

# The Scottish Parliament and the War for the Three Kingdoms, 1639–1651

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## SUMMARY

As warfare raged throughout the three kingdoms of the British Isles in the bloody 1640s, the Scottish Parliament played a proactive role in the articulation of both policies and structures related to warfare during this period. As a single-chamber institution of an independent kingdom, its powers were significantly enhanced by the enactment of a constitutional settlement in 1640–41 which weakened the royal prerogative of Charles I as King of Scotland. From 1640, the Estates of the Scottish Parliament consisted of the nobility, the commissioners for the shires and commissioners for the burghs. Clerical representation was abolished in 1640, in line with the Presbyterian distinction between the Church and the State as separate spheres. Parliament was under the political control of the Covenanting movement which had emerged in the late 1630s as an organized movement of opposition against the administration and policies of Charles I in Scotland. Throughout these years, issues relating to warfare were of significant importance to the Covenanting movement and its military commitments on a British basis. The movement used the institution of the Scottish Parliament to secure enactment of its demands and reforms against Charles I's administration of Scotland. The demand for 'free' parliaments or parliaments held without royal interference, as had happened in the 1633 Parliament, was included in the 1638 National Covenant, incorporating many of the Covenanters' demands. Covenanting Members of Parliaments also dealt with a variety of issues related to warfare and new structures, innovations and policies were devised to deal with these issues.<sup>1</sup>

## THE CHRONOLOGY OF PARLIAMENTARY SESSIONS, 1639–51

Following a military clash with Charles I in the First Bishops' War of 1639, the 1639 Peace of Berwick had stated that a parliament should be held in Scotland.

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<sup>1</sup> See J.R. Young, *The Scottish Parliament 1639–1661: A Political and Constitutional Analysis* (Edinburgh, 1996); A.I. MacInnes, *Charles I and the Making of the Covenanting Movement 1625–1641* (Edinburgh, 1991); D. Stevenson, *The Scottish Revolution 1637–44. The Triumph of the Covenanters* (Newton Abbot, 1973).

This parliament met in August 1639, and parliaments were held on a regular basis throughout the 1640s until the military conquest of Scotland by Oliver Cromwell in 1650–51. The constitutional settlement enacted in the parliamentary sessions of 1640–41 considerably enhanced parliamentary powers. Parliament secured the control of executive and judicial appointments and all Members of Parliament were required to subscribe a parliamentary oath recognizing parliamentary authority and the freedom of Parliament. A fundamental feature of Scottish parliamentary life in the 1640s, which marked a break from the past, was the creation and development of a new system of parliamentary committees. One of the most important mechanisms for crown control of Parliament had been a central standing committee known as the Lords of the Articles. The Lords of the Articles had been particularly controversial in driving through legislation amenable to the Crown. However, the Lords of the Articles were abolished in 1640 as part of the constitutional settlement and a new system emerged based on session committees and interval committees. The remit of session committees only lasted for the lifetime of a particular session. Interval committees, however, sat in the interval between parliamentary sessions and were answerable to the next session of Parliament.

Conventions of Estates were held in 1643–44. These were similar to parliaments, although they did not have the full range of parliamentary powers. They were usually held for taxation purposes or in extraordinary times of crisis. In this instance, the 1643 Convention of Estates was the formal constitutional forum which negotiated a political deal with the English Parliament to secure Covenanting military intervention in the English Civil War. The 1643 Treaty of Military Assistance constituted the formal military alliance, whereas the 1643 Solemn League and Covenant, negotiated in tandem with representatives of the Church of Scotland, sought the imposition of Presbyterianism on a British basis. This religious vision was the price demanded by the Scottish Covenanters for their military support for the English Parliament. The 1644 Convention of Estates was largely concerned with military and administrative preparations for the military invasion of England. The First Triennial Parliament met over six sessions between 1644 and 1647. It dealt with issues of both British and European diplomacy, Covenanting military and strategic interests in England and Ireland, as well as an internal Royalist rebellion in 1644–45. With a Royalist army staffed primarily by Irish Catholics and Highlanders, James Graham, fifth Earl and first Marquis of Montrose, was to inflict six outstanding victories over Covenanting armies in Scotland between September 1644 and August 1645, thereby shattering the military reputation and prowess of the Covenanting armies, before being finally defeated at Philiphaugh in the Scottish borders in September 1645.

The Second Triennial Parliament met over eight sessions between 1648 and 1651. The 1648 parliamentary sessions were primarily Royalist and were collectively known as the Engagement Parliament as they dealt with preparations for a military invasion of England in the summer of 1648, to fight for the king's cause in England. With the defeat of the Engagement in England, a radical Covenanting regime was installed in Edinburgh via a *coup d'état*, initially backed by Oliver Cromwell. Membership of and participation in this regime was exclusive and was

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vetted by the Church of Scotland. Only the godly could hold public office and participate in parliamentary politics. The execution of Charles I in 1649 led to the Scottish Parliament proclaiming Charles II as King of Great Britain, France and Ireland, but Charles II was required to be a Covenanted king of three Covenanted kingdoms. The parliamentary sessions of 1649-50 were concerned with negotiations between Charles II and parliamentary representatives and representatives of the Church of Scotland to persuade the king to subscribe the National Covenant and the Solemn League and Covenant. Charles II did not subscribe the Covenants until June 1650 and he was not eventually crowned as King of Great Britain until 1 January 1651 at Scone in Perthshire.

The political reaction of the Scottish Parliament to the execution of Charles I and the resurrection of monarchy on a British basis, in tandem with the resurrected vision of a Presbyterian Britain, threatened the strategic interests of the Cromwellian regime in England, with its abolition of the monarchy and the creation of an English republic. Following the conquest of Ireland, a Cromwellian force was dispatched to Scotland in the summer of 1650. In the midst of a lack of national unity and factional infighting, the Cromwellian advance continued. National reconciliation came too late and an abortive Royalist military invasion of England in the summer of 1651 resulted in defeat at the Battle of Worcester on 3 September 1651, ending the War for the Three Kingdoms and leading to the Cromwellian occupation of Scotland until the Restoration. The War for the Three Kingdoms had resulted in Scotland being a conquered kingdom. The parliamentary sessions of 1650-51 therefore had to deal with the Cromwellian advance into Scotland.<sup>2</sup>

#### SHIRE COMMITTEES OF WAR AND THE LEVYING OF TROOPS

Over twelve armies were raised by the Covenanters between 1639 and 1651. These ranged in size from c. 2,000 to 24,000 men. During the Second Bishops' War of 1640 the Covenanting invading army into England consisted of c. 18,000 foot and horse. For the Covenanting invasion of England in January 1644, the Army of the Solemn League and Covenant contained 18,000 foot, 3,000 horse and 500-600 dragoons. This was later increased by c. 7000-8000 men in June 1644.<sup>3</sup> The administrative mechanism for the raising and levying of troops by the Covenanting regime was known as the shire committee of war. Shire committees of war were first established by the Covenanters in 1639 as part of the process of putting the kingdom on a war footing in preparation for the First Bishops' War with Charles I in 1639. The basic system had been devised in January 1639, but it was subsequently adopted by the Scottish Parliament as the system of military recruitment for the Covenanting armed forces throughout the 1640s.<sup>4</sup> The shire

<sup>2</sup> See Young, *The Scottish Parliament*, for a detailed analysis of these developments, 1639-51.

<sup>3</sup> E. Furgol, *A Regimental History of the Covenanting Armies, 1639-1651* (Edinburgh, 1990), pp. 5-6.

