

Vol. LXXVII des Études présentées à la Commission
internationale pour l'histoire des Assemblées d'États

Marie-Laure Legay • Roger Baury
(éds)

L'invention de la décentralisation

Noblesse et pouvoirs intermédiaires
en France et en Europe XVII^e-XIX^e siècle



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The Nobility and the Scottish Parliament of 1648-1651

John R. Young
University of Strathclyde, Glasgow

During the period of the British Civil Wars or War for the Three Kingdoms, the Scottish Parliament met on a regular basis and it played an important part in British affairs. Under the control of the Covenanting movement, it was the key institution for the government of the kingdom of Scotland during these tumultuous years. The constitutional settlement of 1639-1641 restricted the royal prerogative of Charles I as King of Scotland and it enhanced the powers of Parliament. A Convention of Estates was held in 1643 and 1644 and it was this body that took Scotland, under the Covenanters, into the English Civil War on the side of the English Parliament against Charles I. Two triennial parliaments were later held, under the 1640 Triennial Act that stated that Parliaments must be held every three years, in 1644-1647 and 1648-1651. The First Triennial Parliament met over six sessions between 1644 and 1647 and the Second Triennial Parliament met over eight sessions between 1648 and 1651¹.

The Scottish Parliament was a parliament of estates and it was unicameral in nature, with no separate Houses of Commons and Lords². The constitutional settlement abolished the clerical estate (bishops and archbishops) in Parliament and the estates were redefined to be nobles, barons and burgesses. There has been some debate whether or not the barons were essentially the lesser nobility as opposed to a distinct and separate parliamentary estate that operated independently of the nobility. The barons represented shire constituencies (the Scottish equivalents of English counties) and they have often been referred to as shire commissioners or commissioners for shires. Most shires were represented by two barons or commissioners. Traditionally voting power

- 1.- John R. Young, *The Scottish Parliament 1639-1661. A Political and Constitutional Analysis*, Edinburgh, 1996, covers these events in detail.
- 2.- John R. Young, «The Scottish Parliament in the Seventeenth Century: European perspectives», in A.I. MacInnes, T. Riis & F.G. Pedersen (eds.), *Ships, Guns and Bibles in the North Sea and the Baltic States c.1350-c.1700*, East Linton, 2000, pp.139-172 ; J. Goodare, «The Estates in the Scottish Parliament, 1286-1707», in C. Jones (ed.), *The Scots and Parliament*, Edinburgh, 1996, pp. 11-32.

was invested in the shire unit. In 1640, however, the voting power of the shire commissioners/barons was doubled and each commissioner now had an individual vote³. Some historians have regarded this as a de facto recognition of the key role played by the lairds in the Covenanting movement. Furthermore, they have argued that in terms of the operation of parliamentary politics within a single chamber institution, the voting power and profile of the shires/barons had been increased relative to the other two estates⁴. For other historians, however, this development has been regarded as a further extension of the power of the nobility. Leading nobles or the greater nobility were in command of events and the barons/shire commissioners, according to this analysis, should be regarded as lesser nobles⁵.

Factional politics emerged within the Covenanting movement throughout the 1640s. The driving force in the movement and in parliament up to c.1646 was with the Argyll faction⁶. This refers to the nexus of Archibald Campbell, eighth Earl and first Marquis of Argyll. Argyll enjoyed the support of many of the elected shire commissioners/barons and his faction was aligned to the Presbyterian Church of Scotland. This faction enjoyed less support among the nobility as a whole. Indeed, it should be emphasised that the shire commissioners/barons played an important role here⁷. Allan Macinnes has described this as a «radical

mainstream» in the dynastic decision of the return for parliament Charles I and the fact that he was the First Civil War English parliament accommodated the Covenant of refusal to agree to the Covenanting the king to the

A factional Triennial Parliament in the Commons Committee of parliament resulted in a return of James to the scene in Scotland Cornwall from his role in Scottish court of Charles I. The parliament king was co-opted as President of the he was doing the struggle in Scotland done with the Argyll faction position of the with the rise other hand, was no further Events came in September at the diet of in favour of

3.- For the Scottish constitutional settlement, see John R. Young, *The Scottish Parliament*, *op. cit.*, pp. 1-53 ; D. Stevenson, *The Scottish Revolution 1637-1644*, Edinburgh, 2003, pp. 166-176, 192-7, 227-242 ; J. Scally, «The Rise and Fall of the Covenanter Parliaments, 1639-51», in K.M. Brown & A.J. Mann (eds.), *The History of the Scottish Parliament. Vol. II. Parliament and Politics in Scotland 1567-1707*, Edinburgh, 2005, pp. 140-142; J. Scally, «Constitutional Revolution, Party and Faction in the Scottish Parliaments of Charles I», in C. Jones (ed.), *The Scots and Parliament*, *op. cit.*, pp. 58-65.

4.- John R. Young, «The Scottish Parliament and the Covenanting Revolution: The Emergence of a Scottish Commons», in John R. Young (ed.), *Celtic Dimensions of the British Civil Wars*, Edinburgh, 1997, pp. 164-181 ; A.I. Macinnes, «The Scottish Constitution 1638-1651. The Rise and Fall of Oligarchic Centralism», in J. Morrill (ed.), *The Scottish National Covenant in its British Context 1638-51*, Edinburgh, 1990, pp. 124-125; A.I. Macinnes, *Clanship, Commerce and the House of Stuart, 1603-1788*, East Linton, 1996, p. 199, notes the importance of the lairds/gentry within the Covenanting movement and also within Jacobitism in the later seventeenth and eighteenth centuries.

5.- K.M. Brown & A.J. Mann, «Introduction. Parliament and Politics in Scotland, 1567-1707», in Brown & Mann (eds.), *The History of the Scottish...*, *op. cit.*, pp. 21-22, 37 ; K.M. Brown, *Noble Society in Scotland. Wealth, Family and Culture, from Reformation to Revolution*, Edinburgh, 2000, pp. 8-14. J. Scally, «The Rise and Fall...», *loc. cit.*, pp. 139, 161-162; J. Scally, «Constitutional Revolution...», *loc. cit.*, pp. 54-56, 71-73.

6.- J. Scally, «The Rise and Fall...», *loc. cit.*, p. 145.

7.- J. Scally notes that «the Hamilton party drew its core from the noble estate while the Argyll party drew more heavily on the barons and burghs». See «The Rise and Fall...», *loc. cit.*, p. 152. This refers directly to the events of late 1647, but the general point applies. The Hamilton faction had support from a significant number of shires and burghs in the 1648 Parliament, but the general point is valid. The Argyll faction was more reliant on shire and burgh support than overall support within the nobility.

