or solicited the King for such people was to be punished as disloyal, and anything obtained on their behalf was to be declared void. This cynical piece of legislation was designed specifically to prevent Lauderdale moving the King on behalf of Archibald Campbell, son of the executed Marquis of Argyll, with whom the Secretary had forged an alliance of convenience.⁸⁹

There was also an attempt to have Lauderdale removed by the innovative means of secret parliamentary ballot. It was argued that a number of individuals who had been most active in the covenanting movement should be considered disloyal and precluded from occupying positions of public trust, and that Parliament should name the individuals with the final decision resting with the King. At Court, Mackenzie of Tarbet persuaded Charles to agree, by asserting that such a course was the desire of Parliament. It seems Tarbet actually brought two copies of the act of indemnity to London, only one of which contained the clause for exclusion, the other being used to divert Lauderdale. Back in Edinburgh it was then moved that Parliament should choose the individuals by 'billet', or secret vote. Despite uneasiness about this procedure on the part of some, even in the Articles, assurances that it was the King's preference and the presence of a supposedly influential royal favourite,

Charles Stewart, Duke of Lennox, an avaricious courtier who had allied himself with Middleton in the hope of sharing in the spoils, ensured acquiescence. After extensive lobbying and strong suggestions that the King was weary of his Secretary, Lauderdale was billeted by the Parliament.⁹⁰

In order to win the approval of the King for this, Lennox, Tarbet and another ally, William Crichton, Earl of Dumfries, travelled to London, but were met with a cool reception: Lauderdale had been forewarned by his agent in Edinburgh, William Sharp, brother of the archbishop, and had prepared the ground. An attack on the King's appointed servants by Parliament was unwarrantable. It seems Charles had imagined that some presbyterians would be excluded, but not his own Secretary. Middleton, who was in the west of Scotland in October 1662, was urged by his allies to go to Court to justify himself. Papers obtained by the Commissioner relating to the handing over of Charles I to the English in 1647, which were said to implicate Lauderdale, were to be used as a safeguard. At a packed meeting of the Scottish Council in London held in February 1663 in the presence of the King, Lauderdale attacked Middleton for abusing his power as Commissioner, by passing acts without the King's knowledge, and, indeed, acts contrary to his instructions. In particular, he focused on the procedure of billeting as a dangerous innovation, and asserted that the King's right of pardon had been infringed by the 'Act anent the children and posteritie of forfeited persons'. Lauderdale also criticised the heavy-handed and devious methods employed by Middleton and his allies. The Commissioner provided a spirited defence, stressing all that had been enacted in the interests of the Crown, and refuting specific charges such as that relating to the King's right of pardon, arguing that he had intended merely to protect the King from conniving traitors. However, it is clear that his position was very vulnerable. When he foolishly ordered that the Privy Council in Edinburgh delay a proclamation suspending the collection of the first half of the fines, contrary to the desire of the King (although there is some confusion regarding this episode), his position became untenable, and in the parliamentary session of 1663 he was replaced as Commissioner by the Earl of Rothes.⁹¹

The 'billeting affair' is one of the better known events of the Restoration period in Scotland, but its significance should not be exaggerated. The outcome was a change of personnel, not of policy. It demonstrated that Court intrigue was a dangerous game. Lauderdale's immediate problem was that Middleton had no shortage of backers at Court, while he remained unpopular among cavaliers and faced a barrage of slanderous rumours.⁹² However, the Secretary adopted a shrewd tactical approach. He concentrated on Middleton's abuses of the King's trust, and refrained from making a direct, personal attack. He also distanced himself from an attack on Clarendon in England by the Earl of Bristol, in order to show that he was unwilling to condone any such attack on the King's appointed servants.⁹³ Lauderdale ensured his political ascendancy by creating an image of himself as the ultimate servant, motivated not by his own interests but by those of his royal master. The legislation passed in the 1663 session proved that he was as capable of serving the King effectively as Middleton had been.

An inquiry ordered by the King into the 'billeting affair' was the excuse for Lauderdale to accompany Rothes to Edinburgh for the Parliament which met in June, leaving Sir Robert Moray to liaise with Charles in London. In Edinburgh, a committee consisting of Lauderdale and five others was appointed and their report condemned Middleton and Tarbet for their abuse of the King's authority, despite the delaying tactics of some of their friends. A report was sent to Charles. The acts relating to billeting (although not the Act of Indemnity or the Act of fines), and the offending clause in the act concerning the children and posterity of forfeited persons, were then repealed. A separate 'Act against treasonable actings' explicitly left the children of rebels dependent upon the King's mercy.⁹⁴ Lauderdale's victory was supreme. Distancing himself from the excesses of Middleton, who had Archibald Campbell thrown in prison the previous year on a spurious charge of leasing-making, he urged that the former Commissioner and Tarbet simply forfeit their places rather than face indictment for treason.⁹⁵

At the same time Lauderdale, aided by the new Commissioner Rothes, bolstered his royalist credentials. On the first day of the session he tightened Crown control of Parliament by reforming the means by which the Lords of the Articles were appointed. The procedure adopted was more stringent even than that utilized by Charles I. In 1633, all the clergy and

nobility together had chosen the gentry and burgesses; by the present act, however, the clergy chose eight noblemen, and the nobility eight bishops, and this group of sixteen selected the representatives of the other two estates. The efficacy of the measure was highlighted by the exclusion of five of Middleton's associates who had been members of the Committee in the previous session.⁹⁶ Lauderdale and Rothes also boosted their standing with royalists and High Church Anglicans in England, by passing an 'Act against separation & disobedience to Ecclesiastical Authority', which reaffirmed the episcopal settlement, urged the Privy Council to take action against dissenting ministers, and specified penalties for non-attendance at the parish kirk on a Sunday. In addition, it was ordained that all current office-holders throughout the country were to subscribe the Declaration before 11 November, thus tightening up the previous year's act. At forthcoming burgh elections, anyone who refused to sign it was not only debarred from office, but was to forfeit their trading privileges.⁹⁷

Another act expressed Lauderdale's long-term strategy for security, although at this stage the offer of a national militia of 20,000 foot and 2,000 horse was more rhetorical than practical. There had been tentative preparations for the organization of such a militia in 1661, but nothing had as yet been achieved (see above). Burnet states that Lauderdale had outlined his vision of a loyal nation-in-arms as early as 1660; certainly, however, it seems that the Secretary had identified the Crown's major problem in later seventeenth century Scotland - security.⁹⁸ The act listed proportions of soldiers to be supplied by the various shires of the kingdom, which were also to provide arms and 40 days' provisions. The King was to choose the senior officers, while organizational problems were remitted to the Privy Council. Crucially, it was ordained that this militia was,

to be in readinesse as they shall be called for by his Majestie to march to any parte of his dominions of Scotland, England or Ireland for suppressing of any forraigne invasion, intestine trouble or insurrection or for any other service whairin his Majesties honour, authority or greatness may be concerned....

This extraordinary clause made the proposed Scottish force - if it could be organized - an exciting prospect for the Crown. Although the Scottish militia was to employ the nobility

and gentry within the shires, there is no indication that the proposal was the result of pressure from Parliament itself; the idea had been discussed at Court in 1661, and had now been hijacked by Lauderdale as his own.⁹⁹

Once again, the proceedings of Parliament were not solely concerned with the powers of the Crown. Lauderdale and Rothes also had to be responsive to private concerns, as Middleton had been. The measures relating to public debt and interest relief for those forfeited by Cromwell have already been mentioned. In addition, there were many complaints about the collection of tax-arrears dating from the covenanting period. Lauderdale was the epitome of moderation, stating that, although he did not intend to hinder the collection of the sums ordained by Parliament, he was keen to stamp out abuses. It should be noted that he did not interfere with the rights of those who were to benefit from the arrears. Furthermore, he later intimated to the Duke of Hamilton that he hoped for some reward himself.¹⁰⁰ Nevertheless, the promise to deal with abuses must surely have been regarded with favour. In addition, after complaints about the proportions of excise payable, a statute was passed lowering the burden throughout the kingdom.¹⁰¹ There were also concessions to a protectionist lobby; in response to complaints from western shires, a duty was imposed on Irish corn imports. In addition, English protectionism was countered with the imposition of import duties. Lauderdale ensured that the King himself became arbiter of the problematic issue of Anglo-Scottish trade relations, with the passage of an act which granted him full control over the ordering of the country's trade and commerce, including the imposition and withdrawal of import duties.¹⁰² This act not only allowed the King some flexibility to deal with this matter, but added to the already impressive array of prerogative powers.

Although Rothes was the Commissioner, it is clear that Lauderdale was the prime mover behind the legislation of 1663, using Sir Robert Moray as an intermediary between himself and the King. He demonstrated that his own commitment to the prerogative was as great as Middleton's had been and also that he would do exactly as Charles ordered without abusing his position, thus distancing himself from what was characterised as the blatant avarice of the former Commissioner and his allies. The strategy was a total success. The King was overjoyed with the 1663 legislation, and the Secretary even managed to silence his critics at Court. Although Charles allowed Middleton a final chance to make himself heard, by the

end of the year the old soldier was finished in Scotland, and demitted his military positions.¹⁰³ The power struggle between the two royal servants originated in a shared desire for influence. Lauderdale did not initiate any policy changes in the wake of Middleton's demise; in fact, he merely continued in a similar vein, and for the same reason - to protect and enhance his position at Court. Both men exploited the essentially loyal mood of Parliament for their own benefit, although this is not to absolve the latter body from its own legislation. In 1663 Lauderdale was astonished at the attitude of the Parliament. Upon the repeal of an act passed in the previous session in favour of the Lord Lyon, he remarked,

heir it is observable what interest his Majesties Commissioner hath in our Parliament, for the last Commissioner caried this act, and now it was rescinded without one contrarie vote....¹⁰⁴

This attitude, bordering on contempt, developed into arrogant expectation when Lauderdale himself became Commissioner from 1669. This partly explains the aggressive policies pursued in Scotland until the end of his career.

Reaction in the three kingdoms

The loyalty of the Scottish Parliament was not unique, nor especially marked in a British context. In both Ireland and England, the mood of the elites in general can be regarded as similar to that in Scotland. The Irish Convention of 1660 and the Parliament which met from May 1661 were primarily concerned with the land issue; the massive transfer of land from catholic to protestant landowners during the wars and cromwellian occupation was a problem which in its scale was restricted to Ireland. The Act of Settlement of 1662, building on a royal declaration of November 1660, preserved the new distribution in general terms but allowed for the return of lands to former proprietors, with provisions for compensation, if a Court of Claims decided in their favour. The operation of this Court provoked opposition within Parliament, which was for the first time almost exclusively protestant, because it was seen to be favouring catholics. The situation was not helped by the attitude of the King, who favoured the restoration of some catholics and interfered to that effect,

and there were considerable practical difficulties. In 1663 Parliament voiced its concern in no uncertain terms, throwing out an 'Explanatory Act' intended by Lord-Lieutenant Ormond and the Irish Privy Council to deal with some of the problems. Yet it would be a mistake to regard this opposition as signifying disloyalty. The discovery of plans for a rising - Blood's plot, ironically implicating protestant radicals - in 1663, allowed the government to exploit fears of rebellion in Parliament, and the furore over the Court of Claims subsided, at least for the time-being.¹⁰⁵

Apart from this issue of land, the Irish Parliament consistently demonstrated its loyalty. Constitutionally, the country was restored to its pre-war position, with the return of 'Poyning's law' and control from London. Financial provision was fairly generous, while in religious terms, Parliament legislated against radicals and provided for the revived episcopal Church of Ireland.¹⁰⁶ Thus, despite the problems, the desire for stability ensured that the Irish Parliament, believing itself to represent a community at potential risk from native rebellion, was essentially loyal and conservative in its attitude. Nor was this mood restricted to protestants. Many catholic landowners looked to Charles to restore estates, or to provide protection. The catholic hierarchy was divided on the issue of the extent of the loyalty owed to the Crown, but there was no serious disruption. The main problem in terms of stability were the activities of 'tory' brigands; but in general the army was able to deal with this threat.¹⁰⁷

Stability was likewise the main concern in England, despite tensions between the King and the House of Commons over religious policy in 1662-3. The attitude of the Commons can be ascribed to an intense conservatism, which meant hostility to attempts at constitutional and religious innovation, even by Charles II, who hoped to win the loyalty of peaceful non-conformists by guaranteeing freedom from persecution by virtue of his prerogative. This desire led to his Declaration of Indulgence of December 1662, and the introduction of a bill in 1663 which was, however, dropped in the face of opposition within Parliament. The financial muscle of the Commons limited the King's freedom of movement. Historians, however, do not now regard these problems as fundamental, or as the outcome of deliberate constitutional aggression on the part of the Commons. The loyal mood of the Parliament was clear in 1664 when Charles was able to exploit fear of seditious plotting - as Ormond

had been able to do in Ireland - to win the repeal of the Triennial Act of 1641, which had continued to limit his powers. Parliament was largely Anglican, conservative and overwhelmingly loyal.¹⁰⁸

In general terms, this view can be extended to Scotland, although there was no widespread attachment to an episcopal church. The situation in Scotland was exploited by royal servants keen to bolster their own position. The tensions which appeared elsewhere were largely absent in the Scottish Parliament. This can be attributed partly to the greater control resulting from the revival of the Committee of the Articles. However, the opportunities for tension did not arise. There was nothing comparable to the land question in Ireland, nor did the King make any additional financial demands in 1662-3. The loyalty of the Scottish Parliament in the early years of the Restoration has to be regarded in the context of reactionary politics and attitudes prevalent throughout the British Isles.¹⁰⁹ It remained to be seen, however, whether the mood of Parliament was representative of the country in general; the first signs of active non-conformity in 1663 suggested that at least for some presbyterians, loyalty had its limits.¹¹⁰

The settlement enacted in the Scottish Parliament provided for the revival of executive control from London, precisely the situation which had led the covenanters to initiate parliamentary rule in 1640-1. Most of the decisions relating to the settlement were taken in London in discussions involving the King, Scottish advisers such as Middleton, Lauderdale, Crawford-Lindsay, Glencairn and Rothes, as well as other Court politicians like Clarendon, Albemarle, Ormond, and even the King's brother, James, Duke of York. Initially, prior to the first meeting of Parliament in January 1661, it would seem that Scottish affairs were discussed informally on an *ad hoc* basis. In 1661 this arrangement was formalised with the inclusion of Clarendon, Ormond, Albemarle and Edward Montagu, Earl of Manchester, in the Scottish Privy Council. Lauderdale was appointed a Councillor in England. The King's aim, therefore, seems to have been to establish an overlap of personnel in his governments. This overlap extended to Ireland: Albemarle was Lord-Lieutenant until 1662, when he was replaced by Ormond. Administration of the three kingdoms was to be kept formally separate, but the overlap in personnel was perhaps intended to allow collaboration, if necessary.¹¹¹

The Scottish Council meeting at Court guided legislative policy in Scotland. The Commissioner was answerable to the King: he followed general instructions agreed in London and had to account for his actions. Independent initiative was possible, in so far as there was no conflict with royal interests - precisely the argument presented by Middleton in response to Lauderdale's accusations in 1663. He had, for instance, passed the Act Recissory before official permission had been received, but the King was only fearful of any possible reaction: Middleton was able subsequently to justify the course taken. In fact it seems Middleton had hoped to perpetuate his influence with the establishment of a permanent advisory Council next to the King, although this proposal was ultimately dropped.¹¹² Lauderdale opposed the creation of a permanent Council in London, but this was largely because it would have been dominated by his rivals. His aim was to establish himself as the sole adviser to the King on Scottish affairs, although as the next chapter suggests, in practice the administration in Edinburgh, dominated by Rothes, possessed some independence from 1663-7 because the Secretary was willing to take a back-seat. Nevertheless, Lauderdale was clearly the key figure in Scottish politics, and his guiding principle was maintenance of an unchallenged position at Court; after the fall of Middleton, he apparently managed to exclude even Clarendon, previously the King's main adviser, from consultations on policy relating to Scotland.¹¹³

There is a view that Lauderdale remained at heart a presbyterian, and retained some of the covenanting principles of his youth.¹¹⁴ This hardly corresponds with his actions or the reality of his policies after 1663, or more particularly, after 1667; these are investigated in subsequent chapters. He had identified himself with the interests of the Crown in order to safeguard his own career; everything else was of secondary importance. Like Middleton, he exploited the loyalty of the Parliament for his own ends, pushing through legislation which extended the prerogative in an unprecedented manner. Consequently, what can be described as the structural anomaly of the regal union was revived: there were no effective checks on the power of a monarch whose primary concern was his larger and more powerful kingdom of England. A decade later this problem was addressed by a pamphleteer, said to be Sir James Stewart of Goodtrees, whose polemical aim was to present a sweeping criticism of Lauderdale's ministry.¹¹⁵ He started his pamphlet by stressing how loyal the Scottish

Parliament had been after the King's return; subsequent events suggested that it had been unwise to part with all of the powers gained during the 1640s. The emphasis on loyalty can be regarded as a means of justifying the criticism of Lauderdale's policies developed in the rest of the pamphlet; but it also supports the argument presented in this chapter. According to the pamphleteer, there were some who had felt that the legislation of 1661-3 went too far. The events of the next ten years had confirmed this pessimistic view.

Conclusion

The return of Charles II from exile in 1660 was welcomed by most of the elites throughout the British Isles because monarchy appeared to offer stability, in the absence of viable alternatives. The Restoration settlement of 1661-3 in Scotland reflected the essential loyalty of the Parliament; the constitutional revolution of 1640-1 was swept aside in a wholesale attack on covenanting ideology, while episcopacy was restored as the form of church government most compatible with monarchical authority. Executive power was personified by the King himself, with a minimal role for the legislature, although the consent of Parliament was still required for additional grants of taxation. The holding of office in Scotland was made conditional upon public testimony of acquiescence in the constitutional and religious order. This settlement can be described as conservative, but also dynamic and aggressive. Provisions for military security indicate that the Crown was not prepared to err on the side of complacency: the country's first peacetime standing army proved ultimately to be the most important innovation of the period, a disruptive, rather than a stabilizing, force.

Parliament also provided for the reinvigoration of the traditional social hierarchy, and the return of the structures of local power which reflected it - in particular, the dominant position of the nobility was restored, along with their heritable jurisdictions. In addition, there were numerous financial provisions designed to benefit groups such as debtors, or individuals. Impoverished landowners petitioned the Crown for assistance: such pecuniary difficulties undoubtedly contributed to the willingness of the Parliament to countenance the demands of the King. The annuity of £480,000 granted to Charles II, to be composed mostly of excise from brewing, highlighted the strength of the landed interest; this did not,

however, prevent the government demanding additional taxes a few years later. Political favour - a key way to replenish depleted fortunes - depended upon the ability to serve the interests of the Crown. This is amply demonstrated by the fortunes of the two most prominent politicians during these early years, the Earls of Middleton and Lauderdale. In crude terms, their rivalry developed into a contest to see which of them could best serve their royal master. Indeed, commitment to the maintenance of royal power as the means of preserving his own position remained the underlying principle of Lauderdale's administration for over fifteen years. Yet it is important to realise that Parliament itself had consistently displayed its loyalty to the Crown. There was very little in the way of serious opposition to the trend of legislation. The settlement of 1661-3 represented a conservative reaction to the disorders of the previous two decades. The Restoration witnessed a rapprochement between Crown and elites in Scotland. It remained to be seen whether it would last.

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²². *APS*, vii, 16; Bagwell, *Ireland under the Stuarts*, iii, p. 10; Jones, *Charles II*, pp. 51-2, 54; Hutton, *Charles II*, pp. 162-3; P. Seaward, *The Restoration, 1660-1688* (London, 1991), pp. 2-7, 27-30; Buckroyd, *Church and state*, pp. 20-1.

²³. *APS*, vii, pp. 16, 18; Bagwell, *Ireland under the Stuarts*, iii, p. 19; Jones, *Charles II*, p. 58. Burnet claimed that the presbyterians in Scotland had already been alarmed by the implications of the act which granted to the King the sole right to make treaties with foreign powers - this appeared to condemn the Solemn League and Covenant of 1643, concluded without the consent of Charles I. See his *History*, i, p. 212.

²⁴. *APS*, vii, p. 8; Burnet, *History*, i, pp. 193-4.

²⁵. Buckroyd, *Church and state*, pp. 26-9; Davies and Hardacre, 'Restoration', pp. 40, 43-4.

²⁶. *APS*, vii, p. 30; *A source book of Scottish history*, iii, pp. 133-39; Macinnes, 'The Scottish constitution', pp. 125-6.

²⁷. *APS*, vii, p. 35.

²⁸. Macinnes, 'The Scottish constitution' pp. 109-112. See also M. Steele, 'The 'Politick Christian': the theological background to the National Covenant', in Morrill, *The Scottish National Covenant*, pp. 41-4, 54-8.

²⁹. *APS*, vii, pp. 44-5, 162-3, 272-3, SRO GD 90/2/260 Instructions to Middleton, 10 June 1661.

³⁰. For examples of this rhetoric, see the preambles to many acts of the 1661-2 sessions.

³¹. Burnet, *History*, i, pp. 195, 234. References for the Declaration of Indulgence, see footnote 108. For the government's military policies from 1662, see chapter 4.

³². *APS*, vii, pp. 86-88. Most writers state simply that the Act Recissory annulled all legislation passed since 1633, which is not strictly true. It has been noted that "there was no general annulment of acts passed in 1650-1 when Charles II was present in Parliament." D. Stevenson, *Revolution and counter-revolution in Scotland, 1644-1651* (London, 1977), p. 243. This is true, but the repeal of the Triennial act in January 1661 had in fact removed the legal basis for all subsequent Covenanting Parliaments. Between March 1648 and June 1651 there were eight sessions of the second Triennial Parliament, see *APS*, vi, part ii, pp. 3, 124, 377, 555, 562, 608, 640, 667, vii, pp. 10-11 (and see preface to vol. vii). Presumably, the 1650-1 sessions were not mentioned because Charles II had himself been present; however, the authority of the Parliament continued to rest on the Triennial act (and related legislation).

³³. Buckroyd, *Church and state*, pp. 33-4; Hutton, *Charles II*, pp. 161-2.

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- ³⁴. Burnet, *History*, i, p. 213; Patrick, 'A union broken', p. 123.
- ³⁵. *Calendar of the Clarendon state papers*, v, p. 85; Buckroyd, *Church and state*, p. 34; *HMC, Calendar of the Mss of the Marquess of Ormond preserved at Kilkenny Castle* (New series, 1904) [hereafter *HMC, Ormond*], iii, p. 52; Jones, *Charles II*, p. 57.
- ³⁶. Buckroyd, *Church and state*, pp. 35-40; *APS*, vii, 197, 204-5; NLS Mss 25382/3-4; 25383/96; Burnet, *History*, i, pp. 217, 219; *RPCS*, i, p. 1.
- ³⁷. Hutton, *Charles II*, pp. 149-50, 161-2, 178-80. The statute which accompanied the Act Recissory left the final decision to the King.
- ³⁸. *A source book of Scottish history*, iii, pp. 134-39; Burnet, *History*, i, p. 216.
- ³⁹. A similarly qualified indemnity clause, and guarantees for private rights, were included in the act annulling the 1649 Parliament, *APS*, vii, pp. 31-2, 87, appendix, p. 81.
- ⁴⁰. SRO GD 406/M9/148; Sir George Mackenzie of Rosehaugh, *Memoirs of the affairs of Scotland from the Restoration of King Charles II*, (ed) T. Thomson (Edinburgh, 1821), pp. 28-9; Burnet, *History*, i, pp. 213-6.
- ⁴¹. J. Willock, *The great Marquess: life and times of Archibald 8th Earl, and 1st Marquess, of Argyll* (Edinburgh and London, 1903), p. 301-334; Burnet, *History*, i, pp. 220-8; Mackenzie, *Memoirs*, pp. 34-9; NLS Ms 25380/64; Hutton, *Charles II*, pp. 141-2, 171-2.
- ⁴². NLS Ms 25382/2.
- ⁴³. Willock, *The great Marquess*, pp. 301, 311.
- ⁴⁴. Mackenzie, *Memoirs*, p. 19; Burnet, *History*, i, p. 217; Buckroyd, *Church and state*, p. 40; Patrick, 'A union broken', p. 124.
- ⁴⁵. SRO GD 90/2/260 Instructions to Committee of Estates, 20 August 1660, Proclamation, October 1660; *LP*, i, pp. 39-40; *APS*, vii, pp. 31, 87, 346-7; Hutton, *Charles II*, pp. 140-1; Jones, *Charles II*, p. 47. Rothes wrote in 1665 that the indemnity had been "the rod over many heads", but he was trying to persuade Lauderdale about the difficulties they faced in obtaining money from a Convention of Estates; he did not mention the fact that Parliament sat in 1663, after the passing of the indemnity, *LP*, i, p. 211.
- ⁴⁶. Burnet, *History*, i, p. 226.
- ⁴⁷. This settlement and government finances generally are discussed in chapter 3.
- ⁴⁸. *APS*, vii, pp. 326-7.
- ⁴⁹. *APS*, vii, p. 88.

- ⁵⁰. J. Childs, *The army of Charles II* (London, 1976), p. 196; Buckroyd, *Church and state*, pp. 38, 40; Mackenzie, *Memoirs*, p. 24.
- ⁵¹. Burnet, *History*, i, pp. 194-5; Mackenzie, *Memoirs*, p. 24; BL Add Ms 23116/86; NLS Mss 25382/1-2; 25383/91-2. For Monck's influence as a result of his army power base, see Childs, *The army of Charles II*, pp. 7-8, 30, 40.
- ⁵². SRO GD 90/2/260 Instructions to Committee of Estates, 20 September & 5 October 1660, Instructions to commissioners for Managing the Excise, 8 October 1660; *Calendar of the Clarendon state papers*, v, pp. 73, 204; Davies and Hardacre, 'Restoration', pp. 34-5; B. Lenman, 'Militia, fencible men and home defence, 1660-1797', in N. Macdougall (ed), *Scotland and war AD 79-1918* (Edinburgh, 1991), p. 172. There were also practical problems, such as razing the forts, see *RPCS*, i, pp. ix-xi, 6-7, 96-7, 125, 127, 148-9.
- ⁵³. The English Convention Parliament had voted money to pay off Cromwell's army in England; in Ireland fear of the native populace outweighed that of discontented soldiers. See Jones, *Charles II*, pp. 46-7; J. C. Beckett, 'The Irish armed forces, 1660-1685', in J. Bossy & P. Jupp (eds), *Essays presented to Michael Roberts* (Belfast, 1976), p. 42.
- ⁵⁴. *RPCS*, i, pp. x-xi, 16, 69-70, 77, 81, 100, 112, 114-5, 120. The Council met from July 1661.
- ⁵⁵. *LP*, i, p. 32. John Erskine, Earl of Mar reiterated this view in March 1661, requesting in a petition to Lauderdale that the English soldiers in Stirling Castle be replaced by Scots, (Mar was Governor of Stirling) BL Add Ms 23115/98. It has been remarked that the 1660 petition, "should certainly not be construed as a request for the creation of a substantial Scottish national standing army". It is true that government by military was eschewed, even despised; yet the (admittedly meagre) evidence supports the view that a small force for purposes of security was regarded as necessary, see Lenman, 'Militia, fencible men', p. 172. Moreover, the pursuit of military commissions by many noblemen throughout the reign contradicts the view that there was any aversion to standing forces, see chapter 2.
- ⁵⁶. Burnet, *History*, i, p. 207; C. Dalton, *The Scots army 1661-1688* (London and Edinburgh, 1909), part 1, p. 8; L. B. Taylor (ed), *Aberdeen Council Letters [ACL]*, vol. iv, 1660-1669 (London, 1954), pp. 110, 112, 142; Mackenzie, *Memoirs*, p. 30.
- ⁵⁷. BL Add Mss 23116/41, 43, 69; 23119/174; NLS Ms 25383/93, 99; SRO GD 90/2/260 Instructions and Warrant to Middleton, 10 June 1661; *APS*, vii, pp. 13, 205; J. P. Kenyon (ed), *The Stuart constitution 1603-1688* (Cambridge, 1966), p. 374.
- ⁵⁸. See f. 39 above; *APS*, vii, pp. 62-3; Kenyon, *The Stuart constitution*, pp. 371-4. The act annulling the 1649 Parliament also declared that changes to parish boundaries and ministerial stipends were valid, pending inquiry by a Commission for plantation of kirks to be appointed by Parliament.
- ⁵⁹. It is not at present known whether many private complaints arising from these acts were pursued in law; this would require a systematic study of the available sources. However, there does not seem to have been any serious disruption.

- ⁶⁰. BL Add Mss 23114/77; 23115/77; *APS*, vii, pp. 33, 118, 189. Some heritable courts actually continued to meet during the Cromwellian occupation, Stevenson, 'Cromwell, Scotland and Ireland', pp. 170, 177. There was pressure in 1660 for a full restoration of traditional rights, NLS Ms 597/50.
- ⁶¹. For the commissioners of the excise, see *APS*, vii, pp. 88-95; Stevenson, *Revolution and counter-revolution*, p. 243.
- ⁶². K. Brown, 'Noble indebtedness in Scotland between the Reformation and the Revolution' (*Historical Research*, 62, 1989), p. 260.
- ⁶³. *Ibid.*, p. 275; Macinnes, 'The Scottish Constitution', p. 128; NLS Ms 597/19, 21, 22-3, 50-1, 52; Stevenson, 'Cromwell, Scotland and Ireland', pp. 168-9.
- ⁶⁴. *LP*, i, p. 40; BL Add Mss 23115/100; 35125/69; J. D. Marwick (ed), *Extracts from the records of the Convention of the Royal Burghs of Scotland [RCRB], 1615-1676* (Edinburgh, 1878), pp. 496-8, 502, 511; *APS*, vii, pp. 317-20, 430. In order to take advantage of the act, the debtor had to declare in the presence of a Lord of Session before November that the value of the debt exceeded the equivalent of four years rent.
- ⁶⁵. *APS*, vii, pp. 29, 102-3, 163-4, 197-8, 204, 231-3, 367, 391; P. Hopkins, *Glencoe and the end of the Highland war* (Edinburgh, 1986), p. 40.
- ⁶⁶. Suspensions upon execution for these debts were regranted in 1662, 1663, 1669 and 1672. They were eventually discharged in 1681, on condition that the debtor took the Test, *APS*, vii, pp. 313-4, 430, 501, 578, viii, pp. 98, 355-6.
- ⁶⁷. *Ibid.*, pp. 294-5, 377, 392, 468-9.
- ⁶⁸. *Ibid.*, pp. 167-8, 299-300, 321-4, 385, 387-8, 389-90, 409-10. The 'cess' was derived from the assessment first introduced by the Covenanters. Each shire and burgh had to pay a monthly proportion: valuation and collection were organised locally. When the Crown did make fresh demands for direct taxation, in 1665 and 1667, there were disputes about whether it should be raised by cess or by the traditional method of valuation based on poundlands of old extent; see chapter 5, pp. 199-202.
- ⁶⁹. *APS*, vii, pp. 321-4. Middleton also received a considerable amount of money as Commissioner to Parliament, and there is strong evidence that he was involved in embezzlement of the excise, which was supposed to pay the standing army, see chapter 3, pp. 107-9.
- ⁷⁰. *LP*, i, pp. 55-6, 98; BL Add Ms 23116/51.
- ⁷¹. BL Add Ms 23116/27, 105. Rothes did not believe that these two men were sufficiently repentant, *LP*, i, p. 14; BL Add Ms 23115/85.
- ⁷². See chapter 3, pp. 111-2.

⁷³. *APS*, vii, pp 370-4; Buckroyd, *Church and state*, pp. 41-5; Cowan, *The Scottish covenanters*, pp. 53-5; Seaward, *The Restoration*, pp. 48-9.

⁷⁴. *APS*, vii, pp. 3-5, 368-9, 446-7. These comments on attendance are based mostly on the parliamentary rolls. These are not always very reliable, and further research may reveal some discrepancies.

⁷⁵. *Ibid.*, pp. 5, 369-70, 371-2, 447-8; BL Add Ms 23119/159.

⁷⁶. *APS*, vii, pp. 372-4.

⁷⁷. *Ibid.*, pp. 199-200, 376-7.

⁷⁸. Buckroyd, *Church and state*, p. 46.

⁷⁹. *APS*, vii, pp. 377-9.

⁸⁰. C. G. Robertson (ed), *Select statutes, cases and documents to illustrate English constitutional history, 1660-1832* (London, 1919), pp. 19-24.

⁸¹. *APS*, vii, pp. 405-6. A separate act dealt with the Scottish universities, and ordained the compliance of the ministry with episcopal discipline, *APS*, vii, p. 379.

⁸². Macinnes, 'The Scottish constitution', pp. 115, 119, 125-7; *A source book of Scottish history*, iii, pp. 116-7.

⁸³. *APS*, vii, pp. 415-6.

⁸⁴. *LP*, i, pp. 39-40, 103-5; *Calendar of the Clarendon state papers*, v, p. 85; NLS Ms 25383/97.

⁸⁵. *APS*, vii, pp. 420-429; Mackenzie, *Memoirs*, pp. 65-6; Burnet, *History*, i, pp. 258-9, 262-3. The nobles were the Earls of Lothian and Loudoun, and Lords Borthwick, Balmerino, Coupar, Ruthven, Burghlie and Rollo. It should be noted that the first six of these men did not attend the 1663 session.

⁸⁶. *Scots Peerage*, vi, pp. 183-4; Mackenzie, *Memoirs*, pp. 5-8, 24; *Calendar of the Clarendon state papers*, v, p. 72; Buckroyd, *Church and state*, pp. 21; Patrick, 'A union broken', p. 120.

⁸⁷. Mackenzie, *Memoirs*, p. 8; *LP*, i, pp. 105, 114-5, 117-8.

⁸⁸. Mackenzie, *Memoirs*, pp. 64-5; *Calendar of the Clarendon state papers*, v, p. 244.

⁸⁹. *APS*, vii, pp. 417-8; *LP*, i, p. 113; Mackenzie, *Memoirs*, pp. 37-9; Hopkins, *Glencoe*, p. 40.

⁹⁰. Mackenzie, *Memoirs*, pp. 66-70, 73-4, 76; *LP*, i, pp. 106, 108-9, 110-3; Burnet, *History*, i, pp. 260-4.

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- ⁹¹. Mackenzie, *Memoirs*, pp. 76-113; *LP*, i, pp. 114-5, 117-9, 125-8, 130, 132-3; *Calendar of the Clarendon state papers*, v, pp. 299-300; Burnet, *History*, i, pp. 264-6, 359-64; *RPCS*, i, pp. 329-31, 336. For much of the detail relating to the 'billeting affair', see also BL Add Mss 23118/15-22; 23119/9-19, 23-5, 111-143; 23120/102-6, 140-5.
- ⁹². Mackenzie, *Memoirs*, pp. 69-70; Burnet, *History*, i, p. 360; *Calendar of the Clarendon state papers*, v, pp. 275, 374; BL Add Mss 23119/84, 86, 89; 23120/57.
- ⁹³. *LP*, i, 136, 146-7, 151, 158, 160; Burnet, *History*, i, pp. 350-2; Jones, *Charles II*, pp. 64-5.
- ⁹⁴. *APS*, vii, pp. 450-1, 458-61, 463-4, 471-2; *LP*, i, pp. 138-41, 144-5, 164-5, 176.
- ⁹⁵. *LP*, i, pp. 166-72; Burnet, *History*, i, pp. 261-2. Mackenzie of Tarbet had been made an Extraordinary Lord of Session earlier in 1662, see chapter 2, p. 58.
- ⁹⁶. *APS*, v, pp. 9-10, vii, p. 449; BL Add Ms 23119/56, 99-100; *LP*, i, pp. 137-8. The five were Dumfries, Mackenzie of Tarbet, Sir Gilbert Ramsay of Balmain, Sir John Urquhart of Cromarty, and Sir John Bell of Hamilton Ferme, Provost of Glasgow.
- ⁹⁷. *APS*, vii, pp. 455-6, 462-3; *LP*, i, p. 162; BL Add Ms 23119/159. See Chapter 4 for the emergence of active dissent.
- ⁹⁸. *APS*, vii, pp. 480-1; Burnet, *History*, i, pp. 195-6.
- ⁹⁹. For another view, see Lenman, 'Militia, fencible men', pp. 173-4. Lenman regards the proposal as somehow coming from 'the nobility', without being more specific. He does not mention the proposals of 1661. The militia was not in fact organized until 1668-9, as one of the reforms initiated by Lauderdale after the second Dutch war.
- ¹⁰⁰. *LP*, i, pp. 159-60; SRO GD 406/1/2676.
- ¹⁰¹. See chapter 3, p. 110.
- ¹⁰². BL Add Ms 23119/159; *APS*, vii, pp. 463, 503-4. For Anglo-Scottish trade disputes, see chapter 3, p. 112.
- ¹⁰³. *LP*, i, pp. 178-9, 182, 184, 191; NLS Ms 25382/27, 32; Burnet, *History*, i, p. 368; Hutton, *Charles II*, pp. 205-7.
- ¹⁰⁴. BL Add Ms 23119/93; *APS*, vii, p. 458.
- ¹⁰⁵. K. Bottigheimer, 'The Restoration land settlement in Ireland: a structural view' (*Irish Historical Studies*, xviii, no. 69, March 1972), pp. 1-19; Bagwell, *Ireland under the Stuarts*, iii, pp. 13-50; Hutton, *Charles II*, pp. 147-8, 173-5, 196-7, 200-1, 207-8.

¹⁰⁶. Simms, 'The Restoration', pp. 434-9; T. W. Moody, 'Introduction: early modern Ireland', in *A new history of Ireland, III*, pp. xlv-xlvii; Beckett, 'The Irish armed forces', pp. 43-4; J. I. McGuire, 'The Dublin Convention, the protestant community and the emergence of an ecclesiastical settlement in 1660', in A. Cosgrove and J. I. McGuire, *Parliament and community (Historical Studies, xiv, Belfast, 1983)*, pp. 127-40. For some further discussion of Irish and English finances, see chapter 3, pp. 119-20.

¹⁰⁷. Simms, 'The Restoration', pp. 29-30; Bagwell, *Ireland under the Stuarts*, iii, pp. 51-65; Beckett, 'The Irish armed forces', pp. 45-6.

¹⁰⁸. *Select statutes, cases and documents*, pp. 34-53; Hutton, *Charles II*, pp. 168-170, 180-4, 194-5, 197-8, 210-3; Jones, *Charles II*, pp. 58-61.

¹⁰⁹. This view has been put forward by one writer at least, discussing England and Ireland, McGuire, 'The Dublin Convention', p. 140.

¹¹⁰. See chapter 4. The emergence of active non-conformity had at least partly precipitated the legislation of the 1663 session described above.

¹¹¹. *Calendar of the Clarendon state papers*, v, p. 88; *RPCS*, i, pp. 1-4.

¹¹². Mackenzie, *Memoirs*, p. 52-3, 70, 72-3, 130; Burnet, *History*, i, pp. 202-3.

¹¹³. NLS Ms 7023/34.

¹¹⁴. Buckroyd, *Church and state*, passim; Hutton, *Charles II*, p. 161.

¹¹⁵. NLS, Sir James Stewart of Goodtrees (?), *An account of Scotland's grievances by reason of the duke of Lauderdale's ministry, humbly tendred to his Sacred Majesty* (1674 ?). I am not sure why this pamphlet has been attributed to Goodtrees; but the date of 1674 is more or less accurate.

Chapter 2

A tale of two capitals: the government of Scotland, 1661-c.1681 ¹

Introduction

This chapter is concerned with a basic question: who composed the government of Scotland after the Restoration? This is, of course, largely a matter of personnel. The leading politicians of the period are familiar enough: Middleton, Lauderdale, Rothes, Tweeddale, and James Sharp, are men who feature even in the most general histories of the country. Yet such men, though among the most important in terms of influence, did not alone form the government. Very little is known about the others who sat on the Privy Council, the kingdom's central executive body, which was re-established in July 1661 with its traditionally omnicompetent jurisdiction. The Council remained the key government body within the northern kingdom, thus the bulk of the present discussion is concerned with attendance there, and the political allegiances of Councillors. Particular attention is focused on the significance of faction in the 1670s, as serious opposition to the Secretary, Lauderdale, began to emerge. It is argued that, at least at certain times, it is not possible to equate the Council with the government; rather, the latter had to work within the former. In fact, such were the problems faced by Lauderdale as a result of opposition within the Council that he was forced to purge it twice, in 1674 and 1676, in an attempt to establish political control. Deciding which individuals constituted the government at any given time is therefore less straightforward than it might appear at first sight.

The role of patronage is also examined, and is revealed to be one of the key factors which determined allegiance. The overlap in personnel between the Council and other bodies such as the Court of Session and the Treasury Commission is considered; this provides a clear guide to political favour. In addition, the military as a source of patronage is stressed, complementing the analysis of the army's role contained in other chapters.² Attention is also focused on the relationship between the Court in London and the administration in Edinburgh; this was clearly problematic, and of the utmost importance if we are to understand the nature of Scotland's government. It is a fact that, by the end of the period under consideration, the battle for political influence between Lauderdale and his enemies was concentrated on the Court, in the absence of opportunities for the opposition in Council or Parliament. It is suggested that this geopolitical shift had considerable implications for the future government of Scotland.

An uneasy balance, 1661-7

As noted in the previous chapter, the major decisions relating to the legislation of the Scottish Parliament during the years 1661-3 were taken at Court in London, although independent initiatives were certainly possible. Middleton, the influential Commissioner, travelled regularly to the English capital, and indeed apparently suggested that a permanent Scots Council be established there. His great rival, Lauderdale, was ordinarily resident in London as Scottish Secretary, a fact which was of immeasurable benefit to him during the controversy over the 'billeting affair'. As such, it would seem to be incontestable that the key to influence lay with the King at Court. What of the administration in Edinburgh, however, which would be responsible for enforcing the parliamentary settlement? After choosing his officers of state and other officials, the most important act of the King in this respect was the selection of his Privy Councillors.

The commission of February 1661 (the Council did not meet until July) listed 37 nobles and 12 lairds.³ This fact alone would seem to reflect the aristocratic ethos of the Restoration. Virtually all of the Councillors were conservatives or royalists, or had participated in the fight against Cromwell (the Earl of Cassillis was the exception, but his refusal to take the

oath of allegiance rendered him incapable of holding public office and he never actually sat on the Council in Edinburgh).⁴ As such, this was a fairly partisan commission, more so than is normally considered; although many had sided with the covenanters at some point, none of the most influential of the latter were included; the exclusion of the Earls of Lothian and Loudoun, much to Rothes's satisfaction, demonstrates this point.⁵ Lauderdale was apparently accused in Scotland of packing the Council with too many of his own friends, but in a letter to Chancellor Glencairn, he seems to imply that the latter had compiled the list; the Secretary had added only the President of the Session, Sir John Gilmour of Craigmillar, who was certainly one of his associates.⁶

It is interesting that, of the Committee of the Articles appointed in Parliament in 1661, all of the nobility, four of the shire commissioners and one burgh commissioner, Sir Robert Murray of Cameron, Provost of Edinburgh, were included on the Council. They were joined by Sir George Mackenzie of Tarbet in June 1662, while another two of the shire commissioners were made Lords of Session; Sir Peter Wedderburn of Gosford became Clerk to the Council. There would seem thus to have been a relatively small clique of the politically favoured.⁷ Many of these men were in fact part of the dominating 'inner core' of the Council during the years 1661-3, and it is arguable that most of these were associated with Middleton.⁸ The Commissioner himself did not attend the Council very regularly; the latter half of 1662 accounted for 21 of his total of 30 appearances. This was the period of the attempted implementation of the more vindictive aspects of the church settlement, with which his name is most associated, but it is also possible that he would have continued to attend if he had not been forced to return to Court to meet Lauderdale's challenge.⁹

Middleton's main associates in the Council sitting in Edinburgh seem to have been Glencairn, William Douglas, Earl of Morton, who married the Commissioner's eldest daughter in June 1662, Sir John Fletcher of New Cranston, Lord Advocate, and Sir Archibald Primrose, Clerk Register. Sir Robert Murray was allegedly involved in the engineering of the 'billeting affair' in Parliament, while James Johnstone, Earl of Annandale, and James Carnegie, Earl of Southesk were said to have been among the Secretary's enemies; there is also evidence of Middleton and Newburgh petitioning Clarendon on behalf of the Earl of Dundee, which suggests that they at least hoped for his support in return

(although his attendance was a little erratic). Thus, eight of the 'inner core' of the Council allied themselves with the Commissioner, or can be seen to have had reasons to do so.¹⁰ At the same time, some of the Commissioner's allies, for instance, Newburgh, Lennox and Dumfries, did not attend the Council very regularly at all; Mackenzie of Tarbet appeared consistently only for a period of just over a year from mid-1662.¹¹ In addition, other members of the 'inner core', such as Rothes, George Livingston, Earl of Linlithgow, Sir Alexander Falconer, Lord Halkerton, John, Lord Sinclair, Sir John Gilmour, and Sir James Lockhart of Lee, were not noticeably linked with Middleton.

It is also worth noting that attendance for many was fairly irregular. Although by 1663 over 50 individuals were entitled to attend, meetings were usually attended by considerably less than half that number; indeed, there are many instances when fewer than 12 turned up. On 22 April 1662, the Council was inquorate, with only 6 bothering to show their faces. In November of the same year, there were attempts to convince absent Councillors to attend.¹² Conversely, there were times when numbers markedly increased. The biggest attendance of 1661 was on 5 September, when Glencairn, Rothes and others arrived from Court with instructions to proclaim the intention to restore episcopacy, an event of obvious significance.¹³ The most sustained period of high attendance was during the months from June to October 1663, roughly the period of the parliamentary session of that year; and indeed, the period of Lauderdale's stay in the country.¹⁴ Thus, many Councillors, particularly nobles, were not ordinarily concerned with the more mundane aspects of administration, and surely cannot be regarded as forming part of the government as such.

Although the 'billeting affair' led to Middleton's dismissal from office in 1663-4, ultimately there was little in the way of repercussions for his associates on the Council. Glencairn retained his place as Chancellor but died the following year. Sir John Fletcher was replaced as Lord Advocate in November 1664 by Sir John Nisbet of Dirleton, an adviser of Lauderdale; this change was ostensibly the result of bribery charges brought against Fletcher, but the Secretary was hinting to Primrose about such a change as early as January. The charges were possibly intended to frighten Middleton's ally into demitting his place.¹⁵ The Earls of Morton, Annandale, and Dundee attended far less over the next few years, but remained as Councillors. Sir Archibald Primrose and Sir Robert Murray likewise did not

suffer for their association with Middleton, and continued to attend regularly. Indeed, Lauderdale was at pains to court Primrose, possibly as a result of the latter's status as the man responsible for drawing up Parliament's legislation, or because of the importance of the position of Clerk-Register.¹⁶ Others who had featured prominently continued to do so: Rothes, who had succeeded Middleton as Commissioner in 1663, Sir John Gilmour, Linlithgow, Halkerton, Sinclair, and Lockhart of Lee. This continuity of personnel can be attributed to Lauderdale's desire to avoid causing resentment or disquiet; although he had emerged victorious from the bout with Middleton, the episode had been a warning about the potential dangers of factional intrigue. His attitude was therefore cautious, and his strategy involved an element of compromise; this distinguished the Secretary from Middleton. Consequently, the suggestion by Sir Robert Moray, Lauderdale's ally in London, that the Council and Exchequer be reconstituted, was ignored.¹⁷

In addition, however, Lauderdale introduced his own men into the Council in order to establish a firmer powerbase. During the years 1663-4, Charles Maitland of Hatton, the Secretary's brother, James Sharp, Archbishop of St Andrews, Sir John Home of Renton, Justice-Clerk, Archibald Campbell, Earl of Argyll, as well as Nisbet, were all appointed to the Council.¹⁸ These men were associated to some extent with Lauderdale, and all came to feature within the 'inner core' of Council members who attended most frequently, although Argyll's attendance rate tended to fluctuate. There was thus a fairly strong caucus of Lauderdale's allies as a result of these changes. It is worth noting that Hatton, Renton, Nisbet, Wauchope of Niddrie, and Craigmillar, along with Rothes and John Hay, Earl of Tweeddale, all concerned themselves with Lauderdale's private affairs.¹⁹ Part of Lauderdale's strategy, therefore, seems to have been to make use of some of the most prominent of a network of south-eastern lairds. Indeed, throughout this period, it is noticeable that many 'lesser' men played a prominent role. Most of these gentry were legal officers of state, although there were others such as the Provost of Edinburgh, or Sir John Wauchope of Niddrie, who were not. Thus, if the Council's commission had seemed to reflect the aristocratic ethos of the Restoration, the actual work of government fell almost as much to prominent lairds as to the high nobility. Moreover, the inclusion of men with legal expertise indicates that the close relationship between executive and central judiciary, temporarily separated by Charles I, was to be restored.²⁰

We can probably add Lord Bellenden, the Treasurer-Deputy, to the list of the Secretary's allies within the 'inner core' for the period 1663-7.²¹ It is also significant that John Hay, Earl of Tweeddale, attended the Council regularly; again, he was friendly with Lauderdale, not least perhaps because of the latter's role in securing his freedom from the punishment of banishment to his estate (after initial imprisonment), which had been imposed by Middleton, ostensibly because Tweeddale had attempted to mediate for James Guthrie's life.²² By 1667, Tweeddale had considerable experience of public affairs. More immediately, it is clear that the Secretary had increased substantially his influence on the Council in Edinburgh, without alienating the other Councillors who had been prominent since 1661. A secure powerbase on the Council helped to bolster his own position at Court; the establishment of a loyal administration in Edinburgh, and his control of communications as Secretary, meant that there existed the potential to maintain a firm grip on Scottish affairs.

In another important area there were changes of personnel. Six of the Councillors who composed the 'inner core' during the period of Middleton's ascendancy were also members of the Court of Session, as were Lauderdale, Sir Robert Moray and the Earl of Crawford-Lindsay, Lord Treasurer until 1662. Mackenzie of Tarbet, the Commissioner's ally, had been appointed an Ordinary Lord and Middleton himself replaced Cassillis as an Extraordinary Lord in July 1662. This overlap of personnel was the first indication of the political link between the executive and central judiciary. In 1663-4 Sir John Home of Renton, Justice Clerk, Tweeddale, Alexander Burnet, Archbishop of Glasgow, and Sir John Nisbet were appointed; Middleton and Mackenzie of Tarbet were ousted.²³ Political control of the Session was an important concern for influential politicians; it was a form of patronage to bestow on those who were favoured, but it was also a source of political power, because as the highest civil court in Scotland many important men had cases lying before it. They could thus be open to influence.

By late-1663, therefore, Lauderdale had emerged as the most influential of Scotland's politicians. What did this mean in practice? In fact, it meant very little, at least in terms of discernible policy changes. The most obvious point to make is that the Secretary returned to London, where, indeed, he remained for the next six years. The most important individual in

Scotland was Rothes, ostensibly a close ally of Lauderdale. Yet Rothes was definitely his own man. He had maintained good relations with the Secretary since the latter's release from prison in 1660, but he had also strongly supported the restoration of episcopacy; when it came to dealing with active dissent, he was as much of a hawk as Middleton or Glencairn, as demonstrated by his willingness to use the military during the years 1664-7.²⁴ It has been stated that government during these years was basically composed of a triumvirate of Lauderdale, Rothes and James Sharp, Archbishop of St Andrews.²⁵ This is perhaps true to an extent, but it is far too simplistic a view. At the very most, it could apply only to church affairs, and even then there were obvious tensions; Sharp's 'moderation', as defined by J. Buckroyd, hardly sat easily with Rothes's use of the army. Lauderdale, according to Buckroyd's own account, basically didn't want to know about the problems facing the established church.²⁶

There was no episcopal presence on the Council until June 1663. Then, Sharp and Andrew Fairfoul, Archbishop of Glasgow were appointed to represent the established church interest just after the first conventicles, or field-meetings held by dissenters, had started to appear in the south-west. Mackenzie of Rosehaugh claimed, quite plausibly, that they were introduced by Lauderdale to demonstrate his commitment to the episcopal church settlement.²⁷ Fairfoul attended the Council on only 10 occasions before his replacement as archbishop by Alexander Burnet who was admitted as a Councillor in April 1664.²⁸ From July 1663 until the end of 1666, James Sharp attended Council on 86 occasions out of a possible 155, while Burnet also appeared regularly after his admittance. Despite this, however, their political influence was not great; their calls for effective action to be taken to deal with dissent fell on deaf ears, until security concerns caused by the second Dutch War led the Court, and the Council in Edinburgh, to countenance an escalation of military activity. There was no return of the enormous influence wielded by archbishops and bishops in the 1630s.²⁹

In some respects, it was Rothes who emerged from the factional battles of 1662-3 with the most impressive political booty. He added the post of Treasurer to his Presidency of the Council; in 1664 he became Chancellor in all but name, after being granted possession of the Great Seal and the right to the profits of the office. He also gained control of the army

through his position as Commissioner to a proposed National Synod for the church, which was warranted to meet by an Act of Parliament of 1663 (it never did). Late in 1664, he was permitted to raise a troop of horse to replace Middleton's, which had been disbanded the previous year.³⁰ This cache of positions signified a great deal of influence. We can surely discount Gilbert Burnet's assertion that Rothes was 'governed' by Sharp; the self-righteous episcopalian's overestimation of the wily archbishop's influence has unfortunately stuck over the centuries.³¹ Rothes's elevation had been partly designed to destroy Middleton's power, and was partly a consequence of the success of this aim. Ironically, however, in February 1662, Rothes's new deputy at the Treasury, Lord Bellenden, had warned Lauderdale: "I hope his Majesty will be better advysed then to putt both the power of sword & his purse in one mans hand". He had been talking about Middleton, but by 1664 this is precisely what had been conferred on Rothes.³²

It can be contended that, after ensuring the dismissal of Middleton, Lauderdale felt that it was wise or desirable to maintain a relatively low profile. This would explain a remark made by his ally, Sir Robert Moray, in September 1667:

These 7 years past you have constantly walkt with singular tenderness in all matters, both as to the State & the Church, wherein the consequences might any wise reflect upon you as if devised, proposed, advised, or helpt on by you...It is...my clear judgement that you stick no more at the considerations have formerly prevailed with you, but frankly & without hesitation propose, advise, & carry on, whatsoever you judge fittest for the good of the King's service, please or displease whom it will below him....³³

This obviously did not mean that Lauderdale played no part in the direction of government; indeed, his correspondence reveals discussion about virtually all aspects of the administration. However, the main responsibility for policy, particularly in the vital areas of the military and finances, lay with Rothes, and the Secretary was possibly quite content with this situation. The picture of government which emerges is of these two grandees surrounded (in Lauderdale's case, not physically) by a relatively small group, which was

roughly akin to the 'inner core' of the Council. This interpretation is supported by the nature of the discussions which followed Lauderdale's request in April 1665 for opinions about a Convention or Parliament to meet to grant taxation. This proposal, as we shall see, met with some dismay among members of the administration in Edinburgh.³⁴ Nevertheless, the King's instructions had to be obeyed. According to letters from Rothes and Tweeddale to Lauderdale, discussions had involved, in addition to themselves, Sir John Gilmour, Sir Archibald Primrose, Sir John Nisbet, the Duke of Hamilton, Linlithgow, Argyll, James Sharp and Alexander Burnet. These men, of course, constituted the main block of the 'inner core' of the Council (Hamilton attended regularly in 1665-6).³⁵ Bellenden was in London at this point.³⁶ It is significant that Lauderdale asked for Tweeddale's opinion on the matter independently of Rothes; in fact, the Secretary stated that, if Rothes did not ask Tweeddale or Argyll to the meetings, they were to put their heads together and send their advice anyway, "which I desire as soone as the Commissioners [Rothes]".³⁷ Gilbert Burnet stated that Tweeddale, Argyll and Alexander Bruce, Earl of Kincardine were considered to be Lauderdale's 'chief friends'. The first two were clearly among the Secretary's allies (Archibald Campbell, Earl of Argyll, was appointed to the Council on the same day as Alexander Burnet),³⁸ but it is difficult to say very much about Kincardine; he attended the Council fairly regularly, although he cannot really be counted as part of the 'inner core'. A hint of his opinions, at least about church matters, can perhaps be gleaned from an exchange of unfriendly letters between himself and James Sharp in November 1665; the latter had apparently accused him of disloyalty.³⁹ The most important point, however, is the prominence of Tweeddale, long before he took over Rothes's mantle of leading politician in Edinburgh. Lauderdale consulted him on a variety of matters, such as disposal of the fines imposed by Parliament in 1662. Moreover, he was not simply an alternative to Rothes; there are instances of the two working together during 1664.⁴⁰

It can be suggested that the government was never narrowly based around the triumvirate of Lauderdale, Rothes and Sharp; the latter in particular was simply one of a number of prominent figures trying to influence the two grandees. It is also apparent that the government possessed no firm sense of direction during the years from 1663-6. As noted, Lauderdale was probably keen to avoid trouble. This paralysed the government, at least to an extent. For instance, there was no action taken to establish the militia, following the Act

of Parliament of 1663, despite the prompting of Tweeddale and Bellenden.⁴¹ In Edinburgh, there was evidence of infighting, which also served to reduce effectiveness. J. Buckroyd has drawn attention to the obstructiveness of the lawyers, such as Lauderdale's allies Gilmour and Nisbet, on the church commission of 1663-5, which infuriated the archbishops. However, such problems were not limited to ecclesiastical matters; Bellenden was very unhappy about the attitude of members of the Court of Session who also sat in the Exchequer. The Treasurer-Deputy was naturally keen to defend the privileges of the latter court from infringements by upstart lawyers.⁴² The overall impression, however, is of a government drifting without any real sense of purpose. This is precisely what Lauderdale and Tweeddale sought to rectify after the end of the second Dutch war in 1667.

To an extent, the war, which started early in 1665, meant the suspension of normal proceedings; but it also created a new set of problems which ultimately made efforts to reform more difficult. The role of the additional forces raised in the summer of 1666 became the most serious issue.⁴³ The problem, as far as Rothes was concerned, was that the initial levies were partly financed with the proceeds of the fines imposed by Parliament in 1662. It has been claimed that Sharp persuaded the King to make use of the fines for this purpose, but this may be another example of an exaggerated view of the archbishop's influence; Tweeddale noted that Rothes said that Sharp had opposed the proposal, and that this did indeed seem to be the case.⁴⁴ The main problem - apart from the havoc the extra soldiers wreaked on the country in the name of stability, which is discussed in a later chapter - was patronage. Rothes, as the chief government figure in Edinburgh, was keen to use the money from the fines to reduce discontent among the nobility, many of whom made pleading poverty a theatrical art in itself.⁴⁵ It is significant that a number of individuals - the Earls of Atholl, Annandale, Dundee, Airlie, and Sir Thomas Moncrieff - who were among those Rothes had included on a list he sent to Lauderdale in May 1666, did in fact eventually receive one-off payments (although most were not granted until 1669, which meant that Rothes did not reap the benefit of their gratitude).⁴⁶

Of more immediate significance was the fact that many of these men received military commissions. Since 1661 such commissions had been granted to those who were in favour: Middleton had been Captain-General, Captain of a troop of horse, and Governor of

Edinburgh Castle. Another royal favourite, the Earl of Newburgh, captained the other troop of horse, and Linlithgow, a Privy Councillor, was Lieutenant-Colonel (Colonel after Middleton's fall) of the foot guards. Newburgh's Lieutenant was Mungo Murray, brother of the Earl of Atholl; the brothers had fought for the King in 1653, and were both being courted by Middleton. Another of Middleton's associates, Charles Stewart, sixth Duke of Lennox, who had made clear his desire for military preferment, was appointed Captain and Governor of Dumbarton Castle. In 1664, as noted, Rothes was allowed to raise a troop of horse, while Lauderdale himself assumed the Governorship of Edinburgh Castle; Alexander Erskine, Earl of Kellie, apparently a notable case of aristocratic destitution, became Captain of the garrison there.⁴⁷ Military positions were clearly desirable in the early years of Restoration Scotland, for both the financial benefits and the status enjoyed by the recipients.

This was perhaps both cause and symptom of the increased role of the military in Scottish political life. The military can be regarded as an arm of the government in itself; the prominence of Rothes and Linlithgow on the Council served to highlight this. However, the military emphasis of the Council was strengthened by the issuing of the commissions of 1666-7 to so many prominent nobles (as well as their sons). The troops of horse initially levied, forming a regiment under Lieutenant-General William Drummond, were commanded by Hamilton, Atholl, Airlie and Charles Maitland, Lauderdale's brother; in the early months of 1667, they were joined by the Earls of Annandale, Kincardine, Marischal, Dundee, Lord Drumlanrig and Lord Carnegie. With the appointment of Drummond, General Thomas Dalrymple, both professional soldiers recently returned from service in eastern Europe, Airlie and Drumlanrig to the Council in the first four months of 1667, virtually all of these men were Councillors.⁴⁸ Attendance at the Council obviously varied, but this was potentially a very powerful block of military commanders. Tweeddale, writing in May 1667, noted that people were discouraged from complaining about the behaviour of soldiers, because there was no-one to complain to; "ther ar 14 troups and 13 prive counceleurs comand them".⁴⁹ This did not inspire confidence among those who felt themselves oppressed; the Council's reputation suffered as a result.

The issuing of commissions to important members of the nobility or their sons was a clever, if short-lived in this instance, use of military patronage. This stop-gap solution to the

security problems caused by the second Dutch war was important, because there was potential for at least part of the nobility to be integrated into the developing military apparatus of the Crown. In a sense the years 1666-7 seemed to epitomise the conservative ethos which marked the early years of the Restoration period: Crown and nobility in alliance, preserving the security of the kingdom against the King's external enemies and the internal threat from below. However, the reality was not quite so grand. The wartime levies were too costly, and had not prevented the small rising by dissenters in November 1666. The financial and military problems caused by the war led to the emergence of a reform strategy thought up by Lauderdale and his allies, Tweeddale and Sir Robert Moray, the aim of which was more cost-effective security. This involved the disbanding of the wartime forces, causing outrage among the 'military men' on the Council.

The reforms introduced after the end of the war provided a sense of direction for the government, at least for a while. Firstly, it was necessary to break the powerbase Rothes had managed to construct for himself. Ironically, the war had provided him with an opportunity to lavish patronage on important nobles, but the disorders in the kingdom, which, it is argued elsewhere, were in fact caused by resentment at the actions of the military, also proved to be his undoing. He was in charge of both the Treasury and the army (he was appointed General-in-chief in December 1666, in addition to his various other positions); these were precisely the areas where Lauderdale had to establish firm control.⁵⁰ In general, during the years from 1664-7, there was an uneasy balance between the Secretary in London and the administration in Edinburgh. Rothes's prominence gave him responsibility for tasks he was probably unfit to carry out; in some respects, the years of his dominance were something of a disaster, particularly in the area of government finances.⁵¹ At the same time, it is noticeable that the two most important decisions of these years - the re-imposition of direct taxation, and the raising of the extra soldiers - were taken at Court in London; the first of these in particular was far from welcome in Scotland. In addition, there might be some truth in the claim by Gilbert Burnet that the decision to break Rothes was taken in London after Tweeddale and Kincardine travelled there in 1666 to provide information about the state of the country; certainly the two nobles appear to have made the journey at this time.⁵² Therefore, despite Rothes's importance, it seems fair to say that

power ultimately resided in London. At this point, however, Lauderdale had to take Sir Robert Moray's advice, and establish a much firmer hold on Scottish affairs.

The growth of opposition, 1667-1674

The war served as the catalyst for personnel changes throughout Britain; the King's famous abandonment of Clarendon, previously his chief English minister, can be directly related to it.⁵³ However, it cannot really be said that the changes in the different realms were in any significant way related. In Scotland, Lauderdale's main allies for the implementation of his reforms were Tweeddale, Sir Robert Moray, Kincardine, William, Lord Cochrane and (to a lesser extent) Charles Maitland; Cochrane was admitted especially to the Council in April 1667. This must have wrangled with Rothes, who possessed a low opinion of the Renfrewshire Lord.⁵⁴ An important part of the Secretary's strategy was the establishment of a Commission to replace the Earl of Rothes as sole Treasurer: Tweeddale, Cochrane and Sir Robert Moray were included, along with Lauderdale, Rothes and Lord Bellenden, the Treasurer-Deputy. Kincardine was appointed in September 1668 and Charles Maitland was added later (although in different circumstances).⁵⁵ In this way, control of the revenue, arguably the single most important area of government, was wrenched from Rothes's hands; the mollifying contention of Sir Robert Moray, who travelled to Scotland in June, that the King had actually done Rothes a favour by removing the weight of such a burdensome office hardly disguised the significance of the change. At the same time, the 'promotion' of the former Treasurer to the post of Chancellor, a move he fought vociferously but vainly, provided fresh evidence of the alteration which had taken place; the Chancellor's gown was worn as a symbol of status, but it did not possess the desirable quality of substantive power.⁵⁶

However, if the war was nearly over, the battle for the peace was just beginning. As it became obvious that the King and the Dutch would come to terms, the 'military men' on the Council began to make clear their opposition to any attempt to reduce the military Establishment. It was argued that the continuing potential for rebellion made any such attempt a dangerous piece of folly. The worry for Lauderdale and his allies was that those who opposed their plans would take their case to London; indeed, Alexander Burnet and

William Drummond had indulged in some pre-emptive scaremongering there during the spring. As far as Tweeddale and Sir Robert were concerned, the key was to convince the King to withdraw Rothes's Commission (to represent the King at a National Synod), which still gave him control over the forces and considerable authority with those who looked to him to defend their military positions. The problem in this respect was that the archbishops and men like Drummond and Dalyell had apparently managed to convince the King that the Commissioner's place was necessary because of the Council's remissness. In this situation, it was felt to be wise to court James Sharp, to counter such negative influence.⁵⁷

Matters came to a head in August and September, after peace was finally declared. Treasury proposals to raise cash for disbanding the wartime troops met with a great deal of obstructive debate, led by the Duke of Hamilton and Alexander Burnet; however, as the order for the disbanding had come from the King, there was very little that could be done.⁵⁸ What is clear also, however, is that Lauderdale and his allies would have to depend to an extent on many of the 'lesser' men on the Council, such as the legal officers of state; at the meeting of 23 August which sent out letters to various shires requesting advances of money to pay for the disbanding, 20 men attended, including the influential block of Rothes, Burnet, Hamilton, Dundee and Dalyell, as well as the Earls of Callander and Wemyss, who tended to side with the 'military men'. In this context, Tweeddale, Moray, Kincardine, Cochrane and Hatton needed the support of Gilmour, Nisbet, Primrose, Niddrie and the others. It was at this point, therefore, that the efforts of 1663-4 bore fruit.⁵⁹

There was further resistance on 12-13 September to a list of proposals drawn up by Moray to be sent to the King; these recommended the issuing of a general pardon for those who had joined the Pentland rising (with the exception of those who were forfeited or under process of forfeiture) upon subscription of a bond for the peace, and the settling of a militia. To try to ensure as little fuss as possible, a committee was established on the first day to consider the proposals; here they were passed by 12 votes to 3, the three being Hamilton, Annandale and Callendar. In full Council, however, the margin was 15 to 10, which demonstrated the potential efficacy of a committee. In fact, out of 28 who attended on the 13th, only 17 subscribed the proposals when they were sent to the King. This was a fairly massive display of pique, and, indeed, Moray noted the following week that he had heard

that their opponents had resolved not to attend the Council again (which was not strictly true).⁶⁰ Despite the success, the episode was worrying for the government's leaders, although it must be stressed that the complaints were of a particularly self-interested nature; the most vociferous opponents were those who had lost their military commissions; 'the club of dissatisfied reduced captains', as Tweeddale put it a few months later.⁶¹

Ultimately, however, this opposition was ineffectual because of the links between Lauderdale and his powerbase in the Council. He was able to rely on those he had introduced to bolster his position, as well as many of the others who attended most frequently. In particular, the legal officers, Sir John Gilmour, Sir John Home, Sir Archibald Primrose and Sir John Nisbet, as well as Sir James Lockhart, Sir John Wauchope and Sir Robert Murray, backed the proposals. Once again, the important role played by these 'lesser' men is striking. Conversely, it might be argued that they owed their positions to an ability to follow in the wakes of greater men. Their presence, however, had defeated the opposition of Rothes and his allies. This powerbase meant that no-one at this stage was in a position to challenge the Secretary. The battle was not quite over however. Tweeddale and Moray were still very keen to secure a withdrawal of the Commissionership, before Rothes travelled to Court, which he was threatening to do; this was duly achieved before the next Council meeting in October. Rothes did in fact go to Court, closely followed by Tweeddale. The humbled earl demitted his final office of importance, that of General, but secured a letter of approbation from the King.⁶² This had been a ruthless destruction of such a powerful figure, comparable to that of Middleton four years previously, although without the public acrimony. There could be no doubt about who was master of Scottish affairs by the beginning of 1668.

However, as in 1663-4, it was a fairly gentle coup in terms of repercussions for those who formed the 'inner core' of the Council. The post-war administration very closely resembled its wartime predecessor. During the three years, from 1668-70, when Tweeddale was certainly Lauderdale's closest ally, the 'inner core' remained substantially the same.⁶³ In fact, we can see that Scotland's administration remained more or less unchanging throughout the 1660s; the only alterations of note were among the very few individuals who could regard themselves as the most powerful of Scotland's politicians. This must surely raise doubts

about the influence enjoyed by even the most prominent Councillors; in addition, was the Council itself simply a tool of the politically favoured? The disputes over the disbanding perhaps suggest a negative answer to that question, but even a combination of Rothes, Hamilton, Alexander Burnet and the military officers could not prevent the policies pushed forward by Lauderdale, Tweeddale and Moray from being adopted. This provides a striking example of the difficulty faced by those who did not care for policies decided at Court; there was very little that could be done.

It is clear that legal officers and other gentry continued to be important members of the Council. The political links between the 'inner core' and the judiciary can be highlighted further; Tweeddale was already an Extraordinary Lord of Session, and in July 1667 he was joined by Kincardine. In June 1668, Alexander Burnet, Archbishop of Glasgow, was replaced as an Extraordinary Lord by the Marquis of Montrose because of his outspoken opposition to the direction of ecclesiastical policy. In November 1669, after Montrose had died, he was replaced by the Earl of Dunfermline, a relation of both Lauderdale and Tweeddale, and in June 1670 Charles Maitland was appointed an Ordinary Lord.⁶⁴ Once again, it can be seen that political control of the Session was something of a priority aim. In addition, the overlap of personnel between the 'inner core' of the Council, the Treasury Commission and the Court of Session illustrates the extent to which Lauderdale desired to control central government within Scotland.