<sup>4</sup> Covenanting shire committees of war were strongly influenced by Swedish models; E.M. Furgol, 'Scotland turned Sweden: The Scottish Constitution, 1638-1651. The Scottish Covenanters and the Military Revolution', in J. Morrill (ed.), *The Scottish National Covenant in its British Context 1638-51* (Edinburgh, 1990), pp. 138-9; Macinnes, *Charles I and the Making of the Covenanting Movement*, pp. 189-92.

committee of war became a formal parliamentary committee which would include local Members of Parliament, as well as local landowners. A case study of the shire committee of war for Edinburgh principal appointed by the 1643 Convention on 26 August highlights this point.<sup>5</sup>

Nine of the twenty-one individuals (43 per cent) named on the committee of war for Edinburgh principal were active in parliamentary politics, 1639–41. This included the two Members of Parliament who represented the burgh of Edinburgh in the 1643 Convention, Sir John Smith and James Dennistoun, as well as the two shire members for Edinburgh, Sir Archibald Johnston of Wariston and George Winraham of Libberton. Wariston was one of the leading Covenanters in the country and was politically aligned to Archibald Campbell, eighth Earl and first Marquis of Argyll. He had been closely involved in the drafting of the National Covenant, he had played a key role in the negotiation of the Solemn League and Covenant and he was also appointed as a commissioner to the Westminster Assembly of Divines in 1643. He was closely involved in defending the interests of the Church of Scotland, having been appointed as Procurator for the Kirk in November 1638, and he had been one of the Scottish commissioners at the Pacification of Berwick in June 1639.<sup>6</sup> Winraham of Libberton had been in London in 1639 petitioning for the abolition of episcopacy. In the 1643 Convention he had been a member of a session committee for supplying the Covenanting army in Ireland and later in 1649–50 he was part of the Covenanting delegation sent to Holland to persuade Charles II to take the Covenants.<sup>7</sup> Sir John Smith was one of the most important figures in the burghal estate at this time. He had represented Edinburgh in Parliament, 1639–40, he was currently the Provost of Edinburgh and he had lent £46,833 Scots for the public service in 1641–42. In addition, he had been one of the parliamentary commissioners for the burgesses who had negotiated the Solemn League and Covenant.<sup>8</sup> For James Dennistoun, however, the final figure in the Edinburgh cohort who were Members of Parliament in the 1643 Convention and were on the shire committee of war, his presence in the 1643 Convention was his first and only appearance in formal parliamentary politics as an elected member. Two further trends are apparent in this case study.<sup>9</sup> First, other members of the shire committee of war had represented Edinburgh in earlier parliamentary sessions. Sir John Wauchope of Niddrie and Sir David Creighton of Lugtoun had represented the shire of Edinburgh in the 1639–41 Parliament,<sup>10</sup> whilst Sir Patrick Hamilton of Prestoun, 'a zealous anti-Episcopalian and promoter of the Covenant', had been a member of the Parliaments of 1621 and 1633 respectively.<sup>11</sup> The second trend is that other members of the

<sup>5</sup> *The Acts of the Parliaments of Scotland* [hereafter *APS*], C. Innes & T. Thomson (eds), 11 vols (1814–82), VI, i (1643–47), p. 52.

<sup>6</sup> M. Young (ed.), *The Parliaments of Scotland. Burgh and Shire Commissioners*, 2 vols (Edinburgh, 1992–93), vol. 1, 381–2.

<sup>7</sup> *Ibid.*, vol. 2, p. 736.

<sup>8</sup> *Ibid.*, vol. 2, pp. 647–8.

<sup>9</sup> *Ibid.*, vol. 1, p. 182.

<sup>10</sup> *Ibid.*, vol. 1, p. 156; vol. 2, pp. 721–2.

<sup>11</sup> *Ibid.*, vol. 1, pp. 324–5.

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<sup>12</sup> *Ibid.*, pp. 215

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<sup>15</sup> *APS*, VI, i, p.

<sup>16</sup> *Ibid.*, p. 84.

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<sup>18</sup> *APS*, VI, i, p]

committee, who were not members of the 1643 Convention and who did not have previous experience in Parliament, went on to participate in later parliamentary sessions. Sir James Foullis of Colington represented the shire of Edinburgh in the sessions of 1645-47 and the Parliament of 1648-51. Sir James Dundas of Arniston represented the shire of Edinburgh in the 1648 Parliament and was an Engager.<sup>12</sup>

Military policy was decided at the national level in Edinburgh. Therefore Parliament would appoint military officers, such as the colonels of regiments, authorize the levying of troops and decide on the quota of men which each shire was required to produce, but the nuts and bolts of recruitment were delegated to the shire committees. On 11 May 1648, for example, Parliament announced the senior military appointments of the Engagement army. James, third Marquis and first Duke of Hamilton, secured the leading appointment as 'General of the whole Forces'.<sup>13</sup> Shire committees of war essentially operated as agencies of local government and provided an integral point of contact and liaison between the formulation of national policy in Edinburgh and the Scottish localities.<sup>14</sup> For example, legislation of 4 January 1644 in the 1644 Convention of Estates for putting the kingdom of Scotland into a 'posture of defence' instructed the shire committees of war to draw up lists of all eligible men aged between 16 and 60. The shire committees were also to ensure that these men were sufficiently armed.<sup>15</sup> Legislation of this type was common throughout the period and acts for putting the kingdom in a posture of defence were enacted when deemed necessary. For example, on 11 April 1644 the Convention established a session committee for a posture of defence which was to consider the securing of the Borders and how the cannon was to be disposed of in the strategic stronghold of Dumbarton Castle on the west coast of Scotland.<sup>16</sup>

National taxation policies were used to fund the levying of the armed forces throughout the period. These included the tenth penny of 1640, the loan and tax of 1643, the imposition of an excise tax from 1644 and the levying of the monthly maintenance from shires and burghs from 1645. Policies of borrowing money and the fining of rebels were also used to secure extra revenue.<sup>17</sup> Committees were often formed for these purposes. The 1644 Convention, for example, established excise session committees (4 and 27 January) and a session committee for borrowing money (25 May). The raising of excise duties could also be remitted to committees which had more than one remit to consider. Thus, a Committee for Excise and Accounts was established as an interval committee on 6 June 1651. Committees for borrowing money were often established, such as that by the 1644 Convention on 25 May.<sup>18</sup>

<sup>12</sup> *Ibid.*, pp. 215, 261.

<sup>13</sup> *APS*, VI, i, p. 72.

<sup>14</sup> Macinnes, 'The Scottish Constitution', p. 124.

<sup>15</sup> *APS*, VI, i, p. 61.

<sup>16</sup> *Ibid.*, p. 84.

<sup>17</sup> For a definitive analysis, see D. Stevenson, 'The Financing of the Cause of the Covenants, 1638-1651', *Scottish Historical Review*, 51 (1972), pp. 89-123.

<sup>18</sup> *APS*, VI, i, pp. 61, 62-3, 74, 81, 94; *APS*, VI, ii, p. 685.