8.- A.I. Macinnes, 1991, pp. 201-

9.- A.I. Macinnes

John R. Young

mainstream» or caucus that controlled the movement⁸. Important changes in the dynamics of parliamentary politics emerged in 1646-1647 with the decision of the Scottish Parliament to withdraw its army from England, in return for payment of arrears of pay from the English Parliament, and leave Charles I under the sole jurisdiction of the English Parliament, despite the fact that he was King of Scotland as well as England. In the aftermath of the First Civil War in England, Charles was under the jurisdiction of the English parliamentary army. Failure to reach a political and diplomatic accommodation with the Covenanters, his refusal to subscribe the National Covenant of 1638 and the Solemn League and Covenant of 1643, and his refusal to agree to the Newcastle Propositions of 1646, meant that the Covenanter leadership was faced with no other option but to abandon the king to the jurisdiction of the English Parliament⁹.

A factional struggle for power emerged in the sixth session of the First Triennial Parliament, 3 November 1646 to 27 March 1647 and especially in the Committee of Estates that was appointed on 20 March 1647. The Committee of Estates, first instituted in 1640, was the most important parliamentary committee and it governed the country between distinct parliaments or between parliamentary sessions. The 1646-1647 session resulted in a conservative reaction among the Covenanters, aided by the return of James, third Marquis and first Duke of Hamilton, to the political scene in Scotland after a period of imprisonment in Pendennis Castle in Cornwall from January 1644 to April 1646. Hamilton had played a key role in Scottish and British politics, he had been an important figure at the court of Charles I in London, and he was Charles I's key Scottish advisor. The parliamentary decision of 16 January 1647 to withdraw and leave the king was controversial, symbolised by John, Earl of Crawford-Lindsay, President of Parliament, only signing the act on the clear condition that he was doing so in his constitutional capacity as President. The power struggle in the 1647 Committee of Estates focused on what should be done with the Covenanter army that had returned from England. The Argyll faction wanted to retain the army due to the current precarious position of the king and the threat to the Solemn League and Covenant with the rise of Independency in England. The Hamilton faction, on the other hand, wanted the army to be disbanded as it argued that there was no further use for it and that it would be a burden on the kingdom. Events came to a head over the army issue in the Committee of Estates in September and October 1647. Hamilton's opinions won the day and at the diet of 8 September, when Argyll was absent, the committee voted in favour of disbanding the army on 20 October. An act for disbanding

8.- A.I. Macinnes, *Charles I and the Making of the Covenanter Movement 1625-1641*, Edinburgh, 1991, pp. 201-204; A.I. Macinnes, «The Scottish Constitution», *loc. cit.*, pp. 124-125.

9.- A.I. Macinnes, *The British Revolution*, *op. cit.* pp. 167-173.

the army was passed three days later on 11 September. Argyll was not present at this meeting. Hamilton's victory was short-lived, however, as a further meeting was called for 12 October to discuss the issue. Intense debate prevailed at the committee meetings from 12 to 15 October. An act for keeping up the army was finally passed on 15 October. The Hamilton faction had been defeated in its agenda. According to the decision of 15 October, the army was to be maintained due to the dangers to the king and religion, until the meeting of the Scottish Parliament scheduled for March 1648. The intense factional divisions between Argyll and Hamilton were reflected in the fact that the act of 15 October was only passed by one vote¹⁰. The trial of strength between the two factions is reflected in analysis of the sederunts of the manuscript committee registers. Noble attendance at the meetings of 8 and 11 September was dominated by Hamiltonians. Nobles aligned to Argyll and the radical faction were present in greater numbers at the meetings of 12 to 15 October. Furthermore, these meetings were well-attended and there was a high turnout of committee members, ranging from 52 on 12 October to 61 on 14 October. Fifty-nine committee members were present at the morning session of 15 October when the act was passed. The same number of committee members attended the diet of 13 October¹¹.

As events unfolded, however, Argyll was outflanked in continuing diplomatic negotiations with the king in England. The king's position in England was becoming increasingly precarious, especially in terms of his relationship with the New Model Army as it became increasingly politically radicalised. In fear of his position and life, notably after his seizure by Cornet George Joyce in June 1647 and his transfer to army headquarters, Charles later escaped from Hampton Court near London on 11 November to Carisbrooke Castle on the Isle of Wight. Charles was moving increasingly towards the Covenanters to advance his cause and position in British terms and in Scotland opinion was moving towards the king, not only in terms of unease over his treatment in England, but also in terms of the failure of the English Parliament to implement the Covenants, plus the growth in influence of the New Model Army and fears that the king might reach an agreement with an Independent-minded Parliament backed by that army. Imprisoned in Carisbrooke Castle, covert diplomatic negotiations took place between the king and John Maitland, second Earl of Lauderdale, William Hamilton, first Earl of Lanark (Hamilton's

10.- D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 60-78; John R. Young, *The Scottish Parliament*, *op. cit.*, pp. 162-194; John R. Young, «The Scottish Parliament and the War for the Three Kingdoms, 1639-1651», *Parliaments, Estates and Representation*, 21, 2001, pp.10-19; J. Scally, «The Scottish Parliaments of Charles I», *loc. cit.*, pp. 68-71; A.I. Macinnes, *The British Revolution*, *op. cit.*, pp. 172, 186-187.

11.- National Archives of Scotland [NAS], Edinburgh, PA. 11/5, Register of the Committee of Estates, 29 March 1647- 28 February 1648, f° 112-119.

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12.- D. Stevens *Revolution*, York, pp. J.S. Wheel *History of*

13.- For the Er the Puritan and Count *op. cit.*, pp

14.- A.I. Macir

brother) and John Campbell, first Earl of Loudoun. Loudoun had normally supported the Argyll faction, but was concerned about the king's position and was moving politically towards the Hamilton faction. The political balance in Scotland was swinging towards that faction¹².

