

THE
CROMWELLIAN UNION
PAPERS RELATING TO THE NEGOTIA-
TIONS FOR AN INCORPORATING UNION
BETWEEN ENGLAND AND SCOTLAND
1651-1652

WITH AN APPENDIX OF PAPERS
RELATING TO THE NEGOTIATIONS IN 1670

Edited, with Introduction and Notes, by
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PREFACE

THE papers printed in this volume relate to the negotiations for an incorporating Union between England and Scotland, conducted by the Long Parliament in 1651 and 1652. They include the proclamations and orders of Parliament and of the Parliamentary Commissioners in Scotland in 1652; the assents, dissents, and petitions of the Scottish Shires and Burghs in answer to the 'Tender,' and newsletters relating to the progress of the negotiations.

Most of the documents here printed are drawn from manuscripts in the possession of His Grace the Duke of Portland. To him the Society is largely indebted for his generous consent to their publication.

The Parliamentary negotiations concerning the Union, apart from its practical working in Scotland, form a subject which has been indicated in the very faintest outlines by previous writers. For that reason I have endeavoured in my Introduction to trace as fully as possible the whole course of the negotiations from their inception in 1651, through the Parliaments of 1653, 1654, 1656, and 1658, to the restoration of the Scottish Estates in 1661.

I gratefully acknowledge my indebtedness to Professor Hume Brown and Dr. C. H. Firth for having read my

Introduction in proof, and for many valuable suggestions therein. Dr. Firth has also allowed me to make use of the proof-sheets of the fourth volume of his *Clarke Papers*.

I have printed in an Appendix some documents relating to the Union negotiations in the reign of Charles the Second.

The Index to this volume has been compiled by Mr. Mill, whose helpful assistance I would heartily acknowledge.

C. SANFORD TERRY.

KING'S COLLEGE, OLD ABERDEEN,
June 24, 1901.

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INTRODUCTION

The Union Negotiations, 1651-1660.

CROMWELL'S victory at Dunbar on September 3, 1650, followed as it was by the capture of the Committee of Estates at Alyth on August 27, 1651, and by the victory at Worcester on the anniversary of Dunbar, impressed upon Scotland an experience which had not been hers since the days of Edward the First. Her government was extinct, her King in exile, her destinies in the hands of her conqueror. What her treatment would be was hardly open to doubt. Her avowed hostility to the sectarian ideals dominant in England, her antagonism to the political form which the revolt against the Stuarts had assumed there, forbade generosity and encouraged coercion. From such a standpoint an offer of union appeared to be in the highest degree magnanimous. 'How great a condescension it was,' writes Ludlow,¹ 'in the Parliament of England to permit a people they had conquered to have a part in the legislative power.' 'They [in Scotland] put it to us to consider,' writes an Englishman from Edinburgh on January 21, 1652,² 'whether if England were in Scotland's case, wee would be content or think it just hereupon to ground an Incorporating [Union]. Yes, without doubt, and be glad of it too, if England could reap so much benefit by an Incorporation with Scotland as Scotland will have by England.' The examples of Rome and Spain, and their treatment of conquered provinces, loomed largely as precedents which England had magnanimously refrained from following.

¹ *Memoirs*, ed. Firth, 1894, vol. i. p. 298.

² *Infra*, p. 9.

So early as January 23, 1651, the Long Parliament had recommended the despatch of Commissioners to settle the army's accommodation in Scotland, and to ease the charges of its maintenance by administering the districts within its occupation.¹ After a reference to the Committee for Scottish Affairs,² the Council of State, on March 5, proposed Colonel John Hobart, Colonel Vincent Potter, and Richard Saltonstall, as Commissioners to proceed to Scotland upon instructions to be given to them by the Council or by Parliament.³ Upon April 8 Cromwell wrote from Edinburgh, presumably to urge despatch in that business,⁴ and on the 15th, the House referred the consideration of his letter to the Council of State, with instructions 'to consider thereof, and to present the names of fit persons to be commissioners, and instructions to be given to them, and to report it to the House with all speed.'⁵ On May 3 the Council added Colonel John Desborough to the Commission already nominated on March 5,⁶ and on June 3 reported its proceedings to Cromwell. The Council, he was informed, had long had under its consideration the sending of Commissioners to Scotland in order to settle the districts under the army's control; that at present it was not opportune to disclose the nature of their instructions, but that Desborough had received orders to proceed to Scotland, and would act with Saltonstall under Cromwell's directions pending the despatch of fresh instructions from the Council.⁷

The rapid development of events in Scotland, however, enlarged and transformed the moderate control which Parliament had so far contemplated. Perth fell on August 3, 1651, and Stirling three days later (August 6). On the 27th

¹ *Cal. State Papers, Dom.*, 1651, p. 19.

² On January 9 and February 13.—*Ibid.* pp. 29, 46.

⁴ Bruce, *Report on the Union*, vol. ii. p. clxix.

⁵ *Commons' Journals*, vol. vi. p. 561.

⁶ *Cal. State Papers, Dom.*, 1651, p. 177.

³ *Ibid.* p. 71.

⁷ *Ibid.* p. 236.

of the month Colonel Alured captured the Committee of Estates at Alyth. St. Andrews, Dundee,*Aberdeen, and Montrose had fallen before the middle of September, and on the 3rd of that month Cromwell routed Scotland's royalist army at Worcester. Under these changed circumstances Parliament at first contemplated no less than the complete annexation of Scotland as a conquered province. On September 9, six days after Worcester, the House referred it to a Committee to bring in a Bill 'for asserting the Right of this Commonwealth to so much of Scotland as is now under the Power of the Forces of this Commonwealth, and how the same may be settled under the Government of this Commonwealth.'¹ On September 26, the House instructed the Council of State to nominate 'fit persons to be sent as Commissioners into Scotland, and the Number of them, and likewise of Instructions to be given unto them, for the Managing of the Civil Government and settling Affairs there, as may be best for the Advantage of this Commonwealth.'² On September 30 the matter was remitted to the Scottish and Irish Committee,³ and on October 22 the Council was able to recommend the following as Commissioners: Chief-Justice Oliver St. John, Sir Harry Vane, junior, Major Richard Salway, Colonel George Fenwick, Major-General John Lambert, Major-General Richard Deane, and Robert Tichborne, Alderman of the City of London.⁴ On the following day (October 23), the House confirmed their appointment.⁵

The nature and scope of the duties with which the Com-

¹ *Commons' Journals*, vol. vii. p. 14. The Bill was introduced on September 30 (*ibid.* vol. vii. p. 22), and was read a first time. It was abandoned when the scheme of Union superseded the original policy of annexation.

² *Ibid.* vol. vii. p. 21.

³ *Cal. State Papers, Dom.*, 1651, p. 455.

⁴ *Cal. State Papers, Dom.*, 1651, p. 489. The names were not accepted until they had twice (on October 13 and 21) been referred back to the Committee. Cf. *ibid.* pp. 474, 486.

⁵ *Commons' Journals*, vol. vii. p. 30. The House added Monck to the Commission.

missioners were to be charged formed the subject of considerable debate. On October 23, the Council of State directed the Scottish and Irish Committee to prepare instructions for them,¹ and upon December 4, these were presented to Parliament.² Therein, abandoning the original idea of annexation, the Commissioners were instructed (1) to proceed to Scotland, to publish the Parliament's Declaration concerning the settlement of Scotland,³ and to put into effect such of its particulars 'as upon the place you shall finde cause to be put in Execution'; (2) to summon 'the people of Scotland, in such parts thereof [as] you shall thinke fit, to assemble themselves together at such tyme and place and in such manner as you shall appoint, to elect and choose some fit persons on their behalfe. And you are authorized to conferre with the persons deputed as aforesayd, or any others, and to prepare and ripen your owne results upon such your conferences with them, for the judgement and resolution of the Parliament'; (3) 'to informe yourselves [of the] state of that country, and of the readiest and best way [to settle] the same, and to present your opinions therein to the P[arliament]'; (4) 'to endeavour to promote the preaching of the Ghospel there, and the power of true Religion and holinesse . . . and to take care that all due protection, counten[ance], and encouragement be given thereunto by all in authoritie [under] the Parliament'; (5) 'to visit and reforme the severall Vniversities, Colledges, and Schools of Learning in Scotland, and to alter or abollish such statutes, orders, or customs in [any] of them, as you shall judge not agreeable to the good of this Island, or inconsistent with the government of this Comonwealth. And to make and frame other constitutions in their stead for the encouragement of godliness and learning, and the benefit of the people there':

¹ *Cal. State Papers, Dom.*, 1651, p. 492.

² The text of these Instructions (from the *Egerton MSS.*, 1048, f. 142) is printed in Firth, *Scotland and the Protectorate*, pp. 393-98.

³ *Vide infra*, p. xxi.

(6) 'to remove out of any Corporation, or out [of any] office or place of magistracy, government, or authority in Scotland, any [of the] governors, officers, or others *of the Scottish Nation*¹ whom y[ou] shall finde unfit for the trust reposed in them, or to be dangerous to this Comonwealth, and you shall place others in their roomes . . . for the good and peace of the people of this Island'; (7) 'to endeavour by the best wayes and meanes you can to preserve the peace of that Nation, and that the people there may have r[ight and] justice duely administered unto them. And to that end, as neere a[s the] *constitution and use of the people there and the*² present aff[airs] will permit, . . . to see that the Lawes of England as to matter of government be put in Execution in Scotland. And . . . to Erect, allow, alter, or continue any Court or Courts of justice or judicatories . . . and to appoint or place in every of them such judges, justices, officers, and ministers, *English or Scotts*,² . . . as you shall judge needfull and most con-duceing to the peace and good of that people, and to the setling of them in obedience to the Parliament'; (8) to administer oaths in pursuance of these Instructions; (9) to commit to prison and otherwise restrain such persons as should oppose the commands and authority of Parliament; (10) to manage and improve confiscated estates in Scotland for the best advantage of the Commonwealth; (11) to reward such persons as had deserved or should deserve the favour of the Parliament; (12) and (13) to organise and control a public revenue; (14) to be present at all Councils of War; (15) to exercise Admiralty jurisdiction in Scotland; (16) to appoint and commission such officers as should be necessary for executing these Instructions; (17) to employ the forces of the Commonwealth in Scotland to the same end; (19) to make frequent

¹ The words in italics were deleted by the House on December 4. Cf. *Commons' Journals*, vol. vii. p. 47.

² Deleted by order of the House, December 4, 1651.

report of their proceedings to Parliament or to the Council of State.

Pledging itself to secrecy regarding them, the House remitted these Instructions to the Council of State for further consideration.¹ On the following day (December 5), the Council instructed the Scottish and Irish Committee to deliberate upon and report them. Bulstrode Whitelock was at the same time directed to attend the Committee.² On December 10, Whitelock reported the amended Instructions to the House. Some debate arose upon the wording of the tenth clause.³ The Instructions were again debated on December 11, and after some verbal amendments,⁴ were passed. The Attorney-General and Solicitor-General were on the same date instructed to prepare a commission for the Commissioners, and the House, still imbued with a sense of the necessity for secrecy, directed that a single copy only of the Instructions should be engrossed, and that no record of their text should appear on the Journals of the House.⁵

While the Instructions for the Commissioners were under consideration, the House was also engaged upon the formal declaration of its policy towards Scotland. By October 13, the Council of State had prepared a draft Declaration to be sent to Scotland with the Commissioners, and Whitelock was ordered to report it to Parliament.⁶ Whitelock did so on upon October 23, and after some debate, the first two clauses or

¹ *Commons' Journals*, vol. vii. p. 47.

² *Cal. State Papers, Dom.*, 1651-52, p. 48.

³ The clause as it stood empowered the Commissioners to grant 'any estate or lease for years, or for life or lives, or any other estate of freehold *or inheritance*.' Upon the question it was resolved to retain the italicised words.—Firth, *op. cit.* p. 396; *Commons' Journals*, vol. vii. p. 49.

⁴ A paragraph in the twelfth clause limiting the power of the Commissioners in the imposing of an assessment upon Scotland was negatived, and in the nineteenth, the instruction to them to report to the Parliament *or* Council of State was upheld.—*Commons' Journals*, vol. vii. p. 49; Firth, *op. cit.* p. 398.

⁵ *Commons' Journals*, vol. vii. p. 49.

⁶ *Cal. State Papers, Dom.*, 1651, p. 474.

'particulars' were agreed to.¹ The debate was resumed upon October 28; some amendments were made to the wording of the fourth 'particular'; the Council's preamble to the Declaration was replaced by a new one, and in its amended form the 'Declaration of the Parliament of the Commonwealth of England concerning the settlement of Scotland' was agreed to, and the Council was directed to give order for it to be printed.²

The Declaration, so expeditiously passed, frankly and concisely expressed England's policy towards Scotland.³

*A Declaration of the Parliament of the Commonwealth of
England, concerning the Settlement of Scotland.*

The Parliament of the Common-wealth of *England* esteeming it a necessary care and obligation that lyes upon them, to improve the power which God hath now given them, for the advancement of the glory of God, and the good and welfare of the whole Island, have thought fit to nominate and appoint Commissioners forthwith to repaire into *Scotland*, for effecting the same; and doe hereby declare,⁴

1. As to what concerns the advancement of the glory of God, that their constant endeavours shall be, to promote the Preaching of the Gospel there, and to advance the power of true Religion and holinesse, and that God may be served and worshipped according to his mind revealed in his Word, with protection, and all due countenance and encouragement *therein to the people of that Nation*,⁵ from those in authority under the Parliament.

2. They doe declare, as to what concernes the freedome to be

¹ *Commons' Journals*, vol. vii. p. 30.

² *Ibid.* vol. vii. p. 31.

³ It is printed in *Acts of the Parliaments of Scotland*, vol. vi. pt. ii. p. 809, and in Nicoll, *Diary*, p. 83. The importance of the document as enunciating England's policy seemed to demand its insertion in the text. The version here quoted is that given in *A Declaration of the Parliament of the Commonwealth of England concerning the Settlement of Scotland* (Lond. 165½). E. 655 (11) among the King's Pamphlets in the British Museum.

⁴ This preamble was adopted on October 28, after debate, in place of the draft presented to the House on October 23, 1651.

⁵ The words in italics were added by the House upon December 24, 1651.

established to the people there, and the security to this common-wealth to be had for time to come, that *Scotland* shall, and may be incorporated into, and become one Common-wealth with this of *England*: whereby the same Government that is established here, and enjoyed by the good people of this Nation, under the free State and Common-wealth of *England*, as now settled, without King, or House of Lords, may be derived and communicated unto them, with such convenient speed, as the same can be made practicable amongst them.

3. They doe declare, As to satisfaction and reparation, that they intend and expect, for the vast expences and dammages which this Common-wealth hath already undergone, by reason of the invasion in the yeare 1648, by the *Scots* Army, under the then Duke *Hamilton*; the War which they necessitated *England* to, for their owne defence; and the late Invasion by the Army under *Charls Stewart*, and for, and towards the lessening the future charge of this Common-wealth, all the Lands, Houses, Goods, and Revenue whatsoever belonging to the said *Charls Stewart*, pretended King of the *Scots*: or to the Crown or State of *Scotland*; and all the estates whatsoever, reall or personall, of those who did invade *England*, under Duke *Hamilton*, in the yeare 1648, or were advising, contriving, or promoting thereof, or in any way aiding, abetting, or assisting thereunto; or who were in Armes under the said *Charls Stewart*, or were any way ayding, abetting, or assisting to him in *Scotland*; or, who did with the said *Charles Stewart* lately invade *England*, or were ayding, abetting, or assisting thereunto; or since the same have raised Armes, or been Promoters, Abettors, or assisters thereof, in prosecution of the said Invasion; or in opposition to the Forces of the Parliament of *England* remaining there, shall be confiscated and forfeited to the use and benefit of the Common-wealth of *England*; except such who have, since the Battell of *Dunbar*, on the third of *Septemb.* 1650, deserted the said *Charls Stuart*, and not borne Armes since against the Parliament; as also such, whose merits and services to this Common-wealth have, or shall render them capable of being taken into a more favourable consideration by the Parliament.

4. The Parliament doe declare, That all such persons of the *Scottish Nation*¹ as are not comprehended within the former Qualifications, but have kept themselves free from the guilt of

¹ The italicised words were inserted in the original draft by the House on October 28, 1651.

those things which have compelled this War, and shall now upon the discovery of their own true interest, be disposed to concur with, and promote the ends formerly and now declared by the Parliament, shall be taken into the protection of the Parliament, and enjoy the Liberties and Estates, as other the free people of the Common-wealth of *England*.

And forasmuch as the Parliament are satisfied, That many of the people of *Scotland* who were Vassels, or Tenants to, and had dependency upon the Noble-men and Gentry (the chief Actors in these invasions and wars against *England*), were by their influence drawn into, and have been involved with them in the same Evils; it is hereby declared, That all those who are already, or shall *within thirty dayes after the publication hereof*¹ on this side the river *Tay*, and *within thirty dayes after publication hereof*¹ beyond the river *Tey*, and *within thirty dayes after the publication hereof*¹ beyond the river *Spey*, put themselves under the protection of the Parliament of the Common-wealth of *England*, and conform themselves to their Government and regulation, shall not only be pardoned for all Acts past, but be set free from their former dependencies and bondage-services, and shall be admitted as Tenants, Freeholders, and Heritors, to farm, hold, inherite, and enjoy from and under this Common-wealth, proportions of the said confiscated and forfeited Lands, under such easie Rents, and reasonable conditions, as may enable them, their Heirs and Posterity, to live with a more comfortable subsistence then formerly, and like a free People, delivered (through Gods goodnesse) from their former slaveries, vassalage, and oppressions.

So the House's policy towards Scotland was declared—political incorporation. On December 5, 1651, the Council of State was enjoined to keep the scheme 'under secrecy.'² Meanwhile arrangements had been made for the journey of the Commissioners to Dalkeith. On October 23 the Scottish

¹ The italicised words were added to the clause upon debate on October 28, 1651.

² *Commons' Journals*, vol. vii. p. 47. On December 16 the Council gave instructions for the Declaration to be printed, but with the following caution: 'Mr. Frost to take care that it be done with all possible secrecy.' The House, on December 24, ordered two thousand copies of it to be prepared for the Commissioners to distribute in Scotland.—*Cal. State Papers, Dom.*, 1651-52, p. 65; *Commons' Journals*, vol. vii. p. 56.

and Irish Committee was empowered to arrange for their accommodation and for the expenses of their mission.¹ On November 21, Nicholas Lockyer, Mr. Caryll, Mr. Arthur, and Mr. Faulconbridge were appointed to accompany them as chaplains.² On December 11 a sum of £4000 was appropriated to their service,³ and on the 18th those of them not already in Scotland, namely, Vane, Salway, Fenwick, St. John, and Tichborne, received from the Speaker their Instructions and the House's Declaration of October 28.⁴ The Master of the Rolls had already been instructed to provide them with such documents and records as they required,⁵ and upon December 25 they set out from London.⁶ On January 15, 1652, they arrived at Dalkeith.⁷

The first act of the Commissioners upon their arrival was to put forth a Declaration annulling all 'Power, Jurisdiction, or Authority derived from, by, or under Charles Stuart, who pretendeth himself King of Scotland, or any of his Predecessors, or any otherwise then from the Parliament of the Commonwealth of England.'⁸ The proclamation was made

¹ *Cal. State Papers, Dom.*, 1651, p. 492.

² *Ibid.* 1651-52, p. 28. On December 11 the Commissioners were instructed to make such allowances to their chaplains as they should think fit.—*Ibid.* p. 56.

³ *Ibid.* p. 583; cf. pp. 180, 594.

⁴ *Commons' Journals*, vol. vii. p. 53.

⁵ *Ibid.* vol. vii. pp. 55, 63.

⁶ Nicoll, *Diary*, p. 73. On Dec. 17 there is a warrant of Council to the officers of the Ordnance to provide a 'close waggon' to Commissary John Phipps for the Commissioners, and on the 19th there is a warrant to Phipps for payment of £36, 7s. 3d. for fitting seven 'close waggons' for their use.—*Cal. State Papers, Dom.*, 1651-52, pp. 546, 584.

⁷ Firth, *Scotland and the Protectorate*, p. 31. Nicoll (*Diary*, p. 79) adds that 'the great hous and castle belonging to the Erle of Buckcleuch was ordored for thame.' Francis second Earl of Buccleuch had died on November 25, 1651. The visit of the Commissioners to Dalkeith seems to have somewhat burdened his estate. Cf. Fraser, *The Scotts of Buccleuch*, vol. ii. pp. 299, 301.

⁸ The Declaration, dated January 31, is printed in Nicoll, *Diary*, p. 80, and in the King's Pamphlets, E. 659 (19). It also undertook to create temporary magistrates for the administration of justice. That, however, appears to have been already done before the Commissioners' arrival. Cf. No. 1. *infra*.

with due ceremony,¹ and was followed by the destruction of the arms and other insignia of royalty in the High Kirk, Parliament House, Castle, and at the Mercat Cross.² The formal abolition of the monarchy cleared the ground for the declaration of the policy with which the Commissioners had been intrusted. Accordingly, on February 12, the Parliament's Declaration of October 28, 1651, was proclaimed at the Mercat Cross,³ and was distributed to the Shires and Burghs with an order to them to elect representatives 'of integrity and good affection to the welfare and peace of this Island,' who were to appear at Dalkeith in the course of the month, 'with full power' on behalf of their constituents to assent to the proffered Union.⁴

To Scotland one aspect of the threatened Union transcended all others. On the subject of religion the Parliament's Declaration was ominously equivocal. The 'true Religion and holinesse' which it promised to advance lacked definition; the assurance of 'protection,' 'countenance,' and

¹ It was proclaimed on February 4 'at the mercat croce of Edinburgh by thair Justice or Judge Advocat [Whalley], the croce being hung with riche tapestrie, and aucht trumpettouris thairon sounding with silver trumpettis thrie severall tymes befor the proclamatioun, and ane uther crying thrie Oyessis befor the same.'—Nicoll, *Diary*, p. 79.

² 'Upone Settirday the sevint day of Februar 1652, by ordouris from the Commissioneris of the Parliament of England now sittand at Dalkeith, thair wer maissones, carpentaris, and hammermen direct to the kirk of Edinburgh quhair the Kinges sait wes erectit, and to the mercat croce of Edinburgh quhair his airmes and unicorne with the croun on his heid wes set, and thair pulled doun the Kinges airmes, dang doun the unicorne with the croun that wes set upone the unicorne, and hang up the croun upone the gallowis. The same day the lyke was done at the entrie of the Parliament Hous and Nather Bow, quhair the Kinges airmes or portrat wes fund; defacing and dinging doun all these monumentis and curious ensignes. The lyke also in the Castell of Edinburgh and Palice of Halyrudhous.'—Nicoll, *Diary*, p. 81.

³ Nicoll, *Diary*, p. 81.

⁴ This order is printed *infra*, No. VIII. A list of the Shires and Burghs summoned, with the dates of their appearance at Dalkeith, is given in No. IX. There is no hint as to the machinery by which these Deputies were elected. Row, however (*Life of Robert Blair*, p. 292), says of the Convention of Deputies at Dalkeith, 'they called it a Parliament.' There can be little doubt that those elected were chosen on that basis.

‘encouragement’ to all who ‘worshipped [God] according to his mind revealed in his Word’ threatened to introduce into Scotland that sectarianism which in England had so long inspired Scotland’s bitter condemnation.¹ On that matter the Commissioners left not a loop-hole for doubt. Accompanying the Declaration they put forth an ‘Explanation and Addition’ of their own.² ‘Ministers,’ said the Commissioners, ‘whose consciences oblige them to wait upon God in the administration of spiritual Ordinances according to the order of the Scottish Churches, with any that shall voluntarily joyn in the practice thereof, shall receive protection and encouragement from all in Authority in their peaceable and inoffensive exercise of the same; as also shall others, who, not being satisfied in conscience to use that form, shall serve and worship God in other Gospel way, and behave themselves peaceably and inoffensively therein.’³ The threatened toleration moved the nation to its depths.⁴ Supernatural signs and wonders seemed to deepen the national gloom at a prospect so disastrous.⁵ From every part of Scotland there poured in upon the Commissioners petitions and remonstrances. The Deputies for Stirlingshire demanded⁶ ‘that the true protestant religion may be in this land continued and maintained, it being the testimony we have of God’s love, the privelege we enjoy beyond most nations, and that which must guide us to his everlasting Kingdom; Religion being the improver of peace, and the sole object of our devotion is the God of peace. For

¹ *Vide* Art. 1. of the Declaration, *supra*, p. xxi.

² According to Nicoll, *Diary*, p. 84, this document was published at the Mercat Cross on February 11, *i.e.* the day before the publication of the Parliament’s Declaration.

³ This ‘Explanation’ is printed in *Acts of the Parliaments of Scotland*, vol. vi. pt. ii. p. 809; Nicoll, *Diary*, p. 83; King’s Pamphlets, E. 655 (11), and E. 659 (19).

⁴ Cf. *infra*, Nos. IV., V., XXIV.; Nicoll, *Diary*, p. 85.

⁵ Nicoll (*Diary*, p. 87) reports the appearance of an army of ten or twelve thousand men which appeared in the sky and ‘evanished’ near Glasgow.

⁶ *Infra*, No. LXVII.

promoting whereof you will no doubt observe the dispensers of the divine mysteries with a watchful eye, be they Sons of Thunder or Zebedee's children, to rebuke them, [and] be they moderate and pastors according to God's heart, to encourage them.' Morayshire was yet more emphatic in its insistence that 'it is to us the foundation of government that our Christian Magistrate should be thoroughly for God, and [that] his authority and power should be exercised in restraining and punishing outbreakers against the first table of the moral law,' whereas the Commissioners seemed to open 'a wide door to toleration, and the same encouragement and protection promised to all without distinction; the sad effects of which liberty we have (not without much sorrow) both seen and heard.'¹

In the second week of February 1652 the Deputies of the Shires and Burghs began to appear at Dalkeith. With the country still under military occupation, no very determined resistance to the Tender of Union was to be looked for. In Fife some attempt was made to elude the Commissioners' order.² In other constituencies, where the power of the Kirk was sufficiently large, the Deputies were provided with alternative commissions; the one full and ample as the Commissioners required, the other 'signed to please the Ministers, expressing that nothing be done prejudicial to the Covenant.'³ Others, again, sent Deputies to treat with and not to conclude with the Commissioners upon the Union.⁴ In some cases only one Deputy, instead of two, was elected by constituencies from whom were summoned the larger number.⁵

That the formal acceptance of the Tender by the constituencies would take up much time was apparently not con-

¹ *Infra*, No. xcvi.

² No. xxii.

³ No. xxxii.

⁴ Nos. xiii., xix., xxv. The Burghs of Peebles, Roxburgh, and Selkirk are mentioned as offenders in this matter.

⁵ No. xix. Midlothian, Stirlingshire, and Edinburgh are mentioned.

templated by the Commissioners. Their first meeting was appointed for February 9, and the last for February 26.¹ Upon their appearance, and after listening to the Commissioners' commission, the Declaration of October 28, and the Commissioners' 'Explanation,' the Deputies of each Shire and Burgh were required to declare their assent to three 'propositions,'² *i.e.* their acceptance of the Tender of Union; an undertaking to yield obedience to the Parliament of the Commonwealth pending the establishment of the Union; and an expression of their willingness to aid the Commissioners in the perfecting of it.³ An immediate assent to the first two 'propositions' was required,⁴ and so soon as it had been given, each Burgh was taken under the Parliament's 'protection,' and was licensed to proceed in the election of its magistrates.⁵

The answers furnished by the Deputies give a valuable insight into the attitude of Scotland towards the Union. Dumbartonshire and Wigtown alone accepted the Tender with enthusiasm, as 'the excellent blessing of God, who by a long continued series of providences . . . seems to hold out this to be his great design for the common good of the people of this island.'⁶ From three constituencies only—Glasgow, Morayshire, Kirkcudbrightshire—came a formal dissent, converted afterwards in the case of all of them into a tardy assent.⁷ In all, twenty-eight Shires, one Stewartry, and forty-four Burghs (out of thirty, one, and fifty-eight respectively) accepted the Tender.⁸

¹ No. IX.

² No. XIX.

³ The 'propositions' are printed in No. x.

⁴ The Deputy for Stirling complains of the short time allowed him to consider them.—*Records of the Burgh of Stirling*, 1519-1666, p. 200. A considerable number of the Shires and Burghs delivered their answer to the third 'proposition' after an interval.

⁵ Nos. XX., LII.

⁶ No. XLIII. Cf. Nos. XXX., XCV.

⁷ Cf. Nos. XXIX., XCV., XCVII., XCIX., CIX., CXV., CXXVI., CXXXIV.

⁸ Of the Burghs, Irvine, Ayr, Renfrew, Sanquhar, Lochmaben, Annan, Galloway, Dingwall, and Whithorn sent no Deputies to Dalkeith. Lanark, Dumfries, Nairn, Thurso, Kirkcudbright are not represented among the assents

Among the objections to the Union urged with most insistence were (1), that it threatened to 'establish in the Church a vast and boundless toleration of all sorts of error and heresies, without any effectual remedy for suppressing the same';¹ (2), because so fundamental a change in the constitution of the country was not 'presented to the full and free deliberation of the people in their collected body';² (3), because the scheme was vague and incoherent, no 'plot or draught of it holden forth,' a peremptory command 'to approve we know not what, as also to give obedience to the Commonwealth of England for the time [being], whereby we have no access to desire either the priveleges which may be supposed to come by this tender, or to have any hand in framing the mould thereof';³ and again, that the abrogation of monarchy was expressly contrary to the letter of the Covenant.⁴

By most of the constituencies the opportunity was taken to approach the Commissioners with recommendations regarding the efficient working of the Union, with petitions for the redress of general grievances, and even for satisfaction upon matters of purely local interest.

From almost every quarter petitions were urged for the maintenance of the Scottish Kirk; for the removal of confiscations and the passing of an Act of Oblivion; for the withdrawal of at least a portion of the English army of occupation; for the abatement of the assessment upon Scotland;

printed in this volume, and no explanation of their absence from Dalkeith is given. Thurso, however, is not on the list of Burghs summoned in No. IX. *infra*. As to Dumfries, cf. No. CXXVII. *infra*. Lanark's objections are printed in No. LXII. Ayr and Renfrew were the only non-assenters among the Shires. The Deputies to the Parliament in October 1652 could give no reason for the conduct of those Shires. Cf. their report in No. CLIX. *infra*.

¹ No. XXIX. Cf. Nos. LVIII., LXII.

² No. LXII. Cf. No. XXIX.

³ No. XXIX.

⁴ Nos. XCIX., CXX. There was some suggestion of Scotland being erected into a separate Commonwealth (*vide* p. 11, note 4), a proposal which Robert Baillie (vol. iii. p. 176) denounced as 'a high-enough crime.'

and for the restoration of Courts of Justice. The Commissioners were also urged very generally to submit the terms of the Union to a Scottish Convention to be elected for that purpose¹—a proposal which Parliament, to some extent, adopted; to re-establish the Mint;² to restore municipal liberties;³ to encourage trade;⁴ to repress the Border thieves and Highlanders;⁵ to relieve those whom the wars had ruined;⁶ to restore the national archives from England;⁷ and to procure an abatement of the interest upon borrowed money.⁸

By March 1, 1652, a considerable number of the Scottish constituencies had accepted the Tender, and the Commissioners were able to delegate Vane and Fenwick to return to London to make their report.⁹ On March 16, Vane presented to the House his and his colleagues' recommendations.¹⁰ They advised the framing of an Act of Union; and, as the Scottish Deputies had so generally petitioned, suggested that the House should empower the assenting Shires and Burghs in Scotland¹¹ to proceed to the election of 'the same number of persons as upon summons from the said Commissioners they have lately done,' who should meet, and out of their number elect fourteen persons for the Shires, and seven for the Burghs, to come to England 'with full power on the behalf of Scotland' to effect the Union. They recommended, further, the framing of an Act of Grace or Oblivion.

On March 18, 1652, the Commissioners' 'Tender' was taken

¹ Nos. xxxiv., xxxv., xlix., lviii., lxvii., lxxxii., lxxxvi., c., ci., cxxii., cxxxii.

² Nos. xxxiv., xxxv., xliv., lxxvi., cv., cxxxii., cxxxv.

³ No. xliv.

⁴ No. xliv.

⁵ Nos. xlix., xci., cxxx., cxxxiii.

⁶ No. lxiii.

⁷ No. lxvii.

⁸ No. lxvii.

⁹ No. lvi. Cf. No. lxix. One observes here and throughout the care taken to suggest the Union as a voluntary and not an enforced compact.

¹⁰ This Report or 'Tender' is printed in No. lxxxiv.

¹¹ Vane reported to the House further assents on the part of the Scottish Shires and Burghs on March 23, 26, April 2, and St. John did so on May 14, 1652. Cf. *Commons' Journals*, vol. vii. pp. 107, 111, 113, 132.

into consideration, and the House resolved (1) to bring in an 'Act for incorporating Scotland into one Commonwealth with England'; (2) that in the Act it should be declared that Scotland 'upon this Union shall have Power to elect Members to serve in the Parliament of England, in such Proportion and at such Time as this Parliament shall think fit'; (3) to prepare a Declaration authorising the assenting Shires and Burghs to choose representatives, 'each of them having first expressed their Consent to the Tender,' who should elect a smaller Committee from their number to repair to England on behalf of Scotland to effect the Union.¹

A week later (March 25) Vane reported from the Council of State the draft of the proposed Declaration, entitled 'the Declaration of the Parliament of England in order to the Uniting of Scotland into one Commonwealth with England.'² It passed, after but brief debate, and was ordered to be printed.³ It empowered the Shires and Burghs that had assented or should assent to the Tender, to proceed before the end of July to elect representatives, who, on or before August 20, 1652, should meet at Edinburgh and there elect twenty-one Deputies, who should by October 1, 1652, proceed to England to do all things requisite for the perfecting of the Union.⁴ On March 30, exactly a fortnight after Vane's first report, the House instructed the Commissioners in Scotland to put the Declaration into execution and thereafter to return.⁵

On April 21, 1652, the Declaration was formally proclaimed

¹ *Commons' Journals*, vol. vii. p. 107.

² *Ibid.* vol. vii. p. 110, where the minutes of the debate upon the Declaration are given.

³ The text of the Declaration is given in No. CXVI.

⁴ The publication of this Declaration was declared to be as effectual for authorising the elections in the several Shires and Burghs as though a particular summons had been addressed to each severally. It will be noticed that the constituencies, their representatives, and the Committee of twenty-one Deputies, were all required to deliver a written assent to the Union. The Deputies were to receive one pound sterling *per diem* during their mission, but cf. p. xliii.