In common with the shire committees of war, 'Committees of Estates' were a further central feature of the Covenanting administration of Scotland. A Committee of Estates was first introduced on 8 June 1640, a formal parliamentary interval committee which sat until the next parliamentary session or Parliament. The institution of the 'Committee of Estates' had its origins in a body known as the 'Tables', which had emerged in 1637–38 as the Covenanters' organizational structure in their struggle against Charles I. The most important 'table' was the fifth table or executive table, which directed Covenanting policy and consisted of the leadership of the Covenanting movement. Thus, for example, the Tables played a crucial role in managing the elections to the 1639 Parliament to ensure a Covenanting majority. As the Covenanters took control of the Scottish Parliament, the Tables were redefined into a new parliamentary body, the Committee of Estates. Thus, the 1640 Committee of Estates may be regarded as the *constitutional formalization* of the Tables, although in technical terms the Committee of Estates was a separate and distinct institution.<sup>19</sup>

The Committee of Estates was initially perceived to be a 'temporary expedient' to deal with threats from Charles I and the run-up to the Second Bishops' War in the summer of 1640. Hence, the kingdom was placed in a posture of defence and the Committee of Estates was given wide-ranging powers to order, direct and govern the whole kingdom in the aftermath of the parliamentary session of June 1640. It was also empowered to preserve and maintain the army, to appoint army officers, to assess and levy taxation and to borrow and distribute money. It could also call on non-members of the committee for consultation on state affairs when and where appropriate.<sup>20</sup> However, the Committee of Estates developed from being perceived as a temporary expedient in 1640 to become a regular feature of Scottish parliamentary life and the Covenanting administration of Scotland.<sup>21</sup> The committee had a basic two-tier structure based on a 'home' section or Edinburgh section and an army section. The Edinburgh section operated as a provisional government until the next parliamentary session or Parliament. The army section was to accompany the Covenanting army on military duties. Both sections were to govern autonomously, but they were to liaise with each other and the consent of the whole committee was required for the declaration of war and the conclusion of peace.<sup>22</sup> An example of this basic structure is that of the Committee of Estates established by the 1643 Convention on 28 August. On 1 December 1643 the committee split into the Edinburgh and army sections with the army section accompanying the Army of the Solemn League and Covenant

<sup>19</sup> D. Stevenson (ed.), *The Government of Scotland Under the Covenanters 1637–1651* (Edinburgh, 1982), pp. xiv–xxvi.

<sup>20</sup> Macinnes, 'The Scottish Constitution', pp. 115–16; *APS*, V, pp. 282–4.

<sup>21</sup> See Young, *The Scottish Parliament*; Stevenson (ed.), *The Government of Scotland Under the Covenanters*. No less than 12 original manuscript registers and one minute book of the Committee of Estates have survived for the period 1643–60 (the Committee of Estates was revived as a provisional government before the meeting of the Restoration Parliament in Scotland in 1661). These are located in the National Archives of Scotland in Edinburgh. Registers of other committees have also survived.

<sup>22</sup> *APS*, V (1625–41), pp. 282–4.

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into England in January 1644.<sup>23</sup> The sectional structure of the Committee of Estates was also expanded and modified by the mid-1640s to deal with particular circumstances. In 1645–46 Committees of Estates were based on an Edinburgh section, three separate sections to accompany the Covenanting armed forces in Scotland, England and Ireland and a diplomatic section for negotiations with the English Parliament in London.<sup>24</sup> Membership of the Committee of Estates was not restricted to elected Members of Parliament and the size of the committee over the period was flexible. Committees of Estates became a permanent feature of the Covenanting administrative system and acted as the dominant coordinating link between centre and locality when Parliament was not sitting, liaising closely with shire committees of war.

The new committee system of session and interval committees was deployed to consider issues relating to warfare. Committees were formed to consider issues of both British and European diplomacy, military strategy and the deployment of resources for Covenanting military commitments on a three-kingdom basis. The 1640 Parliament, for example, established a Committee for the Provision of the Army (a session committee) on 4 June in preparation for the Second Bishops' War, whilst the 1643 Convention created a similar session committee on 28 June 1643 for furnishing the Covenanting army in Ireland. This latter committee was mainly concerned with the supply of meal to the Ulster army. Over 11,000 Covenanting troops were in Ulster by November 1642 and a key role was played by the Scottish Privy Council in the supply and provisioning of the army, as well as parliamentary committees.<sup>25</sup>

The Montrose rebellion caused severe economic dislocation and devastation to several areas of Scotland and, more generally, Scotland was economically exhausted by the time of the Cromwellian conquest of Scotland. Session and interval committees were often established to consider the nature of losses at both a national and local level, and individuals were often to be compensated for the losses they had suffered. On 15 January 1645 a Committee anent the Losses was formed to provide a systematic study of the extent of losses suffered, the manner of losses and the extent of repairs required, whereas the Committee of Estates established subcommittees for trying the losses of the inhabitants of Lanarkshire and Stirlingshire on 8 November 1645.<sup>26</sup> Reparations for losses were legislated for in March 1647. For example, the royal burghs of Scotland were to be paid £240,000 Scots for their losses and it has also been calculated that £180,000 Scots was to be paid to the Marquis of Argyll. No reparations were to be paid to those who had complied with the rebels in the Montrose rebellion.<sup>27</sup> Parliament also legislated

<sup>23</sup> National Archives of Scotland [hereafter NAS], PA. 11/2, Register of the Committee of Estates, 4 December 1643–23 November 1644, folio 3.

<sup>24</sup> Stevenson (ed.), *Government Under the Covenanters*, pp. 176–83.

<sup>25</sup> *APS*, V, pp. 262, 264; *APS*, VI, i, p. 7; Furgol, *A Regimental History of the Covenanting Armies*, 5. I am currently researching the role and importance of the Scottish Privy Council in this area.

<sup>26</sup> Sir J. Balfour, *Historical Works*, J. Haig (ed.), 4 vols (Edinburgh, 1824–25), vol., III, p. 318; Stevenson (ed.), *Government Under the Covenanters*, pp. 46–7.

<sup>27</sup> See Young, *The Scottish Parliament*, 176–178 for further details; A.I. Macinnes, 'The Impact of the Civil Wars and Interregnum: Political Disruption and Social Change within Scottish Gaeldom', in R.

for the victims of warfare and the war widows of Covenanters. An Act in favour of Lamed Soldiers was passed on 29 July 1644 in the context of the Covenanting invasion of England in the summer of 1644. Wounded and disabled soldiers who would be prevented from the 'exercise of their crafts' by their injuries were to be maintained upon the public purse.<sup>28</sup> Part of the financial package agreed between the Scottish and English Parliaments for the withdrawal of the Covenanting army from England in 1647 dealt with lame soldiers and the widows and orphans of Covenanting soldiers who had been killed in action fighting for the parliamentary cause in *England*. The sum of £400,000 sterling (£4.8 million Scots) was to be paid by the English Parliament in two equal instalments for the Covenanting withdrawal from English soil. No less than £5000 sterling (£60,000 Scots) was to be paid out of the first instalment of £200,000 sterling (£2.4 million Scots) for these victims of warfare and this was ratified by Parliament on 17 February. Payment distributions were to be allocated on a national basis, based on the shire as a unit of levy, in collaboration with the presbyteries of the Church of Scotland. The recruitment area of Fife and Kinross was to receive the highest payment of £750 sterling (£9000, Scots), indicating that this area (as a unit of levy) had suffered the main losses.<sup>29</sup> This model was also followed on 3 August 1649 when similar legislation was passed in favour of widows, orphans and lame soldiers who were casualties of the military invasions of England, excluding the Engagement.<sup>30</sup>

#### PARLIAMENT AND THE PUNISHMENT OF REBELS

Punishment of rebels was an important area of the warfare policies of the Scottish Parliament in the 1640s. Three main categories of rebels were to be punished: those who had participated in or supported the Royalist campaigns of Montrose in 1644–45; those who had supported the Engagement politically or had served in the Engagement army; and those who had been involved in localized rebellions against Covenanting rule, such as the Royalist rising of Sir John Gordon of Haddo in the north-east of Scotland in 1644 and the Royalist rising of Sir Thomas Mackenzie of Pluscarden in 1649. Punishment could take several forms, such as execution, fining and the forfeiture of landed estates, as well as political and parliamentary purging. All of these measures were employed by the Scottish Parliament in the 1640s. The 1644 Parliament set up a series of session committees to deal with the legal processes of those cited to Parliament for their involvement in the Haddo rebellion. Throughout the 1640s Royalist rebels were commonly referred to as 'malignants' or 'delinquents'. On 25 May 1644, the 1644 Convention set up a Committee for Processes to prepare the processes of those who were summoned to appear before the forthcoming 1644 Parliament.<sup>31</sup> Three

Mitchison and P. Roebuck (eds), *Economy and Society in Scotland and Ireland, 1500–1939* (Edinburgh, 1988), pp. 58–9.