Several months of secret negotiations resulted in The Engagement Treaty signed on 27 December 1647. Under the terms of this treaty, the Scots guaranteed to defend the rights and authority of Charles I from the New Model Army and the Independents in England. Charles I, according to the treaty, would return from captivity at the Isle of Wight to London in order to reach an accommodation with the English Parliament. If this was not granted in a peaceful manner, then an army would be sent from Scotland to England to defend the king and his authority, restore him to government, and preserve religion. In return, Charles I agreed to impose presbyterianism in England for a trial period of three years. Additional articles stated that Scotsmen and Englishmen were to be employed in equal numbers in foreign negotiations, Scots were to be employed on the English Privy Council and Englishmen were to be employed on the Scottish Privy Council. Scots were to be employed in places of trust in the royal household, there was to be free trade between Scotland and England, and Charles I or the Prince of Wales was to reside in Scotland at defined intervals. The signing of the Engagement Treaty was a triumph for the Hamiltonian and conservative faction. The Engagement also sought a closer union between the two kingdoms¹³. Allan Macinnes, a leading authority on the Covenanters and the British Civil Wars has recently argued that not only was the Engagement «the first Scottish-instigated effort to promote incorporating union as prescribed by James VI and I in the wake of the regal union», it also «effectively conceded that the Covenanters had lost the political initiative within the British Isles». Furthermore, Macinnes argues that the Engagement «represented a reactionary effort to reassert aristocratic dominance over Scotland and, simultaneously, promote a conservative resurgence in all three kingdoms»¹⁴.

The Committee of Estates was not formally informed of this decision until 21 January 1648 and Loudoun and Lauderdale later reported to the committee on 10 and 15 February 1648. The Committee of Estates

12.- D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 71-78 ; A.I. Macinnes, *The British Revolution*, *op. cit.*, pp. 184-186 ; D. Scott, *Politics and War in the Three Stuart Kingdoms*, New-York, pp. 130-158 ; A. Woolrych, *Britain in Revolution 1625-1660*, Oxford, 2002, pp. 366-401 ; J.S. Wheeler, *The Irish and British Wars 1637-1654*, London, 2002, pp. 179-182 ; D.L. Smith, *A History of the Modern British Isles 1603-1707*, Oxford, 1998, pp. 153-158.

13.- For the Engagement Treaty, see, for example, S.R. Gardiner, *The Constitutional Documents of the Puritan Revolution 1625-1660*, Oxford, 1906, pp. 347-353. See also D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 78-81; D. Scott, *Politics and War in the Three Stuart Kingdoms*, *op. cit.*, pp. 158-160.

14.- A.I. Macinnes, *The British Revolution*, *op. cit.*, pp.186-7.

approved the conduct of the commissioners and expressed approval of the Engagement at its diet of 15 February. The Hamilton faction had now secured a majority of support in the committee, it had won over some support from Argyll's faction to give it a majority and those in support of the Engagement now had an unshakeable majority¹⁵. The Hamilton faction was now dominant in the Committee of Estates. Implementation of the treaty, however, was delayed until the forthcoming Parliament due to meet on 2 March. As noted by the contemporary observer based in Edinburgh, William Ross, «when the Parliament sits here the great question will be, whether they will condescend for an Army to passé into the Kingdome of England»¹⁶. The factional composition of the 1648 Parliament would therefore be crucial.

The Parliament that met in Edinburgh on 2 March 1648 was a new Parliament and it was the first session of the Second Triennial Parliament. Accordingly, elections were held for the shire and burgh constituencies. The results of these elections, in tandem with an increased noble presence, resulted in an overwhelming majority for the Hamilton faction in the 1648 session. Noble attendance levels were high and the shire and burgh elections had delivered a majority for the Hamilton faction. Nevertheless, there was a minority radical faction headed by Argyll in the 1648 session. Analysis of some empirical data can highlight these trends and features. Fifty-six nobles are recorded in the parliamentary rolls for 2 March 1648. This was the highest noble attendance in Parliament in recent years. It was higher than any of the six sessions of the First Triennial Parliament and it was also higher than all but one of the sessions of the 1639-1641 parliament. It was equal to noble membership in the parliamentary session commencing on 17 August 1641 when Charles I was personally present, his first visit to Scotland since the controversial coronation visit and parliament of 1633. The noble attendance level of 56 was also equal to that indicated in the rolls of the Convention of Estates on 22 June 1643¹⁷.

Other evidence indicates that nobles who had avoided sitting in earlier Parliaments now took their places in 1648. Nineteen nobles recorded in the parliamentary rolls for 2 March 1648 had not been present in the last session of the First Triennial Parliament, 3 November 1646 to 27 March 1647. Furthermore, 37 of the 56 nobles (66 %) recorded in the 1648 rolls are also recorded in the rolls for 3 November 1646. There was therefore a strong retention in noble attendance between 1646-7 and 1648, supplemented by an influx of 19 additional nobles¹⁸. This high noble attendance was noted

15.- D. Stevenson, *Revolution and Counter-Revolution*, op. cit., pp. 81-83. The quotation is at p.83.

16.- *The Lord Loudoun's Speech to the English Commissioners at Edinburgh, with the Treaty between the Grand Committee of Scotland, and the Commissioners from the Parliament of England*, London, 1648, p. 5.

17.- John R. Young, *The Scottish Parliament*, op. cit., pp. 195, 332-335.

18.- *Ibid*, pp. 195-196, 332-336.

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19.- D. Lang (e
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by contemporaries. Robert Baillie, a Covenanting minister of the Church of Scotland, noted that there were 'Never so many noblemen present in any of our Parliaments'. Baillie noted that only a small number of nobles were aligned to the radical cause. «All the rest, with more than halfe of the barrons, and almost halfe of the burgesses, especiallie the greater townes, Edinburgh, Perth, Dundee, Aberdeen, St Andrews, Linlithgow ran in a string after Duke Hamilton's vote»¹⁹. Writing to Cardinal Mazarin about the opening days of the 1648 parliament, Jean de Montereul, an experienced French diplomat based in Edinburgh from December 1646 to July 1648, noted that the resolution of current disputed elections «served merely to show that the Hamilton faction is absolutely the most powerful in this Parliament»²⁰. In terms of the elections to the 1648 Parliament, Sir Archibald Johnston of Wariston, Argyll's close political ally and one of the drafters of the 1638 National Covenant and the 1643 Solemn League and Covenant, was elected for Argyllshire. Throughout the 1640s, Wariston had represented Edinburghshire. He was not elected for this constituency for 1648. Instead his election for Argyllshire was secured by the Marquis of Argyll providing him with the land that satisfied the necessary property qualification for election.²¹ Robert Baillie further noted that in terms of the operation of parliamentary politics the radical faction was weakened due to the fact that «For us none did speak but Argyle and Wariston, and sometimes Cassillis and Balemrinoch»²². The opposing Hamilton faction, however, in addition to Hamilton himself, enjoyed the support of the Treasurer (Crawford-Lindsay, who was Hamilton's brother-in-law), Lanark (Hamilton's brother), Lauderdale, Traquair, Glencairn, Cochrane and Sir James Lockhart of Lee, one of the commissioners for Lanarkshire and an important individual within the political orbit of Hamilton's landed domain²³. According to Baillie, these Hamiltonians were 'all able speakers'. Baillie's analysis concluded that within a few days of the opening of the

19.— D. Lang (ed.), *The Letters and Journals of Robert Baillie 1637-1662*, Edinburgh, 1841-1842, vol. III, p. 35.