No. CXXIII. They were instructed also to establish Courts of Judicature.

from the Mercat Cross at Edinburgh.¹ A week later, St. John, Salway, and Tichborne left Dalkeith.² On May 14 they laid down their commission and received the thanks of the House. On the same day they were able to report the tardy assent of Argyllshire to the Union,³ though the Marquis did not make his submission until the following August.⁴

During their four months' residence in Scotland the Commissioners had methodically and effectually accomplished the work with which they had been intrusted. Besides receiving the answers of the Shires and Burghs to the Tender, they had withdrawn Scotland from the administrative chaos which had existed since Dunbar and Worcester. Municipal government had been restored.⁵ An orderly assessment had been laid upon the Shires and Burghs.⁶ A Court of Admiralty had been created.⁷ The Judicial processes had been restored by the appointment of Sheriffs,⁸ and the reconstruction of the Court of Session.⁹ Commissioners had been appointed to visit and regulate the Universities.¹⁰ Sequestered lands had been placed under the control of a Board of Commissioners at Leith.¹¹ Finally, all persons in public employment had been bound by an oath of fidelity to the Commonwealth.¹²

On April 21, 1652, the House's Declaration of March 25

¹ Nicoll, *Diary*, p. 92.

² They intended to leave Dalkeith on Wednesday, April 28.—Firth, *Scotland and the Commonwealth*, p. 42. ³ *Commons' Journals*, vol. vii. p. 132.

⁴ Various references to Argyll's shifty policy will be found in the documents printed in this volume. Cf. Nos. II., IV., VI., XIII. (which speaks of an interview between Argyll and the Chief of the MacDonalds on February 13), XXII., CVIII. (which gives the date of Argyll's interview with the Commissioners at Dumbarton as March 17, and not March 18 as in Firth, *Scotland and the Commonwealth*, p. xxi), CXLVI. (a petition from Argyllshire requesting that, among other things, the Marquis's actions might be favourably regarded), CLV.

⁵ No. LII.

⁶ Cf. Firth, *Scotland and the Commonwealth*, pp. xxx, 170, 173, 174, 180.

⁷ Nos. LV., LXXII.

⁸ Nos. LIII., LIV., CXXXVII.

⁹ Nos. CXLVIII., CXLIX., CL., CLVI.

¹⁰ Firth, *op. cit.* p. 44.

¹¹ *Ibid.* p. xxxi.

¹² Nos. CLIII., CLIV. Their commissions were provisionally dated to November 1, 1652.

was proclaimed from the Mercat Cross at Edinburgh. The proclamation 'wes actit solemplic, the Croce being richlie covered and gairded with companeyis of the Englische forces, both hors and foote.'¹ As it directed, the Shires and Burghs sent up their representatives to Edinburgh in the following August to elect twenty-one Deputies to confer upon the details of the Union with the Parliament at Westminster.²

¹ Nicoll, *Diary*, p. 92. He adds: 'And to the end the forme of the Englische proclamations may be knawn, I thocht guid to insert heir their ordouris, quihilk is this:—Quhen they haif ony solempne proclamatioun to mak, they caus a number of thair drumes to be beatin airlie at morne, to gif notice that sum solempne ordinance is to be gevin out; thaireftir the Croce is covered; nixt, all the Inglische companeyis being in toun do marche with drumes towking, ensignes displayed, and compass the Croce and streit on both sydes, and being thus settled about the Croce, thair cumes a troupe of hors ryding, sumtyme throu the haill toun, at uther tymes onlie fra the Neddrie Bow, with the Judge Advocat, to the Mercat Croce, with sex or sevin trumpettis sounding befor thame. Eftir that thai haif cum the lenth of the Croce, a dosane of thame (or thairby) lichtes from thair horssis and gois up to that pairt of the Croce quhair proclamatiounes ar in use to be maid, and thair the trumpettouris above, and the drummer-major and the inferiour drummeris beneth the Croce, soundis and toukis a resonable space thrie severall tymes; thaireftir ane herald appoyntit for that use cryes, "Oyez" thrie severall tymes, and commandis silence under the payne of death. This being done, the Judge Advocat bringes out his paperis, reidis the proclamatioun to the Herald, and the Herald with a loud voyce publisched it to the pepill, all upone the Croce being discovered. All being red, the drumes tookis, the trumpettis soundis a very long tyme, and the sodgeris cryes out aloud eftir thair maner; and so these proclamatiounes endis.' Of the proclamation on April 21 Whitelock (*Memorials*, ed. 1853, vol. iii. p. 418) admits that 'the Scots showed no rejoicing at it.' A newsletter from Leith (Firth, *Scotland and the Commonwealth*, p. 41) remarks of the proclamation: 'soe sencelesse are this generation of their owne goods that scarce a man of them shew'd any signe of rejoicing.'

² The minutes of this Convention of the Burghs are printed in *Records of the Royal Burghs*, 1615-1676, pp. 358-65. The Convention sat from August 12-20; elected John Joicey of Edinburgh as Moderator on the 12th; subscribed the Tender of Union on the 18th—except Dumbarton and Selkirk (whose representatives were sick), Pittenweem (whose representative was absent with leave), and the many Burghs who were not represented at all; recommended, on the 19th, the provision of a sum of £1000 sterling 'for the intertainment of ane able and qualified minister, secretarie, and counsellouris at law, requisit to attend and assist them [the Deputies to England], and to be wtherways bestowed for the good and honour of the bussieness in hand and of the natione.' On the 20th, 'eftir serious deliberatione,' the Convention elected the seven Deputies for the Burghs. There is no record of the proceedings of the Convention of Shires.

The Convention was even less representative than its predecessor at Dalkeith. Of the Shires twenty-eight had through their representatives accepted the Tender in the spring. At Edinburgh there were represented only Haddington, Roxburgh, Ross, Moray, Nairn, Lanark, Dumfries, Wigtown, Kincardine, Stirling, Midlothian, Peebles, Caithness, Linlithgow, Dumbarton, Fife, Berwick, Sutherland, and Forfar, the last of which sent only a single representative. The representatives of Orkney and Shetland did not arrive at Edinburgh in time to vote for the twenty-one Deputies. The Shires of Inverness, Banff, and Perth sent only one representative, and their votes were disallowed. Aberdeenshire was not represented at all, her representatives 'making default.' The Shires of Bute, Selkirk, Clackmannan, and Argyll, though they had assented at Dalkeith, sent no representatives to Edinburgh. Those of Renfrew, Ayr, and Kirkcudbright were, as at Dalkeith, unrepresented. There were present therefore in all, counting those of Orkney and Shetland, who arrived late, representatives of twenty-three out of the thirty-one Shires and Stewartry, leaving eight defaulters, of whom Aberdeen alone explained her representative's absence.¹

Among the Burghs the absentees were yet more numerous. Forty-four had accepted the Tender in the spring. Thirty-six of the forty-four only were represented at Edinburgh. Whithorn, however, which had not been represented at Dalkeith, sent its representatives to Edinburgh, making in all thirty-seven, *i.e.*, Edinburgh, Dundee, St. Andrews, Aberdeen, Linlithgow, Glasgow, Haddington, Cupar, Rutherglen, Kirkcaldy, Arbroath, Perth, Inverkeithing, Forfar, Banff, Brechin, Dunbar, Jedburgh, Burntisland, Cullen, Tain, North Berwick, Stirling, Inverness, Dysart, Forres, Culross, Wigtown, Kin-

¹ The list of the Shires, their representatives, and the excuses of the defaulters, are set forth in the statement drawn up by the Deputies and presented to the Committee of the Long Parliament appointed to confer with them. It is printed *infra*, No. CLIX.

ghorn, Elgin, Whithorn, Dornoch, Montrose, Queensferry, Selkirk, Pittenweem, and Dumbarton. Of these thirty-seven, however, the representatives of Dornoch, Montrose, and Queensferry did not sign the commission of the twenty-one Deputies, and the representatives whom Selkirk, Pittenweem, and Dumbarton had elected did not appear. There remained twenty-one Burghs that were entirely unrepresented, *i.e.* Crail, Anstruther-Easter and -Wester, Kilrenny, Lauder, Peebles, Rothesay, Dunfermline, Sanquhar, Lochmaben, Annan, Galloway, Dingwall, Renfrew, Ayr, Irvine, Lanark, Dumfries, Nairn, Thurso, Kirkcudbright.¹

It appears, therefore, that of the eighty-nine constituencies which were invited to send representatives to Edinburgh, twenty-nine, or nearly one-third of the whole, were unrepresented.²

The Declaration, however, empowered a *majority* of the constituencies to fulfil the object for which they had been summoned. The following twenty-one Deputies were therefore elected and commissioned to proceed to London with full powers. For the Shires: Sir William Lockhart of Lee (Lanark), George Blair of Garvoch (Dumfries), Sir James Macdowall of Garthland (Wigtown), David Faulkener of Glenfarquhar (Kincardine), Sir George Stirling of Keir (Stirling), James Crichton (Midlothian), Lord Linton (Peebles), John Sinclair of Tannoch or Tannachy (Caithness), William Drummond (Linlithgow), Sir James Hamilton of Orbiston (Dumbarton), Sir Alexander Gibson of Durie (Fife), John Swinton and John Hume of Renton (Berwick), and Lord James Carnegie (Forfar). For the Burghs: John Joicey and

¹ The list presented by the Deputies to the Committee is printed *infra*, No. CLIX. It agrees substantially with that printed in *Records of the Royal Burghs, 1615-1676*, p. 358.

² Ludlow, *Memoirs*, vol. i. p. 310, asserts that many of the Shires and Burghs excused themselves 'for want of money to defray the expences of their representatives.'

John Mill or Milne (Edinburgh), Sir Alexander Wedderburn (Dundee), James Sword (St. Andrews), George Cullen (Aberdeen), Andrew Glen (Linlithgow), and Daniel Wallace (Glasgow).¹

The newly elected Deputies set out from Scotland towards London about the end of September 1652.² On Wednesday, October 6, they arrived in London and were lodged in Covent Garden.³ Preparation for their reception at Westminster had already been made. On August 27 the House had requested the Council of State to appoint the place at which the forthcoming conference should be held, and to nominate a Committee to meet the Deputies on the House's behalf. On September 14 the Council recommended Westminster, and on the 29th advised that the House of Lords should be prepared for the conference.⁴

¹ I take the above list from the Deputies' report (*infra*, No. CLIX.). The names are also given in the *Spottiswoode Miscellany*, vol. ii. p. 76; Nicoll, *Diary*, p. 98; *Life of Robert Blair*, p. 299; Lamont, *Diary*, p. 56; *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 805. It seems doubtful whether Blair, Wallace, and Sir James Hamilton proceeded to London. Cf. *Acts of Parlt. of Scot.*, vol. vi. pt. ii. p. 805.

² On September 17 the Council of State instructed Major-General Deane to direct them to come up to Westminster (*Cal. State Papers, Dom.*, 1651-52, p. 405). Nicoll (*Diary*, p. 99) says that they left for England 'in the end' of that month, though he dates the entry, September 17-19. Lamont gives the date of their departure as September 16 (*Diary*, p. 56). Lilburne writes to Cromwell on May 3, 1653, regarding the Deputies: 'I could wish with all my heart, for the satisfaction of the most godly in this Nation, your Excellency and your Councell might finde out a way to rid your hands of those Commissioners from hence, who are notoriously corrupt, and is that which doth most especially gravell [?] and hinder the concurrence and coming in of better men; who now begin to pluck uppe their hearts a little in confidence of a better Reformation and settlement than they could promise themselves or hope to have incouragement for from many of those Commissioners that are now with you; for I am afraid that whatever agreement you come to with them that are now with you, itt will bee but as untemper'd mortar.'—Firth, *Scotland and the Commonwealth*, p. 136.

³ *A Perfect Account of the Daily Intelligence from the Arnies*, Oct. 6-13, 1652. E. 678 (8), p. 737.

⁴ *Commons' Journals*, vol. vii. pp. 170, 178, 187. Cf. *Cal. State Papers, Dom.*, 1651-52, pp. 405, 422. On October 1 the Council ordered William Legg to furnish the House of Lords and to confer with Richard Ward, who had accompanied the English Commissioners to Scotland, in order that the room might be

Meanwhile the Bill of Union, which was to form the chief subject of conference, had already made some progress in the House. Upon April 13, 1652, following Vane's report on Scotland's reception of the Tender, a Bill for the incorporating of Scotland with England and for the abolition of the kingly office in Scotland had been introduced, read a first and second time, and sent to Committee.¹ The further consideration of the Bill was postponed until the arrival of the Scottish Deputies, and upon October 8 the House appointed the following to meet them: Oliver St. John, Sir Henry Vane, junior, Colonel George Fenwick, Major Salway (all of whom had acted recently as Commissioners in Scotland), Sir Arthur Haslerig, Bulstrode Whitelock, Lord Commissioner Lisle, Cromwell, Major-General Harrison, Colonel Sidney, Colonel Martin, and Thomas Scott.²

If the Scottish Deputies had expected to be received as plenipotentiaries and to meet those appointed to confer with them upon a footing of equality, the proceedings of the Committee can but have rudely disillusionised them. Their function was purely consultative. They could offer suggestions and objections, but were allowed no part in the Committee's deliberations.³ They had been summoned to appear

set 'according to the manner used in Scotland when the Committee of Parliament met with them there.' He received a warrant for £30 for the necessary chairs (*ibid.* pp. 425, 616). On October 4 William Hull was instructed to provide fire and candles for the chamber (*ibid.* p. 429), and an order for his payment was issued on December 18 (*ibid.* 1652-53, p. 40). It was desired that the House of Lords should be made 'very warm,' and directions were issued by the Committee at its first meeting that matting should be laid down.—*Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 789.

¹ *Commons' Journals*, vol. vii. p. 118.

² *Ibid.* vol. vii. p. 189. On October 12, Robert Goodwin, Mr. Say, and Henry Darley were added to the Committee, and on December 15, Sir Henry Vane, senior, Mr. Raleigh, Mr. Hayes, Mr. Lechmere, Mr. Strickland, the Earl of Pembroke, Mr. Westrow, Mr. Anlaby, Colonel Stapley, and Mr. Hussey (*ibid.* vol. vii. pp. 190, 229).

³ Notably in the case of the Bill of Oblivion. Blair's biographer remarks: 'When they [the Deputies] came to London they were much slighted by the

in London by October 1. A fortnight later (October 14) the Committee appointed to meet them held its first meeting. Its proceedings were merely formal, and the Deputies were requested to appear the following day.¹ Upon their appearance (October 15) Sir Alexander Gibson of Durie, on behalf of his colleagues, presented their commission. The Committee pointed out that it was signed by a portion only of the representatives of the Shires and Burghs sent to Edinburgh for that purpose, and desired the Deputies to furnish a transcript of the proceedings of that Convention.

Meanwhile the Committee passed to questions of wider moment. The commissions granted by the late Commissioners to the various executive Boards in Scotland, and also the order for the assessment of £10,000 *per mensem* which they had imposed, expired upon November 1, 1652. On October 22 the Committee resolved to move Parliament for their continuance. The House remitted the matter to the Committee on the same date,² and on October 26 the Deputies were invited to express their views upon it. They did so in writing; but upon the ground that the order of Parliament did not empower the Committee to consult the Deputies as persons 'deputed to inform and confer' with them, but merely as 'single persons,'³ the Committee refused to receive the docu-

Parliament, and therefore looked upon rather as petitioners than Commissioners' (*Life of Robert Blair*, p. 300). 'They returned,' writes Lamont, (*Diary*, p. 56), 'having done litell or nothing.'

¹ The Minute Book of this Committee is printed in *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. pp. 789-804. A *précis* of the minutes is in the Domestic Calendars for 1651-52, 1652-53. The preliminary business on the 14th included the appointment of John Phelps, who had been secretary to the English Commissioners in Scotland, to act in a similar capacity to the Committee; the appointment of eight o'clock in the morning on the days when Parliament was sitting as the time of the ordinary meetings of the Committee; the election of Whitelock as provisional Chairman; and a recommendation to the House to continue the commissions of the officials in Scotland which were about to determine on November 1.

² *Commons' Journals*, vol. vii. p. 194.

³ The resolution of October 22 only empowered the Committee to consult 'such Persons as they shall think fit.'

ment. The Committee raised a further and more significant objection. They pointed out that the Deputies' *status* was not yet satisfactorily determined, and that until it was, their objections could not be entertained. The position of the Deputies was in fact somewhat ridiculous, as they themselves recognised. They therefore informed the Committee that until their right to be heard as an official and representative body was admitted, they were 'resolved to offer nothing more to the said business.' Without any further reference to them the House made the required order upon the same day (October 26).¹ As to the order for continuing the assessment upon Scotland, which also passed the House on October 26, the Deputies were not invited to give their opinion.

The very natural refusal of the Scottish Deputies to offer an opinion upon matters submitted to them, so long as their right to do so was questioned, compelled the Committee to forthwith consider the validity of their commission. The Deputies were accordingly (October 27) requested to furnish further information upon the matter. Upon October 28 the Committee was supplied with an abstract of the proceedings at the Edinburgh Convention in August, and resolved to report the matter to Parliament.² Whitelock did so on October 29. The House having satisfied itself that the orders contained in its Declaration had been fulfilled, the Committee was ordered 'to proceed to confer' with the Deputies, and perhaps with a veiled reproof, to 'expedite' its proceedings.³

The status of the Deputies having been tardily recognised, the Committee proceeded to consider the Bill of Union, which had been referred to it by the House on October 8. It

¹ *Commons' Journals*, vol. vii. p. 195.

² The Committee drew attention in particular to the fact that many Shires and Burghs were absent at Edinburgh, and that the Deputies' commission was not signed fully by the representatives then present. The whole statement as presented to the House on October 29 is printed in *Commons' Journals*, vol. vii. p. 202, and *infra*, No. CLIX.

³ *Commons' Journals*, vol. vii. p. 203.

was resolved (November 2) to transcribe the enacting clauses of the Bill apart from the preamble, and to communicate the former to the Deputies 'as a ground of conference.' On November 4 the Deputies were summoned to attend the Committee, and the body of the Bill of Union was read to them. A copy of it was refused, but the Committee offered to read the Bill to them as often as they pleased, for them to 'take their own notes thereupon.' But the Deputies desired to clearly understand their relation to the Bill. They asked:—(1) Was their *locus standi* as 'trustees' recognised by Parliament? (2) Would the Bill of Oblivion be communicated to them, and would they be heard upon it? (3) Were the terms of the Union Bill communicated to them merely for their consideration, or to 'involve their consent therein'? What weight, in fact, would be attached to their representations? The Committee replied, that the terms of the Deputies' commission, the appointment of a Committee to confer with them, and the recent vote of October 26, established their position as 'trustees'; that the terms of the Bill of Oblivion would be communicated to them.¹ As to their third question, the Committee referred them to the Declaration of March 25, and the subsequent orders of Parliament constituting the Committee.

Accordingly, upon November 9, the Deputies offered certain amendments to the draft Bill. They propounded that the clause enacting incorporation should be framed in the same language as had been employed in the Declaration of March 25, *i.e.*: 'that Scotland shall and may be incorporated

¹ Upon March 23, 1652, the House had remitted to its members upon the Council of State to prepare a Bill 'wherein the Names of such Persons in Scotland whose Estates shall be confiscated, shall be ascertained and inserted' (*Commons' Journals*, vol. vii. p. 108). On October 29 the House resolved that the Bill should comprehend a general Act of Grace or Oblivion, and remitted it to this Committee (*ibid.* p. 203). On November 2 the Committee instructed Lord Commissioner Lisle to draft the required Bill. Major Salway reported the draft to the Committee on November 25.

into and become one Commonwealth with England.' They desired that the arms of Scotland should be emblazoned with those of England and Ireland as the joint arms of the united Commonwealth ; and that the proportion of Scottish members in the united Parliament, and the time of their election, should be inserted in the Bill. The consideration of these proposals engaged the Committee at its meetings on November 11 and 12, and on November 16 Whitelock was instructed to report their proceedings to the House. Whitelock did so upon November 23, when the Deputies' proposals regarding the number and election of Scottish members were debated and adjourned.¹ The matter was before the House again on December 8 and 15. As the Deputies desired, it was resolved that the proportion of Scottish members to sit in the united Parliament should be stated in the Bill, and the Committee in charge of the Bill for the New Representative was instructed to report to the House upon the matter.² The Deputies, however, begged (December 17) that before that Committee reported, its proposals might be submitted to them. Whitelock replied that it was contrary to usage for a Committee to report otherwise than direct to the House. The Deputies begged that at least the House would listen to their views on the matter. They propounded them to the Committee, urging that the proportion of representation should not be based upon the taxable value of Scotland. The number of parishes in Scotland was nine hundred and eighty, they declared (December 21), and in England ten thousand, while the intrinsic value of each English village was probably double that of each Scottish one. On that basis Scotland's representation would be roughly as one to twenty.³

¹ *Commons' Journals*, vol. vii. p. 219.

² *Ibid.* vol. vii. pp. 227, 229.

³ On this basis Scotland would be entitled to but twenty members as compared with the four hundred of England and Wales. Parliament, however, established thirty as the number of members for Scotland.

On December 24 they suggested the relative representation of the Commons in the separate Parliaments as a fair basis. They drew attention also to the accession of strength to England by the Union, and reminded the Committee of the levies furnished by Scotland in 1640, in the early months of the Long Parliament, and again in 1643, under the Solemn League and Covenant, as grounds for a generous distribution of Parliamentary seats.¹

In spite of these suggestions the Committee continued to assert that the true proportion of representation must be found in the relative taxable value of the two countries; the more so since that method was already being employed to revise and re-distribute the English electoral system. The Committee, therefore, put it to the Deputies to state definitely the number of members they proposed as an adequate representation of Scotland. On December 28 the Deputies gave their answer. There were, they pointed out, four hundred members for England and Wales in the New Representative. Scotland, apart from her Peers, had been represented by one hundred and twenty Commoners. They desired a 'moiety' of that number, namely, sixty seats. The House, however, on March 2, 1653, fixed Scotland's representation in future Parliaments at thirty members, and on March 9 remitted it to the Committee to consider their allocation among the Scottish constituencies.²

On March 10 the resolution was communicated to the Deputies. They begged for time to consider the matter, and meanwhile desired (March 16) to be informed concerning the grounds on which the House had allotted thirty seats to Scotland. The

¹ The Scottish army which held the North of England in 1640-41 was probably about thirty thousand in number. The one which invaded England in January 1644 numbered about twenty-two thousand. Cf. my *Life and Campaigns of Alexander Leslie*, pp. 108, 120, 176.

² *Commons' Journals*, vol. vii. pp. 263, 265. The distribution of the thirty Scottish seats was not settled until Cromwell's Ordinance of June 1654. *Vide infra*, p. xlix.

Committee replied on March 17. Parliament had been guided, they explained, partly by the relative amount contributed by Scotland to the public revenue, partly by the number of her population in proportion to that of England, partly by 'several other things.' The Deputies were not content, however, to surrender their claim to more generous representation without an effort. Their importunity was so far successful that the Committee agreed (April 7) to represent their views again to the House. The promise was not fulfilled. On April 8 the Committee adjourned to the 15th. It did not meet on that day. On April 19 the Long Parliament was dissolved.

Little progress had so far been made towards a conclusion of the proposals for Union put forward in the autumn of 1651, eighteen months before. The Bill of Union, read a first and second time on April 13, 1652, had proceeded no further. The distribution of Scottish seats in the Union Parliament was yet undetermined. The Bill of Oblivion—the basis of the proposed Union—had not advanced a step beyond its second reading on February 3, 1653.

Upon the dissolution of the Long Parliament in April 1653, the Scottish Deputies did not at once return to Scotland. In the first place their allowances were still unpaid.¹ In the

¹ In its Declaration of March 25, 1652, the House ordained, 'That twentie shillings *Sterlin* by the day be allowed unto each of the said Deputies during this service, from the time of their setting forth for *England*.' Upon December 23 (*Commons' Journals*, vol. vii. p. 233) the House ordered its Commissioners at Leith to advance a second three months' pay for the Scottish Deputies. Upon December 28 (*Cal. State Papers, Dom.* 1652-53, p. 61) the order was sent to Leith. On January 11, 1653, the Commissioners at Leith wrote that they could not raise the money on a sudden, and upon February 11, the Committee conferring with the Deputies wrote again to the Commissioners at Leith to urge them to send up money for the Deputies, considering 'what occasion the deputies (being out of their own country) have for money' (*ibid.* p. 161). On March 10 (*ibid.* p. 208) the Treasurers-at-War were ordered to meet a bill of exchange of £500 presented by the Scottish Deputies, and they received payment on March 15. On the following May 25 (*ibid.* p. 350) the Council of State instructed Major-General Desborough to report what was then owing to the Deputies. The Barebones Parliament on August 10 (*ibid.* 1653-54, p. 83) requested the Council of State to deal with the matter, and on the 20th of that

second place the Council of State was inclined to continue the negotiations which the dissolution of Parliament had interrupted. Meanwhile (May 3) the monthly assessment laid upon Scotland in February 1652 was continued to November 1, 1653. The provisional executive government which had been established in Scotland—the Commissioners for the Universities, Justices, the Sheriffs, etc.—was authorised to continue to the same date,¹ by which time the forthcoming Parliament would have had the opportunity to complete the unfinished work of its predecessor.

On May 6 the Council instructed Major-General Lambert and Mr. Strickland to confer with the Scottish Deputies in the 'Horse Chamber' upon the civil government and assessment of Scotland,² measures upon which the Long Parliament's Committee had come to no resolution, and which the Council's recent order of May 3 had provisionally continued. A week later (May 13) the Deputies were invited to offer their opinions to the Council.³ They did so presumably before June 6, on which date Sir William Lockhart and two or three other Deputies were instructed to attend at Whitehall to receive the Council's answer.⁴ A week or two later

month the Council appointed a Committee for the purpose (*ibid.* p. 96). Finally, upon September 9, 1653 (*ibid.* p. 140) the Council directed that the Scottish Deputies still in London should be paid their allowance from August 12, 1652, to June 3, 1653, and that those who had already returned to Scotland should be paid up to the date of their departure only. From a petition of Sir James Macdowall (*Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 805) it appears that the following duly received £100 each, namely, Lord Carnegie, David Faulkener, John Swinton, James Crichton, William Drummond, Lord Linton, Sir William Lockhart, Sir Alexander Gibson, Sir George Stirling, and John Sinclair, being at the rate of twenty shillings a day to June 3, 1653. So late as March 17, 1656, Sir James Macdowall, Sir Alexander Wedderburn, John Hume, John Joicey, John Milne, George Cullen, James Sword, and Andrew Glen had received no payment, the explanation being offered that they had returned to Scotland before June 3, 1653.

¹ *Cal. State Papers, Dom.*, 1652-53, p. 303.

² *Ibid.* p. 310.

³ *Ibid.* p. 325.

⁴ *Ibid.* p. 387. Lockhart and his colleagues' recommendations are presumably those reported to the Barebones Parliament on August 13, 1653, from the Council

those of the Deputies who had not already done so returned to Scotland.¹

While the Scottish Deputies to the late Parliament were still in London, the Council of State was already engaged in drawing up the roll of members to sit as its successor. On June 8, 1653, writs were issued to those who had been nominated and approved. From England there were summoned one hundred and twenty-nine persons, from Ireland six, from Scotland five—a total of one hundred and forty members. ‘For the first time in history a body was to meet in the name of the three peoples, but neither Scotland nor Ireland, any more than England, had been asked whether they wished to be so represented or not. In no real sense was there a Union at all.’² Five of the six Irish members were Englishmen,³ and the Scottish representatives were selected with equal caution. Sir William Lockhart of Lee, Sir James Hope of Hopetoun,⁴ and John Swinton of Swinton had already accepted executive posts in Scotland.⁵ Alexander Brodie of Brodie, however, had

of State. They were for the most part a repetition of the advice already given by the Deputies to the Long Parliament’s Committee. *Vide infra*, p. xlvi.

¹ ‘Some of thir comissioners returned about the midest of June 1653, others before this time, and others after this time; they returned, haveing done litell or nothing’ (Lamont, *Diary*, p. 56). The Deputies who had already returned to Scotland were, Sir James Macdowall, Sir Alexander Wedderburn, John Hume, John Joicey, John Milne, George Cullen, James Sword, Andrew Glen (*Acts of the Parlt. of Scot.* vol. vi. pt. ii. p. 805). Some appear to have remained in London until after the meeting of the Little or Barebones Parliament. On August 10, 1653, the House ordered the Council of State to provide for the payment of these Deputies in order to their dismissal.—*Commons’ Journals*, vol. vii. p. 298.

² Gardiner, *Commonwealth and Protectorate*, vol. ii. pp. 230-32.

³ *Ibid.* p. 232.

⁴ Mr. J. M. Rigg in the *Dict. Nat. Biog.*, vol. xxvii. p. 321, incorrectly names Sir John Hope, Lord Craighall (Sir James’s brother), as one of the Scottish representatives in 1653.

⁵ Lockhart had, in 1652, been appointed one of the Commissioners of Justice in Scotland, and a trustee for the forfeited estates. In 1654 he married a niece of Cromwell. Hope, on June 14, 1653, was sworn a member of the English Council of State. Swinton was, in 1652, made a Commissioner of Justice, and in 1653 was sworn of the Scottish Council of State. Burnet (*Own Time*, vol. i.

been distinguished by his royalist principles, and refused to accept the Council's citation to come up to London.¹ Alexander Jaffray, of Aberdeen, the last of the Scottish members, had been made prisoner at Dunbar, but, upon his release, had been appointed (1652) Keeper of the Great Seal and Director of the Chancellery.²

The Scottish members arrived in London about July 5, 1653.³ On July 8 the House appointed a Committee for Scottish affairs, which included Lockhart, Hope, and Swinton.⁴ On August 10, Sir Gilbert Pickering reported from the Council of State a paper or 'Breviate of the Proposals made to the honourable Council of State by the Commissioners from Scotland.' The document represented the last word of the Deputies whose labours in London had terminated two months before. Their proposals were as follows:—

1. That the Cess of *Scotland*, which now exceeds the Fourth Part of the Rent, may be abated and brought to a constant and competent Proportion with *England*.

p. 218) describes him as 'the man of all Scotland most trusted and employed by Cromwell.' *Vide* articles in *Dict. Nat. Biog.*

¹ The citation reached him on June 17, 1653. *Vide* his reflections thereon in *The Diary of Alexander Brodie of Brodie* (Spalding Club), p. 57.

² The names of the Scottish members are given in Nicoll, *Diary*, p. 109; *Acts of the Parliaments of Scotland*, vol. vi. pt. ii. p. 778, where the total number of members is erroneously given as one hundred and forty-four; Thurloe, *State Papers*, vol. iii. p. 133, where Brodie and Lockhart are distinguished from their colleagues as representing 'the godly, learned ministry and universities'; Lamont, *Diary*, p. 68. Jaffray writes in his *Diary* (p. 51): 'In the month of June 1653 I was called, with other four out of Scotland, to sit as Member of the Parliament of England. I came there the 5th of July, and staid until the 6th of February 1654. I had there good occasion to meet and be acquainted with many godly men; though I can say little of any good we did at that Parliament; yet it was in the hearts of some there to have done good for promoting the kingdom of Christ; but the time not being come when these things were to be brought forth, we were dissolved the 12th of January 1654.' Jaffray was of the number of those who refused to leave the House until forced to do so by a file of musketeers.

³ Jaffray, *Diary*, p. 51. On July 14 and 18, the Council of State directed the Whitehall Committee to provide convenient lodgings for the Scottish members. —*Cal. State Papers, Dom.*, 1653-54, pp. 26, 33.

⁴ *Commons' Journals*, vol. vii. p. 283.

- ‘2. That Commissions for Courts of Justice might be issued to Men of Conscience and Abilities to judge according to the Law and Practice of the Nation; and that the Judicatories might be of the same Number as formerly, to be nominate by Advice and Consent of the Nation, conform to the Acts of Parliament.¹
- ‘3. That Sequestrations and Confiscations might be taken off: And that the Interest of *Scottish Men in England and Ireland* might be preserved, as was intended by the Bill of Oblivion: And that Course might be taken for the Creditors and Cautioners of sequestrat Persons, who otherwise will presently be ruined inevitably.
- ‘4. That these who had formerly Rights from Kings may be continued in their Possessions till their Right be discussed before the Judge Ordinar: And that Course may be taken for Payment of Debts contracted by the King before these late Troubles.
- ‘5. That those who had obtained Conveyances and Possession from Persons who thereafter fell in Delinquency may enjoy their Rights.
- ‘6. That Prisoners be released.²
- ‘7. That the Mint in *Scotland* may be set up, as the only present Remedy against the extreme Scarcity of Money there.

¹ The old Court of Session had numbered fifteen Judges or Ordinary Lords, more than double the number of the reformed Court of 1652. The Extraordinary Lords and the Outer House had been entirely suppressed (cf. Mackay, *Memoir of Viscount Stair*, p. 58). As to the appointment of Judges ‘nominate by advice and consent of the nation, conform to the Acts of Parliament,’ Charles the First had given that undertaking in June 1641 (*Acts of the Parlt. of Scot.*, vol. v. p. 340). The establishment of Justice of the Peace Courts—a system partially introduced under James the Sixth—was not effected until early in 1656. *Vide infra*, p. lx.

² On February 3, 1653, the Council of State had been instructed to deal with this matter, to furnish a list of Scottish prisoners in England, and to provide for their maintenance. — *Commons' Journals*, vol. vii. p. 254.

- ‘8. That those who are engaged for Money expended upon the publick Account of the Nation, or hath paid the same, may be relieved and indemnified.
- ‘9. That Customs and Impositions between *England* and *Scotland* may be taken off all goods imported and exported betwixt the Nations.’¹

The document placed the House in complete possession of the Scottish programme for an effective Union. But it was not until the Barebones Parliament had more than half run its course that that subject was mooted. On October 4, 1653, an Act entitled ‘An Act of the Parliament of the Commonwealth of England for the Uniting and Incorporating of Scotland into one free State and Commonwealth with England’ was read a first time.² It passed the second reading upon October 11, and was sent to Committee.³ On November 23 it was reported to the House and was ordered to be engrossed.⁴ The measure went no further. On December 12 the ‘Little Daft Parliament’⁵ resigned its powers into the hands of Cromwell. The Union was still incomplete.

On December 16, 1653, four days after the dissolution of the Barebones Parliament, the Council of State proclaimed the Protectorate, under the title of ‘the Commonwealth of England, Scotland, and Ireland.’⁶ Scotland’s place in the new constitution was carefully defined. Section IX. of the Instrument enacted that her representation in the united

¹ *Commons’ Journals*, vol. vii. p. 298. The consideration of the paper was adjourned to August 12. It was, however, not debated on that or any subsequent date.

² *Ibid.* vol. vii. p. 329.

³ *Ibid.* pp. 333, 335, 339, 340.

⁴ *Ibid.* p. 355. Certain amendments were reported from Committee and approved. The House added a clause ordering the substitution of the arms of the Commonwealth in place of the royal arms upon public seals in Scotland. The text of the Act of Union debated in this and the following Parliaments was no doubt the Union Ordinance of April 12, 1654. It is printed in *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 816. For petitions against the Bill, *vide Cal. State Papers, Dom.*, 1653-54, p. 255.

⁵ So Row calls it in the *Life of Robert Blair*, p. 311.