<sup>28</sup> *APS*, VI, i, p. 247.

<sup>29</sup> *Ibid.*, pp. 698–9; Young, *The Scottish Parliament*, 162. Twelve pounds Scots were equivalent to £1 sterling.

<sup>30</sup> *APS*, VI, ii (1648–60), p. 520.

<sup>31</sup> *APS*, VI, i, p. 94.

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<sup>32</sup> *Ibid.*, I

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Committees for Processes were formed in the parliamentary sessions of 1644-45, and these committees had the job of investigating and punishing the regime's enemies, although their remit could also be incorporated in the functions of committees which had more than one issue to consider.<sup>32</sup> Other committees could deal with specific cases, such as the Committee for Trying of Delinquents, formed on 12 June 1644 to deal with the punishment of rebels involved in the Haddo rebellion.<sup>33</sup> Legislation of 29 June 1644 stated that the appropriate punishment for taking up arms against the Estates was to be loss of life, lands and goods. Sir John Gordon of Haddo was therefore formally forfeited on 16 July, having already been found guilty of high treason on 25 June, and he was to suffer the death penalty.<sup>34</sup> Likewise, Montrose was forfeited of his life and estates by Parliament on 11 February 1645, eleven days after his famous military victory in the Highlands at Inverlochy on 2 February.<sup>35</sup> It was not until 21 May 1650, however, that Montrose was finally executed after his capture in another abortive uprising in the north of Scotland to fight for the Royalist cause in the aftermath of Cromwell's victory in Ireland. In 1645-46 fining and the forfeiture of rebels and their lands was used as a device for raising additional revenue for public use.<sup>36</sup> A Committee for Selling Forfeited Lands of 25 February 1645, for example, was to establish the market value of the lands, rents and other resources of forfeited individuals.<sup>37</sup>

In the aftermath of the Covenanted victory over Montrose at Philiphaugh on 13 September 1645, the Committee of Estates was proactive in setting up specialized subcommittees to deal with rebels in different geographic locations. Hence a Committee for Malignants in Perthshire was formed on 28 October 1645, a Committee for Examining Compilers with the Rebels in Lanarkshire, Ayrshire and Renfrewshire was formed on 8 November 1645 and a Committee for Trial of Malignants in Fife was formed on 21 November 1645. These were all subcommittees of the Committee of Estates, the most important interval committee of the 1640s. Bloody retribution was also exacted against the Irish troops who had fought for the Royalist cause. On 16 October the Edinburgh section of the Committee of Estates issued a warrant for the execution at Edinburgh on 20 October of two leading Irish officers who had been present at Philiphaugh, namely Colonel Manus O'Cahan and Major Thomas Laghtan.<sup>38</sup> Shortly after the opening of the next parliamentary session on 26 November, Johnston of Wariston advocated that the parliamentary membership be examined for compliance with Montrose. On 28 November a session committee was accordingly established to consider the parliamentary commissions granted 'to such as suspect to be compliers with the enemy'.<sup>39</sup> The following day the House stated that all MPs were to be examined for compliance with the enemy before they

<sup>32</sup> *Ibid.*, pp. 98, 290-91, 476-7; Young, *The Scottish Parliament*, pp. 138-9.

<sup>33</sup> *APS*, VI, i, p. 103.

<sup>34</sup> *Ibid.*, pp. 132-3.

<sup>35</sup> *Ibid.*, pp. 313-23.

<sup>36</sup> Stevenson, *Revolution and Counter-Revolution*, pp. 158, 162-3.

<sup>37</sup> *APS*, VI, i, pp. 344-5.

<sup>38</sup> Stevenson (ed.), *Government Under the Covenanters*, pp. 5, 16-19.

<sup>39</sup> *APS*, VI, i, p. 475.

were to be allowed to sit and vote in Parliament. Particular attention was to be paid to the burghs, and on 1 December a specialized session committee was established to consider the cases of Sir John Smith and Robert McKean, the two commissioners of the burghs for Edinburgh, and George Bell, the burgh commissioner for Linlithgow, before they were allowed to take their seats.<sup>40</sup>

The two main pieces of parliamentary legislation dealing with the punishment of rebels were the Acts of Classes of 1646 (8 January) and 1649 (23 January). The 1646 act was concerned primarily with those involved in the Montrose rebellion, whereas the 1649 act was primarily concerned with the punishment of Engagers. The 1646 act was based on an Act anent Delinquents which had been formulated by the Committee of Estates on 27 October 1645.<sup>41</sup> The 1646 act consisted of three tiers of classes according to the severity of an individual's involvement in rebellion and degree of guilt. Those deemed to be guilty under the first class were to be executed (although only four death sentences were actually passed). If spared from execution, they were to be fined between four and six years' rent and they would be barred from public office, including membership of Parliament and voting in parliamentary elections. Those found guilty under the second class were to be fined between two and four years' rent and were to be suspended from office until the next parliamentary session at the very earliest, whilst those found guilty under the third class were to be fined between half a year's to two years' rent. In less severe cases under the third class, the option of fining could be dropped and suspension from office for a defined period of time could be imposed instead.<sup>42</sup> As a result of the 1646 Act of Classes, the fining of rebels on a national basis was delegated to a new type of financial committee, the Committee for Monies formed on 3 February 1646. Operating as an interval committee, the Committee for Monies was split into two sections, based on the geographic division of a northern and a southern section. The committee had the power to impose fines, as well as the powers of forfeiture of landed estates for the public use. The northern section had jurisdiction over the north-east and the Highlands, whilst the southern section was to deal with the rest of the kingdom. Members of each section could attend the proceedings of the other section, and both sections were to keep regular correspondence with each other, as well as with the Committee of Estates.<sup>43</sup> Within the wider context of fining from early January 1646, it has been calculated that 151 individuals were fined between 9 January and 28 October 1646. These fines amounted to £901,818 Scots, although by November 1646 £332,111 13s. 4d. Scots still had not been paid.<sup>44</sup>

The 1649 Act of Classes of 23 January 1649 was modelled on its predecessor of 1646. The 1649 act consisted of four classes. The first class was primarily directed

<sup>40</sup> *Ibid.*, p. 476.

<sup>41</sup> Stevenson (ed.), *Government Under the Covenanters*, p. 15.

<sup>42</sup> *APS*, VI, i, pp. 503–5; Stevenson, *Revolution and Counter-Revolution*, pp. 46–7.

<sup>43</sup> *APS*, VI, i, pp. 567–70; Young, *The Scottish Parliament*, pp. 150–51; NAS, PA 14/3, Register of the Committee for Monies (South), 3 February–26 October 1646, ff. 25–375; PA 14/4, Register of the Committee for Monies (North), 9 March–28 October 1646, ff. 24–324.

<sup>44</sup> Stevenson, 'The Financing of the Cause of the Covenanters', p. 109.