20.— J.G. Fotheringham (ed.), *The Diplomatic Correspondence of Jean de Montereul and the brothers de Bellievre, French Ambassadors in England and Scotland 1645-48*, two volumes, Edinburgh, 1898-1899, vol. II, p.420. These volumes contain a wealth of information concerning Scottish politics from a French perspective.

21.— John R. Young, *The Scottish Parliament*, *op. cit.*, p. 196 ; D. Stevenson, *Revolution and Counter-Revolution...*, *op. cit.*, p. 83. For fuller details on Wariston, see M. Young (ed.), *The Parliaments of Scotland. Burgh and Shire Commissioners*, Edinburgh, 1992-1993, vol. I, pp. 381-382.

22.— Baillie, *Letters and Journals*, III, p. 35.

23.— *Ibid.* For further information on Lockhart of Lee, see John R. Young (ed.), *The Parliaments of Scotland*, *op. cit.*, vol. 2, pp. 435-436. The nobles mentioned in this quotation were John Elphinstone, second Lord Balmerino, John Kennedy, sixth Earl of Cassillis, John Lindsay, Earl of Crawford-Lindsay, William Cochrane, Lord Cochrane of Cowdoun and Dundonald, William Cunningham, ninth Earl of Glencairn, William Hamilton, first Earl of Lanark, John Maitland, second Earl of Lauderdale, and John Stewart, first Earl of Traquair.

1648 parliamentary session, «we found the Parliament, two parts for one, otherwise affected than we wished»²⁴.

The 1648 parliamentary session met from 2 March to 10 June. The main issues that concerned Parliament during this session were the approval of the Engagement Treaty and preparations for a military invasion of England in defence of the king. Parliamentary opposition to this was based on the minority Argyll faction and it was supported by the Commission of the Kirk of the Church of Scotland. Legislation was passed throughout the session to prepare for military invasion. On 18 April, for example, new shire committees of war and colonels were established. The shire committee of war was the key mechanism that had been used by the Covenanting regime throughout the 1640s to raise troops from the Scottish localities for the war effort, both inside and outside of Scotland²⁵. Later on 4 May an order was issued for the levying of a new army of 27 750 foot and 2 760 horse. Important changes in the command structure of the armed forces also took place. Purging took place because Hamilton and Lanark were aware of the fact that «the Scots Army was then headed, and conducted by those who were of another partie; Argyle having the greatest influence on the most considerable Commanders»²⁶. Alexander Leslie, first Earl of Leven, an opponent of the Engagement, was removed as General of the armed forces and replaced by Hamilton. James Livingstone, first Earl of Callander, was appointed as second in command as Lieutenant General. The positions of Lieutenant General of the Horse and that of the Foot also went to supporters of the Engagement²⁷. The political significance of the new military command structure under the Hamilton faction was noted in contemporary pamphlets. Thus, one pamphleteer noted, «the Hamiltons have not only the pen and the purse of Scotland, (the Dukes brother Lanerick being Secretary, and his brother-in-law, Treasurer... But they have the sword settled in their hands by authority»²⁸. This refers to Hamilton's brother, William Hamilton, first Earl of Lanark, being Secretary of Scotland, and the Earl of Crawford-Lindsay, being the Treasurer as well as Hamilton's brother-in-law.

24.- Baillie, *Letters and Journals*, III, p. 37. An important recent development has been the identification of the Hamilton's parliamentary diary for 1648. It throws new light on parliamentary business of the period and on the dynamics of the political relationship between Hamilton and Argyll. See J. Scally, «The Rise and Fall...», *loc. cit.*, pp. 145-156.

25.- John R. Young, «The Scottish Parliament and the War for the Three Kingdoms, 1639-1651», *loc. cit.*, pp. 105-110.

26.- *The Scots Cabinet Opened. Wherein you have a short and full Account of the secret Transactions of the late affaires, by the Scots Commissioners with the King and Parliament, and the invisible steps, by which wee are brought to a new warre*, London, 1648, pp. 3-4.

27.- See D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 87-88.

28.- *The Manifold Practises And Attempts of the Hamiltons, And particularly of the present Duke of Hamilton Now Generall of the Scottish Army to get the Crown of Scotland*, 1648, pp. 3-4. The tone of this contemporary pamphlet was obviously anti-Hamilton.

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29.- D. Stevenson
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Parliament was adjourned on 11 May for three weeks in order to allow parliamentary members, and especially the leading Engagers, to return to their localities to participate in the levying of the new army. A Committee of Estates was appointed on 11 May to govern the country during this period. The 1648 committee was the smallest of all the Committee of Estates appointed by the Covenanters. It was deliberately small in order that leading Engagers could return home to levy troops, it was intended that it should meet for only a few weeks, and it was not to undertake any major policy decisions. Leading opponents to the Engagement, most notably Argyll and Johnston of Wariston, were appointed to the committee, but they did not attend any of the committee diets²⁹. Parliament reconvened on 1 June and sat until 10 June. There had been regional opposition to the levying of troops in Fife and south-west Scotland. Indeed, by 12 June the Engager regime had been required to suppress a regional uprising at Mauchline Moor in Ayrshire. The leadership and ministry of the Church of Scotland were largely vocal in their opposition to the Engagement³⁰. Further preparations were undertaken by Parliament for an invasion of England a new Committee of Estates was appointed on 9 June. Unsurprisingly, the committee was dominated by Engagers, but leading opponents, such as Argyll, Balmerino and Johnston of Wariston were included³¹. On 3 July the committee divided into an Edinburgh and army section, but the Hamiltonian faction's Engagement invasion of England proved to be disastrous and it was defeated by the forces of Oliver Cromwell at the Battle of Preston, 17-19 August, in the north of England. In the aftermath of this defeat, the Engagement regime in Scotland collapsed and a coup d'état took place with what has become known as The Whiggamore Raid, an anti-Engagement uprising emanating from the west and south-west of Scotland.

As events unfolded a radical regime of anti-Engagers, supported by Cromwell, was established in Edinburgh³². The political vehicle for the establishment of control was the Committee of Estates established on 9 June 1648. On 22 September an Act anent the Constitution of the Committee was passed. This defined membership terms and conditions. Thus, the Committee of Estates was deemed to consist of those who had been

29.— D. Stevenson (ed.), *The Government of Scotland Under the Covenanters 1637-1651*, Edinburgh, 1982, p. 82. The committee's proceedings are printed at pp. 62-81.