However, in some respects, the appearance of control disguised potential fault-lines. The disputes of August and September 1667, and the manner in which Lauderdale and his allies had proceeded, almost certainly created some resentment. Rothes was apparently fairly happy after his journey to Court, not least because of a favourable settlement of some private business with the Duke of Monmouth, in which Lauderdale had played a sympathetic role.⁶⁵ More serious was the behaviour of the Duke of Hamilton, and his friends and relatives such as Drumlanrig, Annandale and Callendar. There were concerns that the south-western Lords in particular were undermining attempts to deal with former rebels through inactivity. This can almost certainly be put down to a frustrated desire for profit, favour and/or influence.⁶⁶ The fact that so many important men had had military commissions made things difficult for those who now headed the government. It is worth

noting that all of the nobles who had gained troops of horse in 1666-7 were included among the officers of the militia which was ordered to be raised in 1668-9.⁶⁷ The militia was hardly as lucrative an employment as the standing army, nor did it carry as much status, but it helped - especially as there was an Establishment for officers.⁶⁸ Tweeddale felt that militia employment was more suitable for 'great men' anyway; it was difficult to control them if they possessed commands in the standing army. He, along with Lauderdale and Moray, had been keen to establish Privy Council control over the military; but they were not so enthusiastic about Councillors holding commissions, "least the government verg to military".⁶⁹

One of the biggest problems was the Duke of Hamilton. This man certainly presents difficulties of interpretation. His first appearance was in the 1661 session of Parliament when he expressed opposition to the Act Recissory. In 1663, he was among those who crossed verbal swords with Rothes in the Council about the punishment of a man seized by Sir James Turner, an officer in the foot guards. In 1664, he was accused of remissness in dealing with dissenters.⁷⁰ At the same time, in 1664 he was allowed to collect arrears of a tax imposed in 1633, and the following year he was appointed collector of the new tax voted at the Convention of Estates. His concern for dissenters curiously vanished while he was in charge of a troop of horse. The ultimate priority for himself and his wife (who was Duchess in her own right) was payment of a royal debt which dated from the previous reign. Lauderdale was often pressed to secure payment, and in the winter of 1667-8, when Hamilton was at Court, having followed Rothes there, he raised the issue again; it seems he also offered to farm the King's entire Scottish revenue, which proposal was industriously avoided.⁷¹

Hamilton's reaction to the disbanding of his troop had provided evidence that he had the potential to cause trouble. However, at this stage, he appears to have been willing to be reconciled; by the summer of 1668 he was working with Tweeddale on the settling of the militia in south-western shires. The relationship was fragile however. In August, for instance, Tweeddale was concerned about the Duke's reaction to the appointment of Kincardine as a Commissioner of the Treasury. He recommended that some of the debt be paid, which was duly effected; payment in stages was felt to be the best way of securing the

troublesome Duke.⁷² It is hard to see how he can be regarded as having been an essential part of the government; more importantly, as it turned out, he clearly did not *feel* that he was. Tweeddale also suggested that it might be beneficial to bestow a few payments on deserving or grumbling individuals. In June 1669, the King sent instructions to the Treasury authorising payments to a number of individuals; in addition to Sir Robert Moray, Kincardine and Charles Maitland, money was to be paid to Atholl, Kellie, Annandale, Home, Dumfries, Thomas Dalryell, and William Drummond (that same month, Charles also authorised an Establishment for the militia).⁷³ This was perhaps, quite literally, an attempt to buy support, or to reward it. John Murray, Earl of Atholl, was something of a rising star. He attended the Council in fits and starts, but he had been allowed to raise an independent company to police the Highlands in 1667, and Lauderdale apparently promised him a troop of horse when one became available.⁷⁴ This patronage was important because Atholl was to play a prominent role a few years later. However, the ploy did not really succeed in winning the support of men like Drummond or Dumfries. The latter, who had been closely linked with Middleton, was regarded by Lauderdale with suspicion.⁷⁵ Dumfries attended regularly during 1668-9, but again, as with Hamilton, it is difficult to regard him as part of the government; he attended less in the early 1670s, and ultimately joined Hamilton in opposition.

There were other problems to be dealt with. The relationship between the leaders of the government and the archbishops was fraught with difficulties, which was rather unhelpful for a regime publicly committed to the maintenance of episcopacy. Both archbishops suffered in the political fall-out after the Pentland rising as both had become associated with a policy of uncompromising severity towards dissenters which was deemed to have provoked the rising. Although James Sharp was officially 'rehabilitated' during the winter of 1667-8,⁷⁶ his influence was greatly diminished. This is reflected in the fact that he attended the Council far less regularly during 1668, although he was more prominent during the second half of 1669, when the first indulgence was proclaimed and the second Restoration Parliament sat. However, he was able to make known his opposition to the experimental policies which were adopted in ecclesiastical matters; at the 1669 session of Parliament, his was a lone voice of dissent against the Act of Supremacy.⁷⁷ Alexander Burnet suffered even more noticeably for his refusal to refrain from making potentially damaging reports of the

extent of conventicling, and for his uncompromising desire for continuing severity to be used against dissenters, which clashed with Lauderdale's - and more explicitly Tweeddale's - attempts to reach some kind of limited understanding with peaceful presbyterian ministers. In 1668, as noted, he was replaced as a Lord of Session by the Marquis of Montrose; at the end of the following year, he was forced to demit his place as Archbishop of Glasgow, in favour of the moderate Robert Leighton. Consequently, he was also extruded from the Council.⁷⁸ There could be no clearer proof that the Scottish bishops were dependent on the whims and designs of politicians for influence.

The parliamentary sessions of 1669-70 in fact marked a kind of break for Lauderdale's government. The continuity of personnel during the 1660s was undermined partly as a result of the unavoidable pattern of nature. Sir John Gilmour, Sir John Home, Sir James Lockhart, Sir Robert Murray of Cameron, Lord Halkerton and Lord Bellenden, all died between 1671 and the middle of 1674.⁷⁹ Thus, a key element in the administration from as far back as 1663 disappeared. More serious was Lauderdale's split with Tweeddale, his chief 'lieutenant'. This was a somewhat mysterious breach, despite the survival of the latter's own aggrieved accounts of the various matters which came between them.⁸⁰ There had been signs of problems. Sir Robert Moray, Tweeddale's main colleague on the Council in Edinburgh, had left Scotland in the summer of 1668, and never returned, despite the pleading of his friend. There certainly seemed to be some coolness in Lauderdale's attitude to Moray.⁸¹ With the latter esconced in his chemistry laboratory in London, Tweeddale felt increasingly isolated and over-burdened. In addition, by the end of 1668, the earl had attracted the considerable enmity of Lord Bellenden for his investigations into abatements granted to Sir Walter Seaton, the farmer of the customs, in 1664-5, which the Treasurer-Deputy felt reflected on his own reputation.⁸² It also seems that there were some tensions between Tweeddale and Charles Maitland of Hatton, the Secretary's brother; the former was not particularly happy about the suggestion late in 1668 that Hatton might become Treasurer-Deputy.⁸³

Indeed, it is highly probable that the elevation of Lauderdale's brother had something to do with the breach, which seems to have developed after the second session of Parliament, which ended late in August 1670. In June, Maitland had been appointed to the Session, and

at the end of the year he purchased the ailing Bellenden's office of Treasurer-Deputy. Tweeddale noted at the end of the year that there were rumours that all was not well between Lauderdale and himself, and that he intended to seize the opportunity to step back from public affairs.⁸⁴ In the new year, Tweeddale expressed criticism of Hatton to Sir Robert Moray, and continued to state that he was going to withdraw from his present position, not least because he thought this was Lauderdale's desire. But there are also hints of paranoia; a letter from the Secretary to Hamilton was regarded as a sign of disrespect to Tweeddale, because at this stage relations between the latter and the Hamiltons were not good. He also claimed that he was avoided in Edinburgh, and that he simply made up the quorum at the Treasury.⁸⁵ The decision to return to farming of the customs, after over two years of direct collection by Tweeddale's friends, served as the catalyst for the earl to inform Lauderdale of his unhappiness; he desired to know what he had done to deserve such treatment.⁸⁶

The Secretary claimed to be astonished by Tweeddale's letter, and rejected his assertions of neglect. In March he wrote that he was glad Tweeddale's suspicions had been allayed. What is interesting is that Lauderdale had continued to correspond with his colleague during January 1671 about public matters, for instance, finding a replacement for Sir John Gilmour, who had intimated that he wished to demit his post of President of the Session.⁸⁷ He generally did not do so after the exchange of letters in February and March. This might suggest that it was Tweeddale's fit of pique at what he perceived to be a diminution of his own monopoly of the Secretary's favour which antagonised the latter; yet, at the same time, the former had not been consulted over the decision to return to farming of the customs, which was quite remarkable given Tweeddale's efforts at the Treasury since 1667. The fact that Charles Maitland was now employed in this area suggests that his was the telling influence. But this does not explain why Lauderdale was willing to discard, apparently without scruple, his obviously able friend.

Both Gilbert Burnet and Mackenzie of Rosehaugh, and some historians, have pointed to the growing influence of Lauderdale's second wife, Elizabeth Murray, Countess of Dysart, whom he married early in 1672. This seemingly brilliant woman was clearly interested in the future of Lauderdale's estates, which by entail were to pass to the latter's daughter, who was

married to Tweeddale's son, Lord Yester. It is said that she allied herself with Hatton in order to break Tweeddale's influence.⁸⁸ There can be little doubt about Dysart's influence, but, again, this does not really explain Lauderdale's attitude; such an interpretation is perhaps little more than a variation on the 'evil counsellors' theme. Nor, indeed, was the breach total, even as late as the autumn of 1671. Then, Tweeddale put himself forward for the post of Lord Privy Seal, vacated by the deceased Earl Marischal. Lauderdale said that he would present his case, but warned that the post had been promised to Charles Seton, Earl of Dunfermline, their mutual relation, long ago. In this, Lauderdale was backed by Sir Robert Moray, but the fact that Dunfermline was successful did not improve relations between the two.⁸⁹

In fact, the final breach might well have occurred during the winter of 1671-2. In October of the former year, Gilbert Burnet, who was on friendly terms with Lauderdale at this point, told Tweeddale that the Secretary had allowed him to signify that he thought it was the former's fault if all was not as it should have been between the two. Tweeddale reacted with outrage, and vociferously rejected the claim; this response prompted a cold dismissal of Tweeddale's 'jealousies' by the Secretary, who denied that he had warranted Burnet to say any such thing (although, according to Sir Robert Moray, Lauderdale said often that he regarded the breach as the fault of his erstwhile ally).⁹⁰ Lauderdale's response can be interpreted either as dissimulation, which reveals a devious streak in his nature, or as evidence that the breach was not total prior to this point. It is perhaps significant that Sir Robert Moray continued to urge Tweeddale to go to London in order to clear the air; in addition, he remarked that the latter should not overestimate the change which had apparently taken place. Furthermore, there had been no alteration in the entail of Lauderdale's estates, and Lord Yester apparently remained on good terms with his father-in-law. However, during 1672, the paralysis of mutual suspicion doomed the relationship. Tweeddale refused to go to London, and indeed, eventually, the entail was in fact altered, with the estates being settled on the Secretary's brother. By the spring of 1673, even Sir Robert had given up on the possibility of reconciliation.⁹¹

So perhaps the story is not quite as simple as it first appears. Nevertheless, Tweeddale had been excluded from policy-making, and he was sufficiently aggrieved to join the

parliamentary opposition which emerged in 1673, albeit with some reluctance.⁹² It has been suggested that Lauderdale had become concerned about Tweeddale's power in Scotland. One writer has claimed that Lauderdale fell victim to 'the insidious poison of power'.⁹³ To some extent, this is undeniable. Tweeddale himself asserted that Lauderdale had been informed that the former took the credit for the successes of the post-war government. In London, the Secretary apparently signified his view of Tweeddale with the jibe that, "he wold not be tutord in England as he had bein in Scotland". Burnet claimed that the reason for the cooling in Lauderdale's friendship with Sir Robert Moray was Dysart's insistence that he took the credit for the work of government.⁹⁴ Yet, at the same time, it might be contended that Tweeddale was himself paranoid about the elevation of others, such as Charles Maitland, as this diminished his own influence. These problems prove, once again, that politics at the highest level was a ruthless business. In addition, there is another side to the breach. In some respects, the problem was communication. If it is true that those close to Lauderdale had managed to convince him that Tweeddale was a threat, then this can be interpreted as part of the problem of the relationship between London and Edinburgh. If it was desirable for the Secretary to reside in London, then it is clear that his distance from his powerbase in Scotland could also cause problems. Rothes had not been broken to be replaced by Tweeddale, or anyone else. Perhaps the structure of Scotland's government increased the already plentiful opportunities for paranoia and intrigue to bedevil politics.

The changes were not directly concerned with policies; the decision to farm the customs was, at most, a means of seizing the initiative from Tweeddale. At the same time, it seems clear that the reforming drive which had followed the end of the Dutch war had come to an end. In subsequent chapters, the reforms in the vital areas of finances and the army are examined; in both, there were signs that the attempt was running out of steam by 1670 - however, there is no evidence that this had anything to do with the breach between Lauderdale and Tweeddale. The two men who replaced Tweeddale and Sir Robert Moray, Charles Maitland and Kincardine, had no real sympathy with the experimental policies aimed at dissenters, so perhaps there was less scope for similar developments in the future.⁹⁵ In general, however, it is difficult to point to specific policies which can be attributed to those who were now Lauderdale's closest political allies.

Of course, Charles Maitland and Kincardine were hardly newcomers; they had both been fairly prominent since at least the mid-1660s. In addition, Rothes, Cochrane (created Earl of Dundonald in 1669), Linlithgow, Primrose, Nisbet, Niddrie, and a forlorn James Sharp, all continued to act in the dominating 'inner core' of the Council in the years leading up to the reconstitution of June 1674. Sir James Dalrymple of Stair replaced Gilmour as President of Session and joined this group, although he was not the first choice for this post.⁹⁶ Other men were introduced to bolster the 'inner core'; the most notable was Sir Andrew Ramsay of Abbotshall, Provost of Edinburgh, who had become closer to Lauderdale since 1668; he was appointed to the Council in July 1670, and was made a Lord of Session towards the end of 1671. Ramsay and his patron at Court seem to have been adept at procuring financial favours for each other; it was the Provost who sold the Bass rock to the King. Lauderdale was appointed commander of the small garrison which was established there.⁹⁷ These men can be regarded as forming the core of Lauderdale's government during the early 1670s. We might also add George Keith, eighth Earl Marischal, who was brought into the Council in June 1672 after succeeding his brother; he attended regularly for the next three years, but he seems to have been fairly anonymous.⁹⁸ At the same time, Lauderdale continued to court Atholl, who replaced Newburgh as Captain of the King's Life Guard in 1670; he was appointed Lord Privy Seal in 1672, replacing Dunfermline who had died, and also became an Extraordinary Lord of Session in January 1673 (he was already Lord Justice-General).⁹⁹ The appointments of Atholl, Ramsay and Charles Maitland to the Session demonstrate the extent to which the highest civil court in the land was regarded as part of the spoils system of Scottish government; later complaints about the packing of the Session clearly had some justification.¹⁰⁰ In addition, the favour shown to Atholl might explain the more regular attendance of Argyll, his great rival, during the 1670s; perhaps the latter was worried that he might miss something.

Lauderdale's control of central government was almost total; yet this control itself led to tensions. His government can be described as ministerial. Indeed, this was surely one of the first periods of total domination by a single minister of Scotland's affairs. For those who were, or felt themselves to be, excluded as a result of Lauderdale's control, resentment was soon transformed into open opposition. Within the Council were a number of men whose harbouring of grudges and prominence made them potential threats to the Secretary. The

latter's power seemed to be increasing; he became President of the Council in December 1671, and the following year he was raised to the rank of Duke.¹⁰¹ In 1674, various opposition pamphlets and unpublished lists of grievances included a standard complaint about the monopoly of offices by Lauderdale and a few of his allies. It has to be said that the pamphleteers had a point. This resentment at the exclusivity of Lauderdale's government at least partly explains the explosion of opposition which temporarily stopped the mighty Duke in his tracks at the 1673 Parliament.¹⁰²

As I suggest in a subsequent chapter, the fact that the opposition chose to launch its attack in Parliament added a constitutional dimension to the developing political conflict. However, it is possibly also the case that the domination of the Council by Lauderdale's allies meant that his opponents did not think they could achieve anything there. Yet those Councillors who joined Hamilton in opposition at the Parliament constituted a potentially influential clique. In addition to Tweeddale and his son, Lord Yester, who had been appointed to the Council in July 1670, we can identify Dumfries, William Douglas, Earl of Queensberry (formerly Lord Drumlanrig), William Douglas, Earl of Morton, William Drummond, Earl of Roxburgh, William, Lord Cochrane, who had been appointed in June 1672, and Lieutenant-General William Drummond, as members of the opposition.¹⁰³ This bunch, apart from providing evidence of a fashionable forename, clearly had the potential to cause trouble.

The presence of so many disaffected Councillors means that it can be argued that it is not possible to equate the government with the Council during these years. By 1674, Lauderdale's government was faced with the task of trying to govern without the full backing of the kingdom's central executive body. This reduced the effectiveness of the government in some respects, a trend which can be seen most clearly in the Council's dealings with dissenters. Complaints about inactivity or remissness on the part of Councillors had become almost a commonplace over the years, although it was probably not quite as serious a problem as Alexander Burnet would have had it believed. However, Charles Maitland and Kincardine certainly felt by late 1671 that dissenters were encouraged by inconsistent enforcement of the laws. In January 1672, after the Earl of Dumfries had

rejected James Sharp's suggestion that the former should join a commission which had been appointed to investigate an attack on a minister, Maitland remarked,

it is unhansome that any reflections should be in Counsell we ought to cum
ther to serve our master & not to vent our passions....¹⁰⁴

The following month Kincardine echoed this sentiment more bluntly:

tis a hard matter that men for their privat grudges will neglect (to say no
worse) the Kings service, & hasard their contries quiet....¹⁰⁵

In the summer of 1673, the Duke of Hamilton quite simply refused to serve on another commission which was supposed to enforce the laws in the diocese of Glasgow.¹⁰⁶ By this point, the unpredictable Duke had clearly decided to challenge the Secretary when he got the opportunity; this came with the parliamentary session later in the year. He had already infuriated Lauderdale (and for that matter Tweeddale) with his behaviour at the 1669-70 sessions of Parliament; however, after an exchange of frosty letters towards the end of 1670, there was a kind of rapprochement by post between the two, as a result of the intervention of Sir Robert Moray and Anne Hamilton, the Duchess. Moray warned the Duke that he had to be on his best behaviour at the 1672 Parliament, in order to best serve his own and the country's interests, and in fact he subsequently received a letter from Lauderdale expressing the King's satisfaction with him. During these years Lauderdale procured various favours for the Hamiltons, including payment of the remainder of the long outstanding royal debt.¹⁰⁷ However, it is unwise to make too much of this. There is no evidence that the two Dukes regarded each other with anything but distrust; during the course of 1673, their differences over the Privy Council commission, and Hamilton's complaints about ill-treatment by Charles Maitland in the Treasury, highlighted the fragility of their relationship. The Commissioner could not have been very happy about Hamilton's stated intention of travelling to Court, partly to complain about his brother, although he responded politely enough. As it happened, Hamilton stayed in Scotland.¹⁰⁸

Therefore, although Lauderdale appeared to be more powerful than ever, and his control over Scotland's government absolute, there were clearly problems lurking behind the facade. These were compounded by tensions among those who were supposed to be his allies. Kincardine did not have a very high opinion of James Sharp, while Sir Andrew Ramsay felt that the former was far from being his friend. It is perhaps significant that a report by the Commissioners of Exchequer to the King, which expressed criticism of Kincardine's monopolistic salt farm, was signed by Ramsay, as well as Sir John Nisbet, Lord Advocate, Dundonald, Primrose, Rothes and Tweeddale.¹⁰⁹ This perhaps suggests that Lauderdale's apparent favouritism towards Kincardine created hostility even among his allies. In addition, there were rumours throughout 1673 that Rothes and the Secretary were not on the best of terms. Gilbert Burnet claimed that Hamilton had told him he had the backing of the Chancellor, Argyll and Tweeddale for his attack in Parliament.¹¹⁰ It is probably safe to ignore the claim about Argyll, but Rothes's behaviour proved to be somewhat ambiguous, although he was too canny and too loyal to the King to join the opposition outright. What all of this seems to suggest is that Lauderdale's position was regarded as precarious; according to Sir Robert Moray, writing in June 1673 shortly before his death, it was commonly said in England that Lauderdale was despised in Scotland.¹¹¹ These uncertainties and rumours about the government might well have convinced leading opponents such as Hamilton or Tweeddale that a challenge in Parliament could have the desired effect.

The 1673 Parliament and its consequences are analysed in subsequent chapters.¹¹² After adjournment in early December, Hamilton, Tweeddale and others travelled to Court to continue their challenge there. They did not achieve much, but, after his return, the Duke and his friends now began to show their strength on the Council itself. The first test came in March 1674 after the arrival of a letter from the King which announced that arrears of pre-Restoration taxation and annuities of teinds were no longer to be collected, and that punitive fines were not to be exacted; this was a rather crude attempt to increase the government's popularity. Hamilton argued that this order contravened his own warrant to collect the 1633 taxation. After taking legal advice, Hamilton forced the Council, with Lauderdale himself in attendance, to modify the proclamation in his own favour.¹¹³ Having received this boost, there was then heated debate over the contents of a letter of thanks to be sent to the King. In particular, a clause which praised Lauderdale for the willingness he

had displayed to redress the kingdom's grievances rankled with his opponents; it was argued that he had done nothing of the kind, and had in fact adjourned the Parliament as soon as grievances were mentioned. The letter was sent, but was not subscribed by Hamilton, Morton, Dumfries, Roxburgh, Queensberry or William Drummond: these men can effectively be described as the core of opposition to Lauderdale within the Council. Rothes displayed his ambiguous attitude towards the opposition by stating that he signed the letter only in his capacity as Chancellor.¹¹⁴

However, it is important to realise that, despite the stormy debates, the opposition achieved virtually nothing. Indeed, on the contrary, Lauderdale received a vote of confidence from the King in June in a letter of approval sent to the Council.¹¹⁵ This failure was also apparent when Hamilton and his allies tried to exploit unease within the established church about disorders throughout the country; petitions expressing this unease were presented to the Council by the Synods of Edinburgh and Glasgow in May 1674, and Hamilton argued that the King should be notified. This was rejected, however, despite the fact that Rothes, Primrose, and Nisbet argued in favour of Hamilton's proposal. The behaviour of these officers of state must have caused concern for Lauderdale and his allies; in fact, Sir Patrick Home of Polwarth, one of the most prominent of Lauderdale's opponents in the 1673 Parliament, stated that Rothes and Nisbet were 'stout', although Primrose was 'damnably loose'. Yet once again the opposition had failed to carry the vote in Council.¹¹⁶

Despite this, the debates must have further convinced Lauderdale of the necessity of a measure he had proposed to the King as early as January - he wanted to purge the Council in order to re-establish his authority.¹¹⁷ There was only one more meeting after the debate on the petitions from the Synods before the Council was reconstituted, with certain opponents of the Secretary left out, confirming earlier rumours. Tweeddale, his son, Lord Yester, Queensberry, Roxburgh, and William Drummond, were the most important of those excluded.¹¹⁸ Moreover, three other nobles who were politically active, the Earls of Cassillis, Southesk and Eglinton, were not included in the commission; they had also sided with Hamilton at the Parliament.¹¹⁹ The latter, along with Dumfries and Morton, remained on the Council, but it was clearly hoped that isolation would render their opposition fruitless. The constitutional arrangements established at the Restoration allowed the King to

nominate his own servants; Lauderdale extended this right to include the right of exclusion by reconstitution, a method first suggested by Sir Robert Moray in the wake of the 'billeting affair' in 1663.¹²⁰ Thus, Lauderdale was able to manipulate the King's prerogative for his own political ends, by excluding his opponents from membership of the Council.

New men were introduced to bolster Lauderdale's governing team. Two lawyers were appointed to the Council for the first time; Sir James Foulis of Colington, a Senator of the College of Justice since 1661, and Sir Thomas Wallace of Craigie, who had replaced Sir John Gilmour as a Senator in January 1671, both became important members of the 'inner core', Craigie as Justice-Clerk from July 1675. They personify the continuing role of gentry with legal expertise, and also the political links between the Council and the Court of Session. Furthermore, Thomas Murray of Glendoig, a kinsman of the Duchess of Lauderdale, was appointed to the Session in June 1674, replacing the deceased Lockhart of Lee.¹²¹ The attempt to re-establish control was extended to the Treasury; in a new commission, the Earls of Argyll and Atholl were included to replace Tweeddale and the deceased Lord Bellenden and Sir Robert Moray. Argyll joined Atholl as an Extraordinary Lord of Session, again replacing Tweeddale.¹²² The two Highland Lords were among the main beneficiaries of the dramatic events of the winter of 1673-4.

In 1667 Lauderdale had attempted to establish firm personal control over the institutions of central government in Scotland. Over the next seven years the degree of actual control he exercised was diminished; by 1674, a sizeable number of Councillors were engaged in open opposition. How had this situation come about? This question is investigated more fully in later chapters, but it can be suggested here that the disaffected Councillors, as well as many others, had not envisaged the kind of exclusive, aggressive government which had developed since they had welcomed the King back from exile in 1660. The Councillors also felt that their interests were not being looked after; in addition, we must also consider the personality clashes which appear to be a fairly standard feature of politics in any age, or at any level. Tweeddale and Charles Maitland do not seem to have hit it off; nor would this be last occasion when the Treasurer-Deputy managed to provoke antagonism. The Duke of Hamilton set himself in opposition, despite reasonably frequent displays of royal favour. Perhaps he simply possessed a self-righteous sense of his own importance; yet, as I argue

elsewhere, his actions from 1661 suggest at least the appearance of principle, particularly with regard to the role of Parliament. The most important development of these years, however, was Lauderdale's break with Tweeddale. Despite the difficulties I have discussed, to observers the breach must have indicated that Lauderdale could not be trusted. Thus, for many, self-interest did not necessarily mean loyalty to the government, a feeling which is highlighted by the number of Councillors who joined the opposition.

The decline of the Council? The final years of Lauderdale's administration, 1674-81

This section analyses the membership of the government during the final years of the Secretary's grip on Scotland's government. It is significant that, despite the growth of opposition, he was able to find a core of men to staff the Council. When he was deserted by someone of importance like Atholl, replacements were easily found. However, his control of the Council, and its obvious unpopularity, meant that its authority was clearly diminished, and indeed openly flouted. Ultimately, it is suggested that the source of influence had shifted to London. Ironically, it was the Secretary himself who ensured this development, because of his domination of the government, and of the flow of official information to the King. To counter this, the opposition ultimately took their case directly to the Court. This was a significant phenomenon. More immediately, as early as 1674, Lauderdale had signified his intention to maintain an uncompromising stance towards opponents.¹²³ To strengthen his position at Court, he allied himself with Sir Thomas Osborne, created Earl of Danby in June 1674, who had emerged as the most powerful politician in England, seemingly secure in his position as Treasurer. This was an obvious move, and it accounts for Danby's inclusion in the reconstituted Scottish Privy Council.¹²⁴ Lauderdale appeared once again to be firmly in control of royal government in Scotland, but this image of mastery proved to be deceptive.

As with earlier changes, there was a degree of continuity within the 'inner core'. During the two years before yet another commission was issued in July 1676, Rothes, Atholl, Linlithgow, Charles Maitland, Sir James Dalrymple, Sir John Wauchope, Primrose and

Nisbet attended the Council most assiduously.¹²⁵ Argyll and James, Marquis of Douglas (first appointed in July 1671)¹²⁶ also featured prominently. Of those who were included for the first time in the 1674 commission, George, Lord Ross, William Fleming, Earl of Wigton, Patrick Lyon, Earl of Kinghorn, Sir Thomas Wallace of Craigie and Sir James Foulis of Colington, can be added to the 'inner core'. Some of these new men received a mark of Lauderdale's favour when the army was doubled in size in the autumn of 1674. Douglas, Ross and Wigton were appointed as commanders of some of the newly raised troops, while Sir George Munro, who became Major-General and who commanded the new regiment of foot which was raised, was brought in to the Council. Two other officers, Sir John Hay, Earl of Erroll, and Sir John Keith of Keithhall, brother of the Earl Marischal, were later also added.¹²⁷ If we recall that Rothes, Linlithgow and Atholl already possessed military commands, then it can be seen that the desire to prevent the government 'verging to military' had been discarded or forgotten. The prominence of the 'military men' was perhaps symptomatic of Lauderdale's uncompromising attitude towards opponents.

Further evidence of this attitude was the rehabilitation of the archbishops, James Sharp and Alexander Burnet; both went to London in the summer of 1674, and the latter was reinstated as Archbishop of Glasgow, and reappointed to the Council in December 1674. This meant that they could again try to influence policy towards dissent, in return for providing the Secretary with their support. Sharp's links with the powerful High Church party in England made him even more useful to Lauderdale. However, it should be obvious from the above that he was not the only important man in Scotland on whom Lauderdale could rely, as J. Buckroyd has claimed.¹²⁸ At the same time, the return of Burnet in particular suggests strongly that Lauderdale had been worried by the extent of opposition, and was keen to bolster his government in every possible way.

However, the purge of 1674 failed to silence the Secretary's opponents. A sign of continuing difficulties with Hamilton came on 31 July, when the Duke convinced the Council to send James Ramsay, Bishop of Dunblane's petition to the King; the Council had received an instruction that he was to be transferred to the Isles as a result of his role in a campaign for a National Synod. The important thing here was that Hamilton appears to have succeeded despite the opposition of Charles Maitland and James Sharp; the debate was

settled by Rothes's casting vote.¹²⁹ There were 19 in attendance, and the only known allies of Hamilton were Morton and Dumfries. The rest of the Council were supposed to be Lauderdale's allies, but six had supported Hamilton. This was potentially worrying for the government, given that it was only Hamilton's second appearance since the new commission. More serious was Lauderdale's breach with Kincardine, which seems to date from this time. Most accounts state that it happened in the summer of 1674; this may well be the case, even if our main sources, Mackenzie of Rosehaugh and Gilbert Burnet, are a bit confused in this respect.¹³⁰ On 1 September, Kincardine sent a letter to the Duke in which he simply described their proceedings in Council that day; the only hint about anything amiss was his statement that he didn't know why Lauderdale had thought there was a 'design' for that day, because Hamilton, Dumfries and Morton had all been absent from Council, and there had not been a contrary vote in anything. Yet, two weeks later, a correspondent of the Duchess of Hamilton told her that severe letters had been exchanged between the two, and that her husband should think about what to do if there was a breach. By November, another correspondent of the Hamilton family reported that Charles Maitland and Kincardine now appeared to stand in a 'diametrical opposition'.¹³¹

At this stage, we can probably discount Burnet's claim that the earl did not approve of the courses which were taken; this might have been true by the time he travelled to Court in the summer of 1675, but not in the autumn of the previous year. There is no direct evidence that Kincardine opposed anything prior to this stage. So what about Mackenzie's assertion that the breach was the result of yet another of the ubiquitous intrigues of political life, with Charles Maitland, Atholl and the Duchess of Lauderdale conspiring to reduce Kincardine's influence with the Duke? This involved convincing the latter that the earl, who had been his representative at Court during the two previous sessions of Parliament, was a potential threat. Circumstantially, this description was correct; Atholl certainly replaced Kincardine in Lauderdale's confidence. Therefore, perhaps this was another example of the 'Tweeddale syndrome', and this time, the paranoia belonged solely to the Secretary. It is possibly worth pointing out that James Sharp was at Court when there is first mention of a breach; I have already mentioned the fact that Kincardine did not have a high opinion of the archbishop. Perhaps Sharp was the agent of the intrigue. Whatever the case, Kincardine seems to have attempted to make as much trouble as he could for Lauderdale's allies on the Council during

the winter of 1674-5 - perhaps this was the opposition to which Burnet was referring. In May 1672, Sir Robert Moray had told the Duchess of Hamilton that the poor condition of his estates was the reason why Kincardine had allied himself so closely with Lauderdale.¹³² If he had lost the latter's favour, he might have felt that he could behave more honestly.

Yet the breach with Kincardine was not the only difficulty faced by Lauderdale. The officers of state continued to demonstrate a marked reluctance to carry out their duties; this might be regarded as disillusionment as much as disaffection. An example was provided by the reaction to the arrival of letters from the King on 29 September, described by Charles Maitland in a letter to his brother written that day. Firstly, however, he told him that Rothes had not bothered to inspect the new levies, despite the fact that his ship had arrived at Leith when the troops were there. As a 'military man' and Lord Chancellor, this was quite a remarkable display of neglect. At the Council, with Hamilton doing his best to obstruct business, they came to an order for the imprisonment of William Drummond (it is not entirely clear what this was for). As the clerks were writing out the order, most of those in attendance stood up to leave, prompting Maitland to rebuke them for their precipitation; everyone was called back, but Nisbet, Lord Advocate, refused and the rest simply stood about until the clerks were finished. Later that day, the Treasurer-Deputy claimed, he had to press the others to carry out all of the King's instructions.¹³³ It was reported to the Earl of Arran, Hamilton's son, the following day that Kincardine and Hamilton had argued with Maitland over a petition from Edinburgh town Council, which had just been ordered to desist from holding its annual election because of a dispute over electoral procedure. Nisbet was also said to have spoken up for advocates who had been debarred after a serious disagreement with the Lords of Session.¹³⁴ Therefore, despite June's purge, Lauderdale's administration was still faced with some very real problems.

The conflicts within the Council continued throughout the winter. In January 1675 there were further divisions at a committee which was investigating an 'insolent' letter sent by the Convention of Royal Burghs to the King, while the dispute between the Court of Session and the debarred advocates was said to have provoked heated debate, with Rothes and several others speaking up for the latter.¹³⁵ In March, the punishments which were meted out to the Provosts of Aberdeen and Jedburgh, and the former Provost of Glasgow, as a

result of the Convention of Royal Burghs' letter were apparently carried by a single vote; this was despite the fact that neither Hamilton nor Morton were in attendance. The disaffected Duke turned up in Edinburgh, intending to attend the Council at the following meeting, when the advocates were due to present another petition; it may be coincidence, but this time their petition was sent to the King, whereas in January their suit had been rejected.¹³⁶ Such a state of affairs was hardly the expected result of the purge; but most worrying was the consistency with which the officers of state, particularly Rothes and Nisbet, opposed the line taken by Lauderdale's allies.

This situation might have been the reason why a number of other individuals were brought into the Council. As well as Burnet, George Seton, Earl of Winton was appointed in January; he also replaced Tweeddale as Colonel of East Lothianshire's militia regiment of foot. During the course of the year, they were joined by Kenneth Mackenzie, Earl of Seaforth, Erroll, John, Lord Elphinstone (who was married to Charles Maitland's daughter), and Sir Andrew Ramsay; in February 1676, Keith of Keithhall, and Charles Gordon, Earl of Aboyne, were added to the list. Ramsay had been sacrificed by Lauderdale after the former Provost of Edinburgh had been attacked in Parliament, so his return to the Council was indicative of the harder line being taken with the opposition. Aboyne had been associated with the opposition 'party', but had been won over by August 1675, when he dined with Maitland, Atholl, Linlithgow, and Wigton, and freely acknowledged his 'errors'.¹³⁷ It is worth noting that none of these men, with the exception, of course, of Burnet and Ramsay, had served on the Council before. Therefore, with many of those who had been at the centre of public affairs for a number of years seemingly turning their backs on Lauderdale, the government - if we define it as those who were allied to the Secretary - had been substantially altered. Again, it is not possible during 1675 to equate the Council with the government; although divergences of opinion are perhaps fairly standard within governments, this is not how the situation was regarded by Lauderdale himself.

During the summer of 1675, Kincardine's breach with his former master was completed. He travelled to Court, and was snubbed by Lauderdale. From this point, he set himself up in opposition. It is probably safe to discount Burnet's dramatic description of Lauderdale's reaction to the King's decision to let Kincardine stay in London for the rest of the year, but

it can be assumed that the Secretary was unhappy about it (Kincardine did not reappear at the Council until April 1676).¹³⁸ Despite outward appearances, Lauderdale's grip on Scottish affairs was actually far from total. There was even a suggestion of unease in his relations with Atholl, although the Secretary cannot have known that the latter had in fact swapped letters with Hamilton about the possibility of travelling to London together. This did not bode well, for it suggests that the earl's loyalties were far from deep.¹³⁹ It is possible that he was simply hedging his bets. Hamilton did travel to Court late in 1675, as did Atholl; when it became clear that the former's efforts would come to nothing, Atholl (who returned to Scotland early in 1676) sent Lauderdale a letter stating that he and some of his friends were overjoyed. He was then raised to the marquise, a mark of favour which was presumably intended to secure him.¹⁴⁰

The Secretary was busy winning new friends, and attempting to secure others, such as Kinghorn, or Sir John Drummond of Lundin, the Earl of Perth's brother, who had been appointed one of the Captains in the regiment of foot in 1673. Late in 1677, Lundin was appointed Lieutenant of Lauderdale's own Edinburgh Castle garrison, and Keeper of the Magazine there.¹⁴¹ (He was not actually a Councillor at this point, but became prominent later on.) The government during the winter of 1675-6 can be regarded as being composed of a core of Charles Maitland, Atholl, Argyll, Sharp, Burnet, Stair, and Ramsay, along with newer men like Kinghorn, Ross, Elphinstone, Wigton, Aboyne and Seaforth. This was still quite a strong team, but there were tensions, and it remained to be seen whether the new adherents would last. At this point Argyll was under a bit of a cloud as a result of his disastrous aggression against the Macleans on the island of Mull. It was even rumoured early in 1676 that he and Rothes would be replaced by Ross and Kinghorn at the Treasury.¹⁴² It is unwise to make anything of the almost constant rumours which were such an prominent feature of political discourse, but the insecurity at the heart of government seems to have been real enough.

The continuing difficulties faced by the government within the Council persuaded Lauderdale that yet another purge was needed.¹⁴³ The catalyst was a dispute over the arrest of Robert Baillie of Jerviswood, who had helped an outlawed dissenting minister escape from Captain William Carstares, but the crucial factor was that the purge of June 1674 had

not achieved the objective of neutralising the opposition within the Council. The same men had caused the fuss time and again, over a number of issues; Hamilton, Dumfries, Morton, Lord Cochrane, and Kincardine. In July 1676, Charles Maitland bemoaned the fact that these men could hold up and harangue the majority on the Council. In the new commission, these five were excluded, along with Sir Archibald Primrose, Clerk-Register; the latter was also removed from the Session.¹⁴⁴ Lauderdale seems to have felt that he could take no chances. Taken together the two commissions of 1674 and 1676 amounted to a considerable purging of some very influential men, most of whom had at one time or another been part of the dominating 'inner core' of the Council. The deliberate omission of several powerful nobles demonstrates that aristocratic privilege did not necessarily prevent exclusion from membership of the main organ of central government. It also reveals that the Secretary was still in favour with the King, and that he was not going to tolerate any opposition.

Was the second purge successful in its aim of firmly re-establishing Lauderdale's control of central government? Rothes and Sir John Nisbet were the only two remaining within the Council who had sided with the opposition. Nisbet was eventually replaced as Lord Advocate by Sir George Mackenzie of Rosehaugh in September 1677, ostensibly as a result of legal misdemeanours.¹⁴⁵ Rosehaugh, previously a critic of the government, had changed his stance during the course of the advocates' dispute in 1675. For this he attracted considerable enmity, and by the end of the year he was associating himself with Charles Maitland, and writing fawning letters to the Duchess of Lauderdale. In June 1676, he was appointed assistant to Nisbet with a salary of £100 sterling.¹⁴⁶ He became a firm adherent of the Maitlands in another of the volte-faces so common in Restoration politics. By 1676, Rothes was corresponding with Hamilton, and towards the end of the year his reputation was so tarnished at Court that the King apparently criticised Kincardine for conversing with him and Hamilton; as the latter pointed out, he could understand his own ostracism, but it was a bit odd for the King to have such an opinion of his own Chancellor.¹⁴⁷ But Rothes was a political survivor, and pursued his own interests. His position as Lord Chancellor was weakened in September 1677 when offices of state were declared to be held during the King's pleasure rather than for life; some were a little unhappy when he declared his acceptance of this. His relations with Lauderdale were usually strained, yet when it seemed

to be clear that the latter would survive the storm of 1678, he declared his loyalty to the King and promised to work with the latest of Lauderdale's allies, the Earl of Moray.¹⁴⁸ In fact, in a way, Rothes was the greatest survivor of all, because for a while it looked as if he might step into Lauderdale's shoes after the latter's eventual eclipse in 1679-80; this was signified by his elevation to the rank of Duke in the summer of 1680. Unfortunately, if he possessed any further political ambitions, he died the following year.¹⁴⁹

The commission of July 1676 succeeded to a large extent where that of 1674 had failed: Lauderdale faced very little in the way of opposition within the Council during the last years of his government. However, he faced great difficulties in keeping his allies united for any length of time. When he travelled to Scotland in 1677, it was widely suspected that his aim was to achieve unity within his government. In particular, his wife, his brother and the Marquis of Atholl seemed to be particularly adept at falling out with each other. During the summer of 1677, the intrigues between these three bewildered observers; it had been envisaged that the Duchess's daughter would marry Atholl's son, but this plan never worked out. The failed marital arrangement seems to have played its part in persuading Atholl to join the opposition at the start of 1678. Closely related to these extraordinary manoeuvres was Argyll; his rivalry with Atholl was well-known, and ultimately he benefited from the latter's desertion. In March 1678, his son married the Duchess of Lauderdale's daughter, and a few months later, his daughter was betrothed to Charles Maitland's son.¹⁵⁰

In fact, one important feature of these later years was an increase in the number of prominent Councillors related to Lauderdale by kin or marriage. Sir John Campbell of Glenorchy, one of Argyll's kinsmen, was appointed to the Council in September 1676. Alexander Stewart, Earl of Moray, whose family was also closely connected to the Campbells of Argyll, was being courted by Lauderdale during 1677; his son married the Duchess's eldest daughter. Moray subsequently became one of the Secretary's closest allies. The prominence of Charles Maitland and Lord Elphinstone, his son-in-law, has already been mentioned. This bunch was joined in March 1678 by a kinsman of Lauderdale's wife, Sir Thomas Murray of Glendoig, who had been appointed Clerk Register, and in October by Richard Maitland of Gogar, the Treasurer-Deputy's son and later fourth Earl of Lauderdale; it was he who married Argyll's daughter.¹⁵¹ This preponderance of Maitlands and their in-

laws can surely be attributed to the fact that by 1678, Lauderdale's position was essentially weak in Scotland, with so many important men having joined the opposition. Moreover, the impression of a self-serving clique was strengthened by this blatant nepotism.

However, Lauderdale was not dependent solely on those with family connections. Linlithgow, Ross, Archbishops Sharp and Burnet, Sir James Dalrymple, Sir Andrew Ramsay, Sir John Wauchope, Colington, Craigie, and Rosehaugh, most of whom had been around for a few years, continued to attend most Council meetings. Other men such as Dundonald, Douglas, Wigton, and Lord Belhaven (in fact appointed in 1661 though never a member of the 'inner core') attended relatively frequently; although they were associated with the government, during these eventful years they do not appear to have been regarded as part of Lauderdale's 'cabal'. All of these men can be characterised as royal servants, self-seeking and consequently willing to acquiesce in the drift of policy. Linlithgow, Wauchope of Niddrie, Belhaven and a couple of others had survived since the commission of 1661. Lauderdale could rely on these men for as long as he retained the King's favour. He must have been well aware, however, that their loyalty was to his own master, rather than to himself.

Yet again, the prominence of 'lesser' men is striking; after July 1676, with so many nobles excluded, their importance to Lauderdale increased, particularly the lawyers. The prominence of these men within the Council provided a veneer of legitimacy for the increasingly heavy-handed measures imposed upon the country, ostensibly for dealing with active dissent; as Lord Advocate, Sir George Mackenzie was invaluable at Court in 1678, when Lauderdale's government was accused of behaving illegally.¹⁵² Again, during these later years, the archbishops enjoyed probably their most influential period, as a result of Lauderdale's difficulties. The appointment of John Paterson, Bishop of Galloway, later of Edinburgh, in September 1678, was a sign of this increase in episcopal influence.¹⁵³ It has been remarked that:

The prospect that the privy council would become the preserve of bishops and lawyers dependent on the king briefly arose in the 1630s, but

disappeared at the covenanting revolution. After the restoration the dominance of the landed aristocracy was unquestioned.¹⁵⁴

In fact, during the years 1676-9, the Council was dominated by a clique associated with Lauderdale by kin or marriage, a few prominent lawyers, representatives of the episcopate, and some individual nobles and lairds. The King's government, dominated by Lauderdale, excluded many of the 'landed aristocracy'. This is not the only similarity with the practices of Charles I; the limitation of offices of state to be held only during the King's pleasure contained echoes of changes introduced after 1625.¹⁵⁵

However, it is difficult to believe that Charles II took as much interest in Scotland's government as his father. This is not to exclude him from responsibility; he did, after all, continue to support his Secretary. The latter was perhaps, by 1677-8, something of a loose cannon. As noted, it is probable that when he came north in the former year, his intention was to unite his allies. Yet, some of his actions seemed more likely to alienate his friends. The mysterious discussions about an indulgence for presbyterians which took place in August and September, whether they were a sham or genuine, angered the bishops; yet it was reported that they dared not ask questions. The extraordinary 'Highland host' of 1678 caused divisions among his friends. Some Councillors, even such as James Sharp and Sir George Mackenzie of Rosehaugh, denied that they had anything to do with the violent courses being followed. It seems that Dalrymple of Stair and Argyll, two of Lauderdale's closest allies, tried to convince him to moderate his actions.¹⁵⁶ In some respects, perhaps, we should not make too much of this, for the small bunch of men who formed the 'inner core' of the Council stuck by their patron. Yet, the confusions and uncertainties which existed at the very heart of Lauderdale's government are clear enough. It is remarkable, indeed, that he lasted so long; that he did was perhaps testimony to the stubbornness of Charles II.

In a sense, with so many prominent nobles excluded, the Privy Council lacked full authority within Scotland after July 1676. That the government was deeply unpopular is unquestionable. Ultimately, despite the King's support, the extent of opposition within the Scottish political nation, the continuing problem of active dissent, which resulted in another

rebellion in 1679, and events in England, were too much for Lauderdale. The decline in his influence, and the role of James, Duke of York, are discussed in the final chapter of this thesis, but one important consequence of Lauderdale's uncompromising attitude towards opposition is worth considering. The inability of the latter to make any headway in Scotland shifted the focus of attention to the Court in London. In 1678, a considerable number of Lauderdale's enemies travelled to the English capital, in defiance of a Council proclamation forbidding anyone to leave the country without permission, in order to appeal to the King about the government's policies.¹⁵⁷ This blatant disregard for the Council's authority was borne of frustration at the level of control exercised by Lauderdale. The defiance of dissenters, which developed into armed conflict, is well-enough known.¹⁵⁸ The cumulative effect of all of these disorders was a diminution of the Council's authority. At the same time, and part of the same process, was the increase in the importance of London for Scottish politics. This was a trend which did not disappear with Lauderdale. One of his allies, Sir John Drummond of Lundin, who was appointed to the Council at the end of 1678,¹⁵⁹ described the situation quite succinctly, while discussing the King's options for dealing with the opposition:

they will infallably divide and then the on half will murmur against the other of themselves so that ther shal be always on part of Scotland by that means governing in Scotland and another repinning and traducing them at Whitehall....¹⁶⁰

In 1683-4, Drummond himself provided evidence for his diagnosis, when he participated in the attempt to destroy the Chancellor, Sir George Gordon, Earl of Aberdeen, by undermining him at Court.¹⁶¹

Although Lauderdale remained as Secretary until October 1680, the loss of royal confidence undermined his dominant position and ultimately new men took over the challenge of managing Scottish affairs. But the change should not be overestimated. He was allowed to choose his replacement, which meant that Moray became Secretary in October 1680.¹⁶² In addition, although some of his enemies, such as Atholl or Queensberry, were reintroduced into the Council, signifying the reduction in the Duke's influence, many Councillors who had

been part of the 'inner core' for some time remained so, such as Rothes until his death in 1681, Linlithgow, Elphinstone, Douglas, Alexander Burnet, Colington, Rosehaugh, Stair, Niddrie, Ramsay and Charles Maitland (until 1682). Others appointed since 1676, such as Drummond of Lundin, his brother, James, Earl of Perth, Sir George Gordon of Haddo and Sir George Mackenzie of Tarbet, readmitted in November 1678, were to be prominent figures in the Council over the next few years. The decline in Lauderdale's influence did not mean a substantial alteration in the personnel of the Privy Council.¹⁶³ This can be partly attributed to the desire of James, Duke of York, the King's brother, who was present in Scotland intermittently during the years 1679-82, to build a broad base of support. However, it also provides support for the argument presented elsewhere, that with Lauderdale's political demise, little actually changed in terms of the actual government of the country.¹⁶⁴

Conclusion

It is clear that the government of Scotland at any given time consisted of a small number of men allied to a major political figure. By 'government', I do not mean the administrators, clerks, and other petty officials who proliferated in Edinburgh, but those who contributed in some way to the formation of policy. According to such a definition, most of the Privy Council cannot really be regarded as being part of the government; this would seem to be borne out by the fact that most of those who were entitled to attend did so irregularly. Furthermore, at certain times, particularly during the mid-1670s, the government was faced with open opposition within the Council. To deal with this, the chief government minister, Lauderdale, twice purged the kingdom's central executive body, in 1674 and 1676. Another significant feature of government was the prominent role played by 'lesser' men, especially lawyers, continuing a trend apparent earlier in the century. Towards the end of the period under consideration, such men were vital allies of the increasingly unpopular Lauderdale.

Initially, Scotland's government was dominated by the rivalry between Lauderdale and Middleton, but after the former's success in destroying the latter in 1663-4, he established himself as the most important of Scotland's politicians, secure in his position next to the King at Court. Until the end of the second Dutch war in 1667, however, he was willing to

'share' responsibility with Rothes, who had assisted in the proceedings against Middleton. The financial and military fiascos of these years provoked the Secretary to assume more direct control of Scottish affairs. At this stage, membership of the government remained fairly consistent, although Lauderdale had elevated his allies, particular Tweeddale, to positions of particular importance. However, during the early 1670s, after his breach with Tweeddale, the Secretary's control of the government diminished, reflecting the growth of opposition in the country as a whole, which is discussed elsewhere. Although the two purges restored his control of the 'inner core' of the Council, this served only to increase hostility to his government.

In fact, it is suggested that, by the end of Lauderdale's administration, the Council's authority had diminished somewhat, largely as a result of the unpopularity of the government. This seems to have hastened the trend which had been apparent since the Restoration (and indeed, perhaps, since 1603), of a shift towards London as the source of real influence. Lauderdale's success against Middleton and Rothes was to a large extent the result of his proximity to the King at Court. However, the opposition of the late-1670s, deprived of a forum to express their discontent in Scotland, took their case directly to the King, and succeeded in undermining Lauderdale's government. The relationship between Edinburgh and London was a major issue during the Restoration period; it is suggested that, by the 1680s, the balance had shifted towards the latter.

References

¹. It should be noted that I am concerned with central, rather than local, government. Moreover, this chapter is not about policies, although there is discussion of these where relevant. Usually, I make reference to other chapters where particular policies or issues are discussed. In addition, the attendance data is mostly derived from the sederunts contained in the volumes of the Privy Council records [*RPCS*]; when I am discussing a particular period, I will cite the relevant page numbers only once.

². See chapters 4 and 6.

³. *RPCS*, i, pp. 1-4. By the time the Council met, Sir William Bellenden, Treasurer-Deputy, had become Lord Bellenden of Broughton, *Scots Peerage*, ii, pp. 71-2; *RPCS*, i, pp. 171-2.

⁴. See relevant entries in *Scots Peerage*; also, Brunton and Haig, *An historical account of the Senators of the College of Justice*, pp. 319-20, 350-6; *The Parliaments of Scotland*, i, pp. 273-4, 276, 398; ii, pp. 435, 610, 661, 722. For Cassillis, see chapter 1, pp. 14, 20.

⁵. BL Add Ms 23115/85.

⁶. BL Add Mss 23115/77; 35125/69; *Calendar of the Clarendon state papers*, v, p. 90; *LP*, i, p. 116 [Contrary to what Airy notes, the 'President' of this letter is J. Gilmour, and not Rothes]; Mackenzie, *Memoirs*, p. 114. For further evidence of Craigmillar's links with Lauderdale, see below, f. 19.

⁷. For the Articles, see chapter 1. *RPCS*, i, pp. 5-6, 27-8, 216.

⁸. Throughout this chapter, attention is focused on the 'inner core' of the Council. This term of convenience refers to those who attended most regularly, which is usually taken to mean those who attended more than half of the meetings during a particular period. Such an approach obviously has limitations; there are many reasons why an individual would not attend, while mere attendance does not imply influence (although it makes influence possible). Despite these limitations, it is felt that this allows greater insight into the composition of the government.

⁹. *RPCS*, i, pp. 236-311. For the 'billeting affair', which ended with Middleton's political demise, see chapter 1; for the measures relating to the Church, see chapters 1 & 4.

¹⁰. *RPCS*, i, pp. 1-383 [1661-mid-1663]; Mackenzie, *Memoirs*, pp. 9, 10, 52, 116; *Scots Peerage*, vi, p. 379; G. W. T. Omond, *The Lord Advocates of Scotland*, 2 vols. (Edinburgh, 1883), i, pp. 176-80; *LP*, i, pp. 111, 124-5, 127, 166; BL Add Ms 23119/93, 99-100; M. Wood (ed), *Extracts from the records of the Burgh of Edinburgh, 1655-1665* (Edinburgh, 1940), pp. 216, 262, 307; *Calendar of the Clarendon state papers*, v, pp. 72, 216-7, 218.

¹¹. For the role of these men in the 'billeting affair', see chapter 1, pp. 34-6.

¹². *RPCS*, i, pp. 201, 292, 296.

¹³. *Ibid.*, pp. 27-9.

¹⁴. *Ibid.*, pp. 380-445.

¹⁵. *Scots Peerage*, iv, p. 247; Omond, *The Lord Advocates of Scotland*, i, p. 186; *RPCS*, i, pp. 567, 601, 612-3, 689-90; BL Add Mss 23122/82, 152; 35125/91; NLS Mss 7023/3; 25382/13. For further evidence of Nisbet's links with Lauderdale, see below f. 19.

¹⁶. NLS Mss 25382/13-4, 26, 32; 25383/96; *LP*, i, pp. 180-1; Burnet, *History*, i, pp. 207, 211.

¹⁷. *LP*, i, p. 150. Sir Robert Moray should not be confused with the Provost of Edinburgh, who was part of the 'inner core' of the Council.

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- ¹⁸. *RPCS*, i, pp. 382-4, 526, 618.
- ¹⁹. BL Add Mss 23113/75; 23114/77; 23115/77; 23117/41; 23118/9. Sir John Wauchope of Niddrie had also advanced money to the King in 1650, *APS*, vii, p. 321.
- ²⁰. A. I. Macinnes, *Charles I and the making of the Covenanting movement, 1625-1641* (Edinburgh, 1991), p. 50; M. Lee Jr., *The road to revolution: Scotland under Charles I* (Urbana and Chicago, 1985), pp. 17, 35.
- ²¹. *LP*, i, pp. 98-9, 125-6, 129. See also their correspondence about financial affairs, chapter 3.
- ²². *RPCS*, i, pp. 36-7, 41-2, 45, 53-4, 57-8, 61, 206; *LP*, i, pp. 99-101, 119-20; BL Add Ms 23117/57; Mackenzie, *Memoirs*, p. 60-1. For Guthrie's execution, see chapter 1, p. 23.
- ²³. Brunton and Haig, *An historical account*, pp. xxii-xxiii.
- ²⁴. *LP*, i, pp. 10-3, 15, 37. For the military operations against dissenters during these years, see chapter 4.
- ²⁵. Hutton, *Charles II*, p. 207; Buckroyd, *Church and state*, pp. 54-64.
- ²⁶. *Ibid.* For comments on Lauderdale's attitude to the church, see chapter 1, p. 42, and chapter 4, pp. 161-2.
- ²⁷. *RPCS*, i, pp. 382-3; Mackenzie, *Memoirs*, pp. 116-7.
- ²⁸. *RPCS*, third series, i, p. 526; Buckroyd, *Church and state*, p. 55.
- ²⁹. Macinnes, *Charles I*, especially chapter 6.
- ³⁰. *RPCS*, i, pp. 381-2, 610-3; *APS*, vii, p. 465; Mackenzie, *Memoirs*, p. 113; Dalton, *The Scots army*, part 1, pp. 8-11, part 2, pp. 10-1; BL Add Ms 23121/10; SRO GD 90/2/260, warrants to Rothes, 14 October 1664; NLS Mss 597/96, 116; 7023/3-4.
- ³¹. Burnet, *History*, i, pp. 373-5.
- ³². BL Add Ms 23117/37-8.
- ³³. *LP*, ii, pp. 69-70.
- ³⁴. See chapter 3, p. 115, and chapter 5, p. 199.
- ³⁵. BL Add Ms 23122/311-2; 23123/3; *LP*, ii, pp. 210-1.
- ³⁶. See chapter 3, p. 115.
- ³⁷. NLS Ms 7023/16; *LP*, ii, pp. 212-3.

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- ³⁸. *RPCS*, i, p. 526. For Lauderdale's patronage of Argyll, see chapter 1, p. 34.
- ³⁹. Burnet, *History*, i, p. 378; *LP*, i, pp. 228-31
- ⁴⁰. NLS Ms 7023/11, 14, 20, 25-6; 7024/4, 7-8, 10-1, 14, 16; BL Add Mss 23121/37; 23122/9; 35125/91. For the fines, see chapter 1, p. 33, chapter 3, p. 116, and chapter 4, p. 162.
- ⁴¹. For the Act of Parliament, see chapter 1, pp. 37-8. *LP*, i, pp. 194, 213.
- ⁴². Buckroyd, *Church and state*, pp. 60, 63; BL Add Ms 23122/20, 27.
- ⁴³. See chapter 4 for discussion of the behaviour of soldiers in 1666-7.
- ⁴⁴. Buckroyd, *Church and state*, p. 65, following Burnet, *History*, i, pp. 383-4; NLS Ms 7024/27.
- ⁴⁵. For sources, see chapter 3, p. 116.
- ⁴⁶. BL Add Ms 23124/149-51; *LP*, i, pp. 237-8. Sources for payments, see below, f. 73.
- ⁴⁷. Dalton, *The Scots army*, part 1, pp. 8-11, 29, part 2, pp. 3, 10, 13-4, 31-2, 34; *Scots Peerage*, i, p. 473; v, pp. 360-1; *Calendar of the Clarendon state papers*, pp. 75, 85-6, 256. For petitions by, and discussions about, Kellie, see BL Add Mss 23114/21; 23116/37; 23117/127; 23125/13; NLS Mss 7023/6, 9; 7024/7.
- ⁴⁸. Dalton, *The Scots army*, part 1, pp. 13-14, 18-23, 70-2, part 2, pp. 46, 48-80; *RPCS*, ii, pp. 241-2, 247, 279.
- ⁴⁹. *LP*, i, p. 282.
- ⁵⁰. *RPCS*, ii, pp. 234-5. For discussion of the actions of the military, see chapter 4.
- ⁵¹. See chapter 3.
- ⁵². Burnet, *History*, i, pp. 427, 431. Tweeddale was in London, see NLS Mss 7024/39; 25382/8-12, 20-3. Kincardine, like his colleague, did not attend the Council in Edinburgh during these months, nor was he at the 1667 Convention.
- ⁵³. Hutton, *Charles II*, pp. 250-3; Jones, *Charles II*, pp. 74-8.
- ⁵⁴. *RPCS*, ii, p. 279; BL Add Ms 23122/53.
- ⁵⁵. See chapter 3.
- ⁵⁶. *LP*, ii, pp. 1-6, 9; BL Add Ms 23127/36, 42, 44; NLS Ms 7023/44, 49-52; *RPCS*, ii, pp. 294, 305-6; Burnet, *History*, i, p. 433.

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- ⁵⁷. *LP*, ii, pp. 6-23, 28-35, 40-1, 92; BL Add Mss 23125/259, 261; 23127/193, 195, 203, 209; NLS Ms 7023/34, 38, 58, 62-3, 71, 80, 86; Burnet, *History*, i, pp. 429-31.
- ⁵⁸. BL Add Ms 23127/219, 221, 234.
- ⁵⁹. *RPCS*, ii, p. 334. For discussion of the financial measures taken to finances the disbanding, see chapter 3, p. 121.
- ⁶⁰. *RPCS*, ii, pp. 339-41; *LP*, ii, pp. 52-9; BL Add Ms 23128/23, 36-9, 46, 55.
- ⁶¹. BL Add Ms 23129/298.
- ⁶². BL Add Ms 23128/156-7, 233; *LP*, ii, pp. 36-7, 45-9, 58-9, 65-7, 71, 80; NLS Mss 7003/56b; 7023/95, 99; H. Paton (ed), 'Letters from John, second Earl of Lauderdale, to John, second Earl of Tweeddale, and others', in *Miscellany of the Scottish History Society*, vi (Edinburgh, 1939) [Hereafter *SHS, Miscellany*, vi], pp. 140-1, 144, 146; *RPCS*, ii, pp. 343, 390, 425-6; Burnet, *History*, i, pp. 435-6.
- ⁶³. *RPCS*, ii, pp. 241-625; iii, pp. 1-261.
- ⁶⁴. Brunton and Haig, *An historical account*, p. xxiii.
- ⁶⁵. NLS Ms 7023/116.
- ⁶⁶. BL Add Ms 23138/48, 117, 281; NLS Mss 7033/144; 7023/123.
- ⁶⁷. *RPCS*, ii, pp. 440, 520.
- ⁶⁸. See chapter 4, p. 172, for sources.
- ⁶⁹. BL Add Ms 23127/234, 261. See chapter 4, pp. 169-70.
- ⁷⁰. SRO GD 406/1/8009, 8420, 8430. For his opposition to the Act Recissory, see chapter 1, p. 22.
- ⁷¹. BL Add Mss 23123/138; 23128/47, 89, 152; SRO GD 406/1/2712, 8420-1, 8430; 406/L1/235; NLS Mss 7023/95; 7024/70, 74-5, 85-6; *LP*, ii, pp. 81-2, 88-92; *SHS, Miscellany*, vi, pp. 145-7. For his collection of the 1665 taxation, and the debt, see chapter 3, pp. 115-6.
- ⁷². BL Add Ms 23129/160, 173, 276; *LP*, ii, 117; NLS Ms 7024/106, 108, 110, 116.
- ⁷³. BL Add Ms 23129/298; SRO E6/1, pp. 181-3; E9/3, King to the Commissioners of the Treasury, 12 & 26 June 1669; E26/11, pp. 45-7.
- ⁷⁴. BL Add Ms 23128/65. For the independent company, see chapter 4, p. 172.

⁷⁵. NLS Ms 7023/123; *LP*, ii, p. 99.

⁷⁶. Buckroyd, *Church and state*, pp. 73-4.

⁷⁷. For discussion of the indulgences, see chapter 4, and sources listed there. For the 1669 session of Parliament, see chapter 5.

⁷⁸. NLS Mss 7023/34, 38, 69, 88, 98, 121, 165; 7024/57, 58, 64, 77, 82, 103; BL Add Ms 23128/47, 260-1; *SHS, Miscellany*, vi, p. 163; Mackenzie, *Memoirs*, pp. 156-9; Burnet, *History*, i, pp. 496, 515-6; *RPCS*, iii, p. 116.

⁷⁹. Brunton and Haig, *An historical account*, pp. 300, 320, 352, 356, 384; *Scots Peerage*, v, pp. 248-9; M. Wood, *Extracts from the records of the Burgh of Edinburgh, 1665-1680* (Edinburgh, 1950), p. 116.

⁸⁰. NLS Mss 3177/52-78 (transcript of Ms 3134/119); 7025/80-1, 127.

⁸¹. NLS Mss 7023/205, 209; 7024/101-2, 118, 121, 123-4; *SHS, Miscellany*, vi, pp. 161-2, 167, 170; Burnet, *History*, i, pp. 439, 442, 533.

⁸². See chapter 3, pp. 123-5.

⁸³. Lauderdale muniments, Thirlestane Castle, bundle 75/7, Lauderdale to Charles Maitland, 17 October 1668; NLS Ms 7024/119, 123; *SHS, Miscellany*, vi, pp. 164-5, 168-9.

⁸⁴. Brunton and Haig, *An historical account*, p. xxiii; *RPCS*, iii, pp. 289-92; NLS Mss 7004/81; 7025/35, 36.

⁸⁵. NLS Mss 7004/168a; 7025/24-6, 38, 40-2, 44, 47; SRO GD 406/1/6111.

⁸⁶. See chapter 3, pp. 128-9. NLS Ms 7025/74.

⁸⁷. NLS Ms 7023/252, 255-8, 261-2, 264, 266-7, 271.

⁸⁸. Burnet, *History*, i, pp. 438-9, 534; Mackenzie, *Memoirs*, pp. 212-3, 217-8; *Scots Peerage*, v, pp. 305-6; viii, pp. 457-8; J. Patrick, 'The origins of the opposition to Lauderdale in the Scottish Parliament of 1673' (*SHR*, liii, April 1974), pp. 12-3; Buckroyd, *Church and state*, p. 103; Mackenzie, *Life and times*, p. 341; D. Cripps, *Elizabeth of the Sealed Knot: a biography of Elizabeth Murray, Countess of Dysart* (Kineton, 1975), pp. 92-113.

⁸⁹. NLS Mss 7005/54, 62, 69, 79; 7023/281, 285; 7025/58, 59, 62-4; BL Add Ms 23135/101; *Scots Peerage*, vi, p. 59; *RPCS*, iii, pp. 407-8, 411-2.

⁹⁰. NLS Mss 7005/50, 54; 7023/284; 7025/63. This murky episode does not feature in Burnet's *History*, which must leave some room for suspicion about the churchman's role.

- ⁹¹. NLS Mss 7005/79, 91, 97, 110, 118, 126, 130, 142, 144, 147, 149, 177, 182, 192, 201; 7006/1, 10-1, 23; 7023/308; 7025/101-2, 104; Cripps, *Elizabeth of the Sealed Knot*, p. 98.
- ⁹². See chapter 5, p. 220.
- ⁹³. Hutton, *Charles II*, p. 310; Patrick, 'The origins of the opposition', pp. 12-3.
- ⁹⁴. NLS Ms 7025/80-1; Burnet, *History*, i, p. 439.
- ⁹⁵. See chapters 3 and 4.
- ⁹⁶. *RPCS*, iii, pp. 262-612; iv, pp. 1-180; *Scots Peerage*, iii, p. 346; BL Add Ms 23134/174, 178; NLS Mss 7023/252, 255, 258; 7025/71.
- ⁹⁷. *RPCS*, iii, p. 197, 392; Brunton and Haig, *An historical account*, pp. xxiii, 399-401; BL Add Mss 23128/195; 23129/152, 173-4; 23130/10; 23134/185; Dalton, *The Scots army*, part 2, p. 35; SRO E6/1, pp. 304, 338, 357, 372; E6/2, p. 8; E9/5, Warrant to the Commissioners of the Treasury, 21 January 1671; Mackenzie, *Memoirs*, p. 246.
- ⁹⁸. *RPCS*, iii, p. 532; *Scots Peerage*, vi, 60-1.
- ⁹⁹. Brunton and Haig, *An historical account*, pp. xxiii, 401-2; *RPCS*, iv, p. 2; *Scots Peerage*, iii, p. 374; BL Add Mss 23134/67; 23135/246; NLS Ms 7005/201. For his replacement of Newburgh, see chapter 4, p. 182.
- ¹⁰⁰. For these complaints, see chapter 5, pp. 225-6.
- ¹⁰¹. *RPCS*, iii, pp. 416-7, 525-7.
- ¹⁰². The 1673 Parliament is discussed at length in chapter 5.
- ¹⁰³. *RPCS*, iii, pp. 197, 533.
- ¹⁰⁴. BL Add Ms 23135/137; *RPCS*, iii, pp. 441-5, 449.
- ¹⁰⁵. BL Add Ms 23135/143. For further remarks by Kincardine to the same effect, see BL Add Ms 23135/109.
- ¹⁰⁶. Buckroyd, *Church and state*, p. 107.
- ¹⁰⁷. BL Add Ms 23134/142-3; 23135/80-1, 91, 107, 241, 269; SRO GD 406/1/2675, 2703, 2706-7, 2709-10, 2714-6, 2719, 6107, 6129, 6134, 6136, 8422-3, 8460-2; *LP*, ii, pp. 209-10; NLS Ms 7005/182. J. Patrick covers some of this material, see 'The origins of the opposition', pp. 13-4, 19. For the 1669-70 sessions of Parliament, see chapter 5.

- ¹⁰⁸. Hamilton's complaints about Charles Maitland related to the auditing of the former's accounts of the 1633 taxation. SRO GD 406/1/2711, 2713, 2720, 2724-5, 8793; NLS Ms 7006/30. Kincardine had urged as early as 1671 that these accounts should be audited, BL Add Mss 23134/216; 23135/17-8, 33.
- ¹¹⁰. BL Add Mss 23134/216; 23135/266. See chapter 5, pp. 222-5, for the controversy over Kincardine's salt monopoly.
- ¹¹⁰. NLS Mss 7006/23; 7025/109; Burnet, *History*, ii, p. 38; Sir James Turner, *Memoirs of his own life and times 1632-1670* (Bannatyne club, Edinburgh, 1829), p. 253.
- ¹¹¹. NLS Ms 7006/30.
- ¹¹². See chapters 5 and 6.
- ¹¹³. BL Add Ms 23136/117-8, 125; *RPCS*, iv, pp. 164-8; SRO GD 406/1/2712, 2734; NLS Ms 7006/113-4, 121; *LP*, iii, p. 38; Mackenzie, *Memoirs*, pp. 266-7.
- ¹¹⁴. *RPCS*, iv, pp. 168-9; BL Add Ms 23136/125; SRO GD 406/1/2734; NLS Ms 7006/114, 131; *LP*, iii, pp. 38-40.
- ¹¹⁵. *RPCS*, iv, pp. 195-7.
- ¹¹⁶. This episode is covered in Buckroyd, *Church and state*, pp. 108-10. See also NLS Ms 7006/128-9, 131.
- ¹¹⁷. See chapter 6, p. 243.
- ¹¹⁸. *RPCS*, iv, pp. 186-9; SRO GD 406/1/2733, 2786, 6007.
- ¹¹⁹. See chapter 5.
- ¹²⁰. See above, p. 57.
- ¹²¹. Brunton and Haig, *An historical account*, pp. xxii-xxiii, 309, 403.
- ¹²². SRO E6/2, p. 181; Brunton and Haig, *An historical account*, p. xxiii.
- ¹²³. This is the argument presented in chapter 6.
- ¹²⁴. Hutton, *Charles II*, pp. 320-3; *RPCS*, iv, p. 187.
- ¹²⁵. *RPCS*, iv, pp. 186-595; v, pp. 1-4.
- ¹²⁶. *RPCS*, iii, p. 346.
- ¹²⁷. For sources relating to raising of the new forces, see chapter 6, p. 248. *RPCS*, iv, pp. 266, 416, 545.