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against the leading promoters of the Engagement, in political and military terms, although it also included those involved in the Montrose rebellion. Those found guilty under the first class were to be barred for life from holding public office or participating in public affairs. Lesser offenders came into the next three categories, ranging from the exclusion from public office for at least ten years (the second class), five years or less (the third class) to exclusion for one year (the fourth class). This last class was mainly concerned with office-holders who were deemed to be guilty of moral offences. Whereas the 1646 act had included the remit of execution, this did not apply in the 1649 act. Engagers were certainly to be purged from public office (this was insisted on by Cromwell), but the Treaty of Stirling of 27 September 1648, by which the Engagers were to disband their forces in Scotland, had stipulated that Engagers who accepted the treaty would not be punished by loss of life, estate or title.<sup>45</sup> George Gordon, seventh Earl and second Marquis of Huntly, was executed on 22 March 1649 in the aftermath of the failed Royalist Pluscarden rising in February 1649. Huntly was the first major noble to be executed in Scotland during the troubles. As the most powerful noble in the north-east, he had been associated with the early stages of the Montrose rebellion and had occupied Aberdeen. His son, Lord Gordon, had fought with Montrose. He was tried for treason and condemned to death on 16 March. The Huntly execution served a wider political purpose of attempting to tame the north in the aftermath of the Pluscarden rising.<sup>46</sup>

Widespread purging of office-holders in the executive and judiciary took place in the wider context of political and parliamentary purging. On 12 March 1649, Johnston of Wariston, the current Clerk Register, was entrusted with the task of purging of lesser officers. This was also one of the powers given to the Committee of Estates appointed on 14 March 1649. Wariston was also instructed to oversee the implementation of the Act of Classes after the close of the parliamentary session on 16 March.<sup>47</sup> Extensive purging of state and public offices was sanctioned by the 1649 Parliament as part of a wider social vision to create a godly society. The years 1649–50 witnessed an attempt to create a purified Calvinist society in Scotland via the extermination of sin. Parliamentary legislation was enacted to deal with issues such as incest, drunkenness, fornication, witchcraft and the execution of children over the age of 16 who challenged parental authority.<sup>48</sup> Former Engagers, as well as perceived sexual and moral deviants, were required to repent for their sins to presbyteries and kirk sessions of the Church of Scotland. On 27 December 1649, one James Inglis, 'who was an Ensigne-bearer in the late vnlawfull engagement', appeared before the Presbytery of Lanark and acknowledged his guilt of having been an Engager. He was thereafter referred to

<sup>45</sup> APS, VI, ii, pp. 143–8; Stevenson, *Revolution and Counter-Revolution*, pp. 118–19, 130.

<sup>46</sup> Stevenson, *Revolution and Counter-Revolution*, pp. 7, 145–7; Sir J. Balfour-Paul (ed.), *The Scots Peerage*, vol. IV (Edinburgh, 1907), pp. 545–8.

<sup>47</sup> APS, VI, ii, p. 277.

<sup>48</sup> See J.R. Young, 'Scottish Covenanting Radicalism, the Commission of the Kirk and the Establishment of the Parliamentary Radical Regime of 1648–1649', *Records of the Scottish Church History Society*, vol. XXV, part three (1995).

the parish of Douglas (one of the parishes in the presbytery) where he was to repent for the sin of having been an Engager.<sup>49</sup>

Purging was not restricted to the political domain and the armed forces were also purged in the drive to secure a 'godly' army. Only the godly were to be allowed to serve in the armed forces. On 22 June 1649 the Estates passed an Act for Purging the Army. The rationale for purging was laid out in the act, whereby the 'manifold evils both of Sin & punishment wherewith this Land hes been afflicted By reason of the Malignant Insolences and profanity of many in our Armies'.<sup>50</sup> Thus, the Estates of Parliament stated that they had:<sup>51</sup>

Engaged themselves for purging of judicatories and Armies, and instructing and employing none but such as are of known good affection, and to the effect that none but such as are of known good affection and to the effect that none be suffered to bide in the Army who are of a profane, Malignant & Scandalous carriage.

Accordingly, the act stated that 'well affected persons in severall Shires' were to be appointed for visiting the troops. Complaints against soldiers were to be received and the behaviour of soldiers was to be considered by examining the 'country people' in the areas where troops were quartered. Other 'honest persons of the Shire' could also be asked for information, as well as officers and other soldiers. Lists were to be drawn up of officers and soldiers found guilty. These lists were then to be passed on to the commanding officer of the troops, who was required to remove from his troop any such officer or soldier along with their horses and arms. Alternatively, the commanding officer could punish them in other ways that he thought fitting. The Act for Purging the Army of 22 June 1649 consisted of different sets of articles for purging as they related to officers and the common soldier. For example, soldiers were to be removed who were 'Blasphemers and mockers of Piety, or despisers of the Worship of God, or profaners of the Lords day, or oppressors of the people, or drunkards, or plunderers, or unclean persons'.<sup>52</sup> Whilst this clearly related to moral and religious offences as perceived by the Kirk, a further emphasis lay with the purging of soldiers and officers who had been involved in the Montrose rebellion, the Engagement and other subversive Royalist activities. The Committee of Estates appointed on 7 August 1649 later established a subcommittee in January 1650 for purging the army.<sup>53</sup> Purging of the Scottish armed forces, formally sanctioned by the Scottish Parliament, was to have devastating consequences for the defence of the kingdom against the Cromwellian invasion of Scotland in the summer of 1650. For the zealots in the Church of Scotland, the trouncing by Cromwell at the Battle of Dunbar in September 1650 was a clear sign of God's wrath, and the policy of purging to purify the army was pursued with greater intensity. Despite the formation of the Committee for Managing the Affairs of

<sup>49</sup> *Ecclesiastical Records. Selections from the Registers of the Presbytery of Lanark, 1623-1709*, J. Robertson (ed.), (Edinburgh, 1839), p. 76.

<sup>50</sup> *APS*, VII, ii, pp. 446-7.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> Young, *The Scottish Parliament*, pp. 245-6; *APS*, VI, ii, p. 531.

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<sup>57</sup> *APS*, V

<sup>58</sup> *Ibid.*,

the Army in March 1651 and the repeal of the Act of Classes on 2 June 1651, political and military rapprochement came too late.

#### PARLIAMENT AND MILITARY STRATEGY

The success of the Montrose rebellion in inflicting military defeat on Covenanting armed forces resulted in the initiation of new committees to oversee military strategy. Hence, a Committee for Managing the War was first established on 10 January 1645 as a central executive committee to supervise the war while Parliament was in session. Technically, it was a parliamentary session committee and it was only to sit for the duration of the parliamentary session (which ended on 8 March). The committee was to oversee and supervise the war in Scotland, as well as commitments in England and Ireland. In this sense, the committee had a British remit in terms of Covenanting military commitments, and its remit was not restricted to the military campaign against Montrose in the Scottish homeland. This wider British remit can be explained in terms of efficiency and the need for a central committee to make rapid decisions, whilst also allowing Parliament to proceed with other important business. The committee was also to deal with issues of military recruitment and provisions.<sup>54</sup> The Committee for Managing the War became a standard committee in the different parliamentary sessions of 1645. A variety of different committee names were used, but the basic function remained the same. Hence, a Committee for Managing the War was formed on 8 July, a Committee for the Prosecution of the War was formed on 29 July and a Committee for Dispatches was formed on 1 December 1645.<sup>55</sup> In terms of membership, the Committee for Managing the War and its counterparts were essentially revamped Committees of Estates, despite the fact that in technical terms the Committee of Estates was an interval committee and the Committee for Managing the War was a session committee with a restricted jurisdiction for the lifetime of a parliamentary session. For example, virtually all the members of the Committee for Managing the War of 10 January had been members of the Committee of Estates appointed on 26 July 1644.<sup>56</sup>

With the string of Royalist victories in Scotland throughout 1645, the role and function of these central parliamentary committees were put under close scrutiny in terms of their effectiveness on military strategy. The jurisdiction and powers of the Committee for the Prosecution of the War, which had been appointed on 29 July, were debated by the committee itself as well as the assembled Estates. Following voting on these issues, three main decisions were reached on 5 August.<sup>57</sup> First, it was enacted that the 'directing of the warre shall be by the Parliament'. Second, the 'actuall manning and executing of the directions' was to be taken by the commander-in-chief of the armed forces. Third, the commander-in-chief was to be answerable to Parliament or its committee.<sup>58</sup> The

<sup>54</sup> *APS*, VI, i, p. 287.

<sup>55</sup> *Ibid.*, pp. 287, 430-31, 442, 477-8.

<sup>56</sup> Young, *The Scottish Parliament*, pp. 114-15.

<sup>57</sup> *APS*, VI, ii, pp. 442, 448.