30.— D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 87-92; John R. Young, *The Scottish Parliament*, *op. cit.*, pp. 206-208.

31.— D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 91-92; D. Stevenson (ed.), *The Government of Scotland...*, *op. cit.*, p. 61.

32.— D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 92-102; John 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*, 25, 1995, pp. 342-353.

nominated to the original commission of 9 June and who had opposed the Engagement in the 1648 Parliament (the radical minority nominated to the committee and who had been opposed to the Engagement). The committee was to operate under the advice of the parliamentary opposition to the Engagement (namely the radical opposition in the 1648 parliament). Those who had taken up arms in support of the Engagement or who had sworn oaths or declarations in favour of the Engagement were barred from committee membership. Essentially, the original committee was to be purged of Engagers and the committee was to consist of the Argyll and radical faction. The strength of support from the shires and burghs for the Argyll faction was reflected in an increased membership for both groups. A further act of 22 September dealt with the election of shire and burgh commissioners, as well as the election of magistrates in burghs. Accordingly, no adherents of the Engagement (including those who had sworn or subscribed oaths or declarations in its favour) were to be elected to sit in Parliament or hold public office. This would have immediate effect for the Parliament summoned to meet on 4 January 1649. Engagers were therefore to be barred from participating in Parliament. Furthermore, on the security of their lives, the military forces of Engagers were to be disbanded and they were to withdraw from public life³³. Later on 9 October, the committee legislated in favour of bringing persons of «good affection and qualification» on to the committee. Such people were to assist the committee in ordering, directing and governing the public affairs of the kingdom and they were to have «ample power... as if they had been inserted nominated in the commission of Parliament», i.e. they were to enjoy the same powers as if they had been included in the original parliamentary commission to the Committee of Estates on 9 June. Eight nobles, 45 lairds, 25 burgesses and two military officials were added to the 1648 Committee of Estates under these circumstances.³⁴

The political regime established in Scotland after the failed Engagement is known as the kirk party regime or radical regime.³⁵ It was anti-aristocratic in outlook and enjoyed limited support among the nobility. It was strongly influenced by the church and there was a sustained and unprecedented attempt to create and enforce a godly society in Scotland in the years 1649

to 1650. A moral infrastructure of local kirk sessions passed against one of the largest to 1650. The Church could and could to be godly were hand in hand with and there was a armed forces to the ability to re in 1650-1651³⁶. The radical regime who had been their sins in the involvement in radical regime, attacked on several to the Church of feudal superior and Parliament suffering of ten and soldiers³⁸.

The anti-aristocratic reflected in the Second Triennial nobles are recorded a substantial re 56 nobles were in the March 1648

33.- John R. Young, *The Scottish Parliament*, *op. cit.*, pp. 215-216 ; D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.* pp. 103-105.

34.- John R. Young, *The Scottish Parliament*, *op. cit.*, p. 216 ; NAS, Edinburgh, PA 11/7, Register of the Committee of Estates, 22 September 1648-1652 January 1649, f^o 11.

35.- A. I. Macinnes called for a reappraisal of the labeling of political parties. As part of such a reappraisal, the term kirk party that was applied to those who were opposed to the Engagement, «obscures the basic continuity of the radical mainstream dominating the covenanting movement between 1638 and 1651». See A. I. Macinnes, «The Scottish Constitution», *loc. cit.*, p. 107. Macinnes and Young have used the term radical regime, whereas Stevenson uses the term kirk party.

36.- John R. Young, *Revolution*, *op. cit.* pp. 103-149 ; John R. Young, *Scotland 1639-1651*, *loc. cit.*, pp. 131-158 ; John C. Gribben (ed.), *The Covenanters*

37.- D. Stevenson, *Scotland 1639-1651*, *loc. cit.*, pp. 131-158 ; John C. Gribben (ed.), *The Covenanters*

38.- D. Stevenson, *Scotland 1639-1651*, *loc. cit.*, pp. 131-158 ; John C. Gribben (ed.), *The Covenanters*

39.- John R. Young, *Scotland 1639-1651*, *loc. cit.*, pp. 131-158 ; John C. Gribben (ed.), *The Covenanters*

to 1650. A moral crusade, backed by church and state, and enforced by the infrastructure of the Church of Scotland from the General Assembly to the local kirk sessions, to eliminate sin from Scottish society. Legislation was passed against sins such as drunkenness, fornication and adultery and one of the largest witch-hunts in early modern Scotland took place in 1649 to 1650. The Church of Scotland enjoyed a key role in determining who could and could not participate in the political process. Only those deemed to be godly were allowed to sit in Parliament and a godly state was to go hand in hand with a godly society. This also extended to the armed forces and there was a sustained attempt to create a godly army. Purging of the armed forces took place and this ultimately contributed to a weakening of the ability to resist Oliver Cromwell's invasion and conquest of Scotland in 1650-1651³⁶. For the nobility as Scotland's ruling order, the kirk party/radical regime was a period of social humiliation, particularly for those who had been Engagers and who were required to publicly repent for their sins in the Kirk where they were to renounce unequivocally their involvement in the «unlawful» Engagement³⁷. During the period of the radical regime, the traditional rights of the nobility were challenged and attacked on several issues. Lay patronage in the appointment of ministers to the Church of Scotland was abolished. The rights of the nobility over feudal superiorities of former kirklands were challenged and overturned, and Parliament established a committee to remedy grievances and the suffering of tenants as a result of oppression at the hands of their masters and soldiers³⁸.

The anti-aristocratic nature of the newly established radical regime was reflected in the low numbers of nobles present in the second session of the Second Triennial Parliament that convened on 4 January 1649. Only 16 nobles are recorded in the rolls of Parliament for 4 January. This represents a substantial reduction of 40 nobles from the rolls of 2 March 1648, where 56 nobles were recorded. Fourteen of these 16 nobles (88 %) are recorded in the March 1648 rolls.³⁹ Given what is known about the nature of the radical

36.— John R. Young, *The Scottish Parliament*, *op. cit.*, pp. 215-261 ; A.I. Macinnes, *The British Revolution*, *op. cit.*, pp. 188-189 ; D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 103-149 ; John R. Young, «The Scottish Parliament and the War for the Three Kingdoms, 1639-1651», *loc. cit.*, pp. 110-114 ; John R. Young, «The Covenanters and the Scottish Parliament, 1639-1651 : The Rule of the Godly and the Second Scottish Reformation», in E. Boran & C. Gribben (eds.), *Enforcing Reformation in Ireland and Scotland, 1550-1700*, Aldershot, 2006, pp. 131-158 ; John R. Young, «The Scottish Parliament and witch-hunting in Scotland under the Covenanters», *Parliaments, Estates and Representation*, 26, 2006, pp. 53-65.