⁶ Bruce, *Report on the Union*, vol. ii. p. clxxi.

Parliament should 'be and not exceed the number of thirty' members. Section x. ordained that 'the distribution of the Persons to be chosen for Scotland, and the several counties, cities, and places within the same,' should be 'according to such proportions and number as shall be agreed upon and declared by the Lord Protector and the major part of the Council before the sending forth writs of summons for the next Parliament.' By section xi. the writs of summons were ordered to issue within one week of June 1, 1654, and the Sheriffs were directed to publish the writ and to appoint the election to take place within five weeks thereafter. Parliament was summoned for September 3, 1654.¹

The Council of State had meanwhile taken up the Bill of Union at the point at which the Barebones Parliament had left it. On January 20, 1654, the incompleting Bill was read a first and second time in Council, and was remitted to a Committee to consider certain of the clauses still imperfect.² Three days later (January 23) Lambert brought up the Committee's report. The scheme was read, approved, and presented to Cromwell.³ On February 2 it was ordered to be engrossed,⁴ and after a delay of more than two months, it was finally passed on April 12.⁵

The Ordinance of Union, so tardily completed, ordained: 'That all the people of Scotland, and of the Isles of Orkney and Zetland, and of all the Dominions and Territories belonging unto Scotland, are and shall be, and are hereby Incorporated into, Constituted, Established, Declared, and Confirmed one Commonwealth with England; And in every Parliament to be

¹ Bruce, *Report on the Union*, vol. ii. pp. cxvii et seq.; *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 812.

² *Cal. State Papers, Dom.*, 1653-54, p. 364.

³ *Ibid.* p. 365.

⁴ *Ibid.* p. 382. One clause relating to 'mottoes,' was upon the question ordered to be omitted.

⁵ 'The blanks [were] filled up at the table, and thereupon [the Ordinance was] passed by his Highnesse the Lord Protector, with consent of the Council.'—*Council Book*, quoted in Bruce, *Report on the Union*, vol. ii. p. cciv.

held Successively for the said Commonwealth, thirty Persons shall be called from and serve for Scotland. . . . And that this Union may take its more full Effect and Intent, Be it further Ordained by the Authority aforesaid, That the Arms of Scotland, viz. a Cross, commonly called Saint Andrew's Cross, be received into and born from henceforth in the Arms of this Commonwealth, as a Badge of this Union; and that all the Publique Seals, Seals of Office, and Seals of Bodies, Civil or Corporate, in Scotland, which heretofore carried the Arms of the Kings of Scotland, shall from henceforth instead thereof carry the Arms of this Commonwealth.' The Ordinance declared Charles the Second and the issue of Charles the First incapable of holding the Crown of Scotland; abolished the monarchy and the right of the Scottish Estates to assemble; established free customs between England and Scotland; enacted that the maintenance of the united Commonwealth should be borne proportionably by the several parts of it; abolished vassalage and its feudal incidents; and attached to the Lord Protector such forfeitures, escheats, rents, fines, etc., as had formerly fallen to the Crown in Scotland.¹ On April 22 the Council directed the text of the Ordinance to be sent to Scotland and there to be published in every Shire.²

The accomplishment of the Union was the work of the Protectorate, but so far the new constitution had not been officially proclaimed in Scotland. Already, on January 14, 1654, an order had been issued from the Mercat Cross at Edinburgh, that henceforth civil processes should run in the name of 'Oliver, Lord Protector,' and no longer in that of the 'Keepers of the Liberties of England';³ but the proclamation of the Protectorate was delayed until the Union Ordinance

¹ For the text of the Ordinance, *vide* Bruce, *Report on the Union*, vol. ii. p. cciv; Scobell, *Acts*, p. 288; *Cal. State Papers, Dom.*, 1654, p. 90; *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 816. The Ordinance did not receive Parliamentary sanction until April 28, 1657, in Cromwell's second Protectoral Parliament.

² Bruce, *op. cit.*, vol. ii. p. ccxi.

³ Nicoll, *Diary*, p. 121.

could be proclaimed with it.¹ Monck, upon his return to Scotland in April 1654,² found it necessary to caution Lambert that the delay was ‘a cause of some unsetlednesse in the [Scottish] people.’³ A few days later the belated Union Ordinance arrived, and with it an Ordinance for erecting Courts Baron in Scotland, an Ordinance of Pardon and Grace, and an Ordinance for settling the estates of several excepted persons.⁴

On May 4, 1654, both the Protectorate and the Union were proclaimed with fitting pomp at Edinburgh. Monck rode to the city ‘in great pomp, and companeyis both of fute and hors, haiffing sex trumpettouris sounding befor him; quhich companeyis did all compas the Mercat Croce of Edinburgh, quhair a Proclamatioun wes emittit, declarand Oliver Cromwell to be Protector of the three kingdomes. At this proclamatioun Generall Monk wes present in persone upon the Mercat Croce, upon the richt hand of the Judge Advocat, reidar of the proclamatioun, and Archibald Tod, Provost of Edinburgh, on the left hand. Eftir this Proclamatioun wes red, thair wes ane uther emittit, red, and proclaimed that same day, anent the

¹ Robert Lilburne writes to Lambert on the matter on January 10 and 12, 1654 (Firth, *Scotland and the Protectorate*, pp. 16, 18). To Thurloe he writes on January 12: ‘The forces heere [in Scotland] are very unanimous, and are subscribing their resolutions to stand by and owne the present government [*i.e.* as defined by the Instrument]. I wonder the councill sent downe noe directions concerning the publishing the proclamations of my lord protector. Wee suppose heere itt is upon the account of publishing the act of union.’—Thurloe, *State Papers*, vol. ii. p. 18.

² Monck had left Scotland on February 18, 1652.—Firth, *Scotland and the Commonwealth*, p. xix. The serious crisis created by Glencairn’s Rising called for his return. On April 6, 1654, his instructions were drawn up. They are printed in *Cal. State Papers, Dom.*, 1654, p. 83; Thurloe, *State Papers*, vol. ii. p. 222; Firth, *Scotland and the Protectorate*, p. 76.

³ Firth, *Scotland and the Protectorate*, p. 95. The letter is dated April 25, 1654.

⁴ Monck acknowledges the receipt of these Ordinances in a letter to Cromwell, dated May 2, 1654.—Firth, *Scotland and the Protectorate*, p. 99. For the text of the Ordinances, *vide Acts of the Parlt. of Scot.*, vol. vi. pt. ii. pp. 817, 821; and a letter from Lambert urging leniency in the framing of the Act of Pardon, in Firth, *op. cit.* p. 44.

Union of Scotland to the Commonwealth of England.¹ After the ceremony, Monck was entertained at a banquet which had been ‘sex days in preparing, quhairat the bailleis of Edinburgh did stand and serve the haill time of that denner.’²

The Ordinance of April 12, 1654, had fixed Scotland’s representation in the united Parliament at thirty members. It remained to determine how so small a number should be distributed among the Scottish constituencies. Upon June 2, Lambert reported the following grouping of twenty-nine constituencies, each, save Edinburgh, having a single member.³

SHIRES.

<i>Constituency.</i>	<i>Number of Members.</i>
1. Orkney, Shetland, Caithness,	1
2. Sutherland, Ross, Cromarty,	1
3. Inverness,	1
4. Moray, Nairn,	1
5. Banff,	1
6. Aberdeen,	1
7. Kincardine, Forfar,	1
8. Fife, Kinross,	1
9. Perth,	1
10. Linlithgow, Stirling, Clackmannan,	1
11. Dumbarton, Argyll, Bute,	1
12. Ayr, Renfrew,	1
13. Lanark,	1
14. Midlothian,	1
15. Berwick (the Merse),	1
16. Roxburgh,	1
17. Selkirk, Peebles,	1

¹ Nicoll, *Diary*, p. 124. The Union Ordinance was proclaimed at Aberdeen on May 16.—*Extracts from the Council Register of the Burgh of Aberdeen, 1643-1747*, p. 138.

² Nicoll, *Diary*, p. 125. The Ordinances of Grace and Pardon, for the erecting of Courts Baron, and for the settlement of the estates of excepted persons, were proclaimed at Edinburgh on May 5.—Firth, *Scotland and the Protectorate*, p. 100.

³ *Cal. State Papers, Dom.*, 1654, p. 197; Bruce, *Report on the Union*, vol. ii. p. ccxi; *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 823.

<i>Constituency.</i>	<i>Number of Members</i>
18. Dumfries,	1
19. Wigtown,	1
20. East Lothian,	1

BURGHs.¹

<i>Constituency.</i>	<i>Number of Members.</i>	<i>Place of Election.</i>
1. Dornoch (1639), Tain (1567), In- verness (1439), Dingwall (1587), Nairn (1567), Forres (1488), Elgin (1469),	1	Inverness.
2. Banff (1469), Cullen (1593), Aberdeen (1367),	1	Aberdeen.
3. Forfar (1471), Dundee (1367), Arbroath (1639), Montrose (1367), Brechin (1478),	1	Dundee.
4. Linlithgow (1367), Queensferry (1639), Perth (1367), Culross (1593), Stirling (1449),	1	Stirling.
5. St. Andrews (1456), Dysart (1594), Kirkcaldy (1585), Cupar (1456), Anstruther-Easter and -Wester (1593), Pittenweem (1579), Dunfermline (1628) Kinghorn (1471), Inverkeithing (1471), Burntisland (1586), Kil- renny (1612), Crail (1471),	1	Cupar-Fife.
6. Edinburgh (1367),	2	Edinburgh.
7. Lanark (1467), Glasgow (1560), Rutherglen (1478), Rothesay (1484), Renfrew (1478), Ayr (1469), Irvine (1469), Dum- barton (1471),	1	Glasgow.

¹ I have added in brackets the earliest known date at which each Burgh secured representation in the Scottish Estates. The dates are those given by Mr. R. S. Rait in Map 28 of the *Historical Atlas of Modern Europe* (ed. R. Lane Poole).

<i>Constituency.</i>	<i>Number of Members.</i>	<i>Place of Election.</i>
8. Dumfries (1469), Sanquhar (1621), Annan (1612), Loch- maben (1612), Wigtown (1469), Kirkcudbright (1469), Whit- horn (1639), New Galloway (1628),	1	Dumfries.
9. Peebles (1468), Lauder (1567), Jedburgh (1469), Selkirk (1469), North Berwick (1478), Dunbar (1469), Haddington (1367), . . .	1	Lauder.

Save that the scheme of distribution made some effort to secure geographical symmetry, and that, for the most part, every Burgh that had secured the right to be represented in the Scottish Parliament was included in the Council's scheme,¹ Scotland had little cause to regard either the proportion of members allotted to her,² or the way in which they were distributed, with particular favour. To the Council, however, the scheme presented itself as a reasonable, if not the only, way by which to apportion thirty members among nearly three times that number of constituencies. On June 5, 1654, Lambert's scheme was approved.³ On June 27 it was issued as an Ordinance.⁴

Already on June 22, 1654, the Council had had before it the draft form of the writs to be issued to the Scottish constituencies in view of the impending elections.⁵ On June 29 the Council wrote to Monck that the writs had been despatched to him, together with forms of indenture between the sheriffs (as returning-officers) and the electors. Copies

¹ Except Inverurie (1612), Kintore (1579), and Bervie (1612). The English Commissioners had not summoned these Burghs to the Convention at Dalkeith and Edinburgh in 1652.

² On March 2, 1653, a motion that thirty-three should be the number was defeated by a majority of two in a House of fifty-four.—*Commons' Journals*, vol. vii. p. 263.

³ *Cal State Papers, Dom.*, 1654, p. 199.

⁴ It is printed in *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 823.

⁵ *Cal. State Papers, Dom.*, 1654, p. 217.

of the Instrument, which were to be read at the time of the proclamation of the writs, were sent also.¹

At length the mechanism of the Union was complete. But the condition of Scotland was hardly encouraging for the new experiment. The Highlands were not yet recovered from the upheaval caused by Glencairn's Rising.² A number of ministers who assembled (August 19, 1654) at Edinburgh were ordered to disperse.³ At about the same time an order permitting the Burghs to elect their magistrates for the ensuing year was countermanded.⁴

In such an atmosphere the elections for the ensuing Parliament took place in Scotland. It was impossible that they should rouse much interest, save among the English officials who chiefly secured election. 'Five sheriffdoms in Scotland returned that not one fit to be a parliament man was to be found within their liberty,' says Whitelock,⁵ and only twenty of the twenty-nine constituencies returned members. Their names and representatives were as follows⁶:—

SHIRES.

Inverness, Lieut.-Colonel William Mitchell.⁷

¹ *Cal. State Papers, Dom.*, 1654, p. 228. The form of indenture is in *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 822.

² On September 21, 1654, Monck writes to Thurloe: 'Affaires heere growe quiete by soe many of the enimies coming in already, and more daily.'—Thurloe, *State Papers*, vol. ii. p. 619.

³ Firth, *Scotland and the Protectorate*, p. lviii. On July 20, 1653, the Assembly had been dispersed by the soldiery. For accounts of that event cf. Firth, *Scotland and the Commonwealth*, pp. 162-3; Baillie, *Letters and Journals*, vol. iii. p. 225; *Life of Robert Blair*, p. 307; Lamont, *Diary*, p. 69. Another account from a contemporary pamphlet is printed in the *Scotsman*, May 28, 1901.

⁴ Nicoll, *Diary*, p. 138; *Extracts from the Council Register of Aberdeen*, 1643-1747, p. 144.

⁵ *Memorials*, vol. iv. (ed. 1853), p. 132. On p. 130 he writes under date August 21, 1654: 'The election of members in Scotland to serve in the parliament of England went on slowly, yet some were chosen and returned.'

⁶ *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 781; *Hansard's Parliamentary History*, vol. iii. p. 1432.

⁷ His name appears in 1651-52 as having received money for recruits for Fairfax and Deane's regiments. He was probably lieutenant-colonel of the latter regiment. Cf. Firth, *Scotland and the Commonwealth*, pp. 112, 113.

Forfar and Kincardine,	. . .	Colonel David Barclay of Urie. ¹
Fife and Kinross,	. . .	Colonel James Hay. ²
Perth,	. . .	George Earl of Linlithgow.
Linlithgow, Stirling, Clack-	} . . .	Colonel Thomas Read. ³
mannan,		
Dumbarton, Argyll, Bute,	. . .	Sir James Hamilton of Orbiston. ⁷
Lanark,	. . .	Sir William Lockhart of Lee. ⁴
Midlothian,	. . .	George Smith. ⁴
Berwick,	. . .	John Swinton of Swinton. ⁴
Selkirk and Peebles,	. . .	John Thompson. ⁵
Dumfries,	. . .	James Earl of Hartfell. ⁶
Wigtown,	. . .	Sir James Macdowall of Garthland. ⁷
East Lothian,	. . .	Benjamin Bressie of Dolphinton. ⁸

BURGHs.

Edinburgh,	. . .	} Samuel Desborough. ⁹ George Downing. ¹⁰
Forfar, Montrose, Dundee, Ar-	} . . .	
broath, Brechin,		Sir Alexander Wedderburn. ¹¹
Linlithgow, Queensferry, Perth,	} . . .	Colonel John Okey. ¹²
Culross, Stirling,		

¹ He had served as a major in the Swedish service and as a colonel in the Parliamentary army.—Foster, *Members of Parliament* (Scotland), p. xviii. Cf. Firth, *Scotland and the Protectorate*, pp. 164, 168, 313, 320, for references to Barclay. He was the father of Robert Barclay, the Quaker apologist, and some account of him is given in the latter's biography in the *Dict. of Nat. Biog.*, vol. iii. p. 167.

² Presumably the Colonel James Hay who on September 9, 1651, came in from Fifeshire and made his submission to the English Commonwealth. Cf. Firth, *Scotland and the Commonwealth*, p. 14. He made a violent speech against toleration in the Parliament of 1654. It is notable as the only speech by a Scottish member in these Union Parliaments which was printed. It is among the King's Pamphlets, E. 828 (4). ³ Governor of Stirling.

⁴ Appointed one of the Commissioners of Justice in 1652.

⁵ Auditor-General of the Revenues of Scotland.

⁶ He appears as 'Col. J. Earl' in the list in the *Parliamentary History*.

⁷ One of the Deputies to the English Parliament in 1652.

⁸ He had been a captain in the English army. Cf. Firth, *Scotland and the Protectorate*, pp. 154, 320. His name is spelt alternatively 'Brissie' and 'Bressey.'

⁹ One of the Commissioners of Revenue for Scotland.

¹⁰ Scout-Master-General of the Forces in Scotland.

¹¹ Town Clerk of Dundee.

¹² He had recently taken part under Monck in the Highland campaign. Cf. Firth, *Scotland and the Protectorate*, p. 149.

St. Andrews, Dysart, Kirkcaldy, Cupar, Anstruther E. and W., Pittenweem, Crail, Dunfermline, Kinghorn, Inverkeithing, Kilrenny, Burntisland,	}	James Sword. ¹
Lanark, Glasgow, Rutherglen, Rothesay, Renfrew, Ayr, Irvine, Dumbarton,		
Dumfries, Sanquhar, Lochmaben, Annan, Wigtown, Kirkcudbright, Whithorn, New Gallo- way,		
Peebles, Selkirk, Lauder, North Berwick, Dunbar, Hadding- ton,		
	}	John Wilkie of Bromhouse. ²
	}	Major Jeremiah Tolhurst. ³
	}	William Thomson. ⁴

Nine constituencies failed to elect representatives, *i.e.* the following groups of Shires: Ross and Sutherland and Cromarty, Banff, Aberdeen, Roxburgh, Orkney and Shetland and Caithness, Ayr and Renfrew, Moray and Nairn: and of the Burghs, Dornoch and its associated constituencies, Aberdeen and Banff. Of the twenty-one members elected, a very large proportion of them were either officers in the English army of occupation or officials of the English executive.⁵

¹ Burgess of St. Andrews. He died on October 6, 1655, and at that time was Provost of St. Andrews.—Lamont, *Diary*, p. 117.

² He was elected at a meeting in Hutcheson's Hospital held at 10 A.M. on July 28, 1654.—*Extracts from the Records of the Burgh of Glasgow*, p. 292. Cf. *Records of the Convention of Royal Burghs, 1615-1676*, p. 436.

³ Burgess of Dumfries and governor of Carlisle. Cf. Firth, *Scotland and the Protectorate*, p. 15.

⁴ Burgess of Haddington.

⁵ Some, and probably all, of those elected had their expenses defrayed by their constituencies. On November 3, 1654, it was reported to the Convention of Burghs, then assembled in Edinburgh, that Haddington had advanced the sum of £1200 Scots to William Thomson, bailie of that place, 'for his entertainment in attending thair effairis' in London. The sum was ordered to be distributed among the constituencies associated with Haddington. On February 9, 1655, Glasgow reported that John Wilkie, her member, had received the sum of £1404 Scots, and a similar order was made as in the case of Haddington. Cf. *Records of the Convention of Royal Burghs, 1615-1676*, pp. 391, 397.

Save for the name, the Union was a plausible yet hollow pretence.¹

Intent upon discussing the authority which had called it into being, the first Protectoral Parliament had but little time to devote to Scottish affairs. It met on September 3, 1654.² On the 29th of that month a Committee, which included all the Scottish members, was appointed for Scottish affairs.³ On December 22 the House at length turned to the Union Ordinance of the previous April, which so far was without Parliamentary sanction. On that date 'an Act for Uniting of Scotland into one Commonwealth with England' was read a first time, and its second reading was appointed for December 28.⁴ Nothing more was heard of the measure, however, after its first reading, and on January 22, 1655, the House was dissolved. A third time the close of a Parliament left the Union without the basis of Parliamentary sanction.⁵

Since the promulgation of the Ordinance of Union of April 12, 1654, the civil government of Scotland had been directly administered by the English Council of State. On May 4,

¹ As Dr. Gardiner expresses it, 'The Irish representation [in the Union Parliament of 1654], and to a great extent the Scottish, served the purpose of the Ministerial pocket-boroughs of the eighteenth century.'—*Commonwealth and Protectorate*, vol. iii. p. 8.

² 'Gentlemen,' said Cromwell in his speech on that day, 'you are met here on the greatest occasion that, I believe, England ever saw, having upon your shoulders the interest of three great nations, with the territories belonging to them.'—*Hansard's Parliamentary History*, vol. iii. p. 1434.

³ *Commons' Journals*, vol. vii. p. 371.

⁴ *Ibid.* p. 407.

⁵ Before returning to Scotland the Scottish members, or, more probably, those of them who were not English officers or officials, visited Cromwell to take their leave and to represent how burdensome was the maintenance of the English army in Scotland. 'His Highnesse told them that the reason therof was because the Ministry did preach uppe the interest of Charles Stuart, and did much inveigh against the present authority, soe that there was a necessity of their continuance, but if they could propose any expedient with a salvo to the security of that Nation, hee was willinge to answer their desires therein: wheruppon the said Members are now [Feb. 8, 1655] consideringe of an expedient.'—*Clarke Papers*, ed. Firth, vol. iii. p. 22.

1655, however, the Protector confirmed the nomination of nine persons to act as a separate Council of State for Scotland.¹ Their commission, drafted on March 30 and confirmed on the following July 24, empowered them (1) to continue in office until June 24, 1658; (2) to inquire into the state of Scotland and the readiest way for continuing good government, and for preserving the Union; (3) to promote the preaching of the Gospel, and to take order for the better support of the Universities and public schools; (4) to visit and reform the Universities; (5) to purge the Corporations of dangerous, disaffected, or scandalous magistrates; (6) to administer justice and promote the Union by causing the proceedings in courts of judicature to be conducted agreeably to the laws of England as far as possible; (7) to supervise the revenue; (8) to establish the English executive upon a satisfactory basis, etc.²

The new Scottish Council met at Edinburgh on September 13, 1655.³ It inaugurated its rule by two measures of leniency and tolerance. Not since 1652 had the Scottish Burghs been

¹ They were Monck, Roger Lord Broghill (afterwards first Earl of Orrery), Charles Howard, Sir William Lockhart of Lee, John Swinton, Adrian Scrope, Samuel Desborough, Nathaniel Whetham, and Thomas Cooper. Emmanuel Downing was appointed clerk (Thurloe, *State Papers*, vol. iii. p. 423), and Mr. Locke, assistant-clerk (Nicoll, *Diary*, p. 159). For the Council a seal was provided, on which the arms of Scotland were engraved 'with his Highness' arms on an escutcheon of pretence.' A mace of the value of £100 was also provided (*Cal. State Papers, Dom.*, 1655, p. 303). The salaries of the President (Lord Broghill) and members of the Council were fixed at £1000 and £600 respectively (*ibid.* p. 255), and of the clerk and his assistant, at £300 and £200 (Thurloe, vol. iii. p. 701). Sir Edward Rhodes also appears as a member of the Council in September 1655 (Nicoll, *Diary*, p. 159).

² These instructions are printed in *Cal. State Papers, Dom.*, 1655, pp. 108, 255, and in *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 826.

³ Monck writes to the Protector that Broghill had reached Edinburgh late on the 12th, and that the Council met on the 13th 'about the methode of our proceedings' (Firth, *Scotland and the Protectorate*, p. 306). Nicoll (*Diary*, p. 159) says the Council 'sat down every lauchfull day twyse a day, both befoir and in the eftir nune, acting diligentlie these bussines that concernit that Heich Judicatorie.'

Baillie (*Letters and Journals*, vol. iii. p. 288) concisely describes Scotland's

allowed to hold their municipal elections. Permission to do so had then been accorded only after each Burgh had accepted the Tender of Union, and the officers selected had been required to take an oath of fealty to the Commonwealth.¹ In 1653 no municipal elections were held. In 1654 permission to hold them was granted, but was ultimately withdrawn.² On September 24, 1655, however, the new Council issued a proclamation granting the Scottish Burghs full liberty to elect their magistrates, with the proviso that persons disaffected to the government should not be eligible for office. The elected magistrates were to swear fidelity to the Lord Proctor.³

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

As to the Justices of the Peace, Row writes (*Life of Robert Blair*, p. 326) : ' The first session of the Justices of Peace was in February 1656. The Court was made up of English and Scotch ; but some of our gentry refused to give the oath that was craved of them, and so were not upon the Court. They had large power for repressing of all public and scandalous sins, viz. swearing, drunkenness, Sabbath-breaking, stealing, etc., by imposing of pecuniary mulcts and corporal punishments. Also they had power to take up the pecuniary mulcts that Kirk Sessions exacted of fornicators, adulterers, etc. ; but the evil of that being represented unto them, it was accorded that these mulcts should be divided betwixt them and the Sessions. The Justices of Peace had in the several parishes constables under them, that executed their orders and attended their quarterly sessions.' The names of the Justices are in Firth, *op. cit.* p. 308 ; cf. Nicoll, *Diary*, p. 172 ; Thurloe, vol. iv. pp. 342, 480, 741.

¹ Nicoll, *Diary*, p. 101.

² *Ibid.* pp. 114, 138 ; *Extracts from the Council Register of Aberdeen*, 1643-1747, p. 158.

³ The text of the proclamation is in Thurloe, vol. iv. p. 52, and in Nicoll, *Diary*, p. 159. The annual municipal elections were held regularly from henceforward to the Restoration.

On September 27, 1655, the Scottish Council issued a proclamation which constituted another innovation. Ever since Scotland had lain under the heel of the English army of occupation her ministers, those in whom patriotism and religious bias had bred the bitterest antagonism to England and the heterodoxy of her Independents, had consistently and publicly prayed for their exiled King Charles. Nor had their zeal been abated by the infliction of pains and penalties. Broghill and his Council resolved to remove the penal prohibition which so far had rested upon the practice. The new regulation was to remain in force tentatively until November 5, 1655. Upon the conduct of the ministers within that period it rested whether the government resorted to other methods by which to secure obedience.¹ The proclamation proved effective in securing at least an external compliance. 'Thereafter,' writes Row,² 'public remembering of the King by name in the public prayers was left off by almost all the ministers of Scotland; yet still he was prayed for,' he adds, 'not only in families and in secret, but in public, being involved in some general that did clearly enough design him to all intelligent hearers.'

The second Parliament of the Protectorate was summoned for September 17, 1656. The elections were held throughout Scotland for the most part on August 20, 1656,³ the writs having arrived the previous month.⁴ Great efforts were made to secure the return of Englishmen, or at least of Scotsmen on whom the Government could rely. The Protector was likely to require 'friends,' and the Scottish Council

¹ The proclamation is printed in Thurloe, vol. iv. p. 58, and in Nicoll, *Diary*, p. 160. It was proclaimed at Edinburgh on October 1, 1655. A letter from Broghill to Thurloe upon the matter is in Thurloe, vol. iv. p. 56.

² *Life of Robert Blair*, p. 325. Cf. Lamont, *Diary*, p. 117; Nicoll, *Diary*, p. 162.

³ Firth, *Scotland and the Protectorate*, p. 331; Thurloe, *State Papers*, vol. v. p. 322.

⁴ Nicoll, *Diary*, p. 182.

almost to a man offered itself for election.¹ The following were elected :²—

SHIRES.

Ross, Sutherland, and Cromarty,	Dr. Thomas Clarges. ³
Inverness,	Colonel Thomas Fitch. ⁴
Banff,	Dr. Alexander Douglas. ⁵
Aberdeen,	Lieut.-Col. William Mitchell. ⁶
Forfar and Kincardine,	Colonel David Barclay of Urie.
Fife and Kinross,	Sir John Wemyss of Bogie. ⁷
Perth,	Sir Edward Rhodes. ⁸
Linlithgow, Stirling, Clackman- nan,	} Godfrey Rhodes. ⁹
Dumbarton, Argyll, Bute,		Captain John Lockhart.^{10}

¹ Monck writes to Thurloe on August 5, 1656: 'All the council here are like to be chosen members of parliament but myself. I have kept myself and major general Morgan from being chosen, because I know wee cannot be spared from home' (Thurloe, vol. v. p. 277). Writing to Thurloe on August 19, 1656, Broghill suggests: 'If you see ther wil be need, you might without much inconveniencie proroge the sittinge of the [Scottish] council till the 10th of Jan. next . . . and therby get soe many more frends to attend the house' (*ibid.* p. 322). The Scotsmen elected are described by Monck (*ibid.* p. 367) as 'honest and peaceable Scotchmen, and I believe will be all right for my lord protector.' Cf. *Life of Robert Blair*, p. 327.

² Lists, more or less identical, are in *Acts of the Partt. of Scot.*, vol. vi. pt. ii. p. 782; Bruce, *Report on the Union*, vol. ii. p. ccxlii; Burton, *Parliamentary Diary*, vol. iv. p. 487; *Hansard's Parliamentary History*, vol. iii. p. 1483.

³ He was Monck's brother-in-law. Charles the Second knighted him in 1660. *Vide* article on him in the *Dict. Nat. Biog.*

⁴ Governor of Inverness. Cf. Firth, *Scotland and the Protectorate*, *passim*.
⁵ Provost of Banff.

⁶ He sat for Inverness in the Parliament of 1654-55.

⁷ Broghill describes him to Thurloe as 'an honnest sober man.'—Thurloe, vol. v. p. 322.

⁸ Of Great Houghton, Yorks. One of the Council of State of Scotland.—Foster, p. 297. A newsletter of August 20, 1656, from Perth (Firth, *Scotland and the Protectorate*, p. 331) has: 'This day there mett a considerable number of Gentlemen from all quarters of the shire, who unanimously elected Sir Edward Rhodes Knight for the shire. There was nott one other in leete with him, although many expected that wee should have run the same course that Fyff did.'

⁹ Eldest son of Sir Edward Rhodes, M.P. for Perthshire.—Foster, p. 297. He was Commissary of Edinburgh in 1656.—Firth, *Scotland and the Protectorate*, p. 317.

¹⁰ Of Castlehill; third son of Sir James Lockhart of Lee.—Foster, p. 219.

Ayr and Renfrew,	.	.	{ William Lord Cochrane of Dun-
			{ donald. ¹
Lanark,	.	.	{ Colonel Sir William Lockhart of
			{ Lee. ²
Midlothian,	.	.	Samuel Desborough.
Berwick (Merse),	.	.	John Swinton of Swinton.
Roxburgh,	.	.	William Ker of Newton. ³
Selkirk and Peebles,	.	.	Henry Whalley. ⁴
Dumfries,	.	.	George Smith. ⁵
Wigtown,	.	.	{ Sir James Macdowall of Garth-
			{ land. ⁶
East Lothian,	.	.	John Earl of Tweeddale.
Orkney, Shetland, and Caith-	.	.	} Colonel Robert Stewart.
ness,	.	.	
Moray and Nairn,	.	.	Richard Beke. ⁷

BURGHES.

Edinburgh,	.	.	{ Roger Lord Broghill.
			{ Andrew Ramsay. ⁸
Dornoch, Tain, Inverness, Ding-	.	.	} Robert Wolseley. ⁹
wall, Nairn, Elgin, Forres,	.	.	

¹ He had been fined £5000 under the Ordinance of Grace and Pardon of 1654; created Earl of Dundonald in 1669.—Foster, p. 73.

² One of the Council of State of Scotland.

³ Lieut.-Colonel of a regiment of horse raised in Roxburghshire and Selkirkshire during the Civil War.—Foster, p. 203.

⁴ Judge-Advocate-General.

⁵ One of the Commissioners of Justice in Scotland. Broghill writes to Thurloe, on August 9, 1656: 'Ther was som designe in Dumfrees there to choose one I did not like, which made me send for my lord Hartfield [Hartfell; he sat for Dumfries in 1654], a kinsman of my wife's, and the leading man ther; and I have engaged him to choose Judg Smyth [for the Shire] and col. Salmon [for the Burgh]. Smyth is a verry right man.'—Thurloe, vol. v. p. 295.

⁶ Commissioner of Customs at Leith.

⁷ Richard Beke's sister married Robert Lilburne about 1649. Beke was Colonel of Cromwell's Life Guard in 1656.—Firth, *Scotland and the Protectorate*, p. 59. A list in the Clarke Manuscripts gives the Earl of Murray as M.P. for Elgin and Nairn (*ibid.* p. 332). The original writ having arrived too late in 'those remote Countries,' a new writ was issued on October 23, 1656.—*Commons' Journals*, vol. vii. p. 444.

⁸ Of Abbotshall; Lord Provost of Edinburgh.—Foster, p. 292.

⁹ Commissary of Ayrshire.—Firth, *Scotland and the Protectorate*, p. 317.

Banff, Cullen, Aberdeen, .	Stephen Winthrop. ¹
Forfar, Dundee, Arbroath, Montrose, Brechin, . . . }	Sir Alexander Wedderburn of Blackness.
Linlithgow, Queensferry, Perth, Culross, Stirling, . . . }	Colonel Henry Markham. ²
St. Andrews, Dysart, Kirkcaldy, Cupar, Anstruther E. and W., Pittenweem, Crail, Dunfermline, Kinghorn, Inverkeithing, Kilrenny, Burntisland, . . . }	Colonel Nathaniel Whetham. ³
Lanark, Glasgow, Rutherglen, Rothesay, Renfrew, Ayr, Irvine, Dumbarton, . . . }	George Lockhart. ⁴
Dumfries, Sanquhar, Annan, Lochmaben, Wigtown, Kirkcudbright, Whithorn, New Galloway, . . . }	Colonel Thomas Talbot. ⁵
Peebles, Lauder, Jedburgh, Selkirk, North Berwick, Dunbar, Haddington, . . . }	John Vincent. ⁶

In the Parliament of 1656 Scotland had her full complement of members, but, as in its predecessor, the leaven of English

¹ Major in Major-General Harrison's regiment in 1654, and one of the Justices of the Peace for Aberdeenshire in 1656.—Firth, *op. cit.*, pp. 105. 308.

² Son of Sir Anthony Markham of Sedgebrook. He had been wounded at Naseby.—Foster, p. 241.

³ One of the Council of State of Scotland.

⁴ Of Tarbrax, Commissary of Lanarkshire (Firth, *Scotland and the Protectorate*, p. 317). The list printed in the *Acts and Parliamentary History* inaccurately gives George Talbot as M.P. for Lanark, etc. Lockhart's name appears upon Clarke's manuscript list (Firth, *op. cit.* p. 332), and a resolution to pay 'Commissar Lockhart, commissioner at the Parliament,' £100 sterling for his services appears among the Glasgow Council minutes of April 18, 1657. *Vide Extracts from the Records of Glasgow, 1630-1662*, p. 363. His name also appears in Bruce's list in his *Report on the Union*, vol. ii. p. ccxliii.

⁵ He was elected in the room of Colonel Edward Salmon, who, having been chosen for both Dumfries and Scarborough, elected to sit for the latter. A new writ for Dumfries was ordered to be issued on October 2, 1656.—*Commons' Journals*, vol. vii. p. 432.