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- ¹²⁸. Buckroyd, *Church and state*, pp. 112, 115-117; Hutton, *Charles II*, p. 323.
- ¹²⁹. *RPCS*, iv, pp. 248-9, 263-5; SRO GD 406/1/2755. This latter document provides a different emphasis from that provided by Buckroyd, *Church and state*, pp. 110-3.
- ¹³⁰. Mackenzie, *Memoirs*, pp. 314-7; Burnet, *History*, ii, pp. 66-7.
- ¹³¹. BL Add Ms 23136/186; SRO GD 406/1/2687, 5916.
- ¹³². SRO GD 406/1/6133.
- ¹³³. BL Add Ms 23136/192-3; *RPCS*, iv, pp. 281-7. For Burnet's description of Drummond's imprisonment, see *History*, ii, pp. 65-6.
- ¹³⁴. SRO GD 406/1/2763-4. These matters are discussed in chapter 6.
- ¹³⁵. NLS Ms 7007/10, 14; SRO GD 406/1/5967.
- ¹³⁶. SRO GD 406/1/2843; *RPCS*, iv, pp. 366-86. These matters are discussed in chapter 6.
- ¹³⁷. *RPCS*, iv, pp. 332, 381, 416, 440, 545; SRO GD 406/1/5967; *Scots Peerage*, iii, p. 543; BL Add Ms 23137/64; *LP*, iii, pp. 78-9.
- ¹³⁸. NLS Ms 7007/71, 76-7 [back], 86; SRO GD 406/1/2881; Burnet, *History*, ii, p. 67.
- ¹³⁹. BL Add Ms 23137/73; SRO GD 406/1/2851-2.
- ¹⁴⁰. For Hamilton's journey to Court, see chapter 6, pp. 255, 258. BL Add Ms 23137/112; Lauderdale muniments, Thirlestane Castle, bundle 75/7, Lauderdale to Charles Maitland, 26 January 1676; *Scots Peerage*, i, p. 474.
- ¹⁴¹. BL Add Ms 23137/66, 79; Dalton, *The Scots army*, part 2, pp. 21, 36, 42.
- ¹⁴². See chapter 6, pp. 256-7. NLS Ms 7007/160; SRO GD 406/1/3017.
- ¹⁴³. For reports of continuing opposition within the Council, see SRO GD 406/1/2313, 6027.
- ¹⁴⁴. BL Add Ms 23138/9, 11; *LP*, iii, pp. 83-5; SRO GD 406/1/2878; Mackenzie, *Memoirs*, pp. 317-8; Burnet, *History*, ii, pp. 113-5; *RPCS*, v, pp. 6-9; Brunton and Haig, *An Historical account*, p. xxiii.
- ¹⁴⁵. BL Add Ms 23138/45, 49; NLS Ms 7008/48, 56; Lauderdale muniments, Thirlestane Castle, bundle 41/23, Lauderdale to Charles Maitland, 23 June 1677; Mackenzie, *Memoirs*, pp. 318-9, 324; *RPCS*, v, pp. 232-3.

- ¹⁴⁶. See chapter 6 for Mackenzie's role in the advocates' dispute. BL Add Ms 23137/70, 103, 108; SRO GD 406/1/3017; E6/2, p. 349.
- ¹⁴⁷. SRO GD 406/1/3012, 3018, 3021-2, 9429, 9436; *HMC*, Eleventh report, appendix, part vi, *Mss of the Duke of Hamilton* (London, 1887) [hereafter *HMC, Hamilton*], pp. 153-5; *HMC*, Fifteenth report, appendix, part viii, *Mss of the Duke of Buccleuch and Queensberry preserved at Drumlanrig Castle* (London, 1897) [hereafter *HMC, Buccleuch*], p. 217.
- ¹⁴⁸. *HMC, Buccleuch*, pp. 221-4; *HMC, Hamilton*, pp. 163-4; SRO GD 224/171/4, No. 13, Hamilton to Queensberry, 16 April 1677; 224/171/6, p. 2, ? to Queensberry, 6 August 1677; *RPCS*, v, pp. 233-4; Mackenzie, *Memoirs*, pp. 325-6; NLS Ms 7008/68; BL Add Ms 23242/92, 117. [A question mark in a reference indicates that either the writer or the exact date of a letter is not known]
- ¹⁴⁹. *Scots Peerage*, vii, p. 301.
- ¹⁵⁰. Mackenzie, *Memoirs*, pp. 320-1; NLS Ms 7008/51, 58, 60, 68; BL Add Ms 23138/39; *HMC, Buccleuch*, pp. 221, 223-5, 231; SRO GD 224/171/4, No. 13, Hamilton to Queensberry, 16 April 1677; 224/171/6, pp. 1-4, 12-13, ? to Queensberry, May-c.October 1677; 406/1/2885, 3012, 3014; *Scots Peerage*, i, pp. 368, 370; v, pp. 309-10.
- ¹⁵¹. *RPCS*, v, pp. 32, 374; vi, p. 29; *Scots Peerage*, vi, p. 322-3; A. I. Macinnes, 'Repression and conciliation: the Highland dimension 1660-1688' (*SHR*, xiv, 2, October 1986), p. 186.
- ¹⁵². See chapter 6.
- ¹⁵³. *RPCS*, vi, pp. 16-7.
- ¹⁵⁴. K. Brown, *Kingdom or province? Scotland and the regal union, 1603-1715* (London, 1992), pp. 25-6.
- ¹⁵⁵. Macinnes, *Charles I*, p. 50.
- ¹⁵⁶. These events are analysed in chapter 6. *HMC, Buccleuch*, p. 225; Burnet, *History*, ii, p. 147; SRO GD 406/1/8061, 9209; *HMC, Hamilton*, p. 164; Turner, *Memoirs*, p. 269.
- ¹⁵⁷. See chapter 6, p. 267.
- ¹⁵⁸. See chapter 4.
- ¹⁵⁹. *RPCS*, vi, p. 74.
- ¹⁶⁰. BL Add Ms 23242/89.
- ¹⁶¹. Hutton, *Charles II*, pp. 430-1.
- ¹⁶². Buckroyd, *Church and state*, p. 135; Hutton, *Charles II*, p. 388.

¹⁶³. I have considered attendances during the years 1680-1, *RPCS*, vi, 263-618; vii, pp. 1-300. For Mackenzie of Tarbet's and Gordon of Haddo's admission to the Council, see *RPCS*, vi, p. 54.

¹⁶⁴. See chapters 3 and 6.

Chapter 3

The cost of repression: government finances, 1661-c.1681¹

Introduction

It is surely common sense that consideration of the workings and policies of government must involve awareness of its financial viability. The revenue of the Crown in Scotland after the restoration of Charles II has received virtually no serious attention, except in a rather haphazard and idiosyncratic thesis dating from 1921.² This is surprising because, from 1662, the administration had to meet the costs of a standing army, something which no previous royal government had possessed. If Charles I's Treasury officials had been involved in an almost constant battle to balance the books, without this additional commitment, how then did those of his son manage? The answer, it seems, is that battle was simply resumed, perhaps with additional verve. Arguably, in the years prior to 1667, the inadequacy of its finances was the most pressing problem faced by the administration, causing near desperation in some of its members. The various reasons for the problems are discussed below, but it is in this context that Lauderdale's assumption of more direct control of the administration after 1667 should be considered. The primary aim of the Secretary and his allies, dominating the Treasury Commission established in May 1667, was to sort out the financial mess following the second Dutch war. This crucial feature of Lauderdale's administration has been almost completely neglected. The security of his own political position was dependent on the settling of some kind of peace and stability in Scotland. This (from the government's point of view) required military preparedness, which could not be achieved without efficient management of resources. Consequently, much of the chapter is concerned with the attempt at financial reorganisation after 1667, and the extent to which it was successful.

The need to pay the army proved to be the biggest problem facing the Treasury. As noted elsewhere,³ troops were almost continuously engaged in collecting taxation throughout the period, very often simply to meet their (own) pay. These activities at least partly contributed to the disorders in the country, and certainly helped to encourage the spread of active

dissent with its anti-government message. The consistent response of the administration was to increase the number of troops at its disposal, when it was financially possible to do so. This in turn required grants of taxation - in 1665, 1667, 1672, 1678 and 1681. Thus, the government was caught in a vicious policy circle of its own making. By the end of the period a form of direct taxation, the 'cess', worth £360,000 annually, had essentially become part of the ordinary income of the Stuart monarchy in Scotland. By this stage its revenues were derived almost entirely from various sources of taxation, rather than from property or other feudal dues. Therefore, although the resources of the Crown in Scotland were meagre when compared with England or the various combatants on the European mainland, it can be seen that government and indeed the country as a whole were subject to the same pressures as elsewhere - increased financial resources to meet the military requirements of central government.

The failure of the settlement, 1661-7

In March 1661 Parliament voted an annuity of £480,000 for the King to be raised by excise - £384,000 from the brewing industry, and £96,000 from duties on imports. The duties on imported wines, salt, tobacco and textiles were to be paid mainly by retailers; those on livestock by the importer.⁴ However, this did not represent the total sum of royal revenue. It did not include either income from property and feudal casualties, or from duties on exports, both part of the traditional 'ordinary' revenue of the Crown. A later estimate of the total revenue for each of the years 1663-7 calculated it to be £678,000, including tack-duties for customs and for the excise on imports.⁵ This was a nominal figure, for it did not take into account abatements granted to the tacksmen. However, it meant that, all being well on the trading front, the King could expect to receive more from his ordinary revenue, in absolute terms at least, than his father; one historian has noted that Charles I was receiving £439,197 11s 2d by November 1636, far higher than for most of that reign (this figure excludes revenue from direct taxation, usually referred to as extraordinary revenue).⁶ Therefore, if the figure of £678,000 can be accepted as a rough estimate of the nominal value of the Crown's ordinary revenue in the 1660s, then we can see that the 1661 Parliament had in effect legislated for an increase of about 54% on the highest level achieved during the 1630s. There are obvious problems with such a comparison: firstly, one

of the figures was an estimate, and the other an audited total (and, as we shall see, the actual yield was less than the estimated income); secondly, the ordinary revenue of Charles I did not include the excise duties from the brewing industry, the single biggest source of Charles II's income; thirdly, we have to consider the effects of inflation (which, however, appear to have been negligible).⁷ Nevertheless, it does seem at first sight that Parliament had been fairly conscious of the potential needs of the Crown.

However, the settlement was not quite so generous as these figures suggest. It is probable that the projected increase in the ordinary revenue was designed to avoid any new royal demands for direct taxation. Such demands had become more regular from the late-sixteenth century; and revenue derived from land-taxes was crucial to the government of Charles I, trying to solve the problem of deficit spending and debt.⁸ Both the covenanters and the cromwellians had operated high-taxation regimes, and it is clear that the country was keen at the Restoration to avoid the continuation of such policies, although a total of seven months cess was in fact imposed in the last few months of 1660, ostensibly to help alleviate problems faced by the indebted King.⁹ The provisions of Parliament reveal a concern to avoid further direct taxation - indeed, the act offering the £480,000 explicitly states that Charles would refrain from raising any additional cess - but at the same time to make adequate provision for the King. The settlement represented, in effect, an updated version of the idea that the King should 'live of his own'. In recognition of financial realities, the excise, which had been introduced to Scotland by the covenanters in 1644 in order to meet their own pressing needs,¹⁰ was retained in order to increase the revenue at the King's disposal. Thus a fiscal innovation introduced by rebels became the means to ensure the continuation of a traditional belief about royal finances - that the King should live within established means. The survival of the excise in both England and Ireland, despite reluctance in the former at least, highlights the point that the fiscal clock could not be turned back completely in any part of Britain, however desirable such a policy might have been.¹¹ However, the settlement in Scotland reveals an aversion to direct taxation being utilised for the ordinary purposes of royal administration.

Government finances do not appear to have been very well managed in the years prior to 1667. The accounts themselves are often fragmentary, and for certain branches of the

revenue there is no breakdown of expenditure, which makes it very difficult to draw any firm conclusions; there is certainly room for suspicion about corruption, or at least inefficiency. However, not all of this was down to the Treasurers, Crawford-Lindsay (1660-2) and Rothes (1663-7), and their shared deputy, Lord Bellenden. There was difficulty collecting the excise and the King's rents, and customs were diminished by English and French protectionism, the Dutch war of 1665-7 and sharp practice on the part of the tacksman. To be in charge of the government's finances in Scotland during these years was not an easy ride.

Prior to 1667 the revenue was basically split into two for purposes of accounting, with the excise duties (both from brewing and from imports) separated from everything else. The brewing excise was easily the most important single source of income for the Crown. Each shire within the country was allocated a proportion of the £384,000 to be raised, and any shortfall from retailing was supposed to be made up by duties on home-brewing. Committees of Excise, consisting of nobles, lairds, burgesses and members of town councils, were to conduct valuations and organise collection of the tax; these committees had extensive administrative and judicial powers, including the right to quarter soldiers to ensure payment.¹² The Committees were to make payment four times a year to a general collector; in this way, the Crown had acquired what was potentially an effective and controllable layer of local administration.

However, in these early years, it appears to have been the corrupt activities of leading government figures, rather than unwilling local officials, which was at the root of mismanagement of the excise. The collector from 1660-2 was Sir Alexander Durham of Largo, Lord Lyon, whose accounts were audited in 1665, not without considerable difficulty according to Rothes.¹³ Durham happened to be Middleton's brother-in-law, and these two, along with the Earl of Newburgh, who became Captain of one of the two troops of horse which were raised (along with Middleton himself),¹⁴ seem to have used the military as the pretext for a free-for-all with the King's money. By February 1662, Lord Bellenden, Treasurer-Deputy, was moved to write a letter to Lauderdale, in which he launched a blistering attack on Middleton, although he obviously could not refer to the Commissioner by name. He talked initially about unrest at Court among Lauderdale's enemies (ie,

Middleton and his allies) caused by the decision to bring the excise into the Exchequer - implying that neither he nor Crawford, the Treasurer, had been dealing with this vital source of revenue.¹⁵ He complained that it was absurd that there should be two Exchequers, and suggested strongly that the previous year's excise had been misappropriated: if the money was to be employed in paying the troops, why were they seven months in arrears? Bellenden contended that the King's service was suffering greatly as a result of such enterprising misdeeds.¹⁶

It is difficult to find conclusive proof that these allegations were true, but they find some corroboration in enquiries made in 1663 by Lauderdale and Sir Robert Moray, after Middleton's demise in the aftermath of the 'billeting affair'. It was claimed that the former Commissioner had raised the cost of the military Establishment to £384,000 a year, which of course, if true, would have swallowed up the entire excise from the brewing industry. The King ordered the Exchequer to inquire into abuses associated with the military, as part of a wider reform of government finances. Crawford, who had demitted office as Treasurer the previous year, was very clear that the abuses were grave, and Sir Robert Moray was keen to use this to ensure Middleton's final disgrace in the King's eyes.¹⁷ The main scams appear to have been keeping back some of the soldiers' pay, and pocketing money for 'phantom' soldiers. The problem for the historian is that much of the evidence comes from Middleton's political enemies; however, it seems fairly clear that the Commissioner and his friends, ostensibly arch-royalists, were doing rather well for themselves by milking the King's revenue.

Given these problems, we cannot ignore the possibility that Durham's accounts are little more than fiction. Unfortunately, there are no others to go on, and they do at least provide some information about government spending. Two of his accounts survive. The first, which covers the period from November 1660 to the end of April 1661, is of interest primarily because it shows clearly how the King's favour could pay.¹⁸ Middleton, as Commissioner, picked up £119,389 10s 4d, or about 55% of the total. The second account covers the period from May 1661 to August 1662, that is, after the parliamentary grant. Here, military expenditure had become the most important item, accounting for about 42% of the total. This was the period when the standing forces were actually raised, and indeed

the regiment of foot was only being levied about the time when the account ended. Once again, Middleton did well for himself, collecting £237,553 13s 4d for his fee as Commissioner, or approximately 32%.¹⁹ From these two accounts it seems he had pocketed the extraordinary sum of £356,943 3s 8d, more than Charles I received from the entire revenue in some years. This perhaps makes the Commissioner's corruption, if the allegations were true, somewhat reprehensible (he was also to receive £100,000 from arrears of cess).²⁰

There are various anomalies within these accounts. For instance, they included £183,908 5s of excise due after August 1662; this was probably the result of advances by certain shires to the military. There is also an article for payment to Rothes as Commissioner, a position he occupied for the 1663 session of Parliament. Clearly, the money had not all been collected and spent by August 1662. It is difficult to tell from the account how much remained in arrears by November 1665, when it was audited, but it appears to have been £49,895 6s 4d, or about 6.8% of the total (in addition, soldiers had collected a further £33,170 11s 8d, also from arrears). In the circumstances, this does not seem disastrous. The accounts appear to be in better order for the subsequent five year period. Here, again, the military was the single biggest drain, accounting for approximately 58% (this covered military expenditure from mid-1663 to August 1667).²¹ Once again, the King's Commissioner fared reasonably well. Rothes, who replaced Middleton, received £249,052 for his trouble, although at 12% of the total, he was relatively less of a burden than his predecessor. The rest of the money was mostly spent on pensions and special payments, including £18,000 to the Kirk, and £22,800 to Thomas Moncrieff, collector of the Brewing excise, for his fees. Significantly, £157,037 was granted to John Campbell of Fordew, one of the Receivers in charge of other sources of income. Pensions and the fees of officers of state were supposed to be paid from these other revenues, but the actual yield, particularly from the customs, proved to be inadequate. As we shall see, this shortfall was one of the biggest financial problems faced by the government.

It is difficult to determine whether the government received the full £480,000 granted by Parliament. Durham's accounts do not differentiate between money from brewing and that from duties on imports. However, the figures suggest that, on average, the total excise was bringing in about £36,549 a month over the period from May 1661 to August 1662, or

approximately £438,594 annually, a relatively poor performance.²² The excise on imports was farmed from at least mid-1662 (and possibly from November 1661, when the customs were farmed); the tack-duty was £114,000 annually. From August 1662 to November 1663, the total excise was, in theory, £498,000, more than the total allowed for in Parliament.²³ However, the actual yield was probably far less healthy than this suggests. The Act of March 1661 allowed for abatements to some shires, if they felt they had been overvalued - this was to be drawn from any extra money arising from the excise on imported goods. An act of September 1662 reduced the proportions of a number of shires and towns, and after complaints in Parliament in 1663, another statute settled new proportions for the country as a whole.²⁴ The accounts actually list abatements of £66,458 for the period May 1661 to November 1663. After this, the amount due every month from the brewing excise was £29,325 15s, or £351,900 a year; with the tack-duty this should have brought a nominal total of £466,909, a little less than the total voted by Parliament.²⁵

However, there are more serious problems to consider in trying to gauge the actual amount of money which the government could use. The incalculable losses caused by corruption and inefficient collection throughout the country must have eaten into the total. There is also the matter of abatements granted to the tacksman, Sir Walter Seaton of Abercorn. These were normally granted as a result of losses caused by war, privateering, plague and other hindrances to trade. The account for the years 1662-7 include an item for an abatement of £126,000 to Seaton, but there is no mention of specific years.²⁶ As we shall see below, the abatements granted to Seaton were the subject of investigation in 1668-9. The accounts of the excise are problematic, but it seems safe to assume that the money actually at the government's disposal rarely, if ever, came close to the amount offered by Parliament.

The performance of the other branches of the revenue was even more worrying for the Treasury. For these, the accounts provided by the three Receivers are even more inadequate - there is no break-down of expenditure, which must raise questions about efficiency and potential corruption. The Earl of Tweeddale remarked in 1669 that the accounts were so confused, that he feared they concealed shameful mismanagement.²⁷ The King's rents and money arising from compositions in Exchequer constituted a relatively small part of the

total revenue,²⁸ but there were even difficulties in collecting the former. Already by May 1661, Bellenden was complaining (a character trait, it seems) that the poverty of the country meant that it would be virtually impossible to collect arrears of rents. The situation had not greatly improved by April 1664, distance as well as poverty being cited as one of the main problems. Troops would be needed, but this was unprecedented and was regarded as undesirable.²⁹ However, by late-1665 the problems of collecting the rents meant that the Treasury had to bow to the inevitable; Sir John Strachan, another of the Receivers, was sent to the north of the country, where most of the arrears were owed, with a party of soldiers from Rothes's troop of horse. It was said that three years' rent was owed in some areas, with Sir George Mackenzie of Tarbet, a former ally of Middleton, one of the worst offenders. However, even the presence of troops did not bring immediate compliance.³⁰ It was perhaps symptomatic of the Treasury's ills that so much effort had to be expended on this small branch of the revenue.

The need to employ troops in this fashion highlights one of the major problems facing the government. In chapter one, the loyalty of the Scottish Parliament was discussed, but it seems that the country was more than a little reticent about handing over the King's money. Mackenzie of Rosehaugh claimed that many shires and burghs had expressed their unwillingness to accept the continuation of the excise towards the end of 1660.³¹ In June 1663, the Convention of Royal Burghs petitioned, rather hopefully, for the removal of the excise on imports.³² The fact that troops were used to collect arrears of excise has already been mentioned. The difficulties faced by the administration in this respect stemmed from the exhaustion of the country after more than twenty years of demands from central government - of whatever complexion. However, the use of troops served only to cause hostility, in effect compounding political problems for the government.³³

Perhaps the biggest headache for the administration was the poor performance of the customs. These duties (as well, of course, as the excise on imports) were normally subject to the vagaries of trade, but the 1660s were a decade of protectionism, and in this respect the Scottish Treasury was adversely affected by policies pursued in France, but more especially in England. The Scottish Parliament was itself clearly influenced by 'mercantilist' ideas, passing a whole range of measures whose intention was to stimulate the native

economy rather than boost royal revenue. Materials for use in the production of soap and textiles, and in the fishing industry, were to be imported duty-free, while exports from such industries were likewise free of exaction for a nineteen year period. Imports of manufactured goods were prohibited.³⁴ Of course, in theory, such measures would be beneficial in the long-term for the Crown's finances, as they were designed to boost exports and improve balances of trade, but they demonstrate the point that Parliament was concerned with the public interest as much as with the royal interest, as least with regard to trade and the economy. In addition, there seems to have been concern that tariffs should not be prohibitive. The 2.5% increase in customs duties introduced by Charles I in 1636, as well as the simultaneous increase of £4 on the duty imposed on the tun of wine, were removed by an Act of July 1661.³⁵ However, as it turned out, factors outwith the control of the Scottish Parliament or the Crown ensured that customs receipts suffered in the years following the Restoration.³⁶

In 1663 the French imposed a tax of 50 sous per ton on Scottish vessels trading with France; this led to immediate complaints and attempts to have it removed, although very little in practice could be done.³⁷ More pressing were the problems in Anglo-Scottish trade relations; or, at least, Scottish government ministers appear to have been particularly concerned about English protectionism. The basic factors involved were the English Act of Navigation of 1660, which excluded Scottish merchants from the carrying trade to the colonies, and import tariffs, both of which brought retaliation from the Scottish Parliament - although the Scottish Navigation Act of 1661, and an act of 1663 imposing import duties of 80% on non-listed English commodities, make it clear that the Scots hoped for agreement rather than conflict. There were various attempts at negotiations prior to the outbreak of the war with the Dutch in 1665, but virtually nothing substantial was achieved.³⁸

The impact upon customs receipts appears to have been drastic. By 1664 Rothes and Bellenden were reciting their complaints about the impecunious state of the Treasury like a mantra. They claimed that the 80% duty imposed on English goods had backfired, and that trade had simply withered away; consequently customs and excise (on imports) had been reduced to next-to-nothing (however, it should be noted that the Convention of Royal Burghs claimed that the Acts of Parliament were being openly flouted). Bellenden was even

audacious enough to urge Lauderdale to try to prevent the war with the Dutch, which he was sure would simply exacerbate their difficulties.³⁹ It is impossible to tell from the Receivers' accounts whether the tale of woe was justified, for these list only Sir Walter Seaton's tack-duty of the customs in the credit-sheet (£114,000 for each of the years from November 1661-November 1665); there is no record of any abatements.⁴⁰ However, there exists a series of figures detailing customs and excise at a number of ports on the east coast, and these would seem to support the claims of Rothes and Bellenden, at least to a degree. Most of these ports showed a steady decline in receipts over the years 1662-5, sometimes, as at Leith, the busiest port, of over 50%.⁴¹ The worries at the Treasury were real enough.

The poor performance was, however, not simply the result of external factors. Once again, there is evidence of malpractice. As mentioned above, Sir Walter Seaton was tacksman of both customs and the excise on imports; his total tack-duty was £228,000 (£114,000 for each).⁴² It is clear from an investigation carried out in 1668 that he received massive abatements in 1664 and 1665 - of £87,504 and £115,200 respectively. Thus, the government apparently received less than half of the expected tack-duty for the year 1664-5. The investigation, which was part of the attempt to tidy-up and improve the government's finances after the end of the Dutch war, clearly found that Seaton had been allowed too much with insufficient justification.⁴³ Such lax supervision by the Treasurer and his Deputy, and by lesser financial officers, coupled with the apparently blatant profiteering of Seaton, served only to exacerbate the cash-flow problems faced by the government. In addition, certain favoured noblemen had assignments on particular parts of the customs. The Earl of Newburgh, for instance, who does not appear to have suffered too badly for his association with Middleton, was entitled to (at least some of) the border customs, in return for payment of a small tack-duty. In 1664 and 1665, the King ordered that the duty be waived; in the latter year this apparently caused considerable anger. Such royal bounty simply made matters worse.⁴⁴

The Dutch war clearly contributed to these problems. From November 1665, both customs and the excise on imports were collected directly for the government by Seaton, instead of farmed by him as previously. His accounts reveal that the government in fact received the grand total of £144,511 for the two years (after fees and allowances).⁴⁵ This sum was less

than a third of what might have been expected from the earlier tack-duties. The war had obviously compounded the problems of collection discussed above. The seriousness of this shortfall for the government can be appreciated when we consider the bill for fees and pensions, which, as noted, were supposed to be paid from customs, rents and casualties - the 'traditional' sources of revenue. One list from 1664 stated that the total annual bill was £347,820; the estimate mentioned earlier calculated it to be £376,300.⁴⁶ Even the lesser total was clearly too much for the customs and rents. This meant making use of whatever money became available from the excise. Bellenden's fears about the Dutch war had been well-founded.

Of course, the government did not simply accept this situation; there were in fact many attempts to ease the pressure on the Treasury. The intended shake-up of financial affairs in mid-1663 has already been touched upon. The main focus was on the military and the excise: all those who had meddled in any way with the latter were to be held to account; soldiers' arrears were to be paid; and a new, reduced Establishment was to be fixed (which was in fact achieved). This was to be accompanied by a general re-ordering of management and accounting procedures in the Exchequer as a whole - a sort of pointed clearing of the temple as Middleton departed the political scene.⁴⁷ The most tangible benefit, however, must have been the disbanding of the disgraced Captain-General's own troop of horse; a benefit which was reversed just over a year later, when a replacement was raised by Rothes.⁴⁸

Ultimately, this attempt to deal with financial problems was little more than half-hearted. By February 1664, it had become necessary to halve payment of extraordinary pensions for two years, although some were restored the following January. During 1664 Rothes was pleading that the King should refrain from making any additional grants to favoured individuals. With the poor performance of the revenue continuing, however, it was deemed necessary in May 1665 to re-issue instructions for a moratorium on pensions (although once again exceptions were made on the King's order).⁴⁹ It should be noted that political imperatives meant that every effort had to be made to pay officers of state and other government officials. In addition, with the onset of the war, the government could not

compromise its security by cutting soldiers' pay any further. Thus, there was very little room for manoeuvre.

By March 1665, the Treasury was so stuck for cash that Bellenden travelled to London to describe their hardships to the King personally. The security concerns raised by the war meant additional expenditure, which simply could not be afforded: Rothes had to buy extra arms, and materials for building forts in Shetland, on credit (although it is not clear how much he had to borrow). There seemed to be no prospect of trade picking up.⁵⁰ In this context, it is remarkable that Rothes and others associated with the government should have displayed such reluctance to ask the country for a grant of taxation. They may have felt genuinely that the country could not afford it, or they may have shared the widespread aversion to direct taxation. There was definitely concern about potential political difficulties at a meeting of the Estates.⁵¹ Yet the war was certain to continue for the foreseeable future, and money was needed. It is important to realise, however, that the resort to taxation amounted to the failure of the financial settlement enacted in the Restoration Parliament, barely two years after its final session. That the main problems were the result of factors largely outwith their control could not have been much comfort for Rothes and Bellenden.

The situation was hardly helped by the method of taxation used to raise the money voted by the Convention of Estates meeting in August 1665. The traditional valuations based on poundlands of old extent were inequitable and often obscure. In 1672 the Earl of Kincardine referred to it as "the cursedest method that ever was thought on for laying on of money".⁵² In fact, the money came in to the Treasury so slowly that it is difficult to see how the 1665 grant helped the government in the short-term at all - except perhaps in providing security for loans.⁵³ The tax was to be raised in five yearly instalments, from 1666-70 inclusive. An account of the first two terms, made in February 1669, revealed that the Treasury had been able to make use of £158,927 12s (each year was supposed to produce £144,088 10s 10d). A further £67,330, or 22.7% of the total, covered fees and exemptions; arrears accounted for £69,919 3s, or 23.6% of the total. The government had received a little over half of the money voted by Parliament.⁵⁴ This situation did not markedly improve. The complete accounts were audited in March 1672, after the end of the five years. The total accounted for was £740,442 14s 2d. Arrears remained very high, at 17.5%; fees alone accounted for

13.4% of the total. The government had been able to make use of only 52.3% of the money voted by Parliament. In fact, if we subtract the sum retained by the collector, the Duke of Hamilton, as part payment of a debt owed by the King, then the government had been able to spend only about 44% of the taxation - a hopelessly low amount.⁵⁵ The 1665 taxation was actually little more than a shambles.

It is perhaps needless to state that the government's cash-flow difficulties continued, as witnessed by the ceaseless barrage of letters sent to Lauderdale on the matter in late-1665 and throughout 1666. Creditors had to be fobbed off, while pensions fell further into arrears. Bellenden was regularly apologising to the Secretary for the inability to pay the latter's own pension.⁵⁶ This on-going penury explains why the fines imposed by Parliament in 1662 were used to pay for the additional troops raised in the summer of 1666.⁵⁷ The distribution of these fines had been the subject of intense competition as various impoverished landowners petitioned for a share.⁵⁸ However, the security concerns of the Crown and the poor state of the Treasury meant that the money had to be used to increase the number of troops, despite the political risk of disappointing expectant suitors.⁵⁹ In mid-1666 the money apparently amounted to between £360,000 and about £420,000 - more than that which would be raised from two years' taxation.⁶⁰

The fines alone, however, were insufficient to meet the massively increased cost of the army (which had more than doubled in size). In July 1666, Rothes was complaining that he was carrying the whole blame for raising the soldiers, "for I have dun it by quartering, and uas nesesitatt so to do or nevier to have cum halff of the lenthe". Bellenden must have seen the writing on the wall, for by September he was expressing his doubts about the country's willingness to countenance any further taxation. Rather woefully, he protested that, "I never heard so universall a complying. God send us peace without which, the increase of want & miserie is to be expected heir". Yet he had no idea how they would pay for the additional forces after the fines ran out.⁶¹ Consequently, at a meeting in October it was decided that there was no alternative but to call another meeting of the Estates to grant additional supply.⁶²

In the aftermath of the Pentland rising of November 1666, security concerns became even more pressing. Therefore, it was decided that the army should be expanded even further, regardless of the cost. At least six more troops of horse were levied in the first half of 1667. Although the military Establishment for the new forces was actually reduced in January of that year, the overall cost obviously made the additional taxation more urgent.⁶³ The disastrous performance of the 1665 taxation meant that it was widely, if somewhat reluctantly, accepted that the money would have to be raised by means of cess, which was more efficient, despite the King's promise of 1661.⁶⁴ The Convention of Estates which met in January 1667 voted a monthly cess of £72,000 for a year (a total of £864,000).⁶⁵ Even this new grant did not solve the immediate problem, because the money still had to be collected: the first three month instalment was not due until May. In the absence of ready cash to pay the soldiers, Sir William Bruce of Balcaskie, appointed Commissary-General to the army in January, borrowed over £200,000, which was repaid (with interest) as money became available. Officers also provided credit for their men.⁶⁶ In addition, the soldiers were granted direct assignments on certain shires, thereby continuing to antagonise the local populace. Lieutenant-General William Drummond was fairly clear the country could not long bear the burden of so many troops.⁶⁷

In fact, it is obvious that the overall cost of the military was a serious problem for the government. Disregarding the wartime levies, it can be posited that the army swallowed up about 39% (and possibly more) of the ordinary revenues during the years 1661-7.⁶⁸ If the money paid to the two Commissioners during these years is added, this accounts for about 52%. Despite considerable difficulties in the accounts, we can speculate that the average yearly income for the Crown amounted to just over £600,000; admittedly, this is probably a rather generous estimate - during the war, it almost certainly slipped below £500,000.⁶⁹ If we recall that the bill for fees and pensions was said to amount to about £350,000, then clearly there would be a sizeable deficit in some years. This suggests that the chorus of complaints from Edinburgh was at least partly justified. In addition, the difficulties of collection made this scenario infinitely more worrying. The administration's biggest problem was the lack of ready cash to meet obligations, regardless of paper estimates of potential income. Poor performance of certain branches of the revenue and insufficient cash-flow made the early years of the Restoration period little less than a financial disaster.

Moreover, it is important to realise that the military Establishment was the innovatory feature of royal expenditure; the obvious corollary is that meeting this commitment was a prime cause of the government's difficulties (although, of course, the brewing excise was supposed to service this outlay). The cost of military security also made the grants of taxation necessary. It is difficult to ascertain how much of the 1665 grant was spent on the army, because the money which actually made it into the government's coffers was largely absorbed into general accounts.⁷⁰ However, it is clear that the bulk of the 1667 cess was expended on the wartime forces. An account of February 1668 by Sir William Bruce, collector-general of this tax and the fines, states that the new forces used up 68% of the total of £1,326,335 19s (12 months cess, fines and money borrowed from Hamilton out of the 1665 taxation); arrears of the cess constituted a further 26% of the total - most of which became absorbed in general accounts.⁷¹ After the retrenchments of late-1663, the main victims of cash-flow problems were pensioners, as security became the prime concern with the onset of the war. By 1667 it seems that many pensioners had not received payment since 1664.⁷² Reliance on the military was possibly the most noticeable feature of government after the Restoration; the destabilising effect of the military Establishment on the Crown's finances was the other side of the same coin.

The Dutch war had necessitated a form of crisis-management for the Scottish Treasury. Security measures had to be funded in a haphazard manner, using whatever money or credit was available. The loyalty of the country was tested to the full, with two separate taxes imposed at a time of what would appear to have been undeniable hardship. The re-introduction of direct taxation, especially the cess, marked the failure of the Restoration Parliament's financial settlement, although this was in large part the result of unforeseeable foreign policies. These taxes had obviously been voted as a result of the demands of the war, but there is also room for doubt about the standards of management. As we have seen, corruption at the highest level was not alien to the financial administration in Scotland. It is also interesting that William Sharp, Lauderdale's agent in Scotland, while trying to ensure payment of his master's pension in 1667, remarked of the Treasury: "it is true they are straitned altho for all this not so as they say or need to be".⁷³ It was obvious by the spring of 1667 that drastic measures would have to be taken to sort out the King's finances. This was

a major part of the rationale for the establishment of the Treasury Commission in May. This reform was also politically motivated, but the need for financial re-organisation was of vital importance. The stage was set for one of the most serious attempts to settle and improve the King's revenue in Scotland to date.⁷⁴

Reform in the Treasury, 1667-c.1671

The Dutch war proved to be a disaster for government finances throughout the British Isles. In both England and Ireland, the disruption to trade and depressed prices adversely affected the yield of ordinary revenues. In addition, by the summer of 1667 the King was left with a debt of about £2.5 million sterling. Indeed, it is worth noting that revenue shortfalls vexed the administrations of the three kingdoms more or less from 1660. In England, the Cavalier Parliament only slowly came to acknowledge that the money it had provided did not match expenditure; by the time the ordinary revenue was beginning to look healthy, the war was already looming. Moreover, the King's financial difficulties occasionally led to political problems with the House of Commons; by late-1666 there was some pressure for an investigation into war finances. Revenue deficiency was clearly a major problem for the King. In Ireland, the difficulties were no less pronounced. Here, the huge cost of the army was the main issue; military expenditure apparently accounted for over 80% of Irish revenue. The Irish administration also had to deal with the consequences of protectionist legislation passed in England and Scotland - an indication of the divergences in the interests of Charles II's kingdoms. However, the common need for tricky financial juggling highlights the similar problems faced by central administrations.⁷⁵

The end of the war saw changes in financial affairs. In Ireland, a large-scale programme of retrenchments was carried out early in 1668, focusing mainly on the forces. In addition, an investigation into the management of Irish revenue fed the political manoeuvring which resulted in the removal of James Butler, Duke of Ormond, as Lord-Lieutenant in 1669. In England, as in Scotland, the Treasury was placed in commission. The Commissioners in the southern kingdom are regarded as having transformed Treasury affairs, establishing control (as far as this was possible) over both income and spending, reforming procedures, transforming credit techniques, and pursuing a programme of retrenchment in order to

reduce the debt (with little success).⁷⁶ The Scottish Commission was likewise engaged on a mission of reform and control. The Commissioners had full power over all branches of the revenue, and they had specific powers to suspend minor offices, tidy up procedures, and also to examine the accounts of all those who had been involved in the collection and disposal of the King's money. Membership of the Commission reflected political changes, with Lauderdale and his allies, Tweeddale and Sir Robert Moray, the key figures. Rothes and Bellenden were included, presumably to avoid antagonising them, but also for practical reasons: they had, after all, been in charge of finances for four years. The other Commissioner was William, Lord Cochrane, presumably included because of his financial acumen.⁷⁷

The Commissioners, particularly Tweeddale and Moray, liaising closely with the Secretary in London, entered their task with considerable energy, in marked contrast to the situation in 1663-4. All of those responsible for collection of the various branches of the revenue were ordered to bring in accounts to the Treasury. The Receivers were commanded not to dispose of any of the King's money in their hands without the permission of the Commissioners, and also to refrain from collecting any more. The lists of fees and pensions were to be considered, in order to effect savings. Sir Walter Seaton was ordered to pay in what was owed from his collection (1665-7). Inquiries into various aspects of the revenue were to be made, for instance, into Newburgh's tack of the border customs.⁷⁸ It is clear that the Commissioners were interested in the reforms initiated by their counterparts in England. It is surely testimony to the vigour exhibited by the Commissioners in both kingdoms that the Treasury records are more regular and more comprehensive than previously. Such attention to administrative detail illustrates the seriousness of the attempt at reform.⁷⁹

Another part of this attempt to establish direct and effective control over the revenue was the appointment of William Sharp, Lauderdale's agent and brother of the Archbishop of St Andrews, as Cashkeeper. All of the King's money was to be paid into his hands; the rationale was that this would improve accountability, and ensure prompt payment of precepts. Rothes and Bellenden actually opposed Sharp's appointment, suggesting Thomas Moncrieff, clerk of the excise, instead - an indication that old and new might not necessarily see eye-to-eye. Lord Cochrane, apparently indifferent, backed Sharp after receiving some

favourable news relating to private business.⁸⁰ However, it was not always so easy to establish firm control over the various collectors in practice. In particular, there appears to have been some difficulties with the Duke of Hamilton, who was hoping that the family debt might be cleared with the proceeds of the 1665 taxation. It was necessary to push him to part with the money to pay precepts drawn on him. However, by the end of the year, Lauderdale claimed, perhaps a little optimistically, that there was no part of the revenue which was outwith the control of the Commissioners.⁸¹ This was a crucial matter; effective control was the base on which to build efficient management. It also clearly marked a desire to end the lax and rather haphazard management practices of the previous years. Moreover, it can be seen that the attempt to establish firm control of the finances was the necessary complement to the simultaneous placing of the army under the strict direction of the Privy Council.⁸²

Of course, these reforms were in many ways a means to an end. The real challenge was to improve the revenue - by increasing yields, and/or by retrenchment of expenditure. Yet, the Commissioners could not achieve much until the forces raised in 1666 had been disbanded. Indeed, one of their first tasks was to consider Sir William Bruce's accounts to ascertain the state of the soldiers' pay and the amount of cess still available.⁸³ Although there could be no disbanding until the war had ended, preparations were being made prior to the final proclamation of peace in August 1667. Collective sighs of relief in Edinburgh were delayed, however, because, once again, money had to be found to finance the disbanding. The 'moneyed men' were apparently very unwilling to offer credit. The expedient hit upon this time was to exhort the shires and burghs to make an advance of 4 months cess upon favourable terms (including the payment of interest). Despite reluctance on the part of some areas, and Tweeddale's fears that they would have to advance the money themselves, enough was gathered to allow the disbanding in September of virtually all of the wartime levies.⁸⁴ With the disbanding of the Shetland garrison at the beginning of 1668, the army had been virtually restored to its peacetime strength.⁸⁵

The Commissioners introduced cutbacks similar in nature to those made elsewhere in Britain. The Establishment for the 'old' troops was reduced; it was also stated that the army would no longer get direct assignments on the excise, which was to be paid quarterly to

William Sharp by the shires - as had actually been intended by the 1661 act. Again, this was supposed to maximize control of finances, and to reduce tensions between the military and the populace.⁸⁶ Also, by the end of the year, new lists of fees and pensions had been drawn up - the total bill was now £282,480, a reduction of at least one-fifth.⁸⁷ Moreover, the withdrawal of Rothes's position of royal Commissioner, for political reasons, helped the financial situation, with an estimated saving of £43,800 a year.⁸⁸ More positively, the customs and excise (on imports) was farmed for £375,600, an extraordinary sum given the performance of the previous few years. The successful consortium was urged on and advised by Tweeddale himself, but the tack-duty was far more than anyone had expected; Lauderdale was worried that they might not be able to sustain it.⁸⁹ The reason for the apparent optimism about trading prospects was the resumption of discussions in London about Anglo-Scottish trade, but we can perhaps also infer that the energy of the Commissioners themselves contributed to an increase in confidence in commercial and financial circles generally.⁹⁰ The King had also agreed with the Commissioners that the border customs should be farmed together with the rest, allowing the new tacksmen to improve efficiency. This necessitated buying out the Earl of Newburgh, which was only achieved after much wrangling.⁹¹ However, it would be fair to say that, in October 1667, there was more reason for optimism than at any time since the Restoration.

However, it seems to have been a prerequisite for employment in Treasury affairs that one could not commit to paper (or parchment) anything other than details of hardship. In December 1667, according to William Sharp and Robert Moray, there was virtually nothing available to pay even the first list of fees and pensions of officers of state. The money that did come in to the Treasury paid the troops monthly and no more - it was stated quite explicitly by Sharp that the soldiers had to take priority.⁹² This situation was not helped with the realisation in the new year that the customs farmers were not faring too well, although Tweeddale pledged that they should be given the government's full support. To deal with these problems, the bill for extraordinary pensions was apparently reduced once again (these had not actually been paid since December). There were also renewed efforts to collect arrears of cess, especially in the north.⁹³ Tweeddale calculated early in 1668 that the constant drain on the revenue amounted to approximately £600,000 (troops and the two lists of fees and pensions). This was, in theory, well within potential income from all

sources. A slightly later estimate (which more or less confirms the total expenditure) claimed that income could reach £756,000 a year. The problem, in addition to collection, was the number of outstanding debts (including pensions) and other costs which would be unavoidable. The King's finances looked quite healthy on paper, but poor cash-flow continued to hamper the efforts of the Treasury Commissioners. Thus, Tweeddale was at pains to urge that the King should not add to the burden with any further displays of his favour, echoing Rothes's exhortations of four years earlier.⁹⁴

There was also the unenviable task of auditing the accounts of all of those who had been in charge of royal finances prior to May 1667. This tedious exercise had two aims: firstly, to ensure that the King received all that he was due; secondly, to establish more firmly the authority of the Treasury. The old Receivers did not survive the investigation. In March and July 1668, they bound themselves to pay what they owed, mostly from 1666 and 1667. However, such was their lack of progress that in March 1669 they were sacked, and the current collectors of the customs and excise (see below) were ordered to take over.⁹⁵ The Receivers did not suffer too badly; in fact, two of them were granted pensions. In addition, the whole process was time-consuming, costly and not as effective as had been hoped. In February 1670, there was still £27,000 owed from 1666 and 1667; over £8,000 had been spent making the accounts for those years alone.⁹⁶ Considerable amounts of energy were also expended on the fitting of accounts, some pre-dating the Restoration, from which no financial gain resulted. In fact, some accounts from the 1640s were not finally cleared until 1680, after a great deal of aggravation.⁹⁷ It can only be concluded that such endeavours were felt to be necessary to ensure that the authority of the Treasury remained intact.

The most productive and controversial aspect of these investigations was the huge abatements granted to Sir Walter Seaton in 1664 and 1665.⁹⁸ It was obvious fairly quickly to Tweeddale and Sir Robert Moray that Seaton had conned the King out of money; the crooked entrepreneur did not help his case by offering to farm the customs for £372,000 in October 1667, while similar trading restrictions - held to be the main justification for the abatements - remained in operation. The difficulty was that to investigate Seaton meant treading on the toes of those who had been in charge of finances at the time; namely, Rothes, Bellenden and Thomas Moncrieff (who had been responsible for the excise, and

who was now clerk to the Treasury itself).⁹⁹ Initial inquiries led to the setting up of a formal investigation by a committee of Exchequer (excluding Rothes and Bellenden) at the end of March 1668. Its report in June found that there had in fact been grave abuses and that the King had the right to seek redress in law.¹⁰⁰

The whole issue actually caused quite a stir, with many, including Rothes, feeling that the manner of proceeding had been unnecessarily severe. There was no desire, however, to go to law, so the question was how much Seaton would be willing to pay as compensation. Tweeddale and Sir Robert Moray were keen to extract payment of at least £48,000 and the renunciation of Seaton's tack of salt duties, which he had retained despite being deprived of his position as collector of customs and excise in October 1667. The problem was that Seaton had no shortage of backers, even within the Exchequer, and the matter dragged on for several months, because of prevarication and the fact that other Treasury business had to be dealt with.¹⁰¹ Eventually, early in 1669, Seaton was induced to settle, after pressure was brought to bear as a result of a particularly suspect article of abatement relating to the duties payable on some money exported by the Duke of Lennox, and he was also found to have been amiss in his collection accounts for the years 1665-7. The final deal was that Seaton should pay £60,000 and give up his salt-tack.¹⁰² This episode had also been time-consuming, and at times acrimonious. Yet the determination of Tweeddale, aided initially by Sir Robert Moray, and latterly by Cochrane and the Earl of Kincardine, again demonstrates the importance accorded to efficient financial management by the government.

Yet there were signs that not everything was going the government's way. Moray's decision to depart for London in the summer of 1668, where he stayed until his death five years later, left Tweeddale complaining that those who remained in Edinburgh (at least those who could be trusted) were unable to handle to workload. Consequently, Alexander Bruce, Earl of Kincardine, a prominent saltmaster, was appointed as a Commissioner of the Treasury.¹⁰³ In addition, it seems fairly clear that Tweeddale had lost the goodwill of the Treasurer-Deputy, Lord Bellenden, who felt that the stringency of the investigations into Seaton, and the consequent delay of his own accounts, tarnished his reputation (which it did). Towards the end of 1668, Lauderdale and Tweeddale were openly discussing the replacement of someone the former described as "ane old fretfull man", with Charles Maitland, the

Secretary's brother. Bellenden did not, however, demit or sell his office at this stage, and continued to give Tweeddale hassles he could well have done without, most noticeably over the farmers' accounts for the year 1667-8.¹⁰⁴

Tweeddale was concerned about the performance of the customs and excise as early as August 1668, speculating that direct collection would be better. The farmers themselves had intimated to him that this would be their preferred course of action as a result of the problems they had faced, and the fact that the yield had been less than expected. Tweeddale argued that they should be supported, as the yield was still a vast improvement on previous years, a fact which irritated those previously employed in Treasury affairs. If the farmers had been over-zealous in their bid, the King could hardly hold this against them.¹⁰⁵ The biggest problem was the abatement claimed by the farmers, which led to lengthy and bitter debates within the Exchequer in December - Bellenden was clearly not alone when he drew comparisons between the current situation and the simultaneous investigation into the abatements which had been granted to Sir Walter Seaton. However, Tweeddale, backed by Lauderdale and the King, was able to carry the day, and ultimately it was agreed that the farm should be replaced by direct collection, employing two of the farmers, Patrick Moray and Sir James Hay of Linplum, and Sir Archibald Murray of Blackbarony.¹⁰⁶

During the year from November 1667 to November 1668, the net yield from customs and excise was £279,800 3s 4d, according to an account of August 1671. The collection, running for two years from 1668 to 1670, did not produce quite so much, with the former year bringing in about £256,000, and the latter perhaps a little less than £220,000.¹⁰⁷ Tweeddale argued strongly that this was all that could be expected in the circumstances; trade was sluggish at best, and the collectors were honest and efficient (although he admitted that they were having difficulty getting money out of merchants' hands).¹⁰⁸ The performance was clearly far better than during the years immediately prior to the establishment of the Treasury Commission. More generally, an interim audit of William Sharp's accounts made in March 1669 seemed to offer a rosy picture of the state of the government's finances as a whole; there actually appeared to be a surplus of over £5,000.¹⁰⁹ The account of August 1671 also revealed a surplus, of over £12,000; and there remained £88,202 11s 11d in arrears to be collected. The ordinary revenue for the years 1668 to 1670

inclusive appear to have averaged about £678,000 - equal to the estimate for the years 1663-7 discussed earlier.¹¹⁰ Therefore, the Commissioners had presided over an improvement in the performance of the ordinary revenue, although much of this was the result of an improved yield from customs.

Yet there was still cause for concern. This account included a total of almost £730,000 which was composed of arrears or one-off payments (including £487,586 from taxation). Such money obviously could not be relied on in the future.¹¹¹ It is true that there were also non-recurrent items of expenditure; for example, £120,000 stored in Edinburgh Castle for emergencies, and money spent on arms; and £225,960 paid to Lauderdale as Commissioner to Parliament in 1669-70.¹¹² However, it is clear that, without the additional income, the Commissioners would have been struggling to meet constant expenditure. Therefore, there was less cause for optimism than a first glance might suggest. This would seem to be borne out by the constant complaints from the Treasury about shortages which landed at Lauderdale's door in London. Late in 1668, Tweeddale was repining about additions to the list of pensions, eliciting a promise from his correspondent that he would try to restrain their profligate monarch.¹¹³ In July and August 1669, only the ability of the collectors to advance ready cash prevented a resort to borrowing, which Tweeddale claimed he wanted to avoid at all costs. At the end of the year, he thought there might have to be another moratorium on pensions.¹¹⁴

At least part of the difficulty was the continuing reluctance of the kingdom to hand over the King's money. The tendency for merchants to hang on to customs duties has already been touched upon. In July 1671, while defending the performance of the collectors, Tweeddale pointed out that only £68,352 due for the period of the collection (1668-70) remained in merchants' hands - which, as about 14% of the total due, leaves room for scepticism about the efficacy of the norm.¹¹⁵ More serious was the continuing necessity of using soldiers to collect excise and cess, not through choice but because there was no alternative. The 1665 taxation was also problematic, because many of those who owed money were at least partly responsible for collection, that is, the defaulters were also sheriffs and lords of regality. Once again, perhaps, we are provided with an insight into the limitations of the seventeenth-century state.

In general, the cost of maintaining a standing army continued to ensure that Treasury work was never done. In August 1669, some parties of soldiers were granted assignments on northern shires owing arrears of various dues. This was, of course, contrary to the reforms introduced in 1667, but it is clear that such a course was regarded as unavoidable.¹¹⁶ Pay often fell into arrears, with obvious consequences for discipline. The worst example of this came in November 1670, when one of the companies in Linlithgow's regiment of foot embarked on a brief, mutinous trek across the country in protest at lack of pay, causing temporary alarm in Edinburgh. Some of the arrears were paid immediately, after desperate juggling with available resources - once again pensioners were the primary victims (unless, of course, one counts the apparently starving soldiers).¹¹⁷ It is difficult to see exactly why such a desperate situation had arisen. The Treasury was certainly stuck for cash; as early as June, Kincardine had remarked that the troops were in a poor condition due to arrears of pay. He even suggested that numbers could be cut, although he soon retracted such thinking-out-loud because of the need for security. The Duke of Hamilton remarked in a letter to Lauderdale after the mutiny that many thought it strange that the troops were in such a state when there were so many burdens on the country; he succeeded only in provoking a frosty response from the Secretary, who argued that the Commissioners were doing everything that was possible. Linlithgow himself blamed the fact that quartering for arrears had been prohibited earlier in the year, which meant that there was no means of forcing payment from the shires.¹¹⁸ However, it would seem fair to conclude that, at root, the problem was lack of ready cash to pay the soldiers. Despite all the efforts of the Treasury Commissioners since May 1667, with some notable achievements, and despite the overall improvement in total income, the basic problem of how to ensure effective collection and disposal of the revenue had not actually been resolved.

By the end of 1669 there were signs that the energy which had characterised the work of the Treasury Commissioners was waning badly. It is true that reforms were still being introduced. For instance, Orkney and Shetland were re-annexed to the Crown, in order to increase income from property, after a legal process against William Douglas, Earl of Morton, whose family had received confirmation of an earlier grant of the islands as recently as 1662.¹¹⁹ There were also moves to establish a scheme for royal management of the sale

of salt in Scotland, which was intended to boost revenue and protect markets for domestic saltmasters (including Kincardine and Tweeddale).¹²⁰ In the first few months of 1670 a new book of rates was established, which was apparently clearer than previously and intended to be a guide for those involved in the collection of customs.¹²¹ Yet despite this activity, Tweeddale was plainly dispirited by the never-ending burden of thankless work, and also by the equally ceaseless intrigue and gossiping which surrounded the avaricious world of government money. In December 1669, he told Sir Robert Moray (who was in London) that he had been reliably informed that Kincardine was intriguing behind his back, proposing to old Lord Bellenden that there might be a return to farming the customs and excise. According to Tweeddale, this could only signify lack of faith in himself, because he was so closely associated with the current collectors. Allowing for the paranoia of government office, Tweeddale was clearly unhappy: "yitt lett me tell you I am sike of my conditione & burden in fayry land [Scotland] & am meditating a retreat".¹²² That this lament came from the quill of the most important of Lauderdale's allies in Edinburgh did not bode well.

In fact, the split between Lauderdale and Tweeddale in 1670-1 effectively marked the end of the reforming endeavours of the period following the end of the Dutch war. The decline in the relationship of the two men is considered elsewhere.¹²³ For present purposes, it is worth focusing simply on the decision to change from direct collection to farming of the customs and excise, which seems to have served as something of a final straw for Tweeddale. The decision was taken at Court at about the same time as Charles Maitland, Lauderdale's brother, became Treasurer-Deputy after the demission of Bellenden, who was to receive financial compensation. As early as December 1670 rumours were rife that there was to be a return to a farm, and Tweeddale was also informed that Bellenden intended questioning the abatements granted to the farmers in 1668 - perhaps a hint of the old man's malice. In January, the Treasury Commissioners were commanded to proceed with the collectors' accounts as part of a more general audit of accounts since 1667. At the same time, Lauderdale was telling Kincardine to make preparations for a return to farming.¹²⁴ After arriving from London in February, the new Treasurer-Deputy announced that farming was the King's pleasure, and that bids were to be accepted. It is fairly obvious that Tweeddale was isolated in his opposition to this move. He failed to convince the other Commissioners of the perfectly reasonable argument that they should not announce a farm

in the middle of a year's collection, and that they should therefore wait until the proper time. When it became apparent that the decision was final, he persuaded the collectors to bid, but their offer was not accepted. The customs and excise were eventually farmed to Sir William Bruce of Balcaskie for the sum of £312,000.¹²⁵

There can be little doubt that the change to a farm was inspired by political intrigue. On 13 February, Tweeddale wrote a biting letter to Lauderdale, demanding to know why the change had occurred. He clearly felt betrayed by his former ally, who simply denied that the decision had been anything other than the King's.¹²⁶ The details of the intrigue can probably never be recovered, but there is no way of avoiding the conclusion that the whole episode was nothing less than a Treasury coup, the chief benefactors of which were Charles Maitland and the Earl of Kincardine; it is worth noting that the new farmer, Sir William Bruce, was a Fife laird, and that one of his cautioners was Sir Alexander Bruce of Broomhall, Kincardine's kinsman. Perhaps one group of 'clients' had simply been replaced by another. Tweeddale's rigour over the previous years had left him with few friends, and although his fears about the audit of the Treasury Commissioners' accounts proved to be groundless, his influence over policy had clearly waned beyond redemption.¹²⁷

The changes in the Treasury were, as in 1667, part of wider shifts in political alliances. Yet, the years following the end of the second Dutch war had witnessed possibly the most determined and sweeping attempt at financial reform in the seventeenth century. It must be concluded, however, that, despite some improvements, particularly in terms of management, the whole attempt was only a partial success. The crucial problem of cash-flow remained, which meant that soldiers' pay and pensions continued to fall into arrears. However, it is important to accord the attempt at reform the attention it deserves. It can be argued that it was by far the most important concern of Lauderdale's administration. Few historians have given this matter serious consideration, focusing instead on the issue of religious dissent. In fact, as is contended in the next chapter, the main thrust of policy was to ensure efficient financial management, and adequate military preparedness. With Tweeddale's fall from influence, the brief era of reform ended; he was easily the most important single figure on the Treasury Commission. Ultimately, he became involved in the opposition to Lauderdale, as did at least two of the former collectors. For years, he bemoaned his treatment, and

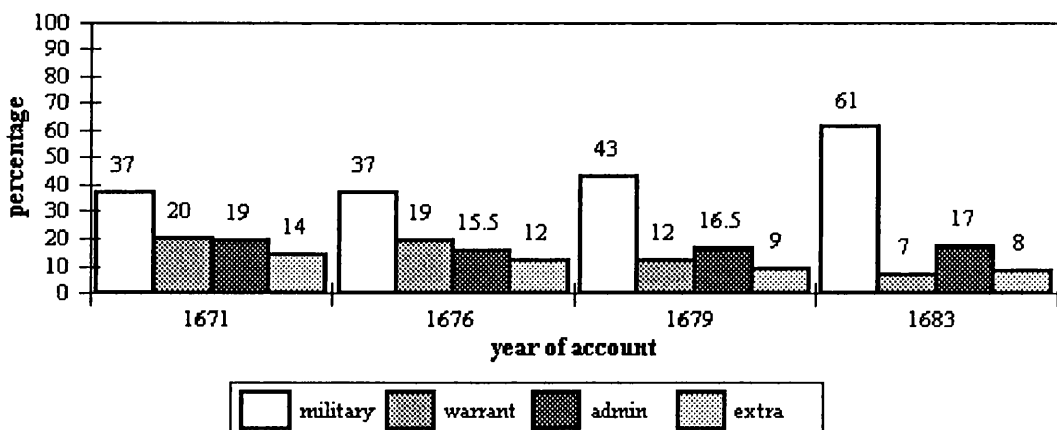
complained to the King of the folly of the decision to farm.¹²⁸ His words fell largely on deaf ears.

Financing Stuart militarism, 1671-1681

The aim of this final section is simply to provide an overview of finances during yet another decade of political turmoil in Scotland. There are two main points to be made. The first is that it is difficult to discern any firm policy, unless the decision to farm the brewing excise to ensure more regular payment is counted. Indeed, farming of the revenue where possible was clearly the preferred option of the Commissioners during the 1670s. However, the drive of the period after the end of the second Dutch war was never recaptured. The general impression is of an almost constant battle to meet obligations with ad hoc, reactive measures. The second point is that the Commissioners' responsibilities became greater as a result of the increasingly militaristic tendencies of Lauderdale's administration. The biggest problem for the Treasury was how to pay for additional forces required by the government. The result was an increase in the fiscal burden on the country.

The more regular and consistent accounts for the period after 1667 allow for a comparison between different areas of expenditure to be represented graphically. The results are as follows:¹²⁹

Fig. 1: Expenditure 1667-1681



The different bars represent the following: Military is fairly self explanatory; Warrant represents particular warrants granted by the King, often one-off payments, including those to his Commissioners to Parliament; Admin is fees and pensions paid to members of the administration and lesser public officials; Extra represents extraordinary pensions. Fees and pensions paid to members of the administration are considered separately from extraordinary pensions principally because they were accounted separately; moreover, that extraordinary pensions could be expendable has already been noted - they were considered less important than payments to members of the administration. The basic point, however, is clear: the military was by far the single most important area of expenditure for the period 1667-1682, and especially for the period from late-1678.

The first point worth making, in relation to the previous section of this chapter, is that peacetime military spending was not greatly diminished, if it was reduced at all, in the aftermath of the second Dutch war. This in itself lends support to the view expressed elsewhere that Lauderdale's post-war policies cannot really be described as 'moderate'.¹³⁰ However, the most obvious feature of the graph is the increase in military spending towards the end of the period. The increase in the 1679 account stems from the raising of extra troops in September 1674, as Lauderdale demonstrated that his response to political difficulties and increasing militancy among dissenters was simply to raise the stakes with additional forces. These troops were paid out of the supply voted by Parliament in 1672 at the onset of yet another war against the Dutch.¹³¹ It seems fairly clear that the government had intended this money as a safety net, as they were perfectly well aware that the disruption of war would diminish ordinary revenue. Already in December 1671, the King was promising not to burden the revenue any further - although one suspects that such earnest royal declarations of intended frugality were silently taken with a pinch of salt. In the new year, with the onslaught against the United Provinces drawing nearer, Charles suggested to an incredulous Treasury that Scotland should pay for a regiment to join the sport on the continent. Such was the steadfastness of the insistence from Edinburgh that this was simply impossible, that the proposal was dropped, although there was some money spent on the soldiers who were sent from Scotland to be paid by the English Treasury.¹³²

It is important to realise that the additional forces were actually levied months after the war had ended. This show of military force was therefore intended to cow internal opposition.¹³³ The problem for Lauderdale was that, if he wished to sustain the extra troops in the long term, additional money would have to be found. The cess itself, as ever, proved difficult to collect. In June 1675, Charles Maitland wrote to his brother about this problem after a long discussion with the Earl of Atholl (who was by then one of the Treasury Commissioners). They had concluded that a further grant of taxation was necessary to maintain the troops; this would mean a meeting of the Estates, which in turn would require strict management after the display of opposition in the last session in 1673.¹³⁴ Ultimately, it was felt that a meeting of the Estates would be undesirable, and consequently the additional forces were disbanded in January 1676.¹³⁵

It must be stressed that the disbanding was not the result of choice, but of financial necessity - the only option being a politically risky meeting of the Estates. In fact, lack of cash was also cited as the reason for the disbanding, in March, of Rothes's troop of horse (one of the old troops); however, it is highly probable that the reason for this particular move was political. In reality, Lauderdale no longer trusted the Chancellor.¹³⁶ However, the Secretary still considered extra military strength as his best political option. As argued in a later chapter, it is possible that when he came north in the summer of 1677, one of his primary concerns was to find ways of paying for additional soldiers. His continuing unease about calling a meeting of the Estates led to the extraordinary measure which has become known as the 'Highland host', when thousands of militia were sent to the south-west on free quarter.¹³⁷

The consequence of the failure of this measure was a meeting of a Convention of Estates in June 1678, which voted possibly the biggest peacetime supply in Scotland's history, of £1,800,000 to be collected over five years. This money was explicitly designed for payment of new forces. In 1681 this grant was repeated, so in effect taxation worth £360,000 a year had become part of the revenue of the Crown.¹³⁸ This extra money accounts for the massive figure of 61% of total revenue being spent on the military, according to the account of 1683. Yet there was still a real problem for the government. It is unlikely that much more could have been spent on the military; despite this, armed opposition was still able to pose a

temporary threat to the government in June 1679. It is possible to suggest, therefore, that, despite the increase in resources, financial constraints remained a potential limitation upon the effectiveness of the regime in asserting its authority.

What of the ordinary revenue? Despite a reasonable performance in certain years, two difficulties existed for the government; firstly, the perennial problem of collection, and secondly, the fact that there was no potential for the kind of expansion which would have suited a government whose costly aim was to raise more soldiers. An interim account at the end of 1672 revealed that there was a deficit of over £150,000; the reason given was the poor performance of the customs and excise as a result of the war. Indeed, the account of 1676 reveals that the yield from this source for the two years from November 1671 to November 1673 combined (9 months farm under Sir William Bruce and 15 months collection) was less than the £270,000 paid by Bruce for the previous year alone.¹³⁹ The deficit had been financed partly by borrowing from the 1670 cess (which had been granted mostly to pay the Commissioners for the Union), and partly by Sir William Sharp's own credit. This *ad hoc* manner of proceeding continued for a number of years: borrowing from the 1672 cess to meet the ordinary costs of government, which money, of course, had to be paid back; honouring precepts for pensions on a go-slow basis, and occasionally stopping them altogether; most of all, it seems, depending on Sharp to maintain solvency. In fact, for his efforts in getting the money together to disband the troops in January 1676, the Cashkeeper received an gratuity of £6,000.¹⁴⁰ It might be said that Sir William Sharp was of more value in terms of the working of government than his more famous and unfortunate prelatial brother.

Sharp was also the means by which the Treasury attempted to ensure that the brewing excise was collected more efficiently. In 1673 he undertook to ensure quarterly payments in return for an allowance of just under £20,000. This would ensure more efficient payment of the 'old' forces, which was the main point, and save interest on loans Sharp had been forced to raise previously to pay them. This agreement appears to have worked reasonably well, for a similar one was arranged with different tacksmen at the end of the five year term in 1677. Ironically, these tacksmen ran into difficulties because of the additional burdens that were imposed on the country; they claimed that with the imposition of cess, people were far

less able to make payment of excise. This fact, along with the disruption caused by the rebellion of 1679, led them to petition in March 1681 for an abatement of £12,000 for the first three years of their tack, to which the King reluctantly agreed. With the abatement, this tack brought in approximately £330,000 a year, about £20,000 less than the amount envisaged by the revised proportions of 1663 - but with little wastage. With the imposition of cess, the brewing excise was in fact replaced as the single most important source of income, but it remained vital, and there appears to have been at least some improvement in management as a result of the farms (although troops still had to be employed at times).¹⁴¹

The customs and excise on imports continued to be dogged, as far as the Commissioners were concerned, by the abatements claimed by successive farmers. Indeed, early in 1677 the King wondered if it might be possible to appoint good managers instead; to which he got the response that, for all its problems, farming produced a higher yield than direct collection - which is difficult to test because the only collection after 1671 was conducted under conditions of war. This exchange of letters came after a claim for abatement by the current farmers, led by Sir James Cockburn and Robert Milne (former Provost of Linlithgow), who had taken over in November 1675.¹⁴² This claim, however, was insignificant compared with the trouble the Commissioners had experienced with the previous farmers, who had entered into their employment early in 1674 upon agreement to pay £342,000 a year. By July of that year, the farmers had been put to the horn for their half-year's tack-duty, and although agreement was reached, the whole farm was a bit of a shambles. For the two years of their tack (November 1673 to November 1675), they received abatements amounting to £84,000, largely because it was recognised that trade had been slow in picking up after the war. This episode is possibly the reason why the Commissioners were so reticent about abatements in later years. As it happened, they were still trying to get money out of the unfortunate farmers as late as 1677.¹⁴³

In December 1675, while telling his brother about the farming of the customs and excise, Charles Maitland estimated that the true value was between about £275,000 and £290,000. Judging by the amounts paid by various farmers to the end of our period, this would seem to have been an accurate calculation. A net yield consistently over £300,000 was not achieved until the 1680s, with the expansion of trade witnessed especially in the middle

years of that decade.¹⁴⁴ In general, the total ordinary revenue, including property and compositions, appears to have hovered around the £700,000 mark in the late 1670s. This is certainly more than the Crown had ever had at its disposal, but it was not a vast improvement on the estimated yield in the 1660s. The Commissioners managed to ensure regularity of income, largely through farming, but there was little further scope for expansion unless trade improved considerably. Consequently, an increase in military strength required additional taxation.¹⁴⁵

The management of government finances was also of political significance, and was certainly susceptible to the vagaries of influence and intrigue. The exclusion of Tweeddale, and the inclusion of the Earls of Atholl and Argyll, in the new Treasury Commission of 1674 was the result of fresh shifts in political allegiance.¹⁴⁶ Also, it is obvious that Sir Patrick Moray, Sir Archibald Murray of Blackbarony and Sir James Hay of Linplum were removed from their employment as Receivers of the King's rents in 1674 as a result of their association with the opposition to Lauderdale in Parliament in 1673, although the change was disguised as a necessary saving.¹⁴⁷ It was also claimed that the men who were successful in their bid for the customs and excise in November 1675 were clients of the Maitland brothers, and favoured as a result of their willingness to advance money to them.¹⁴⁸ When the tack of the brewing excise changed hands in 1677, it was said to have been at the behest of the Earl of Atholl in the face of opposition from Charles Maitland - these two having little love for each other.¹⁴⁹ This kind of intrigue suggests that finances might prove to be a fruitful area of study for the historian of Scottish politics.