37.— D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, p. 110 ; A.I. Macinnes, «The Scottish Constitution», *loc. cit.*, pp. 126-127.

38.— D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 114-118 ; John R. Young, *The Scottish Parliament*, *op. cit.*, pp. 226-227, 235-236.

39.— John R. Young, *The Scottish Parliament*, *op. cit.*, p. 217. What is notable about the radical regime is the participation of new and "lesser men" as parliamentary commissioners for the shires and the burghs. They were from lower down the social scale than had been the norm for

regime and the godly impositions required for participation in the political process, it can be argued that these 14 nobles represented a key element of the radical opposition in the 1648 parliamentary session that was opposed to the Engagement. On the other hand, it also emphasises the point that the radical regime was anti-aristocratic in nature and had limited support from the nobility. This is in marked contrast to the noble domination of the 1648 parliamentary session. Indeed, 41 of the 56 nobles (73 %) recorded in the 1648 rolls do *not* appear in the rolls of 4 January 1649. Thirty-four of the 49 burgesses (69 %) recorded in the parliamentary rolls of 2 March 1648 do not appear in those of 4 January 1649. Furthermore, 13 of the 51 burgesses (25 %) recorded in the January 1649 rolls are also recorded in those of March 1648. They can be identified as a godly rump among the burgh commissioners in the 1648 Parliament. A similar trend is apparent for the barons/shire commissioners. Thirty-four of the 47 barons/shire commissioners (72 %) recorded in 1648 are not recorded for January 1649. Twelve of the 46 barons/shire commissioners (26 %) recorded in January 1649 are also recorded in March 1648. Hence the January 1649 session contained a godly rump of 14 nobles, 12 barons/shire commissioners and 13 burgesses. Oliver Cromwell himself commented on the factional nature of the 1649 session. According to Cromwell, the «Committee of Estates have declared against all of that party's sitting in Parliament. Good elections are made in divers places, of such as dissented from and opposed the late wicked Engagement»⁴⁰. Cromwell's comments here refer to the anti-Engagement stance of the Committee of Estates in the aftermath of the Whiggamore Raid of 1648, with Engagers being purged from the political process, and the elections of the barons/shire commissioners and burgh commissioners to the 1649 session. Noble attendance in the third to eighth sessions of the Second Triennial Parliament ranged from 17 (13 March 1651) to 23 (7 March 1650). Twenty nobles are recorded in attendance on 23 May 1649, whereas 18 are recorded for 26 November 1650⁴¹.

As noted above, purging was a key feature of the radical regime's parliamentary activities. As early as 5 January 1649, Argyll gave a speech to Parliament aimed at the «brecking of the malignants teith». This was followed by a speech by Wariston that «wold brecke ther jawes».⁴² Argyll's speech identified five groups or heads that were to be punished. These were identified as different layers of punishment for Engagers, according to their activities. Thus, the first group identified were the leading Engagers

representatives of the shires and burghs. They were less committed to the status quo and they were prepared to support radical policies. See D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 113-118.

40.- W. C. Abbot (ed.), *The Writings and Speeches of Oliver Cromwell*, four volumes, Oxford, 1937-1947, reissued 1988, vol. I (1599-1649), p. 669.

41.- John R. Young, *The Scottish Parliament*, *op. cit.*, pp. 331, 336-337.

42.- Sir James Balfour, *Historical Works*, J. Haig (ed.), Edinburgh, 1824-1825, vol. III, p. 377.

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43.- John R. Young, *The Scottish Parliament*, *op. cit.*, pp. 331, 336-337.

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involved in public office. Argyll defined these five groups as «classes» and they were modified into the Act of Classes passed on 23 January 1649. The 1649 act was modelled on an earlier act of 1646, designed for the punishment of rebels in the Montrose rebellion of 1644-1645. The 1649 act contained four classes. The first class was the most serious one and was aimed at the leading promoters of the Engagement in political and military terms. Those found guilty under the first class were to be barred for life from holding public office or participating in public affairs. Lesser offenders were dealt with in the next three categories and punishment ranged from exclusion from public office for periods of at least ten years to one year. Engagers were certainly to be purged from public office, but they were not to be executed, as the 1648 Treaty of Stirling, by which the Engagers were to disband their forces in Scotland, stated that Engagers who accepted the treaty were not to be punished by loss of life, estate or title⁴³. Nevertheless, three high profile nobles were executed in 1649-1650, namely Hamilton, George Gordon, second Marquis of Huntly and James Graham, fifth Earl and first Marquis of Montrose. Hamilton was executed at Whitehall on 9 March 1649 after having been found guilty of treason under his English title, the Earl of Cambridge, by an English court. Hamilton was therefore tried as an English peer by an English court and executed as an English traitor. Huntly, one of the leading nobles in Scotland and the greatest magnate in the north-east of the country, was executed in Edinburgh on 22 March 1649 based on an act of forfeiture that had been passed against him by the Scottish Parliament in the second session of the First Triennial Parliament, 7 January to 8 March 1645. The 1645 death sentence had been due to his active participation and leadership of a royalist uprising in the north-east in 1644 (he had been appointed by the King as King's Lieutenant in the north of Scotland at this time). Huntly had been imprisoned since 1647, but a further royalist uprising in the north-east, the Pluscardine rising of February 1649, provided a perfect opportunity for the radical regime to make an example of Huntly in demonstrating that offenders of all ranks could be expected to be punished. Montrose was executed in Edinburgh on 21 May 1650. He had also been under a sentence of forfeiture since 1645 and the Montrose rebellion of 1644-1645 had his infliction of a series of six victories over Covenanting forces in 1644-1645 weakened the Covenanting regime and the reputation of its armed forces within a wider British context. The rebellion was ultimately suppressed and Montrose went into exile, but he reappeared in 1650 to back the royalist cause. An abortive invasion of the Scottish mainland via the Orkney islands in April 1650 resulted in his capture and execution. Montrose was executed by

43.- John R. Young, *The Scottish Parliament*, *op. cit.*, pp. 220-222 ; John R. Young, «The Scottish Parliament and the War for the Three Kingdoms», *loc. cit.*, pp. 110-115 ; A. I. MacInnes, «The Scottish Constitution», *loc. cit.*, pp. 125-127.

hanging, a manner of execution deemed to be unworthy of noble status, whereas Huntly's noble status was reflected in the traditional manner of execution for nobles, namely that of beheading. These executions, it can be argued, symbolised the anti-aristocratic nature of the radical regime⁴⁴.