⁶ Of Wharnford, Northumberland. He was elected in the room of Scout-Master Downing, who, having been chosen also for Carlisle, elected to sit for that constituency.—*Commons' Journals*, vol. vii. p. 432.

officials was considerable. In preparation for the session the Convention of Burghs had on August 27, 1656, sanctioned a set of instructions¹ on matters 'that most concernis the priviledge and liberties of the burrowis,' and their representatives were requested to 'prosecut the effectuating and accomplishment of the samyn.' The instructions were chiefly upon matters of commercial import:—(1) a recommendation to lessen the assessment upon Scotland by one-sixth, in view of the heavy pressure of public burdens and of 'the violence of the lait storme,' in which their 'whole schippis . . . quhairin the greatest pairt of thair stockis wer,' had been lost; (2) the confirmation by the Protector of the liberties of the Burghs; (3) the maintenance of the Scottish Staple at Campvere,² 'for the recoverie of traffique and tread of this natioun'; (4) permission to export such staple goods as skin, hide, wool, which 'for the present cannot be employed in Scotland,' at least 'wntill manufactories be set wp within the natioun'; (5) the prohibition of English soldiers in Scotland from exercising their civil occupations, or in the event of their resuming a civil *status*, from settling in any but a free Burgh, and from using any but Scottish weights and measures; (6) the removal of forfeitures, and the payment of debts contracted since 1648 by forfeited persons, matters of importance to the Burghs, 'quho in effect ar the persones forfeited, being creditouris and haveing the maist pairt of that which is left of thair estaites in forfeited persones handis'; (7) the provision of convoys for Scottish ships, and the release of Scottish merchants and seamen who were prisoners in the hands of Dunkirk privateers;

¹ Printed in *Records of the Convention of Royal Burghs*, 1615-1676, p. 428.

² The Staple 'for the Scottis natioun in Flanders' was established at Campvere in 1578. In 1586, seeing that Scottish merchants, 'besyde thair vncumlie behaviour in thair civill life,' had 'na maner of regard of conscience or relligioun,' it was resolved to plant a Kirk and minister there.—*Records of the Convention of Royal Burghs*, 1295-1597, pp. 53, 212. The privileges conferred by the Staple lasted until 1795, when they were withdrawn by the Batavian Republic. Cf. art. 'Campvere' in *Chambers's Encyclopædia*, vol. ii.

(8) the raising of the interest on borrowed money to eight per cent. 'in respect of the scaircetie of money within this natione, which is much occasioned by the lownes of the annual rent of money.'

The new Parliament assembled on September 17, 1656.¹ In the course of its existence the Union was the subject of very considerable debate. On October 25 a measure, based no doubt upon, and intended to confirm, the Union Ordinance of April 1654, was introduced and passed the first reading.² November 4 was appointed for the second reading.³ The occasion drew the following speech from an Englishman, sitting probably for a Scottish constituency: ⁴—

'MR. SPEAKER,—I shall, with your leave, speak something to this Bill of Union, which I conceive to bee soe nessesary for the peace of this Island, that my hart goes along with much of it. Upon the bare hearing of it read I cannot give my consent to all, though at present it seemes to mee to comprehend soe many good thinges, that more future happinesse may bee from hence derived to these nacions than was in any measure effected before.

'I believe, Sir, none that have beene acquainted with English History can bee ignorant of the frequent invasions, excursions, and contests formerly betweext us, besides the ordinary rapines upon the borders which continued in some degree till these times, soe that it was very unsafe to live nere them; but by the prudence of an Honnourable Member of this House, who lately had the care of those partes, they are now in a condition which promiseth much improvement and advantage to them. But, Mr. Speaker, the many civill warres in Scotland and feudes betwixt family and family, which seldome ended but in divastation and slaughter,

¹ The usual Scottish Committee was appointed on September 23.—*Commons' Journals*, vol. vii. p. 426.

² *Commons' Journals*, vol. vii. p. 445.

³ 'November 4, 1656.—This day the Act of Union for Scotland came on the second time, and because of some clawses about the lawes, the Lords Commissioners of the Great Seale, Lord Chief Justice Glyn, and other the Gentlemen of the longe robe who are of the House, were sent for out of Westminster Hall to attend the debate, which is adjourned to a Grand Committee of the whole House on Fryday [Nov. 7] next.'—*Clarke Papers*, vol. iii. p. 80.

⁴ Firth, *Scotland and the Protectorate*, p. 333.

those can but relate which are of that nation, all which being caused by the unlemited power of there Nobilitie, which I shall anon speake of, the cause being taken away by this Bill,¹ the effects will cease.

‘ This is a great worke which establisheth so sure a foundation of peace in that nation, a worke which none of there kinges could ever compasse, reserved by the mercy of God to you. Att the comming in of King James there was a face of quiet, yett animosities remained. Wee seemed too much to truckle under Scotland, and England was rather an accession to that than that to it; ² for the Scotch Nobilitie had the greatest influence upon Whitehall, and the coines in Scotland had the inscription of Scotiæ, Angliæ, and Hiberniæ Rex. The Parliament in the beginning of that King’s raigne were very jelous of the honour of that Nation, which produceth soe many debates about the Act of Union then brought into the House ³ that noething could bee done in it; but at the dissolution of the Parliament, the King by Proclamation united the Nations by the name of Great Brittain, declaring the Scottes to be virtually naturalized by his inheriting the crowne of both Nations. The lawyers know these things better than I (it being not my province). I think there is a case of the postnati amongst Judge Cooke’s reports, called Calvin’s case, that discusses these matters.⁴ Sir, I have bin tould that the Scotch Nobilitie were soe terrible to that King that great pentions went from hence to keepe them quiet. The truth is, noe Monarch could governe them except hee had a great share of kingcraft; for they had such dependencies that upon any distaste they would bring ten thousand men into the field to justifie their pretences; nay, their judges were soe awed, they durst scarce give judgement in any case for one noble man against another, except hee were weaker than his competitour; for upon trials betwixt them they would appeare at Edenbrough with such numerous traines that

¹ The Bill sought to effect that which the Act for the abolition of Heritable Jurisdiction in Scotland ultimately accomplished after the last Jacobite Rising.

² The Scottish view of the Union of 1603 naturally differed from that expressed by this speaker. Lockhart (*Memoirs*, p. 397) describes one who came in the deepest mourning to witness James the Sixth’s departure for England; for, said he, ‘ I’m come to perform my last duty to my deceased and beloved Country.’

³ On James the Sixth’s attempt to unite the kingdoms, cf. Bruce, *Report on the Union*, vol. ii. pp. xv. *et seq.*

⁴ Cf. Gardiner, *History of England, 1603-1642* (ed. 1883), vol. i. pp. 325, *et seq.*

the cittie was often in feare of them. Then in most of their royallities they had power of life and death, and when any of their tenants offended them they might hang him at his owne doore, for the Lord's Bailiffe was alway the Judge, and it is not probable he would doe any thing but what his Cheiff should be inclynd to.

‘Sir, as I hinted to you before, by this Act all these unjust powers are abolicht, and justice will flow in an equall channell. The Nobles and Gentles will be much happier or richer than before; for to oblidge there tenants to all attendance upon them they never made their best improvements of there rents, which now they may; and being without power to runne into ambitious excesses, they must comport themselves to an obedience to the lawes, which will prevent such misereis as their late inconsiderate actions brought upon them. Yett their is reserved to them a just and lawfull power to engage a due respect from their inferiours; and, as it was said in another case, they may have oppertunity to doe as much good as they please, and can do little hurt. The Commons alsoe have their just liberty asserted. This is a greater reformation than could be brought about in former times.

‘Mr. Speaker, their is, [if I] mistake not, something mentioned concerning the manner of raising mony, that they may pay none but what are enacted by the Parliament. I cannot at present consent to that, because it seemes to me to contradict some articles in the [Instrument of] Government.¹ A Committee upon consideracion may by your directions alter that, if it shall be soe thought fitt, as also some things about the Customes and Ex[er]cise of Judicature amongst them, which I confesse my ignorance in. I beleeve after a revew it may be fitt to passe your test, and will be both profitable and honorable to the nations. It will bee profitable, for that thereby men's minds may bee after a while so compos'd as there will not bee a nessesity of keeping so much of your armie in that country, and so your charge much lessened, and you will bee strenghtend by it against your enemies, for *Vis unita fortior*. Itt will bee honorable to you too, for by the passing of this Bill all the world may see it was onely the security and pease

¹ Since the Instrument had invested the Lord Protector with at least a temporary and discretionary power of raising taxes without Parliamentary sanction, it was felt that Scotland's immunity from such a method both gave her an advantage over England and destroyed the idea of uniformity in a now united Commonwealth. The subject was debated again. *Vide infra*, p. lxxiii.

of these nations, and not thurst of dominion, that ingag'd you to carry the armes [of England] to the extremities of Scotland, through many difficulties and dangers, and where the Romans, those devourers of Empire, never displayed their banners. Sir, upon the whole, since it is far easier to obtaine a conquest than secure itt, my humble motion is, that in order to a firme and lasting establishment of peace amongst us, this Bill may be comitted.'

On November 7, 1656, the House resolved itself into Grand Committee upon the Bill.¹ Objection was taken to the word 'incorporated' in the first clause. It was urged that if Scotland was in fact incorporated into England, then she must be regarded as having lost her individuality, and, as in the case of Wales after the Edwardian conquest, her laws must henceforth conform to those of the country into whose existence she had been merged. But that objection 'was very well answerd' and the word 'incorporated' was allowed to stand. Another objection, however, was carried. The text of the Bill enacted the uniting of the 'people of Scotland' into one Commonwealth with England, and it is possible that something beyond a care for the niceties of accurate expression inspired the amendment of the sentence to 'people and territories.'²

¹ The text of the Bill was presumably identical with that of the Declaration of March 25, 1652, and of the Ordinance of Council of April 12, 1654. The debate on November 7 is described in the following account:—'The House resolved then into a grand Committee in debate of a Bill of Union of Scotland into one Commonwealth with England, which was ordered to be debated in parts: they left the preamble to be considered when the rest of the Bill is agreed to, and began with the first clause, the words whereof I cannot well remember, but the word incorporated took up two [h]ours debate, many interpreting that it could not be properly said to be incorporated with one Commonwealth with England except all there lawes were first altered and be as the lawes of England are, to prove which the[y] aleged the example of Wales when it was incorporated into England by Edward the first; but this was very well answerd, and at last it past, and the word incorporated was named. The[n] there was an other exeption made, that in that clause it was said that the people of Scotland, etc., should be united into one Comon wealth with England, to which they would have aded that the teretoryes should be also united, and it was orderd accordinly.'—*Clarke Papers*, vol. iii. p. 81.

² The Ordinance of April 12, 1654, included the words 'Dominions and Territories.'

On the following Wednesday (November 12) the Committee resumed upon the Bill. The two subjects under consideration were, the arms of the united Commonwealth, and whether Scotland 'should be free from Customes as they were in England, which trade onely from one port to an other';¹ in other words, Was the political union also a commercial union? And was the trade between the two countries to be henceforth free and untrammelled? It was an aspect of the Union which upon the English side seemed most to call for magnanimity and surrender. Not merely was Scotland far poorer than England,² but to the foundations of that colonial and commercial expansion which was already beginning Scotland had contributed nothing. Was she, then, to share with England? And if generosity was demanded, was it fair to display it towards Scotland? 'Many would have Ireland preseeed, as the better country and being chiefly inhabited by English, but upon the question it was carried for Scotland; then they came to the clause of customes, which brought in Excise after it, and it was objected that if salt made in Scotland paid noe more than single Excise it would be a meanes to distroy the salt works by Newcastle;³ but that argument held not, it being urged that the thing hath bin practiced neer three yeares without producing any such effect, and if you make an union you must allow them as much previlidge as your selves, and be as much consernd for their good and advantage as

¹ The account of this debate quoted in the text is in *Clarke Papers*, vol. iii. p. 81.

² Even Lockhart (*Memoirs*, p. 400), in the course of an argument which would tempt him to exaggerate rather than underestimate Scotland's resources, puts them relatively to those of England in 1603 as at one to six. On the whole question of Scottish commerce in the period *vide* Tucker's *Report* published by the Bannatyne Club.

³ The contention appears to have been, that Scottish salt was produced at a cheaper cost than that of the Tyne manufacturers, and therefore that a uniform excise would leave Scottish salt still able to compete favourably with English. The matter was again before the House. *Vide infra*, p. lxxiv.

your selves ; and besides, if salt from Scotland make Newcastle salt cheaper, it will be a generall good to this Nation, and a generall good is to be preferd before a perticular. Upon that [the] whole clause was pass'd, and it being neere one of the clock, the Speaker resumed the cheire, and upon the report the debate was put of till Wedensday next, and then the House to goe into a grand Committee, and soe they rose.'

The Bill continued in Committee throughout the rest of November.¹ On December 3, 1656, urgency was claimed for other matters, and the Committee adjourned to the following day.² On that date (December 4) Samuel Desborough, M.P. for Midlothian, brought up from a sub-Committee to which the matter had been remitted an amended clause confirming the privileges of the Scottish Burghs.³ In the text of the Bill those bodies had been designated 'bodies politic and corporate,' a definition which the sub-Committee regarded as 'too extensive,' and therefore had amended to 'boroughs.' Further, since for the most part the nature and extent of Scottish burghal liberties were unknown to the House, the sub-Committee had deemed it necessary to safeguard both the liberty of the subject and the constitution of the Commonwealth by qualifying the confirmation of the burghal privileges with the clauses 'saving to every man his right,' and 'provided the liberties [of the Burghs] be not contrary to the present government.' A long debate ensued, the keynote of which, among those opposed to the report, was the feeling that Parliament was blindly confirming privileges and liberties of whose nature it was profoundly ignorant ; privileges which might be prejudicial in their bearing upon Englishmen.

¹ From the *Commons' Journals* it appears to have been before the House on November 15, 17, 21, 27, December 2.

² Burton, *Parliamentary Diary*, vol. i. p. 6.

³ The debate is reported at considerable length in Burton, *Parliamentary Diary*, vol. i. p. 12.

‘There may be,’ suggested Captain Baynes,¹ ‘a law among them to hang all Englishmen. . . I would not have you confirm any thing till you know it.’ Colonel Sydenham² urged the same caution. It had once been the custom to lay the penalty of death upon those of the two nations who should intermarry. That penalty might still survive. Mr. Drury³ drew the debate to a more practical grievance. The laws relating to apprenticeship in Scotland, he pointed out, were not as generous as those in force in England. He desired to see a uniform practice established. Captain Baynes rose again to point out another danger. ‘I am informed,’ he said, ‘that they [the Burghs] have some privilege to ingross all trading into their own hands, and force men to sell and buy at their own rates, by prohibiting them for some days, and then setting a rate upon them in their guild, called the Dean of Guild, which ties them, that none shall buy but at such rates.’ Mr. Downing,⁴ after defending the Dean of Guild as ‘the noblest constitution in corporations in the world,’ protested the absurdity of withholding confirmation of the liberties of the Scottish Burghs on the plea of ignorance of their nature. They were about to set up a court at York, he pointed out, the procedure of which was to follow that of the Court of Common Pleas. But was the House instructed upon the rules of that Court? and was he ‘to go study four years to know them’ before he could give his consent to the Bill for York? A proposal was advanced that it should be left to the Lord Protector ‘to confirm what priveleges of the boroughs he pleases.’ Finally, upon a division, the recommendations of

¹ Adam Baynes, M.P. for Leeds.

² William Sydenham, one of the members for the Isle of Wight.

³ No member of this name appears in the roll of this Parliament. Perhaps James Dewey, one of the members for Dorsetshire, is intended.

⁴ He had been elected for both Carlisle and Peebles, etc., and sat for the former. He appears to have been the only member, save Judge Smith, even remotely connected with a Scottish constituency who took part in the debate.

the sub-Committee were defeated by seventy-four against sixty-four votes, and its report was remitted to it for further consideration.¹

On January 14, 1657, the Grand Committee upon the Bill resumed.² The greater part of it passed the Committee, and also the clause confirming the privileges of the Burghs, which had been so vigorously debated on December 4. But the clause, that the people of Scotland should have no taxes nor public impositions whatsoever laid upon them but by common consent of Parliament, again roused considerable discussion. It was objected that it placed the people of Scotland in a better position than those of England, whereas the latter 'ought to be their elder brother.' Some feared that the clause might hinder the Lord Protector from giving his assent to the Bill. 'Some,' remarks Burton, 'were sorry the clause was in the Bill, but seeing it was there, they were much divided in their opinions. To reject such a clause, though but collateral to the union,³ might sound ill abroad. That a Parliament should discourage such a clause was a tacit consent that taxes might be laid out of Parliament. If it stand, then we tacitly take the tax from Scotland and lay it upon ourselves, and so make a disunion instead of an union. Some were for passing it over, or laying it aside: others, that we might take an occasion hereby to make claim, continual claim, to our liberties, especially in disposing of property, and that it were good such a Bill were provided for the whole nation.' The debate,

¹ The Grand Committee on the Bill was adjourned to December 6. There is no reference to it on that date. On December 10 the Committee was again adjourned to December 13, and again the Committee did not sit. On December 23 the Committee was adjourned to December 26 with similar result. On January 12, 1657, the Bill was appointed to be heard in Committee on the 14th. Cf. *Commons' Journals*.

² The minutes of the debate are in Burton, *Parliamentary Diary*, vol. i. p. 346.

³ A speaker had remarked that the clause had 'no coherence with the Bill of Union, [and] so need not be part of the Bill.'—Burton, *Parliamentary Diary*, vol. i. p. 347.

however, reached no conclusion, and the Committee 'rose in confusion.'¹

The further consideration of the Bill of Union was prevented by the introduction on February 23, 1657, of the Humble Address and Remonstrance, or Humble Petition and Advice, and the framing of the new Protectoral constitution.² But on April 28, the House passed *en bloc* a number of Ordinances promulgated by the Council prior to the meeting of the first Protectoral Parliament. Among the measures thus hastily pushed through was the Union Ordinance of April 12, 1654, the Ordinance of Pardon and Grace, and that for the erection of Courts Baron.³ The Ordinance, or, as it now had become, the Act of Union, hardly provoked a word of debate. It came up late in the afternoon, and called forth seemingly only a few remarks in the interests of the Newcastle salt industry.⁴ So, more than five years after the Declaration of March 25, 1652, the Union of the two countries at length rested upon the basis of Parliamentary sanction.

Hardly was the Union completed than the constitution of the now conjoint kingdoms was itself modified. Upon June 26, 1657, Cromwell was ceremoniously re-installed as Lord

¹ On January 19 the House resolved to take the Union Bill in Committee on January 23. There is no reference to it in the Journals upon that date, and until April 28, 1657. Cf. Burton, *Parliamentary Diary*, vol. i. p. 353.

² *A Narrative of the Late Parliament*, printed in the *Harleian Miscellany*, (vol. iii. p. 443) gives a list of the Scottish members who were in favour of Cromwell's acceptance of the royal title. They were Lord Cochrane (Ayr and Renfrew), Sir Alexander Wedderburn (Montrose and associated Burghs), Andrew Ramsay (Edinburgh), Sir John Wemyss (Fife and Kinross), the Earl of Tweeddale (East Lothian), Alexander Douglas (Banffshire), Robert Wolsley (Dornoch and associated Burghs), George Lockhart (Lanark and associated Burghs), Godfrey Rhodes (Linlithgow, Stirling, and Clackmannan), Colonel Henry Markham (Linlithgow and associated Burghs), Lord Broghill (Edinburgh). The list also mentions 'Mr. Lockhart' and 'Mr. Barclay.'

³ Their titles are given in *Commons' Journals*, vol. vii. p. 524. Burton's account of the debate (*Parliamentary Diary*, vol. ii. p. 46) displays the existence of opposition to what one speaker called 'confirming laws in this blind way by the lump.'

⁴ Burton, *Parliamentary Diary*, vol. ii. p. 57.

Protector in Westminster Hall.¹ On the following July 15 he was formally proclaimed at Edinburgh in the presence of the Marquis of Argyll, the Earl of Caithness,² and Monk. The customary official demonstrations were observed. 'All takines of joy wer exprest thairat, by sounding of trumpettis, and roring of cannounes at Edinburgh, Cannongaitt, and Leith.'³

The new constitution⁴ did not materially affect the Union settlement. Section ix. of the Humble Petition and Advice required the confirmation by Parliament of the appointment of the Scottish commander-in-chief, judges, and executive. Section iv. provided that the number of persons to be elected to serve in Parliament for England, Scotland, and Ireland should be according to such proportions as should be agreed upon and declared in the present Parliament.⁵

But in two directions the new constitution modified Scotland's position as defined by the Act of Union. In the first place, she was called upon to contribute a small proportion of members to the House of Peers, which was summoned to meet upon January 20, 1658. To Scotland were assigned four seats, a number roughly proportional to her representation in the Commons. Monk, the Earl of Cassillis, Sir William Lockhart of Lee, and Johnston of Warriston were nominated.⁶ Monk refused a seat on the plea already advanced

¹ *Hansard's Parliamentary History*, vol. iii. p. 1514.

² He married, on September 22 of this year, Argyll's third daughter, Mary.

³ Nicoll, *Diary*, p. 200. Cf. Thurloe, *State Papers*, vol. vi. p. 402. A letter from Edinburgh on the day of the proclamation (Firth, *Scotland and the Protectorate*, p. 362) remarks: 'There was the day before 25 or 30 Lords in towne, some of which staid in towne and did nott come [to the proclamation], as [David] Earl of Wemyss, Lord [Alexander Viscount] Kingston, etc., and the rest went out of towne because they would nott bee present, though such noble-men as were in towne were invited, and of 5 or 6000 Scottsmen that were present nott one Scotchman open'd his mouth to say God blesse my Lord Protector, butt the souldiers gave severall acclamations or shouts.'

⁴ *Vide Hansard's Parliamentary History*, vol. iii. pp. 1502 *et seq.*

⁵ This condition was not fulfilled. Hence arose considerable debate upon Scotland's representation in the Parliament of 1657.

⁶ *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 788.

by him against his election in 1656, namely that he could not be spared from Scotland.¹ The other three members also do not appear to have taken their seats.²

Secondly, Section iv. of the new constitution introduced a somewhat comprehensive disfranchising clause. It provided, 'That for Scotland none be capable to elect, or be elected to sit or serve in parliament, who have been in arms against the parliament of England, or against the parliament in Scotland before the 1st of April 1648 (except such as have since borne arms in the service of the parliament of England or your highness, or given other signal testimony of their good affection), nor any that, since the said 1st of April 1648, have been in arms, or otherwise aided, abetted, advised, or assisted in any war against the parliament of England or your highness, except such as since the 1st of March 1651 [1652], old style, have lived peaceably, and thereby given testimony of their good affection to the parliament and your highness.'³ The proposal was virtually to disfranchise all those in Scotland who had struck a blow for the Monarchy and opposed the Commonwealth since the Engagement and Second Civil War. It had roused some debate and an attempt on the part of certain of the Scottish members to moderate its terms. Their efforts failed, and on April 23, 1657,⁴ it was resolved to disfranchise those Scottish persons who had invaded England in 1648, unless they had since shown 'signal testimony of their

¹ Cf. Mr. Firth's article on Monck in the *Dict. Nat. Biog.*

² Owing to the dissolution of Parliament on February 4, 1658, 'the Scottish Commissioneris quho wer reddey to pas to Lundoun as memberis of that Parliament wer stayed from thair upgoing.'—Nicoll, *Diary*, p. 211. This probably refers also to the members of the lower House, who no doubt had returned to Scotland after the adjournment of Parliament on June 26, 1657. For notes on the Scottish members of Cromwell's House of Lords, cf. Noble, *Protectoral House of Cromwell*, vol. i. pp. 376, 389, 414, 415.

³ Minutes of the debate are in Burton, *Parliamentary Diary*, vol. ii. p. 10.

⁴ Cf. the terms of the Ordinance of Pardon and Grace of April 12, 1654, in *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 818.

good affection' towards the Commonwealth. The words 'signal testimony,' however, called for some definition, and it was referred to a Committee to offer some conclusion to the House on the matter. On the following June 15 the matter came up again on the second reading of the Humble Petition and Advice. Its disfranchising clause still failed to satisfy the Scottish members. 'You ought to sweeten that nation as much as you can,' said Colonel Stewart, 'so you do not admit your enemies. You have admitted them to union and to sit in Parliament; and if you give a privilege with one hand and take it away with another it will discourage that people.' 'To put a character upon one part of that nation more than another will not be for your service,' urged Sir James Macdowall: 'if you please, exclude all that treated with Charles Stewart to bring him over or to assist him at Worcester.'¹ Neither the one proposal nor the other carried the House. The clause was recommitted, and appeared in the text of the Humble Petition and Advice in its original stringent form.

The dissolution of Cromwell's last Parliament on February 4, 1658, and Cromwell's death in the following September, left Scotland's Parliamentary position under the new constitution still undetermined. The Humble Petition and Advice had provided that the proportion of representatives to be allotted to Scotland should be settled before the dissolution. That subject, however, had not been resolved. Nevertheless, for the forthcoming Parliament the Council on December 14 ordered the despatch to Scotland of thirty writs, as in the last Parliament, and for three writs of summons, addressed to Monck, the Earl of Cassillis, and Warriston.² Richard Cromwell had already been proclaimed in Edinburgh on September

¹ The minutes of the debate are in Burton, *Parliamentary Diary*, vol. ii. p. 249.

² *Cal. State Papers, Dom.*, 1658-59, p. 225.

10,¹ and four days later (September 14) the new Protector by proclamation confirmed and continued the existing executive in Scotland in their offices.² On January 27, 1659, his Parliament met. To it—the last in which Scotland was represented until the Union of 1707—the following Scottish members were sent :³—

SHIRES.

Aberdeen,	.	.	.	Marquis of Argyll. ⁴
Fife and Kinross,	.	.	.	Sir Alexander Gibson. ⁵
Perth,	.	.	.	Sir Edward Rhodes.
Inverness,	.	.	.	Colonel Thomas Fitch. ⁶
Linlithgow,	Stirling,	Clack-	} Colonel Adrian Scrope. ⁷	
mannan,	.	.		

¹ The Mercat Cross was 'richlie hung with tapestrie and with all takines of joy.'—Nicoll, *Diary*, p. 216. Cf. a letter describing the ceremony in Firth, *Scotland and the Protectorate*, p. 384.

² Nicoll, *Diary*, p. 218.

³ Lists of the Parliament are in *Acts of the Parlt. of Scot.*, vol. vi. pt. ii. p. 784; *Hansard's Parliamentary History*, vol. iii. p. 1530; Burton, *Parliamentary Diary*, vol. iv. p. 487; Nicoll, *Diary*, p. 220. Seven Shires and Dornoch and its associated Burghs were unrepresented.

⁴ He went up to London in March 1659.—Nicoll, *Diary*, p. 226. Monk writes to Thurloe on December 30, 1658: 'My lord keeper and myself have done our best to get those men chosen you have wrote for: but my lord of Argyll and some others, whome my lord keeper will acquaint you with, have endeavoured all they can to gett all Scotchmen chosen. But I doubt not but there will bee three chosen of those five you sent the names of; and I have taken care that as many as come out of this country shall bee there with the first: and if the writs come in time, which I hope they will, they shall bee all sent to Dr. Clarges. The marquesse of Argyle him self indeavours to bee chosen, notwithstanding hee is sheriff of Argyleshire, neither doe I guess he will doe his highness's interest any good.'—Thurloe, *State Papers*, vol. vii. p. 584. The Council had resisted Argyll's endeavour to secure his election to the Parliament of 1656.—Thurloe, vol. v. p. 295.

⁵ One of the Deputies in 1652 to confer with the Parliamentary Committee upon the Union. He was elected at Cupar on December 31, 1658; left Durie for London on January 20, 1659, and returned the following May 21.—Lamont, *Diary*, p. 139.

⁶ Though Parliament met on January 27, 1659, the official return of Fitch's election had not reached Edinburgh on the following February 15.—Thurloe, vol. vii. p. 613.

⁷ One of the Council of State of Scotland.

Dumbarton, Argyll, Bute,	. . .	Dr. William Stayne. ¹
Lanark, . . . . .	. . .	Colonel George Lockhart. ²
Midlothian, . . . . .	. . .	Samuel Desborough. ³
Selkirk and Peebles, . . . . .	. . .	Archibald Murray. ⁴
Berwick (Merse), . . . . .	. . .	John Swinton, of Swinton.
Roxburgh, . . . . .	. . .	Sir Andrew Ker. ⁵
Wigtown, . . . . .	. . .	Sir James Macdowall.
East Lothian, . . . . .	. . .	John Earl of Tweeddale.

BURGHES.

Edinburgh, . . . . .	. . .	John Thompson. ⁶
Banff, Cullen, Aberdeen, . . . . .	. . .	Dr. Thomas Clarges.
Linlithgow, Queensferry, Perth, } Culross, Stirling, }	. . .	Thomas Waller. ⁷
St. Andrews, Dysart, Kirkcaldy, } Cupar, Anstruther E. and W., } Pittenweem, Dunfermline, } Kinghorn, Inverkeithing, Kil- } renny, Burntisland, }	. . .	Colonel Nathaniel Whetham.
Lanark, Glasgow, Rutherglen, } Rothesay, Renfrew, Ayr, } Irvine, Dumbarton, }	. . .	Captain John Lockhart.

¹ His name appears in other forms. He was an eastern county man, an old friend of Cromwell, and sometime commissary-general of the musters in the New Model (Peacock, *Army Lists*, p. 100). He was chosen also for Thetford, and on March 1, 1659, elected to sit for that constituency.—*Commons' Journals*, *ibid.*

² Of Braidwood; advocate to Oliver Cromwell; knighted 1663; Lord President of the Court of Session, 1686. He was the father of George Lockhart, the Jacobite author of the *Memoirs*.

³ Chancellor and Keeper of the Great Seal of Scotland.

⁴ Of Blackbarony (Foster, *Members of Parliament*, p. 263). The Council intended this constituency for Judge-Advocate Whalley. On February 17, 1659, Monck writes to Thurloe (*State Papers*, vol. vii. p. 616): 'As for judge advocate Whalley to be chosen for Peblis and Selkirke, there is a Scotch gentleman chosen; butt the country will not give him soe much monie as he expects; and so he is not like to goe; but if hee should not goe uppe [to London], and that they should chuse another, which they cannot doe without another writ, I doe not doubt to gett him chosen.'

⁵ Of Greenhead; second baronet.

⁶ Auditor-General. Monck writes to Thurloe (*State Papers*, vol. vii. p. 613) on February 15, 1659, from Dalkeith, that Major Knight had been elected 'here.' He was possibly Edinburgh's second member. His name appears in the debate of March 10, 1659, in Burton's *Parliamentary Diary*, vol. iv. p. 116.

⁷ Of Bentley, Yorks., and Gray's Inn.—Foster, p. 350.

Dumfries, Sanquhar, Annan,	}	Major Jeremiah Tolhurst.
Lochmaben, Wigtown, Kirk-		
cudbright, Whithorn, New		
Galloway,		
Peebles, Selkirk, Jedburgh,	}	Dr. Thomas Clarges. ¹
Lauder, North Berwick, Dun-		
bar, Haddington,		
Forfar, Dundee, Arbroath, Mon-	}	Laurence Oxburgh. ²
trose, Brechin,		

In the House of Lords Scotland was represented by those who had been nominated for the Parliament of 1656, namely, the Earl of Cassillis, Sir William Lockhart of Lee, and Warriston.³

Richard's Parliament met at Westminster on January 27, 1659. In outward seeming the Union was not less firm than in Oliver's time. Fiennes, the Lord Commissioner, addressing the House on the opening day, compared it to 'a strong treble cord twisted together, which cannot be easily broken.'⁴ For all that, the Scottish members were there on sufferance. The House was resolved not only to discuss the Constitution of 1657 under which it met, but also to exercise the right, which that Constitution had conferred, of determining the amount of representation to be allotted to Scotland, before the presence of Scottish members in the House could be allowed to pass unchallenged. That strong opposition would be offered to their appearance there was observed on the opening day of the Session. 'I am afraid,' wrote one who was present,⁵ 'I shall send you worde that their elections will bee all ques-

¹ He was also elected for Banff, Cullen, and Aberdeen. There is no record as to which seat he resigned.

² *Alias* Hewar or Oxborow, of Emneth, Norfolk.—Foster, p. 280. He was elected also for Aldborough.

³ 'Those of the House of Commons were for the most part judicious and understanding men; but the Peers for the most were temporisers,' writes Row, *Life of Robert Blair*, p. 336. Cf. Nicoll, *Diary*, p. 220.

⁴ Burton, *Parliamentary History*, vol. iii. p. 3.

⁵ *Clarke Papers*, vol. iii. p. 176.

tioned; for att this dayes meeting, where 340 were sworne in the House of Commons, I finde an indisposition towards them, and that to-morrow they will bee putt hard to itt to make them incapable of sitting. Itt is a Commonwealthes interest doth oppose them.¹ There will bee two to one for confirming of the present settlement by a Protector and two Houses, against a standing Commonwealth Councill (for standing pooles doe corrupt), yett as to the qualificacion of the other House, and whether the wordes of the Act warrant the Scotts members sitting, [these] will take debate; I beleive there will bee a considerable party for Scotts Members to sitt, but nott for the Irish.'

On January 31, 1659, when the new House was called over, the Scottish members escaped a formal challenge.² On the following day (February 1), however, upon the introduction of a Bill of Recognition of the constitution defined in the Humble Petition and Advice, the matter was raised by Thomas Scot, one of the members for Wycombe.³ He would have the right of the Scottish representatives to be present confirmed by a new Act. Such was largely the view of the party opposed to the Protectoral Court,⁴ who welcomed the opportunity to protest against the authority which had usurped a right vested in Parliament by the Humble Petition and Advice. That the Scottish members were to a large extent the nominees of the Court added to the energy with which their position in the House was assailed. On February 18, their presence was again challenged. 'Sixty persons sit

¹ Ludlow (*Memoirs*, vol. ii. p. 57) advances the following reasons against the right of the Scottish members to take their seats:—1. 'That there was no colour by the antient law of the land for their sitting as members of the Parliament of England, having always been a distinct Kingdom from it. 2. That there has been no distribution of powers to elect, as was required by the Humble Petition and Advice.'

² Burton has a short entry, 'Calling the House, and something concerning the Scotch members.'—*Parliamentary Diary*, vol. iii. p. 17.

³ *Vide* the debate in Burton, *Parliamentary Diary*, vol. iii. p. 28.