There is one final political point to consider. Some of the pamphlets published in the 1670s draw attention to mismanagement and embezzlement of the King's revenue, particularly by Lauderdale and his brother; this sentiment also appears in private lists of grievances, and was hinted at in the 1678 Convention of Estates.¹⁵⁰ Allegations of bribery are difficult to prove, although in November 1680 Robert Milne, one of the customs farmers, offered the Duchess of Lauderdale payment to use her influence to help procure an abatement of their tack-duty.¹⁵¹ It would not be wild speculation to suppose that such practice was fairly standard as one of the perks of power. What is obvious is that the Maitlands did very well during Lauderdale's administration. The accounts of 1671, 1676 and 1679 reveal that the

Secretary picked up £780,534 from his pay as Commissioner to Parliament and from a gift from the King out of the excise. This was over and above his pension of £12,000 a year as Secretary. The Duchess also collected a pension worth £6,000 a year, while Charles Maitland received a number of gifts and payments.¹⁵² The problem for the opposition, however, was that such enrichment was the result of the King's favour, although without doubt this royal patronage was liberally interpreted. Moreover, it is also true that, for many, the politics of envy played their part - another major complaint expressed in pamphlets was the concentration of offices in a few hands. The subsequent career of the Earl of Queensberry, Hamilton's ally in the 1670s and Scotland's last sole Treasurer in the 1680s, is an example of the self-interested attitudes of at least some of the opposition. The fact is that such domination of office and patronage was the reality of ministerial government in Restoration Scotland.

A longer term view

One of the ironies about the end of Lauderdale's administration in 1680-1 is the fact that, in financial terms, the situation very much resembled that of 1667. With his inclusion in the Treasury Commission in July 1680, Queensberry was emerging as the new star of Scottish politics, although this was still very much a transitional period in terms of influence.¹⁵³ With the other Commissioners, including Charles Maitland, he embarked on an attempt to sort out government finances. Various reports over the next year or so revealed large Treasury debts and accumulated arrears.¹⁵⁴ It might therefore be concluded that, after almost fifteen years, the Treasury was no nearer to sorting out some of its basic problems. The measures which were implemented are not of concern here, but part of the Commissioners' task was to calculate total income and expenditure. The results are revealing:¹⁵⁵

Fig. 2: Income projections

Year	Projected Income	Projected Military Expenditure
1663-7	£678,000	£264,000
1682	£1,097,734	£633,516

The important point is that the Crown's revenue in Scotland was projected to be worth more than £1,000,000 for the first time.¹⁵⁶ This was at the very least a three-fold increase from that which had been available to Charles I. It was almost twice the estimate from the 1660s. The Restoration period had it seems witnessed a huge expansion in the resources available to the Crown - although it is of course true that this had its origins in the 1640s, when the covenanters had revolutionised government finances for their own purposes. The effects of inflation cannot be discounted, but available data for Scotland suggests that, after the first third of the seventeenth century, prices were fairly stable - precisely the period of the increase in revenue. Such a scenario seems to confirm the conclusions of writers who have taken on the unenviable task of attempting to trace price fluctuations across Europe.¹⁵⁷ It should also be recalled that the Scottish Crown was starting from a fairly low base; it did not possess a standing army prior to 1660. Moreover, the table shows that the increase from the 1660s was almost entirely taken up with spending on the military. By 1682 the need to pay for between 2,500 and 3,000 soldiers had facilitated a considerable expansion, in real-terms, of the resources of the Crown.

The association of war and an increase in spending by central government is almost a commonplace of writing on seventeenth century Europe.¹⁵⁸ Significantly, however, it was not warfare as such which led to the increase in Scotland, but internal security concerns. When Scotland was at war, it was as an adjunct of the foreign policy of its southern neighbour and their shared monarch. Yet the fact that the catalyst for the expansion of the Crown's financial resources was the army means that the Scottish experience can be regarded as a peculiar, yet also significant, variation of wider and larger-scale developments across Europe. This whole expansion can be exaggerated. It must be realised that central government in Scotland remained small, with a miniscule bureaucracy. The money at the government's disposal remained about a third of that of Ireland, where, admittedly, there was a far bigger military Establishment. There was no possibility of the Scottish Treasury providing a subvention to the King in the manner of its Irish counterpart in the 1670s and 1680s.¹⁵⁹ Nevertheless, the expansion was significant in Scottish terms. Finally, another potential problem for the Crown - in the longer term - was that the Treasury was ultimately dependent on the continuing loyalty of the Scottish Parliament for the maintenance of

additional soldiers. Direct taxation was now a vital source of revenue. That Parliament did not show any signs of weakening in its loyalty at this stage could not disguise this fact.

Conclusion

This chapter has attempted to provide a survey of government finances during the 1660s and 1670s. With the limited space at my disposal, I have attempted to quantify the performance of the main branches of the revenue, and analyse expenditure. The basic point about the importance of the army to the government would seem to be demonstrated by the fact that at no time did military spending fall below one-third of total expenditure; after 1678 it reached three-fifths. This lends strong support to a characterisation of central government as increasingly militaristic. The composition of the King's revenue had also been irrevocably altered. Virtually all income was derived from taxes, with the brewing excise and the cess added to the traditional sources. In this respect, the covenanting period had sparked off what amounted to a small revolution in government finances; it is surely a tragic irony that these innovations were used to pay for the forces which crushed the ideological heirs of the covenanters.

The chapter has placed financial management at the centre of government policy. Political favour brought with it the responsibility of making government ends meet. In particular, the end of the second Dutch war in 1667 heralded the beginning of a serious attempt at financial reform, the aim of which was to improve yield and efficiency. It can be argued that this was easily one of the most important concerns of Lauderdale's administration. However, despite some achievements, it must be concluded that success was no more than partial. In fact, by the end of the period under consideration, it would be fair to say that some of the basic problems, in particular ensuring sufficient cash-flow, had not been resolved. Moreover, if anything, the responsibilities associated with the Treasury had become greater as a result of the overall increase in resources. The power of an increasingly militaristic government depended on adequate financial back-up. Yet, there were also clearly perks for those in the King's favour. Middleton and, later, Lauderdale made a lot of money out of government. During the 1670s, the impression is of a self-serving clique in charge of government, with little more than repression as a policy. However, taking a longer-term view, it can surely be

concluded that central government in Scotland, if still limited and more than a little crude, had come of age.

References

- ¹. It should be noted that this chapter is by no means a comprehensive study of financial administration during the Restoration period. It is intended simply to provide an overview of this subject in the general context of government and politics; thus, there is considerable stress on the problems of financing the military. Consequently, many issues of importance, for instance the economy, or the coinage, are largely ignored.
- ². W. B. Gray, 'The military forces and the public revenue of Scotland, 1661-1688' (Edinburgh University, PhD, 1921). I would like to thank Dr. Ewen Cameron of the University of Edinburgh for this reference.
- ³. See chapters 4 and 6.
- ⁴. *APS*, vii, pp. 78, 88-9. The brewing excise included duties on alcoholic imports. A number of other imports used for purposes of industry were excluded from payment of excise duties, eg salt employed for curing fish, materials for manufacturing soap and textiles. The excise act therefore can be regarded as embodying a mercantilist ethos.
- ⁵. NLS Ms 14489/5.
- ⁶. Macinnes, *Charles I*, p. 116.
- ⁷. The thorny matter of inflation is considered in the final section of this chapter, as part of a longer term perspective on the Crown's income.
- ⁸. J. Goodare, 'Parliamentary taxation in Scotland, 1560-1603' (*SHR*, lxxviii, 2, April 1989), pp. 23, 46-7; Brown, *Kingdom or province*, pp. 28-9; D. Stevenson, 'The King's Scottish revenues and the Covenanters, 1625-1651' (*Historical Journal*, xvii, i, 1974), pp. 18-20; Macinnes, *Charles I*, p. 114.
- ⁹. D. Stevenson, 'The financing of the cause of the Covenants, 1638-51' (*SHR*, li, 2, October 1972), *passim*; Stevenson, 'Cromwell, Scotland and Ireland', p. 178; SRO GD 90/2/260 Instructions to the Committee of Estates, 20 September and 5 October 1660. See chapter 1, p. 27, for dissatisfaction at the burden of taxation in 1660. I have been unable to find any accounts for the cess imposed late in 1660.
- ¹⁰. Stevenson, 'The financing of the cause of the Covenants', pp. 103-4.
- ¹¹. C. D. Chandaman, *The English public revenue, 1660-1688* (Oxford, 1975), pp. 37-9; S. Egan, 'Finance and the government of Ireland, 1660-85', 2 vols (Trinity College, University of Dublin, PhD, 1983), i, pp. 19-20.

¹². *APS*, vii, pp. 89-95. The towns of Edinburgh, Glasgow and Dundee were to administer the collection of their own excise.

¹³. BL Add Mss 23121/73; 23122/53.

¹⁴. *Scots Peerage*, vi, p. 185. See chapter 2, pp. 62-3, for Middleton's and Newburgh's military appointments.

¹⁵. The Exchequer was the court dealing with matters relating to the King's revenue; Exchequer officials therefore had judicial authority. The Treasurer and his Deputy, or the Treasury Commissioners after May 1667, had executive power over the finances. Policy was decided by the Treasurer or Treasury Commissioners; legal matters in the Exchequer. The latter was the subordinate body. See A. Murray, 'The Scottish Treasury, 1667-1708' (*SHR*, xlv, 1, April 1966), pp. 90-1, 101.

¹⁶. BL Add Ms 23117/37-8.

¹⁷. *LP*, i, pp. 170-1, 179, 186; NLS Ms 597/96; BL Add Ms 23119/65-6, 72, 151. Lauderdale repeated his claim that Middleton had raised the military Establishment to £384,000 (£32,000 sterling) in a letter to Lady Margaret Kennedy, SRO GD 406/1/2583.

¹⁸. SRO E78/5/1. The Cromwellian excise had been continued in October 1660 in order to meet the costs of government. It was to be administered by a special commission, whose members included Middleton and Crawford. The commission was to last until November 1661, but it does not seem to have done so, probably because it was superceded by the Act of Parliament granting the King his annuity; SRO GD 90/2/260 Instructions to the Committee of Estates, 5 October 1660; Commission for Managing the Excise, 8 October 1660. Mackenzie of Rosehaugh asserted that William, Lord Cochrane was the prime mover behind this continuation of the excise, so that his own fortune would be safeguarded from royalists seeking financial gain. He also claimed, more plausibly, that much of the country was very unwilling to agree to the proposal. See Mackenzie, *Memoirs*, pp. 17-8.

¹⁹. SRO E78/5/2. These are percentages of the total 'discharge' (£758,468) minus abatements (£26,318), which cannot be counted as income.

²⁰. See chapter 1, p. 28.

²¹. SRO E78/19. Military expenditure (not simply the pay of the soldiers) totalled £1,178,398 1s, out of £2,042,193 12s 4d (£2,208,657 12s 4d minus abatements). The accounts cover a five-year period, but the payments to soldiers cover four years; the reason for this is probably that there had been advance payments in the previous accounts.

²². SRO E78/5/2. This figure was arrived at by dividing £548,242 by 15. The former sum is the total accounted for minus abatements and the £183,908 for months after August 1662; the latter is the number of months.

²³. SRO E78/19. Total from brewing excise for 15 month period from August 1662 to November 1663 - £480,026 5s, or (approx.) £32,000 a month; ie, £384,000 a year plus £114,000 tack duty. It should be noted that these figures do not include tack duties of the excise of bay and inland salt, which were accounted separately; these constituted a minor part of the revenue, totalling no more than £12,300 a year between 1662 and 1665, see E78/19. Duties on foreign salt appear during these years to have been included in the total for excise on foreign commodities.

²⁴. *APS*, vii, pp. 90, 418, 469; *LP*, i, pp. 175-6; BL Add Ms 23119/93.

²⁵. SRO E78/19.

²⁶. *Ibid.*

²⁷. BL Add Ms 23131/107.

²⁸. SRO E27/9. For the years 1662-5, the total from property and compositions did not exceed £60,000.

²⁹. BL Add Mss 23116/51; 23122/22.

³⁰. BL Add Mss 23123/243, 245, 259-60; 23124/53.

³¹. See above, f. 18.

³². *RCRB*, 1615-1676, pp. 563-4.

³³. See chapter 4.

³⁴. *APS*, vii, pp. 203-4, 255-7, 259-62, 283-4. The act granting the King his annuity from excise had contained similar measures, see above, f. 4.

³⁵. *APS*, vii, pp. 304-5; Macinnes, *Charles I*, pp. 116-7; Stevenson, 'The King's Scottish revenues', p. 24.

³⁶. My concern is with the Crown's revenue, not with the economy in general. One writer has claimed that the 1661 legislation achieved very little, see T. Keith, *Commercial relations of England and Scotland, 1603-1707* (Cambridge, 1910), pp. 73-8. Another study in fact points to a fairly buoyant Scottish economy in the Restoration period as a whole; T. C. Smout, *Scottish trade on the eve of union, 1660-1707* (Edinburgh, 1963), pp. 240-44. Needless to say, this important subject requires further study.

³⁷. Keith, *Commercial relations*, pp. 145-7; *RCRB*, 1615-1676, pp. 567-8, 570, 573-5, 580; BL Add Ms 23120/52.

³⁸. The fullest treatment of these conflicts can be found in Keith, *Commercial relations*, pp. 87-114. See also *APS*, vii, pp. 257-8, 465-6; *RCRB*, 1615-1676, pp. 528-9, 547-8, 553-7, 564, 570, 572; BL Add Mss 23116/161; 23120/8; 23122/24, 68, 110-1; *LP*, i, p. 182; NLS Ms 7033/10.

³⁹. BL Add Mss 23122/22, 27, 128; 35125/93; *RCRB*, 1615-1676, p. 575.

⁴⁰. SRO E27/9. There are a number of other accounts purporting to detail the Receivers' income and expenditure, but unfortunately none of them include a break-down of expenditure. One account (which verifies receipt of £157,037 from the excise, see p. 109 above) claims that £541,214 10s 2d was received from customs for the years 1660-5 inclusive, ie an average of about £90,202 a year; NLS Ms 14489/21-2. This is well below the £114,000 tack-duty, but it is unsatisfactory because an average does not tell us about individual years. This account verifies at least the interim total in the credit-sheet in E27/9. Another account at NLS Ms 14489/23 confirms both 'charge' and 'discharge' (although there is a slight difference in the total for rents and compositions in the years 1666-7), but there is no break-down of either income or expenditure. Similarly unsatisfactory accounts can be found at SRO E28/43/1,3,6. All of these provide an illustration of how rudimentary accounting procedures could be, but there is also a suspicion of concealment.

⁴¹. NLS Ms 14491/86-8, 90, 92-3, 96, 98, 109-13, 116. The exception appears to have been Edinburgh custom house, see 14491/100, 119.

⁴². SRO E27/9; E78/19; NLS Ms 14489/5.

⁴³. SRO E9/2, King to the Commissioners of the Treasury, 30 March 1668; BL Add Mss 23129/148; 35125/180-1; *SHS, Miscellany*, vi, p. 201. The King's letter of March 1668 actually contains the wrong dates, stating that the abatements were for the two years from October 1664 to November 1666. In fact, it is clear from the latter sources, and a variety of others, that Seaton was granted abatements for the years from November 1663 to November 1665; he was Collector from November 1665 to October 1667. The mistake is perhaps testimony to the confused state of the records. A farmer, or tacksman, paid a duty and collected the money himself, pocketing any profit; a Collector was essentially employed by the government, and paid a salary. For further discussion of, and sources relating to, the investigation, see p. 123.

⁴⁴. *APS*, vii, p. 443; SRO E8/16, letters dated 26 August 1664 and 30 November 1665 (registered 6 April 1666); GD 90/2/260, Instructions to Rothes, 30 November 1665; BL Add Ms 23123/259. In addition, the Earls of Montrose and Marischal had tacks of the customs of Glasow and Aberdeen respectively, SRO E17/4, 13 February 1661; BL Add Ms 23115/1.

⁴⁵. SRO E73/17/1, 6; E6/1, p. 132.

⁴⁶. NLS Mss 7033/34-5; 14489/5.

⁴⁷. NLS Ms 597/96; BL Add Mss 23119/66, 175; 23121/26.

⁴⁹. NLS Ms 7033/34-5, 41; BL Add Mss 23121/48; 23122/56, 60, 128; SRO GD 90/2/260, Instructions to the Exchequer, 9 May, 28 June, 9 September 1665; *LP*, i, pp. 220-1. Extraordinary pensions were paid to individuals as a gesture of the King's favour, while other fees and pensions, to officers of state and lesser officials, were remunerative.

⁵⁰. BL Add Mss 23122/297, 324, 326; 23123/5, 26, 29, 35, 44, 61, 105; SRO GD 90/2/260 Instructions to Rothes, 6, 28 March 1665; *LP*, i, pp. 220-1.

⁵¹. See chapter 5, p. 199.

⁵². BL Add Ms 23135/143-4. The best discussion of this traditional method is Goodare, 'Parliamentary taxation in Scotland'.

⁵³. BL Add Mss 23124/139; 23126/212.

⁵⁴. NLS Ms 14489/82-3. These totals are confirmed in SRO E67/6/2, an account of the first four terms made in January 1670 (although there are some slight discrepancies in individual items). Another account of the first two terms can be found at NLS 14489/29-30. Most of the figures here agree with the other accounts (although again there are slight differences), but this account states that arrears totalled £84,985, giving a total 'expenditure' considerably higher than the total income; the other two accounts indicate that this must have been a mistake.

⁵⁵. SRO RH4/197, pp. 1-189. The Hamilton family was owed by the Crown as a result of an agreement in 1634 between the third Marquis and Charles I, whereby the former surrendered his gift of the impost on wines and agreed to meet certain royal obligations and debts, in return for specified compensation. In 1667 the debt amounted to £168,000 Scots (£14,000 sterling): Macinnes, *Charles I*, p. 115; NLS Ms 7024/85, 86; *LP*, ii, p. 82. In 1668, it was ordained that Hamilton was to retain £60,000. It should be noted that in 1683, £56,901 2s 10d (7.7% of the whole taxation) remained in arrears. Hamilton had been allowed to retain a further £91,682 5s; he was still to receive £5,757 4s 10d. It can be seen, therefore, that the government received virtually nothing from this grant after 1672. SRO RH4/197, pp. 201-24; GD 406/F1/334.

⁵⁶. BL Add Mss 23123/243, 245; 23124/1, 22, 53, 85; 23125/45, 51, 60, 62, 72; NLS Ms 7023/26.

⁵⁷. For the imposition of these fines, see chapter 1, p. 33; for the attempts to collect them and the raising of the additional forces, see chapter 4, pp. 153, 162-3.

⁵⁸. NLS Mss 7023/6, 11, 14, 25; 7024/8; *LP*, i, pp. 169-70, 192-3, 216-8; ii, appendix, pp. i, xxxii; BL Add Mss 23121/10; 23122/246; 35125/93.

⁵⁹. NLS Ms 7024/27; *LP*, i, pp. 237-8; *SHS, Miscellany*, vi, pp. 137-8. For further discussion of this point, see chapter 2, p. 62.

⁶⁰. NLS Ms 7024/14; SRO E91/1. This latter account from February 1668 includes an entry detailing money received of the fines, amounting to £34,984 11s 8d sterling, or £419,815 Scots.

⁶¹. *LP*, i, p, 238; BL Add Ms 23125/62.

⁶². BL Add Ms 23125/114.

⁶³. BL Add Ms 23125/251; NLS Ms 25382/8, 20-1; SRO E91/1; *LP*, i, p. 280.

⁶⁴. See chapter 5, p. 201.

⁶⁵. *APS*, vii, pp. 536-547.

⁶⁶. *APS*, vii, p. 542; SRO E91/1; Dalton, *The Scots Army*, part 2, pp. 53-4; *LP*, i, p. 279; BL Add Ms 23128/293. Bruce borrowed £204,912 (£17,076 sterling).

⁶⁷. BL Add Ms 23126/161. The behaviour of soldiers is discussed at some length in chapter 4.

⁶⁸. Given the state of the various accounts, we can not be certain of accuracy. The sources used are as follows: SRO E27/9; E26/11; E78/5/2; E78/19; E73/17. The total accredited income, minus known abatements, amounts to approx. £3,789,000. It should be noted that items within the accounts do not all cover exactly the same period. The brewing excise is for the period May 1661 - May 1667 (E78/5/2; E78/19; E26/11, p. 5). Income relating to property is for the years 1661-7 inclusive (E27/9). I have excluded an item charging for rents and compositions from 1660; although there are a couple of other items containing sums from 1660, there is no way of separating these from the following year's money. Customs and excise (on imports) is also for the years 1661-7 (this is drawn from all of the accounts mentioned). Unfortunately, the excise on imports runs for a longer period than the brewing excise, because the former was collected by Sir Walter Seaton during the war, and he provided separate accounts for the period November 1665 to November 1667 (E73/17). From this latter account, I have included in the total only the money said to have been given to the government, ie £144,511, and £23,066 he later paid (E26/11, pp. 5, 99). I have taken known abatements into account, but the fact that some of the accounts contain no discharge means that this is unsatisfactory - there is potential for overestimating the actual yield. The lack of consistency in the accounts means that we can only accept these figures as very rough approximations. Military spending totalled £1,485,141 (E78/5/2; E78/19).

⁶⁹. The fact that the items in the accounts discussed in the previous footnote cover different periods, and that there is overlap between these accounts and those of the Treasury Commissioners (see p. 119), means that, once again, these figures must be considered only as a very rough guide. I simply divided the total in the excise accounts by 6 (May 1661 - May 1667), and the others by 7 (1661 - 1667 inclusive), and added the two together. More specialised study will hopefully provide a more exact picture. Seaton's accounts of the collection of customs and excise on imports make it clear that the yield declined considerably. In addition, the rents of the years 1666 and 1667 were not collected until later.

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- ⁷⁰. SRO RH4/197. Apart from a few payments for arms, most of the money was simply paid to William Sharp, Cashkeeper from July 1667.
- ⁷¹. SRO E91/1; NLS Ms 7033/97.
- ⁷². NLS Ms 14489/40.
- ⁷³. BL Add Ms 23126/112. See also BL Add Ms 23126/61, 65, 67, 110, 113.
- ⁷⁴. For the political aspect of the setting up of the Treasury Commission, see chapter 2, p. 65. The importance of the Treasury Commission was recognised in Gray, 'The military forces', chapter 3, p. 2.
- ⁷⁵. Chandaman, *English public revenue*, pp. 196-213; Jones, *Charles II*, pp. 47, 70-3; Hutton, *Charles II*, pp. 154-5, 167-8, 174-5, 195-6, 198-201, 231-3, 238-40, 242-3; Egan, 'Finance and the government of Ireland', i, pp. 6-8, 20-140. For an example of Scottish legislation directed against Irish imports, see chapter 1, p. 38.
- ⁷⁶. NLS Ms 7023/122; Egan, 'Finance and the government of Ireland', i, pp. 8, 142-63; Chandaman, *English public revenue*, pp. 213-221; Hutton, *Charles II*, pp. 243-4, 260-2.
- ⁷⁷. NLS Mss 7033/75; SRO E26/11 (inside front page). For Mackenzie of Rosehaugh's claim that Cochrane was responsible for the retention of the excise, see f. 18. Further evidence of Cochrane's economic proclivities can perhaps be seen in his exemption from paying tax for land which he had enclosed, SRO E6/1, p. 78.
- ⁷⁸. SRO E6/1, pp. 1-15.
- ⁷⁹. BL Add Ms 23127/102, 156-7; Murray, 'The Scottish Treasury', pp. 94-5; Chandaman, *English public revenue*, p. 214.
- ⁸⁰. SRO E6/1, p. 8; NLS Ms 7023/66-7; BL Add Ms 23127/132; *LP*, ii, p. 21.
- ⁸¹. BL Add Mss 23127/128; 23128/76, 167; NLS Ms 7023/110; SRO E6/1, p. 49.
- ⁸². See chapter 4, p. 169.
- ⁸³. *LP*, ii, p. 17; SRO E6/1, p. 1; E9/1, 11 July 1667.
- ⁸⁴. *RPCS*, ii, pp. 334-8; SRO E6/1, pp. 19-23; E91/1; GD 90/2/260, Instructions to the Commissioners of the Treasury, 13 August and 2 September 1667; NLS Mss 7023/60, 69, 70, 71, 76, 86; 7033/94; 14488/11; BL Add Mss 23127/107, 132, 199, 217-9, 225, 244; 23128/16-8; *LP*, ii, pp. 6, 21, 59; Dalton, *The Scots Army*, part 1, pp. 15, 29, 72, part 2, pp. 48-50, 52.
- ⁸⁵. SRO GD 90/2/260, Instructions to the Commissioners of the Treasury, 2 September 1667; E6/1, pp. 38, 40, 53; NLS Mss 7003/62; 7024/67-8, 78, 81.

⁸⁶. SRO E6/1, pp. 16-7; NLS Mss 7023/78; 7024/45; 7043, p. 3; BL Add Ms 23127/199; *LP*, ii, pp. 31-2.

⁸⁷. NLS Mss 7003/62; 7023/110, 111; 7024/49, 55; 14489/6-7, 45; BL Add Mss 23127/183; 23128/67; SRO E9/1, Lauderdale to the Commissioners of the Treasury, 5 December 1667.

⁸⁸. See chapter 2, p. 67. The estimate is from NLS Ms 14489/5.

⁸⁹. SRO E9/1, King to the Commissioners of the Treasury, 27 August 1667; E6/1, pp. 21, 29-30, 33; BL Add Ms 23128/58, 67, 89, 113, 117-8, 125; *LP*, ii, 71-5; NLS Ms 7023/95, 104.

⁹⁰. The renewed negotiations over trade are discussed in chapter 5, pp. 203-5. This is considered to be most convenient place because these negotiations were bound up with the proposal for a parliamentary union, the failure of which is described in some detail in that chapter.

⁹¹. SRO E9/1, King to the Commissioners of the Treasury, 27 August 1667; E6/1, pp. 29, 116; NLS Mss 7003/60; 7023/78, 160; 7024/85-6; BL Add Ms 23129/71-2.

⁹². BL Add Ms 23128/219, 221, 223.

⁹³. NLS Mss 7023/125; 7024/90-1; *SHS, Miscellany*, vi, pp. 149, 151-2; BL Add Mss 23128/293; 35125/173. For the order to collect arrears of cess, see chapter 4, p. 173.

⁹⁴. BL Add Ms 23128/260, 338; NLS Ms 14489/76. This latter estimate must have been made at some point during 1668, or early in 1669; it was certainly made prior to the redemption of Orkney (1669 - see p. 127). Interestingly, the estimated yield of customs and excise, including duties on salt, amounted to just £288,000. This suggests that the estimate actually dates from early 1669, after the abatement granted to the farmers allowed for a clearer view of what the customs was actually worth. The inclusion of the duties on salt also suggests this date.

⁹⁵. SRO E6/1, pp. 83, 111, 164, 191, 198; E9/3, King to the Commissioners of the Treasury, 28 May 1669; NLS Mss 7024/161-2; 14489/86; BL Add Ms 23129/213, 260.

⁹⁶. SRO E9/3, Warrants 28 May 1669; E6/1, pp. 239, 249; E26/11, p. 9; *SHS, Miscellany*, vi, p. 204.

⁹⁷. SRO E6/1, pp. 37, 186, 204, 215, 231-2, 237-41, 244, 255, 309, 312; E6/2, p. 89; E7/2, pp. 156-8, 304-6; E9/3, King to the Commissioners of the Treasury, 24 August 1669; E9/5, King to the Commissioners, 21 March 1671; Commissioners to the King, 22 December 1671; E9/6, Lauderdale to the Commissioners, 24 February 1672; Commissioners to Lauderdale, 11 March 1672; King to the Commissioners, 22 June 1672 (booked 5 March 1673); NLS Ms 14489/146-7. The only person who appears to have benefited from this activity was the Earl of Crawford-Lindsay, who was given the right to various arrears dating from before the Restoration to repay royal debts; it is not clear whether these were collected. See also NLS Mss 7004/91; 7024/121, 175; BL Add Mss 23132/79, 81; 23135/7, 75, 120-2. The Treasury does not appear to have received any money as a result of these efforts.

⁹⁸. For the abatements, see p. 113.

⁹⁹. *LP*, ii, pp. 68, 73, 77-8, 89; BL Add Mss 23127/182; 23128/157, 225, 338; SRO E78/19; Murray, 'The Scottish Treasury', pp. 94-5.

¹⁰⁰. BL Add Mss 23128/282, 326, 338; 23129/84, 86, 94; 35125/180-1; SRO E9/2, King to the Commissioners of the Treasury, 30 March 1668; *SHS, Miscellany*, vi, p. 157.

¹⁰¹. BL Add Mss 23129/154, 158-60, 164, 173, 184, 199, 202, 241, 266, 268; 23130/7, 38; 35125/182; NLS Mss 7023/180, 295; 7024/94-5, 101, 104-6, 108, 110, 129, 131; *SHS*, , vi, p. 161.

¹⁰². BL Add Ms 23131/24-6, 36, 74; NLS Mss 7024/135-7, 140-1, 144-7, 149; 7033/169-70; 14489/86; *SHS, Miscellany*, pp. 173, 179-80, 198-201, 205, 207, 210-1; SRO E6/1, p. 162; *LP*, ii, p. 129. The problem with Seaton's collection accounts related to customs and excise on 'prize' goods, ie goods from captured Dutch ships. These accounts were not finally cleared until February 1672; see E6/1, pp. 53, 126, 132, 381; E9/6, Commissioners of the Treasury to Lauderdale, 15 February 1672.

¹⁰³. *LP*, ii, p. 115; SRO E6/1, p. 115; NLS Mss 7023/187-8; 7024/110; 7033/122.

¹⁰⁴. BL Add Mss 23130/137; 23131/16-7, 30, 38; NLS Mss 7003/110; 7024/118-9, 123, 126, 129, 132-3; *SHS, Miscellany*, vi, pp. 164-5, 168-9, 172-3, 175, 178, 182.

¹⁰⁵. NLS Ms 7024/112, 114, 121; BL Add Ms 23130/34.

¹⁰⁶. BL Add Mss 23130/106; 23131/6, 16-7, 24-6, 30, 38, 54, 76; NLS Mss 7003/110; 7024/124, 129-30, 132, 135-8, 140-1, 144, 146; *SHS, Miscellany*, vi, pp. 170-2, 175, 179-80, 185-6, 190, 194-5.

¹⁰⁷. SRO E26/11, pp. 6-7, 98. The account of August 1671 does not include all of the money arising from the collection for the years November 1668 to November 1670 in the charge-sheet; the subsequent account of February 1676 includes arrears of £44,000 from these years. I have simply divided this latter sum by two, thus £22,000 is added to the totals given for each of the years of the collection in the 1671 account.

¹⁰⁸. NLS Mss 7024/161-2, 165, 195-7, 201-2; 7025/45. Tweeddale was informed by the Collectors themselves, at least in 1670, see NLS Ms 7004/50, 91.

¹⁰⁹. NLS Ms 7043. This account is confirmed by NLS Ms 14490/29-30. In the former an extra £6,120 from rebels' goods was spent on soldiers wounded in the Pentland rising; this is the only difference between the two.

¹¹⁰. E26/11, pp. 5-11, 98, 100. This figure is based on the brewing excise for November 1667 - November 1670 (£1,055,729); customs and excise for the same period (£776,400); and property and compositions for 1668-1670 inclusive (£201,665 - the property from 1670 is taken from the subsequent account of February 1676). Total = £2,033,794 (all of these figures have been rounded up), divided by 3 = £677,931. It should be noted that this total does not include salt duties for 1669-70, because these are absorbed in later accounts and it is impossible to distinguish by year. The discharge of the 1671 account includes some allowances and losses amounting to £59,639, but it is not clear what they refer to, therefore I have just ignored them. The additional salt duties would more than balance this sum.

¹¹¹. SRO E26/11, pp. 87, 89. The money which was not part of the ordinary revenue was composed of the following items: arrears of pre-1668 rents, customs and excise (but not the brewing excise from May to November 1667, which was properly the responsibility of the Commissioners); 15ths of prizes (limited to wartime); 1665 and 1667 taxation; money from Sir Walter Seaton as compensation; rebels' goods and fines. SRO E26/11, pp. 5-12.

¹¹². E26/11, p. 87. The position of Commissioner was supposed to be temporary.

¹¹³. BL Add Ms 23130/112, 118, 120; *SHS, Miscellany*, vi, p. 171.

¹¹⁴. BL Add Ms 23132/11, 42, 58; NLS Ms 7024/172, 201.

¹¹⁵. BL Add Ms 23135/73.

¹¹⁶. BL Add Ms 23132/11, 48. See chapter 4.

¹¹⁷. Dalton, *The Scots Army*, part 1, pp. 30-1; BL Add Ms 23134/146, 151, 174; NLS Ms 7025/36; SRO GD 406/1/9172, 9174; *RPCS*, iii, pp. 241-64, 293.

¹¹⁸. NLS Mss 7004/85, 117; 7025/36; BL Add Ms 23134/142, 151, 153, 155, 174, 195; SRO GD 406/1/2703, 9177. Linlithgow was referring to an attempt to restrict tax-collecting to the militia early in 1670, see chapter 4, pp. 181-2.

¹¹⁹. *Scots Peerage*, vi, p. 379; *APS*, vii, pp. 398-9, 566-8; *LP*, ii, pp. 115, 176; NLS Ms 7023/202; BL Add Mss 23130/38; 23132/61-2, 191; *SHS, Miscellany*, vi, pp. 206-7, 209-10; SRO E9/2, King to the Commissioners of the Treasury, 29 September 1668; E9/3, Lauderdale to the Commissioners of the Treasury, 16 January and 4 February 1669; King to the Commissioners of the Treasury, 28 May 1669. Morton was receive £120,000 in compensation, SRO E6/1, p. 269.

¹²⁰. C. Whatley, *The Scottish salt industry 1570-1850: an economic and social history* (Aberdeen, 1987), pp. 82-5. The act in the 1669 Parliament which sought to ensure that duties were paid on imported salt, and which caused considerable opposition, was related to this scheme. Ultimately, the scheme was transformed into a private monopoly for the Earl of Kincardine, which was very unpopular and emerged as a major grievance at the 1673 Parliament. See chapter 5.

¹²¹. NLS Ms 7025/12, 16, 17.

¹²². NLS Ms 7024/197, 199, 202.

¹²³. See chapter 2.

¹²⁴. NLS Ms 7025/36, 38, 41, 42; BL Add Ms 23134/174, 182.

¹²⁵. NLS Mss 7005/5; 7025/44-46, 49, 75-6; BL Add Ms 23134/208, 224, 23135/9, 17, 32-3, 36; SRO E6/1, pp. 295-6, 302, 306-8; E9/5, King to the Commissioners of the Treasury, 23 February and 21 March 1671.

¹²⁶. NLS Mss 7023/264; 7025/73-4.

¹²⁷. *Scots Peerage*, iii, pp. 487-8; BL Ms 23135/32-3, 73; NLS Mss 7005/46; 7023/275-6, 278.

¹²⁸. NLS Ms 7025/98, 122, 127.

¹²⁹. SRO, E26/11. The figures are taken from accounts of 1671, 1676, 1679 and 1683: the graph is intended to provide a rough comparison between different areas of expenditure as detailed by the Commissioners of the Treasury. The four areas graphically represented by no means constituted total expenditure, but taken together they were the main constant drain on Crown revenue. The percentages are of total expenditure, and include taxation where relevant. The accounts are retrospective, and generally cover expenditure from the date of the previous one (the 1671 account covers the period from the establishment of the Treasury Commission). An important exception is the 1672 grant of cess, which was accounted for in March 1679, and is included in the general account of that year. The breakdown of how the money was spent can be found at SRO E67/9. I have included the money spent on the military in the figure represented on the graph for 1679; it should be pointed out, however, that it was actually spent between September 1674 and January 1676, when additional troops were raised. Another problem is that the percentages are obviously dependent on exactly which periods are covered, or how many terms' pensions had been paid. Despite such discrepancies, it is felt that these accounts provide revealing comparisons. The basic point about the importance of the military is visibly demonstrated.

¹³⁰. See chapter 4.

¹³¹. See chapter 6, pp. 248, 251.

¹³². SRO E9/6, King to the Commissioners of the Treasury, 2 December 1671; E6/2, pp. 11, 14, 21, 39, 43; *LP*, ii, pp. 222-3; BL Add Ms 23135/143. A partial revival of this proposal by the King in August 1672 provoked an almost apoplectic response from Lauderdale, see chapter 5, p. 218.

¹³³. This is the argument presented in chapter 6.

¹³⁴. BL Add Ms 23138/41-2.

¹³⁵. See chapter 6, p. 253.

¹³⁶. See chapter 6, p. 256.

¹³⁷. See chapter 6.

¹³⁸. *APS*, viii, pp. 221-9, 240-2. For the 1678 Convention and the raising of the additional forces in the autumn of that year, see chapter 6. The fiscal burden was actually increased further in 1685, see *APS*, viii, pp. 463-71, 483.

¹³⁹. NLS Ms 14489/149-50; SRO E26/11, pp. 98-9.

¹⁴⁰. SRO E6/2, pp. 90, 146, 250, 324; E9/6, Commissioners of the Treasury to Lauderdale, 14 January 1673; E7/2, pp. 4-8, 38-9, 45-6, 112-3; NLS Ms 14489/151; *LP*, iii, p. 21. These sources cover the years 1673-1675, and demonstrate the on-going nature of these financial problems.

¹⁴¹. SRO E9/6, Commissioners of the Treasury to Lauderdale, 14 January 1673; E7/2, pp. 4, 208-9, 386-7, 412-3; E6/3, pp. 73-5, 99; E26/11, pp. 97, 214, 283. It is not clear whether the £12,000 was an annual abatement, or a total for three years. The account of 1683 contains an item in the discharge for defalcations, exemptions and allowances amounting to £98,988, but there is no breakdown. I have assumed that the abatement was granted for each year, because £12,000 would have been a trifling amount, especially with the reasons given in the petition.

¹⁴². SRO E6/2, pp. 286, 302; E7/2, pp. 113, 154-6, 158-9, 162-4, 172-4; E26/11, p. 214. The farmers received an abatement for the year from November 1675 to November 1676 of £19,200, on a tack-duty of £307,200.

¹⁴³. SRO E6/2, pp. 169-71, 198-9, 218, 221-3, 237, 321, 323-4, 335; E6/3, p. 24; E7/2, pp. 99-102, 110, 133-6; E26/11, p. 9; NLS Ms 7006/99.

¹⁴⁴. BL Add Ms 23137/93-4; SRO E26/11, pp. 214, 283; Gray, 'The military forces', chapter 3, pp. 32-3.

¹⁴⁵. The total ordinary revenue in the late-1670s can be calculated from the charge-sheets at SRO E26/11, pp. 213-6, 281-5, 355. This includes brewing excise, customs and foreign excise, property (including Orkney and Shetland) and compositions.

¹⁴⁶. See chapter 2, p. 80.

¹⁴⁷. SRO E6/2, pp. 167-8; E7/2, pp. 39, 46; GD 406/1/2733; *LP*, iii, p. 30.

¹⁴⁸. SRO GD 406/1/2900.

¹⁴⁹. *HMC, Buccleuch*, p. 225; SRO GD 224/171/6, ? to Queensberry, 16 September 1677. A later petition from the successful tacksmen suggests that Sharp gave up his tack willingly, see SRO E7/2, p. 387. The point, however, is the rivalry between Atholl and Maitland, which was real enough, see chapter 2, p. 88.

¹⁵⁰. Stewart of Goodtrees (?), *An account of Scotland's grievances*, pp. 29-30; NLS, *Some particular matter of fact, relating to the administration of affairs in Scotland under the Duke of Lauderdale* (1679), p. 4; NLS Ms 7034/65-6, 68-9; SRO GD 406/2/640/5. For the debates in the Convention of Estates, see chapter 6, pp. 271-2.

¹⁵¹. BL Add Ms 23247/54, 56.

¹⁵². For most payments, see SRO E26/11, *passim*.

¹⁵³. SRO E6/3, p. 297.

¹⁵⁴. SRO E7/2, pp. 324-7, 384-5.

¹⁵⁵. The first estimate has already been discussed. The second is from SRO E7/2, pp. 469-70. A slightly later estimate (made in November 1682) can be found at NLS Ms 14489/165-6. It does not differ greatly.

¹⁵⁶. This was of course an estimate, rather than a statement of income for any particular year.

¹⁵⁷. A. J. S. Gibson and T. C. Smout, *Prices, food and wages in Scotland, 1550-1780* (Cambridge, 1995), pp. 5-8; N. Steensgaard, 'The seventeenth century crisis', in G. Parker and L. Smith (eds), *The general crisis of the seventeenth century* (London, 1978), p. 30; T. Munck, *Seventeenth century Europe, 1598-1700* (London, 1990), p. 97.

¹⁵⁸. See for example, Steensgaard, 'The seventeenth century crisis', pp. 38-44; Munck, *Seventeenth century Europe*, pp. 37-9, 382-3; H. G. Koenigsberger, *Early modern Europe, 1500-1789* (London, 1987), pp. 185-6; G. Parker, 'The emergence of modern finance in Europe, 1500-1730', in C. Cipolla (ed), *The Fontana economic history of Europe 2: the sixteenth and seventeenth centuries* (Glasgow, 1974), pp. 560-2.

¹⁵⁹. Egan, 'Finance and the government of Ireland', i, pp. 10-17; Chandaman, *English public revenue*, pp. 235, 237-8. Net income for the Crown in Ireland in 1681 was £232,268 sterling, which was the equivalent of £2,787,216 Scots; Egan, 'Finance', ii, p. 223.

Chapter 4

Military coercion in Scotland, 1661-c.1674

Introduction

This chapter considers the role of the military in Scotland from 1661 to c.1674. Although the royal army was relatively small, its functioning as a force of internal coercion was of major importance: there was perhaps no more visible manifestation of the expansive tendencies of central government than the deployment and quartering of troops to enforce royal authority. The transition from military occupation to monarchical rule after 1660 did not mean an end to the role of soldiers as functionaries of government.

Discussions of the repressive machinery of the state after 1660 have tended to concentrate, to an extent justifiably, on the long-term conflict between the government and presbyterian dissenters. This seemingly interminable battle of wits and will between the military cat and non-conformist mouse is, literally, the stuff of legend. The mostly peasant men and women who defied a host of parliamentary statutes, Privy Council proclamations and almost constant harassment have been regarded with sympathy by a variety of political and social protestors in subsequent centuries.¹ Yet there has been surprisingly little attention paid to the way in which the 'bad guys' - the military - actually operated. This is an important matter because the acquisition of an armed force was a major development for the Crown. The following discussion is concerned with the activities of soldiers throughout the kingdom; this allows us to decide how effective the new military arm of the government was in practice.

It must be stressed that although this chapter discusses military operations against dissenters, it is not directly concerned with religious issues. Thus, the intricacies of religious debate and legislation are not considered in detail, except where relevant.

The tendency of historians to concentrate on ecclesiastical matters has led to neglect of another vital matter: the use of soldiers to collect taxation. It is the intention here to attempt to redress this balance, and indeed it is suggested that fiscal coercion might well have contributed to the spread of active dissent. The government in Scotland tried to impose its will in two of the seventeenth century's most explosive areas - religion and taxation - by force of arms. This caused enormous tensions throughout the kingdom, which, it can be contended, was precisely the opposite of what was intended. After 1660, central government in Scotland was paranoid about the slightest hint of disobedience or disaffection, perhaps as a result of the fact that the 'troubles' of the 1640s were sparked off by the crisis in the northern kingdom. Yet, ironically, the Crown did not possess the military resources to impose its will completely in this manner. By 1674, the result was a kingdom in turmoil; hardly the stability which the Restoration had seemed to offer. In a sense, therefore, the present chapter provides the military background to the political crisis of the later 1670s.

Repression and rebellion, 1661-7

The small number of troops raised in 1661-2 to serve the Crown have been described as "more the ghost than the face of a standing army".² The forces initially levied consisted of two troops of horse and six companies of foot guards (including garrisons for Edinburgh, Dumbarton and Stirling Castles); by 1666 the foot guards had been increased to seven companies. It is true that this was not a large force, consisting of approximately 900 men. In 1666 six additional companies of foot guards were raised as a result of the second Dutch war, only three of which were taken off the Establishment the following year; thus, by 1668 the peacetime Scots army was about 1,200 strong, small but by no means negligible. It is also important to realise that the army was actually doubled in size on three occasions. In the summer of 1666, in addition to the foot guards already mentioned, a further regiment of foot consisting of ten companies, and a regiment of horse - initially five companies strong, enlarged to at least eleven by May 1667 - were raised. These regiments were disbanded at the end of the Dutch war, but similar expansion occurred during the period from September 1674

to January 1676, and from late-1678. Therefore, at the very end of the period covered by this thesis, the army numbered between about 2,500 and 3,000 men.³

Before this force is written off on account of its size, some sense of perspective has to be established. In England, in 1668, the standing army is said to have numbered about 6000 (including the addition of two regiments of foot in 1665, formed out of the disbanded Anglo-Dutch regiment); this force was intended to provide security for the King internally, and does not include levies for foreign service.⁴ If it is considered that the English population is estimated to have been about five to six million in the later seventeenth century⁵, and that of Scotland up to one and a quarter million (in 1695)⁶, or in other words, that the population of the former was approximately five times larger than that of the latter, then it is apparent that the English force per capita was not greatly larger than that of the Scots. The Scottish force was intended to secure the monarchy no less than its English counterpart.

The army in Ireland was larger than that of Scotland, numbering almost 7000 in 1663 in a country with a population of about 1.7 million.⁷ There does not seem to have been any doubt that royal authority in Ireland would be dependent on maintenance of a larger force than on the mainland. The massive cromwellian army of occupation was scaled down, but a regiment of foot guards was raised in 1662; this latter force was levied in England in order to exclude potentially disaffected cromwellian soldiers. These numerical comparisons are somewhat glib, in a sense demonstrating only that Stuart 'police forces' remained small in comparison with some continental countries. However, easily the most important factor is how the available military force was actually used. The government in Scotland proved to be far more willing than its counterparts elsewhere in Britain to employ troops aggressively.

The provision for raising troops contained in the act of Parliament granting to the King his annuity from excise has already been mentioned.⁸ It is possibly an indication of the insecurity felt by Charles II and his advisers in 1661. The King had returned to England from exile less than a year previously, and some means were necessary to ensure monarchical authority was effectively restored. Parliament had agreed that such

a force might be justified. This insecurity should not be overstated, however, because other statutory provisions indicate that the military was to perform more mundane, though equally crucial, functions: soldiers were to continue to be used to back-up the fiscal machinery of the kingdom. Such activities were not very likely to endear the troops to a population which had suffered almost twenty years of military demands. The Commissioners of Excise, local officials who were to organise the collection of the King's annuity, were empowered to quarter troops on non-payers by the Act of March 1661. Another act of 7 June, which ordained that the sum of £144,000 be raised for the benefit of the Senators of the College of Justice, included a similar provision. Furthermore, those who had been given the right to collect arrears of cess dating from the covenanting period were allowed to use all necessary means to enforce payment: in practice this meant billeting troops.⁹ The methods used by the covenanters and later by the cromwellian army were thus retained by the restored monarchy.

Sir Alexander Durham of Largo, Lord Lyon, who had been empowered to collect arrears of cess dating from 1648, 1650 and 1651 with Sir John Smith and Sir John Wemyss,¹⁰ petitioned the Privy Council on several occasions for permission to quarter parties of soldiers on defaulters, mostly in Argyllshire, the north-west and north-east, throughout 1661 and 1662. Glasgow suffered the same fate in 1661, and there is some evidence that the collectors were active elsewhere in the south-west.¹¹ Troops were also employed in Fife by Alexander Inglis of Fingask, who had been appointed to collect money in the shire on behalf of the Earl of Southesk, Lord Burghlie, and others as recompense for money they had expended during the 1640s.¹² Those involved in the collection of excise were prepared to use force, and the threat alone could sometimes be an effective means of ensuring payment of public dues.¹³

The widespread use of the military led to abuses, not least, apparently, by the soldiers themselves. In March 1663, the brewers of the towns of Torry and Carnock, on the Forth near Dunfermline, complained to the Council that Majors Arnot and Livingston of the King's Guards had illegally quartered soldiers there for excise duties upon their own authority.¹⁴ In addition, troops became involved in petty local conflicts. In March

and April 1662, William Maxwell of Springkell alleged that Thomas Ferguson - brother of the laird of Craigdarroch, parliamentary commissioner for Dumfriesshire - had used soldiers to extort money from his tenants.¹⁵ In January 1663, Lord Cochrane and his son, John Cochrane of Ochiltree, complained that Theophilus Rankine, who had been appointed to collect money to finance the dismantling of the cromwellian citadel at Ayr, had imposed troops on their lands and tenants in the parish of Ochiltree without warrant.¹⁶ All of this must have given the impression that the return of Charles II had done little to restore peace and order to the kingdom, an impression conveyed by Maxwell of Springkell, who remonstrated to the Council that, "It was expected after his Majesty's gracious return to the exercise of his royal government that his subjects should be protected from oppression and violence by the laws..."¹⁷ In fact, the laws had seemingly provided an opportunity and an excuse for the harassment of the King's subjects by the King's soldiers.

The Privy Council was unwilling to tackle seriously the problem of relations between soldiers and the populace. A hint about how unpopular the former were is perhaps contained in the rumour which circulated at the time of the complaint by the brewers of Torry and Carnock, that the soldiers had been set upon and killed by the country folk. Although the story was untrue, it can surely be inferred that such an occurrence was not regarded as being beyond the realm of possibility. On this occasion, the Council simply ordained a standard rate of quarter for horsemen of 24s a day; but there was no doubt that, for the government, quartering was a legitimate form of coercion.¹⁸ This view was confirmed by the response of the Council to a dispute which arose between the heritors of Kincardineshire and troops in December 1664. The Earls of Linlithgow and Southesk, and Lord Bellenden were appointed to hear the heritors' complaint - which seems to have been related to excessive exactions by the soldiers - and also to consider ways in which the excise could be collected without resort to these unpopular methods, recognition in itself of the tensions caused by the practice. The committee dealt with the specific complaint, which was in fact dropped, by ordaining that, in future, parties of soldiers should approach the appropriate officials or collectors for the particular shire, and take action against defaulters according to a set roll. As for the wider issue of quartering, the committee recommended that,

letters be wryte be the Lord Thesaurer and Lord Thesaurer deput, mentioning their sense of the shyres suffering by quartering, and therefore desyring that the commissioners of the severall shyres may meit more frequently and uplift and pay in the said excyse tymously for eviteing the said burden....¹⁹

In other words, the necessity of using troops to collect public dues was apparently the fault of inefficient local officials.

One of the difficulties facing the Council in these early years was the corruption and poor standards of many of the officers in the army. These problems did not really come to light until Middleton's fall from grace. Then, as we have seen, it was discovered that the former Commissioner, along with Durham of Largo, had been happily embezzling the soldiers' pay.²⁰ Being often forced to wait for their money, the men simply lived off the population, which obviously caused antagonism. The officers in Newburgh's troop came in for particular criticism from Rothes, who was in overall charge of the army from 1664. He claimed that they were prone to squabble among themselves, that contradictory orders were issued, that the Quartermaster had cheated the soldiers; in short, Rothes was not at all sure that the troop would be of any use in an emergency.²¹ The regiment of foot guards was not in great shape either; the new Treasurer remarked early in 1664 that he hoped to remedy this by finally paying the men according to their Establishment. Absenteeism was also a problem. In August 1664, the Earl of Kellie, recently appointed Captain of the Edinburgh Castle garrison, boasted that his company was complete, unlike any of the others (however, there were complaints, at different times, that conditions within the Castle were not particularly commendable).²² There is always the possibility that rivalry led to embellished reports, but there is enough evidence to conclude that the army was in a far from healthy state. It is difficult to see what the Council could have done, even if it had possessed the will to enforce changes.

A more basic difficulty was the reluctance of the country to pay taxes. This meant that there was no opportunity to ensure prompt, regular payment of the soldiers.

Consequently, the latter were often assigned to collect arrears of taxation as pay. Accounts of the excise for May 1661 to August 1662 show that almost £25,000 was ordained to be paid directly to the military by different shires: the foot guards, for example, received £5044 from arrears in Lanarkshire, Dunbartonshire and Renfrewshire; the troop of Life Guards commanded by Newburgh received money from Dumfriesshire, Ayrshire, Wigtonshire, Stirlingshire and Perthshire.²³ However, this granting of direct assignments was not restricted to collection of arrears; in March 1664, Kellie described how the Establishment for the Edinburgh Castle garrison was to be paid directly by specific shires.²⁴ The potential abuses arising from this method of payment were obviously considerable. In December 1665, Rothes wrote that he was trying to ensure that, when soldiers changed quarters, the local population made provision on trust for no more than a month at a time. However, such limiting measures, designed to protect civilians, were very hard to enforce, especially when the soldiers were dispersed throughout the country collecting money.²⁵ Yet the policy had two advantages for the administration. The soldiers acquired a financial interest in enforcing the policy of central government, ie, the collection of the King's annuity. Secondly, the government was provided with justification for the maintenance of a military presence throughout the country, a point not missed by one contemporary writer at least.²⁶ The willingness of the Privy Council to order and allow troops to parade throughout the country and collect taxes, despite the risks, can be partly attributed to the need of royal government to reimpose its will in Scotland.

The granting of direct assignments on the excise to the army has particular relevance to the issue of dissent. In September 1662, after Parliament had risen, Middleton marched to Glasgow with the horse and newly raised foot, intending, no doubt, to demonstrate to the south-west the strength of revived royal authority. The justification for the jaunt to the west was the Act of Parliament passed on 11 June 1662, which ordained that all ministers who had entered their charges in or since 1649, when lay patronage had been abolished, were to receive presentation from a patron and collation from their bishop by 20 September. In October, at a Privy Council meeting in Glasgow, it was proclaimed that all those ministers who had failed to do so were to be deprived.²⁷

Most writers have agreed that this was an act of political folly, causing the deprivation of almost 270 ministers, and provoking many presbyterians, mainly in the south-west, into active dissent.²⁸ There is no doubt that vindictiveness against presbyterians was a strong element in the Commissioner's actions. However, an important feature of the journey by Middleton and the soldiers to the west has been missed because of the tendency to concentrate solely on the religious aspects of the situation. The geographical spread of the direct assignments on the excise granted to the soldiers corresponds in large part to the areas in the south-west of the country suspected to be havens of hard-line presbyterianism. Moreover, the accounts of the excise mentioned, in which details of the assignments are provided, end in August 1662; the army travelled to Glasgow and the west in September - thus, the time-scale indicates that the soldiers were almost certainly involved in tax-collecting duties, to make up at least part of their pay. This procedure almost certainly aggravated an already tense situation.

Middleton's journey to the west with the army in September 1662 was in some respects a pre-emptive display of force. Field conventicles had not occurred (though prayer meetings in private dwellings were probably fairly common), but some opposition was expected from ministers, the kind of men Middleton most desired to harry for previous insolencies. It is possible as well that the Commissioner hoped to gain sympathy or support from conservative and royalist noblemen, who also regarded such ministers with dislike and suspicion. Middleton had been employed in June 1648 against 'radicals' in the south-west at the behest of the Engagement Parliament, many of whose more conservative members still sat in Parliament or in the Privy Council. This precedent may have convinced him that another show of force would increase his popularity.²⁹

It is almost certain that he would have had the backing of the King. The merest whiff of a rising or trouble provoked over-reaction from Charles II. Indeed, the possibility of disturbances in England as a result of collection of the new Hearth tax and imposition of the Act of Uniformity, both enacted in 1662, led to proposals from within the

government for expansion of the small standing army there.³⁰ The possibility of trouble from Scottish presbyterians, a breed of 'fanatic' particularly distasteful to Charles, had to be dealt with severely. The government was very quick to consider the military option, partly as a result of its insecurity. In Scotland, about which the King cared little, an aggressive soldier was allowed to instigate a military style of government which, to all intents and purposes, remained throughout the period.

Middleton did not achieve his aim of cowing presbyterians in the south-west, and succeeded merely in demonstrating the apparent contempt of the administration in Edinburgh, and indeed of the monarchy, for the religious sensibilities of many of the King's subjects. By March 1663 active opposition, in the form of small conventicles, led the Privy Council to urge vigilance on the part of the military. In May, riots in the burgh of Kirkcudbright and the parish of Irongray over the attempted induction of new ministers were met with a menacing over-reaction from Edinburgh: a full scale inquiry was ordered, and up to 300 soldiers were commanded to the area. In his memoirs, Sir James Turner, one of the captains in the foot guards, described the riot at Kirkcudbright as follows:

This inconsiderable and almost ridiculous tumult, made a great noyse at Court, as if the whole Scots army were readie to enter England, with a numerous armie, on the account of the Covenant....

Turner's assertions should generally be regarded with caution, but this statement is probably a reasonable assessment of the jitteriness of the Court (and, indeed, of the administration in Edinburgh). Troops remained in the area for the next few months, quartering on the local populace.³¹ It would be fair to say that the government itself had managed to undermine the stability of the country with its blundering, aggressive policies.

The insecurity at Court at this point can be linked to the attempted seizure of Dublin Castle in Ireland in May 1663 by discontented cromwellians. The early years of the Restoration period in Ireland were marked by the administration's fears of disaffection

among the forces; this failed plot seemed to justify Lord Lieutenant Ormond's concern. The possibility of threatening links between presbyterians in the south-west of Scotland and their brethren or disaffected cromwellian soldiers in the north of Ireland was a cause of concern for the authorities in both countries.³² In June, therefore, in response to a letter from the King, the Privy Council urged tighter controls on the west coast to prevent unlicensed entry from Ireland. In August a new proclamation against ministers who had not received presentation or collation, or who refused to attend diocesan synods, was issued. Less than two months later, further security measures were ordered: an Act of Parliament of 22 February 1661, empowering Sheriffs, Magistrates and Justices of the Peace to seize those who entered the country from Ireland without permission, was renewed, and a clause relating to church attendance in the 'Act against separation & disobedience to Ecclesiasticall Authority', passed in Parliament in July 1663 to deal with conventicles, was clarified and strengthened.³³ Thus, the heavy-handed response to relatively minor disorders can be linked to the sensitivity of the administration to any signs of trouble. The attempt to seize Dublin Castle and the riots in Kirkcudbright provoked a tightening up of security in Scotland, including the maintenance of a military presence in the south-west.

This authoritarian reaction to the slightest sign of trouble reflected the attitude of the administration towards dissent throughout the period. It has been argued that Lauderdale and James Sharp, Archbishop of St Andrews, desired a moderate approach, and that as a result of this and non-co-operation from presbyterian landowners, dissenters enjoyed a *de facto* toleration during 1664-5.³⁴ This view obscures the basic fact that soldiers were almost continually employed in coercive activities.³⁵ Sharp's moderation is held to have been exercised primarily through the Commission for church affairs set up in the winter of 1663-4. However, it should be pointed out that this relates only to punishments meted out to those who had already been captured. Lauderdale's attitude was that everyone should give outward conformity to the church settlement.³⁶ Whether he would have preferred a more tolerant approach is, in a sense, irrelevant: he could not tolerate disobedience to the laws, nor any challenge to the authority of the King, because such behaviour was a potential threat to his own position. This sense of political self-preservation, which lay

behind the legislation of the 1663 session of Parliament, meant that the Secretary had to throw his weight behind an authoritarian approach to militant non-conformity - which is not to say that he supported every measure which was taken by Rothes or the Council.³⁷

The repression of active dissent also involved financial exactions by the military. The Act of Parliament of July 1663 had contained provisions for fining those who did not attend their local kirk on the Sabbath: noblemen, gentlemen and heritors were to be fined up to one-quarter of their annual rent; tenants and farmers were to lose up to one-quarter of their movable goods; and burgesses were to lose all trading privileges and one-quarter of their movable goods. In November 1663, the Privy Council enjoined that officers of the standing forces were to exact only 20 shillings from offenders, a limitation which suggests that soldiers had been abusing their authority. Moreover, it seems certain that this fine of 20 shillings was aimed at smaller tenants and those further down the social scale, because such a sum would have been laughable for someone with more standing and resources. Over the next three years these fines for 'withdrawing from the ordinances' were exacted intermittently by soldiers, adding financial injury to religious insult.³⁸

A further burden was added by the attempt from late-1664 to collect the fines imposed by Parliament in 1662. There does not seem to have been much determination on the part of the Privy Council to enforce collection during 1664, but by mid-1666 roughly £360,000 (and perhaps more) had been collected, which was used to help finance the raising of troops.³⁹ The collection of these fines certainly increased the growing sense of grievance, particularly as soldiers were, once again, involved in the process. In March 1666, Tweedale was writing to Sir Robert Moray about the inability of the Earl of Lothian to pay his fine, stating that, "he shal be quartered on if he pays not as others are". Two months later, Rothes remarked that the money would not have been raised otherwise.⁴⁰ It is important not to underestimate the impact of the various financial exactions on the mood of the country.

The need for tighter internal security during the second Dutch war, which was formally declared by England in February 1665, led to an even greater willingness on the part of the administration to rely on the army, especially as it was suspected that native presbyterians were in correspondence with the Dutch.⁴¹ In the spring and summer of 1665, the south-western shires were subjected to a search for arms by the military, which even Rothes felt would achieve little; Alexander Burnet, Archbishop of Glasgow, felt that it had actually aggravated the situation.⁴² Rothes was very concerned about security; in particular, he was alarmed by an order to allow one hundred soldiers to go to Shetland, and also by the lack of arms available for ready use.⁴³ In September, he reported to Lauderdale that he had dispersed a conventicle attended by over 2,000 people with ten soldiers. At the end of the year, the laws against outed ministers were reiterated, accompanied by a proclamation against conventicles. Military activities against dissenters simply continued into 1666.⁴⁴ It is clear that there was considerable disquiet at Court and within the Privy Council. The possibility of a French alliance with the Dutch, and the actual entry of Louis XIV into the war in January 1666, was naturally a major concern for the government. Furthermore, as the year progressed, the English naval campaign suffered some serious blows. The insecurity engendered by these developments was not helped by a mutiny over pay by soldiers in Carrickfergus, in Ulster, in May 1666.⁴⁵ From the point of view of the King and his servants, there were threatening developments on a number of fronts.

Continuing unease at the extent of conventicling and what was perceived to be the lack of military preparedness led ultimately to the doubling of the size of the army in the summer of 1666.⁴⁶ It is quite clear that the deployment of the new forces simply made matters worse. The build up of resentment at the repressive and exploitative activities of government soldiers led to the episode known as the Pentland rising of November 1666.⁴⁷ Beginning in Dumfries with the seizure of James Turner and some other soldiers, this desperate act of rebellion quickly gathered momentum until a thousand or so poorly armed, tired individuals were soundly beaten by government forces in the Pentland hills outside Edinburgh. It is probably impossible to determine to what extent it was planned, and what, if anything, was intended; but it is easy

enough to explain why it happened. Rarely, if ever, had there been such sustained military harassment by government soldiers in Scotland. Desperation found an outlet in dissenting behaviour. The combination of injured piety and financial cost led to increasingly militant behaviour, encouraged by politicised ministers without cures willing to preach their anti-authoritarian dogma at conventicles. The growth of dissent and the Pentland rising were essentially caused by the attitude of the government and the activities of soldiers over the years 1662-6.

The aftermath of the rising saw a further escalation of military repression and the exaction of judicial retribution. A special commission was established to investigate and punish all those who had been active in the rebellion, or who had provided assistance in any way, and the rents and goods of those who were found guilty of treason were to be seized.⁴⁸ After an initial warning bout of 36 executions, the administration settled into a more familiar pattern of maintaining a military presence in 'disaffected' shires, and issuing proscriptive and punitive proclamations. In March 1667, residents of the shires of Lanark, Ayr, Renfrew, Wigton, and the Stewartry of Kirkcudbright, were commanded to surrender their arms and ammunition upon pain of fining (gentlemen were allowed to retain their swords), and parishioners were made answerable for the safety of their lawful minister. Moreover, residents of the same shires were to lose their horses over the value of 100 merks if they did not openly display their loyalty by subscribing the oath of allegiance and the Declaration.⁴⁹

The pressure upon these areas was maintained in June with the issuing of yet another proclamation, prompted by a letter from Whitehall, stressing the responsibility of parishioners for the safety of their ministers and specifying punitive fines for laxity. Moreover, it was urged by the King that processes of forfeiture against heritors, gentlemen and ministers who had participated in the rebellion should be speeded up. Communications between the administrations in Scotland and Ireland were also to be improved.⁵⁰ The main reason for the maintenance of this pressure was continuing security concerns as a result of the Dutch war; in fact, from April, some of the army was involved in coastal protective duties around the Forth, exchanging fire with Dutch Men-of-War.⁵¹ Although negotiations regarding a peaceful settlement had commenced

at Breda in May, the situation was still uncertain and potentially volatile, as demonstrated by the arrival of the Dutch fleet off the south-east coast of England, and its successful raid on the English navy, causing considerable alarm and embarrassment for Charles II and the government.⁵²

However, as the end of hostilities became more likely, tentative preparations for the adoption of a more flexible approach towards former rebels were made.⁵³ This apparent change of tack reflected the changing political situation with the Secretary, Lauderdale, and his allies assuming more direct control of the administration. These men wanted to distance themselves from what was characterised as the unnecessarily overbearing militarism of the King's Commissioner, the Earl of Rothes. The behaviour of soldiers throughout 1667 provided Lauderdale, Tweeddale and Sir Robert Moray with material to discredit Rothes and those officers who continued to urge the retention of the wartime forces. Soldiers had been ordered after the rising to capture rebels, to seize forfeited estates, and to sequester the movable goods of rebels and dispose of them to the King's best advantage. Moreover, the cess of 1667 was to be raised by quartering if necessary. The act of Convention which imposed the tax contained specific procedures for payments to soldiers, and instructions that supplies were to be paid for.⁵⁴ Despite these protective clauses, throughout 1667 allegations of abuses became endemic in southern Scotland, from Musselburgh to Galloway, with 'free quartering', ie non-payment for provisions and accomodation, the most common grievance. These charges were rejected by senior officers like Rothes and William Drummond, although these men, along with Lord Bellenden, were well aware of the tensions caused by the need to pay the soldiers and the heavy demands for straw and grass - this basic demand forced the horse companies to move regularly in small groups, which simply helped to spread hostility.⁵⁵

The heaviest burden was inevitably borne by the south-western shires. In particular, Sir James Turner and Sir William Bellenden, the latter captain of a company of foot in General Thomas Dalryell's regiment, were accused of brutality and corruption in the Stewartry of Kirkcudbright. Some indication of the extent of financial exactions and abuses can be gleaned from accounts which were compiled as part of an investigation

in 1668. In 23 parishes of the Stewartry, a total of £66,327 was exacted (fines for dissent, parliamentary fines, cess, quarters for soldiers, 'riding money', animals) - moreover, bonds worth £27,676 18s 8d were taken. In the town and parish of Dumfries, Turner was said to have exacted £4,738.⁵⁶ To establish a kind of perspective, the Stewartry of Kirkcudbright and Wigtonshire together were supposed to pay a yearly cess of approximately £34,800, according to the 1667 act; therefore, the Stewartry alone had paid the equivalent of almost twice the amount a much larger area was supposed to pay in direct taxation for a year. The burgh and parish of Dumfries had paid Turner the equivalent of just under two months' cess normally paid by the whole of Dumfriesshire.⁵⁷ It is hardly surprising that the military was unpopular. Although these two officers were singled out for punishment after the war ended (see below), the financial burden does not seem to have been substantially less in neighbouring areas. In December 1667, Lord Cochrane wrote to Tweeddale that,

The accounts of the moneys uplifted for fines and otherways within the shires of Ayr and Renfrew are for the most part come in...and the account of what is already given in of some parishes in the shire of Ayr exceeds threttie thousand pounds beside what is uplifted of the forfaulted estates, And the free quarters, which...amount to 10000....⁵⁸

A few parishes had paid slightly less than an entire year's cess for the whole of Ayrshire and the burgh of Ayr (which was supposed to be about £48,000). It is clear that considerable sums of money were taken in the south-west by soldiers. It has already been argued that the military burden in these areas provoked the spread of dissent and, ultimately, the Pentland rising. Hostility towards the soldiers can only have been heightened by the level of financial exactions, both punitive and fiscal, in 1667 (although some of the accounts described above do include references to fines and quarters from 1666, and even one from October 1665). The problem for Rothes, who as General-in-Chief and royal Commissioner was ultimately responsible for the troops, was that there was insufficient ready-cash to pay the forces, especially after the additional levies of 1666. Thus, he was forced to provide for them in any way possible, which clearly led to lax discipline and corruption.

These problems provided the excuse for the removal of Rothes from effective power. In July he had been appointed to the relatively innocuous position of Chancellor, and in October his power as royal Commissioner was withdrawn. It had been stated by Tweeddale and Sir Robert Moray that complaints about soldiers had been held in check because of the huge power invested in the position of Commissioner.⁵⁹ However, this was a somewhat disingenuous argument. There had been no question of dealing with the abuses of soldiers while the war continued, an indication of Lauderdale's priorities. Ultimately, the demotion of Rothes was a political decision. The Secretary and his allies could distance themselves publicly from the arbitrary methods of government associated with the Commissioner, and thus gain support for their administration.

Conciliation?

It is generally argued that the end of the war saw the beginning of a period of moderation, marked by conciliatory attitudes towards presbyterian dissent. The failure of this approach resulted in a return to severity by the mid-1670s.⁶⁰ However, this view can be challenged in certain important respects. One historian has noted that, at least with regard to the Highlands, the administration was more, rather than less, willing to make use of the army after 1667.⁶¹ More generally, it can be contended that the post-war reforms should be regarded as an attempt to organise more cost-effective internal security, rather than a sign of moderation on the part of individual political leaders. Historians have, on the whole, concentrated on the granting of indulgences to presbyterian ministers in 1669 and 1672, arguing that this represented the main thrust of policy. However, it is worth noting that the first of these was not issued until about two years after the war ended. Before this, the administration was concerned with ensuring that the standing army was more firmly regulated and more orderly. There is something of a myth among historians that the army was disbanded in the latter half of 1667; in fact, the peacetime force was increased by three companies - only the troops raised in 1666 were disbanded.⁶² Moreover, the administration still relied on this army

as the basic means of coercion, continuing the trend apparent since 1662; this tendency alone undermined later experimental policies. Indeed, the military potential of the Crown was increased dramatically with the formation of the militia in 1668-9. In general, the key problem for the government was to ensure military preparedness, which also meant financial reform, as discussed in the previous chapter. This leads to a significant qualification of the established view that 'conciliation' was the cornerstone of the administration's policy after 1667.