Complex events on a British scale impacted on key events in Scottish politics during these years. Charles I was tried and then executed as King of England at Whitehall in London on 30 January 1649. Thereafter the Cromwellian regime in England proceeded to abolish the monarchy in England. When news of the execution of Charles I reached Edinburgh, the response of the Scottish Parliament was immediate. On 5 February Parliament proclaimed Charles II as King of Great Britain, France and Ireland. Therefore the Stuart monarchy was being reinforced on a British basis and it put the radical regime on a collision course with the new Cromwellian regime. Nevertheless, admission to the office of monarchy was conditional. Supplementary legislation, the Act anent the Securing of Religion and Peace of 7 February, stated that Charles II would be required to be a covenanted king of three covenanted kingdoms. The Covenants were being re-emphasised on a British basis (with presbyterianism in Scotland, England and Ireland being demanded). With the reassertion of monarchy on a British basis, the strategic interests of the Cromwellian regime were threatened. Following the success of Cromwell's military campaign in Ireland in 1649 and the failure of Montrose's invasion of Scotland in May 1650, the English regime was now free to focus its attention on Scotland and a military invasion of Scotland took place in the summer of 1650. The purging of the military and the role played by the clergy in military strategy contributed to a defeat at the Battle of Dunbar, in south-east Scotland, on 3 September 1650⁴⁵.

Further ideological divisions opened up in October 1650. The Western Remonstrance of 17 October constituted a hard-line stance emanating from the heartlands of the radical regime. The Remonstrants sought the expulsion of English forces from Scotland, but they also stressed that the king's cause was ungodly and the Scots should not interfere in the affairs of the English Commonwealth. They pledged that they would not fight for the king until he had provided genuine repentance for his previous sins and until he had removed 'malignants' from his entourage. In geographic terms, the majority of subscribers to the Remonstrance were from south-west Scotland and no noble signature was secured. The Remonstrance was denounced at a meeting of the Committee of Estates on 23 November and a committee, led by Argyll, was appointed to draw up a condemnation of

44.- D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 123-124, 136-141.

45.- John R. Young, *The Scottish Parliament*, *op. cit.*, pp. 223-258 ; John R. Young, «The Scottish Parliament and the War for the Three Kingdoms», *loc. cit.*, pp. 114-115 ; D. Stevenson, *Revolution and Counter-Revolution*, *op. cit.*, pp. 108-149.

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46.- John R. Young, *Counter-Revolution*

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of noble status, in a traditional manner of royal commissions, it can be seen as a political regime⁴⁴. The events in Scottish history were executed as King James VI. Thereafter the monarchy in Scotland was based in Edinburgh, and on 5 February 1649, France and England were united on a British throne with the new principle of monarchy that the Securing of the Throne would be required. The Covenants and Presbyterianism in Scotland were the reassertion of the Cromwellian and Cromwell's military and Cromwell's invasion of Scotland. Cromwell was free to focus its attention on the battle of Dunbar, 1650. The Western Remonstrance emanating from the North sought the stressed that the monarchy were in the affairs of the country could not fight for its previous sins. In geographic terms, the remonstrance was from south to north. The remonstrance was on 3 November and the condemnation of

the Remonstrance. Two days later, on 25 November, a Declaration of the Committee of Estates was presented, voted on and passed, but only after intense debate over the wording of specific clauses. Once the Declaration had been finally secured, a delegation was appointed to inform the Commission of the Kirk of this decision. Argyll led this delegation from the Committee of Estates. Whereas the Western Remonstrance stressed ideological fracture, the Northern Band and Oath of Engagement of 26 October stressed national unity. Emanating from the north-east of Scotland, the tone of the document was nationalist and it was directed against the Cromwellian encroachment and occupation that would reduce the kingdom of Scotland to that of a province. It stressed national unity and it was designed to appeal to as broad a section of political groupings as possible. The defence of Presbyterianism was stressed, as was the defence of the Covenants, the king's person, authority and the royal prerogative. The upholding of Parliament's privileges was also stressed. With the increasing penetration of the Cromwellian forces into Scotland in the autumn and winter of 1650, attempts at national unity became essential and a patriotic accommodation was attempted. On 14 December 1650 the Commission of the Kirk issued its Public Resolutions and official sanction was given for former Engagers and Royalists to be employed in the armed forces, as long as they repented for their sins. A new Act of Levy was passed on 23 December, after several days debate, and colonels of horse and foot were appointed. These included Crawford-Lindsay, a former Engager and President of Parliament. The coronation of Charles II finally took place on 1 January 1651 at Scone in Perthshire, the traditional coronation venue for Scottish monarchs. Subjected to a lengthy diatribe by Robert Douglas, Moderator of the General Assembly, against the sins of his father (Charles I) and his grandfather (James VI), and a lecture on the virtues of kingship, Charles II was required to re-subscribe the Covenants and commit himself to a Presbyterian Britain. Furthermore, he was crowned as King of Great Britain. This fuelled further Cromwellian hostility at a time of increased military penetration of the country⁴⁶.

It is also clear that Charles was crowned by a political faction, namely the fledgling radical regime. Argyll played a leading role in the coronation, placing the crown on the king's head and this was to come back to haunt him at the Restoration of the monarchy in 1660. Argyll was executed on charges of treason (concerning dubious Cromwellian collaboration later in the 1650s) on 27 May 1661⁴⁷. A contemporary scribe bitterly lamented this

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Young, «The Scottish Parliament», pp. 115-116; D. Stevenson,

46.- John R. Young, *The Scottish Parliament*, op. cit., pp. 262-273; D. Stevenson, *Revolution and Counter-Revolution*, op. cit., pp. 154-155, 161-166.47.- John R. Young, *The Scottish Parliament*, op. cit., pp. 317-318; D. Stevenson, *Revolution and Counter-Revolution*, op. cit., p. 165.

despicable act, in his opinion, and looked back to Charles II's coronation in 1651. Thus, «it was the Marquis of Argyles part that day to put the Crown on the Kings head, who had acted the chief part in bringing him home and how he was rewarded for that service by that same King, the Histories of these times make plain; for he took his head from his Shoulders for putting the Crown upon his»⁴⁸.