<sup>58</sup> *Ibid.*, p. 448.

precise committee' was not specified here, but this would most likely have been the Committee of Estates (when Parliament was not in session) or the Committee for the Prosecution of the War then in session. Paradoxically, direct interference in military strategy by the parliamentary committee accompanying the army was directly responsible for the rout of Covenanting forces at the Battle of Kilsyth, near Glasgow, ten days later on 15 August 1645. The army section of the Committee of Estates accompanying the Covenanting armed forces in Scotland bullied and harangued Lieutenant General William Baillie of Lethem to abandon a superior military position and attack Montrose's Royalist army. The Covenanting defeat at Kilsyth was overwhelming and opened up central Scotland to Montrose and the Royalist cause. Indeed, Montrose had been commissioned by Charles I to convene the Scottish Parliament in Glasgow.<sup>59</sup>

Montrose's run of convincing victories over Covenanting forces in Scotland was brought to a sudden halt at the Battle of Philiphaugh in the Scottish borders on 13 September 1645. In the aftermath of Philiphaugh, Parliament initiated a retrospective review of military strategy in the parliamentary session which met at St Andrews between 26 November 1645 and 4 February 1646. A session committee was formed on 18 December with three specific retrospective remits. It was to consider and examine the conduct of Lieutenant General William Baillie and the army officers present at the Battle of Kilsyth. The conduct of the 1645 Committee of Estates at that time was also to be examined, thereby widening the net of political scrutiny to those nobles, shire commissioners and burgh commissioners who had been members of and active in the Committee of Estates at the time of the military defeat at Kilsyth. The committee was also to scrutinize the level and manner of losses suffered at Kilsyth. The committee reported back to Parliament on 29 January 1646 and Lieutenant General Baillie was absolved of any blame for the defeat at Kilsyth, but the conduct of the Committee of Estates was not mentioned and it would appear that there was a political whitewash of the role of the Committee of Estates at the rout at Kilsyth.<sup>60</sup> Crucially, the role of the Committee for Managing the War and its counterparts in the formulation of military strategy primarily, but not exclusively, against Montrose's Royalist campaign was to provide a parliamentary model and structure for later committees in 1646, 1648 and 1649 respectively. Several committees established at these later dates were of a similar nature, although they dealt with different political and military circumstances.

The sixth session of the First Triennial Parliament convened at Edinburgh on 3 November 1646 and sat until 27 March 1647. The leading issue in the political world of the winter of 1646 was the issue of Charles I and the withdrawal of Covenanting armed forces from England in the aftermath of the First Civil War in England. The parliamentary alliance between the Scottish and English Parliaments was increasingly under strain, and by a vote of 24 September 1646 the English Parliament had claimed sole jurisdiction over the disposal of Charles I.

<sup>59</sup> E.J. Cowan, *Montrose. For Covenant and King* (Edinburgh, 1995 edn), pp. 217–18; Young, *The Scottish Parliament*, p. 129.

<sup>60</sup> Young, *The Scottish Parliament*, pp. 136–61.

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Hence the English Parliament wanted to deal with Charles as King of England, claiming sole jurisdiction over what should happen to him, despite the fact that he was also King of Scotland and the English Parliament had offered to pay £400,000 sterling (£4.8 million Scots) for the Covenanting army to leave England. The attitude of the Scottish Parliament to these developments would therefore be crucial. Would Parliament agree to withdraw the army from England? What would happen to Charles I as King of Scotland?<sup>61</sup> In light of these issues, Parliament established a Committee for the Common Burdens on 10 November 1646. The Committee for Common Burdens was essentially the successor to the previous session committees of 1645, such as the Committee for Managing the War. The Committee for Common Burdens was to consider the 'burdens and pressures' given by all three parliamentary estates concerning not only the condition of Scotland, but also of England and Ireland. Given the current climate in Anglo-Scottish relations, it would seem that the main focus of the committee was the issue of the king and the withdrawal of Covenanting forces from England. The committee was empowered by the Estates to answer letters remitted to it and was allowed to issue dispatches without recourse to the full Parliament. Thus, the Committee for Common Burdens, and not the full Parliament, was deemed to be the appropriate forum for discussing Anglo-Scottish relations in the winter of 1646.<sup>62</sup>

Other direct descendants of the war session committees of 1645 can be identified in the parliamentary sessions of 1648 and 1649. The 1648 Engagement Parliament established a Committee for Dangers, Remedies and Duties on 10 March 1648. This session committee was to consider the imminent threats to religion, the Covenant, Charles I and monarchical government on a British basis.<sup>63</sup> The radical regime of 1649 also set up similar committees on 5 January and 23 May 1649. The Committee for Dispatches and Public Affairs of 5 January was to consider all business concerning the army in Scotland, as well as considering all English and Irish affairs which were relevant to the kingdom of Scotland. In addition, it was to liaise with the Commission of the Kirk of the Church of Scotland and was to inform that body of any appropriate particulars. Essentially, this was a preparative committee for the full Parliament with the task of preparing business concerning the issues mentioned above 'for readier dispatch' in Parliament'.<sup>64</sup> Furthermore, the committee of 23 May was given a European remit as it was to consider affairs in Holland or any other continental countries with which the kingdom of Scotland was concerned. It also had powers over the quartering and disposal of troops.<sup>65</sup>

The manuscript committee registers for both these session committees have survived and, collectively, they provide an insight into the activities of both committees. The work of the committee of 5 January was concerned with the

<sup>61</sup> *Ibid.*, p. 162.

<sup>62</sup> *Ibid.*, pp. 165-6; *APS*, VI, i, p. 616.

<sup>63</sup> *APS*, VI, ii, 10; Young, *The Scottish Parliament*, pp. 198-9.

<sup>64</sup> Stevenson (ed.), *Government Under the Covenanters*, pp. 83-4; *APS*, VI, ii, p. 128.

<sup>65</sup> Stevenson (ed.), *Government Under the Covenanters*, pp. 95-6; *APS*, VII, ii, p. 379.

purging of political opponents from office, forcing Royalists and Engagers to sign bonds to keep the peace, and making efforts to secure arms and ammunition abandoned by the Engagers in England and Ireland.<sup>66</sup> On 26 January, for example, George Porterfield, MP for the burgh of Glasgow, and Hugh Kennedy, MP for the burgh of Ayr, were instructed to liaise with Sir James Stewart, Provost of Edinburgh, concerning the best means of transporting cannon and arms from England and Ireland.<sup>67</sup> The committee also dealt with the co-ordination of intelligence reports. On 23 February, the Marquis of Argyll, Sir Archibald Johnston of Wariston, and Sir James Stewart, Provost of Edinburgh, were instructed to secure intelligence information using all means possible.<sup>68</sup> Military issues also dominated the proceedings of the Committee for Dispatches appointed on 23 May. For example, Lieutenant Colonel William Ker of Newtoun was to recover Scottish arms, cannon and ammunition which had been left at Carlisle by the Engagers and which belonged to the kingdom of Scotland.<sup>69</sup> On 22 June, Sir Robert Adair of Kinhill and Andrew Agnew of Lochnaw, the two MPs for Wigtownshire in south-west Scotland, were instructed by the Committee for Dispatches to go to Ireland to collect arms, cannon and ammunition in Carrickfergus and Belfast which belonged to the kingdom of Scotland.<sup>70</sup>

The Cromwellian advance into Scotland in 1650–51 was to result in the creation of a new type of parliamentary committee to deal with military affairs known as the Committee for Managing the Affairs of the Army, established on 28 March 1651.<sup>71</sup> Cromwell's crushing military victory at Dunbar in September 1650 had resulted in further military advances into Scotland. Despite the crying need for national unity, a patriotic accommodation was only belatedly achieved. Public Resolutions issued by the Commission of the Kirk of the Church of Scotland on 14 December 1650 reluctantly allowed former Engagers and Royalists to serve in the armed forces, as long as they repented for their sins. Charles II had been crowned King of Great Britain, France and Ireland at Scone in Perthshire, the traditional coronation venue for Scottish monarchs, on 1 January 1651, thereby further antagonizing the strategic interests of the Cromwellian regime in England. By March 1651 many Royalists had flooded into the army, but by this time Edinburgh had been abandoned and much of Scotland south of the River Forth was in the hands of Cromwellian forces. Despite this, Royalists were still excluded from the Committee of Estates and participation in civil office as the 1649 Act of Classes was still on the statute books. On 19 March 1651, acting on a motion from Charles II, the Estates agreed that the Kirk should be asked its opinion on admitting to the Committee of Estates those barred from public office under the 1649 Act of Classes. The Commission of the Kirk replied on 22 March stating that those who had been allowed to serve in the armed forces should also

<sup>66</sup> Stevenson (ed.), *Government Under the Covenanters*, p. 83.