It was widely thought that the country could not sustain the number of soldiers raised in the latter half of the war. In addition, Tweeddale, the most vociferous critic of the behaviour of the military among Lauderdale's correspondents, was clear that there was no need for the extra forces to be retained. However, both of these men felt that they could not afford to drop the government's guard too readily. As Lauderdale explained in July 1667, "some [forces] are absolutely necessarie to awe our mad phanaticks..."; although the imperious Sir Robert Moray warned him not to be distracted by wild stories about uprisings.⁶³ The problem was to decide how many soldiers to retain, and how to ensure they refrained from abusing the population. Tweeddale was concerned to improve the standard of supervision by officers, and suggested that one of the recently levied troops of horse should be kept to offset the deficiencies of that under Newburgh's command. This proposal was rejected on the grounds that it would enrage the unlucky officers whose troops were disbanded; instead, a highly-regarded officer, William Cockburn, was appointed as Under-Lieutenant in Newburgh's troop, which was also to be made up to full strength.⁶⁴ The administration's continuing reliance on the military should not be obscured by Tweeddale and Moray's talk of 'lenity', which is not to belittle their scruples about the hardships the country had faced. They were also aware that excessive use of force had been counter-productive; as Tweeddale remarked in August,

I wold gladly we had such troops & soe commandid as we might trust and not have caus to fear ther insolency & miscariadge doe indanger mor than secur the peac....⁶⁵

This was surely an exemplary case of being caught between a rock and a hard place. However, with the end of the war and the disbanding of the additional forces, the 'new' men at the top had to find a way of defusing the situation in the south-west. Tweeddale and Sir Robert worked out some proposals which, despite the opposition within the Council from those who had held military commissions, resulted in the proclamation of a wide-ranging indemnity for those rebels who were not forfeited or under process, and who were not guilty of attacks on ministers, on condition that they subscribed a bond for keeping the peace before the first of January.⁶⁶ It was certainly felt that this approach would be welcomed by the country. Thus, Lauderdale and Tweeddale were able to cultivate a less repressive image. Yet they were also well aware that their own reputations depended upon the maintenance of peace, which meant that the military still featured prominently; early in October, Tweeddale remarked that he hoped the presence of soldiers in Edinburgh would 'sober' the 'ill-people' there.⁶⁷

There was an attempt to regulate the behaviour of soldiers, in order to avoid unrest. The first step was to alter the method of paying the forces; they were to be paid directly by the Treasury, which it was hoped would reduce the potential for extortion.⁶⁸ There were determined efforts to pay the troops on time, so that there was no excuse for living off the population. Moreover, in November 1667 it was ordained that none of the forces were to quarter for taxes without explicit orders from Sir William Bruce for the cess and fines, or from the Commissioners of Excise and others authorised by Parliament or Convention. Soldiers were to continue to be tax-collectors, but their activities were to be regulated - instructions were given out to ensure that abuses were punished and supplies were paid for. There was also concern, however, that troops dispersed around the country collecting taxes might compromise security. Therefore, in February 1668 the Privy Council ordained that no more than 12 soldiers were to be used for such purposes in each shire.⁶⁹ These reforms, aimed at minimising the risks associated with the maintenance of standing forces, were also part of a more general attempt to maximise political control over the army - the Council, largely dominated by Lauderdale's allies, was given sole power to place troops for 'policing' purposes.⁷⁰ The hope was to ensure that the administration was able to deal

effectively with any disorder, while reaping the immediate political benefit associated with easing the wartime burden on the country.

In a sense, the changes were something of a public relations exercise. This view is given some support by the isolated punishments of Sir James Turner and Sir William Bellenden, charged, as we have seen, with profiteering and arbitrary behaviour in the south-west. The two officers were the subject of a Commission of inquiry, which was shrewdly remitted to local noblemen and gentry: Turner was ultimately deprived of his commands, and in August 1668 Bellenden was fined £200 sterling and ordered to leave the country.⁷¹ Although both were almost certainly guilty of corruption and brutality, especially Bellenden, they were essentially scapegoats whose punishment was designed to benefit the administration. This is borne out by the stated desire of Lauderdale and Tweeddale to get rid of Turner in order to provide a standing company for the Earl of Kellie, who had been appointed Lieutenant-Colonel of the regiment of foot guards in November 1667.⁷² The image of moderation disguised clever and cynical political manoeuvring.

The attitude of the administration can perhaps best be judged by noting the actual placement of the troops. In response to instructions from Court, on 9 October, the day after the indemnity was proclaimed, the forces were ordered to quarter as follows: Rothes's troop and 300 foot around Edinburgh; 50 horse and 200 foot in Dumfries; 40 horse and 100 foot in Glasgow; 30 horse and 100 foot in Lanark. The indemnity, and explicit orders that supplies were to be paid for, were intended to indicate that this was not simply a resumption of established practices. The implication, however, was clear: active dissent would be countered by military force. Tweeddale said as much in December 1667, referring to the reluctance of people in Clydesdale to take the bond for keeping the peace: "I am sorry the rod must be taken up again & it must not be in scorn....".⁷³ In the meantime, along with the regulations concerning the behaviour of soldiers, instructions for procedures in the event of an uprising were issued. These actions hardly portended moderation. More immediately, to supply the horse companies, Commissioners of Excise in the relevant shires were ordered to choose purveyors, who were to purchase hay and straw from the local populace - if the latter

refused, they were to be forced to sell at prices set by the Privy Council. Thus, just as an inquiry had been ordered into the activities of Turner and Bellenden, including their exaction of free quarters, troops were again ordered into areas of the south-west, with fresh demands for supplies.⁷⁴

It is clear, therefore, that the government was keen to make sure that it was not caught out again. This attitude can be discerned in other measures. It was decided that £120,000 should be stored in Edinburgh Castle as an emergency fund to be used only in the event of serious disorder.⁷⁵ Also, the King's Magazine in the Castle was to be adequately stocked with arms and ammunition (this was in addition to the importation of arms to be sold for the use of the militia).⁷⁶ These aims were not achieved overnight, mostly because money was very slow to come in, but the overall goal is clear; to ensure military preparedness without the heavy cost of maintaining extra soldiers on the Establishment. Lauderdale had expressed his intentions to Tweeddale as early as July 1667:

some good summe may be reserved of the Cess for the Kings coffers which will be of more terror to rebellious spirits than twice so many troupes especially if out of the taxation [1665] you be carefull to store the Kings magazin with arms & ammunition to be put into honest hands if the King need it abroad or at home, for I hope Scotland shall never be naked any more and yet I wold onley have arms in the Kings hand with some money & then I feare neither rebellion nor a new warre....⁷⁷

This hard-headed, realistic security policy was the main concern of Lauderdale's administration. It is in this context that we have to regard one of the most significant reforms introduced after the war, the formation of a national militia from 1668, at very little extra cost to the Treasury. The militia in Scotland has generally been regarded as one aspect of the supposedly moderate approach adopted from 1667. Its formation, however, was a response to the financial and security problems which faced the administration during the Dutch war. The militia was intended to provide cheap back-up for the peacetime regular forces.

A trained militia - initially excluding the south-western shires deemed untrustworthy, but by 1669 involving almost the entire kingdom - paid partly by the Crown, mostly by the country, was held to be the most effective means of helping to preserve order, especially by Tweeddale, who hoped that Rothes's troop could be disbanded if the scheme was firmly established.⁷⁸ The militia was also a cheap way of further increasing the military potential of the Crown. At its height during the 1670s, the militia cost the administration £9974 9s 2d a year (pay to officers). By contrast, the Earl of Linlithgow's regular regiment of foot cost £9734 8s a month. In financial terms, therefore, the benefits were obvious. It was never intended that the 20,000 foot specified in the parliamentary statute of 1663, upon which the militia was based, should be raised. However, it is possible that almost 12,000 foot were mustered throughout the country at different times during the 1670s. Moreover, the statutory provision for 2,000 horse was probably surpassed.⁷⁹ Largely as a result of the distances involved, it was highly unlikely that all of these men could be brought together quickly, but it is clear that the militia had the potential to provide substantial support for the standing forces in the event of an emergency. The militia had nothing to do with moderation: its rationale was cost-effective security.

The administration acquired additional military resources in other ways. In August 1667 the first independent company for policing the Highlands was established, under the command of John Murray, Earl of Atholl. The official justification for this company, and accompanying judicial commission, was the need to curb criminal activities in the area. It has been argued that such reasoning owed more to government propoganda than to reality, and that this move was symptomatic of the aggressive and exploitative attitude displayed by central government towards the Highlands generally during the Restoration period. The timing of Atholl's commission suggests that it was also part of Lauderdale's strategy of providing effective, low-cost internal security. The commission was intended to be self-financing: Atholl received only £2,400 to help with the initial levy of the company (his successor, Sir James Campbell of Lawers, received £3,600 annually).⁸⁰ A more formal military presence in the Highlands,

however, was one aspect of the government's attempt to establish more effective control throughout the kingdom.

Furthermore, the administration very quickly demonstrated its willingness to continue the use of troops to collect taxation. In January 1668 it was reported by Sir William Bruce, collector-general, that arrears of the first nine months cess voted in 1667 amounted to over £100,000. As the northern shires were deemed to be particularly deficient in cess, excise and the 1665 taxation, 25 horse from Rothes's troop were dispatched to the north, equipped with copies of the rules for quartering, which were also transmitted to the relevant shires and burghs.⁸¹ However, within four months, the soldiers had managed to provoke a riot in Thurso, and Rothes was forced to write to the Commissioners of the Treasury defending his troops against allegations of bad behaviour. George Sinclair, Earl of Caithness was summoned to Edinburgh for his part in the affair, resulting in a brief sojourn in Edinburgh Castle - the Council exploited this to try to settle an ongoing dispute between Caithness and John Gordon, Lord Strathnaver. The behaviour of the soldiers was publicly ignored, although privately Tweeddale expressed his dismay at the lack of progress in collecting the arrears. In September, the horsemen involved were quietly withdrawn from their duties in the north. The attempt to minimise the trouble caused by soldiers had failed almost at the first hurdle.⁸²

These problems did not precipitate a review of fiscal policies. Instead, in September 1668, a party of 80 foot were sent 'to the shires beyond Tay' to replace the horse. The following January, troops attempting to collect public dues were attacked in Inverness-shire, leading to an inquiry headed by the Earl of Moray. Again, complaints about the behaviour of the soldiers were ignored. It is indicative of the attitude of the administration that any challenge to the forces was regarded as an affront to the King's authority. Orders to soldiers were simply reissued.⁸³ Moreover, the standing forces in the north were not restricted to tax-collecting: in October 1668 they were ordered to assist in the execution of captions for the King's rents in Ross-shire, and in August 1669 they provided back-up for Sir John Campbell of Glenorchy's Commission of fire and sword against William Sinclair of Dunbeath.⁸⁴ The presence and activities of

government troops in the Highlands did not necessarily mean a qualitative increase in central authority in the region. However, such intervention, often destabilising, highlights the persistence of the militaristic tendencies of the administration.

Nowhere was this more apparent than in the continuing operations against dissenters; most of the forces in fact remained in the south-west throughout this period. It is true that there was no immediate return to the disastrous free-for-all of 1666-7. Yet there was never any real chance that Tweeddale's stated aim of being able to govern without 'armed executioners of law' would be realised.⁸⁵ The basic problem was that the government simply did not trust the population of the south-west of the country. This is the reason why there was uncertainty about setting up a militia there; there were alternative proposals mooted by Tweeddale, such as establishing an extra three companies with a specific remit to guard 'disaffected' shires. Lauderdale agreed in principle, advising that the soldiers should be levied in 'well-affected' shires, claiming that strangers would have no qualms about catching conventicle keepers, a cynical attitude which resurfaced with the infamous 'Highland host' of 1678. Although the proposal was rejected, and a militia (horse companies only) was established, the discussion reveals once again that the government was determined to avoid any slip-ups.⁸⁶

Moreover, the Privy Council clamped down if there was even a rumour of disorder. In April 1668 the forces were mobilised after a worrying report was received from the Duke of Hamilton. A month later, in response to further intelligence of dissenters gathering together, two companies of foot and Rothes's troop of horse were ordered to Mauchline in Ayrshire, while the two companies of foot at Dumfries were ordered to Lanark and Strathaven (thus marching through the disaffected areas). Conventicle keepers were to be seized, and the Commissioners of Excise in the relevant shires were ordered to provide corn and straw at the ordinary rates of the country, or else "it shall be lawful to [the soldiers] to provide themselves and aggrieve therefore at the sight of any magistrat" - raising the spectre of a return to the methods employed in 1666-7. This ruthless display of hyper-sensitivity received due approbation from the Court in London.⁸⁷ It should be noted that all of this took place prior to the attempted murder

of Archbishop James Sharp in Edinburgh in July 1668, an isolated act of rebellious defiance normally held to have prompted a reluctant diversion from attempts at conciliation by the administration.⁸⁸

The attempted assassination certainly had repercussions. The capital was subjected to a thorough military search. More importantly, there was no easing of pressure in the areas deemed to be disaffected. In August reports that some former rebels were intending to cause trouble led the Council to grant the Earl of Linlithgow the power to draw the forces together, to mount infantrymen if necessary, and to press local noblemen and gentry into giving assistance. Instructions were given to parties of Newburgh's troop of horse, each backed by 20 dragoons (mounted infantrymen), to search various areas in Galloway and Clydesdale for those excepted from indemnity, or their resisters. A jittery Tweeddale recommended the raising of two additional companies of dragoons. In October a gratuity of £1,200 was granted to William Cockburn, who headed one of the parties, for capturing some of the rebels.⁸⁹ This kind of military harassment indicates that policy towards active dissent had not significantly changed.

The military presence was maintained in 1669. In March, Rothes was ordered to send 50 of his troop to Glasgow, while those of Newburgh's troop already there, and 72 horse, were to march to Newmills, Mauchline and Kilmarnock. Moreover, the newly constituted militia was ordered into action. The Commissioners of the militia for the shires of Ayr, Renfrew and Lanark, and the Stewartry of Kirkcudbright were commanded to investigate conventicles, and to interrogate ministers who preached at them, or heritors and substantial tenants who attended. If those who were cited did not appear, they were to be seized by parties of militia, who were to be paid 18s a day for their trouble. This was intended to provide back-up for the regulars, and demonstrates that the militia was to play an aggressive, rather than defensive, role. However, the primary weapon remained the standing forces. In May, 50 horse from Newburgh's troop were commanded to quarter in the burgh of Dumfries, 70 in the parishes of Kilsyth and Strathaven; those of Rothes's troop in Glasgow were ordered to Stirling and Campsie; the foot soldiers at Newmills, Mauchline and Kilmarnock were to march

to Glasgow. The burden of quartering was fairly widely spread within the south-west, and neighbouring central areas.⁹⁰

If we are to understand the re-emergence of conventicles by mid-1668 - if they had ever actually ceased - we must surely look no further than the continuing military presence in the troubled shires. The local population did not know that the Earl of Tweeddale disliked the excessive use of force. However, they could not fail to be aware that some of the men who had served under officers like Turner and Bellenden remained among them. In addition, demands for provisions remained high, even if they were to be paid for. The Privy Council intermittently ordered the soldiers to move to different areas, intending no doubt to instil fear into as many people as possible, but also perhaps hoping to spread the burden of quartering - in June 1668, the horse and foot at Mauchline had to move to Dalmellington because of poor accommodation.⁹¹ However, the most likely effect of this was simply to spread hostility. Moreover, as noted, soldiers continued to attract odium as tax-collectors; in February 1669, Sir William Bruce was ordered to desist from employing troops in Renfrewshire until the following May, in order to ascertain how much remained in arrears.⁹²

It is difficult to judge precisely the effects of quartering, but there are some indications of the extent of hardship. In May 1668, the Provost and Baillies of Stirling complained about the burden of providing for the garrison and the party of horse which had been ordered there.⁹³ In June, the 'poor distressed inhabitants of the town of Kilmarnock' petitioned the Council for charity after a fire had destroyed a sizeable part of the town, claiming that,

Of late they have suffered great misery by having had the burden of a great part of the late forces, whereby they were almost ruined, being all poor tradesmen and having no other means of livelihood but their daily employment....

The Council obligingly refrained from billeting troops in Kilmarnock until March 1669.⁹⁴ There can be no doubt about the antagonism which existed between the military and much of the population. In May 1667, Rothes had written that,

ther is so perfayt a hetried betuixt the wast cuntrie I min the eivill affeectid,
and the sogirs that they wold giff of ther isteats to insnar the sogirs....⁹⁵

There is no reason to suppose that this hatred was diminished in 1668-9, especially after the government measures described above. Towards the end of 1669, an unidentified officer, writing from Kilmarnock, remarked that the people "will giv us nothing they can hold from us".⁹⁶ The point is that this was not simply a matter of religious persecution; it is also the case that central government soldiers were regarded as intruders throughout the kingdom. Furthermore, the constant presence of soldiers belied the stated intention of the administration to ease the burden caused by quartering.

This concentration on the mundane subject of troop movements and activities is of crucial importance in understanding the reality of government policy and attitudes after 1667. It is now necessary, however, to evaluate the developments which have led writers to arrive at an historiographical near-consensus regarding the 'moderation' which is held to have formed the basis of the administration's policies. This view concentrates on the dialogue which took place between government figures and presbyterian ministers over the years 1668-72, and the issuing of two indulgences in August 1669 and September 1672. The argument presented here is that these 'conciliatory' aspects of policy were of less significance than is usually thought.

The details of the discussions between central government politicians and dissenting ministers have been studied in one of the few modern works dealing solely with the Restoration period; thus in the present context it is not considered necessary to relate more than a brief summary.⁹⁷ The discussions with leading dissenting ministers such as Robert Douglas and George Hutchison centred upon two main themes: comprehension, by which the power of the episcopate would be reduced in order to

allow conscientious dissenters to re-enter the established church, and indulgence, by which dissenters would be allowed to preach without formally recognising episcopacy, in return for observance of strict regulations. Moreover, the possibility of improving the standard of ministers in Edinburgh and in the diocese of Glasgow was investigated. Comprehension, favoured by Robert Leighton, Bishop of Dunblane (who ultimately replaced Alexander Burnet as Archbishop of Glasgow), led to nothing substantial. However, after a series of meetings interspersed by bouts of mutual suspicion, an indulgence was proclaimed in August 1669: by March 1670, 43 ministers had accepted its terms.⁹⁸

There can be little doubt that the indulgence (and also that of 1672) was a genuine attempt to disarm some of the scruples of conscientious dissenting ministers, in the hope that conventicles would become less numerous. It has been contended that the basic premise was to split the dissenters between 'moderates' who obeyed the law and those who were unwilling to accept compromise, thus making it easier to exterminate the latter.⁹⁹ There is no question that this was the desired outcome for the government. However, the issuing of indulgences was a secondary policy. From the end of the Dutch war, the main concern had been to ensure military preparedness. The indulgence of 1669 can be described as an experimental carrot accompanying the consistently wielded stick. Central government since 1662 had relied on military force to implement its religious and fiscal policies: despite professed conciliatory inclinations and self-righteous Council proclamations, this remained the case. Furthermore, it should be noted that the indulgence contained strict regulations governing the behaviour of the ministers, and was accompanied by a fresh proclamation against conventicles. This provides an indication of the limited nature of the concessions being offered.¹⁰⁰

Moreover, although there were clearly some men close to the administration, such as Bishop Leighton and Gilbert Burnet (minister of Saltoun, raised in December 1669 to be Professor of Divinity at the University of Glasgow), who were concerned about the state of the church and actively sought compromise solutions, Lauderdale himself was wary and often appeared to be little more than half-hearted in his backing for this

approach. It is often assumed that he retained presbyterian sympathies, which account for his 'moderate' policies. However, he signified his distrust and dislike of dissenters on a number of occasions. In September 1667, for instance, while the indemnity was being prepared, he declared in a letter to Sir Robert Moray (also regarded as a presbyterian sympathiser):

if the devill should againe possess our foolish fanaticks I hope you consider how deep it will draw, & who will beare all the blame: there will then be no way but the extremity of crueltie, they must destroy us or we them both roote & branch. For my part I will never trust them....¹⁰¹

Lauderdale re-iterated such bullish condemnation in various letters; given that his correspondent was usually Tweeddale, these utterances cannot be written off as rhetorical froth aimed at a presbyterian audience.¹⁰² The Secretary was keen to maintain his own position at Court. He had been able to blame Rothes for provoking the Pentland rising; but he could not do so again. Thus his aim was to maintain security without providing soldiers with the opportunity to perpetrate abuses. He was willing to countenance discussions with dissenters, but his attitude can really be described as one of detached scepticism. In August 1670, when he was in Scotland for the meeting of Parliament, he told Sir Robert Moray that he was holding talks with some ministers, commenting only that, "it shall doe no hurt".¹⁰³ It is perhaps hardly surprising that the discussions achieved very little when the senior government minister was so reticent about them.

It is perhaps also attractive to regard the proposals for indulgence as paralleling developments in England. Charles II's preference for toleration of non-conformists there has been well documented, and after the fall of Clarendon in 1667, leading ministers, particularly the Duke of Buckingham in 1667-8, developed proposals along these lines. However, this experimental trend of policy, which eventually found expression in the Declaration of Indulgence of March 1672, was intended to make the King less dependent on the House of Commons, which was dominated by Anglican gentry, by enlisting the support of dissenters (the indulgence of 1672 in England also

relaxed the penal laws against catholics, a consequence of Charles's secret dealings with the French King, Louis XIV). As such, this policy, ultimately unsuccessful, has to be seen as a particularly English issue - the Scottish political elites, or at least those who sat in Parliament, do not seem to have been aggressively inclined towards either episcopacy or presbyterianism; nor did it seem likely - at this stage - that the Scottish Parliament could seriously limit the King's freedom of action, unlike the House of Commons.¹⁰⁴ Nevertheless, the second indulgence in Scotland in 1672 does seem to have been at least partly influenced by that issued in England earlier in the year.¹⁰⁵ On the whole, however, the courtiers of the 'cabal' were disunited and self-interested, and thus there was not necessarily any correlation between policies in the two kingdoms. The attempt to find some kind of compromise in Scotland is attributable to the efforts of a relatively small group of concerned individuals, and did not reflect significantly the views at Court, including Lauderdale.

It is unnecessary (and undoubtedly tedious) to describe all the activities of the military from late-1669, but it is important to make clear that the administration continued to rely on its standing army. It is surely permissible to conclude that this undermined the efficacy of alternative policies. While discussions dragged on, soldiers and conventiclers continued to cross paths on the hills of central and south-west Scotland. Although the bulk of the forces were transferred to Edinburgh and suburbs in September 1669 prior to the arrival of Lauderdale in Scotland as Commissioner to the forthcoming Parliament, by November he had ordered 80 horse and 60 foot to Dumfries and Kilmarnock to deal with 'insolencies'. For the population of these places, such actions were of more immediate significance than limited concessions derived from negotiations in Edinburgh.¹⁰⁶ The rest of the forces soon returned to their more familiar quarters. In January 1670 they were given orders that upon notice of a conventicle, the preacher and any heritors or substantial tenants in attendance were to be seized. Sir William Bruce was commanded to quarter troops for all arrears of cess. In April a Commission appointed by the Privy Council to execute the laws against conventicles was empowered to make full use of the forces in the west, a procedure which became standard practice.¹⁰⁷ As the year progressed, concern about the extent of conventicling increased, and there were discussions about whether to

levy additional soldiers, although this was not acted upon at this stage.¹⁰⁸ At the end of June, the horse companies, each accompanied by 80 foot, were ordered to march through the shires from Stirling and Linlithgow, to the Stewartry of Kirkcudbright and Ayrshire, sending weekly reports to the Council.¹⁰⁹ The attitude of the administration could not be clearer, and this only served to render increasingly futile the dialogue with ministers which stuttered on into 1672.

The hostility generated by the presence of soldiers and their demands continued to be brought to the attention of the Privy Council. In May 1670, it was reported that the tensions between the inhabitants of Dumfries and the troops quartered there had broken out into open violence at least once. It was claimed that the Provost and Magistrates, as well as others, indulged in non-co-operation and abuse, and had even attempted the forcible removal of barricades erected by the soldiers. In September, the Commissioners of Excise in the relevant shires were ordered to set the prices of provisions, and to oblige the local population to sell at those rates. Two months later, the Duke of Hamilton claimed that the rates set for oats and straw were the biggest grievance in the country: allowing for some element of exaggeration by Hamilton, the demand for supplies clearly remained a problem.¹¹⁰ There are also examples of soldiers' quarters being changed by the Council after petitions describing the lack of basics such as grass for the horses; moreover, complaints about illegal quartering for excise, similar to those mentioned above for the period 1662-6, continued to reach the Council.¹¹¹

The administration was aware of the problems, as they had been in 1667.¹¹² Yet there was no serious attempt to restrict the practice and reduce the burden on the country, partly because there was rarely enough ready cash to pay the forces in the manner originally intended.¹¹³ There was an attempt to restrict the collection of fiscal arrears to the militia, a logical administrative move given that the Commissioners of Excise were also charged with overseeing the organisation of the militia, but the stated aim was to free the regular forces from such duties in order to facilitate their concentration solely upon policing functions. This move, like most of the reforms introduced after the end of the second Dutch war, was intended to maximise efficiency for security

purposes; however, it actually achieved very little, with regular troops continuing to collect taxes.¹¹⁴ The government was caught in a bind of its own making. Despite the obvious tensions in many parts of the country, there was no possibility that the soldiers would be withdrawn - which is surely what most people desired. Leading government figures do not seem to have been able to envisage governing without the backing of a military force; and, indeed, by the 1670s such an attitude was probably realistic. This explains why, for instance, continuing worries about the state of Newburgh's troop had to be ignored; a badly commanded company was better than none at all (although this particular problem was resolved by the death of Middleton's old crony, and his replacement by Atholl, in 1670).¹¹⁵

The lessons of 1666-7 had not been completely discarded. It is interesting that, when the third bout of conflict against the Dutch commenced in 1672, there was no serious escalation of military activities within Scotland. Instead, Parliament prepared the ground for dealing with trouble: the loyalty of the militia was to be ensured by the imposition of the oath of allegiance, while further penalties were introduced for deficiency; legislation against conventicles was reiterated; and, most importantly, a new tax was voted to pay for additional forces if they were considered necessary.¹¹⁶ Later in the year, as noted, another indulgence was proclaimed, perhaps in the hope of stealing the thunder of militant preachers. This can be characterised as heightened preparation rather than increased aggression, an approach which was consistent with the trend of policy since 1667. As it happened, whatever diminishing hopes Lauderdale may have entertained that indulgence would actually achieve anything worthwhile, the experiment was hardly a success. The stream of Council exhortations to indulged ministers to stick to legal activities signalled the failure of this gesture of 'conciliation'. In fact, with the steady employment of the military, the government's policy looked remarkably like that of 1662-6.¹¹⁷

Once again, it is important to realize that military activities were not restricted to dealing with dissenters. In the Highlands, government pressure increased; in July 1671, for example, 200 foot and 25 horse were ordered to Lochaber to assist the independent company under James Campbell of Lawers, with instructions referring

primarily to the collection of tax arrears.¹¹⁸ The attitude of the administration towards the Highlands should be regarded as reflecting its militaristic attitude towards Scotland as a whole. The continuing presence of troops, with accompanying demands for supplies and tax arrears, served only to antagonise the civilian population, whose hostility found outlet in conventicling activity in certain areas; this became increasingly militant after 1670 - in turn, the administration simply reacted with greater force. From 1667, Lauderdale had simply tried to regulate and make more efficient the application of force. As such, the use of the military provides a stark indication of the government's lack of concern for Scottish sensibilities. This situation led Andrew Hay to lament in a letter to his patron, Tweeddale, in September 1675:

I wishe when the Covenant was forbide all those things which proceeded from it had taken an end & so wee should not have heard of these strange names of quarterings, cesse etc....¹¹⁹

It would be fair to say that the covenanting era had marked the beginning of a transformation in Scottish government which could hardly have been foreseen. The retention of a standing army by the royal government after 1660 was possibly one of the most important political developments of early modern Scotland.

A peculiar case of aggression?

It is important to compare developments in Scotland with those in the rest of the British Isles, in order to judge whether the problems caused by the military were the consequence of a unique Scottish situation. In England, the forces were not used in such an aggressive manner. Although the exaction of free quarters and unruly behaviour led to numerous complaints and added to an already deep dislike of the army, there was no systematic use of the military to exact fiscal dues throughout the country, or to collect fines from religious dissenters (although troops were used on occasion to break up conventicles). This was possibly the greatest difference between the manner of government in the two kingdoms. In England quartering on private

individuals was illegal, and although its practice was tacitly accepted by the King (especially when troop levels were increased for war-time service), it was not a deliberate or normal government policy of coercion. In Scotland, the Privy Council ordered the billeting of troops to collect taxes and to enforce conformity to an unpopular church settlement throughout the period.¹²⁰

For the administration in Ireland, the retention of a larger force was considered to be necessary. After 1641, fear of the catholic population was prevalent among protestants, while disaffected cromwellians remained a worry for the government, albeit largely without justification. As it happened, the army's main function was countering the activities of Irish 'tory' brigands. Although these policing functions must have rendered the troops odious to many native catholics, and quartering, mainly in cities and towns, was practiced as a logistical necessity, there is no indication that the Irish authorities used the troops at their disposal in the aggressive fashion of their Scottish counterparts. Fear of Scots presbyterians in the north of Ireland, and the possibility of destabilising contacts with dissenting countrymen in the south-west of Scotland, led occasionally to pre-emptive displays of force, but these were relatively uncommon, and in the 1670s cautious toleration was the norm in Ireland.¹²¹ It is perhaps indicative of the attitude of central government in Scotland, that their treatment of non-conformists can be likened to that of Irish catholic brigands across the northern channel. The Irish Establishment was greater than that of Scotland, but the methods employed suggest a greater degree of severity in the latter.

However, despite these differences, the greater use of the military by central government for purposes of internal coercion can surely be regarded as part of a wider European pattern. In the previous chapter, attention was drawn to the fact that the resources of central government were in many places increased largely to finance military expansion. The concomitant development was a greater willingness to employ troops against native populations. It is worth noting that in England and Ireland, the military was used precisely in this way, even if there was nothing comparable to the situation in Scotland. But we can also see such actions in lands as diverse as those in north Germany under rule of the Hohenzollerns, and in Louis XIV's France - this was

the period of the infamous dragonnades, aimed at crushing Huguenot resistance. Furthermore, fiscal revolts continued to feature regularly in parts of Europe, particularly in France, usually meeting with demonstrations of force by the government.¹²² It is difficult to make firm statements about common trends in disparate lands. However, given the tax-collecting role of soldiers in Scotland, we must consider the possibility that the growth of dissent owed something to a more general dislike of the extension of central power which the acquisition of a standing army entailed. It should be remembered that the Highlands also witnessed violent opposition to government soldiers. Yet, too much can be made of this. The royal army was very small by continental standards; that of Brandenburg-Prussia, with a similar population to Scotland, apparently numbered about 30,000, over ten times larger than the Scottish force (unless one counts the militia; it is worth pointing out that over 8,000 soldiers were sent to the south-west in 1678).¹²³ It is unlikely that militarism on a continental scale could have developed in Scotland, with the resources at the Crown's disposal. However, the government can still be regarded as 'militaristic', because of its tendency to rely on the army.

Moreover, the religious issue was a peculiarly Scottish problem; nowhere else did a government attempt to impose a particular settlement when the bulk of the population was hostile. For the government, however, this was not necessarily a confessional issue; the key politicians of the period were not dogmatic episcopalians. Rather, this was a matter of authority. Whatever the rights or wrongs of the original settlement in 1661-2, the Crown could not accept the direct opposition expressed by even small groups of people in the south-west. With the covenants still fresh in everybody's minds, another dimension was added; that of a widespread desire to purge the memories of the recent past. The elites in the country were, on the whole, unwilling to countenance active resistance. Thus, the dissenters of the Restoration period were, for want of a more convenient term, lower-class, which perhaps made government officials all the more determined to crush them. Yet it was obvious that they could not do so, at least not with the resources at their disposal. By 1673-4, conventicles were being attended by thousands of people, and were spreading geographically. The most powerful Scottish politician, Lauderdale, was faced by opposition in the hills and in

Parliament, where he was challenged late in 1673.¹²⁴ The consequence was that the last few years of his administration were among the most turbulent of the century.

Conclusion

This chapter has attempted to analyse the role of the military in Scotland from the Restoration to the years immediately preceding the political crisis which developed in Britain from 1674. It has been argued that the Crown adopted an aggressive, militaristic approach to government in Scotland as soon as forces were raised in 1661-2. Although the attempt to enforce conformity to the episcopal church settlement was the most dramatic example of this and provoked the most dangerous unrest, the attack on dissent should be seen as part of a wider trend of using force to implement the policies of central government: the consistent use of soldiers to collect taxation was another obvious aspect of this trend. The use of the military is also the most blatant example of the lack of concern for Scottish sensibilities exhibited by the Restoration monarchy.

Military force remained the central feature of government policies, even after the end of the Dutch war in 1667, when Lauderdale assumed more direct control of the administration. In recent works, it is argued that conciliation represented the main thrust of policy until about 1672. However, analysis of the military situation provides a different perspective: the continuous quartering of troops in areas deemed to be disaffected, and their immediate mobilisation upon reports of the slightest disorder, undermined negotiations with dissenting ministers, and rendered the indulgences of 1669 and 1672 ineffectual. Lauderdale was committed to the maintenance of security in order to safeguard his own position at Court. His primary means of achieving this was to ensure adequate military preparation; negotiation with dissenters was a secondary strategy. If discussions achieved a workable compromise and reduced the frequency of conventicles, they had served some purpose, but the almost constant military presence highlighted the lack of faith in such solutions.

The political situation throughout the British Isles was transformed during the course of the third Dutch war (1672-4), as opposition to government policies emerged in the Scottish and English Parliaments. Political debate began to concentrate upon the question of 'arbitrary' government and the threat of 'popery'; the role of the army became the subject of intense scrutiny and polemic. Lauderdale was attacked in the House of Commons, as well as by his Scottish opponents, for introducing arbitrary government in Scotland. These important developments merit a separate chapter.¹²⁵ However, it is worth noting that, given the military policies pursued during the years prior to 1674, the accusations against Lauderdale did not lack justification.

References

- ¹. T. Brotherstone, 'Introduction', and V. Kiernan, 'A banner with a strange device', in T. Brotherstone (ed), *Covenant, charter and party: traditions of revolt and protest in modern Scottish history* (Aberdeen, 1989), pp. 1-3, 25-6.
- ². Lenman, 'Militia, fencible men', p. 173. Another writer asserts that the force hardly merited the description 'army' at all, see Childs, *The army of Charles II*, p. 197.
- ³. Dalton, *The Scots army*, part 1, pp. 5, 11, 13-4, 29, part 2, pp. 3, 10, 13-15, 31-2, 34, 48-52; SRO E91/1. For the forces raised in the 1670s, see chapter 6. By 1666, the foot guards are said by Dalton to have numbered seven companies - but he does not apparently include the three garrisons. The impression gained from subsequent sources is that there were indeed seven companies, but these included the garrisons; six more were added in the summer of 1666, of which three were retained after the end of the Dutch war. Thus, by 1668, there were ten companies, including the garrisons. This is the only way the arithmetic adds up. See SRO E6/1, p. 35ff. Moreover, there is some uncertainty about the exact number of companies in the new regiment of horse raised in 1666, commanded by Lieutenant-General William Drummond; Dalton lists six initially, including one captained by Charles Maitland. The Exchequer accounts list Maitland as Lieutenant to General Dalrymple in 1666, and as Captain of a troop only after April 1667: it seems possible that he was promoted. Furthermore, Dalton lists a troop captained by Lord Carnegie in 1667, and provides a muster roll; the accounts of payments to the forces (E91/1) make no mention of this troop. However, a Treasury Sederunt Book (SRO, E6/1, p. 24), records a payment made to Sir William Douglas, Lieutenant to Lord Carnegie, in September 1667. The regiment thus consisted of either eleven or twelve troops mid-1667.
- ⁴. Childs, *The army of Charles II*, pp. 13, 15-7, 266. Another writer claims that the King retained an army of about 3000 or 4000 in England, see Seaward, *The Restoration*, p. 31.

- ⁵. B. Coward, *The Stuart age: a history of England, 1603-1714* (London, 1980), p. 445; B. Lenman, *An economic history of modern Scotland, 1660-1976* (Hamden, Connecticut, 1977), p. 45.
- ⁶. Lenman, *An economic history*, p. 45; S. G. E. Lythe and J. Butt, *An economic history of Scotland, 1100-1939* (Glasgow, 1975), p. 3.
- ⁷. Beckett, 'The Irish armed forces', p. 43; R. Foster, *Modern Ireland, 1600-1972* (London, 1988), p. 130. The army is said to have numbered around 7,500 in 1664 after the raising of a troop of Life Guards, see Childs, *The army of Charles II*, p. 204.
- ⁸. See chapter 1, p. 24.
- ⁹. APS, vii, p. 95; see also chapter 1.
- ¹⁰. See chapter 1, p. 28.
- ¹¹. *RPCS*, i, pp. lix-lx, 87, 127-9, 144-5, 178-9, 183-4, 200, 202, 213-4, 318-9; J. D. Marwick (ed), *Extracts from the records of the burgh of Glasgow, 1630-1662* (Glasgow, 1882), pp. 479-80, 551.
- ¹². *RPCS*, i, p. 318; *APS*, vii, pp. 167-8, 386-7.
- ¹³. *RPCS*, i, pp. 310, 500; *Extracts from the records of the burgh of Edinburgh, 1655-1665*, p. 333; *ACL*, iv, 272-3.
- ¹⁴. *RPCS*, i, p. 352.
- ¹⁵. *RPCS*, i, pp. 181, 191-2. An act allowed shire commissioners to Parliament to uplift five pounds a day as expenses from the shire, *APS*, vii, p. 235. For another complaint against Ferguson, involving the quartering of soldiers, see *RPCS*, i, pp. 486-7.
- ¹⁶. *RPCS*, i, p. 323.
- ¹⁷. *RPCS*, i, p. 191.
- ¹⁸. BL Add Ms 23119/1; *RPCS*, i, p. 352.
- ¹⁹. *RPCS*, i, pp. 628, 633.
- ²⁰. See chapter 3, p. 107.
- ²¹. BL Add Mss 23121/10, 73; 23122/53. For Rothes's commission to command the forces, see chapter 2, pp. 59-60.
- ²². BL Add Mss 23121/26, 75; 23122/123; 23123/162; Dalton, *The Scots army*, part 2, pp. 34-5.

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- ²³. SRO E78/5/2.
- ²⁴. BL Add Ms 23121/70.
- ²⁵. BL Add Ms 23123/259-60.
- ²⁶. Mackenzie, *Memoirs*, pp. 31-2.
- ²⁷. Dalton, *The Scots army*, part 1 p. 9; Mackenzie, *Memoirs*, pp. 77-8; *APS*, vii, p. 376; *RPCS*, i, pp. 269-70.
- ²⁸. For example, Cowan, *The Scottish covenanters*, pp. 49-50; Buckroyd, *Church and state*, pp. 46-7; Brown, *Kingdom or province?*, pp. 150-2; Donaldson, *Scotland, James V - James VII*, pp. 365-8.
- ²⁹. Dalton, *The Scots army*, part 1, p. 7; Cowan, *The Scottish covenanters*, p. 48; J. Buckroyd, 'Anti-clericalism in Scotland during the Restoration', in N. Macdougall (ed), *Church, politics and society: Scotland, 1408-1929* (Edinburgh, 1983), pp. 167-85.
- ³⁰. J. R. Jones, 'Introduction: main trends in Restoration England', in Jones (ed), *The restored monarchy, 1660-1688* (London, 1979), p. 17; Seaward, *The Restoration*, p. 32; Hutton, *Charles II*, pp. 182-3.
- ³¹. *LP*, i, p. 155; *RPCS*, i, pp. 350, 357-9, 362, 365-7, 372-7, 390, 446-7; SRO, GD 90/2/260, Instructions to the Privy Council, 12 May, 1663; BL Add Ms 23119/26-7; Turner, *Memoirs*, pp. 139-40; Dalton, *The Scots army*, part 2, p. 15.
- ³². Beckett, 'The Irish armed forces', pp. 41-5; same writer, 'Irish-Scottish relations in the seventeenth century' in his *Confrontations: studies in Irish history* (London, 1962), pp. 33-4.
- ³³. *RPCS*, i, pp. 42, 371-2, 403-4, 439-42, 461-2; *APS*, vii, 38-9, 455-6.
- ³⁴. Buckroyd, *Church and state*, pp. 51-64; Brown, *Kingdom or province?*, pp. 150-2.
- ³⁵. *RPCS*, i, pp. 550-1; *LP*, i, pp. 204, 209-10; Turner, *Memoirs*, pp. 140-1.
- ³⁶. *LP*, i, pp. 154-5, 157.
- ³⁷. For the 1663 session of Parliament, see chapter 1. For discussion of the composition of the government during these years, see chapter 2.
- ³⁸. *APS*, vii, p. 456; *RPCS*, i, p. 461; NLS Ms 597/129; SRO E57/1; E57/9/6 (provides an account of fines exacted in Kyle and Cunningham, both prior to, and as a result of, the Pentland rising).
- ³⁹. *RPCS*, i, pp. 501-2, 507-8, 579-80, 613-5; ii, pp. 92-3, 102-3, 133, 167; *LP*, i, pp. 206-7, 210-1; BL Add Ms 23122/123, 290. Also, see chapter 3, p. 116.

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- ⁴⁰. Turner, *Memoirs*, p. 143; NLS Ms 7024/11; BL Add Ms 23124/149.
- ⁴¹. For these suspicions, see Cowan, *The Scottish covenanters*, p. 60; Buckroyd, *Church and state*, pp. 65-7.
- ⁴². Turner, *Memoirs*, p. 141; *LP*, i, pp. 214, 222; BL Add Mss 23123/1; 35125/115; SRO GD 406/2/482/1, 4, 5, 6 (an inventory of arms in 7 parishes in Lanarkshire stated that there were 145 swords, 22 pistols, and 31 guns and muskets).
- ⁴³. BL Add Mss 23122/290, 311-2, 326, 352; 23123/5.
- ⁴⁴. *RPCS*, ii. 107-9; BL Add Ms 23123/173; *LP*, i, pp. 234-6; Turner, *Memoirs*, pp. 140-6.
- ⁴⁵. Seaward, *The Restoration*, pp. 80-1; Beckett, 'The Irish armed forces', p. 49.
- ⁴⁶. BL Add Ms 23124/59, 130, 139; for the additional forces, see above, p. 153.
- ⁴⁷. For details of the rising, see Cowan, *The Scottish covenanters*, pp. 64-9; Buckroyd, *Church and state*, pp. 65-7.
- ⁴⁸. *RPCS*, ii, pp. 229-34.
- ⁴⁹. SRO GD 90/2/260, Instructions to Rothes (?), 5 January 1667; *RPCS*, ii, pp. 267-8, 272-5; Cowan, *The Scottish covenanters*, pp. 70-1.
- ⁵⁰. *RPCS*, ii, pp. 284-6, 290-2; Beckett, 'Irish-Scottish relations', p. 40.
- ⁵¹. Dalton, *The Scots army*, part 1, pp. 14-5, 27-9; Turner, *Memoirs*, p. 145.
- ⁵². NLS Ms 7023/45; Seaward, *The Restoration*, pp. 82-3; Hutton, *Charles II*, p. 248.
- ⁵³. *RPCS*, ii, pp. 307-10, 318-9.
- ⁵⁴. *RPCS*, ii, p. 229; SRO E6/1, pp. 23-4, 27; E57/2/3-5; E57/5/1, 6; E57/6; E57/9/4, 6; E57/10/2-5; *APS*, vii, pp. 546-7.
- ⁵⁵. NLS Mss 7024/74-5; 7033/106; BL Add Mss 23126/105, 139, 161, 195, 224-5; 23127/18, 20-1, 24, 107; 23128/71-2; *LP*, ii, pp. 6-7, 20, 82; SRO E57/5/3; E57/9/2, 4-6; *RPCS*, ii, pp. 408-9.
- ⁵⁶. SRO E57/12/1; E57/13. It is impossible to specify the period of time covered by the accounts, but an intelligent guess might be mid-1666 to late-1667. For complaints about Bellenden, see E57/4; E57/11/1-9; E57/12/6; *LP*, ii, pp. 24-5, 62, 83, 100-1; BL Add Mss 23126/218-9; 23128/313-4; 23129/65.
- ⁵⁷. *APS*, vii, pp. 540-2.

⁵⁸. NLS Ms 7003/62. See also SRO E57/9/6.

⁵⁹. *LP*, ii, pp. 6-7, 20, 45. The Commission referred to here was that of November 1664, appointing Rothes as royal representative at a National Synod (which did not meet); its significance perhaps derived from accompanying powers to give orders to the forces, see chapter 2, pp. 59-60.

⁶⁰. Buckroyd, *Church and state*, pp. 68-116; Cowan, *The Scottish covenanters*, pp. 71-81; Hutton, *Charles II*, pp. 246-7; Donaldson, *Scotland: James V - James VII*, pp. 368-70; Brown, *Kingdom or province?*, pp. 155-9.

⁶¹. Macinnes, 'Repression and conciliation', pp. 178-83.

⁶². See above, p. 153.

⁶³. NLS Ms 7023/60; *LP*, ii, p. 21.

⁶⁴. BL Add Ms 23127/54, 132, 193, 195, 199, 203, 205, 215; NLS Ms 7023/60, 71, 78, 81, 85-6; *LP*, ii, pp. 66-8; SRO GD 90/2/260, Instructions to the Commissioners of the Treasury, 2 September 1667; Dalton, *The Scots army*, part 2, p. 5.

⁶⁵. *LP*, ii, pp. 32-5; BL Add Ms 23127/215.

⁶⁶. *RPCS*, ii, pp. 307-10, 318-9, 336-41, 343-51. For the disputes about the proposals, see chapter 2, pp. 66-7.

⁶⁷. *LP*, ii, pp. 45, 48, 63-4; NLS Ms 7023/95; BL Add Ms 23128/106.

⁶⁸. See chapter 3, p. 121-2.

⁶⁹. *LP*, ii, p. 65; BL Add Mss 23127/199; 23128/76, 144; *RPCS*, ii, pp. 361-4, 401.

⁷⁰. *RPCS*, ii, pp. 354, 357, 363; NLS Mss 7003/56c; 7023/95, 98; 7024/67-9; BL Add Ms 23127/203.

⁷¹. *RPCS*, ii, pp. 367-70, 407-9, 426-7, 442-3, 507. See also footnote 56 above.

⁷². NLS Mss 7003/56c, 58; 7023/81, 85, 86, 102, 103; 7024/49, 67-8; *LP*, ii, p. 77; BL Add Mss 23127/203; 23128/51, 76; *SHS, Miscellany*, vi, pp. 142, 156-7; *RPCS*, ii, pp. 356-7; Dalton, *The Scots army*, part 2, p. 17.

⁷³. *RPCS*, ii, pp. 344, 354; NLS Ms 7024/87.

⁷⁴. *RPCS*, ii, pp. 362-3, 376-7, 381-2, 385; J. D. Marwick (ed), *Extracts from the records of the burgh of Glasgow, 1663-1690* (Glasgow, 1905), p. 100.

⁷⁵. This money was to be paid by Sir William Bruce out of the 1667 cess and fines: SRO, E6/1, p. 61 - and subsequent entries for individual payments, pp. 63, 65, 75, 77, 81, 86, 89,

103, 113, 117, 134, 136, 150; E26/11, p. 87; NLS Ms 7024/55, 59-60; BL Add Mss 23127/128; 23128/239.

⁷⁶. SRO, E6/1, pp. 21-2, 24, 53, 58-9, 77, 81, 85-7, 119, 130-1, 138, 173, 260, 290; GD/90/2/260, Instructions to the Duke of Hamilton, 27 August 1667; Instructions to the Commissioners of the Treasury, 27 August 1667; Instructions to the CoT, 2 September 1667; NLS Ms 7024/54, 66; BL Add Mss 23127/128, 132, 160, 170; 23128/167, 209; 23129/65-6, 103, 330; *LP*, ii, p. 33.

⁷⁷. NLS Ms 7023/60.

⁷⁸. *RPCS*, ii, pp. 275, 438-40, 454, 520, 524-33; NLS Mss 7023/192, 202, 206; 7024/116-7, 127, 129; 14488/46; BL Add Mss 23127/54; 23128/71-2; 23129/3, 66, 268; 23130/46; *LP*, ii, pp. 8, 33.

⁷⁹. *APS*, vii, pp. 480-1; SRO, E26/11, pp. 119-123, 206, 223, 273, 296-7; *RPCS*, ii, pp. 439, 441, 520; NLS Ms 7023/136. The Treasury accounts list payments to the officers of 27 troops of horse and 153 companies of foot throughout the country: a troop of horse was supposed to contain a minimum of 80 soldiers; a company of foot 78 soldiers. The troops of horse raised in the some of the south-western shires were to contain extra men in lieu of their proportions of foot. It is impossible to ascertain whether these numbers were adhered to.

⁸⁰. Macinnes, 'Repression and conciliation', pp. 178-83; *RPCS*, ii, pp. 325-9. For another view, concentrating on the activities of thieves and political rivalries among Highland magnates, see Hopkins, *Glencoe and the end of the Highland war*, pp. 48-51.

⁸¹. SRO E6/1, pp. 58-60; *RPCS*, ii, pp. 396-7; NLS Ms 7023/123; *ACL*, iv, pp. 328, 330-1, 337.

⁸². *RPCS*, ii, pp. 458, 463-4, 496-9, 502, 508; NLS Mss 7024/117, 129; 7033/124; Hopkins, *Glencoe and the end of the Highland war*, pp. 53-4; Macinnes, 'Repression and conciliation', p. 184.

⁸³. SRO E6/1, pp. 116, 118, 130, 147, 160, 164, 168; *RPCS*, ii, pp. 586-8; NLS Mss 7003/118, 134; 7023/225; 7024/117; BL Add Ms 23132/42, 48; Macinnes, 'Repression and conciliation', p. 184.

⁸⁴. SRO E6/1, pp. 121; *RPCS*, ii, pp. 596, 616; iii, pp. 6, 8, 64; BL Add Ms 23131/8; Hopkins, *Glencoe and the end of the Highland war*, p. 54.

⁸⁵. BL Add Ms 23128/293.

⁸⁶. BL Add Ms 23129/102, 112, 124, 128, 241-3, 288; NLS Ms 7023/98, 157, 159, 160, 164, 166, 184; *LP*, ii, pp. 77, 101.

⁸⁷. BL Add Ms 23129/102; *RPCS*, ii, p. 455; NLS Mss 7003/88; 7023/155, 157, 162; *LP*, ii, pp. 101-3, 106. [I have taken 'Streven' to be Strathaven]

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- ⁸⁸. Buckroyd, *Church and state*, pp. 74-9; Cowan, *The Scottish covenanters*, p. 75-6.
- ⁸⁹. *RPCS*, ii, pp. 459, 461, 467, 474-5, 518-9, 522-3; NLS Mss 7023/188, 190-1; 7024/103, 109-11, 113, 115; BL Add Mss 23129/227, 276, 280, 288; 23130/10; *LP*, ii, p. 114; SRO E6/1, pp. 120, 122.
- ⁹⁰. *RPCS*, ii, pp. 616, 620-1, 626; iii, pp. 17-8; NLS Ms 7024/150.
- ⁹¹. NLS Ms 7003/88.
- ⁹². SRO E6/1, p. 156.
- ⁹³. *RPCS*, ii, pp. 456-7; R. Renwick (ed), *Extracts from the records of the Royal Burgh of Stirling, 1667-1752* (Glasgow, 1889), p. 3.
- ⁹⁴. *RPCS*, ii, pp. 461-2, 616, 621, 626; *Extracts from the records of the Burgh of Glasgow, 1663-1690*, pp. 108-9; In October 1668 the Commissioners of the Treasury ordered the removal of the party quartering on Thomas Boyd in Kilmarnock: SRO E6/1, p. 122.
- ⁹⁵. BL Add Mss 23126/226.
- ⁹⁶. SRO PA7/10 f.28.
- ⁹⁷. Buckroyd, *Church and state*.
- ⁹⁸. *RPCS*, iii, pp. 38-40, 62, 70, 77; Cowan, *The Scottish covenanters*, p. 77.
- ⁹⁹. Buckroyd, *Church and state*, pp. 74-9; Hutton, *Charles II*, pp. 267-8.
- ¹⁰⁰. *RPCS*, iii, pp. 47, 61-2.
- ¹⁰¹. NLS Ms 7023/95.
- ¹⁰². NLS Ms 7023/100, 136, 165, 186, 200; *SHS, Miscellany*, vi, pp. 204, 207-9, 212, 215-6, 219.
- ¹⁰³. BL Add Ms 23134/95.
- ¹⁰⁴. Hutton, *Charles II*, chapter 10; Jones, *Charles II*, chapter 5; Seaward, *The Restoration*, pp. 48-54, 85-9.
- ¹⁰⁵. *RPCS*, iii, pp. 586-90; *HMC, Supplementary report of the Mss of the Duke of Hamilton* (London, 1932) [hereafter *HMC, Supplementary report...Hamilton*], pp. 85-6; Buckroyd, *Church and state*, pp. 100-2.
- ¹⁰⁶. *RPCS*, iii, pp. 71-2, 78, 80-2; NLS Ms 7024/189.

- ¹⁰⁷. *RPCS*, iii, 124, 130-2, 156-60; BL Add Ms 23133/4; SRO E6/1, p. 225; Buckroyd, *Church and state*, pp. 91-3.
- ¹⁰⁸. BL Add Ms 23134/40, 57, 76; NLS Ms 7004/91, 97, 112, 117, 120; *LP*, ii, p. 183.
- ¹⁰⁹. *RPCS*, iii, pp. 180-5; BL Add Ms 23134/46-7, 118; NLS Ms 7004/118, 125.
- ¹¹⁰. *RPCS*, iii, pp. 225, 653-9; BL Add Ms 23134/142-3; SRO, GD 406/1/2703.
- ¹¹¹. *RPCS*, iii, pp. 336-7, 395-7, 535; iv, pp. 102-3.
- ¹¹². NLS Ms 7004/85, 125; *LP*, ii, p. 207.
- ¹¹³. See chapter 3.
- ¹¹⁴. *RPCS*, iii, pp. 221, 235, 261; iv, pp. 241, 245-6, 278.
- ¹¹⁵. NLS Ms 7004/125; Dalton, *The Scots army*, part 2, p. 6.
- ¹¹⁶. See chapter 5, pp. 217-8.
- ¹¹⁷. SRO GD 406/1/2717; *RPCS*, iv, pp. 22, 34-5, 47, 56-9, 61, 67-8, 71-3, 81-3, 93-9, 104-5.
- ¹¹⁸. *RPCS*, iii, pp. 356, 370-1, 373; Macinnes, 'Repression and conciliation', p. 181.
- ¹¹⁹. NLS Ms 7007/152.
- ¹²⁰. Childs, *The army of Charles II*, pp. 16-7, 70, 85-9, 213-32.
- ¹²¹. Beckett, 'The Irish armed forces', pp. 43-9; same writer, 'Irish-Scottish relations', pp. 32-44.
- ¹²². Munck, *Seventeenth-century Europe*, pp. 355-7, 368-70, 382-6; G. Parker and L. Smith, 'Introduction', in Parker and Smith, *The general crisis of the seventeenth century*, pp. 12-14.
- ¹²³. Munck, *Seventeenth-century Europe*, p. 357. For the Highland host of 1678, see chapter 6.
- ¹²⁴. See chapter 5.
- ¹²⁵. See chapter 6.

Chapter 5

A voice for the kingdom? Attitudes to Parliament during Lauderdale's administration, 1665-1674.

Introduction

This chapter has two specific, related aims; firstly, to examine how Parliament actually functioned during a crucial period for Lauderdale and the country, and secondly, to reassess the events of 1673, when a serious parliamentary opposition emerged to challenge the Secretary, who had also become Commissioner. At the same time, there is an attempt to analyse attitudes to the role of Parliament in a more general sense. The dissolution of the second full Restoration Parliament in 1674 marked something of a turning point for the government, and the final years of Lauderdale's administration are examined in the next chapter. During the years under examination at present, there were two Conventions of Estates, in 1665 and 1667, and a full Parliament consisting of four sessions (1669-1673). A Convention of Estates had - in theory - the same membership as a full Parliament, but the agenda was severely restricted by the Crown - the Conventions of 1665 and 1667 (and later that of 1678) were called for purposes of taxation only. The incidence of Conventions signals a key weakness of the Scottish Parliament during this period. The act of January 1561 repealing the Triennial Act of 1641 granted to the King the sole right to call and dissolve Parliaments. However, it has been noted that consent was required for the imposition of taxation;¹ in order to avoid potentially difficult sessions of Parliament, and indeed to discourage the idea that Parliament had an important function in government, the Crown preferred to win the consent of the taxed through the mechanism of the Convention. However, there is sufficient evidence to make it clear that this attitude was not shared by many within the Scottish elites. The idea of a pliant body meekly offering financial supply to the Crown is inaccurate; each meeting of the Estates - even in Conventions - brought problems for the government, which found itself having to play off different interest groups, and indeed separate estates. For this reason, the Conventions are of as much interest as the full Parliaments. The problems faced by the government should not be exaggerated, nor should the strength of the opposition which emerged; but the issue is far from straightforward.

The recent attitudes of historians to the role of the Scottish Parliament have been mixed. Its strength during the 1640s has been clearly argued, and one writer has claimed that as an institution, Parliament was vital to conceptions of national identity.² Another recent article claims that Parliament in the late-sixteenth and early seventeenth-centuries became a national forum for local discontent in response to an aggressive, centralizing Court. Consequently, the Crown attempted to overawe a body it had come to fear, undermining a settled polity.³ At the same time, however, another commentator, surveying Scotland's position over the course of the seventeenth century, can write that Parliament was "less of an institution than an irregular and short-lived event", although somewhat oddly, the same writer also asserts that, "Throughout the century Parliament acted as a guarantor of Scottish interests and liberties which were being eroded by a British imperial monarchy".⁴ What is clear is that the debate is at last opening up, but as yet there is no modern, systematic study of Parliament in the seventeenth century, except for the period of the covenanting revolution. The Restoration period presents something of a paradox, for it is bounded by almost antithetical events. A previous chapter, considering the settlement of 1661-3, discussed the loyalty expressed by Parliament towards the Crown, when it voted away the powers gained by the covenanters. Yet at the end of the period, following the arrival of William and Mary in England in 1688, and the flight into exile of King James VII, there was a serious attempt to limit the powers of the Crown in Scotland - with the revival of some of the key constitutional reforms of 1640-1. This was not 1638 re-visited - one writer has referred to the main groupings as 'reluctant revolutionaries' - yet the fact is that sufficient numbers within the elites felt that Parliament should have a stronger role in government. Why should this be? Did these constitutional ideas simply re-emerge after nearly half-a-century, in the confused hiatus left by James?⁵ This is unlikely, and the contention of this chapter is that, while Parliament was in a weak position constitutionally during the years under consideration - as a result of the settlement described in chapter one - the *idea* that it had a vital role to play in government never actually died, despite the overwhelming loyalty to the Crown expressed by most of the elites. Thus, it is necessary to examine attitudes to Parliament during these important years of Lauderdale's tenure of office.

The method adopted is quite simply to investigate each meeting of the Estates in turn. However, special attention will be focused on the Crown's proposal for an incorporative parliamentary union with England - not because this proposal, which occupied some of the time of Parliament in 1669-70, was of lasting significance, but in order to gauge reactions among the elites (there is virtually no direct evidence for the wider population). The main focus, however, will be on the opposition to Lauderdale which emerged in 1673. This will be investigated, not simply in terms of its specific membership and aims, and its effect on Lauderdale's administration, but also with regard to what can be learned about more general attitudes to the role of Parliament. There has been a tendency to regard the years after 1661 as simply faction-prone, with little of more substantive constitutional or ideological import. However, it will be argued here that this view is simplistic. It ignores the actual debates within Parliament, which provide evidence for an alternative interpretation. In addition, more attention needs to be focused on the different groups involved; the lawyers, lairds and burgesses whose support dissident noblemen required if they were to make an impact. Certainly, both government and opposition leaders were keen to court the other estates in Parliament. By concentrating to some extent on these other groups, a clearer view of the complexity of the situation can be gleaned. Thirty years ago, Gordon Donaldson touched briefly upon the more serious constitutional aspects of the opposition to Lauderdale's administration.⁶ The current chapter intends to build upon this badly neglected and underestimated feature of the period.

Pain without gain: the Conventions of 1665 and 1667

The two Conventions of Estates of 1665 and 1667 were called for the sole purpose of voting taxation to bolster government finances during the second Dutch war. The first voted a traditional land-tax of forty shillings upon each poundland of old extent (this old method of valuation was modified for some shires - see below), to be collected over five years, while in 1667 the Convention agreed to raise supply by means of cess, a more efficient form of local taxation introduced by the covenanters.⁷ This increase in the fiscal burden was agreed despite the widespread view that the country could not afford it. The Commissioner

to both of these meetings, the Earl of Rothes, felt obliged to write to Lauderdale during the 1667 Convention that:

I never sie eather parleament or convension so ueall constitut and so unanimus in ther expresions of ther deutie and obedians to uhatsoever his majestie shall comand or desayr of them....⁸

Yet in the same letter Rothes also stated that he desired a speedy conclusion to the meeting, because he feared the spread of 'evil humours'. In fact, as will be shown, Rothes was well aware of the problems faced by the government in managing these Conventions. His letter was dated 17 January, barely two months since royal troops had been called upon to quell an uprising of desperate presbyterians. In the wake of this rebellion, it is not surprising that the representatives of the elites meeting in Edinburgh were so keen to express their loyalty. And here, perhaps, lay their own weakness: rebellion from below was a far greater evil than an escalating fiscal burden to fund the government's military operations.⁹ To oppose or obstruct royal demands was to risk being tainted with charges of disloyalty and even subversion.

By the time of the formal declaration of war against the Dutch in March 1665, government finances in Scotland were in a far from healthy state.¹⁰ Thus, when Lauderdale was pressed by the King in London, barely five days after war had been declared, for additional military precautions - which required additional financial provision - the Secretary was very quick to point out the poor condition of the country and the impossibility of stretching the revenue further. However, he agreed to sound out the opinions of Councillors in Scotland on the necessity of calling a Parliament or Convention to vote a moderate tax. He was vehemently opposed to a Parliament, and recommended to Charles that a Convention was sufficient. The Secretary asserted to John Hay, Earl of Tweeddale that a Convention was legally empowered to grant a small tax, and that there was a precedent in the reign of the King's father, Charles I.¹¹ This uncertainty about the legal powers of a Convention is interesting in itself; there had been no such limited meetings for over three decades, only full Parliaments, or committees deriving their authority from full Parliaments. Lauderdale was very keen to reimpose stringent limitations on a meeting of the Estates.

The news that taxation was required by the King was not very well received in Scotland. During March and April, Rothes held a series of meetings with groups of prominent Councillors, and their view was always the same. Scotland was in no position to grant taxation, but if it was absolutely necessary, it should be voted by a Convention. Tweeddale reiterated this view separately to Lauderdale. Significantly, Rothes was of the opinion that even a Convention would have to be carefully managed. The country had many grievances, in addition to restrictions on trade, low commodity prices and scarcity of hard currency; in particular, the collection of arrears of cess from the covenanting period, and also of the remainder of the land-tax imposed in 1633, which the Duke of Hamilton was uplifting in lieu of the debt owed to the family by the Crown. The government was also attempting to collect the fines imposed by Parliament in 1662, although not with a great deal of success. Rothes claimed to be worried about bringing so many people together from all over the kingdom, because this might allow discontent to spread, or hold up the granting of supply. The problem was compounded by the fact that the war was quite clearly in England's interests, of little benefit to the Scots.¹² Rothes was Lord Treasurer and in overall charge of the military, so he was well enough informed about the situation in Scotland to be justifiably paranoid, but it seems that there was no-one within, or associated with, the government who regarded the prospect of a Convention of Estates with any enthusiasm. At first sight this might seem strange. After all, Parliament had proven reasonably and consistently loyal after the King's restoration. However, war brings its own insecurities, especially for a government whose military aggression had succeeded only in provoking widespread resistance by dissenters in the south-west.¹³ The government does not seem to have been very confident about asking the country for money.

One of the problems for Rothes - as he saw it - was that he did not have anything available with which to buy the support of important men. The additional taxation was required to cover extra wartime expenditure. He recommended that the fines imposed by Parliament in 1662 should not be disposed of until after the Convention met, "that so everie ons expectasions may prodeus a hertie complaisiens uith what his majestie shall propose...."¹⁴ This absence of adequate financial patronage meant that another pressing and potentially troublesome issue acquired greater importance - the means of raising taxation. The options

were a traditional land-tax, or cess. The former was regarded as unfair by many, mostly in south-western shires (and in Argyllshire), because of high valuations; but cess was also unpopular, especially among those who had borne punitive burdens under the covenanters, and Charles II had promised in 1661 not to raise money by this method. The government clearly had to find a balance, and Rothes was keen to work out this problem prior to the Convention, in order to facilitate a trouble-free meeting. Thus, a series of preparatory discussions was held, culminating in a special gathering of Councillors and officers of state on 18 (and/or 19) July, which ended in a compromise; the taxation would be raised by the traditional method, but with a reduction of the burden for the aggrieved shires. This was a difficult problem, for both methods had their opponents. Rothes reported to Lauderdale that most in the Convention would have favoured cess, and there had even been a suggestion that the money should be called 'taxation' and raised by means of cess, in order to avoid the King being seen to break his promise of 1661. The Commissioner was relieved that this *ad hoc* compromise had been found, although he continued to stress the poor condition of the country. The compromise, which was in reality a short-term expedient, found its way into the act imposing the taxation.¹⁵

As a result of this preparation, the Convention proceeded smoothly enough, sitting for only two days, from 2-4 August. The Commissioner was not even limited by the formal mechanism of the Articles established in 1663, simply nominating the committee which was to draft the act, another benefit of holding a Convention. Of this committee, most of the nobles and bishops, four of the lairds and all except one of the burghs (although not necessarily the particular representative) had been a member of the Articles at some point, or in all the sessions, during the previous Parliament. Thus, there was a considerable degree of continuity in the controlling committee. Furthermore, many of the nobility in general actually stayed away from the Convention, with only 42 attending (70 were present in 1663). This was the only meeting of the Estates during the reign where both other lay estates - shires and burghs - outnumbered that of the nobility. This can possibly be attributed to noble indifference, but it can only have made Rothes's task of managing the meeting slightly easier. Despite this, some of the burghs desired that the Convention should send a delegation to the King to represent grievances relating to trade. Rothes totally opposed this, but had allowed them to represent the matter to him, as Commissioner, within

the Convention; however, the offer was not taken up.¹⁶ This meeting of the Estates had been rigorously managed by the government. However, despite the continuing loyalty displayed in the granting of supply, there were also signs that the honeymoon of the Restoration was over.

The government faced similar problems in 1667. By October of the previous year royal finances were stretched beyond their limit after the raising of extra troops in the summer. It was decided at yet another crisis meeting of Councillors (and military officers) that either Parliament or a Convention of Estates would have to meet to provide more money. Naturally enough, once again the latter was the favoured option, because it was quicker and there was no other business to be discussed. There was some doubt about whether a Convention had the legal power to alter the method of raising taxation, but the urgency of the situation meant that such technicalities would have to be overlooked. The lack of progress in collecting the 1665 taxation meant that, for the government, there was no alternative to the reintroduction of cess, although the Earl of Tweeddale, for instance, remained a reluctant convert. There were also technical difficulties, such as how to include ecclesiastical lands, which had not been evaluated for cess; their inclusion was necessary in order to soften the impact for the laity. Furthermore, upon Rothes's urging, the College of Justice was asked to waive their fiscal privileges on this occasion, which was agreed to, on condition that it did not establish a precedent.¹⁷

When the Convention met on 9 January, Rothes once again nominated a committee to draft the act. He expected disagreements about the method of raising the money, so the priority was to agree a sum, which was fixed at £72,000 Scots a month for a year, apparently after a suggestion by Archibald Campbell, Earl of Argyll.¹⁸ However, over the next two weeks there was almost constant wrangling over important details, either in the committee or in the Convention. Although cess was agreed in principle without too much trouble, there was considerable debate over the 'sweeteners' to be offered, especially with regard to the issue of debt relief (the six years' grace granted in July 1661 had almost passed). The eventual compromise was similar to the act of 1661, with the suspension of personal execution for payment of principal sums above £1,000 Scots, upon condition that interest was paid punctually, until Whitsunday 1669. Rothes actually wondered by what authority a

Convention could make such provisions, but he was answered by Sir John Gilmour of Craigmillar that it had as much power to do this as it had to alter the method of raising taxation. Ironically, perhaps, the need for bartering extended the remit of the Convention. The debtor lobby had managed to protect themselves a little longer.¹⁹

The cess was to be organized locally, by committees of local landowners, or the magistrates of burghs, to whom was remitted the task of evaluating ecclesiastical lands, and dealing with any other problems associated with valuations. As a further sop, it was ordained that those who were principally liable for the taxation were to receive some relief from the other inhabitants of the shire or burgh, who were to make a set payment according to their status - this was closer to a poll-tax. Furthermore, in order to deal with one of the biggest grievances in the country, there were provisions which were intended to deal specifically with the problem of quartering of soldiers on defaulters, which was explicitly permitted by the act. The aim was to ensure that the country was paid for supplies used by the military. Rothes had also apparently been urged to suspend the collection of arrears of pre-1660 cess for the duration of the new tax.²⁰ It would seem, therefore, that the passage of the act was not as straightforward as it might at first appear. In general terms, the Conventions of 1665 and 1667 highlight a reality of seventeenth-century government in Scotland. The Crown could not simply impose its will on the kingdom, but had to offer concessions, and negotiate over most points. The correspondence between government officials and their allies show a distinct lack of enthusiasm for meetings of the Estates, despite the control over proceedings exercised by the Commissioner. The Estates remained loyal, but demands other than those of the Crown had to be met. Over the next few years, these demands became overtly political.