Important developments took place in the Seventh Session of the Second Triennial Parliament, 13-31 March 1651, which met at Perth. By this time Royalists had been coming into the army and Edinburgh had been abandoned. Much of Scotland south of the River Forth was in the hands of Cromwellian forces. Nevertheless, Royalists were still excluded from the Committee of Estates and civil office. Acting on a motion from the king, on 19 March Parliament agreed that the Commission of the Kirk should be asked its opinion about the admission to the Committee of Estates of those barred from civil office by the 1649 Act of Classes. The Commission of the Kirk responded on 22 March. It stated that it could not provide a final answer until further debate had taken place within the Commission, but it suggested that those who had been allowed to serve in the army should also be allowed to serve on any parliamentary committee that dealt with army affairs. This resulted in a proposal that a Committee for Managing the Affairs of the Army should be formed. Parliament agreed to the formation of such a committee on 25 March, but the terms of the commission and committee membership were debated for over four hours on 26 March without a conclusion being reached. Nobles at the heart of the radical regime, including Argyll, were opposed to the formation of such a committee, but they lost the vote and Parliament agreed to the committee being formed. On 27 March Parliament stated that the Committee for Managing the Affairs of the Army was to be distinct from the Committee of Estates. Colonels for the southern shires were appointed on 28 March. All of these were Royalists or former Engagers. Technically, the 1649 Act of Classes was still in force, but these appointments were of a military as opposed to a civil nature. The following day on 29 March Parliament stated that further consultation with the Commission of the Kirk should take place concerning the repeal of the 1649 Act of Classes in order to secure a general unity in the kingdom. This would duly be dealt with in the eighth and final session of the Second Triennial Parliament.

The Committee for Managing the Affairs of the Army was appointed on 28 March. It consisted of 25 members per estate. Only six noted radicals, including Argyll, were nominated for the nobility. In theory, the committee was to be a distinct and separate committee from the Committee of Estates that was appointed on 31 March. Royalists and Engagers who

48.- Edinburgh University Library, Dc 5. 44, Alexander Hamilton of Kinkell, «Memoirs of Scots Affairs from the death of King Charles I to the Restoration», f° 301-302.

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had repented for their sins and who were qualified to serve in the army were allowed to sit on the army committee, whereas the Committee of Estates was entrusted with the powers of civil government. Membership analysis reveals that 10 of the 30 nobles (30 %), 13 of the 34 lairds/gentry (38 %) and six of the 28 burgesses (21 %) included on the Committee of Estates were also included on the army committee. Six of these ten nobles were radicals. This included Argyll, yet he did not attend a single diet of the army committee. In reality, the Committee for Managing the Affairs of the Army came to represent a rival Committee of Estates. The army committee usually met at Perth, whereas the Committee of Estates met at Stirling. Furthermore, the army committee occasionally referred to itself as the Committee of the Estates for the army, indicating that royalists may have regarded the Committee for Managing the Affairs of the Army as a Committee of Estates anyway⁴⁹.

The eighth and final session of the Second Triennial Parliament met at Stirling from 23 May to 6 June 1651. A contemporary English scribe described it as «the Scotch Loyalist Parliament»⁵⁰. The 1649 Act of Classes was finally repealed on 2 June. Royalists and former Engagers who had repented were now free to participate in the political process and they now had access to the Committee of Estates. A new Committee of Estates was established on 3 June. Membership of the Committee for Managing the Affairs of the Army of 28 March was absorbed into the new committee. All 25 nobles (100 %), 25 of the 26 lairds/gentry (96 %) and 21 of the 25 burgesses (84 %) on the army committee were included on the Committee of Estates. From a different perspective, 16 of the 45 nobles (36 %), 13 of the 44 lairds/gentry (30 %) and 13 of the 42 burgesses (40 %) included on the Committee of Estates were neither members of the army committee nor the previous Committee of Estates established on 31 March. This indicates an influx of new manpower on to the June 1651 Committee of Estates. Radical influence on the new committee had been clearly diluted⁵¹. The manuscript memoirs of Alexander Hamilton of Kinkell indicated that the Committee of Estates membership of 3 June 1651 «did diminish the Power of the Church, who were not consulted so much in civil affairs as before»⁵².

The repeal of the Act of Classes had an immediate effect as part of the process to secure factional and national unity. Earlier, on 30 May, an act had been passed securing religion and the work of reformation. Representing a compromise to the Commission of the Kirk, all legislation

49.- D. Stevenson (ed.), *The Government of Scotland Under the Covenanters*, *op. cit.*, pp. 105-107. The manuscript committee register has been transcribed and is printed at pp. 107-173.

50.- The British Library, London, Egerton MS 2542, Nicholas Papers, f° 75.

51.- John R. Young, *The Scottish Parliament*, *op. cit.*, pp. 285-290.

52.- Hamilton of Kinkell, «Memoirs», f° 338.

establishing and promoting religion and the work of reformation was ratified. The current parliamentary session and future parliamentary sessions were barred from repealing this legislation. Former Engagers and Royalists who might be admitted to Parliament were required to subscribe a band indicating that they would not seek revenge for any censure or punishment that they had received under the radical regime. Neither were they to purge present occupants from public office. The permission of the Kirk was still required before any former malignant could be admitted to Parliament. After the repeal of the Act of Classes on 2 June, 14 nobles subscribed the band for securing religion and the work of reformation, as well as the oath acknowledging the freedom of Parliament, on 2 and 3 June. An Act against the Western Remonstrance was passed on 3 June. The Remonstrance was condemned and all those who failed to renounce it were to be regarded as seditious persons. Nevertheless, no further action was to be taken against adherents of the Remonstrance, as long as they renounced it. Ultimately, national and factional reconciliation for defence of the homeland in the face of the Cromwellian occupation came too late. An abortive invasion of England, headed by Charles II, resulted in military defeat at the Battle of Worcester on 3 September. This effectively ended the War for the Three Kingdoms, Charles II escaped into exile, and several Scottish nobles were either killed in battle or captured and later executed. The Cromwellian experience of the 1650s, with a military and civil occupation and later incorporation into the English Commonwealth and Protectorate, would prove to be an unenjoyable experience for the Scottish nobility as the leading social order in the kingdom. The experience of the radical regime and that of the Cromwellian occupation left a major imprint on the *mentalité* of the Scottish nobility and aristocracy. Subjected to attacks on its rights and status, the Restoration of the Stuart monarchy was welcomed and celebrated and the Scottish nobility re-asserted its rights and status, aligning itself with the monarchy, in the Restoration parliamentary settlement of 1661-1663⁵³.

53.—John R. Young, *The Scottish Parliament, op. cit.*, pp. 287-323 ; D. Stevenson, *Revolution and Counter-Revolution, op. cit.*, pp. 169-176, 203-206.

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1.—Robert Buchol:
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2.—Dale Hoak, «TI
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