<sup>67</sup> *Ibid.*, pp. 85–6.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*, pp. 97–8, 101–2.

<sup>70</sup> *Ibid.*, p. 98.

<sup>71</sup> *APS*, VI, ii, pp. 654–5.

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be allowed to serve on any parliamentary committee dealing with army affairs. This provided the background to the formation of the Committee for Managing the Affairs of the Army on 28 March. First and foremost, this was to be a military committee, and it was categorically stated that it was to be distinct and separate from the Committee of Estates. Royalists who had repented for their sins and who were qualified to serve in the army were therefore allowed to serve on the Committee for Managing the Affairs of the Army, although the Committee of Estates of 31 March was entrusted with the powers of civil government. In reality, however, the Committee for Managing the Affairs of the Army, which sat from 1 April to 22 May, came to represent a rival Committee of Estates, as both committees were primarily concerned with the organization of resistance against the Cromwellian conquest. The Committee for Managing the Affairs of the Army usually sat at Perth, whereas the Committee of Estates met at Stirling.<sup>72</sup>

In terms of its actual proceedings, the Committee for Managing the Affairs of the Army dealt with the co-ordination of military resources and provisions, liaising with the shire committees of war, but it also began to take on a more overt political role and by 13 May it was calling for the Kirk's approval to the repeal of the Act of Classes. The co-ordination of intelligence information was a further issue considered by the committee, as were the nuts and bolts of military life. On 30 April, for example, the committee issued instructions for the transport of a surgeon's chest, belonging to one Richard Wyseman, from Montrose to Perth. Later, on 30 May, a subcommittee for surgeons was established to consider the best way of providing surgeons for the army and equipping them with chests and medicine.<sup>73</sup>

#### PARLIAMENTARY COMMITTEES AND THE CONDUCT OF DIPLOMACY

Session and interval committees were established to consider issues relating to British and European diplomacy. Charles Louis, the Prince Elector Palatine, attended the Scottish Parliament with his uncle Charles I between August and November 1641. A session committee, sitting between 21 and 28 August 1641, considered and then approved Charles I's manifesto for the restitution of the Electoral House of Palatine. A later session committee of 11-12 November 1641 decided that 10,000 troops should be levied and transported to Germany.<sup>74</sup> The 1641 Parliament also formed interval committees to deal with diplomatic issues with the English Parliament concerning the Treaty of London (the peace treaty which had concluded the Second Bishops' War). The Conservators of the Peace (appointed on 16 November 1641) were to meet with representatives of the

<sup>72</sup> *Ibid.*, pp. 651-5; Stevenson (ed.), *Government Under the Covenanters*, xxxii-xxxiii, pp. 105-7; Young, *The Scottish Parliament*, pp. 270, 273, 278-9, 281.

<sup>73</sup> Stevenson (ed.), *Government Under the Covenanters*, pp. 107-73. In preparation for the invasion of England in 1644, the 1644 Convention had passed an Act for Surgeons to the Army on 4 January, listing payment details for four specified surgeons (*APS*, VI, i, p. 61).

<sup>74</sup> J.R. Young, 'The Scottish Parliament and European Diplomacy 1641-1647: The Palatine, the Dutch Republic and Sweden', in S. Murdoch (ed.), *Scotland and the Thirty Years' War* (Leiden, 2001), pp. 77-81.

English Parliament for 'establishing of a firm and Constant peace' and they were to act as an Anglo-Scottish watchdog to ensure that peace was maintained.<sup>75</sup> In addition, a committee anent the articles referred to consideration by the Treaty was formed. The membership of this committee has been described as representing the 'inner diplomatic circle charged to continue negotiations with the English Parliament'.<sup>76</sup> The remit of this committee included issues such as making war with foreigners and mutual trade and commerce. Furthermore, the committee was also given powers to negotiate concerning leagues and confederations with foreign princes and Estates, as well as dealing with issues of mutual supply between Scotland and England in the case of a foreign invasion.<sup>77</sup>

The 1643 Convention established session committees on 9 and 10 August 1643 to negotiate with English commissioners from the Houses of Parliament, resulting in the Solemn League and Covenant and the Treaty of Military Assistance.<sup>78</sup> Covenanting military intervention in the English Civil War in 1644 also led to the formation of structures for joint parliamentary strategy. The Committee of Both Kingdoms was established as an Anglo-Scottish executive body for the coordination of the war effort against the king. However, the Committee of Both Kingdoms was primarily an English committee, with Scottish representatives outnumbered by their English counterparts.<sup>79</sup> A diplomatic section of the Committee of Estates was also active in England in terms of the conduct of Anglo-Scottish diplomacy and Scottish diplomatic commissioners were present in England for much of the 1640s. There was a Scottish diplomatic presence in London in 1649 protesting against the execution of Charles I and diplomatic commissioners were dispatched to Holland in 1649–50 to persuade Charles II to subscribe the Covenants in order to become a covenanted king of three covenanted kingdoms.<sup>80</sup> These commissioners were also instructed to be proactive in seeking the assistance of Elizabeth of Bohemia, Queen Kristina of Sweden and the Prince of Orange to secure the agreement of Charles II to these conditions.<sup>81</sup> Furthermore, in terms of the wider context of diplomacy in the 1640s, it is now increasingly clear that Covenanting diplomatic activities were not restricted to issues of British diplomacy, but also had a European dimension.

<sup>75</sup> APS, V, pp. 490–91; NAS, PA. 14/2, Proceedings of the Scots Commissioners for Conserving the Articles of the Treaty, 22 September 1642–8 July 1643. For an analysis of attendance data, see Young, *The Scottish Parliament*, pp. 56–7.

<sup>76</sup> Macinnes, *Charles I and the Making of the Covenanting Movement*, p. 204.

<sup>77</sup> APS, V, pp. 489–90.

<sup>78</sup> APS, VI, i, pp. 23–4.

<sup>79</sup> Young, *The Scottish Parliament*, pp. 84–5. See L. Mulligan, 'The Scottish Alliance and the Committee of Both Kingdoms, 1644–46', *Historical Studies Australia and New Zealand*, 14 (1970) and 'Peace Negotiations, Politics and the Committee of Both Kingdoms', *The Historical Journal*, 12 (1969). See also W. Notestein, 'The Establishment of the Committee of Both Kingdoms', *American Historical Review*, 17 (1912).

<sup>80</sup> Stevenson, *Revolution and Counter-Revolution*, pp. 133, 148–51, 154–8, 159–61, 168–9.

<sup>81</sup> APS, VI, ii, pp. 211–12, 217, 558, 565; Balfour, *Historical Works*, vol. IV, pp. 16–17.