⁴ *Ibid.* vol. iii. p. 32.

amongst you,' said a Welsh Member,¹ including the Irish members in his protest, 'that have no vote in your legislature. Any sixty persons that walk in Westminster Hall may as well sit.'² On March 8, their exclusion was formally moved by Colonel Henry Mildmay, member for Malden. 'I move,' he said,³ 'that the Scotch and Irish members be dismissed till they sit upon a foot of law. It is the most serious business that ever was—our lives and liberties. The cry of all people without doors is upon us.' 'We know not,' he added, 'whether they understand our debate. If they be Scotch or Irish, we know not that they understand any thing but *yea* or *no*. We have heard none of them speak. It is prudence in some not to speak.'⁴ On the following day (March 9) the attack was resumed. One speaker bluntly phrased the principle which underlay it. 'If the Chief Magistrate may arbitrarily and absolutely call whom he pleases, he may call what number and from what place he pleases.' 'It is the Pope's policy,' he continued, his mind upon the Court's nursing of Scottish constituencies, 'to have as many Bishops in Italy as in any other place, to carry on his interest.'⁵ Another member revealed a further motive for disqualifying the Scottish and Irish representatives.⁶ 'Whenever writs went to those places,' he warned the House, 'it was only to consult of things concerning that nation, and no otherwise. Shall we make ourselves slaves by the votes of those that have no right to sit with us? There was never any order of the House in this case. This is *primæ impressionis*. A number of persons—

¹ Robert Weaver, M.P. for Radnor.

² Burton, *Parliamentary Diary*, vol. iii. p. 346.

³ *Ibid.* vol. iv. p. 87.

⁴ Bethel (quoted in Burton, vol. iv. p. 89) explains that the motion was made in protest against the tactics of the Court party, which desired to secure a vote in the Commons to sanction the transaction of business with the Lords before the constitution of the latter body had been discussed.

⁵ Burton, *Parliamentary Diary*, vol. iv. p. 99.

⁶ *Ibid.* vol. iv. p. 101.

sixty—sit amongst us, that have no right. Six or seven carry a cause now. It concerns us to look about us.’ ‘A greater imposition,’ said Sir Harry Vane,¹ ‘never was [placed] by a single person² upon a Parliament, to put sixty votes upon you. By this means it shall be brought upon you insensibly, to vote by Scotch and Irish members to enforce all your votes hereafter.’

On March 10, when the debate was resumed, Dr. Clarges replied to the attacks upon his and his colleagues’ position.³ He reviewed the whole question since 1652. The Union, he pointed out, had received Parliamentary ratification on two occasions—once in the Declaration of March 25, 1652, and again in the Ordinance of April 12, 1654, confirmed by the late Parliament. Further, to regard the Scottish and Irish members as alone having defective titles was illogical. For the Humble Petition and Advice had been no more definite upon the number and distribution of English than of Irish and Scottish members. Nor, seeing that the Protector was Lord Protector of England, Scotland and Ireland, was it competent for him to summon the representatives of one part and to exclude those of the others. He was followed by another Scottish member, Major Knight, who urged that the right of himself and his colleagues to sit should be put to the vote. As to withdrawing pending the House’s decision, he refused to move until the House commanded him.⁴ Sir William Wheeler spoke to the same effect as Dr. Clarges.⁵

On the following days the debate continued its slow course. On March 11, Mr. Thomas Gewen, M.P. for Launceston, urged the extreme English view.⁶ ‘I honour the Scotch

¹ Burton, vol. iv. p. 105.

² *i.e.* King or Protector.

³ Burton, vol. iv. p. 112.

⁴ *Ibid.* vol. iv. p. 116.

⁵ *Ibid.* vol. iv. p. 117. He is described by Burton as ‘for Scotland.’ His name does not appear in any list of M.P.’s. Probably he was Edinburgh’s second member (*supra*, p. lxxix.) or had been elected in the place of some member who had been chosen for more than one constituency.

⁶ Burton, vol. iv. p. 130.

nation,' he said, 'but find no law, justice, nor right reason why they should sit here. The argument for conveniency is no more to me than that for our fathers' polygamy, *vitium temporis non vitium hominis*. They were united to us when we were a Commonwealth. I doubt now that that Commonwealth is gone it ceases to be an Union. It is not for the honour of the English nation to have foreigners to come and have a power in the legislature. They are but provinces, at best. In justice you ought not to admit any other to have an equal power with your own nation. I remember what an inconveniency it was to have so many bishops; so many votes for the king; so many votes to comply with the Chief Magistrate, *Res loquitur*.' The suggestion that the Scottish and Irish members were but Government placemen called up Dr. Dudley Loftus, M.P. for Kildare and Wicklow. To contend that the representatives of those nations voted merely *ad nutum Protectoris*, as the Bishops formerly had *ad nutum Regis*, was, he said, a high reflection. He vainly demanded an apology.¹ A later speaker outdid his predecessors in vivid imagery. The Scottish members he declared to be 'a wooden leg tied to a natural body.'² The debate became more and more confused and acrimonious. It was already dusk, writes Burton, 'divers stood up to speak. Some moved for candles; others to adjourn. There was a great noise and horrid confusion.' At the late hour of seven o'clock the House adjourned.³

On the following day (March 12) the debate was continued. It followed for the most part familiar lines of argument. One member, however, put the case against the Scottish members in a somewhat different way. Granted that under the Act of Union confirmed by the late Parliament Scotland had the right to send thirty members, yet in the absence of the redistribution

¹ Burton, vol. iv. p. 131.

² *Ibid.* vol. iv. p. 136.

³ *Ibid.* vol. iv. p. 138.

scheme promised by that Parliament, there was 'no law for Edinburgh to send two. If you should grant the city of London to send four members, can they agree, so many wards to send so many, and such wards so many? They cannot. No more can Scotland distribute.'¹

On March 17, in order to bring the matter to some conclusion, the form of the writs of summons issued to Scotland for the Parliaments of 1654, 1656, and 1659 were read on the motion of Sir Harry Vane. The writ for Ross-shire ran, 'For our Parliament at Westminster in England, for choosing one knight'; and the clause 'according to the form of the statutes in that case made and provided,' which appeared upon the English writs, was omitted. Hence Ludlow urged, 'The Scotch are here by an arbitrary power, but by no law.'²

On March 18 the House at length voted upon the question, whether the Scottish members should withdraw pending a resolution upon their right to sit. On the Court and Government side the significance of the whole question was in no danger of being under-emphasised. Nothing less than the Union itself was jeopardied. 'You have two nations in one continent,' said one speaker.³ 'If you are united you cannot so easily be conquered. . . . If you shake them off, will not France be glad to unite with them, and restore them to their ancient privileges, which were very great? If you do *de novo* treat with them, you must treat with them as a conquered nation. Will not this look like betraying them? Never lose the reputation of the English nation, which has never been yet tainted. . . . You are very insignificant without them. What could England do before you were united? When they were a spear in your side, you could not stir any way but they were

¹ Burton, vol. iv. p. 146. The Ordinance for the distribution of elections in Scotland (June 27, 1654) was not among those confirmed by Parliament on April 28, 1657, though the Ordinance for uniting the two countries was confirmed on that date.

² *Ibid.* vol. iv. p. 172.

³ *Ibid.* vol. iv. p. 177.

in upon you. If you exclude them you can have no return this Parliament of members from thence. Your army are in arrears. You cannot lay taxes on them without them. All the burthen will lie upon England.'

Vane summed up the case on the other side.¹ 'It is to be confessed,' he admitted, 'the Union was perfected in the time of the last Parliament. It only wanted the last hand, which should have changed the constitution of Parliament. There was no foundation in law in the Long Parliament to receive them from Scotland or Ireland till we had settled our own constitution. The Committee that came from Scotland [in 1652] did not sit here, but only treated with your Committee. You must vary your own constitution, as well to make you fit to receive them, as for them to come, and therefore I moved [on March 17] that the writs be read. It was the true meaning of the Petition and Advice to distribute it so, by reducing their own number, to give place to Scotland and Ireland. This the Long Parliament were about to do, to reduce themselves from five hundred to four hundred. This was not done that Parliament. . . . But this was done, by the providence of God, by the Instrument of Government, a new constitution, which reduced our own constitution suitable to that for Scotland and Ireland, and accordingly the Parliaments in 54 and 56 sat. This was reserved to be done [again] by the Petition and Advice, but prevented also by the providence of God. It was left to no person to declare it, but singly as that Parliament should declare. That was left unperfected. . . . I assert two things [therefore], which I would gladly have answered :—

'1. That those gentlemen that are chosen from those shires or boroughs [of Scotland and Ireland] have no right to sit as members of the representative of England, either by statute, common-law, or agreement.

'2. That there is no possibility of receiving them till you

¹ Burton, vol. iv. p. 179.

agree, by Act of Parliament, on the distribution and other things. To say the Chief Magistrate may do it is expressly against the Petition and Advice. He cannot do it, it being neither in law, state, nor in the Commission.'

For the moment the question of right was waived, but the opinion of the majority of the House was indicated by the rejection of the motion that the Scottish members should withdraw.¹

Between the Government or Court party and the Opposition or Commonwealth party the issue raised was of deep import. The former were bound to maintain the absolute right of the Scottish members to take their seats, since the validity of the authority which had called them thither was closely involved. Among the opponents of the Scottish members it is significant that not a single word was raised against the continuance of the Union itself.² The merits of that Act were indeed not in question. No international issues were involved, but rather that unending conflict between the functions of the Single Person and the Representative which even the downfall of the Monarchy had been powerless to resolve.

On March 19, 1659, the debate was continued, but without result.³ The Commonwealth or Opposition party desired that the right of the Scottish representatives might be tested. The Court party preferred that the question of right should be waived, and their presence in the House allowed 'upon a

¹ Burton, vol. iv. p. 193. A newsletter of March 19, 1659 (in *Clarke Papers*, vol. iii. p. 185), describes the debate of the previous day: 'Yesterday in the afternoon their was a question putt upon their withdrawing befor the maine question of their right of sitting was put, and that being put at 8 of the clock at night, it was carryed in the negative (that they should not withdraw); and this was carryed by 60 voices, the Scottish and Irish included. There was about 140 for their not withdrawing.' Ludlow (*Memoirs*, vol. ii. p. 58) mentions John Swinton as the only Scottish member who consented to withdraw. For Swinton's action, cf. Burton, vol. iv. pp. 187, 219.

² The matter seems to have been raised, however. On March 31, 1659, a newsletter remarks, 'Something has been said [in the House] that there should be Parliaments again in Ireland and Scotland, but I hope there are not many will yeeld to that.'—*Clarke Papers*, vol. iii. p. 186.

³ It is reported in Burton, vol. iv. p. 193.

question of prudence,' and to be confirmed and legalised by a new Act of Parliament.¹ The debate was adjourned until March 21, and again filled the greater part of that day's sitting. 'I perceive,' said a member late in the afternoon, 'the House grows very empty; so do our bellies.'² It was at length moved that the question be put, and the motion was carried by two hundred and eleven to one hundred and twenty votes. On the main question, framed on the lines the Court party desired, 'that the members returned for Scotland shall continue to sit this present Parliament,' the Opposition did not press a division.³ But the privilege thus accorded to the Scottish members was of short duration. On April 22 the House was dissolved, leaving the legality of Scotland's representation under the Humble Petition and Advice undetermined.⁴ Half a century was to elapse before Scottish members were again to find their way to Westminster.

The restoration of the Long Parliament on May 7, 1659, implied the cancelling of all proceedings in regard to the Union which had taken place since its dissolution in April 1653. Upon the arms and seal of the restored Commonwealth Scotland was not represented.⁵ The Union had lapsed, but had

¹ 'The Commonwealth's men (so called) are, that the question may be upon their [the Scottish members] right and legality [to sit], and their opponents (the Scots' best freinds) are for their continuance upon a question of prudence, and would fortify it afterwards by Act of Parliament.—*Clarke Papers*, vol. iii. p. 185.

² Burton, vol. iv. p. 215.

³ *Ibid.* vol. iv. p. 219.

⁴ Bethel (*Brief Narrative*, pp. 348, 350, quoted in Burton, vol. iv. p. 220) animadvert upon the conduct of the Court party in waiving the question of right: 'The courtiers, after they found the want of law, made prudence their refuge, arguing that for the obliging the Scotch and Irish nations their members ought to be admitted. To which was answered, that nothing could be more provoking to those two nations than fraudulently to give them the name of having members in Parliament, when, in truth, by their late elections they had few or none, most of them being chosen at Whitehall, whereof some had even never been nearer Scotland than Gray's-Inn. Yet the question was at last brought barely on, whether the Scotch and Irish members should sit or not; and by the help of their own votes (who were, contrary to common justice and right reason, suffered to vote in their own case), it was carried in the affirmative, that they should sit in Parliament.'

⁵ Cf. *Commons' Journals*, vol. vii. p. 654.

not expired.¹ On May 18 the House referred it to the Council of State to prepare a Bill for the Union of England and Scotland upon the grounds already declared in its Declaration of March 25, 1652.² It was in fact resolved to deal with the matter *de novo*. Of the transactions between the years 1652 and 1659 the House was officially unconscious.

To Scotland the carrying back of the matter to the early days of negotiation could but be grateful. Among the Scottish members of the Parliament lately dissolved were John Swinton and Sir Alexander Gibson of Durie,³ who had been among the Deputies from Scotland in 1652. On May 24, 1659, they and others presented to the House the following 'Humble Address of such of the Deputies as did in the year 1652 consent to the uniting of Scotland in one Commonwealth with England, as here upon the place':⁴

'The good providence of God haifing put ane oportunitie in your hand for the setling of Scotland, yow haifing laid the foundatioun sum yearis ago, and the honour of perfyting of it reserved for yow, upone the basis of such ane neir Unioun as may for evir prevent the unhapy breachis betuix these nationes, dangerous and destructive to both, quhich can be by no uther meanis avoydit; in ordour to so guid and great a work, we, being heir upone the place, judge it incumbent to ws humblie to offer: That the consideratioun of the Unioun be resumed, prosecuted, and perfyted in persewance of the Declaratiouns of Parliament in the yeir 1651 and 1652, quhairby the pepill of that natioun may be secured in thair liberty, sa fer as may consist with the peace and guid of the

¹ With the dissolution of Parliament and the subsequent removal of Richard Cromwell, the English executive in Scotland fell into chaos. Cf. *Life of Robert Blair*, p. 338; Firth, *Scotland and the Protectorate*, p. 391. On May 19 the Council of State recommended the House to confirm in their offices all who were exercising civil or judicial control in Scotland on May 6. Cf. *Commons' Journals*, vol. vii. p. 659.

² *Commons' Journals*, vol. vii. p. 658. Whitelock, who had in 1652 been Chairman of the Committee in conference with the Scottish Deputies, was specially charged to aid the Council. Cf. his *Memorialls*, vol. iv. p. 348.

³ Nicoll (*Diary*, p. 242) says the following petition was that of Swinton, Gibson, and others. Gibson had already left London on or before May 21. —Lamont, *Diary*, p. 139.

⁴ Nicoll, *Diary*, p. 242.

wholl Commounwealth. And quhill the Unioun be perfytit, quhich is the fundatioun of the satlement of that natioun, it is humblie offerit, that ony particular ordour (though bot temporary) for reveving of courtes of justice or ony pairt of the civill governament thair, farder than is necessarie for preservatioun of the peace and management of the revenues, will be attendit with many inconvenientis. That gif any thing or deid to be done on the pairt of the pepill of Scotland for consumating the Unioun foirsaid as to the former substance thairof, that the Parliament wold pleas ather to ordour these Deputeis who wer impowered by the schyres and barones of Scotland for that effect, and did attend the Parliament in the yeir 1653 until thai wer interruptit [on April 19, 1653], to repair agane to the discharge of thair trust; or utherways to put it in ony uther way as thai in thair wisdomes sall judge moist speedy and effectuell.'

The House remitted the petition to the Council of State,¹ and on June 13, 1659, Whitelock reported² 'That upon Conference with some Deputies that came from Scotland, and Perusal of the former Orders and Proceedings that have been in Parliament in reference to the Union with Scotland, they [the Committee of Council] find that there were Commissioners sent into Scotland in 1651, and a Declaration of the Parliament inviting the People of that Nation to an Union, which was accepted by most of the Shires and Boroughs in Scotland: And thereupon another Declaration was made for sending up Deputies from thence, in order to the Perfecting thereof: And in pursuance thereof, there was an Act prepared; which was twice read in the House, and Committed.'³ The Committee recommended that that Bill should again be taken in hand, and the House ordered that it⁴ should be brought in next morning. It was not, however, until July 27 that Vane reported from the Council of State 'A Bill of Union of Scotland with England.' It passed the first reading on that date,

¹ *Commons' Journals*, vol. vii. p. 664.

² *Ibid.* vol. vii. p. 681.

³ On April 13, 1652.

⁴ The order adds, 'now remaining with them.'

and on July 30 it was read a second time and committed.¹ Throughout August, September, and October, it remained in Committee.² Its slow progress was due, seemingly, to the fact that while it remained in Committee the burning question of toleration, which had so deeply exercised the mind of Scotland in the Bill of 1652, was once more raised. On July 27 Colonel Cobbett had laid before the House a petition on the part of ‘some well-affected Persons in Edenburgh and other Places near adjacent in Scotland.’³ The petitioners were anxious lest the new Act of Union should fail to safeguard them in their religious liberty and freedom from interference at the hands of the Kirk.⁴ They petitioned the House, therefore, ‘that you will take care to provide for our just liberties, that we may share of those Gospel priviledges that the truly godly in England contend for, and expect to be secured in by you;

¹ *Commons' Journals*, vol. vii. pp. 736, 740. Unfortunately it is not possible to say what this Bill was. On June 25 the House had ordered a *new* Bill of Union to be drafted (*Commons' Journals*, vol. vii. p. 693). Presumably the Council of State deemed it necessary to modify the Barebones Parliament's Bill. On July 19 the Council of State had *two* Bills of Union before it.—*Cal. State Papers, Dom.*, 1659-60, p. 35.

A newsletter from London, dated July 18, 1659 (*Clarke Papers*, vol. iv. p. 24), remarks: ‘The matter of union seemes now to bee in a way to receive an issue; it is hoped itt will passe speedily. . . . Itt is thought when the union is settled commissioners will bee speedily sent downe for setting the Courts and other affaires in Scotland.’

² The House sat in Committee on the Bill on August 2, 6, 10, 13, 19, 26, September 2, 9, 16, 30, October 7. On August 22 the House approved of a new seal for the use of the Speaker. It bore the arms of Scotland as well as those of England and Ireland. On October 5 the House approved of the form of a great seal for Scotland. Cf. *Commons' Journals*. Of these debates Nicoll (*Diary*, p. 250) remarks: ‘At this tyme, also, the Parliamentaris at Lundoun differit in thair judgementis and opiniounes, and maid lytill progres in the Unioun of thir twa nationes of England and Scotland.’ The Union Bill was expected to pass in August. Cf. *Cal. State Papers, Dom.*, 1659-1660, pp. 120, 148; *Clarke Papers*, vol. iv. pp. 37, 38, 43.

³ *Commons' Journals*, vol. vii. p. 736.

⁴ ‘The authors of the petition,’ says Mr. Firth (*Clarke Papers*, vol. iv. p. 51), were without doubt the “gathered Churches,” *i.e.* the Independent congregations which had sprung up in Scotland during its government by the English (see *Scotland and the Commonwealth*, pp. xxxix-xli). Though few in number, they were strong supporters of the English Government.’

and that any law or Act of Parliament of this nation contrary thereunto may be abolished, either by some proviso to that effect to be inserted in the Act of Union, or by some other expedient way as you shall think fit.¹ But in satisfying its petitioners the House found itself involved with the opposite or Presbyterian interest. In Committee, on August 26, says a newsletter, 'the clause or provisoe of liberty for tender consciences has occasioned some debate about the wording of itt, there being contrary parties engaged in it.'² From one of the 'contrary party' there came a lengthy protest against the proposed clause.³ It was, he declared, unnecessary, since there was little danger of congregations such as those the petitioners of July 27 represented being molested in their worship. Since Worcester fight, he averred, ecclesiastical censures had been infrequent, 'Quakers and others for gross errores and practices onely excepted.' At the same time, he asked, 'what Church, whether Independent or Annabaptist, but doth clame liberty from the word of God to censer all who were members of their Church for scandalouse offences in doctrine or life? and may not they in Scotland accompt it a slavery, and noe liberty, to bee denyed the like?' He condemned the clause also upon the ground that it would 'unquestionably disunite and discontent the godly, the ministry, the incorporations, and body of Scotland,' and that though the Act of Union was founded upon the assents of the Shires and Burghs in 1652, 'nothing of this kinde was ever demaunded of, or consented to by them.' He pointed out that the position of Scotland differed from that of England in this matter. Whereas in Scotland 'there is a setled constitute Church in doctrines, worship, and

¹ *Mercurius Politicus*, July 21-28, 1659, quoted in *Clarke Papers*, vol. iv. p. 51.

² *Clarke Papers*, vol. iv. p. 49. The writer adds: 'There is a clause under consideration as one, that rebellion in Scotland shall render the union null, another for naturalization, a third that treason shall bee adjudged according to the English lawes.'

³ It is printed at length in *Clarke Papers*, vol. iv. pp. 50-55.

disciplin,' England was 'yet unsetled, and wherein soe many godly men are of soe different opinions and waies, necessitating a larger tolleracion there then in Scotland, where the prophane and malignant, who for the most part would bee loose of all discipline and restraint, are these that make most use of tolleracion there.' Further, he objected that the clause 'doth want severall restrictions mentioned in the 10th and 11th articles of the very Petition and Advise,' and in consequence 'not onely proteckteth but incurrageth Antrinitarians, Antiscripturists, Antesabatharians.' The proposed clause, in fact, was wholly contrary to the implied conditions under which Scotland had accepted the Tender in 1652, and of the several Acts, then in force, which appeared to safeguard the right of her Church to correct errors within her own body. On these grounds he urged 'that noe clause bee put in the bill of union to take away any of the lawes established in Scotland concerning their religion untill first that nation bee present by their representatives in Parliament, and heard concerneing the same.' No solution of the vexed question was arrived at, however; for the Bill of Union, like its predecessor in the Barebones Parliament, never reached its third reading. On October 13 the House was dissolved by the same authority as that which had restored it five months before.

The champion of the Parliament and of civil liberty was found in Scotland. A fortnight after Lambert's *coup d'état*, Monck took the first step necessary to secure Scotland in his rear before commencing his momentous march upon London. On October 27 he issued a summons to the Shires and Burghs to send their representatives to meet him at Edinburgh on November 15, having 'ane especiall occasione to speik with them about some effairis that concerne the countrie at this tyme.'¹ They met on the appointed date in the Parliament House at Edinburgh. Having elected the Earl of Glencairn

¹ *Annals of Banff*, vol. i. p. 141, quoted in *Clarke Papers*, vol. iv. p. 113.

and Sir James Stewart as their presidents, the purport of their meeting was unfolded to them. Monck 'in a speech breifly' informed them of his purpose to march into England 'to assert and maintaine the liberty and being of Parliaments, our antient constitution, and theirin the freedome and rights of the people of these three nations from arbitrary and tyrannicall usurpations upon their consciences, persons, and estates, and for a godly ministry.' He intrusted those whom he was addressing with the maintenance of order in his absence. 'I hope,' he concluded, 'my absence wilbee very short, but I doe assure yow that I will procure from the Parliament whatever may bee for the good goverment and releife of this nation, and doubt not but to obtaine abaitments in the assesse and other publique burdens, according to the proportion of England.'¹

On the following day (November 16) the representatives of the Shires replied to Monck's communication. They expressed themselves as 'well satisfied with his Lordshipp's engagement and grounds their of exprest in his speech,' and as willing to preserve order in his absence, so far as they were able. They requested Monck to leave them directions for their guidance in that duty, and also to set an effective guard on the Highland and Border districts during his absence. Meanwhile they delegated certain of their number to wait upon him.² The meeting took place on December 12 at Berwick, where Monck had arrived ten days before.³ On the following day (December 13) they presented to him five 'pro-

¹ *Clarke Papers*, vol. iv. pp. 113-114. Cf. Nicoll, *Diary*, p. 257.

² *Clarke Papers*, vol. iv. p. 115. Row describes the Shires as answering Monck in 'a discreet and fair way.' He adds that 'only those that favoured the Protestation did at the first scruple to subscribe the answer to Monck's letter.'—*Life of Robert Blair*, p. 340. Monck's reply is printed in *Clarke Papers*, vol. iv. p. 120.

³ Nicoll (*Diary*, p. 258) says that the Commissioners of 'the hail schyres and burghes' of Scotland appeared 'with thair commisiones for keiping of peace within this natioun during his absens; and so both pairteis dissolvit weill satisfeit with utheris.' Cf. *Life of Robert Blair*, p. 340.

posals':¹ (1) that during his absence a committee should be appointed in each Shire 'in order to his Lordship's commands and their owne preservacon'; (2) that in each Shire a small body of horse should be raised; (3) that in the event of public affairs requiring such a step, the Scottish Shires should be authorised to set themselves 'in the best posture they can for his assistance and their owne defence'; (4) that each Shire should be furnished with a proportion of the necessary arms; (5) that all such as were 'free to comply with his Lordship's desires may for themselves and servants have liberty to carry their armes.' Monck returned an answer on the same day (December 13).² He accepted the first 'proposal' with the qualification that the county committees should associate themselves with 'the governour of the next adjacent garrison,' and should be composed of men only who had sworn to obey the Commonwealth and not to act 'in favour of Charles Stuart's interests,' and who were not Papists. To the second 'proposal' he gave a modified consent and accorded only to 'the counties next adjacent to the Highlands,' *viz.* Dumbarton, Stirling, Perth, Forfar, Kincardine, Aberdeen, permission to maintain forty men in arms. On January 1, 1660, Monck crossed the Border into England.³

In his dealings with Scotland Monck had so far been concerned merely with the measures necessary to maintain order in his absence, or until the Scottish administration was restored from the chaos into which it had fallen since Cromwell's death. On February 2, 1660, however, there met at Edinburgh the Conventions of both the Scottish Shires and Burghs.⁴ The first step of the two bodies was the appoint-

¹ Printed in *Clarke Papers*, vol. iv. p. 190.

² His reply is printed in the *Clarke Papers*, vol. iv. p. 190.

³ Nicoll, *Diary*, p. 273.

⁴ Nicoll (*Diary*, p. 272) describes the Conventions as meeting in obedience to Monck's directions to them to frame their recommendations for the immediate settlement of Scotland. The Conventions assembled, adds Nicoll, 'in frequent number.'

ment of a joint committee in order to secure 'a right correspondence' the one with the other.¹ Without delay it was agreed to petition Monck to postpone all proceedings in Parliament relating to the settlement of Scotland until the arrival in London of duly accredited envoys from the Conventions. At the same time the joint committee had no difficulty in sketching the broad outlines of a policy for Monck's consideration. They recommended the reconstruction of the assessment upon Scotland on a scale proportionable to that imposed upon England; the encouragement of trade and the employment of ships to protect the Scottish coasts; the lessening of the imposition upon Scottish coal and salt; the establishment of a Mint. They demanded also that the nation should be governed according to its own laws; that public judicatories should be restored and judges appointed who were conversant with the law of the country. Finally they desired 'that ane way may be thocht vpon for vnitng the natiouns.'² On the last point Monck promptly satisfied his petitioners. On February 6 he addressed the House. 'I . . . desire,' he said, 'the intended Act of Union may be prosecuted, and their taxes made proportionable to those in England.'³ But the matter was not again discussed. On March 16, 1660, the House dissolved, and neither Scotland nor Ireland were included in the order for the issue of writs to the Parliament summoned for April 25.⁴ That body at its fourth sitting⁵ resolved to restore the ancient constitution. To Scotland the vote meant the restoration of her independence not less than of her ancient monarchy.

¹ For the Shires were appointed the Earl of Haddington, the Earl of Hartfell, Sir Alexander Gibson of Durie, Sir Archibald Stirling; and for the Burghs, Robert Murray (Edinburgh), John Paterson (Perth), Alexander Haliburton (Dundee), Andrew Glen (Linlithgow), William Cunningham (Ayr).

² *Records of the Convention of Royal Burghs*, 1615-1676, p. 492.

³ Nicoll, *Diary*, p. 273.

⁴ *Commons' Journals*, vol. vii. p. 848. The order is dated February 22, 1660.

⁵ May 1, 1660.

On May 14 Charles was proclaimed at Edinburgh 'with all solemnities requisite, by ringing of bellis, setting out of bailfyres, sounding of trumpets, roring of cannons, touking of drums, dancing about the fyres, and using all uther takings of joy for the advancement and preference of thair native King to his croun and native inheritance.'¹ Her restored King's first proclamation in Scotland was a summons to the Committee of Estates, dormant since 1651, to assemble.² On January 1, 1661, the Scottish Parliament once more came together in its accustomed place, and Scotland, happily ignorant of a yet darker future, passed out of her present 'bondage.'³

¹ Nicoll, *Diary*, p. 283.

² *Ibid.* p. 297.

³ *Ibid.* p. 306. As a comparison with the representation which Scotland had enjoyed in the Union Parliaments, it may be noticed that in this Parliament of 1661 there were present one duke, one marquis, thirty-nine earls, six viscounts, twenty-seven barons, fifty-five representatives of the Shires, sixty-one representatives of the Burghs, a total of one hundred and ninety-one. Cf. list in *Acts of the Parliaments of Scotland*, vol. vii. pp. 3-5.

PAPERS RELATING
TO THE NEGOTIATIONS
FOR UNION

THE CROMWELLIAN UNION

I

A NEWSLETTER ¹

From *Edenburgh, December 20.*

We are here very quiet, but yet have more to do then well we know how to turn our hands unto. I finde not the humor of the people in general desirous of new commotions, but rather desirous to sit still, so as they may have any ease or settlement; those who are of the Royal Party are generally the most forward; two things only pinch them, to wit, the fear of their Estates being taken away, and of the Kirk-parties being put in Authority over them; the Ministers continue froward, and indeed some thing would have been resolved about them: however theirs and Argiles credit is alike among the people: the Major Generals² are gon Westward, to take off free quarter there, and put those countries into some order of Assessment, as we have already on the Eastern parts; ³ care is also taken for the setling of Magistrates for the present, till the Commissioners come down.

Dec. 20,
1651.

II

A NEWSLETTER ⁴

From *Edenburgh, December 27.*

We are now returned hither from *Sterling*⁵ along the Coast of *Fife*, having now put this whole side of the water into an

Dec. 27,
1651.

¹ *Mercurius Politicus*, Jan. 1-8, 165 $\frac{1}{2}$. British Museum, E. 651 (19), p. 1321.

² Major-General Richard Deane and Major-General John Lambert.

³ Cf. Firth, *Scotland and the Commonwealth*, p. 30.

⁴ *Mercurius Politicus*, Jan. 1-8, 165 $\frac{1}{2}$. E. 651 (19), p. 1331.

⁵ Stirling Castle had surrendered on August 14, 1651.

orderly way of Assessment, and taken off all *Free-Quarter*, so that after to morrow, no *Free-Quarter* shall be taken, which gives great Content to the People; so that as long as they are sensible of benefit and eas under this government, neither the Commands of the great ones, nor the Charms of their Priests, will be able to train them back towards a *Monarchy*.

We found hors-meat extreme scarce as we travelled, no less than twelve pence for a Peck of oats after the London measure.¹ I must needs add this farther, that the People are generally willing to be brought into order, and rather part with King, Lords, and all, than undergo the miseries of a new Warr.

We found Belcarris at his hous in Fife, whose Forces are by this time all disbanded with much satisfaction;² and wel they may, having gotten so good Conditions. As for Argile,³ he hath for some time fed us high with Pretences; but he is a very Fox and 'tis more than probable, that his heart and designs lie beyond-Sea, where he hath been tampering already. But now that we know him, if wee mind our busines, 'tis little that he can doe; especially if he be handled according to his merit, since many Complaints will be prefer'd against him by divers persons, whose Friends he hath perfidiously and inhumanly butcher'd, and seized their Estates into his hands.

This weeke there hath been a meeting of very many *Gentry*, *Ministers*, and *Burgesses* here at *Edenburgh*, to advise what to doe in their present condition.⁴ The *Kirk-party* convened by

¹ A Proclamation on this matter, dated December 1, 1651, is printed in Firth, *Scotland and the Commonwealth*, p. 344.

² Alexander Lindsay, first Earl of Balcarres, capitulated to Overton on December 3, 1651. The 'Artickells of Capitulatione between Alexander, Lord Balcarras, and the Englishe, in December 1651,' are printed in Balfour, *Annales of Scotland*, vol. iv. p. 345.

³ So early as October 15, 1651, at the time when an attempt to procure the assembling of the Scottish Parliament was being made, Argyll had written to propose a treaty. Cf. Firth, *Scotland and the Commonwealth*, p. xx. Dr. Gardiner explains Argyll's position thus: 'Ever since the Scottish defeat at Worcester, Argyle had been negotiating with a view to the assumption of a mediatory position by himself, with the support of some Parliamentary or other body which might represent, or appear to represent, Scotland in the face of the English officials.'—*Commonwealth and Protectorate*, vol. ii. p. 72.

⁴ Cf. *Life of Robert Blair*, p. 290, where this meeting is described as being summoned 'to give a testimony against the enemy [the English] and their ways.'

themselves, and the other by themselves: Little they have don as yet, only agreed upon some generall Proposals of application to our *Commissioners*. There appears much of Ingenuity in the latter; but as for the Kirkmen and their vassals, they retain still their old rugged Obstinacie, and currish behaviour.

III

A NEWSLETTER¹

From *Edenburgh, January 3.*

We are here *in statu quo*, as I told you in my last; the Town begins to fill, and there is like to be a very great confluence of the *Gentry* and *Ministry* from all parts, especially of the West, as if they all laboured to prevent any other person, as well as design, against the coming of our *Commissioners*, who, on all hands, are earnestly expected.² It will (I belev) be som satisfaction to them when they arive, to see that so fair a progress hath been made already in the setling the Countries in an orderly course of Assessment,³ which the People appear very willing to pay, and wil pray too for us, upon condition they may have no more Warr, the remembrance whereof they fear exceedingly. We hope also, a little time may pacifie and gain their Spirits upon a spirituall, as well as upon a carnall Principle.

Both parties of the *Kirk* wil labor (I hear) to have the first place in our Favour, before the *Royalists*, whom they still extremely hate, though they wedded the Interest of that young Man who is their Head. On the other side, the *Royall party* labor to out-vie the other, so to merit the better opinion, by shewing themselves most forward in Submission and Comply-

Jan. 3,
1652.

¹ *Mercurius Politicus*, Jan. 8-15, 1652. E. 651 (25), p. 1338.

² They left London on December 25, 1651. For their names, *vide supra*, p. xvii. They reached Dalkeith on January 15, 1652.

³ Major-Generals Deane and Lambert had commenced to organise a regular assessment upon Scotland in December 1651. The English Commissioners settled the amount in February 1652. Cf. Firth, *Scotland and the Commonwealth*, pp. xxx-xxxii.

ance. If *Argile* and *Huntley*¹ both appear here (as 'tis thought they will), then there will be canvassing to some purpose. The Dutchess of *Hamilton*, Wife to the late deceased Duke, intends a Journey hither too, to sollicite about som what that concerns her Estate and livelihood, but I trust we know how to dispose of those Estates that have cost *England* so dear to purchase.²

The Ministers fast often, but preach not often publicly; the reason whereof I cannot imagine, unless it be that they doe not delight in that kinde of Exercise, except they may have liberty to talk at random. As for their King, I think they are asham'd that he should so over reach them for their owning him, because they speak neither good nor bad of him. When they have made their Proposals to us, and received our Answer, I suppose they will then tell us more of their minds, and to what purpose. It shall be my endeavour to get you the Names of the principall among them.