Premonition of union? The sessions of 1669-70

The aim of this section is to consider the first two sessions of the second Restoration Parliament. Unlike the Conventions of 1665 and 1667, these meetings have received at least some attention: one writer has concentrated on the Crown's proposal for a parliamentary union, arguing that it represented a central element of Lauderdale's 'grand design' of

allowing Charles II to use Scotland to free himself from the restraints imposed by the House of Commons in England;²¹ another has examined the debates over various statutes, with a view to tracing the development of the opposition to Lauderdale, which is ultimately concluded to be little more than factional;²² finally, the background to the Act of Supremacy of November 1669, which asserted unequivocally the royal prerogative in ecclesiastical matters, has been thoroughly researched.²³ It is not, of course, the intention simply to reiterate this work, but to present a revised view, based partly on a reinterpretation of the same sources. The aim is, once again, to investigate these sessions in terms of what can be learned about attitudes to the role of Parliament.²⁴

Lauderdale came to Scotland in October 1669 as Commissioner to Parliament for the first time. Although this was obviously a visible statement of his prestige, it is possible that he also hoped to use his personal authority as the King's closest adviser to sort out some of the problems which had arisen since 1667. He arrived in the northern kingdom with a programme agreed with the King, encapsulated in a set of instructions. These covered the proposed union, the church, the militia, trade, Crown revenue, debt and the Courts.²⁵ When Lauderdale assumed more direct control of the administration in the aftermath of the second Dutch war, his primary tasks were to reform government finances and ensure more effective military security - including the establishment of a national militia. In 1669, he was intent on ironing out some of the difficulties which had arisen. Furthermore, he hoped to clarify the limitations of the experimental policy of indulging dissenting ministers, while providing the government with more flexibility by clearly asserting the royal prerogative in ecclesiastical matters. These issues had to be dealt with regardless of the success of the union proposal.²⁶ However, the union was the theme of the King's letter to the Parliament, which was also asked to permit him to appoint a Commission to negotiate a treaty.²⁷ Therefore, this issue should be analysed in the first instance.

The idea of a parliamentary union was rooted in the Anglo-Scottish trade disputes of the 1660s, discussed in a previous chapter.²⁸ By August/September 1667 the necessity of altering the existing situation was again a subject of debate at Court in London, where Tweeddale joined the Secretary in October. The problem was recommended to the English Parliament which sat in that month by the Lord Keeper, Sir Orlando Bridgeman, whom

Lauderdale had been lobbying fervently. By 12 November, a Commons' committee had recommended that the King call together representatives from both countries to sort the matter out; it was clear, however, that this would be far from straightforward. It is during these months that there is the first mention of union - meaning parliamentary union. Tweeddale commented on 21 September that, "this busines of trade betuixt the kingdoms will I hope fayrly introduc the consideratione of ane unione". In October, Lauderdale was discussing the possibility of a union with Lord Keeper Bridgeman.²⁹ Thus, the issue of a parliamentary union emerged at the same time as the prospect of renewed trade negotiations, although it is not clear who first suggested it.³⁰

The commercial negotiations, which opened in January 1668, stalled after only about three months, and they petered out after a few more without agreement. This has been blamed on Lauderdale pitching Scottish demands too high. One writer has claimed that the logical inference is that the Secretary was not interested in agreement, but desired political union all along.³¹ In fact, this is far from logical. There is no evidence that Lauderdale was anything but serious about the trade negotiations; he started with the Act of Navigation of 1660 because it was believed to be the first act of protectionist aggression on the part of the English, a stance for which he was applauded in Scotland, and he intended to move on to discuss cattle, salt, fish, corn and border customs, ie the gamut of trade grievances.³² Lauderdale and Tweeddale became exasperated at what they regarded as English delaying tactics, and were especially annoyed with Sir George Downing, one of the English Commissioners; Tweeddale wondered if it might be possible to bribe him. The Scottish Commissioners were further riled when the English started demanding an explanation of an address from the Scottish Parliament found in the Commons' Journal, which, it was claimed, urged that no Englishman be employed in a position of trust in Scotland. In a rare burst of anglophobia, a frustrated Tweeddale remarked bitterly, "if it wer not for our masters interest it wer good for us our trade went elswher...".³³ In fact, it seems that Tweeddale and Sir Andrew Ramsay, Provost of Edinburgh, did not consider this an idle threat, the main alternative focus being the United Provinces. Indeed, during the summer, commissioners from the Royal Burghs travelled there to discuss the location of the staple port (although this initiative came from the burghs themselves). Ramsay, in particular, felt that agreement with the English was preferable, while Tweeddale wondered about the

prospects for the cattle trade; but their letters reveal pessimism about the possibility of reaching agreement with their southern neighbours.³⁴

The failure to achieve a breakthrough in the trade negotiations appears to have led to a revival of the union proposal (which is not mentioned in the correspondence of the early months of 1668). On 4 June, Lauderdale wrote:

On Tuesday I gave you a full account of the proposition concerning the union. Yesterday I spoke with my Lo Keeper about it, he assures me all the Commissioners for the trade are most earnestly for it...This discourse of the union will I am confident advance & not retard the matter of trade....³⁵

It is even possible that one of the English Commissioners had revived the full union proposal as yet another delaying tactic, because in September Tweeddale observed,

I have smal hops of the trade with ingland & I apprehend the matter of the unione was proposid to divert it especially sinc he that mead it follows it not....³⁶

Over the next few months, however, the possibility of union was again discussed at Court, at the same time as the trade negotiations were stuttering to an inconsequential conclusion. In September, the Earls of Argyll and Kincardine were informed of the proposal, both responding favourably. Lauderdale solicited English ministers and courtiers for support, although it is apparent that the settling of trade remained uppermost in his mind. Thus, he concentrated on attempting to secure the elimination of English duties on imports of Scottish cattle, which resulted in a proclamation in April 1669 discharging these impositions - an important but limited success.³⁷ By the end of 1668, therefore, the possibility of union had re-emerged as an expedient designed to overcome the seemingly intractable problems associated with trade. However, the proposal remained vague. Tweeddale, possibly the most ardent proponent among the Scottish ministers, seems almost to have regarded it as a panacea for all governmental ills. In addition, by December there were worries about the reaction of the Scottish Parliament. Tweeddale wanted to avoid two meetings or a long

session "which ar equally troublsome & an burden to the natione...". Difficulties were expected over the number of peers to be allowed to sit in a united Parliament. For the time-being, however, the proposal was put on the back-burner as a result of the prorogation of the English Parliament by the King.³⁸ From the correspondence cited, however, it does not appear that the government was confident about the issue at all.

This lack of confidence proved to be justified. By July 1669, after the calling of the Parliament, a leaked paper - apparently a copy of one shown to Rothes a few months earlier - was circulating among peers, who made clear their hostility to the proposal, not least because the paper suggested that only twenty of the nobility could attend a united Parliament. The Duke of Hamilton was already using the opportunity to 'make mischief'. It is evident that the union proposal was very unpopular once it became common knowledge, and was known to be the reason for calling the Parliament. It seems, also, that many people suspected it was simply a cover for some darker design, although exactly what was imagined is far from obvious - if nothing else, such rumours (referred to by Tweeddale himself in August) provide an insight into what Scots expected from their government.³⁹ Despite this, however, there can be no doubt that, at this point, immediately prior to the 1669 session, the leading government figures were serious about the matter, without being particularly clear about the potential consequences. Writing to Sir Robert Moray on 23 September, Tweeddale could certainly envisage a final session of the Scottish Parliament.⁴⁰

When Parliament opened on 19 October, the pattern for the session was set almost immediately: attempts by members to debate almost everything, or to obstruct the government; and an equally marked determination on the part of Lauderdale to stamp out all such manifestations of independence. After the Commissioner had related the contents of the King's letter, he urged that the Articles be chosen to draw up a reply, but there was an attempt by some (unidentified) to delay the election of the Articles until some disputed elections were dealt with. When this ploy failed, there was further debate about the method of choosing the Articles, ie whether the whole of the nobility and bishops should choose the representatives of the other two estates; Lauderdale insisted on the method he had devised in 1663. He handed a list to the bishops as they passed to the Council chamber to make their 'choice'.⁴¹ This highlights the importance of the episcopate to the administration in its

attempts to control Parliament. Despite the debates, it is difficult to imagine a more carefully managed selection of the Articles. All of the nobility were Privy Councillors, with the exception of the young Marquis of Douglas (who was appointed to the Council in 1671); the presence of Tweeddale, Kincardine, Argyll and Atholl ensured that Hamilton would cause few problems. Four of the gentry were Councillors, a further two were collectors of the King's customs, another, Sir John Cochrane of Ochiltree, was the second son of the Earl of Dundonald, a Treasury Commissioner, while Sir Alexander Fraser of Dors was an old royalist physician, friendly with the King and Lauderdale. The burgh representatives were drawn from the usual select pool; Sir Andrew Ramsay of Abbotshall, Provost of Edinburgh, was joined on the Committee by his son, who represented North Berwick; Patrick Moray, a third collector of the customs, represented Selkirk; the five others had previously served on the Committee. This stringent packing of the committee highlights Lauderdale's determination to control the parliamentary agenda and stifle all debate.⁴²

The Commissioner was hyper-sensitive about any suggestion of altering the constitution of the Articles. Indeed, he was determined to ensure there was no new election during the life of the current Parliament, haranguing the Duke of Hamilton for asking in private about such a possibility at the opening of the second session in July 1670.⁴³ A number of Committee members died prior to the 1672 session (there was no meeting in 1671) and had to be replaced, while the places of Charles Maitland of Hatton and Sir James Lockhart of Lee, both of whom had become officers of state and could sit on the Committee *ex officio*, had to be filled. Following a precedent of 1661, the Commissioner himself nominated safe replacements.⁴⁴ The problem for any potential opposition was that to suggest an alternative method to that established in 1663 was to leave themselves open to a charge of subverting the privileges of Parliament - as Sir Patrick Home of Polwarth found to his cost in 1673 (see below). There is a further point to be noted in terms of actual membership of the Parliament itself: the meeting of 1669 was very different from the one which in 1661 had voted to wipe out the legislation of the 1640s. As many as 27 of the peers who had attended the first Restoration Parliament had died prior to October 1669; by 1673 another 17 had joined them - ie, about two-thirds of those who had welcomed the restored King with such magnanimity. Although the shire commissioners do not seem to have suffered such an

unfortunate transformation, nevertheless, out of 31 shires who sent representatives in 1669, 22 sent at least one who had not attended the Restoration Parliament or the Conventions of 1665 and 1667. Similarly, over half of the burghs sent new representatives.⁴⁵ The 1669 session was far better attended than the two previous Conventions (with 64 nobility, 56 shire and 58 burgh commissioners), which suggests that there was far greater interest in a full Parliament - which is perhaps only to be expected.⁴⁶ The point about membership should not be overemphasised, for loyalty to the Crown was still strong, but there was no guarantee that a body which had changed so drastically would emulate its predecessor's apparent docility.

The government's plans for union ran into a wall of vocal hostility as soon as a draft reply to the King's letter was brought from the Articles; this recommended that the King nominate Commissioners to negotiate a treaty. Opposition was articulated mainly by advocates - hardly surprising given the constitutional (and potentially legal) implications of the proposed merger, and a striking example of their increasing prominence in Scottish political life. The depth of feeling about the issue is revealed by the fact that the draft reply actually reserved to Parliament what was in essence a veto over anything agreed by the Commissioners. Robert Douglas, a lawyer representing the burgh of New Galloway, argued for an additional qualification which preserved the 'fundamental laws' of the kingdom, as well as private rights and privileges, in the same way as the Commission granted during the reign of James VI and I. Dickson was followed by Sir George Mackenzie of Rosehaugh and Sir George Gordon of Haddo, representing the shires of Ross and Aberdeen respectively. After a long speech, Mackenzie urged that a vote be delayed until the following day to allow further deliberation; he was seconded by Haddo, who made the unfortunate mistake of raising the issue of the succession to the Crown, for which he was reprimanded sharply by Lauderdale (but excused by Hamilton, which was possibly rather dangerous, given his wife's family's historic claim to the throne). The Commissioner claimed to be confident that the letter would pass, but he allowed a day for consultation. The following day, despite various suggestions for the inclusion of clearer safeguards, the letter passed, with only Mackenzie voting against it - an indication of continuing loyalty. The King could appoint the Commissioners, but they had to report back to Parliament.⁴⁷

Sir George Mackenzie of Rosehaugh, subsequently famous for his political and legal writings, and simultaneously infamous in covenanting tradition as the 'bluidy' Lord Advocate who presided over the 'killing times', provides an interesting statement of what can surely be interpreted as a widespread view of the role of Parliament at this point.⁴⁸ Most of the speech which he read in the House on the second day of debates about the reply to the King's letter deals with the appointment of Commissioners, which he felt should be left to Parliament. Yet, he makes a few remarks of more general importance. For instance, he notes that,

It is designed that this union should be a national act; and the way to make it so is, that all its steps should be nationally concluded...."

To effect this, Parliament should nominate the Commissioners, and deal with the proposals step-by-step. For Mackenzie, Parliament was the forum through which the nation could act; this was a matter of honour as well as of practical significance, for the English, it was claimed, would rather deal with a willing nation than a kingdom which simply obeyed its prince. It should be stressed that this view should not be interpreted as highlighting a desire for a permanent, institutional check on the executive. He refers to Parliament as the King's 'great Council', to whom the monarch had turned for advice. This can be interpreted as a desire for consensual government, but not parliamentary government. In effect, Mackenzie was articulating what must surely have been a widespread, conservative viewpoint - balancing loyalty to the Crown with the rights of the nation (or more exactly, the privileges of the elites).

For the next few months, the government had to wait anxiously to see if their English allies could overcome the understandable indifference of the Parliament there towards the proposed union. Lauderdale and Tweeddale were well aware of the depth of hostility towards their plans in Scotland. When Sir Robert Moray, who was staying in London, procured a letter from the King which urged the passage of an act allowing him to appoint Commissioners under the Great Seal when necessary, without further recourse to Parliament, the Commissioner simply refused to consider it, stating explicitly that it would not pass - a remarkable assertion by someone who believed himself in total control of

proceedings. Tweeddale argued that the next move had to come from the English Parliament, or else that of Scotland would inevitably impose limitations which could jeopardise the whole project.⁴⁹ By the middle of December, the Scottish ministers appear to have given up on the idea of union, once again turning their attention to the matter of trade. An Act of Naturalization was passed, which granted the freedom of natives to foreign protestants who made application to the Privy Council (a move explicitly aimed at the English, but which also opened doors for the Dutch). A rather forlorn letter from the King arrived which thanked Parliament for its loyalty, and commanded its adjournment; a commission for trade was set up in the interim to consider appropriate, unilateral measures.⁵⁰ Although the English Parliament had blocked any further progress in terms of the union project, Lauderdale and his allies were well aware that the Parliament in Scotland would not easily vote away its own existence.

However, it was not only the hostility towards the proposed union which moved Tweeddale to write in the new year that Lauderdale was weary of Scotland.⁵¹ The 1669 session saw vocal opposition to a whole range of measures. Interestingly, one act which seems to have provoked no opposition - apart from the preaching and manoeuvring of James Sharp, Archbishop of St. Andrews - was the one which has subsequently become most famous, the Act of Supremacy, which clearly asserted the royal prerogative in ecclesiastical matters.⁵² This act excited the febrile imaginations of contemporary conspiracy theorists, including Gilbert Burnet, who claimed that Lauderdale's aim was ultimately to impose catholicism in Scotland.⁵³ Marginally less wild was Mackenzie of Rosehaugh, who asserted that the act was a result of 'fanatic' influences within the government.⁵⁴ In fact, the act was simply intended to allow the government maximum flexibility in the face of the seemingly intractable problems facing the church. As early as the summer of 1668, Tweeddale had mentioned the possibility of parliamentary legislation to sort out the mess caused by the government's own actions since 1662; by March of 1669, he was convinced that such legislation was necessary, and the opposition to the indulgence of August 1669 - from both dissenters and the episcopate - confirmed this view.⁵⁵ The result was the Act of Supremacy. Whatever outcry this erastian act caused among the presbyterian chattering classes, there was no opposition within Parliament after James Sharp had been cut down to size; Hamilton

does not even mention it in his memorandum. It is not the case, of course, that the act was considered unimportant; perhaps it was simply regarded as too dangerous to meddle with.

The Militia Act was more troublesome for the government. This legislation was intended to regulate and clarify the powers of the Commissioners of the Militia throughout the kingdom. Since the Privy Council had in 1668 set about the task of giving effect to the statute passed by Parliament in 1663, progress in many parts of the kingdom had been slow. Travelling from England to attend the Parliament, Lauderdale had inspected the militia regiments of the south-east, and had written to Charles expressing his delight; however, this was possibly the only area in the country which could have put on such a show in 1669, and lack of progress made legislation necessary. Thus, in addition to confirming the proceedings of the Council, the act prescribed penalties for those who did not pay their proportions, and for non-attendance at rendezvous. Initially, after some disagreement in the Articles, the act was brought to the chamber with a clause which would have allowed quartering for deficiency. Such was the unpopularity of the clause that the act was sent back to the Articles, where it was removed; the Commissioners of the Militia were instead to distrain the goods of the defaulter.⁵⁶ The fact that Lauderdale was unwilling to push this particular point suggests that he was well aware of the depth of hostility in the country to the practice of billeting soldiers. This particular episode also demonstrates that Parliament was not completely ineffective; it was certainly one of the first times since the Restoration that legislation had been recommitted to the Articles as a result of opposition within Parliament.

It is not necessary at present to describe in detail the various other statutes which provoked opposition either within the Articles or in full Parliament.⁵⁷ When an 'Act concerning Prescriptions' was introduced, intended to settle time-limits for arrestments of property, there were attempts in both the Articles and Parliament to introduce a clause which would have imposed a time limit on the collection of arrears of cess dating from the covenanting period - another reminder of the importance of this issue. In this instance, the inept tactics of Gordon of Haddo and others appear to have allowed Lauderdale to discard the clause.⁵⁸ Another act which caused considerable problems was designed to improve government revenue by tightening up procedures for collecting customs and excise; in particular, the government wanted to close a loophole which allowed importers of salt to avoid paying

excise by claiming it was to be used for curing fish (which was allowed by the act granting the excise in 1661). The act was sent back to the Articles twice, and eventually Lauderdale moved that it should be voted on clause by clause. The clause relating to foreign salt was seemingly opposed by all the burghs, in alliance with shires with a strong fishing interest (like that of Mackenzie of Rosehaugh); Hamilton connived with the burghs in their opposition - busy with his 'wise cabals', as Lauderdale put it. The offending clause actually came to the Chancellor's vote, amid acrimonious calls for a recount; Tweeddale stated that if Lauderdale had not been more steadfast than usual, the clause would have been lost. Other clauses in the act also provoked dissent, and almost a month passed before the act was finally touched with the sceptre. Parliament had shown what could happen if sufficiently wide opposition could be transformed into concerted action.⁵⁹ However, at the same time, the authority of the Commissioner allowed him to carry virtually his entire agenda without a formal setback.

The 1670 session was basically concerned with two issues: the revival of the union proposal, and legislation against dissent. At the 1669 session, two acts were passed which were intended to demonstrate that the government would not tolerate active dissent; one act affirmed an earlier Council proclamation making parishes liable for attacks on ministers - as an interim measure, until the next session - and the other was intended to help secure the payment of the stipends, rents etc. of the clergy (and universities). These measures had been passed because the pressure of other business meant that there was no time to give proper attention to the matter; already, by 13 November, after a debate about the excise act, Tweeddale had thought Parliament should adjourn as soon as possible.⁶⁰ In the first few months of 1670, however, government concerns about conventicling increased, especially with the failure of a Council committee sent to the west to make any substantial impact. Thus, Lauderdale's instructions for the session are mostly concerned with the need for legislation to deal with dissent. In England, a few months before the Scottish Estates re-gathered, Charles II had accepted a new act of Parliament against conventicles, largely on grounds of political expediency; nevertheless, it was felt independently by the government that the situation in Scotland merited some kind of legislative warning for dissenters.⁶¹

The acts which were presented to the Parliament, after being drawn up by a Council committee, were very severe. One act was intended to force people to testify before the Council when requested, with the threat of imprisonment and even banishment if they refused. Mackenzie of Rosehaugh and Gordon of Haddo debated this for two hours; the former claimed that many members opposed the powers which the act gave to the Council.⁶² The other acts dealt with assaults on ministers, conventicles (with the possibility of the death penalty for field preachers), unauthorized baptisms and non-attendance at the parish kirk. One can question Burnet's assertion that half of the Parliament 'abhorred' these acts, but were too submissive to challenge them; yet it is true that the opposition of James Kennedy, Earl of Cassillis, was a solitary protest.⁶³ The legislation, if nothing else, represented an admission by the government that its policies towards dissenters - whether military or otherwise - were not working. For the first time since 1661, however, some within Parliament had been willing to question aspects of the government's treatment of dissent.

The union proposal was revived solely because the King managed to convince the English Parliament to follow its Scottish counterpart and allow him to appoint Commissioners. Tweeddale was certainly not very happy that the matter had been raised again; he was fearful that it might disrupt some of the measures taken within Scotland in relation to trade - for example, a revised book of rates.⁶⁴ The Parliament had no option but formally to allow the King to appoint Commissioners to treat with the English; again, however, the Commissioners were obliged to report back to Parliament. There is no sign that the proposal was any more popular in Scotland than it had been in 1669; in September 1670, immediately prior to the onset of negotiations, Tweeddale asserted that the aversion to it was growing. This did not prevent a considerable amount of interest in the choice of Commissioners to represent Scotland. The Duke and Duchess of Hamilton were gravely offended at the former's exclusion, despite the fact that he had actively opposed the proposal. Lauderdale had no sympathy, however, arguing that the Duke had brought it on himself, as a result of his behaviour in Parliament.⁶⁵

The Commissioners discussed the issue over a period of about six weeks, beginning mid-September, and focusing on specific proposals presented by the King.⁶⁶ Despite the formal pleasantries, the Commissioners were able to agree on very little: in particular, the question of appeals from the Court of Session to a united Parliament caused deadlock; and more crucially, no agreement could be reached on the problem of reducing the Parliaments to one - this issue caused the breakdown of the talks in November. What is perhaps more significant were the dissenting voices within the Scottish camp. Days after the opening of the negotiations, Sir Archbald Murray of Blackbarony, one of the Scottish Commissioners, reported that he thought most of his colleagues were very 'cold' in the matter; the Duke of Buckingham apparently stated that he felt Lauderdale was averse to the project. The Lord Advocate of Scotland, Sir John Nisbet, was vociferous in his opposition, arguing with Lauderdale that the Commissioners were not empowered to subvert the fundamental laws of the kingdom, and that to negotiate away the Parliament was treason - it was pointed out to him that perhaps he should have thought of this before he voted for the appointment of a Commission.⁶⁷ It is no surprise that the negotiations achieved little, when such attitudes persisted among the Scottish Commissioners.

The proposal presented by the Scots, which finally killed off the negotiations - that both Parliaments would have to be retained in their entirety, but with some arrangements for occasional joint sessions - has been interpreted as evidence that Lauderdale had been informed by Charles II to spoil the proceedings; according to this view, the King intended the union negotiations to serve as a diversion to keep Lauderdale occupied while he negotiated the secret Treaty of Dover with France.⁶⁸ This is possible, but improbable. At the end of October, the King was personally discussing the matter with a few of the Scottish Commissioners, trying to find some solution to this most difficult matter. Another interpretation is that, after the depth of hostility experienced in the 1669 session, the Scottish government was no more than lukewarm about the proposal for union; this would account for Tweeddale's reaction to its revival in 1670. Moreover, whatever the King's attitude, there can be no disguising the difficulties Lauderdale faced even among the Scottish Commissioners: his final suggestion was perhaps the result of exasperation. After the King had adjourned the negotiations, Lauderdale remarked,

now it appears to all our Commissioners that for zeale of ane union I am as far from betraying the rights of Scotland as any of them....⁶⁹

It seems possible, therefore, that the final proposal was intended to save face, in the context of continuing hostility towards the idea of a union. In general terms, the whole affair demonstrates two significant points: firstly, that for leading members of the Scottish government, Parliament was dispensable; secondly, that for the Scottish elites, as yet, it was not.

The 1670 session also provides an important insight into methods of managing the Scottish Parliament. It was recommended by the Commissioner that a small tax should be granted to pay the costs of the Commissioners for the union, and to help with repair of royal residences. After some opposition within the House (apparently led by Hamilton, with the Earls of Annandale and Callendar), and the usual bickering in the Articles about the sum to be voted, the act - granting £360,000 - was brought in. Lauderdale explained his methods in a letter to Sir Robert Moray. It had been agreed in the Articles that debtors should retain ten percent of the interest they owed, ostensibly in order to allow them to pay the cess. The Commissioner knew that this would provoke debate; therefore, in Parliament, the act was voted in two parts, the first settling the terms of payment and everything that concerned the King, and the second containing the interest-relief clause. The first part passed easily, enabling Lauderdale to sit back and listen to a 'lustie' debate between different interest groups. The clause was actually thrown out by about 40 votes, "for all the burroughs & all lawyers & moneyed men were against it". To appease the landowning debtors, Lauderdale then ordered that collection of arrears of cess from the covenanting period be forborne for the duration of the present supply.⁷⁰ This represented classic 'divide-and-rule' tactics, enabling the government to achieve its aims. It is also a sharp reminder that the combined voting strength of other estates could act as a counter-weight to noble dominance of proceedings.

This is possibly the key to understanding the operations of Parliament in the Restoration period. In 1669, Hamilton complained that men voted against their conscience because of their private interests. Mackenzie of Rosehaugh also noted that interests divided the

Parliament; in particular, he noted the clash between the nobility and the burghs.⁷¹ It can be contended that this aspect of managing the Parliament by playing off different groups and estates was as important as controlling the agenda through the Committee of the Articles. Obviously, this committee was the ultimate means of stifling debate, but if statutes, particularly grants of taxation, were to have authority in the country as a whole after Parliament had risen, concessions had to be offered. This had been the case in the Conventions of 1665 and 1667, as well as the recent sessions of Parliament. There had been some attempts at bridge-making in the 1669 session. It was Lauderdale's task to ensure that the Parliament remained divided; for to rely on the constitutional machinery alone to impose the royal will was dangerous.

The opposition of 1673: A conservative reaction?

This section is concerned with events which are reasonably well known; therefore, it is not necessary to provide a detailed narrative here.⁷² However, there is no adequate explanation of how those who opposed Lauderdale in the 1673 session were able to prevent the Commissioner from achieving his aims - how was this possible when the agenda of Parliament was dictated by a hand-picked Committee of the Articles? At one level, of course, the sheer weight of numbers appears to have staggered the Commissioner, for there were many who were discontented in each of the lay estates. Yet, as recently as the 1672 session Lauderdale had again successfully employed the divisive management techniques described above. The opposition in 1673, led by discontented Privy Councillors, attempted to prevent a repetition in two ways: they tried to bypass the Articles, and also articulated a broad agenda of grievances, in order to win the support of as many as possible. Although it is probably true that some of those involved were simply concerned with securing Lauderdale's removal - a bold enough aim in itself - it is also true that the demonstration signified an attempt to break free from the constitutional straitjacket of the Restoration settlement.

The sessions of 1672-3 were primarily designed to raise supply for the new war against the Dutch, although, rather obtusely, neither Lauderdale's speech nor the King's letter to

Parliament in the former session contained an explicit demand for money. Rather, the responsibility for securing the kingdom was abrogated to the Parliament - however, it was obvious from the speech what was aimed at. In addition, the militia was to be made more effective, and a clear message was to be sent to the dissenters that their continuing disobedience would not be tolerated.⁷³ Thus, as the 'Sun-King', Louis XIV of France, and his ambitious cousin across the channel prepared to wreak havoc on the European mainland, Scotland was once again dragged along in its prince's wake, without enthusiasm - despite the rhetoric of unabated loyalty.⁷⁴ Lauderdale had been aware of the alliance with France, and the plans for an attack on the United Provinces, from late in 1670 (although he did not apparently know of the secret clause whereby Charles committed himself to convert to catholicism in return for additional money). It seems probable that, when the Scottish Parliament was adjourned again without sitting in March 1671, four months after the breakdown of the union negotiations, the Commissioner intended recalling it when war made it necessary - although, there was also some doubt about whether Parliament could be legally dissolved simply by proclamation.⁷⁵

The legislation of 1672 which was designed to increase security for the government does not seem to have encountered any serious opposition within Parliament. A new militia act ordained that officers and soldiers were to take the oath of allegiance, and also increased penalties for failure to provide quotas and for non-attendance at rendezvous. The obligatory batch of measures aimed at dissenters, including a renewal of the severe anti-conventicle acts of 1670, likewise appear to have passed without a murmur.⁷⁶ It can perhaps be surmised that it was felt to be too dangerous to oppose, or even to express doubts about, these measures publicly in time of war. However, almost inevitably, the question of additional taxation caused problems, and once again, Lauderdale's solution was to play off different interest groups. According to Mackenzie of Rosehaugh, Lauderdale used John Murray, Earl of Atholl, to suggest in the Articles that a subsidy be granted, but there is no way of verifying this. Whoever formally suggested it, it is clear that there was considerable opposition to the proposal, particularly from the nobility and gentry. As a palliative for discontented landowners, therefore, debtors were allowed to retain one-sixth of the interest they owed for one year. In addition, no-one was to be challenged for payment after 2 February 1681. In 1670, a similar proposal for the retention of interest payments had been

thrown out; this is an indication of just how finely balanced Parliament was in this matter. Yet Lauderdale, it seems, did not simply abet the desires of the debtor lobby. If Mackenzie is to be believed, there was also pressure for financial assets to be cessed in the same way as landed estates, which Lauderdale resisted "in order to insinuate himself with the lawyers, with the Burghs, and the body of the people". Whatever the truth of this, it is clear that divisions among different interest groups had allowed the Crown to achieve its aim yet again - a supply of twelve months cess, the same as that voted in 1667 (although it was to be collected in four instalments over two years, a longer time-scale than previously).⁷⁷

Yet there are signs that Lauderdale felt it was becoming more difficult to manage the Parliament. In August, a month after the act granting supply had been passed, the King suggested to Kincardine (who was at Court while Lauderdale was in Scotland) that some of the money could be used to pay for men who were to take part in a planned invasion of the United Provinces. The Commissioner nearly blew a fuse, complaining that he had assured Parliament that the money was to be used for purposes of defence only - to do otherwise would make it impossible to raise money again. Allowing for the usual element of aggrieved exaggeration, this was not the attitude of a man confident of imposing his will on Parliament.⁷⁸

The Commissioner, however, managed to store up trouble for himself with the passing of acts which antagonised the burgh estate. The first was the famous act which redefined the privileges of the Royal Burghs, by recognising the rights of burghs of regality and barony with regard to the import and export of stated commodities.⁷⁹ It is obvious that this act benefited the landowners who owned these latter burghs - including Lauderdale himself. However, there is reason to doubt that this was a deliberate attack on the Royal Burghs, at least as far as the government was concerned, for such a move would not necessarily have made sense in terms of parliamentary management. In 1675, Lauderdale remarked to his brother that, "it was the duke of hamiltons darling act wherin I was onely passive".⁸⁰ Perhaps this act was introduced by a landowning lobby with the intention of solving a serious problem which arose from the anachronistic monopoly of foreign trade exercised by the Royal Burghs. The records of the latter's Convention reveal that this matter was in fact one of their most pressing concerns, although obviously they were keen to retain their

privileges.⁸¹ Nevertheless, even if the act was not introduced by the government, it certainly seems to have backfired on Lauderdale. Mackenzie wrote that it lost the Commissioner the support of the Royal Burghs. The episode demonstrates that attempting to control Parliament by playing off different interest groups was a risky business.

A further piece of legislation - an 'Act concerning Adjudications' - which attempted to regulate the rights of creditors with regard to the lands of their debtors, also seems to have been unpopular with the burghs. Both acts, along with an earlier act of 1669 which regulated the collection of customs and excise (see above), were listed as grievances in a letter written from the Convention of Royal Burghs to the King in August 1674.⁸² The obvious conclusion is that the Royal Burghs were gradually accumulating grievances to vent at the Commissioner. Some hint of the growing discontent can perhaps be detected in an attempt in September 1672 to remove Sir Andrew Ramsay, an ally of Lauderdale and a Privy Councillor, as Provost of Edinburgh, at elections to the town council. Lauderdale stuck by his man on this occasion, and the following year's election, when there was another attempt to oust Ramsay, was monitored very closely by the Privy Council. This matter resurfaced at the Parliament, to the Provost's cost. Furthermore, in July 1673, the Convention of Royal Burghs was preparing to represent grievances to Lauderdale.⁸³ This discontent made at least some of the burgh estate responsive to the general attack on Lauderdale's administration in Parliament in November.

There was little else of significance in the 1672 session, except for the opposition expressed by Mackenzie of Rosehaugh and others (including, it seems, Hamilton) to an act which ratified a number of measures regulating the central courts. These had been drawn up previously by a commission acting on the advice of judges, and the problem was caused by an article which ordained advocates to swear on oath that they would not take more than stated amounts of money from clients. This led to a protest in late-1670, with most advocates deciding not to take the oath. Their action was short-lived, because the government refused to budge on the issue; however, it seems that the episode caused some bitterness. The offending article was simply shoved through Parliament as part of a composite act; as Mackenzie put it, it was passed "in a very irregular manner".⁸⁴ As a whole the 1672 session followed the earlier pattern, with various disputes and debates, but with

the Commissioner able to achieve his aim, which was a grant of supply. There were signs that the task of managing Parliament was becoming more difficult, but there was little suggestion that the next session, just over a year later, would bring an explosion of discontent which stopped Lauderdale in his tracks.

It is difficult to establish precisely why there was such a serious display of opposition at the 1673 Parliament. An infuriating lack of correspondence means that discussion of the attitudes of most of those in Parliament must rest on inference and, even less satisfactorily, speculation. What is significant in the present context is the fact that the opposition chose Parliament as the forum to express their discontent. This in itself adds to the opposition a constitutional dimension which has on the whole been underestimated.

It would certainly seem to be true that Lauderdale, created a Duke in 1672, was behaving in an increasingly arrogant and intolerant manner. Burnet, Mackenzie and Hamilton, although not exactly disinterested observers, all remarked on the Commissioner's tendency to fly off the handle when faced with opposition; his treatment of William Moor, an advocate representing the burgh of Kintore, who suggested during the 1672 session that constituents should be informed about the proposed supply, affronted the Parliament.⁸⁵ This behaviour is sometimes held to lie behind the breach between Tweeddale and Lauderdale, probably with some justification. During the summer of 1673, the aggrieved Tweeddale was meeting with the Duke of Hamilton, the man who subsequently became the most high-profile figure in the opposition. As noted elsewhere, the powerful Commissioner and the ambitious Duke clearly had no time for each other, despite an apparent thaw in relations during 1672 and the early months of 1673.⁸⁶ The decision of the two embittered 'grande'es' to challenge Lauderdale would seem to have been the catalyst for the display of opposition in Parliament.

It is significant that these two, as well as their fellow Privy Councillors, the Earls of Queensberry, Dumfries and Morton, could move with considerable ease to the position of opponents of the government in Parliament. It has been argued elsewhere that the government was not equivalent to, but in effect worked within, the Privy Council; these men were not very likely to achieve much by opposing Lauderdale there.⁸⁷ So they turned to Parliament, which in this light appears as an integral part of the structure of government.

This is not to imply that it operated as a check on the powers of the executive, but rather that it *could* do in certain circumstances. In a more pronounced way, a similar situation existed in England (the Irish Parliament did not meet after 1666). From the latter stages of the second Dutch war in 1666-7, relations between the English Parliament and the government were often strained, particularly over the issue of war finance, and often much depended on the behaviour of members of the government and their followers. But the trouble really began in 1673, when Charles was forced to withdraw a Declaration of Indulgence of the previous year - the royal claim to a dispensing power over the penal laws being a notoriously controversial issue. More worrying for the government in the long-term was the spread of virulent anti-catholic feeling, fanned in the House of Commons by Irish Privy Councillors unhappy at Charles's policies in that country. The famous Test act ultimately forced James, the King's brother and heir to the throne, as well as a top minister, Thomas, Lord Clifford, from their positions in government, on account of their catholicism. Furthermore, by the end of 1673, Anthony Ashley Cooper, Earl of Shaftesbury, had been through his renowned transformation from the post of Lord Chancellor to leader of the parliamentary opposition.⁸⁸ For powerful men, including former members of government, to use Parliament to challenge the current government, was a fairly normal feature of political life in Restoration Britain.

It would be a mistake, however, to regard the other members of the Scottish Parliament simply as fodder for the 'grandees'; indeed, for a demonstration to be effective, the leaders of the opposition needed to appeal to as many as possible, and with their wide agenda of grievances, this was precisely what Hamilton and his allies attempted to do. By October, after it had become known that Parliament was to meet, Tweeddale and Hamilton were clearly preparing for a show of strength, enlisting the services of - among others - Sir Archibald Murray of Blackbarony and Sir John Harper of Cambusnethan, shire commissioners for Peebles and Lanark respectively; the latter's status as a leading advocate was particularly important, given the number of advocates in Parliament (Tweeddale had been corresponding with Sir George Lockhart, another leading advocate, in August). It should be noted that Murray of Blackbarony, and also Sir Patrick Moray, were formerly collectors of the customs and excise; it seems that their treatment had persuaded them to follow their patron, Tweeddale, into opposition.⁸⁹ There is no reason to doubt J. Patrick's

assertion that Hamilton and, to a lesser extent, Tweeddale felt that Lauderdale was not very secure at Court, and this prompted them to action. Yet they still had to win over the Parliament. It was perhaps symptomatic of growing complacency on Lauderdale's part that he failed to recognise the potential for concerted action.⁹⁰

Oddly enough, there is no accurate, up-to-date account of what occurred when Parliament actually sat, on Wednesday 12 November. It is not the case that Hamilton hoped simply to galvanise support by calling for the repeal of three monopolies - of salt, brandy and tobacco - which were unpopular throughout the country; nor did he move (at this stage) that the King should be informed of the state of the country.⁹¹ In fact, after Lauderdale had read the King's letter and given his own speech defending the war, Hamilton stood up and demanded that the country's grievances should be heard in Parliament, before any answer was given to the King's letter. He was followed by the Earls of Morton, Cassillis, Eglinton, Roxburgh, Queensberry, and possibly also the Earls of Mar and Findlater. The Earl of Dumfries then moved that a Committee of grievances should be appointed. When Lauderdale retaliated by urging that there should be no delay in answering the King, he was countered by Hamilton, Sir Patrick Home of Polwarth and Sir George Mackenzie of Rosehaugh (representing the shires of Berwick and Ross), who argued that it was a just request. A compromise suggested by Dalrymple of Stair, that members might be heard at the Articles, was rejected by Lauderdale - an indication of his hard-line attitude towards any innovations in Parliament. Sir Francis Scott of Thirlestane, representing the shire of Selkirk, then articulated openly what must surely have been a widespread, latent hostility to the war, and backed Hamilton and Dumfries. After some rhetorical fencing, Lauderdale remained adamant that there would be no Committee of grievances, arguing that Parliament did not have the power to appoint any such body. Home of Polwarth then urged that there should be a vote on whether it was a free Parliament or not; Lauderdale contended that his expression should be noted, and to his surprise, Polwarth said he would own it. When Kincardine urged the Lord Advocate to take notice, Hamilton apparently defended Polwarth, asserting that Parliament was the only true judge. With this stalemate, Lauderdale accepted the Earl of Dundonald's motion for an adjournment.⁹²

It is impossible to determine how many took part in the demonstration. Crucial, however, was the cross-estate nature of the opposition (with the exception of the bishops, who demonstrated their loyal impotence once again). Significantly, Lauderdale in his second speech remarked that, at the previous sitting, "some of the Lords & of the Commissioners of shires & burrowghs did insist that before any answer were prepared their grievances might be redressed".⁹³ These burgh commissioners cannot be identified, although William Moor and Robert Dickson, representing Kintore and New Galloway respectively, supported Stair's compromise proposal.⁹⁴ There was certainly trouble at a meeting of a Convention of Burghs; James Rocheid, who had been deposed as town clerk of Edinburgh only two months previously by the King's order after pressure from Sir Andrew Ramsay, was appointed as clerk in defiance of the Lord Provost. According to Sir Patrick Moray, member for Selkirk and Tweeddale's correspondent, Ramsay was unable to carry a single vote. The Provost then withdrew, and the Convention simply elected someone in his place. According to Patrick Moray, Lauderdale,

had thocht in his usuall manner to have drug [?dragged] us from it but after yesterdays sitting in Parlament his [Grace] is come so low that wee are carest with all the humeletie wee could wisch....⁹⁵

This account was undoubtedly exaggerated, but it is true that James Rocheid was reinstated as town clerk in Edinburgh at the end of November.⁹⁶ About the burgh estate in general, however, it is difficult to say very much. It is possible that, in addition to Sir Patrick Moray, Robert Petrie, Provost of Aberdeen, George Forrester, Provost of Dundee, and William Anderson, Provost of Glasgow, all took part in the opposition. This is suggested by the fact that they were among those penalised by the Privy Council for a defiant letter sent to the King from the Convention of Royal Burghs in August 1674; but it cannot be stated with certainty that they joined with the opposition in Parliament.⁹⁷ As for those who sided with the Commissioner, possibly four can be identified: Ramsay, his son (presumably), Robert Milne, Provost of Linlithgow,⁹⁸ and Patrick Thriepland, Provost of Perth, who dissented from the above letter in 1674. In fact, Parliament seems to have been split along lines which cut across estates.

The impression gained from the sources cited is that government members or associates, such as Kincardine, Atholl, Argyll and Dalrymple of Stair, engaged in debate with the more numerous opposition leaders, with the bulk of the Parliament watching in anticipatory silence.

The problem for the opposition after the first day was to keep up the momentum. In the days following the initial adjournment, Lauderdale held a meeting with representatives from each of the estates, including Hamilton and Queensberry, and here he offered to repeal the three monopolies of salt, brandy and tobacco (held by Kincardine, John, Lord Elphinstone and Sir John Nicolson, each of whom sat in Parliament). This chapter is not concerned with the validity of individual grievances, but it is clear that these monopolies were very unpopular. As late as August the Exchequer itself had written to the King about the discontent caused by Kincardine's salt monopoly.⁹⁹ When Parliament reconvened on 17 November, Lauderdale simply stood up, remitted consideration of the monopolies to the Articles, signified his willingness to hear grievances articulated in a legal and orderly manner, and adjourned the session. This masterly stroke caught the opposition, who were apparently sitting with speeches prepared, by surprise; as the Commissioner finished speaking, Hamilton attempted to interrupt, but was coolly informed that Parliament was adjourned.¹⁰⁰ Writing to the Duchess of Hamilton that day, he remarked,

I hope this shall not prevent what wee intend of redres to the country & I wish it do not occasion greater questions to secur the litle priviledges of Parliament is left us....¹⁰¹

In fact, more serious for the noble leaders of the opposition was a display of loyalty to Lauderdale by (at least some of) the Royal Burghs; a delegation was sent from their Convention to the Commissioner to thank him for his willingness to deal with the monopolies, and he was asked to represent their sense of gratitude to the King. The latter ordered Lauderdale to thank the burghs in return, and stressed, "I know you will omit nothing whereby you may keep the burroughs right to me."¹⁰² Once again, it is not clear who instigated this, nor how widespread the sentiment was: unfortunately, the records of the Convention make no mention of the address sent to the King. However, it is clear that

Lauderdale and his master were aware of the importance of the burgh estate in Parliament, even if historians have not always been.

Lauderdale's decision to concentrate on the three monopolies thus represented an attempt to 'divide-and-rule' in a way similar to that practiced in earlier sessions, but it did not prevent continuing attacks from the opposition. When Parliament next met, on 24 November, the stalemate simply continued, with a complaint raised by Queensberry against John Paterson, Dean of St Giles' cathedral in Edinburgh, who was accused of criticising the opposition in a sermon; this was remitted to the consideration of the bishops. On the following day, Lauderdale had to fight off an attack on Sir Andrew Ramsay. The Earl of Eglinton gave in a paper drawn up by some of Ramsay's enemies within Edinburgh, accusing him of arbitrary and corrupt practices. This can be regarded as an attempt to win over the burghs, and it highlights the cross-estate collaboration which was necessary if the opposition was to be successful. The Commissioner argued that the House should first pass an act relating to the salt industry: this was agreed to, but only on the condition that Parliament would then return to the accusations against Ramsay. After the salt act passed, there were renewed arguments about the accusations, with Kincardine, Lauderdale, Stair and Sir Peter Wedderburn of Gosford (member for Haddington constabulary) stating that such serious allegations would have to be subscribed; they were countered by Mackenzie of Rosehaugh who claimed that the Lord Advocate, on Parliament's request, should draw up an indictment. With stalemate once again reached, Argyll moved that the allegations be considered in the Articles, which was agreed; Lauderdale then adjourned the meeting.¹⁰³

There is no doubt that Lauderdale had been pushed on to the defensive, and over the next week, the opposition prepared to widen their attack; in particular, they concentrated on the packing of the Court of Session with men who lacked legal expertise, and on abuses in the Mint, of which Charles Maitland of Hatton was Master. It seems that they also intended returning to Paterson's sermon and the accusations against Ramsay, although on the 28th the latter matter was remitted by the Articles to the ordinary courts. In addition, according to Mackenzie, there was to be an attempt to establish more freedom of conscience for dissenters, and the acts which had antagonized the burghs and the advocates were to be repealed; this account is borne out by Sir Francis Scott of Thirlestane in a letter to Lord

Yester, Tweeddale's son, and by an unpublished list of grievances apparently drawn up for Hamilton. When Parliament reconvened, Lauderdale, quite understandably, refused to allow discussion of these potentially damaging matters, although Hamilton and Dumfries did manage to raise the issues of the Court of Session and the Mint. On 1-2 December, acts relating to brandy and tobacco (as well as another 'Act concerning Apparrell') were passed, and the session was adjourned yet again, to 28 January 1674.¹⁰⁴

This long adjournment signified awareness on the Commissioner's part that the problem was not simply going to disappear. In fact, there had been no less than six adjournments in just under three weeks. The opposition had attempted to mount a full-scale attack on Lauderdale's administration; by concentrating on the grievances mentioned above, they had hoped to galvanise support. This was not entirely successful, not least because the government was itself well represented in Parliament, but the Commissioner had certainly been knocked out of his stride. As a result, he was willing to sacrifice Sir Andrew Ramsay, who was forced to resign as Provost of Edinburgh, although he would not allow the Parliament to impeach him.¹⁰⁵ Taken together, the grievances raised constituted an attack on many important aspects of the government and its policies. Similar grievances were restated in the pamphlet attributed to James Stewart of Goodtrees, and can also be found in various unpublished lists and descriptive accounts, including one by Mackenzie of Rosehaugh, written at some point in 1674, which must have circulated informally among the disaffected.¹⁰⁶ As such, it seems a little strange that one historian has recently claimed that the opposition had nothing to do with the policies of the government.¹⁰⁷ The opposition had everything to do with the policies of the government.

However, the same writer is correct to identify Lauderdale's own behaviour as a source of discontent. And in this sense, there was a wider issue at stake. By concentrating on the packing of the Court of Session, and (in the pamphlet and papers mentioned above) on the concentration of offices in the hands of a few allies of the Commissioner, the opposition was drawing critical attention to the trend in government apparent since the Restoration - the domination by a single minister at Court and his allies in Edinburgh. The exclusivity of this manner of government had become particularly apparent since 1667, and this issue above all else motivated grandees like Hamilton, Tweeddale and Queensberry. The only writer to

have considered the opposition in detail follows an older view, concluding that, "There was no disguising the fact that the demonstration in the Scottish Parliament in November 1673 was 'not more than an intrigue against the Commissioner'".¹⁰⁸ It is true that self-interest played an important part in this opposition. Yet Hamilton had expressed his concerns about the role of Parliament as early as 1661;¹⁰⁹ his attitudes seem to be contradictory, but perhaps he simply epitomized a 'conservative' viewpoint - concerned about radicalism from below and unfettered royal authority, or its abuse by favourites, in almost equal measures. Such 'conservatives' must surely have been influenced by the prominence of Parliament during the 1640s. These men used Parliament in an attempt to break Lauderdale's stranglehold on government. At this level, therefore, the opposition was a reaction to the developing system of 'ministerial' government, which entailed a monopoly of offices and influence by one faction.

These men had fairly limited or 'conservative' aims. However, the opposition was conservative in another important way. Those who opposed Lauderdale were unwilling to act in an illegal way; thus, the Commissioner could simply adjourn, or dissolve, Parliament if the opposition became too serious. Of course, the advantage to the government inherent in the constitutional machinery could only be effective if the elites acquiesced. This had been proven by the events of 1638-41. The opposition in the 1670s was fatally compromised by its own unwillingness to disrupt the alliance between Crown and elites which had underpinned the Restoration settlement. They could not afford to rock the boat too passionately, especially with the perceived threat from 'extremist' presbyterians spreading through the hills of central Scotland. Such 'conservatism' was an important limiting factor. However, this should not obscure the fact that almost everyone involved seems to have believed that Parliament should have a stronger role as a forum for the expression of the kingdom's ills. Moreover, in Sir Patrick Home of Polwarth (and no doubt in others for whom we have no direct evidence), there are signs of more radical opinions. It is surely not coincidental that Polwarth, after a period in prison from 1675, ultimately became an exile and returned with William in 1688. Sir Francis Scott of Thirlestane refers to the opposition leaders, especially Hamilton and Tweeddale who rushed to London after the adjournment of 2 December, as 'patriots' and 'parliament men'.¹¹⁰ Paradoxically, therefore, the opposition of 1673 is noteworthy both for its conservative nature, which was the prime reason for its

failure, and also for the hints that Parliament might re-emerge as a political force limiting the government, which it did in 1689-90.

The problems for Lauderdale were far from over; indeed, the four months following the adjournment in December were possibly the worst of his career to that point. Hamilton, Tweeddale, Harper of Cambusnethan, and William Drummond of Cromlix (shire commissioner for Perth) travelled to London to challenge Lauderdale to the King's face, although throughout December Charles continued to express his gratitude and trust in the Commissioner. According to Home of Polwarth, most of the country supported the disaffected Lords.¹¹¹ Hamilton and Tweeddale presented their case, which was based on the grievances which had been aired in Parliament, to the King and James, Duke of York; unsurprisingly perhaps, accounts differ as to how they were received. Tweeddale attempted to justify his behaviour with detailed accounts of how badly he had been treated (his son, Lord Yester, had already been preparing the ground).¹¹² The situation appeared to be worsening for Lauderdale as the English House of Commons attacked him as part of a wider assault on Charles's government, fuelled by growing hostility to the war and near-hysteria about James's catholicism. In January the Commons made an address calling for Lauderdale's removal, and Kincardine, the Commissioner's eyes and ears next to the King while he was in Scotland, appeared before a Commons committee, although quite justifiably he refused to answer questions relating to Scottish affairs. The Commissioner had every reason to be worried. Charles had been willing to sacrifice the Duke of Buckingham, who had also been attacked by the Commons. The slightest suggestion of favour being shown to Hamilton and the others ensured panicky letters from Kincardine. As it happened, however, the King continued to support his faithful servant.¹¹³

In Scotland the 'party', as Lauderdale and his correspondents labelled the opposition, worked feverishly in preparation for the next meeting of Parliament. Sir Francis Scott wrote on 6 January,

My Lord Dunfermline was imploy'd to goe and practice on the burroughs of fyfe but came no speed, only secured on Gedde of St. Andrews which we wer not sure of and Kinghorne was imploy'd for angus but my Ld Southeske

& others will make him signifye little there. besydes we mett at Ed before cristianmisse and having examined the rols after ther example we took such means and lay'd doune wayes not only to secure but procure to the King and contries partie....¹¹⁴

As well as providing another indication of the importance of the burgh estate, this highlights the determination of the opposition to continue the attack on Lauderdale. Home of Polwarth was certain that Parliament would stand its ground. At the same time, events in England were observed closely, and rumours and wild stories of changes at the top swept through Edinburgh's taverns and filtered into the country. A meeting of the Royal Burghs appears to have achieved nothing other than an acrimonious debate about who should preside, with a clear division between 'party men' and others (who did not necessarily support Lauderdale); Sir Patrick Moray travelled to London apparently to add burgh grievances to those expressed by the grandees at Court. In Scotland, the Commissioner was behaving in an increasingly brutal manner. Letters were broken open (although there had been complaints about this throughout 1673), servants were seized, and perhaps most worryingly, troops were ordered to quarters around the town of Edinburgh; there seems no reason to doubt the widespread belief that this was intended to frighten members of Parliament. At the same time, however, by the end of January, Lauderdale had come to the conclusion that it would be folly to allow Parliament to sit, and that it should be adjourned until late in the year. He also planned to purge the Council, in order to isolate Hamilton.¹¹⁵

Towards the end of February, Hamilton returned home, having made little headway at Court. On the 24th, the King had prorogued the English Parliament, exasperated at the continuing bellicosity of its demands. The Scottish Parliament actually appears to have met once more, on 3 March, but was simply informed of another adjournment until 14 October, a move which seems to have been unexpected.¹¹⁶ The opposition certainly did not intend to give up, but Lauderdale had struck a severe blow by, quite simply, denying them a national and public forum to renew their attack.¹¹⁷ The King had indicated that he was going to stick by his Commissioner, and, for the moment, there was very little anyone could do.

The emergence of an opposition in Parliament had, however, presented a serious problem for Lauderdale. In the years that followed, he did not call another, although he was obliged to call a Convention of Estates in 1678, causing what was essentially a general election campaign between the two sides. What is clear from this chapter is that Parliament during these years was unruly and problematic for the government. It is fortunate for Lauderdale that the elites as a whole were not able to unite for any length of time, although from 1674 there was a core of opposition which remained consistent. During these later years, discussed elsewhere, the administration became more aggressive and exclusive. By refusing to call a Parliament, Lauderdale forced the opposition leaders to cause trouble in the Privy Council and at Court; the pressure at the latter, especially in 1678-9, was possibly even more harmful to Lauderdale in the long term. Yet it is not difficult to guess what would have happened if Parliament had reconvened. A famous remark by Lauderdale in a letter to the King summarized his attitude:

You shall find me readier then all your enemies to rid you of the trouble of Scots Parliaments, which I swear are now useles at the best....¹¹⁸

However, by this remark, he did not mean that they served no purpose, but that they would not do as they were told. That is to say, for the government, they were more trouble than they were worth.

Conclusion

This chapter has revealed that relations between the government and the Scottish Parliament were often tense, despite the continuing loyalty to the Crown, which appears to have remained pervasive (although the patience of presbyterian dissenters outwith Parliament was being sorely tested). In order to achieve its aims, particularly in relation to taxation, the government had to offer concessions and, perhaps more importantly, played off different interest groups and estates. Thus, management emerges as the most significant feature of the meetings of the Estates during these years, rather than reliance on the crude mechanisms of control re-established in the first Restoration Parliament. This should not be regarded as

surprising, because, as noted earlier, this was a reality of seventeenth-century government. After 1673, when Lauderdale attempted to govern simply by brute force, the opposition of growing numbers of the elites, deprived of a forum to express their grievances, ultimately made his position more precarious.

It is clear that Parliament was regarded as a forum for the elites, with an important role to play in national affairs. The display of opposition to the union proposal in 1669-70, even from within the government, would seem to provide proof of this. Similarly, the opposition which emerged chose Parliament to launch the first serious challenge against the Commissioner in 1673. Again, it must be stressed that this should not be taken to imply a desire for a permanent, institutionalised check on the executive. Rather, the Parliament existed to ensure a consensual approach to government; this had been the basis of the Restoration settlement, which was predicated on an alliance between Crown and elites. However, the trend in government had in fact been precisely the opposite. Lauderdale's administration can be regarded as the ministry of a favoured politician. Its exclusivity tended to antagonise many influential people. Thus, the opposition of 1673 can be characterised as a 'conservative' reaction against this trend, although it is difficult to determine what alternative was envisaged, if any. This is not the whole story, because others within Parliament, notably among the burghs, had their own grievances. The 1673 session, therefore, witnessed the breakdown of the management techniques employed in previous sessions. However, Lauderdale was able to rely on the Crown's prerogative powers and, more importantly, the continuation of the King's favour, because the opposition, despite everything, remained loyal to their prince. The Parliament had, however, provided a stark reminder that the Crown could take nothing for granted.

References

¹. See chapter 1, p. 16.

². Macinnes, 'The Scottish constitution', passim; J. Young, 'The Scottish Parliament and national identity from the union of the Crowns to the union of the Parliaments, 1603-1707' (unpublished paper, Association of Scottish Historical Studies conference proceedings, 1994).

³. J. Goodare, 'The nobility and the absolutist state in Scotland, 1584-1638' (*History*, vol. 78, No. 253, June 1993), p. 173.

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- ⁴. Brown, *Kingdom or province?*, pp. 13-20.
- ⁵. *Ibid.*, pp. 170-80; I. Cowan, 'The reluctant revolutionaries: Scotland in 1688', in E. Cruickshanks (ed), *By force or default? the revolution of 1688-9* (Edinburgh, 1989), pp. 65-77; B. Lenman, 'The Scottish nobility and the revolution of 1688-90', in R. Beddard (ed), *The revolutions of 1688* (Oxford, 1991), pp. 137-62. Remarkably, there is no basic, modern narrative study of James's reign and the events of 1688-90.
- ⁶. Donaldson, *Scotland: James V - James VII*, pp. 375-9.
- ⁷. *APS*, vii, pp. 526-47. For details about cess, see chapter 1, p. 28, f. 68.
- ⁸. BL Add Ms 23126/46.
- ⁹. Men like the Duke of Hamilton and Lord Drumlanrig, the future Earl of Queensberry, were given commissions in the royal army in 1666; see chapter 2, p. 63.
- ¹⁰. See chapter 3.
- ¹¹. NLS Ms 7023/16.
- ¹². BL Add Mss 23122/311-2, 326; 23123/3, 5; *LP*, i, pp. 210-3, 216; NLS Ms 2512/68. For details about the debt owed to the Hamilton family, see chapter 3, p. 116, f. 55. For attempts to collect the fines imposed in 1662, see chapter 4, p. 162.
- ¹³. See chapter 4.
- ¹⁴. *LP*, i, pp. 216-8.
- ¹⁵. BL Add Mss 23122/311-2; 23123/38, 126, 131, 134-5; *LP*, i, pp. 225-7; SRO GD 90/2/260, Instructions to Rothes, 14 July 1665; *APS*, vii, p. 535.
- ¹⁶. *APS*, vii, pp. 526-30; BL Add Ms 23123/152; *RCRB*, 1615-1676, p. 584. It is not clear why the Commissioner's offer was not taken up.
- ¹⁷. BL Add Mss 23125/114; 23126/14; NLS Ms 25382/8-11, 20-2; *LP*, i, p. 262; SRO GD 90/2/260, Letter to President and Lords of Session, 27 December 1667; *APS*, vii, pp. 539-40. For the problems with the 1665 taxation, see chapter 3, pp. 115-6.
- ¹⁸. BL Add Ms 23126/24-5, 27-8; *LP*, i, p. 270.
- ¹⁹. BL Add Ms 23126/46, 51, 81; *LP*, i, pp. 271-3; *APS*, vii, pp. 546-7. For the 1661 creditor and debtor act, see chapter 1, p. 27.
- ²⁰. *APS*, vii, pp. 542-7; BL Add Ms 23126/92; *LP*, i, p. 277. For the problems associated with quartering of soldiers, see chapter 4.

²¹. M. Lee Jnr, *The Cabal* (Urbana, 1965), pp. 28-69.

²². J. Patrick, 'The origins of the opposition', pp. 7-11.

²³. Buckroyd, *Church and state*, pp. 81-9.

²⁴. In this context, I will cite the sources rather than the secondary work. The exception will be the material which forms the basis of J. Buckroyd's views on the Act of Supremacy; I do not differ significantly with these views about the origins of the act, but I do not share the opinion - also expressed less markedly by M. Lee - that it was the most significant legislation of the session.

²⁵. BL Add Ms 23132/93; NLS, Ms 14488/79-80; *SHS, Miscellany*, vi, pp. 220-1.

²⁶. It is not the intention in this chapter to discuss these policies; see chapters 3 and 4.

²⁷. *APS*, vii, pp. 551-2; Lee, *The Cabal*, pp. 54-5.

²⁸. See chapter 3, p. 112.

²⁹. BL Add Mss 23128/50-1, 56, 76, 89, 181-4; NLS Mss 7023/76, 90, 91, 100, 104, 112, 115; 7024/47-8, 61, 62, 72; *SHS, Miscellany*, vi, p. 141; *LP*, ii, pp. 75-6.

³⁰. Burnet claimed that Tweeddale moved the union proposal, *History*, i, p. 505. This is possible, but there is no substantiating evidence.

³¹. Lee, *The Cabal*, pp. 45-50. For more detail on the negotiations, see E. Hughes, 'The negotiations for a commercial union between England and Scotland in 1668' (*SHR*, xxiv, October 1926), pp. 30-47.

³². NLS Mss 7023/117, 118; 7024/88; BL Add Ms 23128/282, 301, 311-2; *SHS, Miscellany*, vi, pp. 148, 153.

³³. NLS Ms 7023/142, 144; BL Add Ms 23129/39, 41, 71-2; *SHS, Miscellany*, vi, 158-9. M. Lee felt that the failure to bribe Downing was further evidence that Lauderdale was not serious about the trade negotiations, an unsatisfactory inference, see *The Cabal*, p. 48.

³⁴. BL Add Ms 23129/15, 71, 75, 182; NLS Ms 7023/171, 176; *RCRB*, 1615-1676, pp. 598-614, 675-688. The staple was transferred to Dordrecht (Dort), although it returned to Campvere a few years later, *Ibid.*, pp. 629, 642, 645, 655-7, 667-671, 689-706.

³⁵. NLS Ms 7023/165.

³⁶. BL Add Ms 23130/18.

³⁷. BL Add Mss 23129/146; 23130/34, 46, 70; NLS Ms 7023/177, 203, 206, 210, 212; *LP*, ii, p. 119; *SHS, Miscellany*, vi, pp. 166-8, 170, 175; Lee, *The Cabal*, pp. 48-9.

- ³⁸. NLS Ms 7024/124, 133, 135; BL Add Ms 23131/16-7, 36, 42; *SHS, Miscellany*, vi, p. 180.
- ³⁹. NLS Ms 7024/166, 167, 173; *LP*, ii, pp. 130, 133; *SHS, Miscellany*, vi, pp. 213-4; Mackenzie, *Memoirs*, pp. 137-40.
- ⁴⁰. NLS Ms 7024/178.
- ⁴¹. *APS*, vii, pp. 551-2; BL Add Ms 23132/121; *LP*, ii, p. 142; NLS Ms 7024/182; Mackenzie, *Memoirs*, pp. 142-3; *SHS, Miscellany*, vi, p. 225. For the method of electing the Articles devised in 1663, see chapter 1, pp. 36-7.
- ⁴². *APS*, vii, p. 552. In addition to biographical material drawn from *Scots Peerage* and *The Parliaments of Scotland: burgh and shire commissioners*, and parliamentary rolls in *APS*, see *RPCS*, iii, p. 346 (Douglas's appointment to the Council) and *SHS, Miscellany*, vi, p. 194 (Collectors of the customs). Officers of state were also to sit on the Articles. The two shire representatives who were Collectors of the Customs were Sir James Hay of Linplum and Sir Archibald Murray of Blackbarony; the latter, along with Patrick Moray, were described by Mackenzie of Rosehaugh as Tweeddale's 'creatures', see *Memoirs*, p. 187. See also chapter 3.
- ⁴³. SRO GD 406/2/640/3 'Memorandum [by Hamilton] of some passages past in Parliament begune 28 July 1670' [hereafter, 'Memorandum...1670']. This memorandum written by the Duke of Hamilton is accompanied by a similar one describing events in the 1669 session [also, GD 406/2/640/3]. I will refer to this latter document as 'Memorandum...1669'.
- ⁴⁴. *APS*, viii, p. 57. Three of the lay replacements were Privy Councillors; the fourth - Sir James Foulis of Colington - was a Lord of Session, and was appointed to the Council in 1674.
- ⁴⁵. *APS*, viii, pp. 548-550. Biographical material is again drawn from *Scots Peerage* and *The Parliaments of Scotland*, in addition to parliamentary rolls contained in *APS*.
- ⁴⁶. Once again, it should be remembered that parliamentary rolls were not always reliable.
- ⁴⁷. *APS*, vii, pp. 552-3, appendix, 106-7; *SHS, Miscellany*, vi, pp. 223-5; SRO 'Memorandum...1669'; *LP*, ii, pp. 143-5; Mackenzie, *Memoirs*, pp. 143-9.
- ⁴⁸. Mackenzie, *Memoirs*, pp. 150-4. Another copy of his speech can be found in BL Add Ms 23132/125-6.
- ⁴⁹. *LP*, ii, pp. 147-50, 154-163; NLS Ms 7024/186, 188; BL Add Ms 23132/150-1, 152, 158, 159.
- ⁵⁰. *APS*, vii, p. 559; BL Add Ms 23132/167, 187; NLS Ms 7024/195, 196; *LP*, ii, p. 169.
- ⁵¹. NLS Ms 7025/8.

⁵². *APS*, vii, p. 554. For Sharp's opposition, which stemmed from a belief that the act detracted from the authority of the episcopate - which it did - see *LP*, ii, pp. 151-4, 163; NLS Ms 7024/185; Mackenzie, *Memoirs*, pp. 159-60.

⁵³. Burnet, *History*, i, pp. 511-3, 518-9, 604. For evidence that conspiracies about 'popish plotting' were not confined to England, see Sir James Stewart of Goodtrees (?), *An accompt of Scotlands grievances*, pp. 40-1; also, NLS, *Some farther matter of fact relating to the administration of affairs in Scotland under the Duke of Lauderdale. Humbly offered to His Majesties consideration, in obedience to his Royal Commands*, in L. C. Fol. 75, 'Broad-sides, Proclamations, 1638-1689'.

⁵⁴. Mackenzie, *Memoirs*, pp. 152-62. Tweeddale and Sir Archibald Primrose, Clerk-Register, are listed among Mackenzie's fanatics. The statements made by Mackenzie and Burnet about the Act of Supremacy are a good reminder of the limited usefulness of their commentaries.

⁵⁵. BL Add Ms 23129/288-9; NLS Ms 7024/160; *LP*, ii, p. 144. The working out of the details of the Act of Supremacy, and the opposition to the indulgence, are described by J. Buckroyd, see f. 23 above.

⁵⁶. *APS*, vii, pp. 554-5; *LP*, ii, pp. 140-1, 150-1; Mackenzie, *Memoirs*, 165-7; NLS Ms 7024/190.

⁵⁷. J. Patrick provides most of the details, see f. 22 above.

⁵⁸. *APS*, vii, p. 561; BL Add Ms 23132/170.

⁵⁹. *APS*, vii, pp. 563-5, appendix, 107-9; BL Add Ms 23132/158; *LP*, ii, p. 164, 173; NLS Ms 7024/186, 190, 192-3; SRO 'Memorandum... 1669'; Mackenzie, *Memoirs*, pp. 167-72.

⁶⁰. *APS*, vii, 556-7; NLS Ms 7024/171, 185, 186, 190, 195.

⁶¹. NLS Mss 7004/91; 7025/6, 8; BL Add Ms 23134/40; *LP*, ii, pp. 183-7; Buckroyd, *Church and state*, pp. 89-92; Hutton, *Charles II*, p. 270; Seaward, *The Restoration*, p. 52; Jones, *Charles II*, pp. 83-5. For the continuing military activities against dissenters, see chapter 4.

⁶². *APS*, viii, p. 9; NLS Ms 7025/19, 20; Mackenzie, *Memoirs*, pp. 188-90.

⁶³. *APS*, viii, pp. 8-12; Burnet, *History*, i, p. 523-4; BL Add Ms 23134/96. J. Buckroyd seems to follow Mackenzie of Rosehaugh with her argument that the legislation was not in fact intended to be serious; her argument is that the government was still intent on pursuing its policy of 'conciliation'. However, in chapter 4, I have questioned the widespread view that 'conciliation' represented the mainstay of policy after 1667, and argued that the experimental policy of granting limited indulgence to peaceful dissenters was secondary to the main policy, which was continued military preparedness - and, indeed, continued military operations against dissenters. Buckroyd is certainly correct when she asserts that the acts were politically motivated; but only in the sense that more or less every government action since the Restoration was politically motivated. If such drastic pieces of legislation were intended only as warnings, was this not serious enough? See *Church and state*, pp. 91-100; Mackenzie, *Memoirs*, p. 192.

⁶⁴. NLS Mss 7023/233, 235; 7025/10, 13, 17; BL Add Ms 23133/54; Lee, *The Cabal*, p. 64.

⁶⁵. *APS*, viii, pp. 6-7; NLS Mss 7004/91, 151, 168a; 7025/24, 25, 26; SRO GD 406/1/2703. For the Commissioners, see C. S. Terry (ed), *The Cromwellian union, 1651-2* (Edinburgh, 1902), appendix 1, pp. 188-9. Lauderdale had, in fact, hinted as early as 13 July 1669 that he desired to keep Hamilton out of the Commission for negotiating any treaty, *SHS, Miscellany*, vi, p. 213.

⁶⁶. For the formal proceedings of the Commissioners, see *The Cromwellian Union*, appendix 1, pp. 188-207; *SHS, Miscellany*, vi, pp. 228-238; Mackenzie, *Memoirs*, pp. 193-211. See also correspondence cited below.

⁶⁷. NLS Mss 7004/151, 161; 7023/246. Burnet also claimed that the negotiations were never in earnest, although for different reasons, *History*, i, p. 511.

⁶⁸. W. Ferguson, *Scotland's relations with England: a survey to 1707* (Edinburgh, 1977), pp. 156-7. The Scottish Parliament met after the conclusion of the secret Treaty of Dover.

⁶⁹. NLS Ms 7023/248. In September, Lauderdale was well aware of the difficulties presented by the issue of reducing the Parliaments to one, *SHS, Miscellany*, vi, p. 233. Tweeddale confirms the view that this was a genuine problem, NLS Ms 7025/31.

⁷⁰. BL Add Ms 23134/88, 101; *APS*, viii, p. 8, appendix, p. 3; SRO 'Memorandum...1670'; Mackenzie, *Memoirs*, pp. 190-3; NLS Ms 7025/20.