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<sup>86</sup> Ibid

<sup>87</sup> Ibid

<sup>88</sup> Ibid

<sup>89</sup> Ibid

## THE COMMITTEE OF ESTATES AND EUROPEAN DIPLOMACY

The Committee of Estates, as an interval committee of the Scottish Parliament, played an important role not only in the Covenanted administration of Scotland, but also in issues of warfare and diplomacy. It was also involved in European diplomacy with the Dutch and the Swedes and was actively seeking to extend the 1643 Solemn League and Covenant into a European defence league for the Protestant cause, as well as attempting to create a *British* confederation with Sweden. These policies were being pursued almost simultaneously.<sup>82</sup> Previously, at the time of the Anglo-Scottish peace negotiations of 1640-41, the Committee of Estates appointed in June 1640 was promoting the creation of a tripartite confederation involving the Scottish and English Parliaments and the States General of the United Provinces.<sup>83</sup> Although the confederal negotiations of 1640-41 did not come to fruition, the notion of European confederal links was revitalized in 1644.

In accordance with the provisions of the 1640 Triennial Act (stating that Parliaments in Scotland were to be held every three years), a new Parliament convened in Edinburgh on 4 June 1644.<sup>84</sup> Before the meeting of this Parliament, the Edinburgh section of the Committee of Estates which had been established on 26 August 1643 had already sanctioned a Covenanted diplomatic mission to the United Provinces. On 10 May 1644 the Committee of Estates appointed one Thomas Cunningham, a Scotsman resident at Campvere, as Commissioner and Ordinary Agent in the Netherlands.<sup>85</sup> The Committee of Estates issued ten sets of instructions to Thomas Cunningham 'in his employment to the States of the United Provinces'.<sup>86</sup> These instructions included the securing of arms and the raising of money. The Covenanted military presence in Ireland was raised and Cunningham was instructed to secure charity and supplies for 'the distressed British in Ireland, and Scots army who are hazarding their lyves for defence of the true Protestant religion'.<sup>87</sup> Thus, the Committee of Estates was confident that the Dutch 'will be as careful to supply with victuall, amunition, money and other necessaries as the Pope, Spanjard and others popish powers are in supplying the rebells and assisting them in their bloodie designes'.<sup>88</sup> Cunningham was further instructed to acquaint himself with Dutch preachers and secure their agreement 'to joyne with us in the Covenant and really assist this cause wherein the glorie of God and propagation of his gospell are so much interested'.<sup>89</sup> Furthermore, Cunningham was to inform the Dutch of the 'treacherous and bloodie attempts

<sup>82</sup> Young, 'The Scottish Parliament and European Diplomacy', pp. 87-100.

<sup>83</sup> Young, *The Scottish Parliament*, pp. 28-9; Macinnes, 'The Scottish Constitution', pp. 131-2, footnote 49; Edinburgh University Library, Transactions of the Committee of Estates of Scotland, August 1640-June 1641, Dc 4. 46, folio 93.

<sup>84</sup> Young, *The Scottish Parliament*, pp. 90-91.

<sup>85</sup> *The Journal of Thomas Cunningham of Campvere 1640-1654*, E.J. Courthope (ed.), Scottish History Society, third series, vol. XI (Edinburgh, 1928), pp. 82-3.

<sup>86</sup> *Ibid.*, p. 85.

<sup>87</sup> *Ibid.*, pp. 86-7.

<sup>88</sup> *Ibid.*, p. 87.

<sup>89</sup> *Ibid.*, p. 86.

and conspiracies of the enemies of God who were never more uncessantly working now for subversion of the true religion'.<sup>90</sup> In light of this, the Committee of Estates hoped that the Dutch would 'not only joyne with the kingdoms of Scotland, England and Ireland in this Solemne League and Covenant for opposing poperie and prelacie and establishing the true religion, but also invite all other Christian princes to doe the lyke'.<sup>91</sup> Cunningham later gave a speech to the Estates of Holland and Westfriesland in which he stated that these Estates should consider 'if in this conjecture of tyme it were not as fitt and necessary as beneficiall and expedient for all Protestant Potentates and Republicques to enter or joyne in the same or suchlyke Solemne Covenant with the kingdomes of Great Brittain, and so go on unanimouslie against the commone ennemy'.<sup>92</sup> The response of the Dutch, however, whilst supportive of the desire to maintain and preserve what they perceived to be the true Christian religion, was politically lukewarm. Rather, a neutral stance and policy of non-intervention in the British troubles was being adopted by the Dutch.<sup>93</sup>

Closer diplomatic contacts with the Swedes were also taking place both before, during and after the 1644 Scottish Parliament. The 1644 Parliament dealt with proposals for a British confederation with Sweden. Hugh Mowatt, a Scotsman in the service of Queen Kristina of Sweden as a Swedish representative in the United Provinces, was dispatched to the British Isles to secure a confederal alliance and levy 2000–3000 Scots for Swedish military action against Denmark–Norway. The Scots were also to be briefed on the extortionate levels of tolls being charged by Christian IV of Denmark. Mowatt was in Edinburgh by the time the 1644 Parliament met on 4 June. Robert Baillie, the Covenanting minister of Kilwinning in Ayrshire and one of the ministers of the Church of Scotland's delegation sent to the Westminster Assembly of Divines, noted on 7 June that 'The Swedds has sent agents for a strict league with us'.<sup>94</sup> By 25 June the Scottish Parliament had formed a specialized session committee to consider the Swedish proposals, as articulated by Mowatt. Mowatt's instructions from Queen Kristina envisaged a mediatory role for the Scottish Parliament in both Swedish–Danish relations and Anglo-Swedish relations. Hence Kristina was keen that 'the staittes of Scotland wold be mediators betuix her England, and moue them to accept of her and her realmes to enter in that mutuall league with Britane for defence of religion'.<sup>95</sup> Leading Covenanters were involved in the Swedish negotiations.

The Scottish Chancellor, John Campbell, first Earl of Loudoun, John Maitland, first Earl of Lauderdale and Johnston of Wariston were all members of the parliamentary session committee dealing with the Mowatt mission. It was Chancellor Loudoun who formally reported back from the session committee to the full

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid., p. 109.

<sup>93</sup> Ibid., pp. 114–16.

<sup>94</sup> R. Baillie, *Letters and Journals 1637–1662*, D. Laing (ed.), 3 vols, (Edinburgh, 1841–42), vol. II, p. 191.

<sup>95</sup> Balfour, *Historical Works*, vol. II, p. 210.

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Parliament and he was briefing Axel Oxenstierna, the Swedish Chancellor, on developments in Parliament *vis-à-vis* the Swedish proposals. This continued in the aftermath of the 1644 Parliament, when Loudoun continued to inform Oxenstierna of British affairs. Indeed, for Loudoun a Swedish alliance could only be secured within a British context in conjunction with the Committee of Both Kingdoms (of which Wariston was also a member). Alexander Leslie, first Earl of Leven, was also in contact with Oxenstierna, briefing him on British affairs. Yet the proposed British confederation with Sweden did not materialize, primarily because of tensions in the Anglo-Scottish parliamentary alliance and the ending of the First Civil War in England.<sup>96</sup> The fact remains, however, that the Scottish Parliament in general and the Committee of Estates in particular were closely involved in issues of European diplomacy and were not restricted to Scottish or even British influences.

The unicameral Parliament of the kingdom of Scotland underwent considerable political and constitutional development during the years 1639-51. These were important years for internal procedural reform, the development of a new committee system and the enactment of a powerful constitutional settlement in 1640-41. Issues of warfare were to the fore during these years, given the military commitments of the Covenanting movement on a three-kingdom basis. The levying of troops, punishment of rebels, concern for the victims of warfare, the development of structures for parliamentary military strategy and the conduct of both British and European diplomacy were all central features of the warfare policies of the Scottish Parliament. Between 1639 and 1651 the Scottish Parliament and its committees played a leading role in the War for the Three Kingdoms.

<sup>96</sup> Young, 'The Scottish Parliament and European diplomacy', pp. 96-100.