IV

A NEWSLETTER³

Monday, Jan. 12.

Jan. 12,
1652.

I told you in my last, that the Scots King was travelling from France; and well he may do it, that Kingdome being like to be too hot for the King his Kinsman, the Court being so obstinately blind, that no examples will reclaim them. The great Church-man having an Arch influence over all, and of the Kings and the Queen Regents, being always unfortunate, if not fatal unto France. Both armies are now facing one another.

The Letters from Ireland do advertise of several Troops of the Tories that are submitting to the Parliament of England. There is not from thence the least news of any of the Lorrainers, nor any assistance at all for the relief of Galloway.

¹ Lewis Gordon, third Marquis of Huntly, capitulated to Colonel Overton on November 21, 1651.

² As to Hamilton's estate, cf. Firth, *Scotland and the Commonwealth*, p. 74; Baillie, *Letters and Journals*, vol. iii. p. 249.

³ *A Perfect Account of the daily Intelligence from the Armies in England, Scotland, and Ireland.* Jan. 7-15, 1652. E. 651 (24), p. 430.

The Scots at Edenburgh have had and still continue their full Assemblies, but in distinct numbers. The rigid Presbyterians by themselves, the late Royalists (who seem to be most sensible of their uncroaching happiness and therefore are most humble) by themselves. The Marquess of Argile hath again sent to come in, but doubting of the event, being the last in the compliance, and extreemly incensed against his nephew *Lodowick Gourdon*, now Marquess of Huntley, who hath petitioned for some redresses of his Fortunes, detained heretofore by the Family of Argiles: It is said (if the event answers not his expectation) he will put forth to sea, having a considerable Harbour as yet under his command, from whence he may imbarke himself to what place he pleaseth.

Letters from Scotland advertize that *Argyle* hath so long jugled and shuffled the cards, that now he hath lost dealing and must play to the trump is turned by another hand, yet he loveth not a game that must be played above aboard, therefore he points with his finger and makes signs as if he would rather forsake the Countrey then not to submit upon honourable terms, which he feareth he shall not have (at least such as he desireth), being the last person any way considerable that standeth out; we are now upon a design for Basse Island,¹ but I fear the weather will not yet favour the action. The Assembly at Edenburgh appear very full, which is a means to innumerate their divisions; they talk of doing some thing that shall deserve the observation throughout all Christendome, with their pens, now it is known to all the world that they are mustered by the sword, and for the advancement of this great work some of the rigid Presbyterians shew their teeth as heretofore; yet others, more moderate, before they passe any censure have desired that it might be considered from whence it is that such and such, naming particular persons amongst them, should be brought to submit to that government under which they now live, and from whom they desired protection.

2. Another Quere hath been made, whether though a change of Government were believed not to be lawfull, yet it may lawfully be obeyed.

¹ The Bass, which had been summoned on October 27, 1651, did not surrender until April 1652.—Firth, *Scotland and the Protectorate*, p. xix.

3. A third Question hath been, In what respect the change of Government is believed to be unlawfull? whether it be onely in regard of the end that those aim at that do alter the Government? Or secondly, in regard of the comparative badness of the Government brought in by change? as if instead of a well regulated Monarchy, a turbulent Democracie were brought in. Thirdly, In regard of the Commission that those have that do alter the Government: for if they be not Plenipotentiaries as to such an act of instituting a new Government, that new Fabrick will want authority. Fourthly, Master *Blaire*¹ hath added this Quere, That put the case as it is, that they are forced to submit to another power or change of Government, if question be put whether this change be unlawful, may he till he be otherwise informed obey that change?

To the first of these one Mr. *Johnston* said, that if there appear nothing to vitiate the change but the end or aim of the changers, this doth not make it unlawfull to be obeyed. 2ly. To the second it was answered, that if there be no exception to the change but the bringing in of a leste commendable government, this doth not make it unlawfull to be obeyed. 3ly. As for the Commission of those that do alter the government, he made no question but that they might as lawfully obey the same as to comply with those acts and statute laws formerly made in that Kingdome. This hath put the rest to a kind of a stand, and what is concluded on you shall hear as time and opportunity will permit.

V

A NEWSLETTER²

From *Edenburgh, January 21.*

Jan. 21,
1652.

Were you here, you would not a little wonder to observe the strange pride and proceedings of the *Kirk-Clergie*, the ingredients of whose constitution admit of many more grains of

¹ Robert Blair, on an occasion somewhat later, declared: 'As for the embodying of Scotland with England, it will be as when the poor bird is embodied into the hawk that hath eaten it up.'—*Life*, p. 291.

² *Mercurius Politicus*, Jan. 22-29, 165½. E. 652 (8), p. 1378.

gunpowder than you shall find in any *Jesuites* in *Christendom*, so that if they be not closely look'd to, they will set all on fire again; for their Spleens are as full as ever, their Animosities as high, and their impudence greater, being like wild Beasts that gnaw the chain when they are tyed up, and ready to fly upon all that com near them.¹ I find the *old Royalists* generally throughout the Countrie tendring their *devoir*, but these fiery Kirkists cannot digest a thought of the losse of their infinite power and prerogative; the product whereof was the drawing up of a Letter² among them to my *Lord Generall*, which I doe not know how they will send; but *Wareston*,³ *Chiesly*,⁴ *Ja. Guthry*,⁵ and *Patrick Gillespy*,⁶ were the grand sticklers therein.⁷ Their Meeting was but thin, and much divided they were among themselves; some were for an Address, and some for none; and some said it was too high, that is, too impudent. Then a great debate there was to whom this Letter should be directed; but they could find no Title to

¹ On January 15, 1652, Andrew Sandilands writes from Edinburgh to John Milton, 'at his house in Petit France, beyond Westminster,' as follows: 'We are very inclinable to peace here, except Jack Presbyter, who is still a sworn enemy to civil government, and from the first refused the magistrates of Edinburgh to have a voice in the election of that sacred beast the ruling elder, because forsooth they have taken the engagement and submitted to the commonwealth of England,' forgetting that they had established a Scotch commonwealth these eight years.'—*Cal. State Papers, Dom.*, 1651-52, p. 103. Cf. Nicoll, *Diary*, p. 91, for a denunciation of the ministers for their opposition to the Union.

² There was much difference of opinion as to the advisability of 'remonstrating the iniquity of their invasion' to Cromwell. Lambert, to whom a copy of the letter was submitted, refused a pass to 'the young man' who was appointed to carry the letter to Cromwell. 'Those that presented the letter to Lambert did express some of their fears of the dangers to ensue unto religion and government [from the Union], by gathering Independent congregations,' etc. Lambert answered, 'Soon may your fears fall upon you.'—*Life of Robert Blair*, p. 290. The letter was brought to Lambert by 'Sir John Cheisley, Sir James Stuart, and one or two more.' *Vide* Newsletter in Firth, *Scotland and the Commonwealth*, pp. 32-3; Balfour, *Annales*, vol. iv. p. 348.

³ Archibald Johnston, Lord Warriston.

⁴ Sir John Cheisley of Kerswell.

⁵ James Guthrie, at this time minister of Stirling.

⁶ Patrick Gillespie in this year became Principal of Glasgow University.

⁷ Baillie, in a letter of February 24, 1652, describes Warriston, Gillespie, Guthrie, and other Protesters as giving 'a shifting answer' to a proposed 'Warning and Testimonie' to Cromwell and the English. Cf. *Letters and Journals*, vol. iii. p. 173.

allow the Parliament, and therefore they waded them. Some odd Quæres were started, as about a National Church, and how it might be kept pure; as also about private mens Preaching. This Letter was intended to have bin sent by one Mr. *Andrew Ker*,¹ and to defray the charges of his journey, they had designed him £100. sterl. They sent for a Pass for him, but it was denied;² and so perhaps this Letter may sleep for lack of a Messenger to convey it.

But yet, that you may not be without a Taste of the petulant Temper of these men at present, I have stoln so much time, as to give you a brief Touch of the main Particulars of that bold Epistle. In the front of it, they pretend to remonstrate the Iniquity and Injustice of our Invasion, as they call it, and the holding of their Land in subjection. After this they proceed to descant upon their Pressures at present, and their Fears in 2 Respects. 1. as to Religion, wherein they follow their old Crie against toleration of Errors in the Army, and elsewhere, and against the preaching of Troopers. 2. as to Liberty, and touching this they enlarge themselves in severall heads.

First, they cry out against the incorporating of Scotland with England, saying it will draw along a Subordination of the Church to the state in the things of Christ. This is the great Ey-soar, a subjection to the Magistrate; but they may doe well to yield obedience and submission, which hath more of Christ than any of their Antichristian constitutions. The other Inconveniencies that will follow (they say) are the gathering of private Churches, Toleration as in England, a reversing of righteous Laws established relating to Religion, or rather to their Carnall Interest, together with an introducing magistrates of contrary Principles to the Kirks, and a pressing of Oaths, etc.

2. They say it seems to them contrary to the many Declarations that were sent in to them in the year 1651 at the stating of the warr. But whatever it seems to them, I am

¹ Presumably son of John Ker of Prestonpans, and Warriston's deputy and successor as Clerk to the General Assembly. Cf. Baillie, *Letters and Journals*, vol. iii. p. 60.

² *Vide supra*, p. 7, note 2.

sure I find the People in all Parts find and acknowledge the benefit of what we promised in our declarations; and are so sensible of the Tyranny of these Priests and their Dagon, that they count it one of the greatest benefits, if wee will free them from their spirituall Usurpations.

3. They put it to us to consider, whether if England were in Scotland's case wee would be content, or think it just here-upon to ground an Incorporating. Yes, without doubt, and be glad of it too, if England could reap so much benefit by an Incorporation with Scotland, as Scotland will have by England.

4. They say it will be a means of mingling their Civill Liberties with their Religion, and the Ordinances of Christ, which would draw a necessary consequence, of a Civill headship over their Religious Constitutions. Here the shoe wrings indeed; but let them make it appear, that their worldly constitutions are Christ's ordinances. You may observe, in all this they look after their own Interest, not the Peoples good.

5. They are up with that Engine the Covenant, and say, wee are bound by Covenant in England, to let them domineer, and lose our Interest in Scotland, after so dear a purchase, that the Kirk may enjoy her Religion and Liberty.

6. They say, that these ways, if prosecuted, will bring sufferings upon the ungodly (or rather the Factions) of the Land, who (they say) will not approve of, nor consent thereto; and that the Ministers shall think themselves bound to give testimonie there against; besides, that the Prayers of the Godly will be against us: So that you see here is an implicit Defiance allready, and of Ministers they will becom Traitors.

7. That in regard wee profess Liberty of Conscience, wee ought to allow them Liberty of theirs. So 'tis like we shall, but not a Liberty to bind mens consciences, or to break the Lawes, for either of which no conscience can be pretended.

After all which they conclude to this effect: That however some others who have professed more enmity to us, and to be no friends to them (they meane I suppose old Malignant), do make haste to apply themselves, yet they should not have made this Address, but that their love to Christs Ordinances (or rather their own devises) moves them thereto; wherefore

they do request and obtest, that we would leave them their Religion and Liberty (that is, their Kirk Superstition and Tyranny) intire; professing, that they will not decline any good Medium for conviction of guilt, or obligation to duty.

Signed in the name and at the desire of many Ministers and Professors of the Gospel met at Edinburgh. By

A. JOHNSTOUN.

R. TALKET.

RO. TRAYLE.¹

WILL. BRUCE.

SAM. RUTHERFORD.²

JO. CASTAYRES.³ JAMES GRAY.

VI

A NEWSLETTER⁴

From *Dalkieth* in *Scotland*, Jan. 24.

Jan. 24,
1652.

The inclosed⁵ will inform you what course is intended to be taken for publishing the Parliament's Declaration⁶ and working the people to a free assent thereto. If this goe on successfully, the superstructure will be the fairer and easier, though no doubt nothing of this kind can be depended upon any longer then a sure hold is kept upon them. The day of appearance for those of the next shires is to be *Feb. 9*, and for the farthest off, *Feb. 26*. And so respectively for those nigher or farther off.⁷

Great applications are daily made by the *Grandees*, but none as yet admitted.

The consideration of settling a course for Justice, for Customes, and for Sequestrations is in hand.

Argile gathers the monethly Assessments in his Countrey, and puts them in his own purse: hee is laying his Levy throughout the Highlands, and he hath done it as farre as the bounds of the chiefe of the *Macdonalds*, and hopes to get

¹ Robert Traill of Edinburgh.

² Principal of St. Mary's College, St. Andrews.

³ John Carstairs of Glasgow.

⁴ *Mercurius Politicus*, Jan. 29-Feb. 5, 1652. E. 654 (1), p. 1387.

⁵ *Vide* Commission, *infra*, No. VIII.

⁶ *Vide supra*, p. xxi.

⁷ *Vide infra*, No. IX.

them all under his girdle: and for this end he useth this Argument, That he will live and die with them for the gaining for them like conditions with himself.

VII

A NEWSLETTER¹

SIR,—*Lothian*,² *Warreston*, *Cheisley*, and *Broody*³ have been to see us,⁴ but never a Minister. Summons are gone out to the shires, to chuse 12 persons for each, to receive from the Commissioners what they are intrusted to deliver from the Parliament. Wee know not what kind of persons will be chosen, but suspect Malignant most of them, but they may be deceived if they think to bee much trusted; they have sent for some Sequestrators from *England*, to begin that game here, as Mr. *Mirriton*, and Mr. *Jo. Price*, etc.

Jan. 27,
1652.

Dalkeith, 27 Janua. 1651.

VIII

A COMMISSION⁵

By the Commissioners of the Parliament of the Commonwealth of England, for ordering and managing affairs in Scotland.

January
1652.

The Parliament of the Commonwealth of *England*, having Declared their intentions concerning the settlement of *Scotland*, and appointed us their Commissioners, to publish and make knowne the same to the People of this Nation, and to use our endeavours, whereby the said settlement may with most

¹ *Severall Proceedings in Parliament*, Jan. 29-Feb. 5, 165½. E. 793 (22), p. 1914.

² Sir William Kerr, created Earl of Lothian in 1631.

³ Alexander Brodie of Brodie.

⁴ Warriston, Brodie, 'and some few ministers most zealous against the public resolutions,' were at this time suspected of 'underhand dealing with the enemy, that they would be pleased to erect Scotland into an independent commonwealth by itself.'—*Life of Robert Blair*, p. 293. Cf. Baillie, *Letters and Journals*, vol. iii. p. 175.

⁵ *Severall Proceedings in Parliament*, Feb. 5-12, 165½. E. 793 (25), p. 1932.

satisfaction and speed bee effected, and the whole Island through the goodnesse of God, brought to an happy and lasting Peace.

Wee do therefore by vertue of the power on that behalf given us, Authorize and require you, to meet in some convenient place within your Burrough, and there to nominate and elect one person of integrity and good affection to the welfare and peace of this Island,¹ which said person so elected, with full power on your behalf, for effecting the premises, is to be with us at *Dalkeith* upon the 13 day of *February* 1651.

*Given under our hands at Dalkieth this
day of January 1651.*

To the Burgesses, and Neighbours of the
Burrough of

<i>Ol. St. John.</i>	<i>Geo. Monck.</i>	<i>G. Fenwick.</i>	<i>Rich. Salwey.</i>
<i>J. Lambert.</i>	<i>R. Deane.</i>	<i>H. Vane.</i>	<i>Rob. Tichborne.</i>

IX

LIST OF THE SHIRES AND BURGHS SUMMONED ²

The respective Shires and Burghs in Scotland to whom the Com^{rs} have issued their sumōns wth the severall Daies limited for their Deputies appearance.

	Shires.	Burghs.	Daies of appearance.
February 1652.	Barwick and Lauther.	Lauther.	} Munday, Feb. 9, 1651.
	Teesdale and Roxburgh.	Jedburgh.	
	Peebles.	Peebles.	
	Haddington.	{ Haddington.	
		{ Dunbar.	
		{ North Barwick.	
	Selkirk.	Selkirk.	

¹ William Clarke writes (Firth, *Scotland and the Commonwealth*, p. 33) to the Speaker on February 14, 1652, from Leith: 'The Commissioners of Parliament doe receive daily the Commissioners from the severall Counties of Scotland, and a good correspondence for the greatest parte is nott doubted, though in some places the Kirke partie only are chosen, upon misapprehension that they alone are intended by persons of knowne integritie.' In Robert Blair's *Life* (p. 294), it is stated that 'the most malignant,' *i.e.* to the Kirk party, were elected, except in the Shires and Burghs of the West, and in Galloway.

² *Portland MSS.*, N. xx. 70.

Shires.	Burghs.	Daies of appearance.
Edinburgh.	Edinburgh.	} Thursday, Feb. 12.
Linlithgow.	{ Linlithgow.	
Sterling.	{ Queensferry.	
Dumbarton.	{ Sterling.	
Reynfrew.	{ Dumbarton.	
	{ Reynfrew.	
Argyle.	Rothsea.	} Munday, Feb. 16.
Bute.	{ Ayre.	
Ayre.	{ Erwin.	
Lanerk.	{ Glasgow.	
	{ Lanerk.	
	{ Ruglands. ¹	
Dumfrees.	{ Dumfrees.	
	{ Sanquahar.	
	{ Loch Mabben.	
	{ Annan.	
Wigton.	{ Wigton.	
	{ Kirk Cudbright.	
	{ Whitehorne.	
	{ Galloway.	
	{ St. Andrewes.	} Munday, Feb. 23.
	{ Dysart.	
	{ Kircaldy.	
	{ Cuper.	
Fife.	{ Anstruther East.	
	{ Pettyweym.	
	{ Dumfermlin.	
	{ Brunt Island.	
	{ Kinghorne.	
	{ Anstruther West.	
	{ Innerkething.	
	{ Creil.	
	{ Kilrenny.	
Kingrosse.	Perth.	} Culrosse.
Perth.	Culrosse.	

¹ Rutherglen.

Shires.	Burghs.	Daies of appearance.
Clackmanon.		
	Dundee. Aberbothick. Forfar. Montros. Brechin.	Munday, Feb. 23.
Forfar.		
Kincardin.		
Aberdeene.	Aberdeene.	Munday, Feb. 23.
Bamfe.	Bamfe. Cullen.	
Elgin.	Forres. Elgin.	Thursday, Feb. 26.
Nearne.	Nearne.	
Invernes.	Invernes. Taine. Dingwell.	Thursday, Feb. 26.
Sutherland.	Dornoch.	
Cromarty.		
Orkney.		

Endorsed:—*Daies of apparence for the Deputies of the severall Shires and Burghs.*

X

PROPOSITIONS TO THE SHIRES AND BURGHS¹

By y^e Cōmission^{rs} of y^e Parliam^t of y^e Cōmonwealth of England for ordering and manag^{ing} Affaires in Scotland.

February
1652.

The Deputies of each Shire and Borough now mett in this place are desired to deliver in writing vnd^r their hands :

First, their Answer as to the Acceptance of the Parliam^{ts} Tender in their declarā^{on}, That Scotland bee incorporated into and made one Cōmon wealth wth England, that thereby the

¹ *Portland MSS.*, N. xx. 69.

same Governm^t that is established in England wthout a King or howse of Lords vnd^r the Free State and Cōmonwealth of England may bee derived to the People in Scotland.

Secondly, That they declare that they will in the meane time liue peaceably vnd^r and giue obedience vnto the Authoritie of the Parliam^t of the Cōmon wealth of England exercised in Scotland.

Thirdly, That they offer what they conceiue requisite for bringing to effect the said Vnion and settlement wth speed and best satisfaction to the People of Scotland.

A full and cleare Answer is desired and expected vnto this p^ticulars before the eighteenth of March next.

But if the twoe first bee consented vnto, more tyme may bee taken for the perfecting of what they offer touching the last.

Signed by order of the Com^{rs}. Jo. PHELPEs, Sec^{ry}.

Endorsed:—*Proposicōns to the Deputies of Shires and Burghs, touching their acceptance of the Vnion tendred.*

XI

ORDER FOR SHIRES AND BURGHS WHO HAVE FAILED TO APPEAR¹

By the Cōmission^{rs} of the Parliam^t of the Cōmonwealth of England for ordering and managing Affaires in Scotland.

Ordered that the Declaracōn of the Parliam^t of England and the Declaracōn of the Abouesaid Cōmission^{rs} bee sent to the sherifdome of _____, as also a paper containing the proposicōns giuen to the deputies of other Shyres and Burghs to the end the Heretors and Rentallers of the said Shire may haue opportunity to expresse themselues in relacōn to the same, who to that purpose are authorised to Convene and their answer is to bee wth the said Cōmissioners at Dalkith on or before the _____ day of _____.

The forme of the order giuen to such shires who having not attended the Com^s wthin the time limited for the conference,

February
1652.

¹ *Portland MSS., N. xx. 71.*

doe notwithstanding make applicaçon to the Com^s for new sumōns.
 Jo. PHELPEs, *Sec^r*.

The same order (mutatis mutandis) is graunted vpon the like desire to the Burgesses and neighbours of Burghs.

Endorsed:—*Further order for Shires and Burghs to declare themselves concerning the Vnion tendred.*

XII

A NEWSLETTER ¹

From *Dalkeith, February 3.*

Feb. 3,
1652.

The Burgesses of *Edenburgh* are extreamply troubled at the Oath which is to be imposed upon those who are to be chosen to be their Magistrates, to morrow is the day appointed to advise thereon, and sent for Sir *James Stuart*,² who as soon as he had given them their Commission to come hither, withdrew into the Country. There have been lately great contests in the Presbytery of *Sterling*; those who are for the Assembly at S. *Andrews* have separated themselvs from the other party, and will not own *Ja. Guthry* and that party to be Ministers; and each send out contradictory Orders into the Countrey; the People generally side with the S. *Andreans*; so that *Ja. Guthry* who penned the high Letter which they desired should have bin sent to my *Lo. Generall*, yet hath now written to his Confidents to worke with our *Commissioners*, to interpose their Authority for suppressing the other party.

Wariston, Chiesly, Broady, and som others cam hither lately; and I since understand, they took up their lodging to have lain here a night, and brought with them a Cloak-bag of Papers, expecting we would have taken them into our Bosomes upon old acquaintance, and were extremely discontented at their coming, finding only a slight entertainment.

For the state of the *North* in the low-lands, they see not how they can work considerably to a head as yet; besides they wait

¹ *Mercurius Politicus*, Feb. 5-12, 1652. E. 654 (9), p. 1406.

² Lord Provost of Edinburgh in 1648 and 1649. For the Edinburgh municipal election of 1652, *vide* Baillie, *Letters and Journals*, vol. iii. p. 389, and *infra*, Nos. XIII., LXXXIII., LXXXVII.—LXXXIX.

what we wil do with them ; but I do see, that when you fall to Sequestering of them, we must expect what despaire will produce. *Huntley* is a man more in Debt then his whole Estate, a man infinite proud and ambitious, vastly expensive ; That which at present quiets him, is, That he is in possession of his whole Estate ; neither *Sequestration* nor *Law* troubles him, and he hath by him Companions for any adventure.¹

XIII

A NEWSLETTER²

From *Dalkeith*, February 10.

There is nothing yet done about the chusing of Magistrates for *Edenburgh*. Sir *James Stuart* wholly obstructs the work ; he would an Act of Infamy might pass against those who brought the Petition,³ as having exceeded their Commission, both in stiling our Commissioners, *Commissioners of the Parliament of the Common-wealth of England*, and in expressing a desire of obedience thereto ; and in conclusion, moved that an Act of Infamy should pass against them.⁴

Feb. 10,
1652.

Argile hath another meeting at *Innuary* on *Friday*⁵ next with the chief of the Clans and Islands. The *Chancellor*⁶ and *David Dick* are gone thither ; he would fain work a consistent interest among them, and for that end he with might and main endeavours the reconciling all particular feuds among them. He hath also sent an Agent into *Athole*. *Argile* is much afraid of being summoned by our Commissioners to appear before them.⁷ It is certain that neither the *Chancellor*

¹ Of the Huntly estates Baillie writes in 1654 : ' There is more debt on the House nor the land can pay.'—*Letters and Journals*, vol. iii. p. 249.

² *Mercurius Politicus*, Feb. 12-19, 165½. E. 655 (6), p. 1423.

³ On January 26, 1652, Archibald Todd and other inhabitants of Edinburgh had petitioned the English Commissioners for permission to elect their magistrates.—Firth, *Scotland and the Commonwealth*, p. 35.

⁴ On this matter, cf. Nicoll, *Diary*, pp. 87-88.

⁵ February 13.

⁶ John Campbell, first Earl of Loudoun.

⁷ Argyll had an interview with the English Commissioners at Dumbarton on March 17, 1652. A *précis* of the conference is printed *infra*, No. CVIII. Though

nor *Argile* have received any letters from the King since his going beyond the Seas.

Yesterday was the first day, wherein were to have appeared the *Commissioners* for the Shires and Burroughs therein, of *Hadington, Berwick, Peebles, Selkirk, Roxburgh*; but not all appearing, nothing was done till to-day, when all appearing, such whose Commissions were onely to treat with and receive our Commissioners demande were turned back;¹ such as had full power were received; which is all the account I can by this Post give you.

XIV

ASSENT OF BERWICKSHIRE AND LAUDER²

The proposiçons given by y^e right Hono^{ble} the Com^{rs} of y^e Parlyam^t of y^e Co^mon Wealth of England for ordering and manageing affaires in Scotland. To y^e Com^{rs} of the Sherriffdome of Berwicke and y^e Brough of Louder is as followeth—vizt.

Feb. 12,
1652.

The Deputies of each Shire and Burrow now meeting in this place are desired to deliuer in writeing und^r their hands.

First their answeare as to the Acceptance of y^e Parlyam^{ts} Tender in their Declarac^on that Scotland bee incorporated into and made one Co^mon Wealth wth England.

Seacndly that they declaire that they will in y^e meane tyme liue peaceably vnder and giue obedience unto y^e Authority of y^e Parlyam^t of y^e Co^mon Wealth of England exercised in Scotland.

Thirdely that they offer what they Conceive requisite for bringeing to effect y^e said vnion and settlem^t wth speede and best satisfac^on to y^e people of Scotland.

the Shire of Argyll accepted the Union on April 26 (*infra*, No. CXLIV), the Marquis did not make his submission until August 19, 1652. Cf. Firth, *Scotland and the Commonwealth*, pp. xxi, 48.

¹ From No. XIX. *infra* it appears these were the representatives from Peebles, Selkirk, and Roxburgh.

² *Portland MSS.*, N. xx. 80.

A full and cleare answeare is desired and expected vnto these particulers before thursday next, but if y^e two first bee Consented unto more tyme may bee taken for y^e perfecting of what they offer touching the last.

The answeare of y^e Com^{rs} of the said Sherriffdome of Berwicke and y^e Com^{rs} of y^e said Brough of Louder.

(vizt.)

To the first wee Consent that Scotland bee Incorporated into, and made one Coñon Wealth wth England.

To the seacond wee declaire that wee will in y^e meane tyme live peaceably und^r and giue obedience unto the Authority of the Parlyam^t of y^e Coñon Wealth of England exercised in Scotland. Subscribed wth our hands att Dalkeith the 12th of February 1652.

ALEX. SWINTON.¹

JO. HOME.²

ROB. HENDERSON.

Vera Copia: JO. PHELPS, *Sec^r*.

To the third Wee humbly desire (conceiueing it requisite for bringeing to effect the said Vnion and settlement wth speede and best satisfaccōn to the people of Scotland) y^t they bee secured in their Religion Persons and Estates, and Wee shall bee ready to offer yo^r Hono^{rs} consideracōn what shall further ocure as tending to make the said vnion practicable. Subscribed wth our hands att Dalkeith the twelveth of February 1652.

ALEX. SWINTONE.

JO. HOME.

ROB. HENDERSONE.

Endorsed:—

Berwicke and Louther

Berwicke

Sherriffdome

Deputies

Louther

burgh

} S^r ALEXANDER SWINTON.

} JOHN HOME.

} ROBT. HENDERSON.

Feb^y 22, 1651, read and admitted.

¹ Sir Alexander Swinton of Swinton.

² John Home of Renton was a J.P. for Berwickshire in 1656.—Firth, *Scotland and the Protectorate*, p. 310.

XV

ASSENT OF HADDINGTON¹Feb. 12,
1652.

I George Browne being deputed by the Brough of Haddington doe on y^e behalfe of my selfe and those represented by mee declaire our free and willing acceptance of and Consent unto y^e tender made by y^e Parlyam^t of England y^t Scotland bee Incorporated into and made one Coñon Wealth wth England, That thereby the same Gouverm^t That is Established and Enjoyed wthout a King or House of Lords under y^e free State and Coñon Wealth of England may bee derived unto y^e people of Scotland, and Wee desire y^t y^e people of England and Scotland may bee represented in one Parlyam^t and Governed by their representatives therein, as y^e supreeme authority of y^e whole Iseland, And in y^e meane tyme wee shall live peaceably und^r and yeald obedience unto y^e authority of y^e Coñon Wealth of England Exercised in Scotland. In wittnesse whereof I haue subscribed these p^rsents att Dalkeith y^e 12 of Feb^y 1652.

GEORGE BROWNE.

Vera Copia: Jo. PHELPHES, *Sec^r*.

Endorsed:—*The answeare of y^e Dep^{tie} for Haddington Brough to y^e Com^{rs} proposiçon of y^e 10 of Feb^y, deliuered to y^e Com^{rs} Feb^y 12, 1651.*

XVI

ASSENT OF HADDINGTONSHIRE²Feb. 12,
1652.

Wee, S^r John Sincklar of Hermistone and S^r George Seaton of Hailles, being Com^{rs} and Deputed by the Heritours and Rentallers of y^e Sherifffdome of Haddingtone, Doe on y^e behalfe of our selues and those represented by vs, Declaire our free and willing acceptance of and Consent unto the tender made by the Parlyam^t of the Coñon Wealth of England that Scotland bee Incorporated into and made one Coñon Wealth

¹ *Portland MSS.*, N. xx. 118.² *Ibid.* N. xx. 77.

wth England, That thereby the same Gouvern^t that is Established in England wth out King or howse of Lords vnd^r y^e free State and Co^mon Wealth of England may bee deriued vnto the people of Scotland. And wee desire y^t the people of England and Scotland may bee represented in one Parlyam^t and Governed by their representatiues therein as y^e Supreme authority of y^e whole Iseland, and in the meane time till this bee made practicall wee promise y^t wee shall live peaceably vnder and yeald obedience to y^e authority of y^e Co^mon Wealth of England exercised in Scotland: And moreover wee shall bee ready from tyme to tyme to offer what wee shall Conceive requisite for bringeing to effect y^e said vnion and settlem^t wth speed and best satisfacc^on to both Nations. In Witness whereof wee haue subscribed these presents att Dalkeith y^e 12 day of February 1652.

JOHN SINCLAIRE.

GEORGE SEATON.

Vera copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Assent, Haddington Sheriffdome.*

S^R Jo. SINCLAR, } *Deputies.*
S^R GEO. SEATON, }

There answeare to y^e Com^{rs} Proposic^ons of y^e 10 of Feb^{ry} by them now deliuered to y^e Com^{rs} Feb^y 12, 1651.

XVII

ASSENT OF NORTH BERWICK ¹

I Robert Ritcheson being deputed by the brough of North Berwicke doe on y^e behalfe of my selfe and those represented by mee Declaire our free and willing acceptance of and Consent vnto the tender made by y^e Parlyam^t of England, That Scotland bee Incorporated into and made one Co^mon Wealth wth England that thereby the same Government that is Established and enioyed wth out a King or howse of Lords und^r the free state and Co^mon Wealth of England may bee deriued unto y^e people of Scotland, and wee desire y^t y^e people of England and Scotland may bee represented in one Parlyam^t

Feb. 12,
1652.

¹ *Portland MSS.*, N. xx. 120.

and Governed by their representatiues therein as y^e supreme authority of y^e whole Iseland, and in y^e meanetyme wee shall live peaceably und^r and yeald obedience vnto y^e Authoritie of y^e Co^mon Wealth of England exercised in Scotland, in Witnesse whereof I have subscribed these presents att Dalkeith the twelue day of February 1652 yeare.—Testified this my mark.

R. R.

Vera copia : JO. PHELPHES, *Sec^r*.

Endorsed :—*North Berwicke Brough.*

ROBT. RICHARDSON, *Dep^{tie}*.

Feb^r 14, 1651.

Answer to the Com^{rs} proposicōns being wth drawne by him Feb^r y^e 12, 1651 to bee written faire, now by him exhibitted and accepted.

XVIII

ASSENT OF DUNBAR ¹

Feb. 13,
1652.

I Thomas Purues being deputed by the Burrough of Dunbarr doe on y^e behalfe of myselfe and those rep^rented by mee declare our free and willing acceptance of and Consent unto y^e tend^r made by the Parlyam^t of England that Scotland bee Incorporated into and made one Co^mon Wealth wth England That thereby the same Gouvern^t y^t is Established and enjoyed wth out King or howse of Lords und^r y^e free State and Co^mon Wealth of England may bee derived unto y^e people of Scotland, and wee desire that y^e people of England and Scotland may bee represented in one Parlyam^t and Gouvern^t by their Representatiues therein as y^e supreme Authority of y^e whole Iseland and in y^e meanetyme wee shall liue peaceably vnd^r and yeald obedience vnto the authority of y^e Parlyam^t of y^e Co^mon Wealth of England Exercised in Scotland, subscribed wth my hand att Dalkeith the 13th of February 1652.

THO. PURUES.

Vera Copia : JO. PHELPHES, *Sec^r*.

Endorsed :—*The Answer of Tho. Purues Deputie of y^e Burrough of Dunbarr presented to y^e Com^{rs} the 13 Feb^r 1651 in y^e morneing. Assent.*

¹ *Portland MSS.*, N. xx. 119.

XIX

A NEWSLETTER¹

From *Dalkeith*, February 14.

Tuesday,² the Conference began ; The Commissioners for the Counties and Burghs of *Roxburgh*, *Selkirk*, and *Peebles* were dismissed, their Commissions being only to Treat and not finally to conclude. In the afternoon, the Conference began with the Comiss'rs for the Shires of *Berwick* and *Hadington*, with the Burghs therof. The Commissioners Commission was first read, then the Parliaments Declaration, and Commissioners Declaration in pursuance thereof ; and after som explication made thereupon : in conclusion a Paper³ was deliver'd them, which containd the sum of what was expected from them ; as first, that they should assent to the incorporating of *Scotland* into one Comonwealth with *England*. 2. That they should declare a submission to that Government which shall in the mean time be established. 3. That they bee ready (upon all occasions) to represent such matters as they conceiv may conduce to the putting those particulars into a way of use and practise. They were desired to give in their Answer in writing on Thursday under their hands, which accordingly they did,⁴ and have therein freely assented unto the two first particulars, and promise their ready assistance as to the third.

Feb. 14,
1652.