⁷¹. SRO 'Memorandum...1669'; Mackenzie, *Memoirs*, p. 172.

⁷². See Patrick, 'The origins of the opposition', pp. 12-21; Donaldson, *Scotland: James V - James VII*, pp. 377-9; Hutton, *Charles II*, pp. 309-11.

⁷³. BL Add Ms 23135/168-9, 175; *LP*, ii, pp. 223-4; Mackenzie, *Memoirs*, p. 219; *APS*, viii, p. 57.

- ⁷⁴. For diplomatic background to the alliance with France, and the outbreak of war, see Jones, *Charles II*, pp. 86-98; Hutton, *Charles II*, pp. 263-92. For Parliament's response to the King's letter, *APS*, viii, p. 58.
- ⁷⁵. *RPCS*, iii, pp. 317-9; BL Add Ms 23135/17; NLS Ms 7023/266, 271.
- ⁷⁶. *APS*, viii, pp. 58-9, 71-3, 89, Appendix, pp. 12, 16, 19, 25. Neither Mackenzie nor Burnet mention these acts, and correspondence is oddly lacking for these months.
- ⁷⁷. Mackenzie, *Memoirs*, pp. 227-34; *APS*, viii, p. 62; Burnet, *History*, i, pp. 601-2.
- ⁷⁸. *LP*, ii, p. 228; NLS Ms 25382/39-43.
- ⁷⁹. *APS*, viii, pp. 63-4.
- ⁸⁰. Lauderdale muniments, Thirlestane Castle, bundle 65/15, Lauderdale to Charles Maitland, 30 November 1675.
- ⁸¹. *RCRB*, 1615-1676, pp. 549-52, 572-7, 614-5, 617-8, 623, 626, 631-3.
- ⁸². Mackenzie, *Memoirs*, pp. 221-2, 226-7; *APS*, viii, 93-4; *RCRB*, 1615-1676, pp. 640-1. The controversy between the Royal Burghs and the burghs of regality and barony continued into the next century, see T. Pagan, *The Convention of the Royal Burghs of Scotland* (Glasgow, 1926), pp. 132-44. For discussion of the letter sent to the King in August 1674, see chapter 6.
- ⁸³. Mackenzie, *Memoirs*, pp. 246-50; *Extracts from the records of the burgh of Edinburgh, 1665-1680*, pp. xvi-xviii, 130-142, 154-9; BL Add Ms 23135/207, 232, 234-5, 248, 286; NLS Ms 7034/25; *RPCS*, iii, pp. 604-5; iv, pp. 4-5, 103-4; *RCRB*, 1615-1676, pp. 634-5. The conflict over the elections in Edinburgh was undoubtedly rooted in internal factional disputes, but the Provost's influence with the burgh estate as a whole gives the episode extra significance. Unfortunately, burgh politics is another of the unstudied areas of Restoration Scotland.
- ⁸⁴. For this episode, see the idiosyncratic article by J. M. Simpson, 'The Advocates as Scottish Trade Union Pioneers', in G. W. S. Barrow (ed), *The Scottish tradition: essays in honour of Ronald Gordon Cant* (Edinburgh, 1974), pp. 169-71; Mackenzie, *Memoirs*, pp. 213-7, 234-8; *APS*, viii, pp. 80-8. For additional material, see BL Add Mss 23132/80; 23133/20, 24; 23134/143, 168, 172; NLS Mss 7004/58, 83, 85, 91, 109, 121, 171; 7025/20, 35, 41, 71.
- ⁸⁵. Mackenzie, *Memoirs*, pp. 148, 169-70, 230-1; Burnet, *History*, i, pp. 518, 522-3, 604-5; SRO 'Memorandum...1669' and 'Memorandum...1670'; *APS*, viii, pp. 63, 67.
- ⁸⁶. NLS Ms 7025/112. For discussion of Lauderdale's relations with Tweeddale and Hamilton, see chapter 2.
- ⁸⁷. See chapter 2.

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- ⁸⁸. Jones, *Charles II*, pp. 71-85, 96-111; Hutton, *Charles II*, pp. 239-40, 250-3, 256-7, 269-70, 275-6, 284-5, 295-302, 306-9, 311-3.
- ⁸⁹. NLS Ms 7025/113, 114, 115, 118. For the treatment of the former Collectors, see chapter 3, pp. 128-9, 135.
- ⁹⁰. Patrick, 'The origins of the opposition', pp. 20-1.
- ⁹¹. *Ibid.*, p. 20; Hutton, *Charles II*, p. 311.
- ⁹². NLS Mss 7006/66; 7034/31-2; *LP*, ii, pp. 241-3; BL Add Ms 23136/16; *APS*, viii, p. 210. appendix, p. 27; Mackenzie, *Memoirs*, pp. 254-7.
- ⁹³. BL Add Ms 23136/20.
- ⁹⁴. NLS Ms 7034/31.
- ⁹⁵. NLS Ms 7006/64, 66. For James Rocheid's dismissal, see references at f. 83 above.
- ⁹⁶. *Extracts from the records of the burgh of Edinburgh, 1665-1680*, pp. 164-5.
- ⁹⁷. For this episode, see chapter 6. NLS Ms 25382/47-8 also suggests that Robert Petrie was involved with the opposition.
- ⁹⁸. NLS Ms 7034/32.
- ⁹⁹. *LP*, ii, pp. 243-4; NLS Mss 7006/66; 7034/21, 24; Mackenzie, *Memoirs*, pp. 241-6, 257-9. Kincardine's salt monopoly had grown out of an earlier scheme for royal management of the sale of salt in Scotland. This kind of private gain undoubtedly fuelled perceptions of mismanagement and embezzlement of the King's revenue, see chapter 3, pp. 135-6.
- ¹⁰⁰. *LP*, ii, pp. 245-6; BL Add Ms 23136/20, 24; SRO GD 406/1/8010.
- ¹⁰¹. SRO GD 406/1/8010.
- ¹⁰². NLS Ms 7034/48; BL Add Ms 23136/28; *LP*, iii, p. 2.
- ¹⁰³. *APS*, viii, p. 211, appendix, pp. 28-30; SRO GD 406/1/2690, 2691; NLS Ms 7034/33, 41-7; Mackenzie, *Memoirs*, pp. 260-2.
- ¹⁰⁴. BL Add Ms 23136/31, 35, 37; *LP*, ii, pp. 3-4; Mackenzie, *Memoirs*, p. 260; NLS Ms 7006/68; SRO GD 406/1/6028; 406/2/640/5; *APS*, viii, pp. 211-2, appendix, p. 30.
- ¹⁰⁵. *Extracts from the records of the burgh of Edinburgh, 1665-1680*, p. 165.

¹⁰⁶. Stewart of Goodtrees (?), *An accompt of Scotlands grievances*; SRO GD 406/2/635/3, 16; GD 406/2/640/4, 5; NLS Mss 7034/65-6, 68-9; 9375. Mackenzie of Rosehaugh's account of grievances is SRO GD 406/2/635/16. There are two papers attributed to Rosehaugh at this reference, which are not in his handwriting; however, copies of these papers, which are in his hand, can be found at GD 406/2/635/13, 17.

¹⁰⁷. Hutton, *Charles II*, p. 309.

¹⁰⁸. J. Patrick, 'The origins of the opposition', p. 21.

¹⁰⁹. See chapter 1, p. 22.

¹¹⁰. *The Parliaments of Scotland: burgh and shire commissioners*, i, p. 353; NLS Ms 7006/72.

¹¹¹. BL Add Ms 23136/35-6, 46, 49-50; *LP*, iii, pp. 13-4; SRO GD 406/1/2772/1; NLS Ms 7006/63.

¹¹². *LP*, iii, pp. 6-8, 18-9; SRO GD 406/1/2773, 2777; Mackenzie, *Memoirs*, pp. 263-71; NLS Mss 7006/72, 78, 7025/122, 127.

¹¹³. Hutton, *Charles II*, pp. 313-8; *LP*, iii, pp. 23, 26-8, 31-2, 71; BL Add Ms 23136/74-5, 76, 78, 91; SRO GD 406/1/2679.

¹¹⁴. NLS Ms 7006/72.

¹¹⁵. NLS Mss 7006/78-9, 80, 83, 92; 25382/47-8, 55, 57-63; SRO GD 406/1/2778, 2781, 2782; *LP*, iii, p. 74. For the reconstitution of the Council, see chapter 2, p. 79. See also chapter 6.

¹¹⁶. SRO GD 406/1/2679, 2680, 2786; BL Add Ms 23136/101, 115; *APS*, viii, appendix, p. 31.

¹¹⁷. NLS Ms 7006/99, 111; SRO GD 406/1/2788, 2791.

¹¹⁸. *LP*, iii, p. 36.

Chapter 6

'Rule by the strong hand': the final years of Lauderdale's administration,

1674-81.

Introduction

This final chapter explores the extraordinary events of the last few years of Lauderdale's grip on political power in Scotland. These years were marked by two increasingly related trends. Firstly, the apparently ceaseless spread of militant non-conformity, with armed conventicles taking place in the south-west, central areas around Stirling, Fife and in the borders, led to ever more repressive, and futile, measures on the part of the government. At the same time, the 'elite' opposition¹ to Lauderdale, which emerged at the 1673 Parliament, grew in strength and attempted to use the disorders in the kingdom to discredit Lauderdale's government in the eyes of the King. By 1678, therefore, the two strands of opposition had crossed paths, although nobles like Hamilton remained keen to distance themselves from the violent resistance of 'fanatics'. Secondly, the government itself maintained an uncompromising hard-line attitude towards all opposition. This represented the common element in just about all of the disorders of these years. We can see this not only in the arguments with the elite opposition, and in the almost continuous military activities against dissenters, but also in the conflicts with the Faculty of Advocates and the Convention of Royal Burghs in 1674-5, events whose significance has been under-rated. As such, it can surely be contended that the multifarious problems facing an unpopular and exclusive government were attributable to its own aggressive policies.

However, one of the themes of this chapter is that the political problems were not simply about one faction desiring the removal of a deeply unpopular minister and his allies. Beneath the aristocratic rivalry and personality clashes, there was a deeper debate about the limitations of central government, indeed of royal authority. This should not be obscured by the fact that most of the government's opponents continued to stress their loyalty to the Crown - including the presbyterians who rebelled in June 1679. The debate about

government became most explicit in the first half of 1678, when the government's actions led to a sizeable number of noblemen and gentlemen travelling illegally to London to challenge Lauderdale and his methods of government at his weakest point, in front of the King. It was claimed that Charles's Secretary for Scotland had acted illegally in his attempts to impose a bond making heritors liable for the behaviour of their dependents and tenants, including the use of the military force known to posterity as the 'Highland host'. Thus, the argument was essentially about the boundary between legitimate and arbitrary government. This debate, which remained unresolved at the end of the period under consideration, was of particular significance given the events of James VII's reign a decade later.

The chapter ends with the decline of Lauderdale's influence, and considers briefly the role played by James, Duke of York, who was to succeed his brother as King in 1685. He arrived in Scotland late in 1679, a refugee from England's 'Exclusion crisis', and was welcomed by royalists in Scotland, particularly among the nobility. However, it is argued that this loyalism can be overstated. Many of the basic problems of Stuart rule in Scotland were unresolved, and there were plenty of hints of the trouble to come. In 1681, after Lauderdale had effectively departed the political scene, very little actually changed, although no individual replaced him immediately as sole minister for Scotland. Significantly, James demonstrated that he would rely on the military no less than the old Duke, who died in 1682. Government 'by the strong hand' did not die with him.

Years of crisis and stalemate, 1674-76

The year 1674 was extraordinarily turbulent for the Scottish government, largely because Lauderdale's opponents took every opportunity to challenge and embarrass the mighty Duke and his allies. The attempt by Hamilton, Tweeddale and others to win over the King in London after the adjournment of Parliament has already been discussed.² Furthermore, the stormy debates in the Privy Council have also been noted, eventually leading to the first purge of opponents by Lauderdale in June 1674. There were some token concessions to opposition demands, with a Council inquiry into the Mint, and the proclamation cancelling arrears of pre-Restoration taxes and outstanding fines, but the reconstitution of the Council

served notice that the government was in fact ready to pursue a hard-line approach to any challenges.³

This uncompromising attitude was apparent in February, when a dispute arose between the Lords of Session and a number of advocates over a suit involving the Earls of Dunfermline and Callendar (and the latter's son, Lord Almond, who succeeded his father around this time). After the Lords pronounced an interlocutor in favour of Dunfermline, Almond was advised, possibly by Sir George Lockhart, to appeal to Parliament, and in doing so he unleashed a political storm which was to last for almost two years. For Lauderdale, the appeal was a 'party' design; writing to the King at the beginning of February, he referred to it as insolent and dangerous, and as tending to "no les than the overthrow of your government & the disturbance off the people". He urged that Charles condemn any challenge to the sentences and decrees of the Lords of Session, who expressed their dislike of Almond's action in a separate letter. Charles dutifully upheld the authority of the Session, and an inquiry was held. Almond owned the appeal, and four advocates, including Lockhart and Mackenzie of Rosehaugh, refused to testify upon oath whether they did likewise, prompting another letter from the Session to the King at the end of the month. The Lords reported that another appeal had been given in by the Earl of Aboyne, and that the whole affair had established a dangerous precedent.⁴

Lauderdale's attitude can only be understood in the context of the emergence of a parliamentary opposition to his government. Callendar (formerly Almond) was married to the Duchess of Hamilton's cousin, while at least three of the advocates who had refused to testify upon oath were linked to the opposition. Sir George Lockhart was in correspondence with Tweeddale, who was still at Court, a fact of which the government was well aware. In addition, three of the four - Lockhart, Mackenzie, and Sir John Cunningham - also supplied advice to Hamilton over his legal right to the 1633 taxation, after the government's attempt to prohibit collection of these old dues. In April, Tweeddale was hoping to get Lockhart and Sir Robert Sinclair (who had also advised Hamilton about the taxation) called to London.⁵ Therefore, although the four gave in a paper wherein they denied that Almond had presented an appeal to Parliament, but only a protest for remedy of law, which they claimed was permissible, Lauderdale and his allies regarded the move as an attempt to assert an

appellate jurisdiction for Parliament over the Court of Session; it is obvious how such a move must have looked to the government, barely two months after the prorogation of the most turbulent parliamentary meeting since the 1640s, especially as the packing of the Session had been explicitly raised as a grievance.⁶ That the advocates had strong links with the opposition simply transformed suspicion into certainty.

When the King finally ordered action to be taken against the 'factious' advocates, it was part of a wider statement of an uncompromising stance by the government in the face of opponents apparently determined to ride the storm. Lauderdale returned to London in the second or third week of April, and it seems that he was intent on giving some direction to his government, while taking the wind out of the sails of the opposition. As early as 30 January, he had informed Kincardine (who was then in London) that, "I have written a full memoir of our disease & cure...the cure is easy & certain, let his majesty do as he pleases". In this 'memoir', he recommended purging the Council and further adjourning the Parliament; the opposition was to be sent home without being informed of these moves. According to Kincardine, the King had 'stuck at some particulars' and was speaking to the Duke of York about it.⁷ Charles might have been worried about the proposal to purge the Council, especially as Hamilton, Tweeddale and Lieutenant-General William Drummond, all Councillors, were still in London in February.

The catalyst for strong action by the government may well have been the attempt by Hamilton and others, on 6 May, to force the Privy Council in Edinburgh to inform the King officially about the disorders in the church; when this move failed, Hamilton sent the relevant papers to Tweeddale, and confidently remarked that he would be in London by June. He had been angling since the end of March for permission to return to Court to give his version of events; although he was initially refused, by the end of April (after Lauderdale's journey south) his petition had been successful, possibly through the mediation of either the Duke of York or the Earl of Arlington, a worrying development for Lauderdale.⁸ Whatever the reason for the King's initial reticence, by 18 May the Secretary had persuaded Charles to agree to his plans. This was the date contained in the new Council commission, and the following day orders were sent north for the dissolution of Parliament, for action to be taken against the advocates, and for a new set of measures to deal with

conventicles.⁹ Taken together, all of this was intended to re-establish the authority of the government at a stroke.

The letter of 19 May from the King to the Lords of Session prohibited any challenges to the sentences or decrees of the Session. Advocates were to acknowledge this in the oath taken at their entry to the bar. No action was to be taken against those who gave in the appeals, or against the four advocates if they now disowned the appeals; however, if the latter refused, they were to be debarred.¹⁰ This demonstrated that the King would not shy away from imposing tough penalties, while leaving the door open for a quick resolution of the problem. However, the persistence of the leading advocates ensured that the affair, ostensibly about legal jurisdiction, developed into yet another facet of the political crisis which plagued Lauderdale's government. The four claimed that they could not disown the appeals as this would be inconsistent with the advice they had given their clients; nor was there anything factious or contentious in their interpretation of the appeal as a protest for remedy of law. They also expressed scruples about the entry oath as defined in the King's letter. The Lords of Session claimed in July to have bent over backwards to accommodate the advocates, but they could not win them over; consequently, three of them were debarred. Mackenzie of Rosehaugh does not seem to have committed himself at this stage; according to his memoirs, this was because of his reservations about Sir George Lockhart's political ambitions. According to a later proclamation, however, he was eventually debarred in November. The immediate problem for the government was that most of the Faculty of Advocates joined the 'High Street three' in protest, and were also debarred. By July, therefore, the government was faced with a very serious legal 'mutiny', with no obvious resolution in sight.¹¹

It is difficult to avoid the conclusion that the actions of the leading advocates were at least rooted in principle. We must surely treat Mackenzie's assertions about Lockhart with great caution - he was writing after years of serving in the government as Lord Advocate. Lockhart appears to have been convinced that their interpretation of the appeal was lawful; writing to Tweeddale on 26 May, he also expressed the hope that Parliament would apply to the King on their behalf.¹² However, for Lauderdale and his allies, the dispute was also straightforward: the advocates were urged on by the 'party' in order to establish the

importance and necessity of Parliament, where they could continue to challenge the government. Thus, to the dismay of some observers, the King approved the actions of the Session, and ordered an investigation to identify the ringleaders in the dispute.¹³ Amid the intrigue and hyperbole, there was a serious political conflict with potential consequences of constitutional importance.

The government's desire to present an authoritative, uncompromising face to opponents also explains the measures aimed at dissenters which followed the reconstitution of the Council. Of course, to an extent, this surge of energetic activity was simply the latest display of repressive intent, with no more likelihood of success than previous attempts. However, by mid-1674 the issue of how to deal with dissent had become overtly politicised. Hamilton had attempted to use the continuing disorders to discredit Lauderdale, so the measures proclaimed in June 1674 were possibly designed to call the bluff of the opposition; thus, Hamilton was included in a Commission, dominated by Lauderdale's allies, which was empowered to investigate conventicles held since 24 March, the date of the proclamation dispensing with fines incurred prior to that date. At the same time, the standing forces were once again ordered to dissipate conventicles and seize field-preachers.¹⁴ The Council minutes for the months of June and July are filled with measures relating to dissent, the most striking of which was a proclamation of 18 June which laid the responsibility for punishing offenders on heads of households, heritors, liferenters and magistrates of burghs. It is especially significant that landowners had to ensure that their tenants subscribed a bond stating that they would not attend conventicles, a demand which was to prove costly for the government less than four years later. In addition, sheriffs and magistrates of burghs were urged to greater vigilance in curbing dissent within their jurisdictions.¹⁵ Thus, the government tried once again to force the elites to take their share of responsibility for the peace of the country.

Yet there was genuine concern about the spread of conventicles, which seemed to be becoming more dangerous. In Fife, some armed men were wounded after attacking a party of soldiers. The consequence, as ever, was additional military precautions. Militia officers were commanded to ensure that their troops were prepared, while it was ordained that the arms of the Stirlingshire militia were to be stored in the Castle for easy access in the event

of an emergency (it seems that this order was also issued in other shires, but there are no details). On 30 June, a letter from the King to the Council arrived, urging the latter to even greater vigilance, and informing them that he had ordered the mobilisation of troops in Ireland and England, to provide assistance if necessary.¹⁶ This latter move strongly suggests a degree of panic at Court. In February 1675, Lauderdale, writing to Charles Maitland about a conversation he had had with Sir John Cunningham, claimed that it was Tweeddale and Hamilton who had provoked these extraordinary military measures with their insistence that the country was on the brink of rebellion.¹⁷ The mobilisation also added an unprecedented British dimension to royal government in Scotland; the possibility of using English and Irish troops to quell unrest in Scotland was a radical move indeed.

The mood at Court can hardly have been helped by reports from Lauderdale's allies about the extent of the difficulties faced by the government. On 23 June, Charles Maitland repined that it was difficult to proceed when so many people were willing to speak up for dissenters.¹⁸ It should be remembered that this was precisely the time when the advocates' dispute was coming to a head. There certainly seems to have been a sense within the government of being under siege. On 30 June, Kincardine wrote to Lauderdale (the two having swapped locations) that,

it is not to be imagined to what a height of malice & discontent people's spirits are raised not only amongst the foolish phanatick partie, but even amongst all sorts of people, & they know not for what. The advocats I do believe contribut more to this then any body....¹⁹

However, in the same letter he also remarked that conventicles had ceased in many areas, while a Council letter of 2 July to the King claimed that the measures taken had been fairly successful. Yet, again, two days later Kincardine was worried about the fact that so many people seemed to be growing 'mutinous' together, adding ominously, "I pray God avert what it threatens".²⁰ It can perhaps be argued that it was this uncertainty which led to the decision to raise more forces within Scotland. Atholl was clear that this was necessary as early as 11 July, even informing Lauderdale that there had been disagreements over the choice of officers.²¹ At the same time, however, another (opposition) source reported that,

upon receipt of a paper from Atholl, the King had called a Scots Council and asserted that the country was not in the state which had been alleged (by Tweeddale and Hamilton).²² It seems, therefore, that Lauderdale was trying to discredit the scaremongering of his opponents, while simultaneously considering the drastic step of raising more standing forces for the first time since 1666. It is difficult to tell when the decision was finally taken because there was no movement in this direction for the remainder of the summer. The Council simply continued with the course established in June; at the end of July, after Hamilton's return from Court, commissions were established in southern and central shires to enforce the laws against dissent during the Council's holiday, with full power to use the army and militia.²³

It is worth considering the extent to which this particular attack on dissent constituted a change of policy. J. Buckroyd argues that the apparent severity of measures from mid-1674 stemmed from Lauderdale's disillusionment with 'moderate' courses, and his dependence on Archbishop James Sharp in the absence of other important allies; both points have been questioned in earlier chapters, and the latter can be safely rejected.²⁴ More convincing is R. Hutton's assertion that the change preceded Lauderdale's new alliance with the episcopate.²⁵ However, both writers have underestimated the wider picture. The firm courses set out on 18-19 May were designed to give the government a sense of direction in a very tense situation; the renewed attack on dissent was one, albeit important, aspect of this new drive. Moreover, it is debatable how much policy actually differed in practice; it seems possible that the change was one of degree rather than of substance. As argued elsewhere, the indulgences to presbyterian ministers in 1669 and 1672 were secondary policies, although they were undoubtedly controversial. The main government policy had been to ensure military preparedness, and the employment of the army against dissenters had continued almost unabated since 1668. Therefore, the drive from June 1674 was more about a general hardening of attitudes in response to the wider political situation; the 'moderate' experiments were dumped because it was expedient for the government to do so.

The summer of discontent was far from over. In August, the Convention of Royal Burghs added to the government's woes when it sent an amazingly defiant letter to the King in response to a command sent on 3 July. Charles had exhorted the burghs to abide by old

laws which forbade the election of non-residents, or those with no interest in the burgh, as commissioners to Parliaments or Conventions. This order appears to have been aimed at advocates, who often represented burghs. However, after disputes within the Convention, the majority of commissioners agreed to send a letter which argued that they should not impose limitations on elections to Parliament. The letter then outlined some general grievances, and urged that Parliament should in fact meet. The Provosts of Edinburgh and Perth, and the commissioners for Edinburgh, Haddington and Banff dissented.²⁶ According to Mackenzie of Rosehaugh, the debarred advocates had instigated the defiance; he himself had drafted the letter which, he claimed, was subsequently altered and distorted by the arch-villain, Sir George Lockhart. (Other sources indicate that there were at least two drafts under discussion.)²⁷ Whoever was the author of the final version, it is clear that, for the government, the various disputes were dangerously linked.

It is important to note that both the advocates' dispute and the burghs' letter were essentially concerned with Parliament. This was hardly coincidental. It was felt that the point of the King's letter to the burghs was to ensure the exclusion of some of Lauderdale's opponents, and it was also suspected that there might have been an attempt to impose limitations on the election of shire commissioners.²⁸ However, even if Lauderdale had no intention of calling another Parliament, the opposition was not discounting the possibility. Thus, it was reported to Lauderdale in October that there had been several 'disorderly' elections around the country, particularly in Aberdeenshire where Sir George Gordon of Haddo and Sir Adam Urquhart of Meldrum had retained their positions as commissioners.²⁹ It is clear that the dissolution of Parliament in June was not the end of the matter; out of sight did not mean out of mind.

The 'hard-line' stance adopted by the government in response to the spread of apparently defiant opposition was given more forceful expression when the order for levying the extra troops arrived in time for the first Council meeting in September. The army in fact more than doubled in size, with the raising of three troops of horse and a regiment of foot (8 companies), while 220 men were added to the existing regiment.³⁰ The justification for the extra forces was the threat allegedly posed by militant dissenters, and certainly the officers of both the regular and militia forces were ordered yet again to dissipate armed groups and

conventicles.³¹ That active dissent was felt to be becoming more dangerous has been noted, yet it is very unlikely that the situation merited a doubling of the size of the army and the mobilisation of troops in Ireland and England. It can be suggested, therefore, that the strengthening of the military was a reaction to the general unrest facing Lauderdale within Scotland. Perhaps this was a display of force intended to demonstrate the security of his position and to cow opposition.

The Secretary's enemies did not regard this as being beyond the realm of possibility. As early as April, Hamilton was discussing speculation that Rothes's troop would be taken from him, and that others would be raised, to be placed in safe hands:

the pretence will be for them the fear of phanatiks who growes insolent at ther feild conventicles & that these that has differd with the [Commissioner] do not apear against them....³²

In January 1675, Tweeddale was quite clear that he thought there had been no need for the extra soldiers, whatever representations had been made.³³ Moreover, throughout 1674, it certainly seems to have been believed in Scotland that Lauderdale would attempt to govern by force if necessary. In January 1674, Sir Patrick Home of Polwarth, one of the Secretary's most prominent opponents in the recently adjourned Parliament, wrote to Lord Yester (Tweeddale's son) describing the deployment of troops in the areas surrounding Edinburgh:

there are none at all left in the west, if that people wer rebelliously inclined, as god be thank they are not then restraint is removed: Its the comon talke of the street that this is done against our parliament fitt to make some impression on the members....³⁴

In May, Home reiterated his suspicions about Lauderdale's military intentions. He was not alone; James Johnstone, an Edinburgh-based correspondent of the Earl of Arran, Hamilton's son, wrote that the raising of the new forces confirmed the view that the plan was to "rule by the strong hand".³⁵ These opinions highlight the central role played by the military in

Scottish political life by 1674. The possibility of 'arbitrary' government dependent on force was not regarded as out of the question: in some respects, it was almost expected.

The issue of the military was clearly becoming politicised, and tensions were rising. Towards the end of July, orders had been issued to militia officers in various shires to ensure that their fellow officers and the soldiers under their command took the oath of allegiance, as prescribed by the Act of Parliament of 1672. One of the companies of foot in Stirlingshire actually refused and was attacked by a party of the shire's horse under the laird of Alva. Some of the men were taken prisoner, and after a Council inquiry, four were banished from the kingdom.³⁶ This suggests that the government was concerned about loyalty in the military. Accompanying the instructions for the new standing forces was a command for the replacement of the Earl of Eglinton by the Earl of Airlie as Lieutenant in Rothes's troop; Eglinton had backed Hamilton in Parliament and had been left out of the Council commission.³⁷ More positively, it is clear that the new forces provided plenty of patronage for the government to distribute in the shape of military commissions. A number of the nobles and lairds who became officers had been present in Parliament in 1672 and/or 1673; Sir George Monro himself, who became Major-General and was appointed to the Privy Council, had represented the shire of Sutherland from 1669-73.³⁸ Given the inclusion of so many prominent men, it might almost be suggested that this issue of military patronage was one of the government's most important considerations. If so, it reveals a sense of vulnerability rather than strength; if Lauderdale had felt himself secure, would it have been necessary to buy support in such a blatant manner?

Moreover, the question remains: what did Lauderdale actually hope to achieve with this additional military power? Can it be the case that it was hoped - finally - to crush active dissent? This seems unlikely, and there is a suspicion that the move was a little panicky, and not very well thought out. A hint of vulnerability can be gleaned from Lauderdale's reponse to pressure from Atholl and Charles Maitland to take immediate action against the Convention of Royal Burghs for their letter; he maintained that this should wait until the levies had been completed.³⁹ This caution can perhaps be interpreted as a sign that the Duke felt that his control over Scotland was far from total.

The extra forces remained on the Establishment for about 17 months, before their disbanding in January 1676 due to lack of funds to pay them. During this period, it can hardly be said that the additional military might had any effect on the extent of active non-conformity. There is little point at present in describing all of the measures taken in Council, or in special committees. If anything, the relentless pressure simply hardened dissenters' resolve; a number of incidents showed quite clearly that possession of a musket or a pike and the cover of a government proclamation were insufficient to prevent attacks on soldiers.⁴⁰ The most ruthless Council action was probably that of 10 August 1675, when the parliamentary legislation of 1670 and 1672 against conventicles was renewed until further notice. In April 1676, an act of 1669 was also reiterated, ordaining fines to be imposed on heritors who suffered conventicles to be held on their lands; the act, previously restricted to some south-western shires, was now extended to the whole kingdom.⁴¹ Yet all of this proved to no avail; if the government had seriously hoped to crush dissent with the additional military resources at its disposal, the policy had been a failure. At the same time, there was no sign that landowners were any more willing than previously to shoulder their legal responsibilities.

It is important to keep in mind that more soldiers meant an additional burden on the country, with the resultant problems discussed in a previous chapter.⁴² The new Establishment was to be paid out of the tax voted in the 1672 Parliament, which of course raised the perennial problem of collection. There had been an attempt in July 1674 to restrict tax-gathering duties to the militia but, as with the similar attempt a few years earlier, this was soon discovered to be inadequate; in September, it was ordered that 21 foot and 6 horse from the regulars were to be used for this purpose. Yet even this was not enough; the following February, Sir George Monro, who as Major-General had been warranted to quarter the troops as he saw fit, lamented the fact that lack of money forced him to divide his men into parties to live off the country people.⁴³ Indeed, the need to ensure provisions for the military was a vital concern for the Council in the months after September 1674, especially in areas around Stirlingshire and Fife.⁴⁴ As well as these logistical problems, both Monro and Charles Maitland complained about the poor standard of officers, some of whom, indeed, simply refrained from turning up to do their duty at all.⁴⁵ As noted, these problems simply increased the antagonism between the soldiers and the civilian population.

By the summer of 1675, the government's problems were mounting. At the end of June, Charles Maitland let his brother know that they were running out of cash to pay the additional troops, although he was keen that they be retained. Perhaps a little in desperation, therefore, after yet another letter from the King of 12 June urging the Council to deal severely with conventicles, it was ordered that garrisons of 50 foot and 12 horse were to be settled in selected houses in virtually every lowland shire in the country. Sheriffs, stewards and baillies were to meet with a number of the shire's Commissioners of Excise, and together they were to prepare the houses; in addition, they were to furnish the garrisons with bedding, pots, pans, coal and candles, and were also to ensure the delivery of corn, hay and straw at prices fixed beforehand.⁴⁶ This remarkable measure was undoubtedly intended to deal with the related problems of supplying the soldiers and keeping them together to deal more effectively with dissent. However, despite receiving the King's approbation, the Council's order caused an extraordinary, and understandable, furore. By 10 August, when the shires were to have reported their progress to the Council, it seems that all except Perthshire had refused to implement the command; many cited the Act of Parliament of January 1661 which forbade the imposition of cess without Parliament's consent. Not surprisingly, the Council simply ordered letters of horning to be raised against the recalcitrant shires, and ordered them to carry out their instructions within 6 days.⁴⁷

By September, the shires of Roxburgh, Dumfries, Ayr, Renfrew, Lanark and Selkirk had still refused to carry out their instructions. The Council, which had been on holiday for three weeks, stepped back from confrontation, however, by intimating that they had intended allowing the cost of preparing and supplying the garrisons to be deducted from the excise. The fact that a committee was simultaneously considering where to quarter the troops for the winter suggests that the idea had been given up as a non-starter.⁴⁸ However, action was taken against Sir Patrick Home of Polwarth, who, acting on behalf of at least some of his fellow Commissioners of Excise for Berwickshire, had attempted to oppose the order through legal channels. Polwarth, who defended his actions in front of the Council, was locked up in Edinburgh Castle pending the arrival of instructions from the King. When these arrived on 5 October, the irascible and seemingly principled laird was barred from public office and transferred to Stirling Castle; his public notary was also put to the horn.⁴⁹

There should be no underestimating the importance of this episode, especially as the government had been forced to back-down in the face of (mostly) passive disobedience. By November the troops had been removed from the garrisons (disproving Burnet's statement that they remained for over a year).⁵⁰ It is not clear if the government had deliberately attempted to impose a *de facto* tax illegally; it is true that there was no mention of deducting costs from the excise until after the extent of disobedience had become known. However, it was certainly interpreted as an illegal imposition, even if only to cause embarrassment. In addition, once again the government had been faced with an assertion of the rights of Parliament, however indirectly. Furthermore, there were clearly signs that the 'party' had been busy: the King's letter about Home of Polwarth referred specifically to his former 'factious carriage', while one of the latter's allies in Berwickshire was Sir Robert Sinclair - one of the advocates who had been debarred the previous year.⁵¹ More generally, it must surely be concluded that the government's raising of the military stakes in September 1674 had achieved virtually nothing. When (most of) the additional troops were finally disbanded in January 1676, can it really be said that the government was in any way more secure?⁵²

The administration also enjoyed only partial success in its disputes with the 'civic' opposition; if it had been hoped that the extra military strength would dampen defiant spirits, then it was a vain hope, at least so far as the advocates were concerned. As for the burghs' letter, a Council investigation was held in January 1675; the order from the King had arrived in December, but there was a slight delay which was possibly intended to allow a contrite Convention of Royal Burghs to meet to disown the previous letter, which it duly proceeded to do on 13 January. Only seven members of the Convention had attended the previous meeting; of these, five had dissented from the sending of the offensive letter in the first place.⁵³ In addition, the government had taken special care over burgh elections, at least in the major towns, during the previous three months. In fact, Edinburgh was prohibited from choosing a new Council for the year 1674-5 because the election had been held on the wrong day; thus, James Currie, who had dissented from the letter, remained Provost.⁵⁴ As a result of the Council's investigation, Robert Petrie, Provost of Aberdeen, William Anderson, former Provost of Glasgow (he had been removed in October, although

the town was apparently divided over the issue of the Convention's letter), and Andrew Ainslie, former Provost of Jedburgh, were fined and debarred from public office.⁵⁵

In July, the Convention of Royal Burghs finally passed an act embodying the King's request of the previous year relating to elections to Parliaments and Conventions, although there were still divisions. However, although the government had stood its ground and ostensibly achieved its goal, the result was quite clearly a considerable amount of bad blood among the political leaders of the burgh communities.⁵⁶ That Lauderdale's problems with the burghs were not over can be seen in the fact that there was yet another attempt to represent grievances relating to trade in November; moreover, in July 1676, a number of burghs did not comply with the act relating to elections of commissioners.⁵⁷ In September 1675, 12 members of Edinburgh town Council, including Robert Baird, the Dean of Guild, were debarred from office for 'factious' behaviour after the King had finally allowed the town to proceed with its election. Although Mackenzie of Rosehaugh claimed that this episode reduced Edinburgh Council to a dependence on Lauderdale, all of the incidents contributed to the sense of disorder in the kingdom, and certainly added to the government's headaches.⁵⁸

There had been little sign of movement in the advocates' dispute in the latter half of 1674, although the government had signalled its attitude at the end of September by ordering those who had been debarred to leave Edinburgh. By December, with no indication that the advocates were going to give in, it was proclaimed that the King would re-admit only such of the advocates as would equal in number those who had remained in their positions. A deadline of 28 January was set for those who were willing to come in upon the terms previously set out by the King.⁵⁹ Rather than submit, most of the advocates subscribed papers addressed to the Council and the Session, which were rejected on the grounds that they attempted to vindicate the advocates' stance, and also because they were submitted collectively, which was held to be 'factious' behaviour. After sending the addresses to the King with a condemnation, the Council received instructions to proceed with an indictment.⁶⁰ The charge against the advocates in this instance was actually dropped after they gave in another petition denying that they had intended challenging the King's proclamation, or that their actions were motivated by factious inclinations. By the beginning

of the summer, the situation had returned more or less to the stalemate of the previous year.⁶¹

The real battle was being fought in London, however, as the advocates discovered that direct access to the King was the most potent weapon to use against the government. Sir John Cunningham and Sir George Lockhart made the long journey south, and there is no doubt that their own form of direct action more than anything else secured an end to the process raised against them in Edinburgh. Their presence in London was particularly unwelcome to Lauderdale at a time when the House of Commons was meeting and was about to renew its attack on the Scottish minister, although he was quick to deny to his friends that there was anything to worry about.⁶² Lauderdale was forced to refute rumours that he was ready to give in to the advocates, but he clearly wanted the troublesome lawyers out of London.⁶³ As it happened, the resolve of at least some of the advocates was weakening. Their cause was dealt a serious blow when Sir George Mackenzie of Rosehaugh decided to submit, in possibly the most important move of his career. He subsequently claimed that he was fed up with the machinations of his erstwhile colleagues; this may have been the case, but there is also a suggestion that fear played a part. He had been named in January during the investigation into the letter sent by the Convention of Royal Burghs, and it was said at the time that he had promised to submit and to try to persuade others to do the same; whatever the truth of this, he submitted in June, an act for which he attracted considerable opprobium.⁶⁴ Whatever the reason for Rosehaugh's remarkable volte-face - as late as December 1674, the Maitland brothers still regarded him as malefactor number one⁶⁵ - it did not produce the desired result so far as the government was concerned. Most of the advocates in fact stood out until the end of the year, when a deal was made in London between Lauderdale and Sir George Lockhart. The Secretary had a hard time convincing his allies in Edinburgh that he had not let the advocates off the hook; he explained that he had wanted the affair settled before the arrival in London of the Duke of Hamilton, a stark admission of sensitivity about the latter's potential influence.⁶⁶

Strictly speaking, this was a victory for the government, for the advocates had submitted, but the nature of the dispute's conclusion can have brought no satisfaction for Lauderdale and his allies. The fact that the advocates had defied the government for a year and a half

was in itself a dramatic reminder of the practical limitations of central government. Indeed, the years 1674-5 had revealed quite clearly that this was an administration which was in deep trouble. The maintenance of a hard-line, uncompromising attitude had not destroyed the opposition, which, if anything, had become stronger; many of the advocates, for instance, became overt and valuable allies of Hamilton in 1678-9. Lauderdale had demonstrated that he was willing to raise the stakes by increasing his government's military strength; there is no evidence that the extra troops would have been disbanded if there had been enough money to pay them. It is highly probable that Lauderdale toyed with the idea of calling Parliament (or a Convention) to try to get more money; in June 1675 Charles Maitland and Atholl had even discussed how best to secure elections that year.⁶⁷ Awareness that the opposition was too strong may well have been the reason that there was no move in this direction.

The Secretary cannot have felt very secure. The King had defended him against the attacks of the House of Commons, but the problem was not simply going to disappear.⁶⁸ This explains his sensitivity about the increasingly numerous journeys to London made by Scots not of his own choosing. However, Lauderdale's biggest problem was that he had nothing left with which to fight other than sheer ruthlessness. In March 1676, Rothes's troop was disbanded, ostensibly for financial reasons, but actually because he was not regarded as trustworthy. The men added to Linlithgow's regiment of foot in 1674 were in fact retained, and another company was levied from the newly disbanded soldiers; the cost of paying the extra 300 or so men must have rendered any saving from the disbanding of Rothes's troop minimal.⁶⁹ This concern for loyalty within the military also led to a purge of the militia in June 1676; many of the officers who were replaced were 'party' members or sympathisers.⁷⁰ Thus, it was clear that Lauderdale was going to continue with his militaristic policies, despite their obvious failure to achieve anything other than greater militancy among dissenters. His second purge of the Privy Council in July was another sign that he would not tolerate opposition to his administration - although it was also an admission that the first purge had failed to stifle harmful disagreements.⁷¹

Lauderdale was also desperately concerned to prevent reports of the disorders in Scotland from fanning criticisms by his enemies in England. Thus, he was very unhappy with the Earl

of Argyll for his disastrous attempt to forcibly occupy Mull - with government support - because it gave more ammunition to his enemies in London.⁷² Yet such disingenuity should not obscure the fact that there was a very serious issue at stake in Scotland. The government's stance during the advocates' dispute and the controversy over the burghs' letter was that subjects had to obey royal commands; obedience was unconditional. This, of course, had been the underlying principle of the legislation passed in Parliament immediately after the Restoration.⁷³ Yet the opposition, in Parliament in 1673 and during 1674-5, had shown that this perspective was not universally shared, while the widespread defiance over the garrisons had likewise revealed unease about the government's attitude in a glaringly obvious way. For the opposition, and for many others, Lauderdale's administration had crossed the boundary between legitimate and 'arbitrary' rule. That some of the opposition leaders were blatantly ambitious, and all of them were loyal to the King, should not disguise the seriousness of this issue, which was to dominate the final years of the ageing Duke's rule.

Lawful repression or arbitrary rule? The debate on Scotland's government.

This section focuses largely on the debate about the actions of Lauderdale's government, which was given its fullest expression at Court in London in 1678-9. By the summer of the latter year, a combination of tenacious political opposition, armed rebellion and a growing crisis in England finally persuaded Charles to abandon his Secretary, although the latter was able to cling to power for most of 1680. The question which remains to be asked, and which may actually be unanswerable, is what did Lauderdale and his allies hope to achieve with their increasingly brutal, uncompromising approach to opposition during these years. Did they honestly expect to be able to crush their opponents by force of arms, which might explain the 'Highland host', or was the Secretary involved in some devious intrigue, the end of which was 'absolutism' backed by the military and a secure political future? The period from late-1677 to 1679 was surely one of the finest of the century for the enterprising conspiracy theorist; if Scotland did not quite succumb to the paralysing mania of the 'popish plot' in England, nevertheless, it still seemed as if every action had an ulterior motive, and every government measure a sinister design. Some of the suspicions are more plausible than others; but it might also be contended that Lauderdale did not actually know what he was

doing. His policies - if the government's actions merited such a term - can be regarded essentially as reactive, in the context of a political situation rapidly passing out of his control. The frightening bellicosity of the 'Highland host' was perhaps rooted in desperation on the part of a vindictive politician with nothing left to offer. It is possible, therefore, that the safest approach for the historian is to regard these extraordinary events with the same sense of bewilderment to be found in the letters of the government's opponents.

The crisis which caused dozens of Scots noblemen and gentry to rush to London to present the opposition's case to the King began in the summer of 1677, after Lauderdale had travelled north to Scotland for the first time in over three years. During the previous year, there had been an uneasy stalemate. The conflict between dissenters and the government, which was beginning to resemble guerrilla warfare, cast an increasingly thunderous cloud over the country.⁷⁴ Lauderdale's allies in the Council and among the bishops continued to press a hard-line, and there is no suggestion that he was anything but sympathetic to this view.⁷⁵ His opponents simply bided their time, taking any opportunity to embarrass the government. Hamilton had tried his luck at Court again early in 1676, but had received no joy; indeed, his suggestion that further indulgence was the best means of dealing with dissenters provoked a furious response from Alexander Burnet (who was possibly misinformed by Lauderdale about what Hamilton had actually said).⁷⁶

After being turfed out of the Council in July, Hamilton continued to urge to be allowed to defend his actions at Court, while Kincardine, the most recent addition to the growing number of arch-enemies of the government, also went to London, and claimed subsequently that cautious optimism was merited. The opposition had clearly learned the value of maintaining a presence at Court.⁷⁷ Both sides once again attempted to secure elections of parliamentary commissioners held in various shires in the autumn, especially, it seems, in the south-west - there were attempts to prevent Sir James Dalrymple of Stair, President of the Session, from being re-elected in Wigtonshire; Hamilton remarked that, "I never saw a man more generally hated than he is ther".⁷⁸ This vigilance ensured that the government would not attempt to surprise everyone by calling Parliament or a Convention, because there was no guarantee that it could be relied upon to grant supply - which was the only reason such a meeting would be attractive.

There was a great deal of uncertainty about why Lauderdale came to Scotland in July 1677.⁷⁹ One of his tasks appears to have been to attempt to unite some of his squabbling allies, particularly Atholl and Argyll; the Duchess of Lauderdale clearly had marriage plans for her daughters and the sons of these noblemen. Ultimately, as we have already seen, this cynical game proved more divisive than beneficial - it partly explains Atholl's eventual break with Lauderdale.⁸⁰ Yet this would have been insufficient to have brought these grandees to Scotland. Another interpretation suggests that Lauderdale came north to moderate his government's policies against dissent, his intention being, once again, to try to buy off sufficient numbers of presbyterians to cause divisions - as had been the case in 1669 and 1672.⁸¹ It is clear that Sir James Dalrymple of Stair (and probably Lord Melville) conducted talks with some dissenters, although it is not obvious what the aim was, or who else was involved. It also seems to be the case that these talks were carried on behind the backs of many of Lauderdale's allies, including the bishops; this led the Secretary and Stair to issue forceful denials of any intention to offer a new indulgence at the Council in October, apparently for fear of antagonising the English bishops.⁸² However, the episode does not make sense if we accept it at face value. If Lauderdale hoped to unite his allies, why would he pursue the policy most likely to antagonise some of them? J. Buckroyd regards the attempt as genuine; yet she also argues that Lauderdale had been dependent on James Sharp in the absence of other allies since 1674. Why then would he seek to jeopardise this alliance? Who would take the archbishop's place? In addition, it has already been suggested that Lauderdale was never more than half-hearted in his support for a supposedly moderate approach. The indulgences of 1669 and 1672 had achieved very little, so it seems unlikely that he would have been inclined to appease presbyterian scruples in the more feverish circumstances five years later.

Yet, discussions did take place. An alternative interpretation is suggested by an anonymous correspondent of the Earl of Queensberry, writing from Edinburgh on 16 September:

The treatie with the fananticks is lookt upon as broke off and they are jealous ther was no further intended but a litle to amuse the better to carie and influence elections....⁸³

The writer is referring, of course, to elections to Parliament. The attempts to influence elections throughout the country at Michaelmas (September) in each of the years since the last meeting of Parliament have been mentioned. Furthermore, many of the opposition suspected strongly that Lauderdale had travelled to Scotland for this reason; Hamilton was speculating about the possibility as early as April.⁸⁴ The case is strengthened by the fact that considerable efforts were once again made to secure elections in September; Sir George Mackenzie of Tarbet, a new ally of Lauderdale, was said to have been busy in the north of the country, while Hamilton insisted to Queensberry that they had to pay special attention to elections in areas where they had influence. In October, Hamilton was unhappy because he felt that some of his allies had been remiss.⁸⁵ It seems, therefore, that during the summer of 1677 a meeting of the Estates was considered a very real possibility, and not only by the opposition.

Much of this evidence is circumstantial, but it should be remembered that the reason for each of Lauderdale's five previous journeys to Scotland since the Restoration had been to attend a meeting of the Estates. If he did intend holding a Parliament (or more likely, a Convention), then the aim would surely have been a new grant of taxation; and this can only have been intended to pay for more forces. As we shall see, this is precisely what happened a year later, after money had been granted in a Convention. In this context, the discussions about a new indulgence in 1677 were little more than a diversion or a charade; unfortunately for Lauderdale, they backfired. More generally, it is perhaps the case that he had actually intended trying to unite his allies by adopting an even firmer stance against opponents; in a sense, he was hoping to repeat his strategy of 1674. As had been the case then, this would involve raising more forces and enacting further measures against dissent.

The government's concern about the spread of conventicles almost certainly helped to convince Lauderdale that his presence was required in Scotland. News that dissenters had crossed the border into Northumberland to escape the military led to mobilisation of the militia there; the Secretary's letter to his brother informing him of this also gave notice of his intention to travel north.⁸⁶ On 24 July, with Lauderdale appearing at the Council for only the second time since his arrival, the act of 18 June 1674 which obliged landowners to take

bonds from their tenants and others was reiterated, after Sir Alexander Bruce of Broomhall, Kincardine's kinsman, was fined £1,200 for his failure to comply with the terms of this act. The punishment of Broomhall also perhaps served notice to members of the opposition that they were to be targeted specifically for their remissness.⁸⁷ At the beginning of August, a new proclamation was issued which again ordered landowners to take bonds, upon pain of fining, and urged those with heritable jurisdictions to do their duty; on the 7th, new commissions were granted to put the laws into execution. This new act was regarded by Hamilton as impractical, and - when news of the talks with dissenters was leaked - less than serious.⁸⁸ By September, the situation was looking grim for Lauderdale. He had not managed to unite his allies, while his policy towards dissent appeared odd, to say the least. From this confused state of affairs, at some point prior to 20 October, emerged the 'Highland host'.

That something akin to panic was beginning to affect Lauderdale can perhaps be inferred from his request in the first half of September for troops to be sent once again to the coast of Ulster - yet another repeat of measures taken in 1674. The Irish administration was itself concerned about the destabilising influence of Scots presbyterians, although there does not seem to have been any great desire to act upon Lauderdale's request, at least initially.⁸⁹ In Scotland, other military precautions were taken during September; most of the standing forces were ordered to quarter in Glasgow and Stirling, with the remainder in Edinburgh and Leith. No more than 6 horse and 40 foot were to be used to collect taxes. Thus, it seems that the aim was to concentrate the forces. At the beginning of October, 40 horse were added to Atholl's troop, prompting Hamilton to remark sardonically to Queensberry,

they say the Counsell is resolveing in mor moderat ways in putting the lawes in execution then formerly, and in order to that 40 hors ar aded to the gards: but these misteries of stat I understand not....⁹⁰

Despite such uncertainty, the government's military preparations were clear enough. However, if it had been hoped that a Convention of Estates could be called to grant supply for extra troops, then this plan was discarded at some point. In the absence of direct evidence, there would seem to be two possibilities: firstly, the election results might not

have inspired confidence that such a meeting would be safe; secondly, an alternative proposal seemed more practical in such fraught circumstances - Lauderdale's Highland allies could deploy their followers on behalf of the government.

There is a possibility that this idea had been knocking about since the middle of August; on the 20th, James Turner, the officer disgraced in 1668 and subsequently a correspondent of the Hamilton family, informed the Earl of Arran that Alexander Burnet had been boasting that some great men had promised to crush the 'fanatics' if they rebelled. Turner was not sure if this particular boast was anything other than hawkish hyperbole, yet he stated that two of the 'great men' would be Atholl and Airlie; he also remarked that Argyll's problems with the Macleans meant that he would not be able to spare his followers.⁹¹ It is perhaps significant that both Atholl and Airlie were in fact employed, while Argyll was not. Moreover, there seems to have been a degree of overlap between the government's actions against dissenters and its attempts to sort out the imbroglio in the north-west. On 6 September, a 'committee of public affairs', whose remit was maintenance of the public peace during the Council's holiday, was also charged with taking over the functions of a committee for dealing with Highland affairs, appointed only two days previously.⁹² Most of those who served subsequently with the 'host' were members of the public affairs committee. The measures relating to the Highlands which were taken are beyond the scope of the present discussion, but it can be suggested that some kind of arrangement was considered at the committee. Lauderdale certainly continued to support Argyll and Sir John Campbell of Glenorchy in their respective private conflicts (the latter was proclaimed Earl of Caithness on 6 September, the day the committee was set up). It is possibly significant that Atholl - Argyll's rival - broke from Lauderdale early in 1678 (although there were other reasons for this breach).⁹³ In addition, the Secretary attempted to court the Earl of Perth, who was not a Privy Councillor but who later contributed to the 'host'.⁹⁴ Whatever the minutiae of the intrigues, it is permissible to suggest that Lauderdale had decided (or was persuaded) to play the 'Highland card'; at the very least, there can be little doubt that what was to become the 'host' was discussed at the committee during September.

However, it would be a mistake to assume that Lauderdale had already decided to invade the south-west; rather, there seems to have been two distinct stages in the plans for the

Highlanders and other forces. Initially, there were only contingency arrangements for an outbreak of rebellion. On 20 October, Lauderdale claimed that they had made preparations as a result of a renewed upsurge in conventicling activity; the Highland magnates - including Argyll - were issuing orders to their followers to join the standing forces at Stirling if they were needed; he again urged that the troops he had requested in Ulster be mobilised. He also hinted strongly that the moves were partly intended to provoke landowners in disaffected areas to take responsibility for their tenants.⁹⁵ A week later, the Earl of Nithsdale apparently caused an 'alarm' in Edinburgh with his stories about rebellious plots; the result was an ultimatum from the Council to the Commissioners of Militia and Excise, and Justices of the Peace, of Ayrshire and Renfrewshire, who were to meet to decide on a course for suppressing disorders. If they failed, the Council was going to use military force to crush dissenters once and for all.⁹⁶ It is difficult to know for certain if Lauderdale expected the defiant response - that landowners could not suppress the disorders, and that toleration alone could bring peace to the country - but it served as the catalyst for more severe action.⁹⁷

It is possible that these circumstances actually provoked a change of attitude. The defiance of the south-western landowners may well have convinced Lauderdale that the time had come to raise the stakes by redoubling the military effort. As previously suggested, it is highly likely that he had intended raising more forces; but this did not necessarily mean he had already decided on a full-scale assault on the south-west. If a sweeping military operation had been the intention all along, then it was remarkably ill-planned; the King's letter authorising the mobilisation of the 'host' did not arrive until 20 December. It is true that the standing forces were gathered together and mustered, and other logistical matters were taken care of, during November; also, troops were finally mobilised in Ulster and in the north of England.⁹⁸ But the necessity for these preparations and the delay suggest that the government was not acting according to a considered plan for repression, but was reacting to changeable, uncertain circumstances.

As a result of the King's letter, the Marquis of Atholl and the Earls of Moray, Perth, Mar and Caithness (Campbell of Glenorchy) were ordered to mobilise their tenants, vassals and other dependents, and march to Stirling by 24 January 1678; from Stirling, they were to

exact free quarters and obey the Council's instructions; they were also indemnified in advance for their activities while serving the King. The Forfarshire militia, commanded by the Earls of Strathmore and Airlie, was instructed to do the same. The militias of Edinburgh and Stirling were also mobilised.⁹⁹ It has been pointed out that much of the army which eventually made its way to Glasgow was composed of regular forces and Lowland militia; thus, the description 'Highland host' is a bit of a misnomer.¹⁰⁰ In addition, it is possible that many of the Highlanders who did take part had been trained for the militia during the 1670s - the shires of Aberdeen, Banff, Elgin, Nairn, Perth, Kincardine, Stirling and Argyll all had militia forces, although there is no real way of knowing what kind of state they were in; however, the 'host' was drawn from these shires.¹⁰¹ Thus, the army might well have been composed of a majority of militia and regular soldiers, with additional followers of the Highland noblemen, rather than vice versa. Whatever the exact composition, there should be no mistaking the fact that this was a government army.

It should be noted that most of the men entrusted to raise the forces were (ostensibly) among Lauderdale's closest allies; the Highland militias were probably among the few he trusted sufficiently to deploy. It is also vital to appreciate that the focus for the government's attention was not simply the south-western shires. On the day the military commissions were issued to the Highlanders and others, Rothes was commanded to convene a meeting of all the officials, landowners and magistrates of burghs in Fife and Kinross, who were to consider action against dissent in much the same way as the Ayrshire meeting at the beginning of November had been supposed to do. On 10 January, it was ordained that all landowners and magistrates of burghs were to subscribe a bond for themselves, their families, tenants and other dependents, agreeing to obey the laws against dissent. To enforce this, 400 soldiers of the Fife militia were to be raised.¹⁰² This action supports the view that the government had decided to engage in a full-scale attack on dissent, wherever it existed.

It remains to be seen whether it was actually thought these measures could be successful. The instructions to the Council committee appointed on 18 January to accompany the 'host' into the west were quite remarkable. As well as the various bonds to be exacted, some of the shires were to be disarmed, horses were to be seized, and all of the laws against dissent

were to be enforced; after an initial meeting in Glasgow, the committee was to travel to Ayrshire, then to Lanarkshire, Renfrewshire and the Stewartry of Kirkcudbright.¹⁰³ It is unlikely that anyone could have regarded this as practical after so many years of failure. Subsequent commentators were to claim that the government intended provoking disorder in order to crush the dissenters for good, or even to provide justification for the maintenance of a (larger) standing army.¹⁰⁴ However, this attractive speculation is problematic: was it really in Lauderdale's interests to provoke a rebellion? If he felt it to be so, it was a change of attitude because he had for years attempted to prevent stories of disorders from reaching the King. Indeed, it might be said that news of a rebellion would have been especially unwelcome to Charles early in 1678 as a result of his new pro-Dutch policy, following the marriage of his niece to the Prince of Orange, which threatened war with France.¹⁰⁵ Perhaps it was felt that there was in fact no real possibility of curbing dissent. The government's actions could then be seen as constituting a spectacular attempt to pass the buck for the chaos which existed around the country; if rebellion broke out, it would be the fault of landowners, magistrates of burghs and others who were supposed to be responsible for their dependents. If such rational thinking lay behind the 'host' - which is by no means certain - then it was an even more desperate act than the bare facts themselves suggest. The whole policy was the result of weakness rather than strength.

It is not proposed here to describe the actions of the committee in any great detail, for the present discussion is more concerned with the consequences.¹⁰⁶ What is interesting is that the committee (or at least most of its members), pressed by the rest of the Council sitting in Edinburgh, made a fairly thorough attempt to implement its unreasonable instructions. As a display of militarism and repression, this surpassed anything yet seen even in Restoration Scotland. Yet it is also clear that the effort was largely wasted; massive numbers still refused to subscribe the 'black bond', which made landowners and others responsible for the behaviour of their dependents and tenants. By the middle of February, the Council was forced to resort to the practice of issuing letters of lawborrows against those who refused it; those charged had to provide legal surety of twice their annual rent within six days.¹⁰⁷ The military effort itself, despite the obvious burden on the country, had its farcical side. By 31 January, less than a week after the rendezvous at Stirling, the Earl of Perth reported that Caithness wanted to return home, because he feared attacks on his lands, apparently with

some justification. Perth himself had joined the 'host' very reluctantly, and both he and Atholl appear to have tried to avoid making life too difficult for the local populations. By the middle of February, the Council had agreed to allow most of the Highlanders to return home; they were to be replaced by militia from the shires of Edinburgh, Linlithgow and Peebles. Thus, by March, the 'Highland host' was composed mostly of Lowland militia and the regular forces.¹⁰⁸

Of most immediate significance, and possibly of most interest to Lauderdale as well, was the response of the opposition. Hamilton obeyed his instructions as Sheriff of Lanarkshire without enthusiasm; but he refused to subscribe the bond. Queensberry, on the other hand, subscribed it, and encouraged others in his shire to do the same, justifying this course on the grounds of self-defence.¹⁰⁹ Ultimately, however, Lauderdale overestimated the efficacy of repression, for he managed to provoke the reaction he probably feared most; not rebellion, but personal appeals to the King in London. It is perhaps symptomatic of his declining political judgement that he did not leave a close ally to liaise with the King when he came to Scotland, as he had done during each of his previous visits. Thus, he was caught on the hop when a number of his enemies took their protest to Court. The first major figure to decide that enough was enough was James Kennedy, Earl of Cassillis. As the pressure on landowners to comply with the government's demands increased, many, including Cassillis, eventually found themselves denounced as rebels. In these circumstances, the earl decided that the only option was to go to London. Assisted by the Duke of Monmouth, Cassillis gave in a paper to the King which justified his refusal to take the bond, which he claimed was not warranted by law; in addition, he argued that the instructions to the forces to exact free quarters were contrary to Acts of Parliament passed in 1661 and 1663. In conclusion, he urged the King to,

examine how farr these proceedings against him and his tennants and the usage he hes mett with from the insolence of Highlanders and others are warranted by the laws and customes of the kingdome of Scotland.¹¹⁰

This set in motion the debate about the legality of the government's proceedings. Although the King refused to allow the earl to kiss his hand, a clear sign of displeasure, and let the

Council in Edinburgh know that he approved of their actions, Lauderdale was still sufficiently perturbed to send the Earl of Moray and Sir James Foulis of Colington to refute any 'unworthy misreports' which reached the King's ear.¹¹¹ In addition, both the Council and its committee in the west sent defences to the King. It was argued that the acts which prohibited free quartering applied only to times of peace; the rebellious state of the country called for extraordinary measures. In addition, it was contended that the Council could impose a bond such as it had in order to secure the peace of the country; the legal surety of lawburrows was also justified in this way. Finally, it was urged that Cassillis should be sent back to Scotland as a prisoner.¹¹²

The Council was probably so concerned to provide a detailed rebuttal of Cassillis's charges because many more of the government's opponents were travelling to London. By the end of the first week of April, the Scottish crisis had shifted location. This was quite a serious blow for Lauderdale; as early as January, it had been proclaimed that no-one should leave the kingdom without permission from the Council. If the Secretary had hoped that he could contain criticism of his actions in this way, then he had miscalculated badly. The government was caught off-balance, especially when Atholl and Perth joined Hamilton, Lord Cochrane and the others who were registering their protests at Court. Perth's attitude was fairly unsurprising; he had joined the host without enthusiasm, and had not been associated with Lauderdale. Atholl's change of allegiance can properly be described as mercenary, although his action was not the first or last of its kind during these years.¹¹³

For the next three months, the Scottish rumour-mill achieved new levels of productivity. Every word uttered by the King or those close to him was reported, analysed and misinterpreted for the benefit of those who remained in Scotland - including Lauderdale himself. Initially, Charles refused to see any of the opposition, let alone allow them to kiss his hand. Moray and Colington, who were joined by Alexander Burnet, Archbishop of Glasgow in April, worked feverishly to convince the King that the Council's actions had been both legal and justifiable; this was despite the fact that the Duke of Monmouth, the King's illegitimate son, openly sympathised with Lauderdale's enemies.¹¹⁴ However, the King did appoint some of his 'cabinet council' to hear the opposition's complaints on 10 April. At this stage Hamilton concentrated mostly on justifying his refusal to take the bond,

and his decision to go to London. When those who had heard the complaints reported back to the King, Moray and Colington rejected the accusations of ill-treatment. It seems that Charles, Danby and Prince Rupert defended Lauderdale, while Monmouth and one of the King's English Secretaries, Sir Joseph Williamson, sided with the opposition. There was no sign that the King was willing to show any favour to Hamilton and his allies, but he was certainly keen that the 'Scottish business' should be over quickly, as he had more pressing problems with the English Parliament. Much to the chagrin of the government, the King ordered a cessation of the proceedings in the west, because he feared the reports of abuses would inflame opinion in the House of Commons.¹¹⁵

The next few weeks were spent jostling for favour. When the King finally allowed Atholl and Perth to kiss his hands, arguing that these two Lords had been consistently loyal, the news was not taken kindly by Moray. Charles tried to mollify him by asserting that he knew very well that the opposition desired to subvert the established church and the Committee of the Articles, and that he would uphold the authority of his government.¹¹⁶ However, Lauderdale's allies were further shaken when the King announced that he would hear the opposition's complaints, after they had put them in writing; Moray was worried that the accusations relating to quartering and disarming of the 'disaffected' shires were beginning to have an effect. At this stage, as the debate was largely becoming concerned with the extent to which the government's actions had been lawful, Sir George Mackenzie of Rosehaugh, Lord Advocate, was sent to Court, while Sir George Lockhart and Sir John Cunningham travelled to give legal advice to Hamilton.¹¹⁷

The big problem for the opposition was the fact that most of them had travelled to London without leave.¹¹⁸ Their timing, however, was impeccable. The King was desperate to avoid giving his opponents in the House of Commons any reason to block his demands for money to help fund his increasingly hapless foreign policy manoeuvring. The accusations about Lauderdale's methods of government fed suspicions about the army recently raised in England. Hamilton and his allies provided information to enraged members of Parliament; there was yet another failed attack on the Scottish Secretary in May. As noted, concerns about the Parliament's reaction had led to the order for the final withdrawal of the 'host' from the west. It is difficult to guess how the King would have responded to the opposition

if he had not been facing so many problems in England; he told Moray that he had only agreed to hear the Scots Lords to satisfy the 'humours' of the Commons. It was certainly felt by some that the fate of the Scottish government rested with the English Parliament.¹¹⁹

The first three weeks of May represented something of a stalemate in Scottish affairs, initially caused by the sitting of the English Parliament. At first the King considered ordering a number of Privy Councillors to join those already in London, but Mackenzie of Rosehaugh convinced him that the government's actions had indeed been lawful; Charles then switched tack and urged that the opposition subscribe written lists of complaints. Hamilton's lawyers regarded this as potentially dangerous, so a paper was given in which requested that lawyers who advised the opposition would not be prosecuted, and also urged that Parliament should meet as the proper judge of the complaints. This latter request was justified on the grounds that those complained against should not act as judges of the matter. The King agreed to the first request, but rejected the argument that Parliament should meet, and stated that he would be advised about the law by his judges.¹²⁰ In this way, the opposition had introduced a constitutional element into the debate which did little to win favour with their sovereign. However, despite the fact that they continued to refuse to hand in subscribed papers, the King did agree to hear them. Thus, on 25 May, Hamilton, Lord Cochrane, Sir John Cunningham and Sir William Drummond presented their case in front of Charles himself, the Dukes of York and Monmouth, and Danby. Once again, the familiar arguments were listed; that free quartering was illegal, and that the bond was not warranted by law. The King still pressed that they should subscribe a paper outlining their grievances, to which the same answer was given as formerly. It was also maintained, perhaps a little unwisely, that Parliament should meet as the only proper judge. Predictably, this debate achieved virtually nothing, and the meeting ended with the King again refusing to allow the complainers to kiss his hand.¹²¹

This was not simply a clash between those with power and those who desired it. There were clearly some important issues at stake. The implication of the arguments presented by the opposition was that loyalty did not mean acquiescence in every action of royal government. There were limitations: firstly, the government, like anyone else, had to act within the terms of the law - the problem, of course, was that the government presented a different

interpretation of what was lawful; secondly, there had to be a mechanism for redress, which in practice meant Parliament. The King accepted the first point, but rejected the latter, for it implied institutional limitations upon his government's freedom of action. It is significant that, when responding to the four complainers, he made reference to the advocates' dispute; he stated that, just as there was no appeal from the Session to Parliament, so there could be none from the Council.¹²² The King's stance was thus fairly consistent.

The criticism of free quartering reveals that there was concern not only about Lauderdale's methods of government, but about who was, literally, paying for them. The insistence that this practice was contrary to the Act of January 1661 which prohibited the imposition of taxation without the consent of Parliament suggests that this was regarded not as an idle gesture, but as a real limitation on the government. It should be remembered that in 1675 many shires had justified their refusal to comply with the Privy Council's orders to furnish garrisons by reference to this same piece of legislation.¹²³ During March and April, many of the Commissioners of Excise and Militia had again resisted attempts to force them to provide for garrisons in Ayrshire.¹²⁴ This was a matter of the utmost significance; as we have seen, lack of money was one of the biggest problems facing the budding tyrant in Scotland.¹²⁵ The issue would resurface in 1680 when James, the King's brother, attempted to convert the militia into a more regular standing force.

None of this, however, had any impact on Lauderdale and his allies. As dissenting activities revived, perhaps with even greater intensity, it was argued that the presence of the opposition in London was largely to blame. The King once again signalled his approbation of the Council's actions, and permitted the levying of two troops of dragoons; in addition, about 3,000 English soldiers were sent to the border.¹²⁶ Furthermore, Lauderdale achieved a real victory when he secured permission to call a Convention of Estates, with himself appointed Commissioner yet again. The explicit intention of the meeting was to raise money to pay for additional troops (not to pay the costs of the 'Highland host', as has recently been asserted).¹²⁷ Given that his last display of repression had caused such an uproar, the desire to add to the military Establishment surely reveals that Lauderdale was running out of ideas. In a sense, of course, he was behaving in a reasonably consistent manner, but it was hardly an action which held out the possibility of peace in the country.

Yet at the same time, the calling of the Convention took the opposition by surprise, and left its leaders with a dilemma. The proclamation of 28 May held that elections were to be held in those shires where it was necessary and in the Royal Burghs. The government was already working hard to ensure suitable representatives were chosen. Queensberry, who had remained in Scotland for fear of offending the King, urged Hamilton to return; the latter was caught between staying at Court and returning to set an example to Lauderdale's demoralised opponents. It was even feared that Hamilton (and others) might be imprisoned because of their previous defiance. However, both sides did their best to exert influence in what might be regarded as something of a general election campaign - at least in Lowland shires.¹²⁸

The result of this competition was a disaster for the opposition. Lauderdale apparently boasted that he would have a majority of five-to-one, a figure subsequently verified by Gilbert Burnet. The voting in the Convention, which sat for two weeks from 26 June, would seem to suggest this level of domination.¹²⁹ Part of the reason for this was the fact that so many influential men remained in London, while the government's agents wasted no effort, employing a combination of persuasion and intimidation; it was said that Dalrymple of Stair had been busy trying to win friends for Lauderdale in Ayrshire as early as April. Sir Alexander Bruce of Broomhall lamented the fact that, despite everything, there were still people in the south-west ready to support the government. In addition, the King's continuing backing for Lauderdale caused a great deal of despondency among the opposition, which led to inaction. It should be noted that Broomhall's correspondent, Kincardine, as well as Atholl, Cassillis, Lord Cochrane and numerous others, simply did not turn up for the meeting.¹³⁰

Lauderdale had pulled off a tremendous coup with this Convention, because it placed the opposition in an impossible position. If they challenged the Secretary, they could be accused of disloyalty; if not, Lauderdale could claim the credit anyway. Thus, Hamilton, after he had failed to get the Convention delayed, decided to attend, but his options were limited to trying to prevent an excessive burden being imposed upon the country, despite the brave face he put on the situation.¹³¹ However, Lauderdale also had to be careful, because he had

orders that Hamilton was to be treated more gently from then on. The opposition noblemen were not to be troubled for their arms or horses when they returned from London, while if there were any challenges within the Convention, the Commissioner was not to proceed until he received further instructions from the King. Even if Charles merely desired to avoid further long debates about the actions of his government, this order to proceed with circumspection can only have wounded Lauderdale's sense of security.¹³²

Nevertheless, the Convention was a total success for the Duke. It was certainly strictly managed; to set the tone, the King ordered that Acts of Parliament from 1661 prohibiting the convocation of subjects without permission were to be reiterated.¹³³ Despite the best efforts of Hamilton and his allies - numbering about 30 out of 180 - to debate and block proceedings, there was no doubt about the Commissioner's domination. He was able to nominate the two committees which met, one for dealing with disputed elections and the other for drawing up the act for supply, and none of those who supported Hamilton appear to have been appointed. By the end of the fortnight, Hamilton and some of his allies had simply left the chamber in disgust. The result was a grant of taxation amounting to £1,800,000, to be collected over five years. Significantly, in accordance with the stated wishes of the Royal Burghs, there was no interest-relief clause, which must have helped secure the support of the burgh estate. However, the fact that there was no 'poll-money' allowed to be collected for relief of those who were liable suggests that this was also a fairly vindictive imposition. Ultimately, Lauderdale milked his success for all it was worth, throwing a splendid celebratory dinner for those members of the Convention who had not already departed.¹³⁴

The Secretary had thus weathered the storm over his government. He received due thanks from Charles for his efforts, and it was reported that the 'party' was scorned in London after their performance in the Convention.¹³⁵ How had he managed to survive this crisis - the term is surely merited? It is certainly true that his English allies, especially Danby and the bishops, had contributed to his success.¹³⁶ However, it could also be argued that the King's problems with the English Parliament meant that the opposition gained more leverage than they would otherwise have done. Ultimately, Lauderdale survived because he continued to have the support of Charles II himself; despite the monarch's exhortation that Lauderdale

should treat Hamilton more gently, there is nothing to suggest that he was ready to abandon his Secretary. Once again, the opposition had failed as a result of its own limitations. All of those men who had taken their case to London remained loyal to the Crown. Thus, as in 1673, if the King would not agree to their requests, there was very little they could do; it was inconceivable that they would follow the example of the dissenters and actively resist the government. Consequently, they were reduced to arguing about the amount of taxation to be granted; Bruce of Broomhall complained that no-one at the Convention had questioned the need for the extra forces, because the King had stated that they were needed.¹³⁷

Moreover, the opposition clearly encompassed a variety of opinions. Atholl and Perth were hardly of the same stock as presbyterian lairds from the south-west or Fife. Queensberry had possibly shown his true colours as well by taking the bond and refusing to go to London without permission; there was certainly some friction between himself and Hamilton at times during these months. Yet for all their differences, the common hatred felt for Lauderdale and his government was sufficient to keep the opposition at least superficially united. In reality, despite the Secretary's victory at the Convention, the crisis had merely been postponed. Indeed, there can have been few more unrepresentative meetings of the Estates than that held in 1678. However, as Hamilton travelled to Court again later in the year, it was not at all obvious how exactly Lauderdale could be removed.

A royal servant's demise: Lauderdale's final years, 1679-81

Lauderdale's eventual political demise was the result of both internal Scottish factors and the problems faced by the Crown in England. As politics in the southern kingdom became suffused with anti-catholic feeling, leading ultimately to the struggle between the King and Parliament over attempts in the latter to exclude James, Duke of York, the King's brother and heir to the throne, from the succession on account of his catholicism, the debate over Scotland's government took something of a back-seat, at least until the summer of 1679.¹³⁸ This was not for want of effort on the part of Lauderdale's opponents who hoped that, as England's crisis claimed more victims, including Lauderdale's powerful ally, Danby, the Scottish Secretary's days were numbered. Consequently, English affairs were monitored

with a combination of trepidation and expectation. The fact that Hamilton met with a more favourable reception at Court than previously during the winter of 1678-9, and that the English Parliament again turned its attention to attacking the Scottish Secretary in the spring, strengthened the conviction that the time for change was nigh, a sentiment which was boosted further as a result of the appointment of the Earl of Arran, Hamilton's son, as a Gentleman of the Bedchamber.¹³⁹

Yet, despite the advice of some of his new advisers in England, the King stuck by his old Scottish servant. In addition, even at this stage, Lauderdale did not lack allies; new men like Mackenzie of Tarbet and Sir George Gordon of Haddo, both formerly regarded by the Secretary as troublemakers, were brought into the Council.¹⁴⁰ The raising of the new troops in the autumn of 1678 provided a fresh opportunity to indulge in some patronage; in addition, the young James Graham, third Marquis of Montrose replaced Atholl as Captain of the King's Life Guard (Moray had been informing the King about Atholl's 'false musters' in June). Rosehaugh hoped that Montrose might be able to counter Arran's influence.¹⁴¹ The re-doubling of the size of the army indicated that Lauderdale's government was not prepared to back down in the face of so much opposition. Indeed, the administration's militaristic tendencies were further demonstrated when there was an attempt to reform the militia. It was ordered that 5,000 foot and 500 horse from the 22,000 specified in the Act of Parliament of 1663 were to be mustered for four days every month (for ten months in the year). The soldiers were to be divided into five regiments of foot and five troops of horse, with each of the shires contributing according to proportions set by the Council. The latter body was quick to point out that the country was not being asked to pay any more than it was already obliged to do; fewer men would be training more regularly. The upshot, however, was that 5,500 men would be in arms more often throughout the year.¹⁴² Oddly, there is no mention of this reform in correspondence, and it remained a dead-letter until James attempted to revive it a year later. It might be surmised, however, that the political situation, in both Scotland and England, persuaded the government that military preparation and strength were desperately needed.

Predictably, the extra standing forces did not have any impact upon dissenting activities. The story of the increasingly numerous attacks on soldiers, and the outbreak of rebellion a

few weeks after the murder of the despised Archbishop of St Andrews, James Sharp, in May, is well-enough known.¹⁴³ By the spring of 1679 it was widely felt that the military situation was getting out of control; the attack on government troops at Lesmahagow, in Lanarkshire, at the end of March provoked an especially panicky reaction from the Council.¹⁴⁴ However, one important point has escaped most writers. The report of the Council commission which had been appointed to investigate this latest outrage drew attention to the fact that soldiers were being attacked and even murdered while collecting taxes. It has already been argued that quartering for taxes was one of the major causes of tension in the country. This became even more apparent after the new imposition of cess in 1678; a covenanting tract argued that even the law possessed insufficient moral force to oblige the 'godly' to pay this tax, which was to be employed to pay the agents of repression, ie the military.¹⁴⁵ It is worth noting that, when the rebellion broke out in June, Linlithgow, the commander of the forces, did not move against the presbyterians immediately; this was to allow him to draw the royal army together, a rendezvous made necessary at least partly because so many soldiers were engaged in tax-collecting duties.¹⁴⁶ Thus, once again the limitations of central government were exposed. If security concerns meant the raising of extra troops, the problems associated with paying them reduced the potential for effective military action, while simultaneously exacerbating tensions. Lauderdale's government, despite all the efforts over so many years, had failed to resolve this basic problem.

As a result of the disorders in the country (and it is important to realise that much of the north and north-west was also in uproar, as a result of the respective private conflicts of Lauderdale's allies, the Campbell Earls of Argyll and Caithness, who continued to receive government backing),¹⁴⁷ and the election of a House of Commons which was predominantly hostile to the government, including Lauderdale, the Scottish opposition again travelled to London to criticise the Secretary. Hamilton was worried that his estates might be misused as they had been the previous year. Great efforts were made to persuade waverers to join the latest protest at Court, which, it was believed, would force the King's hand. In May, some of Lauderdale's friends on the Council recommended that they should also travel to London, a request which was subsequently warranted by the King. The latter, although preoccupied with the 'first Exclusion Parliament', agreed to hear both sides once again, although he continued to stress his support for his Secretary.¹⁴⁸ The outbreak of the

rebellion led to a panicky call from the Privy Council, acting on Linlithgow's recommendations, for English forces to be sent north to join the Scottish regulars and militia (which was called out for the second time in as many years). The King seemed to be siding with the elite opposition to Lauderdale by appointing his son, the Duke of Monmouth to command the forces against the rebels. The Duke had backed Hamilton and the others, and was also known to be sympathetic to dissenters.¹⁴⁹ His famously lenient treatment of the presbyterians after his victory at Bothwell brig seemed to fly in the face of the previous actions of Lauderdale's government.¹⁵⁰

At Court, the opposition re-launched their attack. It was argued at a conference in July that the disorders in the kingdom were entirely the fault of Lauderdale's mismanagement of the government. The loyalty of the nobility and gentry was stressed, but it was also pointed out that,

the administration of publick affairs these many years hes been in several things contrair to law and with great encroachments upon their rights, liberties and priviledges....¹⁵¹

Finally, it was contended that, if the King sacked Lauderdale and his cronies, and employed those who were both loyal and trusted by the nation, peace would be restored.¹⁵² The Secretary's allies put forward a spirited defence. Mackenzie of Rosehaugh stated explicitly that the King was an absolute monarch, and claimed that, as the various acts complained about ('Highland host', lawburrows etc.) were warranted by his authority, they were therefore legal, and also, in the circumstances, justifiable.¹⁵³ The lines of debate were thus fairly clear; the argument was very much about the limits of loyalty. The opposition stated that the allegiance of subjects to the person of the sovereign was indeed unconditional; but the government had to obey certain ground rules, and Lauderdale's regime had broken these. In effect, absolute monarchy in Scotland was limited by the law and by respect for the established privileges of the subject. The political ambitions of some of Lauderdale's enemies should not detract from the importance of this debate.

It is unsurprising that Charles II was not moved by these arguments, if indeed he cared about such intellectual concerns at all, especially when the debate was about Scotland. Crucially, he did not accede to the opposition's demands, but with his problems in England, he could not afford to ignore the hordes of discontented Scots who were roaming the streets of his capital. In addition, pamphlets were circulated expressing the opposition's case, and appealing to English prejudice against catholics by claiming that Lauderdale had intended to impose 'popery' and 'arbitrary government' in all of the King's realms.¹⁵⁴ Charles's immediate response was to leave Scotland's government in limbo. It is fairly clear that the policy towards dissenters was directed by Monmouth. Linlithgow complained to Lauderdale that the King's son ignored the Secretary's allies and consulted only dissenters or 'party' sympathisers. There has been speculation that Lauderdale was involved in the issuing of a third indulgence in July (which was again very limited in its scope), possibly in an attempt to steal his enemies' thunder; if so, this stemmed from awareness of the weakness of his position.¹⁵⁵

The King, however, attempted to maintain a balance of interests. He consistently upheld the authority and reputation of his Council and law courts, but adopted specific opposition policies; the issuing of a wide-ranging indemnity and the release of prisoners such as Lord Cardross and Home of Polwarth were measures clearly influenced by the government's opponents.¹⁵⁶ Yet, it should be pointed out that, of Lauderdale's enemies, only Queensberry was appointed to the Privy Council, and he had not joined the others at Court; indeed, his relations with Hamilton continued to be strained. The appointment of Thomas Dalrymple as Lieutenant-General was probably more to do with his military capabilities, rather than anything overtly political.¹⁵⁷ Over the next few months, the expected dismissal of Lauderdale simply did not materialise. In this way, the King demonstrated that he was not going to be coerced into making changes.¹⁵⁸ In fact, it is difficult to determine what might have occurred if the deadlock had not been broken by the intrusion of the Duke of York into Scotland's government.

By November, when James travelled north, Monmouth's star had waned somewhat at Court. It seems that Lauderdale had been one of those who suggested that York should go to Scotland, as a solution to the problem of what to do with the catholic heir who was the

intended victim of the exclusionists of the English Parliament. It may well be the case that the Secretary hoped that James would eventually restore his own authority; or perhaps he expected that James could best protect his own, his family's and his allies' interests. The King's brother certainly intimated that he would maintain a constant correspondence with Lauderdale.¹⁵⁹ However, James soon demonstrated that he was exclusively concerned with his own interests. It is established that Lauderdale's influence declined as a result of York's presence in Edinburgh and control of Scottish affairs. The reappearance of Perth, Atholl and Queensberry on the Privy Council, and Rothes's promotion to Duke in the summer of 1680, highlighted the extent to which Lauderdale's control had been destroyed, although as he retained his post of Secretary until October 1680, he was still able to exercise some influence, for instance, by obtaining Charles's order for postponing James's plans for the Highlands, on behalf of the Campbell earls.¹⁶⁰ However, the great Duke's time had passed. After the drama of his final years in power, his departure was effected quietly and without undue controversy. He had not so much been forced from the centre stage of political life, as eased into the sidelines by the firm hand of his royal masters.

It is vital to realise, however, that the system of government over which Lauderdale had presided did not disappear with him, although no individual replaced him as sole minister for Scottish affairs. In addition, York's much heralded success in gaining support in Scotland can be overstated. It is true that, initially, he continued the 'moderate' policies towards dissenters initiated by Monmouth. It is also the case that he managed to compose temporarily some of the rifts among the high nobility. Fervent royalists were, of course, falling over themselves to ingratiate themselves with the Duke.¹⁶¹ However, the problems associated with Scotland's government did not simply vanish as a result of the royal presence, although he did enjoy something of a honeymoon period; in February 1680, Mackenzie of Rosehaugh remarked that the Council was united and their critics were silent, largely because of York.¹⁶² Nevertheless, there were plenty of signs that James shared Lauderdale's approach to government. A hint of his arrogant attitude can perhaps be seen in his refusal to take the oath of allegiance and the Declaration before taking his seat in Council, despite unease among fellow Councillors and advice from Lauderdale himself that he should do so.¹⁶³

More telling was York's attitude towards the military. Both he and Dalyell, who was appointed Commander-in-chief in November 1680, were concerned about standards of supervision and discipline in the army; officers were ordered to attend their companies, and in December a single form of military discipline was ordered throughout Britain.¹⁶⁴ Moreover, and most obviously, there were no moves to disband the troops which were raised in 1678; as noted elsewhere, in 1680-1, the Commissioners of the Treasury were still trying to find ways of ensuring there were sufficient funds to pay the soldiers.¹⁶⁵ At the 1681 Parliament, the cess imposed in 1678 was voted to be continued for another five years, which meant that the extra soldiers could be retained until 1688 if the government so required. (It is worth noting that the 1681 act contained further clauses which sought to regulate quartering for arrears, which was, however, to continue. Furthermore, unlike 1678, heritors were permitted to exact relief from tenants.)¹⁶⁶ Thus, there was to be no break with the policy of Lauderdale's government.

James's militarism can be further demonstrated by his attempt to revive the proposal for a 'new-model' militia, first mooted late in 1678. This reform would have ensured that 5,500 men were in arms more regularly throughout the kingdom. However, during the course of 1680, the government found out that the lack of progress following the original proclamation of December 1678 was not due solely to the inaction of the Council. A barrage of instructions, exhortations, and threats was insufficient to overcome the recalcitrance and disobedience found in many shires (indeed, James had to overcome opposition within the Council itself).¹⁶⁷ In fact, when York, who had returned to London in the spring of 1680, reappeared in Scotland in November, the official reason given for his second journey was that he was to speed up implementation of the militia reform. This was, of course, disingenuous because the real reason was the continuing struggle between King and Parliament in England. However, the opposition in the country was real enough.¹⁶⁸ Thus the government was faced with the kind of disobedience which had dogged the latter years of Lauderdale's administration. It is interesting that the proposal appears simply to have been dropped after James's return, for there is no mention of it in the Council records; in March 1681 the militia was ordered to rendezvous in the manner which had been the norm prior to the 'new-model' proposals.¹⁶⁹ James's stay in Scotland was not the complete success it is often made out to be.

The royal Duke, and the rest of the government, showed that they intended maintaining Lauderdale's system in another important way; Parliament's activities were still to be strictly curtailed. The 1681 meeting can rightly be characterised as tame (although it was not free of problems). But it is vital to realise that it was also rigorously managed. Considerable effort was, once again, put into securing the elections of shire and burgh commissioners. In fact, James, who was royal Commissioner to the Parliament, consulted Lauderdale about his duties; the latter, predictably, stressed the importance of controlling the elections.¹⁷⁰ As Commissioner, James was able to carry a royalist agenda. Although the acts which guaranteed the protestant religion and proclaimed the inviolability of the succession passed easily enough, the infamous 'Act anent Religion and the Test' provoked considerable debate, even in this overwhelmingly loyal Parliament. This act imposed an oath - the Test - on more or less the entire political nation, compelling them to own the protestant religion as established in the Confession of Faith of 1560, while simultaneously affirming the prerogatives of the King in civil and ecclesiastical affairs; the Test also enshrined the principle of non-resistance.¹⁷¹ The inconsistencies and apparent dangers of this act (how was it possible to own the protestant religion, while acknowledging the ecclesiastical prerogatives of a future catholic King?) provoked a great deal of disobedience, which is beyond the scope of this thesis.¹⁷² The point is that, so far as James was concerned, Parliament was not a forum for dissent or even discussion, but for agreeing to proposals presented by the Articles. In addition, the Test Act constituted another barrier to those who already refused to take the oath of allegiance and/or the Declaration. Many throughout the country must have been struck by the grim irony that James's actions did not differ greatly from those of the recently retired Lauderdale.

It is significant that not much actually changed after Lauderdale's departure from the political scene. He had presided over a system of government which was heavily reliant on the military, and which sought to deny a role for opposition - either in Parliament, or at conventicles. Lauderdale had not created this system, although he had been involved in the discussions about the legislation of the first Restoration Parliament; rather, he had adopted it and shaped it as the means of preserving his own position (whether he sincerely believed in such an 'absolutist' system is a question of interest rather than of practical importance).

The opposition to Lauderdale encompassed not only those who were excluded from office as a result of the Secretary's power, and thus bore personal grudges, but many who envisaged a different kind of system (which would still, of course, be monarchical); this appears to be obvious from the kind of debates which took place during the years discussed in this chapter. In 1681, however, there did not seem to be any prospect of fundamental change; at the same time, it was not at all obvious where Scottish government was going.

Conclusion

This chapter has attempted to pull together some of the themes which have been discussed previously in the thesis. I have focused on the attitudes of both the government and the opposition. During the years from 1674, the former displayed an increasingly authoritarian and ruthless outlook, and turned to the military in an attempt to crush both dissenters and to overawe the elite opposition. The policy, if such reactive brutality can be characterised as such, was a failure. If anything, the government's aggression simply provoked greater militancy among dissenters, and more persistent disobedience and resolution among its other opponents. The consequence was a rebellion in 1679 by presbyterians, and a sustained campaign at Court in London by the 'loyal opposition'. Both of these contributed to Lauderdale's political demise, although the outcome was determined indirectly by the political problems experienced by the King in England; the decision to send James, Duke of York, to Scotland effectively ended Lauderdale's control of affairs. However, it has been suggested that the system of government, which might for convenience be termed 'absolutist', survived. There was no suggestion that government would depend less on the military, or that Parliament would play a more prominent role. Yet, the strength of the opposition to Lauderdale had revealed the potential limitations of this system of government. The King's brother and his new allies - some of whom had been associated with that opposition - provided no indication that they were ready or willing to appreciate the lessons provided by the turmoil of the old Secretary's administration.

References

- ¹. Throughout the chapter I use the term 'elite opposition' to distinguish the 'party' from the presbyterian dissenters who were engaged in conflict with the government. The members of the 'party' were drawn from the political elites, while the dissenters were generally of less distinguished status; the term 'elite opposition' is in no way intended to imply judgement.
- ². See previous chapter.
- ³. See chapter 2, pp. 78-80.
- ⁴. *RPCS*, iv, pp. 350-2; SRO GD 406/2/638/1-2; BL Add Ms 23136/80-1, 93, 109, 111; NLS Ms 25382/48-54; Mackenzie, *Memoirs*, pp. 267-9; Burnet, *History*, ii, pp. 55-6; Simpson, 'The Advocates as Scottish Trade Union pioneers', p. 172; *Scots Peerage*, ii, pp. 362-3.
- ⁵. BL Add Ms 23136/119; NLS Ms 7006/115, 121, 126; *Scots Peerage*, ii, p. 363; iv, p. 380. See also chapter 5, p. 221, for Tweeddale's links with Sir George Lockhart. Mackenzie stated that Sir Robert Sinclair was one of the four who gave advice to Lord Almond; yet a later Council indictment claimed that the fourth was in fact Mr. William Weir. Sinclair was one of those who withdrew in protest at the punishment of the three (described below). See Mackenzie, *Memoirs*, p. 268; *RPCS*, iv, p. 352.
- ⁶. *RPCS*, iv, p. 352; SRO GD 406/2/638/1-2; BL Add Ms 23136/89, 93; Mackenzie, *Memoirs*, p. 268; Simpson, 'The Advocates', p. 172. See chapter 5, pp. 225-6, for grievance relating to the Session.
- ⁷. SRO GD 406/1/6008; NLS Mss 7006/115, 122; 25382/56-63; BL Add Ms 23136/78, 90.
- ⁸. SRO GD 406/1/2791, 2854-5; *LP*, iii, 40-1; NLS Ms 7006/115-6, 122, 128-9. See also chapter 2, p. 79.
- ⁹. *RPCS*, iv, pp. 186-191; NLS Ms 7034/58.
- ¹⁰. NLS Ms 7034/58.
- ¹¹. *RPCS*, iv, pp. 352-3; SRO GD 406/1/2738, 2740, 2741; 406/2/638/1-3, 11; BL Add Ms 23136/165, 173; Mackenzie, *Memoirs*, pp. 268-72, 276-9; Burnet, *History*, ii, p. 56.
- ¹². NLS Ms 7006/137.
- ¹³. BL Add Ms 23126/173, 180; Lauderdale muniments, Thirlestane Castle, bundle 65/15, King to Court of Session, 14 July 1674; SRO GD 406/1/2744-5, 2749.
- ¹⁴. *RPCS*, iv, pp. 191-2. See chapter 2, p. 78, for the proclamation.

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- ¹⁵. *RPCS*, iv, pp. 192-253; *LP*, iii, pp. 48-9
- ¹⁶. *RPCS*, iv, pp. 201, 211-2, 218; GD 406/1/2736, 2741.
- ¹⁷. Lauderdale muniments, Thirlestane Castle, bundle 65/15, Lauderdale to Charles Maitland, 20 February 1675.
- ¹⁸. BL Add Ms 23136/159-60.
- ¹⁹. *LP*, iii, p. 61.
- ²⁰. *RPCS*, iv, pp. 217-91; BL Add Ms 23136/165, 173.
- ²¹. BL Add Ms 23136/176.
- ²². SRO GD 406/1/2747.
- ²³. *RPCS*, iv, pp. 253-7, 264; SRO GD 406/1/2752-3, 2801.
23. Buckroyd, *Church and State*, pp. 106-116. For discussion of the composition of the government during these years, see chapter 2.
- ²⁵. Hutton, *Charles II*, pp. 323, 521.
- ²⁶. *RCRB*, 1616-1676, pp. 638-42; SRO GD 406/1/2743, 2756, 2758; Burnet, *History*, ii, p. 57.
- ²⁷. Mackenzie, *Memoirs*, pp. 274-6. See also previous footnote.
- ²⁸. Mackenzie, *Memoirs*, p. 274; SRO GD 406/1/2743.
- ²⁹. BL Add Ms 23136/202.
- ³⁰. *RPCS*, iv, pp. 266-8; SRO E6/2, pp. 211-3, 225; E7/2, pp. 70-3; GD 406/1/2761; BL Add Ms 23136/86; Dalton, *The Scots Army*, part 1, p. 39, part 2, pp. 22, 99-101.
- ³¹. *RPCS*, iv, pp. 268-9; BL Add Ms 23136/186.
- ³². NLS Ms 7006/116.
- ³³. NLS Ms 7025/131.
- ³⁴. NLS Ms 7006/78. See also chapter 5, pp. 229.
- ³⁵. NLS Ms 7006/130; SRO GD 406/1/2759. See also NLS Ms 7006/147.

- ³⁶. *RPCS*, iv, pp. 242, 249-50, 270-1, 287, 311; SRO GD 406/1/5911. See chapter 5, p. 217, for the Act of Parliament.
- ³⁷. *RPCS*, p. 267; Dalton, *The Scots army*, part 2, p. 12.
- ³⁸. Dalton, *The Scots Army*, part 1, p. 39, part 2, pp. 99-101; *APS*, viii, pp. 55-7, 208-9. For Monro's attendance at Council, see chapter 2, p. 82.
- ³⁹. *LP*, iii, pp. 65-6; Lauderdale muniments, Thirlestane Castle, bundle 65/15, Lauderdale to Charles Maitland, 3 September 1674.
- ⁴⁰. *RPCS*, iv, pp. 283ff. This volume ends in June 1676; there is no space at present to discuss the various measures in detail, and, indeed, there does not seem to be a great deal of point in doing so. I will, however, refer to a couple of specific actions. See also, *LP*, iii, pp. 77-8, which describes a clash between armed conventiclers and soldiers in March 1675.
- ⁴¹. *RPCS*, iv, pp. 429, 438-9, 463, 578.
- ⁴². See chapter 4.
- ⁴³. *RPCS*, iv, pp. 241, 245-6, 278, 284; SRO GD 406/1/2761; BL Add Ms 35125\271. See chapter 4, p. 181, for the previous attempt to restrict tax-collecting to the militia.
- ⁴⁴. *RPCS*, iv, pp. 271, 284, 300, 304-5, 386-7, 396-7.
- ⁴⁵. BL Add Mss 23138/41; 35125/271.
- ⁴⁶. BL Add Ms 23138/41-2; *RPCS*, iv, pp. 412-3, 425-8, 447.
- ⁴⁷. SRO GD 406/1/2313, 2836-7, 2871; NLS Ms 7007/130-1; *RPCS*, iv, pp. 460-1; Burnet, *History*, ii, pp. 112-3. For the Act of Parliament, see chapter 1, p. 16.
- ⁴⁸. *RPCS*, iv, pp. 472-3, 476; SRO GD 406/1/2900.
- ⁴⁹. *RPCS*, iv, pp. 474-6, 480-5; SRO GD 406/1/6027; NLS Ms 7007/152, 161.
- ⁵⁰. *RPCS*, iv, p. 486; Burnet, *History*, ii, p. 112.
- ⁵¹. *RPCS*, iv, pp. 476, 480; SRO GD 406/1/6027.
- ⁵². *RPCS*, iv, pp. 498-501; SRO E6/2, pp. 317-9, 333; E7/2, pp. 120-7.
- ⁵³. *RPCS*, iv, pp. 318-9; BL Add Ms 23137/9; SRO GD 406/1/2692, 5974; *HMC, Supplementary report...Hamilton*, p. 88; *RCRB*, 1615-1676, pp. 638-9, 643-5; *Extracts from the records of the burgh of Edinburgh, 1665-1680*, pp. 212-3.

⁵⁴. *RPCS*, iv, pp. 281-3, 287, 356-7; SRO GD 406/1/2687, 2728, 2762-4, 2815, 2859, 2921, 5989, 5991; *HMC, Supplementary report...Hamilton*, p. 88; BL Add Ms 23136/196, 198, 204; NLS Ms 597/265-6; Mackenzie, *Memoirs*, pp. 310-11; *Extracts from the records of the burgh of Edinburgh, 1665-1680*, pp. 190-4, 198-9, 204-8, 217.

⁵⁵. *RPCS*, iv, pp. 319-20, 335-7, 356-7, 367-76; SRO GD 406/1/2843, 2845, 2874, 2921, 5966, 6617; NLS Mss 597/265; 7007/10, 14; BL Add Ms 35126/264; Mackenzie, *Memoirs*, p. 275. The King's initial letter ordering the investigation had included George Forrester of Dundee among the accused; it is not clear why he was not proceeded against.

⁵⁶. *RCRB*, 1615-1676, pp. 648-52; SRO GD 406/1/2827; NLS Ms 7007/106; Mackenzie, *Memoirs*, pp. 311-3. Oddly, it seems that Robert Baird and John Cunningham, Edinburgh's commissioners to the Convention, dissented from the act; they had also dissented from the offending letter of August 1674. It is possible that they had not liked the tone of the original letter, which called for Parliament to meet; alternatively, they had simply changed their minds, as a result of their dissatisfaction about the government's treatment of Edinburgh in the matter of the town's election, see Mackenzie, *Memoirs*, pp. 310-1. Both men were among those barred from holding office in September 1675, see below.

⁵⁷. *RCRB*, 1615-1676, pp. 656-9, 664-5; Lauderdale muniments, Thirlestane Castle, bundle 65/15, Lauderdale to Charles Maitland, 30 November 1675.

⁵⁸. *RPCS*, iv, pp. 469-71, 475; Mackenzie, *Memoirs*, pp. 313-4; BL Add Ms 23137/72, 85; 35125/278; SRO GD 406/1/2836, 2900, 6027; *Extracts from the records of the burgh of Edinburgh, 1665-1680*, pp. 229, 231-3, 238-9, 243.

⁵⁹. *RPCS*, iv, pp. 283-5; SRO GD 406/1/2762, 2764, 5905; 406/2/638/1; BL Add Ms 23137/3-4; Lauderdale muniments, Thirlestane Castle, bundle 65/15, Lauderdale to Charles Maitland, 12 December 1674; Mackenzie, *Memoirs*, pp. 278-9.

⁶⁰. *RPCS*, iv, pp. 334, 337-8, 347-9, 621-2; SRO GD 406/1/2873, 2845-6, 3031, 5943, 5967, 6095; 406/2/638/8; NLS Ms 7007/14, 16; BL Add Ms 23137/25; Lauderdale muniments, Thirlestane Castle, bundle 41/23, King to Lords of Session, February 1675. For the advocates' address, a response and some 'Observations' (probably drawn up by Sir John Nisbet, Lord Advocate), and a defence which Mackenzie of Rosehaugh claimed to have presented, see Mackenzie, *Memoirs*, pp. 280-308; *RPCS*, iv, pp. 623-8, 631-45; BL Add Ms 23137/29-39, 40-4. William Weir, one of the original four who had advised Almond, did not sign the address presented in January, see *RPCS*, iv, p. 394.

⁶¹. *RPCS*, iv, pp. 350-6, 379, 385-6, 393-5, 623, 628-9; SRO GD 406/1/2842, 2868, 2875, 5964; 406/2/638/21.

⁶². SRO GD 406/1/2844, 2849, 3039-40; NLS Ms 7007/31, 60, 167; Lauderdale muniments, Thirlestane Castle, bundle 65/15, Lauderdale to Charles Maitland, 20 February, 15 April, 1 & 10 June 1675; Burnet, *History*, ii, pp. 73-5, 78. For the previous attack on Lauderdale by the House of Commons, see chapter 5, p. 228.

⁶³. Lauderdale muniments, Thirlestane Castle, bundle 65/15, Lauderdale to Charles Maitland, 1 & 10 June 1675; NLS Ms 7007/78, 86.

⁶⁴. SRO GD 406/1/2915, 3029, 5943, 5974, 6617; 406/2/638/12, 18-9.

⁶⁵. BL Add Ms 23137/3-4; Lauderdale muniments, Thirlestane Castle, bundle 65/15, Lauderdale to Charles Maitland, 12 December 1674.

⁶⁶. NLS Ms 7007/71, 80, 160, 203; SRO GD 406/1/2933; 406/2/638/2; Lauderdale muniments, Thirlestane Castle, bundle 65/15, petition by Sir George Lockhart to the King, late-1675; Lauderdale to Charles Maitland, 30 November 1675; Charles Maitland to Lauderdale, 7 December 1675; Lauderdale to Charles Maitland, 14 December 1675 & 1 January 1676.

⁶⁷. BL Add Ms 23138/41-2.

⁶⁸. Hutton, *Charles II*, p. 328; Buckroyd, *Church and state*, p. 116.

⁶⁹. *RPCS*, iv, pp. 499-501, 537-8; SRO E6/2, pp. 333, 336-7; E7/2, p. 122-3, 136; GD 406/1/3012, 3017, 3018, 3021; *HMC, Hamilton*, pp. 154-5. There had been rumours that Rothes's troop was to be disbanded in April 1674, to help finance the raising of more foot soldiers; see above f. 32.

⁷⁰. *RPCS*, iv, pp. 586-9; SRO GD 406/1/3012, 3017; NLS Ms 7007/197, 249.

⁷¹. See chapter 2, pp. 86-7.

⁷². Lauderdale muniments, Thirlestane Castle, bundle 75/7, Lauderdale to Charles Maitland, 5 October 1675 & 26 January 1676; Hopkins, *Glencoe and the end of the Highland war*, pp. 56-60; Macinnes, 'Repression and conciliation', pp. 186-7.

⁷³. See chapter 1.

⁷⁴. Once again, there seems little point in trying to describe all of the Council's proceedings against conventicles. References to particular acts and orders which are of relevance to my argument will, of course, be provided. However, general remarks about the government's relentless pressure in these years are based on volumes five and six of the Privy Council records; summaries are provided in the introductions to these volumes.

⁷⁵. BL Add Ms 23138/11, 17, 21.

⁷⁶. NLS Ms 7007/186; BL Add Ms 23137/112; SRO GD 406/1/8891, 8907; *HMC, Hamilton*, pp. 153, 155; Turner, *Memoirs*, pp. 258-62; *LP*, iii, pp. 80-1.

⁷⁷. SRO GD 406/1/2937; GD 224/171/3, p. 35, Kincardine to Queensberry, 27 November 1676; 224/171/4, no. 13, Hamilton to Queensberry, 16 April 1677; *HMC, Buccleuch*, pp. 216-8.

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- ⁷⁸. *HMC, Buccleuch*, pp. 216-7.
- ⁷⁹. *HMC, Buccleuch*, pp. 221-2; SRO GD 224/171/4, no. 29, Hamilton to Queensberry, 29 May 1677.
- ⁸⁰. See chapter 2, p. 88.
- ⁸¹. Buckroyd, *Church and state*, pp. 122-3.
- ⁸². *HMC, Buccleuch*, pp. 223-7; SRO GD 224/171/6, pp. 3-4, 12, ? to Queensberry, 31 August, September/October (?), & late (?), 1677; Mackenzie, *Memoirs*, pp. 321-2; NLS Ms 7008/64; 25383/47.
- ⁸³. SRO GD 224/171/6. p. 13, ? to Queensberry, 16 September 1677.
- ⁸⁴. SRO GD 224/171/4, no. 13, Hamilton to Queensberry, 16 April 1677; 224/171/6, p. 3, ? to Queensberry, 31 August 1677; GD 406/1/2883; *HMC, Buccleuch*, pp. 221.
- ⁸⁵. *HMC, Buccleuch*, pp. 223, 225-9; SRO GD 224/171/6, p. 4, ? to Queensberry, 6 October (?) 1677.
- ⁸⁶. *RPCS*, v, pp. 147-8; Lauderdale muniments, Thirlestane Castle, bundle 41/23, Lauderdale to Charles Maitland, 23 June 1677.
- ⁸⁷. *RPCS*, v, pp. 193-6.
- ⁸⁸. *RPCS*, v, pp. 206-9, 213-6; *HMC, Buccleuch*, pp. 222-3.
- ⁸⁹. BL Add Ms 23138/63; *HMC, Calendar of the Mss of the Marquess of Ormond preserved at Kilkenny Castle* (New Series, 1906), iv, pp. 17-20, 35-8; NLS Ms 597/270.
- ⁹⁰. *RPCS*, v, pp. 241, 248, 258-9; SRO E6/3, p. 78; *HMC, Buccleuch*, p. 226.
- ⁹¹. SRO GD 406/1/2885.
- ⁹². *RPCS*, v, pp. 235, 239-40.
- ⁹³. Macinnes, 'Repression and conciliation', pp. 187-8; Hopkins, *Glencoe and the end of the Highland war*, pp. 60-2. See also chapter 2.
- ⁹⁴. *HMC, Buccleuch*, p. 225.
- ⁹⁵. NLS Ms 597/270-1; *RPCS*, v, pp. 272-3..
- ⁹⁶. *HMC, Buccleuch*, pp. 229-30; Turner, *Memoirs*, p. 264; *RPCS*, v, pp. 270-1.
- ⁹⁷. *RPCS*, v, pp. 278-80; *HMC, Buccleuch*, p. 231.

- ⁹⁸. *RPCS*, v, pp. 272-298; *LP*, iii, pp. 89-92; BL Add Ms 23138/71; *HMC, Ormond*, new series, iv, pp. 61-75.
- ⁹⁹. *RPCS*, v, pp. 300-7.
- ¹⁰⁰. W. Mackay, 'The Highland host' (*Transactions of the Gaelic Society of Inverness*, xxxii, 1924-5), pp. 72-4, 80-1; Macinnes, 'Repression and conciliation', p. 185.
- ¹⁰¹. See references in chapter 4, p. 172, f. 79. Also, Mackay, 'The Highland host', p. 73.
- ¹⁰². *RPCS*, v, pp. 301-2, 309-13, 326-7; Turner, *Memoirs*, p. 264.
- ¹⁰³. *RPCS*, v, pp. 319-27.
- ¹⁰⁴. J. Elder, *The Highland host of 1678* (Glasgow, 1914), pp. 3-6; Buckroyd, *Church and state*, p. 127.
- ¹⁰⁵. Hutton, *Charles II*, pp. 345-51.
- ¹⁰⁶. The full proceedings can be found in *RPCS*, v, pp. 304-450; 500-93. A descriptive account, based largely on these Council records, can be found in Elder, *The Highland host*.
- ¹⁰⁷. *RPCS*, v, pp. 347-50, 531; Elder, *The Highland host*, pp. 79-80.
- ¹⁰⁸. Elder, *The Highland host*, pp. 61-3, 79-88.
- ¹⁰⁹. *Ibid.*, pp. 52-5, 63-8.
- ¹¹⁰. *RPCS*, v, pp. 419-22; NLS Ms 7008/101; 7034/80-1; SRO GD 224/171/6, p. 9, ? to Queensberry, 12 [April ?] 1678.
- ¹¹¹. *RPCS*, v, pp. 406-7, 413-4; *LP*, iii, pp. 99-102.
- ¹¹². *RPCS*, v, pp. 425-32.
- ¹¹³. NLS Mss 7008/92, 97-8; 25383/47-9; SRO GD 406/1/8011, 8061; Burnet, *History*, ii, pp. 146-7; *RPCS*, v, pp. 304-5.
- ¹¹⁴. BL Add Ms 23138/95-6; *LP*, iii, pp. 103-6; SRO GD 406/1/8893, 9433; NLS Ms 7008/103; *RPCS*, v, p. 433.
- ¹¹⁵. BL Add Ms 23138/108-9; *LP*, iii, pp. 106-113; SRO GD 406/1/8011, 9434, 9683; 406/2/642/3; GD 224/171/3, p. 35, Kincardine to Queensberry, 20 April 1678; NLS Ms 7008/108; Turner, *Memoirs*, pp. 266-7; *RPCS*, v, pp. 444-5.
- ¹¹⁶. BL Add Ms 23138/110, 112-5; *LP*, iii, pp. 114-5, 117.

- ¹¹⁷. BL Add Mss 23138/115; 23242/3-8; *LP*, iii, pp. 118-22; SRO GD 224/171/3, pp. 35-6, Kincardine to Queensberry, 20 April 1678; NLS Ms 25383/50; *RPCS*, v, p. 445; Turner, *Memoirs*, p. 267.
- ¹¹⁸. SRO GD 406/1/9683; GD 224/171/2, p. 145, ? to Queensberry, 26 April 1678.
- ¹¹⁹. SRO GD 406/1/2940; *HMC*, *Buccleuch*, p. 236; BL Add Ms 23242/5, 22-3; *LP*, iii, pp. 122, 126, 129-30, 133-45; NLS Ms 7008/124, 127; Burnet, *History*, ii, p. 149; Hutton, *Charles II*, pp. 346-53.
- ¹²⁰. BL Add Ms 23242/14; *LP*, iii, p. 147; SRO GD 406/1/2940; 406/2/635/5; *HMC*, *Buccleuch*, pp. 235-6.
- ¹²¹. SRO GD 406/1/2965, 8095; 406/2/635/11; *HMC*, *Buccleuch*, pp. 236-7; BL Add Ms 23242/40, 42, 46, 48; *LP*, iii, pp. 149-50.
- ¹²². *LP*, iii, pp. 149-50.
- ¹²³. See above pp. 252-3.
- ¹²⁴. Elder, *The Highland host*, pp. 89-92.
- ¹²⁵. See chapter 3.
- ¹²⁶. *RPCS*, v, pp. 455-9; SRO E6/3, pp. 137-9; E7/2, p. 206; BL Add Ms 23242/20, 40, 42, 44; *LP*, iii, p. 129; *HMC*, *Buccleuch*, p. 162.
- ¹²⁷. *RPCS*, v, 459-62; BL Add Ms 23242/40, 42, 46; Hutton, *Charles II*, p. 354.
- ¹²⁸. *HMC*, *Buccleuch*, p. 237; *HMC*, *Hamilton*, p. 162; SRO GD 224/171/1, p. 61, ? to Queensberry, 17 June 1678; 224/171/2, p. 119, ? to Queensberry, 5 June 1678; 224/171/6, pp. 8-9, ? to Queensberry, 6 June 1678; 406/1/2965, 8095, 8675, 9433; BL Add Ms 23242/48, 52; *LP*, iii, pp. 148-9.
- ¹²⁹. Turner, *Memoirs*, p. 271; Burnet, *History*, ii, p. 149; BL Add Ms 23242/75, 79.
- ¹³⁰. SRO GD 224/171/6, p. 8, ? to Queensberry, 6 June 1678; 406/1/2965, 8675, 9433; Turner, *Memoirs*, p. 271-2; NLS Ms 7008/137, 139; 25383/52-6; BL Add Ms 23242/48; *RPCS*, v, 467-8; *APS*, viii, pp. 213-4.
- ¹³¹. BL Add Ms 23242/52; *LP*, iii, pp. 152-3; *HMC*, *Buccleuch*, p. 237; SRO GD 224/171/1, pp. 61-2, ? to Queensberry, 17 June 1678; 406/1/8097, 9120.
- ¹³². Hutton, *Charles II*, p. 354; *LP*, iii, p. 153; BL Add Ms 23242/61, 64.
- ¹³³. BL Add Ms 23242/64; *APS*, viii, p. 216.

- ¹³⁴. *APS*, viii, pp. 216-30; BL Add Ms 23242/75-6, 79-82; *LP*, iii, pp. 154-9, 247-56; NLS Ms 25383/56-61; SRO GD 406/1/8675; J. D. Marwick (ed), *Extracts from the records of the Convention of Royal Burghs of Scotland [RCRB], 1677-1711* (Edinburgh, 1880), pp. 8-11.
- ¹³⁵. *LP*, iii, p. 159; NLS Ms 597/272.
- ¹³⁶. J. R. Jones, 'The Scottish constitutional opposition in 1679' (*SHR*, xxxvii, 1958), pp. 37-8; Buckroyd, *Church and state*, pp. 128-9.
- ¹³⁷. NLS Ms 25383/58.
- ¹³⁸. My information about English affairs during these years is derived from Hutton, *Charles II*, chapters 13-15, and Jones, *Charles II*, chapters 7-8.
- ¹³⁹. SRO GD 406/1/2975, 2993, 2997, 8147-8, 8151; 224/171/10, pp. 1-2, Moray to Queensberry, 26 December 1678 & 27 February 1679; Turner, *Memoirs*, pp. 276-7; NLS Ms 7008/166; BL Add Mss 23242/89, 94; 23243/9; Burnet, *History*, ii, p. 234; Buckroyd, *Church and state*, pp. 129-30.
- ¹⁴⁰. See chapter 2, p. 92.
- ¹⁴¹. Dalton, *The Scots army*, part 2, p. 7, 105-113; *RPCS*, vi, pp. 29-31; SRO E6/3, pp. 167-72; E7/2, pp. 234-9; BL Add Mss 23242/62, 102; 23243/9; NLS Ms 7008/166.
- ¹⁴². *RPCS*, vi, pp. 55-8, 77-85. The details of the 'new-model' militia were worked out in November and December 1678, disproving the statement by B. Lenman that the proposal was made by Charles II after the rebellion of June 1679 (although, of course, the King may well have made the suggestion), see 'Militia, fencible men', p. 182. For the 1663 act, see chapter 1, pp. 37-8.
- ¹⁴³. Cowan, *The Scottish covenanters*, pp. 92-9; Buckroyd, *Church and state*, p. 130.
- ¹⁴⁴. *RPCS*, vi, pp. 160-7, 173-8; *LP*, iii, pp. 162-4; BL Add Ms 23243/20, 32; NLS Ms 7008/207, 215; SRO GD 406/1/7513.
- ¹⁴⁵. *RPCS*, vi, pp. 177-8; SRO GD 406/1/9408; *LP*, iii, pp. 257-8; NLS Ms 2760.
- ¹⁴⁶. *LP*, iii, pp. 169-70.
- ¹⁴⁷. Macinnes, 'Repression and conciliation', pp. 187-8; Hopkins, *Glencoe and the end of the Highland war*, pp. 63-9.
- ¹⁴⁸. SRO GD 406/1/3002, 6618-9, 7513, 9682; NLS Mss 7008/201, 207, 215; 25382/16-7; BL Add Ms 23243/32, 42, 50; *RPCS*, vi, pp. 195, 200-1; Hutton, *Charles II*, p. 375.
- ¹⁴⁹. *RPCS*, vi, pp. 207-270; *LP*, iii, pp. 164-70, 258-60; Dalton, *The Scots army*, part 1, pp. 46-57; NLS Ms 25382/17; Burnet, *History*, ii, p. 239

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- ¹⁵⁰. Cowan, *The Scottish covenanters*, pp. 99-102.
- ¹⁵¹. SRO GD 406/2/635/10.
- ¹⁵². The gist of the specific complaints which were expressed can be seen in a pamphlet published about this time, NLS, *Some particular matter of fact relating to the administration of affairs in Scotland under the Duke of Lauderdale* (1679).
- ¹⁵³. BL Add Ms 23244/20-7.
- ¹⁵⁴. NLS, *Some farther matter of fact relating to the administration of affairs in Scotland under the Duke of Lauderdale. Humbly offered to his Majesties consideration, in obedience to his royal commands*. See also f. 152 above.
- ¹⁵⁵. BL Add Ms 35125/310-1; *RPCS*, vi, pp. 263-6, 278; Buckroyd, *Church and state*, pp. 130-1; Hutton, *Charles II*, p. 376.
- ¹⁵⁶. *RPCS*, vi, pp. 270-2, 280-2, 284, 289-90, 293-4, 296, 302-4; BL Add Ms 23244/33, 35, 37, 39. The imprisonment of Cardross and Home of Polwarth had been explicitly mentioned in one of the opposition's pamphlets, see NLS, *Some particular matter of fact*.
- ¹⁵⁷. *RPCS*, vi, pp. 240, 252, 273; SRO GD 406/1/6618-9, Hutton, *Charles II*, p. 376.
- ¹⁵⁸. Hutton, *Charles II*, pp. 376; NLS Ms 7008/217.
- ¹⁵⁹. Hutton, *Charles II*, pp. 381-2, 387; BL Add Ms 23245/19, 31; *LP*, iii, p. 185.
- ¹⁶⁰. Hutton, *Charles II*, pp. 387-8; Hopkins, *Glencoe and the end of the Highland war*, pp. 68-71; Cowan, *The Scottish covenanters*, pp. 103-4; Mackenzie, *Life and times*, pp. 476-84.
- ¹⁶¹. Hutton, *Charles II*, p. 387; H. Ouston, 'York in Edinburgh: James VII and the patronage of learning in Scotland, 1679-1688', in J. Dwyer, R. Mason & A. Murdoch, *New perspectives on the politics and culture of early modern Scotland* (Edinburgh, 1982).
- ¹⁶². *LP*, iii, pp. 191-2.
- ¹⁶³. *LP*, iii, pp. 181-6; *RPCS*, vi, p. 344.
- ¹⁶⁴. *RPCS*, vi, pp. 319-20, 332-3, 346-7; *LP*, iii, p. 185.
- ¹⁶⁵. See chapter 3, p. 136.
- ¹⁶⁶. *APS*, viii, pp. 240-2.

¹⁶⁷. *RPCS*, vi, pp. 352-5, 472, 477-8, 490-3, 496, 502-5, 511-4, 527-9, 538-41, 543-4, 549-50, 575-6; BL Add Mss 23245/31, 35, 51; 23247/7; SRO GD 224/171/5, p. 21, J. Paterson to Queensberry, 22 August 1680; 224/171/6, pp. 7, 16, G. Lockhart to Queensberry, [mid-1680 ?] & 26 July 1680; *LP*, iii, pp. 205-8; NLS Ms 7009/42; *HMC*, *Hamilton*, p. 164.

¹⁶⁸. *RPCS*, vi, p. 565-8; SRO GD 224/171/5, p. 22, J. Paterson to Queensberry, 21 & 22 October 1680; 224/171/6, p. 15, ? to Queensberry, 31 October 1680; NLS Ms 7009/64; Hutton, *Charles II*, p. 394; P. Scott, *Andrew Fletcher and the Treaty of Union* (Edinburgh, 1992), p. 36.

¹⁶⁹. *RPCS*, vii, pp. 52-4; Lenman, 'Militia, fencible men', p. 182.

¹⁷⁰. *RPCS*, vii, pp. 129-30, 148-9; BL Add Ms 23248/14; *LP*, iii, p. 224; SRO GD 224/171/6, p. 7, ? to Queensberry, 12 July 1681.

¹⁷¹. *APS*, viii, pp. 238-9, 243-5, 355; Burnet, *History*, ii, pp. 313-5.

¹⁷². Cowan, *The Scottish covenanters*, pp. 108-10; Hopkins, *Glencoe and the end of the Highland war*, pp. 83-6.

Conclusion: absolutism without the monarch

The most striking feature of the Restoration settlement in Scotland was the loyalty of the Parliament which enacted it. Sufficient numbers of those who were present had sided with the covenanters at some point for this to be regarded as a significant phenomenon. There is evidence of management of the elections of shire and burgh commissioners, yet at the same time it seems clear that the country witnessed a reaction against the events of the 1640s and 1650s. This was especially true of the political elites, with whom this thesis is primarily concerned; at the very least, however, we can probably accept that the return of Charles II from exile was welcomed by more or less everybody. Loyalty to the monarchy proved to be its greatest asset. Some idea of the depth of this feeling can be gleaned from the attitude of those who did express opposition to the trend of legislation. Those who left the Parliament in 1661 after the imposition of the oath of allegiance did not attempt to raise disorders, or even to disrupt proceedings. They simply departed the political scene, for the time-being at any rate. The attitude of such men can perhaps be described as one of sullen acquiescence, which was ultimately the result of a desire not to shake the fragile stability offered by the monarchy.

In Parliament, there was no serious opposition to the legislation which restored the King's civil powers. He regained the right to choose his own ministers, officers of state, Privy Councillors, and judges; he gained control of the armed forces; he had control over meetings of Parliament. It is as if it was simply accepted that the restoration of these powers was the price of a stable monarchy. The only real problem was caused by the Act Recissory, a piece of legislation which had not been requested by the King; yet the opposition, whether motivated by concern about the future of Parliament or presbyterianism, demonstrated its own half-hearted nature, which in turn can be linked to the strength of royalism after 1660. Serious opposition to the Crown was more threatening than the potential consequences of unfettered royal power. This was a far cry from the apparently zealous Parliaments of the covenanters; perhaps the store of revolutionary ardour was less well-stocked than the rhetoric of the 1640s would suggest.

Even the restoration of episcopacy appears to have been accepted with little more than misgivings. It is not known what the mood was in presbyterian strongholds, especially in the south-west; yet, we should ask ourselves whether active dissent from the church settlement was inevitable. If Middleton had not forcibly extruded nearly 300 ministers from their livings, could they and their congregations have lived with the episcopal structure which had been imposed by Parliament? This is mere speculation, but it can be suggested that loyalty to the Crown might have made an episcopal structure tolerable; however, royalist aggression and vindictiveness ensured a very different outcome. Why was episcopacy restored? It seems that for the 'Cavalier', antipathy towards presbyterianism was as much part of the ideological package as guaranteeing the King's prerogative powers in civil matters. The changes introduced by the covenanters in church and state were inseparable, at least in the minds of those who were the driving force of the settlement. To this extent, the legislation was ideologically driven - although this is not to suggest that very many people were convinced absolutists; rather, for most, and we can probably include Middleton himself, it was no more than an opportunist pose. However, this did not reduce the impact on the country of the change of political climate.

Does it help us to regard the settlement of 1661-3 as that of an absolute monarchy? At one level, the answer is yes, because there was now an alternative model; the powers of the Crown after 1660 were more absolute than they were under the constitution which had been imposed by the covenanters in the early 1640s. Yet, at the same time, the prerogative powers of the Crown were no greater than they had been in the 1630s; and we should be wary of viewing these decades simply as some sort of ideological struggle between different interpretations of the powers of the monarchy. The settlement of the early 1660s was in some important respects conservative and reactive; it was a response to disorder and national disaster, which would explain the acquiescence of even those parts of the country where resistance might have been expected. To say that the legislation was ideologically driven is not to say that the country was in the throes of an ideological reaction; it was simply a reaction, perhaps, for many, against ideology itself. In an intensely monarchical society, there could only be one beneficiary from such a situation.

Yet, there were differences from the 1630s. Royal government, as instigated by Middleton and carried on by his successors, was aggressive and armed with weapons it had not previously possessed. The oath of allegiance and the Declaration, both imposed on all office-holders throughout the country, and on all members of Parliament, were formidable barriers for those who harboured scruples about, say, the return of the bishops. Many excluded themselves from Parliament as a result of their refusal to take these oaths. The latter enshrined the principle of non-resistance, and rejected all of the premises of the covenanters. Further work is required in order to ascertain, for instance, the impact on burgh Councils; the Privy Council records show that there was a reasonably determined attempt to ensure that everyone took the oaths. How many were excluded from holding office as a result of this? The results of such an investigation might be surprising. Moreover, there were other practical gains. The retention of the excise, and the specific aim of using it to pay for standing forces, were perhaps the most important innovations for royal government in Scotland. The use of the military to collect taxation, and to harry presbyterians, has been discussed thoroughly. It was the most striking difference between the reign of Charles II and that of his father. The army was indeed small, but it meant that there was at least the possibility of crushing opposition should loyalty fail; this was a step in the direction of an absolute monarchy which did not exist simply in theory or legislation. The 1663 Act of Parliament provided the basis for a national militia, which was organised five years later, adding further to the Crown's military strength.

It would be a mistake, however, to regard the Restoration settlement as one-sided in favour of the Crown. Parliament was also concerned with practical measures to safeguard the subject, and to reward individuals for their loyalty. Private property rights were secured, including heritable jurisdictions. The excise was bestowed on the King with the proviso that he would refrain from imposing any additional cess, and it was stated quite explicitly that new grants of taxation would require the consent of Parliament or a Convention of Estates. To help the hordes of indebted landowners, an act was passed granting six years' relief. Many individuals were to benefit from the collection of arrears of taxation dating from the covenanting period. Therefore, if in the area of politics and the constitution, the Restoration witnessed an abrogation of responsibility by Parliament, and a strengthening of the Crown's position, in the equally important areas of property and the private rights of the subject, the

King acquired few new powers - nor was there any sign that Charles II desired any. This was more a balancing act of the political and the private than a surrender to the dictates of royal absolutism. It could not have worked any other way.

Absolute monarchy, in theory and more so in practice, was limited in such ways. The King was supposed to be the arbiter of justice and defender of the rights of the subject. Thus, a decade later, we find complaints about the packing of the Court of Session, the country's highest civil court; Lauderdale's government had replaced impartial justice with partisan exclusivity. Of course, this should not be exaggerated - the complainers had their own axes to grind - but it does provide evidence of the view that the King had responsibilities as well as powers. Monarchy was to provide stability and protection (and perhaps national independence after Cromwell's enforced union) in return for the King's assumption of his prerogative powers with minimal institutional limitations. The settlement thus owed at least something to contemporary ideas about absolute monarchy.¹ This is unsurprising, but it should not be assumed that contemporaries envisaged that anything much would actually change.

What kind of government emerged in the 1660s? The years of Middleton's dominance were marked by corruption, factionalism, and a scramble for favours. The putative arch-royalist and his allies were not averse to helping themselves to the King's money, even that which was supposed to pay for the army which was raised in 1661-2. His primary focus was Parliament and the Court in London; he was associated with a number of those who formed part of the 'inner core' of the Privy Council, but it cannot really be said that he commanded much loyalty. The conflict between the Commissioner and Lauderdale revealed the ruthless nature of politics at the highest level, but the 'billeting affair' had no real lasting effects. Most of those involved in the administration in Edinburgh continued regardless of the changes which occurred at the very top. The Earls of Lauderdale and Rothes, who presided over Middleton's political destruction in 1663-4, did not change very much. The former, secure in his position of Secretary, had the King's ear in London, but it is argued that he played a relatively low-key role in the years from 1664-7. The most important man, to a large extent, was Rothes, who was Treasurer and also in charge of the army. The years of

his dominance in Edinburgh were actually a bit of a disaster, especially in financial affairs, although this was not entirely his fault.

One of the most important decisions of these years was the re-imposition of direct taxation. This was largely the result of security fears caused by the outbreak of war with the Dutch. Grave problems of collection, and the raising of extra troops in the summer of 1666, led to yet another grant of supply in the Convention of Estates of 1667, this time by means of the more efficient cess, first introduced by the covenanters and clearly unpopular. The voting of these taxes, especially the cess, in an important way marked the failure of the Restoration Parliament's financial reckoning, although this was the consequence of unforeseeable foreign policies. In addition, the growing conflict between the government and presbyterian dissenters can hardly have been predicted. This latter problem might well have been the result of Middleton's blundering aggression, but his successors were very quick to resort to force, which was itself a symptom of paranoia about disorder in the conservative climate of the Restoration period. It is perhaps ironic that the standing army was regarded as necessary to safeguard the monarchy, a view which was fairly widely shared. The irony lies in the fact that the actions of soldiers in fact provoked unrest, which was the opposite of what had been intended. The hostility caused by the practice of quartering - for taxes, fines, or simply as a punishment - disrupted the peace of the country. From late-1662 to 1666, the government used the army to deal with even relatively minor disorders, and succeeded only in helping to spread active dissent. This military pressure was intensified after the outbreak of the war, and became intolerable after the army was doubled in size in the summer of 1666; the result was the Pentland rising, which must be regarded as an act of desperation on the part of the participants.

The rising was a manifestation of the worst fears of those whose concern was stability, but it also appears to have served as the catalyst for the more direct assumption of control of Scotland's government by Lauderdale, with the help of a few chosen allies. It has been suggested that the government, under Rothes's supervision in Edinburgh, was drifting along with little sense of purpose during these years. The reforms introduced after the end of the war in 1667 marked an attempt to give a firm direction to the administration. The additional forces raised in 1666 had to be disbanded, which provoked a great deal of protest from

Rothes and those nobles and others who had served as officers. Lauderdale, with his chief allies, Tweeddale and Sir Robert Moray, were able to defeat this opposition because of the strength of the former's powerbase in the Privy Council. In fact, the destruction of Rothes's power was a ruthless demonstration of the fact that real power resided in London with the Secretary, a point to which I will return.

The attempt to reorganise and improve government finances, and the related reforms of the army, are discussed at some length in chapters three and four. The rationale was to ensure cost-effective security, after the fiascos of the Dutch war. Thus, the militia was finally organised in 1668-9. These reforms were the defining feature of the post-war administration. I have suggested that the tendency of historians to concentrate on the experimental policy of conducting dialogue with dissenting ministers, and the issuing of limited indulgences, has been misplaced. The other reforms I have mentioned were the priority - which is not to suggest that individuals such as Tweeddale were not concerned to arrange some kind of deal with the presbyterians. However, the success of the reforms was only partial. In financial terms, there was a slight improvement in yield, and procedures were rationalised to a degree, but the crucial problem of cash-flow remained. This meant that soldiers continued to be employed in tax-gathering duties, with all the tensions that this caused. There were certainly attempts to regulate the behaviour of soldiers, but the hatred of the military felt by many people was not diminished by the government's continuing willingness to quarter troops.

The real success of the post-war administration was perhaps the formation of the militia, which, however, was intended simply to provide back-up for the standing army. There was more consistency in the government's attitude towards dissent than might appear at first sight. Already, by the spring of 1668, troops had been mobilised; the same jitteriness and paranoia which had previously marked the government's attitude were still apparent. Indeed, it can be contended that the willingness to resort to the military option undermined the experimental policy of indulgence. Again, this paranoia can be attributed to security concerns, which had been heightened by the Pentland rising. But it also reflected the ethos of the Restoration settlement, which had rejected the right of resistance enshrined in the National Covenant. All government figures after 1660 shared this outlook. This explains

why the military was employed consistently throughout the 1670s, and indeed the 1680s. The hammer existed to crack nuts of whatever size.²

It is worth noting that the dissenters throughout the period were from relatively humble backgrounds. There were plenty of presbyterian sympathisers among the political elites; again, the ambivalence of the latter can surely be attributed to their unwillingness to get involved in anything approximating to rebellion. At the same time, the government was caught in a trap of its own making: its paranoia about disorders led to a militaristic response; this provoked further trouble, leading to an escalation of military operations, and so on until the situation was out of control. Thus, Scotland witnessed another rebellion, in 1679. It is not unduly judgemental to assert that these were the tragic fruits of the royal government's aggression.

The army in fact provides an indication of both the strength and weakness of absolute monarchy in Scotland. Royal government did, throughout the period, attempt to impose its will by force of arms. For the first time, it possessed the resources to make the attempt. However, its ambitions far exceeded its capabilities. Quite simply, even with the lucrative brewing excise, there was never enough money; this is demonstrated in chapter three. The security concerns of the third Dutch war, which began in 1672, provided the pretext for another grant of taxation, which was used to pay for troops raised in the autumn of 1674, when Lauderdale's government was faced by opposition throughout the country. When this money ran out, again the extra soldiers had to be disbanded. At the 1678 Convention of Estates, the Crown was granted the sum of £360,000 for each of the next five years, specifically to pay for more troops; in 1681, this grant was repeated. By the latter date, the Crown's revenue was for the first time almost exclusively composed of taxes, and on paper it exceeded £1,000,000. Yet, quite apart from the perennial problems of collection, wastage and corruption, this paid for no more than about 3,000 soldiers. This was a powerful, but still very limited, force. The military strength was insufficient to crush dissent during the 1670s, and even with the militia, it was felt to be necessary to bring in English troops to help deal with the rebels in June 1679.

It is clear that Lauderdale's administration lost its reforming impetus fairly quickly. Certainly, by 1671, the Secretary appears to have been most concerned with consolidation of his own position, rather than sorting out the continuing problems faced by his government - as noted, the post-war reforms were no more than a partial success. His breach with Tweeddale, his closest ally since 1667, perhaps reflected this change of outlook, although there is no direct evidence for this. The breach, however, also highlighted the trend towards exclusivity which was such an obvious feature of government in Scotland. During the 1670s, Lauderdale appears to have become more paranoid about opposition, or even opposing views to those of his own. This attitude led to two purges of the Privy Council; by 1676-7, the latter body was controlled by a small clique of his allies, but its authority was diminished, and his government was deeply unpopular. He adopted an uncompromising, and increasingly brutal, stance towards his opponents. This led to the raising of the extra forces mentioned earlier. Ultimately, however, his position was one of weakness rather than strength. It is remarkable that the King continued to give him his support for as long as he did; this was a clear demonstration of Charles II's basic lack of respect for the concerns of his northern kingdom.

The opposition which emerged from within the political elites - as distinct from the increasingly militant presbyterian dissenters - was significant for the nature of its complaints and its avowed aims, and for its limitations. There can be no doubt about the self-interest of some of its leaders, drawn from the nobility. Such men seem to have been motivated primarily by their exclusion from favour, influence, and royal largesse. The Duke of Hamilton, it is argued, is a problematic example; a clearer instance of the self-seeking aristocrat might be the Earl of Queensberry, or even Tweeddale (who did not play an especially significant role in the later 1670s). The question really seems to be what did these men, or the nobility as a whole, expect from royal government. It is clear that they did not expect the aggressive and exclusive style of government which had emerged by the 1670s.

Yet, it is also contended that the opposition should not be regarded simply as a self-interested bunch of opportunists. By 1678, there were huge numbers of individuals involved, most of whom cannot have expected to benefit personally from the removal of Lauderdale from office. In addition, there was a constitutional dimension to the opposition.

It is clear from chapter five that Parliament was held in greater esteem by the country at large than by the government. The latter expected total obedience, and exercised a great deal of control as a result of the re-establishment of the Committee of the Articles. Moreover, the calling of Conventions of Estates, with their strictly curtailed agenda, served as a further limitation. However, each meeting of the Estates provided evidence that it was not simply a rubber-stamp for royal demands. Most of the meetings, particularly where taxation was concerned, were more like bartering sessions; as Commissioner from 1669, even Lauderdale was well aware that Parliament had to be managed carefully; concessions had to be granted, and divisions had to be exploited. Moreover, it can be seen from the debates about the proposed union in 1669-70 that many people felt very strongly that Parliament had a role to play in the government of the country, although this did not mean that it was thought it should function as a permanent institutional check on the executive.

It was no accident that the opposition leaders chose Parliament to launch their attack on Lauderdale's government. It was not only that this was the only forum where sufficient numbers from the political nation could meet legally. It was consistently argued in the later 1670s that Parliament should meet to redress grievances, even, as at Court in 1678, when such arguments were unlikely to benefit the opposition's case in the King's eyes. Even if we could write off such arguments as mere rhetoric - and I do not see any particular reason for doing so - how can we explain the resistance to the attempt to establish the garrisons in 1675, which was justified on the grounds that it contravened the Act of Parliament of January 1661? Parliament was the forum for the raising of grievances, even if these were to be left to the King to redress. The problem was that Lauderdale refused to acknowledge that Parliament had any such role to play, and in this he seems to have been supported by his royal master. Here, the opposition came against its own limitations. Such was their loyalty to the Crown that, if the King continued to back the increasingly despised Secretary, then there was nothing that could be done. This would seem to provide evidence for a remark by J. Miller, an English historian, in a recent essay about absolutism:

That should remind us that the effectiveness of any pre-modern regime depended at least as much on the subject's acceptance as on the monarch's powers of coercion.³

So in a sense, we are back at square one: the country's loyalty to the Crown. It is obvious that Lauderdale's government tested this to the full, and certainly among some small groups of presbyterians, loyalty to the Stuarts had all but disappeared by 1681.⁴ This sense of loyalty, however, was the reason why the opposition took their arguments to Court in London, and it meant that the King's stubborn refusal to abandon his Secretary, at least until the winter of 1679-80, caused despair rather than rebellion among the elites. The monarchy was clearly secure in Scotland.

Here we come to a quite fundamental flaw in Scotland's government structure. For Scots, the Court was quite literally separated from the country. This was an absolute monarchy without a monarch in residence. If, as has been claimed, "absolutism required that the king take a much more positive, directing role [than medieval rulers]", then Scotland was obviously lacking in this respect.⁵ Charles II was only too keen to delegate responsibility for his Scottish government, most obviously to Lauderdale after 1667. This allowed the latter to dominate the government to a remarkable degree. There is no real sign that Charles was very bothered about the opposition to his Scottish minister, except perhaps when it turned up at his door at politically sensitive times. There is every reason to believe that he simply wanted the Scots to leave him alone; yet such an attitude was surely incompatible with the system envisaged in the Restoration settlement, with its emphasis on the person of the monarch. In fact, the Scottish situation provides some support for the view which has been expressed for seventeenth century France, that "the growth in the personal power of the chief minister might act as a threat to absolutism".⁶ Loyalty to the King was one thing; obedience to an aggressive, bullish, and apparently self-serving minister was quite another.

This, of course, also reflected the growth in the importance of the English capital for Scottish political life. There was a huge increase in the numbers of Scots nobles, and others, who resided in London. More important was the willingness of the opposition to take their arguments to the King. In some respects, this was quite natural in a monarchical polity; there had to be some degree of access to the monarch. During this period, it is contended, the source of real influence had shifted to London. To an extent, this was a continuation of a trend apparent since 1603, when James VI had become James I of England. Yet, the fierce

patriotism of the covenanters had not simply disappeared; the debates over the union proposal demonstrated this. It must have been the case that many were unhappy about the necessity of travelling to London to gain redress of grievances. It was in such circumstances that people began to look to Parliament as a defence against neglect by their monarch.

However, such a sentiment was still muted, even by 1681. The fortuitous arrival of James, Duke of York, on Scotland's political scene took the sting out of the situation. The royal refugee from the conflict between Crown and Parliament in England did his best to reconcile some of the northern kingdom's warring aristocrats. It was James who finally eclipsed Lauderdale. No individual replaced the latter as the sole minister for Scottish affairs; partly this was because there was no-one available, and also because it was felt that more balance was necessary. However, it was also a reflection of the fact that no-one could really lord it over the heir to the throne. James's presence in Scotland between 1679 and 1682 helped to settle temporarily some of the tensions within the country. However, it is argued that very little actually changed. The King's brother indicated that he shared Lauderdale's attitude to a large extent. He did not allow any greater freedom of action for the Parliament which sat in 1681; moreover, he was clearly something of a militarist, and made no attempt to reduce the Establishment built up by the former Secretary. Therefore, some of the basic problems of Scottish government were not resolved simply by the political demise of Lauderdale, who died in 1682. Evidence of this can be seen in the opposition to the attempts to re-model the militia; even the royal presence could not persuade the country to accept this reform. Evidently, there were some things which the government simply could not do.

By 1681, therefore, the country as a whole was probably as loyal to the monarchy as it had ever been. Yet the structure of government contained some unresolved problems, which it might be argued were inherent in the regal union; certainly, however, the attitude of the dynasty and its servants did not help. In 1681, the future of the country was to a large extent in the hands of the heir to the throne; it remained to be seen whether these hands were safe.

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- ². See Cowan, *The Scottish covenanters*, chapters 6-8, for the continuing conflict with presbyterians in the 1680s.
- ³. J. Miller, 'Introduction', in *Absolutism in seventeenth century Europe*, p. 13.
- ⁴. For some of the radical presbyterian pamphlets of these years, see NLS 'The mystery of magistracy unveil'd' (2nd edition, 1734); reference L. C. 3336.9.
- ⁵. Miller, 'Introduction', p. 4.
- ⁶. Bonney, 'Absolutism', p. 107.

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