Yesterday being a day of conference with a second sort of Commissioners, only one appeard for *Edenburghshire*, one for *Sterlingshire*, and one for the City of *Edenburgh* it selfe, whereupon they were dismissed, because their Commissions expressed two. A conference in like manner with the former hath been also with the Commissioners for the shire of

¹ *Mercurius Politicus*, Feb. 19-26, 1652½. E. 655 (17), p. 1433.

² February 10, 1652.

³ *i.e.* No. x. *supra*.

⁴ Cf. Nos. XIV.-XVIII. Lamont writes : 'The first shyres that agreed with them and accepted of thir conditions were the Mers, East and West Louthians.'—*Diary*, p. 46. He adds, 'Obs. the malignants were amonge the first that accepted of thire conditions.'

Linlithgow, and the Burghs thereof, as also for the burgh of *Dunbar*, and town of *Sterling*, who are to return their answer on Tuesday next.¹ The Town of *Queensferry* hath chosen *Will. Dundass*, one who the last winter was excommunicated by the Kirk for compliance with us. There are very frequent meetings at the Lord *Waristons*, to consider how to demean themselves, perhaps, how to frame a dissenting party.

Lieut. Gen. *Monk* goes hence on Monday.²

XX

A DECLARATION³

By the Commissioners of the Parliament of England for ordering and managing of the affaires of Scotland.

Feb. 14,
1652.

Whereas the Shires of Berwicke, and Hadington, with their respective Burroughs, have by their Deputies declared their acceptance of the tender of the Parliament of the Commonwealth of England, to be one Commonwealth with England, and have also ingaged themselves by their Deputies to live peaceably under, and yeeld obedience to the Authority of the Parliament of the Commonwealth of England, exercised in Scotland.

We declare, that the abovesaid Shires and Borroughs are taken into the speciall protection of the Parliament of the Commonwealth of England; And doe therefore straitly require all officers and souldiers, whatsoever, as all other persons that shall have occasion to travell in the said Shires or Townes, with any of the inhabitants of the same, that they offer no violence nor injury unto the person or goods of any the Inhabitants of the same, nor take any thing from them upon any pretence without satisfaction given to the owners, and with their consent, as they will answer the contrary.

And we doe further declare, That the said Shires and

¹ February 17.

² He left Scotland on February 18.—Firth, *Scotland and the Commonwealth*, p. xix.

³ *Severall Proceedings in Parliament*, Feb. 26-March 4, 165½. E. 793 (37), p. 1972.

Burroughs and the Inhabitants thereof in the compliance and deportments as aforesaid, shall not onely have all due encouragement from those in Authority under the Parliament in *Scotland*, but receive from time to time such testimonies of respect, and favor towards them by way of benefit to the Inhabitants in their libertie, and Trade, and other concernment, as shall consist with the present state of affaires here, and the Parliaments Declaration in that behalfe, and as may testifie to them the good acceptance which the Parliament hath of the manifestation of their affections and indeavours for promoting of the said Union.

Given under our hands at Dalkeith the fourteenth day of Febr. 1652.

OL. ST. JOHN.	Ro. TICHBORN.
J. LAMBERT.	G. MONK.
SIR HEN. VANE.	Ro. DEANE.
ROB. SALLAWAY.	

XXI

COMMISSION TO THE DEPUTIES FOR ORKNEY AND SHETLAND ¹

Wee the Sherriffes, heretors, Rentallors and others, Inhabitants of the Sheriffdome of Orkney . . . [*obliterated*] selves and . . . [*obliterated*] behalfe of y^e heretors, Rentallors and other Inhabitants of the Islande of Zetland beinge a third part of our Shyre Iland made and constitute likeas wee for our selues and in name foresaid by theis p^rsents constitute M^r George Ruthavene and John Craigie our Comissioners to the effect vnder written. Giveand, grantand, and comittand vnto theme our full power warrand and Comission for vs and in our name and in name and behalfe of the said heretors, Rentallors and others Inhabitants of the Islands Zetland, to pass to y^e Towne of Dalkeith where they are appoynted to come to the right hono^{ble} the Com^{rs} direct from y^e Parliament of y^e Co^mon wealth of England, In reference to that obedience due to

Feb. 16,
1652.

¹ *Portland MSS.*, N. xx. 198.

them wth y^e rest of the Shyres of this nation as they haue done or shall doe in satisfaccōn to theire orders, and there to represent to theire hono^{rs} the sad and desolate Condiçōn of this poore Shyre, in testimony whereof wee haue subscribed these p^rsents at Kirkwall in Orkney the sexteene day of February 1652.

KEITH, etc., subscribed by 28 more.

Vera copia: JO. PHELPEs, *Sec^r*.

Endorsed:—*Comission of Sheriffdom of the Islands of Orkney, Zetland.*

M^R GEO. RUTHVEAN, } *Deputies.*
JO. CRAIGIE, }

Mar. 13, 1651: *read and allowed.*

XXII

A NEWSLETTER ¹

From *Dalkeith*, February 17.

Feb. 17,
1652.

In *Fife*, the meeting for chusing of their Commissioners, being (for the most part) composed of fiery *Kirkists*, refused to suffer the Commissioners Summons to be read, but have as a Committee of war, appointed two of their temper to come to *Dalkeith*, by vertue of old Powers.²

Argile is still at work among the *Highlanders*, in hope to make them firmly his own. The *Ministers* take upon them to talk lowdly (and that is all they will be able to doe) against the declarations of the Parliament and the Commissioners, and

¹ *Mercurius Politicus*, Feb. 19-26, 1652. E. 655 (17), p. 1440.

² 'The committie of the shyre of Fyfe, being mett att Cuper, did chuse foure gentlemen, viz. the Lord Balcomie, Lord Durie, Laird of Ayton, and Mr. James Hay (sometime Laird of Forrett) to repaire to Dalkeith in Louthian, and to treat (anent things concerning the said shyre) with the English commissioners, wha are coming from the parliament of England to settell the affairs of this kingdome. Some, not being content with thir, did chose others. This was done two or three severall tymes, bot at lenth, the L. Durie and the comis of St. Androus, Mr. Will. Bruce, were chosen.' They got 'an absolute comission, because all limetit comissions were cast over the barr.'—Lamont, *Diary*, pp. 43, 46.

they intend this week to have a very great meeting at *Edenburgh*.¹

Upon the 10 Instant, Capt. *Wheeler*, Admirall of our Fleet that was bound for *Orkney*, arived there, and landed (together with Collonel *Cooper's*, Lieut.-Colonel) 800 men: Also, the 11 instant, Colonel *Overton* arived there from *Caithnes*, so that (blessed be God) wee are in possession of that place,² to our great advantage, notwithstanding the late great stormes. Three of the Ships designed for that Service were cast ashore in the north, but the men are all saved.

XXIII

ASSENT OF LINLITHGOW (BURGH AND SHERIFFDOM) AND QUEENSFERRY³

Wee, Walter Dundas younger of Dundasse, Geo. Dundasse of Duddiston, Claudius Hamilton in Linlithgoe, William Dundasse of Lawflott, being Comission^{rs} and deputies by the Herritours and Rentallers of the sheriffdome of Linlithgoe, by the burgesses and neighbours of the broughs of Linlithgoe and Queenes Ferry wthin y^e a^rsaid shire, doe on the behalfe of our selues and those rep^rsented by v^s declare our free and willing acceptance of, and Consent unto y^e Tender made by y^e Parlym^t of the Co^mon Wealth of England, that Scotland bee Incorporated into and made one Co^mon Wealth wth England, that thereby the same Gouvern^t y^t is Established in England wth out King or Howse of Lords und^r y^e Free State and Co^mon Wealth of England may bee deriued unto y^e people of Scotland, and wee desire y^t y^e people of England and Scotland may bee represented in one Parlyam^t and Governed by their Representatiues therein as y^e supreme authority of y^e whole Iseland, and in the meane tyme till this bee made practicab^le, Wee promise y^t wee shall live peaceably und^r and yeald obedience to the

Feb. 18,
1652.

¹ The meeting is described both by Baillie (*Letters and Journals*, vol. iii. p. 173) and Blair (*Life*, p. 292).

² Cf. letters on this expedition in Firth, *Scotland and the Commonwealth*, pp. 34, 36.

³ *Portland MSS.*, N. xx. 121.

authority of y^e Coñon Wealth of England exercised in Scotland, and moreover wee shall bee ready from tyme to tyme to offer w^t wee shall conceiue requisitt for bringeing to effect the said vnion and settlem^t wth speed and best satisfaccōn to both Nacōns. In Wittnesse whereof wee haue subscribed these presents att Dalkeith the 18 of February 1652.

WALTER DUNDASSE.

CLAUDIUS HAMILTON.

WILLIAM DUNDASSE.

Vera Copia: Jo. PHELPEs, Sec^r.

Endorsed:—*Burrough of Linlithgoe, Queensferrey. Deputies answaere to the Com^rs propositiōns, Linlithgoe shire one onley Deput^y subscribing, resolud satisfactory as to y^e Burrough but not as to y^e Shires.*

Feb^y 18, 1652.

XXIV

A NEWSLETTER ¹

Feb. 21,
1652.

SIR,—Several Deputies being sent from other parts, fully instructed, to the Commissioners of Parliament, but some obstructions falling in from this shire, and some others, through the factious workings of the Presbyterian party, who are more malicious than the very Cavalier party against us, daring even to speak sleightly, and with scorn some of them, against the Parliaments Declaration, and would injure the repute of the Commissioners (whose fame stops the mouth even of malice), there is to be another meeting at this City. For there were sent only one for the shire; and one for the City, when two were sent for from each.

The last Lords day some Presbyterian Ministers and Elders met, and had debates touching that branch of the Parliaments Declaration, *That their constant indevours shall bee for the advance of the glory of God, to promote the preaching of the*

¹ *Severall Proceedings in Parliament*, Feb. 26-March 4, 165½. E. 793 (37), p. 1970.

*Gospel in Scotland.*¹ And it is conceived that they will draw up some propositions to present to the Commissioners from the Parliament of England, for fain they would have the ruling power in Church affaires.² But certainly the more men are self-seekers, and lift up themselves, the lower God will throw them down, and disappoint them. But let us advance Gods glory, not seek great things for our selves, but relieve the oppressed, do righteously, and doubt not but God will give us his blessing.

Edenburgh, 21 Februa. 1651.

XXV

A NEWSLETTER³

HONOURED SIR,—

February 10. The Deputies had audience from severall shires and Burroughs in *Scotland* by our Commissioners, and have then and since been treated with. Those from *Peebles, Salkirke, Roxborough* and other places, as came without full power of submission, were dismiss, for there will be no delays admitted in this businesse, but laws given out, and a Government speedily settled.

Feb. 21,
1652.

The Commissioners from *Berwick* and *Haddington*, with their respective Burroughs, came better authorised and instructed from the Shires, the inhabitants whereof declared by Papers⁴ present by the said Deputies; That they doe freely and thankfully accept of the tenders of the Parliament of the Commonwealth of *England*, expressed in their Declaration, as also the Declaration of them their Commis. in that they doe declare; That they wil endeavor to advance the glory of God, and promote preaching of the Gospel, and true Religion, and that the Parliament have declared that *Scotland* shall be incor-

¹ From section i. of the Parliament's Declaration of October 28.

² The endeavour to obtain at this meeting what Blair calls a 'joint testimony against the enemy,' and a protest against the proposed union, failed. Cf. his *Life*, p. 292, and Baillie, *Letters and Journals*, vol. iii. p. 173.

³ *Severall Proceedings in Parliament*, Feb. 26-March 4, 165½. E. 793 (37), p. 1971.

⁴ Nos. XIV., *et seq.*

porated into, and become one Commonwealth with *England*; and have engaged that all such persons out of exception of the Scottish Nation, who shall be disposed to concur with, and promote the ends declared by the Parliament, shall be taken into protection of the Parliament, and enjoy their liberty and estates, as other the free people of the Common-wealth of *England*.

The Commissioners from the Parliament of *England*, after conference with them, delivered unto them this Declaration¹ herewith sent and inclosed.

The Deputies were sent back to *Dunbar*, *Sterling*, and *Linlithgow* shires, and the Burroughs of *Sterling*, *Edenburgh*, and *Dunbar*, some coming single, whereas there should be two from each shire and Borough, and others not fully instructed. Some of the Deputies have been with the Lord *Wariston*, before they came to our commissioners, but their jugling we hope will not prevail to deceive us, fore-warned fore-armed.

Some others have been treated with, and those that come with Instructions to conclude according to Order, have the like Declarations with the shires of *Barwick* and *Haddington*. The Commissioners manage things with great wisdom and discretion.

Dalkeith, 21 *Febru.* 1651.

XXVI

ASSENT OF DUMFRIESSHIRE²

Feb. 23,
1652.

Wee the Deputies of the shire of Dumfreise doe on y^e behalfe of our selues and them rep^resented by us declaire our free and willing acceptance of and Consenteing vnto y^e tender made by the Parlyam^t of the Co^mon Wealth of England That Scotland bee Incorporated into and made one Co^mon Wealth wth England That thereby the said Gouverm^t y^t is Established in England wth out a King or Howse of Lords und^r y^e free State and Co^mon Wealth of England may bee deriued vnto

¹ No. xx. *supra*.

² *Portland MSS.*, N. xx. 90.

y^e people of Scotland. And wee desire y^t y^e people of England and Scotland may bee rep^rsented in one Parliam^t and Governed by their representatiues therein as the supreeme authority of the whole Iseland. And in the meane tyme till this bee made practicable wee promise y^t wee shall liue peaceably und^r and yeald obedience to y^e authoritie of y^e Co^mon wealth of England exercised in Scotland, and moreouer wee shall bee readie from tyme to tyme to offer w^t we shall thinke requisitt for bringing the said vnion and settlem^t to effect wth speed and best satisfaccōn to both Nacōns. In Wittnesse whereof wee haue subscribed these p^rsents att Dalkeith the 23^d day of Feb^r 1652.

JAMES JOHNSTOUN.
G. BLARE.

Vera Copia: Jo. PHELPEs, *Secy.*

Endorsed:—*Dumfriese shire y^e Deputies Answer and assent Feb^r 23^d, 1651: read and allowed.*

XXVII

ASSENT OF THE HERITORS AND OTHERS OF HADDINGTONSHIRE ¹

Wee the noble men Tutors and Curators of Minors for and on behalfe of our pupills Heretours fewars and Rentellors within the sherriffdome of Haddington whose names are subscribed Doe declare our free and willinge acceptance of and consent vnto the Tender made by the Parliament of the Co^mon wealth of England, That Scotland be incorporated into and made one Co^mon wealth with England, that thereby the same goūment that is established in England without Kinge or house of Lords vnder the free estate and Co^mon wealth of England may be derived vnto the people of Scotland. And wee desire that the people of England and Scotland may be represented in one parliament and goūned by their represen-

Feb. 23,
1652.

¹ *Portland MSS.*, N. xx. 78.

tatives therein, As the supream Authority of the whole Iland And in the meane tyme till this be made practicablie wee promise that wee shall live peaceably vnder and yeild obedience to the authority of the Common wealth of England exercisid in Scotland. And moreover wee shall be ready from tyme to tyme by our Com^{rs} to offer what we shall conceave requisite for bringinge to effect the said vnion and settlement with speed and best satisfaccōn to both nations, and this wee doe cordially and freely of our selues the more to manifest our good likinge, Allowance and apbation of the declaracon given by o^r deputies unto the right hono^{ble} the Comissioners of the Parliament of the Commonwealth of England for orderinge and managinge affaires in Scotland to the effect aforesaid. At Haddington in a full and frequent meetinge of the shire the 23th of February 1652,

JOHN AWCHTMOWTIE, Gosford.

GEORGE LOVINGE of Salcotts.

HOME, his Curator, Consdall.

BROUNE of Coilstoune.

GEORGE BROUNE of Colstoune,
younger.

GEORGE WOOD, Portioner of
Stantin.

ROBERT LANDER, portioner of
Westbarns.

WILLM KIRKEWOOD, portiōn
in [sic], Westbarns.

AR^p. TURNBULL, portiōn of
Tranent.

MR. JOHNE DOWGALL of Nun-
land.

JA. INGLIS, at Seaton.

W. BAXTER, at Seatonne.

WILLM. BAILLIYE, porcōner in
Tranent.

RO^t SANDILANDS, porcōner in
Tranent.

KINGSTOUNE, Sgg.

JOHNE SINCLAIR of Hermis-
toun.

GEORGE SEATON of Hailes.

M. I. S. SERRIE of Reachlin.

J. S. [?] AUCHMOWTIY, of Gos-
furd.

PATRICK HALLIBURTON of East
Seaton.

A. WOOD, portioner of Had-
derwick.

WILLM. HYVE of Markle.

W. HOMSONE.

L. HOPPER of Burhouses.

W^m LIDDELL, porcōner of
wastbarns.

MR. CORNELIUS INGLIS of East-
barns.

BRISSON, in Eastb.

ROBTE. ALDINSTON of wester
Adinston.

ARCHBALD PAIRVES, feuar in
tranent.

JACOB J̄NCOLSONE, fewer in tranent.	JOHNE LORD of Elphingstō. G. DIXON of Hedderweck.
PATRICK EWDELL [sic].	PATRICK QUHITLAW of that Ilk.
THOMAS CRAIG, fewar in tranent	THOM. TURNEBULL of Skedbus. ROBTE. Setoun, fewar.
ROBTE. PURVES, fewar in tranent.	PATRICK HEPBURNE of Monk-rig.
PATRICK CUNDITT, fewar in tranent.	JA. MILNER of Gurlabank. PATRICK BROWNE, porcōner in ningate.
JOHNE COWANE, fewar in tranent.	TH. RAMSAY of Sansyd.
THOMAS WADDELL, fewar in tranent.	JAMES SMITH in Winhunt. ANDRO CORYSER of Fenton-barnes.
W ^M CAIRNER, fewer in tranent.	ROBTE. YEMOUN, fewer in ningait.
BRISHOWEN ELYBANK.	ROBTE. PRINGILL, Blacksmith.
CRANSTOUNE MACKGILL.	RICHARD QUHYTLAW, feir of that ilk.
J. S. HEPBURNE of Alderston.	— CATTONNE, fewer in nonn-tait.
M. B. [?] SAMINGTOUNE.	
G. HOME of ffurd.	
JOHNE SEATONE of barn.	
M. W ^M HOP of Aberlady.	

Vera Copia: JO. PHELPEs, *Secr.*

XXVIII

ASSENT OF THE HERITORS OF LINLITHGOWSHIRE¹

Wee the Gentlemen and Heritours of the Sherriffdome of Linlithgoe doe declare hereby That wee doe approue of y^e Consent giuen by Walter Dundasse, younger of Dundass, our Cōmission^r by our Warr^{tt} in y^e Name and behalfe of us unto the tender made by the Parlyam^t of the Cōmon Wealth of England, that Scotland bee Incorporated into and made one Cōmon Wealth wth England That theireby the same Gouvern^t that is Established in England wthout a King or Howse of Lords und^r the free State and Cōmon Wealth of England may bee derived vnto the people of Scotland, and that wee will in the meane tyme Liue peaceably und^r and giue obedience vnto the authoritye of the Parlyam^t of the Cōmon Wealth of

Feb. 23,
1652.

¹ *Portland MSS.*, N. xx. 74.

England exercised in Scotland as the Copie of the paper of assent signed by him produced before vs beares and doth hould the same as firme and stable and obligatorie to vs as if it had beene done wth Concurrance of George Dundasse of Duddingstone¹ our other Co^mission^r and signed by him. Extracted forth of the records of our writeings by Master Andrew Kerr our Secretarie att our Co^mand and Signed by him att Linlithgoe the twenty third day of Feb^y 1652.

ALEK. KERR, etc.

Vera Copia : JO. PHELPEs, Sec^r.

Endorsed:—*Linlithgoe shire Their assent to the Parlyam^t tend^r Feb^y 24, 1651 : read and allowed.*

XXIX

REASONS FOR THE DISSENT OF GLASGOW²

Feb. 24,
1652.

Wee the deputies of the Burgh of Glasgow haueinge seriously pondered the tender made vnto us by yo^r Hon^{rs} And how much it concernes vs to be single in a matter of that importance; After some weake endeauo^{rs} vsed by vs to know the Lords mind anent the same, here most humbly begg leive to represent our dissent, as beinge vnsatisfied in our conscience to conceive therein And that not from any politicke designe, nationall or personall prejudice or tenaciousness of things which wee account alterable.

Wee doe not insist vpon the way yo^r ho^{rs} are pleased to take though it wants not ground of stumbling to do, that in a matter concerning the whole nation, there should be no Co^mune consultacon allowed But these things doe more neirly concerne our conscience, which wee humbly offer to be considered.

1. Wee who haue had all divine and human Rights to pro^pties and to a selfe disposing power of o^r owne governm^t And also haue had the governem^t of our Church settled, and haue found gods sensible blessing accompanying the same; Let it be considered, if wee can actively consent to such a tender

¹ J. P. for Linlithgow in 1656.—Firth, *Scotland and the Protectorate*, p. 314.

² *Portland MSS.*, N. xx. 102. A portion of this document is printed in *Hist. MSS. Comm. Rept.*, xiii. pt. i. p. 628.

by which all these in our apprehension may be destroyed, And so make our selves guiltie of all the blood and treasure has bene spent in promotinge the worke of Reformatiō, If so be wee returne by our owne consent to put it without governement, Covenant or what has followed vpon them.

2. Because our acceptance of the incorporatiō as it is circumstanced and holds forth in the declaratiō, involves vs as wee conceive for the approbatiō of the Parliament of England's disposing vpon all thats neare or deare vnto vs and of the grounds vpon which they goe in relacon thereto, which wee cannott in our consciences approve.

3. Because it doth by necessary and cleir consequence establish in the Church a vast and boundles toleratiō of all sorts of error and heresies wthout any effectuell remedie for suppressing the same; notwthstanding that there bee the same morall and perpetuall obligation vpon vs to suppress and extirpate heresie no less then profanenes: Lykeas this declaratiō doe allow diverse wayes of worshipping God vnder the name of Gospell wayes.

4. Our consent is sought to an incorporatiō, and yet no tyme nor way propont when such a thing may be made effectuell, nor any plott or draught of it holden forth, But wee engaged to approue wee know not what, As also to giue obedience to the Comōn wealth of England for the tyme whereby wee haue no accesse to desire either the priuiledges which may be supponet to come by this tender, or to haue any hand in framing the mould thereof, If it should come, But bind vpp our selves from haueing any governem^t at all, but what shall be derived to us.

JO. GRAHAM.

JO. SPREULE.¹

Vera Copia: Jo. PHELPEs, Sec^r.

Endorsed:—*Glasgow Burgh Deputies Dissent, 24 Feb^r 1651.*

¹ Graham and Spreule were respectively late provost and town clerk of Glasgow. Glasgow was the first town to send Commissioners to Dalkeith. In consequence of its refusal to accept this Tender nine companies of horse and foot were sent to it (Nicoll, *Diary*, p. 89). New Deputies were appointed, namely James Pollock and Walter Neilson, who accepted the Tender on March 13 (*infra*, No. xcvi.), after which the town was allowed to elect its magistrates (*Records of the Burgh of Glasgow, 1630-1662*, p. 220). Cf. Baillie, *Letters and Journals*, vol. iii. p. 175.

XXX

ASSENT OF WIGTOWN¹

To the right Hono^{ble} the Com^{rs} of the Parlyam^t of the Co^mon Wealth of England for Ordering and Managing affaires in Scotland.

24 Feb^y 165 $\frac{1}{2}$.

Feb. 24,
1652.

Hauing receiued a pap^r from yo^r Honn^{rs} conteyneing three articles whereunto I was to retourne a full and free answeare as Com^r for the towne of Wigton w^{ch} I doe as followeth.

That for my selfe and in name and behalfe of those whome I rep^rsent I doe declare that wee hold the vniteing and Incorporateing of England and Scotland into one Co^mon Wealth vnd^r one supreeme authority the same priuiledge and Interest the excellent blessings of God and most desireable condic^on for the peace securitie and happinesse of the whole Iseland that men on earth are Capable of, and that seeing the Parlyam^t of England by the power putt in their hand by the soueraigne providence of Almighty God who disposeth of the Dominions of the Earth att his pleasure hath resolved to Incorporate this Nation wth their owne Co^mon Wealth and to haue one Representatiue for the whole Iselland w^{thout} King or Howse of Lords and haue tendered the same by their Co^mission^{rs}, Wee doe accept of the tender made their of and doe acquiesce thereunto being allowed such iust and Co^mon Interests as is consisting wth the Nature of this vnion and seemes to bee the Intent and Ends of yo^r Honn^{rs} in this tend^r held forth.

As to the seacod, concerning obedience to the authority of the Parlyam^t of England in the meane tyme exercised in Scotland: In behalfe of my selfe and y^e Inhabitants of the aboue said Towne retourne this answeare, that in the mean tyme vntill the perfecting of the said vnion, wee will liue peaceably vnd^r and giue obedience vnto the authoritye of the Parlyam^t of the Co^mon Wealth of England exercised in Scotland.

¹ *Portland MSS.*, N. xx. 122.

As for the third wee shall bee ready to offer such proposicons as may Conduce for the full effecting of the vnion.

As for other ouertures in refference to the full accomplish^t of a perfect vnion and layeing foundacōn thereof to all Generacōns we shall being required by yo^r Honn^{rs} offer our Judgm^{ts}.

F. LYAN.

Vera Copia: Jo. PHELPHES, Sec.

Endorsed:—*Burrough of Wigton the 24 of February 1651 answeare of Deputyey.*

XXXI

ASSENT OF THE SHIRE OF WIGTOWN¹

To the r^t Hon^{ble} the Co^mission^{rs} of the Co^mon Wealth of England for ordering and managing Affairs in Scotland.

Having received a paper from yo^r Honn^{rs} Conteyning three Articles whereunto wee were to retourne a full and free answer w^{ch} wee doe as followeth.

Feb. 24,
1652.

That for our selues and in Name and behalfe of those whome wee rep^sent doe declare that wee hold the vniteing and Incorporateing of England and Scotland into one Co^mon Wealth vnder one supreeme authoritye the same priuiledges and Interests the excellent blessing of God and most desireable Condi^cōn for the peace security and happinesse of y^e whole Iseland that men on Earth are Capable of, and y^t seeing the Parlyam^t of England by y^e power putt in their hand by the Sovereigne providence of Almighty God who disposeth of the Dominions of the Earth att his pleasure hath resolued as wee Conceive to Incorporate this Nacōn wth their owne Co^mon Wealth and to haue one Rep^sentative for the whole Iseland wthout a King or howse of Lords and haue tendered the same by their Co^mission^{rs} Wee doe accept of the tender made thereof and doe acquiesse thereunto, wee being allowed such iust and Co^mon Interests as is Consisteing wth the Nature of this Vnion and seemes to vs to bee the Intent and End of yo^r Honn^{rs} in this tender held forth.

¹ *Portland MSS.*, N. xx. 75.

As to the seacond concerning our giueing obedience to the authoritye of the Parliam^t of England in the meane tyme exercised in Scotland Wee retourne this answeare That wee shall in y^e meane tyme so vntill the perfecting of the said vnion live peaceably vnd^r and giue obedience to the authority of the Parliam^t of the Co^mon Wealthe of England exercised in Scotland.

JAMES MACDOWALL.¹

ANDREW AGNEW.²

As to the third Wee shall bee ready to offer such propositiōns as may Conduce for the full effecting of the vnion and for (the present).

Wee shall onley offer these two cheife desires to y^e End the p^rsent Tender may wth more Cherefullnesse bee accepted by the generallity of this Nation First that y^e protestant religion as it is preferred in Scotland in Doctrine Worshipp and Disipline bee in noe sort Innovated or altered but established and confirmed by the supreme authority of this Iseland, and Seacondly that to the End the people of this Land may p^rsently tast of the sweate fruighte of this vnion That all the forfeitours and confiscaciōns bee taken of by an Act of favo^r whereby all good people Lovers of peace may bee Induced wth the more alacrity and security to Embrace the Tender.

As for other overtoures in Refference to y^e full accomplishm^t of a perfect vnion and laying a firme foundacon thereof to all Generaciōns wee shall being required by yo^r Honn^{rs} offer our Judgments.

J. A. MACDOWALL.

AND. AGNEW.

Vera Copia: Jo. PHELPEs, Sec^r.

Endorsed:—*Wigton Shire Answeare of Deputies allowed, etc., Feb^y 24, 1651.*

¹ Sir James Macdowall, or Macdougall, of Garthland.

² Of Lochnaw.

XXXII

A NEWSLETTER¹*Dalkeith, February 24*

There's nothing stirring at present; the late meetings are all at an end, the persons retiring to their own homes: the Gentry and Nobility are in an extream Agony, and perplexity, not knowing what to think or do in relation to their state: Several of those who are now come from the Shires, but especially from the boroughs, bring two Commissions with them; the one signed to please the Ministers, expressing that nothing be done prejudicial to the Covenant; the other full and ample to do all things conducible for the settling of the Nation. Several of the great ones are now pressing their Tenants for a years rent before-hand.

Feb. 24,
1652.

XXXIII

DESIRES OF DUMFRIESSHIRE²

The desires of the Commissioners of the [shire] of Dumfries to the honorable Commissioners the Parliament of the Commonwealth of England for Ordering and Managing affaires in Scotland offered to promote the union with satisfaction to the people of the said shire.

Feb. 25,
1652.

First they desire for quieting the consciences of many Godlie people who haue the oath of God vpon them, for mainteyning the present gouernem^t of the Church of Scotland vntill the authouritie w^{ch} established it doe change it, That a Nationall assembly be called wherein by free debate the necessitie of tollerating such as desire to serue and worship God in another Gospell way may be evinced.

2. That all such who add erroneous tenets contrarie to the Articles of the confession of faith to their worship may be

¹ *Mercurius Politicus*, Feb. 26-March 4, 1652. E. 655 (23), p. 1456.

² *Portland MSS.*, N. xx. 105.

denyed free exercise of their profession and the Countenance of . . . [torn] Magistrate.

3. That all such who haue bin in Armes in obedience to the Lawe of the Land (although in opposition to the Parliam^t etc.) or haue bin aydeing assisting or abetting to these wars, being warranted by the supreame authoritie for the time, may be declared free of forfeiture and confiscation of Lands and g[oods] Provided they take the Engagem^t within dayes after notice.

4. That all Prisoners takeing the engagem^t be released.

5. That a time be condiscended vpon for perfecting the vnion and admitting the representatiues of the Nation to the Parliam^t and that the Coñon wealth may haue a name Coñon to and Comprehendinge both Nations.

6. That the Deputies of sheires who haue or shall accept of the Vnion may be ordained to meete together to prepare and propone Ouertures for bringing the Vnion to effect, and that in the interim In place of trust men may be set vp by aduice of the said Deputies who may administer Justice Criminal and Ciuell according to the knowne Lawes and customes of this Land.

7. That some tast of the sweetenes of peace and vnion may presentlie be giuen to the people by remoueing soe many of the Souldiers as yo^r hono^{rs} prudence and securitie will allowe and abate proportionallie the vnsupportable assessm^t.

The Desires of the Coñmissioners of the shire of Dumfreis to the hono^{ble} Coñmissioners of the Parliam^t etc. In respect to the said shire.

1. Seing the valuation or booke of rates of the said shire is singular in twoe respects, First as comprehending the Tithes payde to preachers exempted from burthen, 2^{ly} as being according to the value of Lands in an^o 1643, By w^{ch} meanes the sheire is more impouerished and exhausted then any other, It is humbly desired that an Order be granted to men of consc[ience] and integritie to report the true value of the Lands they at present pay that the Sesse may bee

proportioned to the abillitie of the Countrey and equalled with their neighbouring Counties.

2. That those in the sheire who enioy Heritable priuiledges for seruice done to their Countrey takeing the engagem^t may be protected and established in them.

3. That anie office of Judicature Collection of Sesse Sequestration (if any be) Raiseing of border customes etc may be disposed vpon by the [a]duyce of the Trustees of the said Sheire.

4. That the like fauours w^{ch} the submission of other Counties shall encourage the Co^missioners of the Parliam^t etc. to bestowe vpon them may be extended to the Inhabitants of the said sheire.

5. That any Inhabitant of the said sheire who hath accepted of the tender in their acceptation may not suffer in their Lands lyeing in other Counties w^{ch} shall not giue satisfaccōn to the Com[missioners].

Endorsed :—*Dumfreis shire. Feb. 25, 1651, Paper of Desires from the Deputies.*

XXXIV

ASSENT AND DESIRES OF ABERDEENSHIRE¹

To the right hono^{ble} the Co^mission^{rs} of the Parliam^t of the Co^mon wealthe of England for managinge the Affaires in Scotland. The Answere of the Deputies of the shire of Aberdeene to ye p^{ro}positions tendered by the said Co^missioners to them.

Forasmuch as by order from the Co^missioners of the Parliament of the Co^mon wealthe of England for orderinge the Affaires of Scotland The gentlemen Heretors and Rentellers of the Shire of Aberdeene haue authorized vs John Odny² of that Ilke and James Baird of Auchmedden Deputies for the said shire of Aberdeene to repaire hither to Dalkeith to attend the said Com^{rs} for that effect. And now the Com^{rs} aforesaid haveinge delivered to vs y^e declaracōn of y^e Parliament

Feb. 27,
1652.

¹ *Portland MSS.*, N. xx. 91.

² John Udny of Udny.

of the Cōmon wealth of England concerninge the settle-
ment of Scotland. And haveinge alsoe desired our positiue
Answere to be given in in writinge this day as to the
acceptance to the Parliaments Tender in the second Article
of their Declaracōn and to the other thinges conteyned in
their paper of the 24th of this Month, wee doe retourne this
Answere, As to the Tender of the second Article whereby it
is declared that Scotland shall and may be incorporated into
and become one Cōmon wealth with England whereby the
same goūment that is established there and enjoyed by the
good people of that nation vnder the free estate and Cōmon
wealth of England as it is now settled without Kinge or house
of Lords may be derived to the people of Scotland, wee doe
accept of y^e Tender and doe acquiesse thereto.

Wee alsoe declare we will in the meane tyme live peaceably
vnder and giue obedience vnto the Authority of the Parlia-
ment of y^e Cōmon wealth of England exercised in Scotland.

JOHNE ODNY.

JAMES BAIRD.

And as to the third p̄position that this Vnion may be
brought to effect with satisfaccōn to the people of Scotland
wee doe humbly desire that a perticuler tyme may be agreed
vpon for perfectinge the vnion And further that it be declared
by the Authority of the Parliament of the Cōmon wealth of
England That for the future this nation is to be p̄tected in
the exercise of the true p̄testant Religion in the enioyment of
their owne lawes in the freedomes of their persons and in
the right and p̄pertie of their estates and goodes and an Act
of grace and favor extended for bygones to all the people
who shall consent to this Vnion. And in p̄ticular That all
forfeitures Confiscacōns and sequestracōns be taken of and
discharged the prisoners released the burthen of the Sesse
eased and a considerable party of the forces removed as yo^r
hon^{rs} shall thinke fitt. And in regard of the greate Import-
ance it will be for the good of this whole nation in the right
orderinge of the Civill Judicatories, It is humbly desired
that those Judicatories and Judges and tymes of meetinge
may be settled by Advice of the whole nation or their

representatives And that the Mint may be reestablished. And because many other thinges will be necessary for p̄fectinge of this Vnion which cannot for the p̄sent be thought vpon by vs, Wee doe desire that a select number of fitt persons may be authorized from the body of this nation to meet with y^e Cōmission^{ers} of the Parliament of the Cōmon wealth of England for that effect and a p̄ticular tyme appoynted for that meetinge.

JOHNE ODNY.
JAMES BAIRD.

Vera copia: JO. PHELPEs, *Sec.*

Endorsed:—*Aberdeene shire Deputies assent. February 27, 1651.*

XXXV

ASSENT AND DESIRES OF BANFFSHIRE ¹

To the right hono^{ble} the Cōmission^{rs} from the Parliament of the Cōmon wealth of England for the managinge the affaires of Scotland The Answere of the Deputies of the Shire of Banff to the Articles tendered by the said Cōmissioners to them.

For as much as by order from the Cōmission^{rs} of the Parliam^t of the Cōmon wealth of England for orderinge the affaires of Scotland the gentlemen heritors and Rentallers of the Shyre of Banffe haue authorized vs Walter Ogilbye of Boynde ^{Feb. 27, 1652.} ² and Doctor Alexander Douglas of Downies Deputys for the Shyre of Banffe to reparaire hither to Dalkeith to attend the said Cōmission^{rs} to that effect And now the Cōmission^{rs} aforesaid haveinge deliūed to vs the declaracōn of the Parliament of the Cōmon Wealth of England concerninge the settlement of Scotland and haveinge alsoe desyred our positive Answere to be given in writinge this day as to the Acceptance of the Parliaments Tender in the second Article of the declaracōn and to y^e other thinges conteyned in the paper of the fower and Twentieth of this Moneth wee doe retourne this Answere. As to the tender of the second Article whereby it is declared

¹ *Portland MSS.*, N. xx. 84.

² Sir Walter Ogilvy of Boyne.

that Scotland shall and may be incorporate into and become one Cōmon wealth with England whereby the same goūrment that is established there and enjoyed by the good people of that nation vnder the free estate and Cōmon wealth of England as it is now settled without Kinge or house of Lords may be derived to the people of Scotland, wee doe accept of the Tender and doe acquiesce thereunto, Wee alsoe declare wee will in the meane tyme live peaceably vnder and giue obedience to the Authority of the Parliament of the Cōmon Wealth of England exercised in Scotland.

W. BOYNE.

A. DOUGLAS, Jn^r.

Vera copia : JO. PHELPEs, Sec^r.

As for Answere to the third, that this Vnion may be brought to effect to the satisfaccōn of the people of Scotland we doe humbly desire that a p̄ticuler tyme may be agreed vppon for perfectinge the Vnion And that it be declared from the Authority of y^e Parliam^t of the Cōmon wealth of England that for the future this nation is to be p̄tected in the exercise of the true p̄testant Religion In enioyment of their owne lawes In the freedome of their persons and in the right and p̄p̄ertie of their estates and goodes And an Act of grace and favor extended for bygons to all the people who shall consent to this vnion, and in p̄ticuler that all forfeitures confiscacōns and sequestracōns be taken of and discharged The prisoners released, the burthen of the Cesses eased, a considerable party of the forces removed as yo^r hono^{rs} shall thinke fitt. And in regard of the greate importance it will be for the good of this whole nation the right orderinge of the Civill Judicatories, that Judges and tymes of meetinge may be settled by Advice of the whole nation or their representatives And that the Mint be reestablished, and because many other thinges will be necessary for effectinge this Vnion which cannott for the p^rsent be thought vppon by vs Wee desire a select number of fitt p̄sons be authorised from the body of the whole nation to meete wth the Cōmissioners of the Parliam^t of the Cōmon wealth of England for that effect and a p̄ticuler tyme appoynted for there meetinge.

Endorsed :—*Bamfe Shire Deputies Assent February 27th, 1651.*

XXXVI

ASSENT OF CULLEN ¹

To the Right Honoble the Com^{rs} of y^e Parl^t of y^e Co^mon Wealth of England for ordering and managing affaires in Scotland.

I undersubscribeing doe in the behalfe of my selfe and the towne of Scotland represented by mee Declare my willing and free Acceptance of and Consent vnto the Tend^r made by the Parliam^t of the Co^mon Wealth of England That Scotland bee Incorporated into and made one Co^mon Wealth wth England That thereby the same Gouverment that is established in England wthout a King or Howse of Lords und^r the free state and Co^mon Wealth of England, may bee derived unto the people of Scotland, And wee desire y^t the people of England and Scotland may bee represented in one Parlyam^t and Governed by their Representatives therein as the supreme Authority of the whole Iseland soe y^t the people of both Nacons may Enjoy one Just and Co^mon Interest, And in y^e meane tyme till this bee made practicable Wee promise that wee will live peaceably vnd^r and yeald obedience to the authority of the Co^mon Wealth of England Exercised in Scotland, And more-over wee shall bee ready from tyme to tyme to offer w^t wee shall thinke requisite for bringeing the said vnion and Settlem^t to effect wth speede and best satisfaccōn to both Nacons. Witnesse my hand att Dalkeith this 27 day of Feb^y 165^½.

Feb. 27,
1652.

W^M WRIGHT.

Vera copia: Jo. PHELPEs, Sec.

Endorsed:—*Deputie of Cullan Brough, his assent, Feb^y 28, 1651.*

XXXVII

ASSENT OF EDINBURGH AND OTHER BURGHS ²

Wee vndersubscribed doe in the behalfe of ourselues and the seuerall Buroughs undermencōned represented by vs declare

Feb. 27,
1652.

¹ *Portland MSS.*, N. xx. 126.

² *Ibid.*, N. xx. 117. In *Severall Proceedings*, March 11-18, 165^½, E. 794(6), Edinburgh's form of assent is printed under the date March 5.

our willing and free acceptance of and consent unto the tender made by y^e Parliam^t of the Co^mon Wealth of England, y^t Scotland bee incorporated into and made one Co^mon Wealth wth England, that thereby the same Gouvernem^t that is Estab- lished in England wthout a King or Howse of Lords under the free State and Co^mon Wealth of England may bee derived unto the people of Scotland. And wee desire that the people of England and Scotland may bee represented in one Parlyam^t and Governed by there representatiues therein as the supreme authority of the whole Island soe y^t the people of both Nac^ons may Enjoy one iust and Common Interrest, and in the meane tyme till this bee made practicabie wee promise yt wee will liue peaceably vnd^r and yeald obedience unto the authority of the Co^mon Wealth of England exercised in Scotland and more- over wee shall bee readie from tyme to tyme to offer w^t wee shall thinke requisitt for bringing the said vnion and settlem^t to effect wth speed and best Satisfacc^on to both Nac^ons. Wittnesse our hands att Dalkeith the 27th day of Feb^y 1652.

for Edinburgh	W ^m THOMPSON and JOHN MILNE.
for Dundee	ROB ^t DAUIDSONE.
for Aberdeene	GEO. COLLEN. ¹
for Montrose	JAMES MILNE.
for Brichan	DAUID DONOLDSONE.
for Forfar	CHARLES THRONTON.
for Aberbrothok	DAUID AUCHTRLONY.
for Carell ²	NINIAN HAMILTON.
for Pirth	M ^r JO. PATERSON.
for Bamfe	PATRICK STEWART.

Vera copia : Jo. PHELPEs, *Sec.*

Endorsed:—*Burghs for Edenburgh, Dundee, Aberdeene, Montrosse, Brechin,³ Forfar, Aberbrothock, Carrell, Bamfe, Pirth. Deputi^{es} assent, Feb^y 27, 165½: read and allowed.*

¹ Cf. *Extracts from the Council Register of Aberdeen*, pp. 128, 129. Thomas Mortimer was appointed to accompany George Cullen to Dalkeith.

² Crail.

³ Brechin.

XXXVIII

ASSENT OF FORFARSHIRE¹

Dalkeith, 27th Febr^y 165½.

For as much as by ord^r of the Com^{rs} of the Parlyam^t of the Co^mon Wealth of England for ordering affaires in Scotland, The Gentlemen Heritours and Rentall^{rs} of the shire of Forfer haue authorized us James Lord Carnegy, and Sir Alexand^r Carnegy of Balnamoone to repaire heither to Dalkeith to attend the said Com^{rs} for that effect. And now the Com^{rs} afforesaid haueing deliuered to vs the Declarac^on of the Parlyam^t of the Co^mon Wealth of England concerneing the settlem^t of Scotland, and haueing alsoe desired our possitiue answeare to bee giuen in writeing this day as to the acceptance of the Parlyam^{ts} tender in the seacond Article of that Declarac^on and the other things conteyned in their paper of the 24 of this month. Wee doe retourne this answeare as to the tend^r of the second article, whereby it is declared y^t Scotland shall and may bee Incorporated into and become one Co^mon Wealth wth England, whereby the same Gouvern^t w^{ch} is established there and enjoyed by the good people of that Nation und^r the free State of the Co^mon Wealth of England as it is now settled wthout a King or Howse of Lords may be deriued to the people of Scotland, wee doe accept of the tend^r and acquiesse therevnto.

Wee also declare that wee will in the meane tyme liue peaceably und^r and giue obedience to the authority of the Parlyam^t of the Co^mon Wealth of England exercised in Scotland.

CARNAGY.²

A. CARNAGY, Ballamoone.

Vera copia: JO. PHELPS.

Endorsed:—*Assent Forfer Shire Deputies, Febr^y 27, 165½: read and allowed.*

¹ *Portland MSS.*, N. xx. 81.

² James Lord Carnegy, afterwards (1658) second Earl of Southesk.

XXXIX

ASSENT OF KINCARDINESHIRE¹

Feb. 27,
1652.

We whose names are subscribed, Sr Gilbert Ramsay of Balmean² and David Falconer,³ Gent., beinge Com^{rs} and deputed by the Hereto^rs and Rentall^{rs} of the Sherriffedome of Kincardin doe on the behalfe of o^rselves and those rep^resented by vs declare our free and willing acceptance of and consent vnto the tender made by the Parliament of the Co^mon Wealth of England, That Scotland be incorporated into and made one Co^mon-wealth with England, that thereby the same Governement that is established in England without King or Howse of Lords vnder the free State and Co^mon-wealth of England may be deryved vnto the People of Scotland. And wee desire that the People of England and Scotland may be represented in one Parliament, and governed by their Representatiues therein, as the supream Authority of the whole Island, And in the meane tyme till this be made practicall Wee promise that wee shall live peaceably vnder and yeild obedience to the Authoritie of the Co^mon-Wealth of England exercised in Scotland. And moreover wee shalbe readie from tyme to tyme to offer what wee shall conceaue requisite for bringing to effect the said Vnion and Setlement wth speed, and best satisfac^on to both Nations. In witness whereof wee haue subscribed these p^resents at Dalkeith the 27th of February 165 $\frac{1}{2}$.

G. RAMSAY.

D. FALCONER.

Vera copia: JO. PHELPEs.

Endorsed:—*Kincardin shyre Deputies Assent, February 27th, 1651.*

¹ *Portland MSS.*, N. xx. 72. It is printed in *Severall Proceedings*, March 11-18, 165 $\frac{1}{2}$. E. 794(6).

² Sir Gilbert Ramsay of Balmain had closely associated himself with the Covenanters in Charles the First's reign. Cf. Douglas, *Baronage*, p. 34.

³ Of Glenfarquhar. He was a J.P. for Kincardineshire in 1656. Cf. Firth, *Scotland and the Protectorate*, p. 313.

XL

ASSENT OF BURNTISLAND¹

I, David Seatoun, Deputed of Brunt Iland, Doe in my owne name and of those I doe represent, In Answere to y^e p̄positions of the Date the 24 February 1651, delivered to me by the hono^{ble} Cōmissioners of the Parliament of the Cōmon Wealth of England. Feb. 28,
1652.

First, I, in my owne name and in behalfe as aforesaid, doe cheerefully assent and acquiesse to the Parliam^{ts} Tender in theire declaracōn, that Scotland be made one Cōmonwealth with England, that thereby the same goūment that is established in England without Kinge and house of Lords vnder a free state and Cōmon wealth may be receaved and embraced by the people of Scotland, and holds the vning of the two nations into one Cōmon wealth Vnder one supream Authority haveinge the same Cōmon priviledges and interests, the excellent blessinge of god. And are much convinced that this through his blessinge can only effect unto the longe desired settlem^t of this Iland in a firme and constant peace.

Secondly, wee shall live peaceably vnd^r and yeeld obedience vnto the Authority of the Parliament of the Cōmon Wealth of England excercised in Scotland vntill y^e Vnion be with conveniencye and safety rendred practicable.

Thirdly, wee shall be ready to tender such p̄positions when we shall be required as wee shall conceaue most requisite for bringing to effect the Vnion and settlement with safe speed and best satisfaccōn to y^e people of Scotland. In witnes whereof I haue subscribed these p^rsents wth my hand at Dalkeith this 28th of February 165 $\frac{1}{2}$.

D. SETON.

Vera copia : JO. PHELPEs, *Secr.*

Endorsed :—*Brunt Islande Burgh, Deputies Assent, February 28, 1651.*

¹ *Portland MSS.*, N. xx. 127.

XLI

ASSENT OF BUTESHIRE AND ROTHESAY¹

Feb. 28,
1652.

Haueing Received a pap^r from yo^r Honn^{rs} conteyning three Articles to w^{ch} a full and free answeare was craued, in obedience thereunto I retourne this following.

That I, for my selfe and in behalfe of those whome I rep^rsent, Declaire y^t seeing the Parlyam^t of the Co^mon Wealth of England (in whose hands Almighty God who disposeth of all things att his pleasure hath putt y^e gouern^t of the whole Iseland) are yet pleased fauorably to proffer an Incorporacōn of this Nacon wth their owne in one Co^mon Wealth, and as I Conceive to make a Representatiue of the whole Island wthout a King or howse of Lords, I for my selfe in y^e name of the shire of Bute and towne of Rothesay, whose Deput^{ie} I am, doe accept hartely of the said proffer, and am verry well satisfied therewth being allowed the same Just and Co^mon Interests as can best Consist wth the Nature of an vnion w^{ch} wee hope is the purpose and end of the tender.

As to the seacōd concerning the giuing obedience to the authoritye of the Parlyam^t of the Co^mon Wealth of England in the meane tyme exercised in Scotland, Wee shall while the said vnion bee perfected liue peaceably und^r and give obedience to the authoritye of the Parlyam^t of England exercised in Scotland.

As to the third, I shall bee ready after my retourne to the said shire and Burgh wth them to offer such propositiōns as may best conduce to the perfecting of the said vnion.

Joⁿ MIGILCHRIST.

Vera copia: Jo. PHELPEs, Sec^r.

Endorsed:—*Deputy of Bute shire, Rothsea Burgh, assent, Feby. 28, 1651.*

XLII

ASSENT OF DUMBARTON²

Feb. 28,
1652.

I John Smallatt deputed for the Borough of Dumbarton doe in my owne Name and in Name of those whome I doe

¹ *Portland MSS.*, N. xx. 79.

² *Ibid.* N. xx. 123.

rep^rsent in answeare to the three proposiçõns of the date of the 24 Feb^y 1652 delivered by the Honora^{ble} the Co^mission^{rs} of the Parliam^t of England to mee.

As to the first Article I doe cordially accept and cherefully acquiesce vnto the Parliam^{ts} tender in their Declaracon That Scotland bee made one Co^mon Wealth wth England, That thereby the same Gouvern^t that is Established in England wthout King or howse of Lords vnder a free State and Co^mon Wealth may bee embraced by the people of Scotland, and hold the vniting of the two Nacons into one Co^mon Wealth and one supreme authoritye haueing the same Co^mon Priueledges and Interests The excellent blessing of God, and are much convinced that this through his blessing can only effectuate the long desired settlem^t of this Iseland in a firme and constant peace.

Seacodly wee shall liue peaceably vnder and yeald obedience vnto the authority of the Parliam^t of the Co^mon Wealth of England exercised in Scotland untill the vnion wth conueniency and safety may bee rendred practicable.

Thirdly wee shall bee ready to tender such proposiçõns when wee shall bee required as wee shall Conceive most requisitt to effect the said vnion and settlem^t wth safe speed and best satisfaccõn to the people of Scotland. In wittnesse whereof I have subscribed these presents wth my hand att Dalkeith the twenty-eight day of Feb^y 1652 yeare.

Jo. SMALLATT.

Vera copia: Jo. PHELPEs, *Sec^r*.

Endorsed:—*Dumbarton Burgh. Deputies assent, Feb^y 28, 1652.*

XLIII

ASSENT OF DUMBARTONSHIRE ¹

By the Deputies of y^e shire of Dumbarton.

Whereas wee haue receaued the declaracõn of the Parliam^t of the Co^mon Wealth of England with another de-

Feb. 28
1652.

¹ *Portland MSS.*, N. xx. 86.

claracōn of the hono^{ble} Coñmission^{rs} for orderinge and managinge affaires in Scotland and with them a paper of the Date of the 13 Feb. Instant, beinge therein desired to deliver in writinge a full and cleere Answere to those Articles conteyned therein. Wee therefore after mature and serious ponderinge the Contents of the aforesaid Articles make humble offer of this Retourne :

1. As to the first Article wee in our owne name and those whom wee represent cordially accept and cheerfully acquiesce vnto the Parliam^{ts} Tender in theire delaracōn That Scotland be made one Coñmon wealth with England that thereby the same goṽment that is established in England without Kinge and house of Lords vnder a free estate and Coñmon wealth may be embraced by the people of Scotland, and holds the unitinge of the two nations into one Coñmon wealth vnder one supream Authority haveinge the same Coñmon priviledges and interests the excellent blessinge of God, who by a long continued Series of p̄vidences, in his eminent owneinge all meanes tending to this end and blastinge all oppositions vnto it seemes to hold out this to be his greate designe for the Coñmon good of the people of this Iland, and wee are much convinced that this through his blessinge can only effectuate the longe desired settlement of this Iland in a firme and constant peace which all former tyes and transactions hath come short of because of the keepinge vpp of the distinct interests of the two nations.

2. As to the second wee declare that wee shall live peaceably vnder and giue obedience vnto the Authority of the Parliament of the Coñmon wealth of England exercised in Scotland vntill the Vnion with Conveniency and safety may be rendered practicable.

3. As to the third wee shall be readie to tender such p̄positions when wee shall be required as we shall conceiue most requisite for bringinge to effect the said Vnion and settlem^t with safe speed and best satisfaccōn to the people of Scotland. In witnes whereof wee haue subscribed theise

p^rsents with o^r hands at Dalkeith the 28th of February, 1652.

J. A. HAMILTON.¹

J. DOUGLAS.²

Vera copia: Jo. PHELPEs, Sec^r.

Endorsed:—*Dumbarton shire. Deputies assent, February 28th 1651.*

XLIV

DESIRES OF EDINBURGH AND OTHER BURGHS³

To the right Hono^{ble} the Co^mmissioners of the Parliam^t of the Co^monwealth of England for Ordering and Managing affaires in Scotland.

The humble desires of seuerall Deputies from the Burroughes vndersubscribed for themselues and in name of the Burroughes whom they represent.

That whereas yo^r pet^{rs} haue cheerefullie accepted the propositions contained in yo^r hono^{rs} tender, and are still willing [as they] shall be enabled to doe everie thing that may promote the happie Vnion of England and Scotland, That therefore [yo^r hono^{rs}] would be pleased for the better effectuateing thereof to accept of and condiscend vnto the Overtures and propositions [followinge].

Feb. 28,
1652.

First that the Protestant Religion may be established in vniformitie throughout the whole Island by advise of the most godlie and learned men of both Nations Conforme to the word of God.

Secondlie that not onlie forfeitures confiscations and sequestrations of mens estates be taken of but also that an act of obliuion may be past for all things done in relation to the Last warrs, and that all Prisoners of warr may be with all convenience released.

¹ Sir James Hamilton of Orbiston.

² Possibly John Douglas of Kayston. Cf. Firth, *Scotland and the Protectorate*, p. 311.

³ *Portland MSS.*, N. xx. 103. This document is partly printed in *Hist. MSS. Comm. Rept.* xiii. pt. i. p. 628, under the date February 25.

Thirdlie that an effectuall Ordinance may be presentlie past, whereby all Merchants and tradesmen may from henceforth enjoye their full Liberties and freedoms of trade by sea and Land in all things as free as those in England doe.

Fourthlie that the Burroughes of this Nation may fullie enjoye their antient Libertie of conveyneing yearelie by their comissioners for consulting and debateing in the matter of trade and priuiledges.¹

Fifthlie that such publique Judicatories as are presentlie to be erected and the Judges that shall rule in them may be made choice of by yo^r hono^{rs} with the advise and consent of the Deputies of shires and Burghes nowe appointed to attend yo^r hono^{rs}.

Sixthlie that for reliefe of the Impouerished and distressed Countrey so many of the forces of Horse and Foote may be remoued as may consist with publique saftie.

Seaventhlie that for the advancem^t of vertue and enter-teneyneing of poore people within this Land Manufactories of all sorts may be erected in the seuerall sheires of such comodities as each sheire best produces. And to that effect that able and well qualified workemen may be induced to come from England and ioyn with those in this Nation in these adventures and undertakeings, And that all encouragem^{ts} priuiledges and helpes may be tendered to such who shall vndergoe the same. And to that effect an absolute Restraint may be made of transporting Woole, Skinns, Hydes, Yarne or anie of the like comodities till it be put to the best perfection in workmanship within the Island.

Eighthlie that some effectuall course may be taken for the advancem^t of the trade of Fishing by wh^{ch} trade may be encreased and the country much enriched.

Nynthly that course may be taken for supplie of Coyne that the Minte may be with all conveniencie reestablished.

¹ The Convention of Royal Burghs met regularly every year after the battle of Dunbar, except in 1651. From 1652 to the Restoration twenty-eight general and particular Conventions were held. Cf. *Records of the Convention of Royal Burghs*, 1615-1676, pp. xi, xii.

Tenthlie that the Burroughes may be exempted from paym^t of cesse in regard of the totall losse of the trade occasioned by takeing of their shippes and stocks thereon.

Eleuenthlie that for promoteing of the happie Vnion betwixt the two Nations Orders may be emitted by yo^r hono^{rs} that a new Election may be made through the whole Burroughes of Magistrates, Counsell and other Officers, and those to be knowne to be men of integritie affecting the peace of the Island and such as doth adhere to this present tender.¹

Lastlie that some certaine time may be perfixed for perfecting the Vnion.

These are without preiudice of other ouertures to be propounded hereafter as time and occasion shall present by Your Honors Humble seruants.

Aberbrothock	DAVID OUCHTERLONY.
Wigtonne	F. LYAN.
for Edinbur ^{gh}	W. THOMSONE.
Pearth	M. PALEGRAVE.
Dundee	ROBERT DAUIDSONE.
Aberdeene	GEO. CULLEN.
St. Andrews	JA. SWORD.
Bamff	P. STEWART.
Monross	JAMES MILNE.
Jedburgh	RO. RUTHERFURD ²
Brichan	DAUID DONALD[SON]
Forfar	CHARLES THORNTONNE.

Endorsed:—*Desires of y^e Deputies of y^e Burghs of Edenburgh, Pearth, Dundee, Aberdeene, St. Andrewes, Bamff, Monrosse, Jedburgh, Brichen, Forfar, Aberbrothock, Wigtoun, Feb. 28, 1651.*

¹ Licence to elect their magistrates was granted to the Burghs in 1652 so soon as they had accepted the Tender (*infra*, No. LII). No municipal elections were held in 1653 and 1654. From 1655 they continued to the Restoration without interruption.

² M. P. for Jedburgh in 1648.—Foster, *op. cit.* p. 302.

XLV

ASSENT OF LANARKSHIRE¹

By the Deputies of y^e shire of Lanericke.

Feb. 28,
1652.

Whereas we haue received y^e Declaracōn of y^e Parlyam^t of the Coñon Wealth of England wth another Declaracōn of the Honora^{ble} Com^{rs} for ordering and manageing affaires in Scotland and wth them a paper of the date y^e 27 of Feb^{ry} Instant, being therein desired to deliuer in writeing a full and cleare answeare to three Articles therein Conteyned We therefore after mature and serious pondering y^e Contents of the afores^d Articles make humble offer of this retourne.

1. As to the first wee in our Name and those whome wee rep^sent Cordially accept and Cherefully acquiesce vnto y^e Parlyam^{ts} tender in their Declaracōn y^t Scotland bee made one Coñon Wealth wth England, that thereby the same Gouvern^t y^t is established in England wthout a King or Howse of Lords vnd^r a free State and Coñon Wealth may bee imbraced by the people of Scotland, and hold the vniting of the two Nacons in one Coñon Wealth vnd^r one supream authority haueing the same Coñon priueledges and Interest The excellent blessing of God, who by a long continued series of prouidence, in his eminent owneing all meanes tending to this End and blasteing all opposicōn unto it, seemes to hold out this to bee his greate Designe for the Coñon good of the people of this Iseland, and wee are much conuined that this through his blessing can only effectuate the long desired settlem^t of this Iseland in a firme and Constant peace w^{ch} all former tyes and transaccōns hath come short of, because of the keeping upp of the distinct Interests of the two Nations.

2. As to the seacond Wee Declare that wee shall liue peaceably und^r and giue obedience vnto the authoritye of the Parlyam^t of the Coñon Wealth of England exercised in Scotland vntill the Vnion wth Convenience and safetie may bee rendred practicable.

¹*Portland MSS.*, N. xx. 73. It is printed in *Severall Proceedings*, March 11-18, 1652. E. 794(6).

3. As to the third Wee shall bee ready to tend^r such propositiōns (when wee shall bee required thereunto) as wee shall Conceive most requisitt for bringeing to effect the said Vnion and Settlem^t wth safe speed and best Satisfaccōn to the people of Scotland. In Witnesse whereof Wee haue subscribed these presents wth our hands att Dalkeith the 28 of Feb^y 165 $\frac{1}{2}$.

W^m LOCKART.¹

GEO. LOCKHART.

Veria Copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Lanerecke Shire Deputies Assent, Feb^y 28, 165 $\frac{1}{2}$.*

XLVI

ASSENT OF NAIRNSHIRE ²

Wee whose names are subscribed beinge Comission^d and deputed by the Hereto^{rs} and Rentaller of the Sherriffedome of Nearne doe on the behalfe of o^rselves and those represented by vs declare our willing and free Acceptance of and consent vnto the tender made by the Parliament of the Co^mon wealth of England, That Scotland be incorporated into and made one Co^mon wealth with England that thereby the same Government that is established in England wthout King or Howse of Lords vnder the free state and Co^mon wealth of England may be derived vnto the people of Scotland And wee desire that the People of England and Scotland may be represented in one Parliament And governed by their representatiues therein, As the supream Authoritie of the whole Island, And in the meane time till this be made practicall wee promise that wee shall live peaceably vnder and yeild obedience to the Authority of the Co^mon wealth of England exercised in Scotland. And moreouer wee shall be readie from time to tyme to offer what wee shall conceaue requisite for bringing to effect the said vnion and settlement wth speed and best satisfaccōn to both

Feb. 28,
1652.

¹ Of Lee.

² *Portland MSS.*, N. xx. 89.

Nations. In witness whereof wee haue subscribed these p^rsents at Dalkeith the eight and twentieth day of February 165½.

PAT[?] DUNBARR.¹

Jo. ROSE.

Vera Copia: Jo. PHELPEs, *Sec^r*.

Endorsed :—*Nearne shire Deputies Assent, March 2, 1651.*

XLVII

ASSENT OF RUTHERGLEN ²

By the Deputie of the Burgh of Ragland

Feb. 28,
1652.

Whereas I haue received the Declaracōn of the Parliam^t of y^e Coñon Wealth of England wth another Declaracōn of the Honorable Com^{rs} for ordering and Manageing affaires in Scotlande and wth them a paper of the Date of the 18 of Feb^v Instant, being therein desired to deliuer in writeing a full and clere answere to three Articles Contayned therein I therefore after mature and Serious pondering the Contents of the aforesd Articles make humble offer of this retourne.

1. As to the first Article I In my owne Name and those whome I rep^rsent cordially accept and Cherefully acquiesce to y^e Parliam^{ts} tender in their Declaracōn that Scotland bee made one Coñon Wealth wth England that thereby the same Gouverm^t that is Established in England wthout a King or House of Lords und^r a free State and Coñon Wealth may bee Embraced by the people of Scotland, And holde the vnitng of the two Nations into one Coñon Wealth vnd^r one supreme authority^e haueing the same Coñon priueledges and Interests the excellent blessing of God, who by a long Continued Series of providences, in his eminent owneing all meanes tending to this End and blasteing all opposicōns vnto it, seemes to hold out this to bee his greate Designe for the Coñon good of the people of this Iseland, and wee are much convinced that this through his blessing can onley effectuate the long desired

¹ Probably of Ballnaferric. He sat in the Conventions of 1665 and 1667. Cf. Foster, *Members of Parliament*, p. 109.

² *Portland MSS.*, N. xx. 125

Settle^t of this Iseland in a firme and Constant peace w^{ch} all former tyes and transaccōns haue Come short of because of the keeping upp the distinct Interests of the two Nations.

2. As to the Seacond Wee declare that wee shall liue peaceably vnder and giue obedience vnto the authoritie of the Parliam^t of the Co^mon Wealth of England exercised in Scotland Vntill the Vnion wth Convenience and safety^e may bee rendred practicable.

3. As to the thirde We shall bee ready to tender such proposicōns (when wee shall be required) as wee shall Conceive most requisitt for bringeing to effect the said Vnion and Settle^t wth safe speed and best Satisfaccōn to the people of Scotland. In Wittnesse whereof I haue subscribed these p^rsents wth my hand att Dalkeith the 28 of Feb^r 1652.

ANDREW SCOTT.

Vera copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Ragland Burgh Deputies assent, Feb^r 28, 165½.*

XLVIII

ASSENT OF ROXBURGHSHIRE AND JEDBURGH¹

Wee vndersubscribed for our selues and in Name and behalfe of such as wee rep^rsent wth in the shire of Roxburgh and Burgh of Jedburgh, doe accept of the Tender made to vs in the Declaracōn of the Parliam^t of the Co^mon Wealth of England that Scotland bee Incorporated into and made one Co^mon Wealth wth England, wee being allowed in the said vnion and Incorporacōn such Just Interest as is Consistent wth the Nature of the said vnion, Which wee Conceive is the true Intencōn of the Parliam^t of England in their Declaracōn, and y^t the same may wth speed and convenience bee made practicable amongst us.

Feb. 28,
1652.

As to the seacond wee declare y^t wee will in the meane tyme untill the said vnion bee perfect (w^{ch} wee wish may bee done wth all Convenience) live peaceably vnd^r and giue obedience to

¹ *Portland MSS.*, N. xx. 76.

the authority of the Parlyam^t of the Coimon Wealthe of England exercised in Scotland. Att Dalkeith the 28 of Feby 1652.

W. ELIOTT ¹	}	Dep ^t ies for the shire of Roxburgh.
ANDREW KERR ²		
ROB. RUTHERFORD	}	Deputie for the Burrough of Jedburgh.

Vera copia: JO. PHELPEs, *Sec^r*.

Endorsed:—*Assents of the Deputies for the shire of Roxburgh and Burrough of Jedburgh, Feby 28, 165½.*

XLIX

DESIRES OF ROXBURGHSHIRE AND JEDBURGH³

The Desyres of the Deputies of the schyre of Roxburgh and burgh of Jedburgh to the richt hono^{ble} the coimissioners of the parliament of the coimonnwealthe of England.

Feb. 28,
1652. 1. That the protestant religioun as it is professed in Scotland in Doctrine, worschip, and Discipline be establischit be the supreme authoritie of the Iland.

2. That all the foirfauleris and confiscationnes quich fallis not vnder the qualificationnes exprest in the Declaratioun be taken off sutch as sall hartilie joyne themselvis in obedience to the said authoritie and for effectuating the Vnioun.

3. That all prisoneris be releisit, especiallie these within the said schyre and burgh as hes bein prisoneris since Dumbar, thay submitting themseluis to the government.

4. That thair may be sum convenient tyme and place appoyntit quhen and quhair deputies of sutch schyres and borrowes that hes or sall cordiallie give thair assent to the vnioun and incorporatioun of thair repiue schyres and borrowes may meet, and so resolve vpoun fitt overto^{rs} and proposeris for

¹ ? William Eliot of Stobs. Cf. Fraser, *op. cit.*, p. 121.

² Sir Andrew Kerr of Greenhead.

³ *Portland MSS.*, N. xx. 104.

perfyttung the said vnioun, And accordingley lay down a firme fundatioun of a happie peace within this Iland, quhich we salbe readie with all integritie and gude affectioun to doe.

5. That sum inferior iudicatories (in the interim) be satled within the said schyre for administrating justice betuix pairtie and pairties. And siclyk that the said burgh of Jedburgh sall enjoy quhat friedome and liberties thay formerlie had In electing of magistrates and exerceing of vther priuiledgis.

6. That the border customes of four footit beastis and all vther kynd of merchandize may be dischairged, quhich is a present gude for the Inhabitantis of both sydes of the border.

7. That thair be a present course setled and apoyntit for suppressing the vnsufferable robberies and stouthis¹ daylie committit on both sydes of the border. And that thair be a joynt com̄missioun to sum persones of trust on both sydes quhich wilbe more particularie cleirit by seuerall articles geuin in be ws to yo^r hono^{rs} in ane vther paper to that effect.

8. That the articles condiscendit on in former tymes betuix the inhabitants of Beruick and thair about towardis the mouth of the river of Tueid and the inhabitants on both sydes of the said river so far as it runnes in Scotland anent the correspondance suld be keipit betuix thame In relationn to the fisching of the said river may be de novo renewit againe, and sutch vther articles as sall be thocht necessarie addit thairto, and persones of trust appoyntit to sie the saidis articles observed by both pairties.

W. ELIOTT.

ANDROU KER.

RO. RUTHERFURD.

Endorsed :—*Desyres from the Deputies of the schyre of Roxburgh and burgh of Jedburgh, Feb. 28, 1651.*

¹ Thefts.

L

PETITION OF QUEENSFERRY ¹

To the right hono^{ble} the Commissioners of the Parliament of England for managing the affaires of Scotland the humble peticion of the Commissioner for the Brough of Quenesferry.

Feb. 29,
1652.

Humbly desireth y^t your honoures would be pleased to grant to the brough of the Quen ferry their old and pristin liberties as to the choosing of magistrates and officers for y^t Brough either by electing of some presently or by continuing the present in place, accordingly as it shall be found expedient for setling of the peace of the Iland, and your hon. answerre your petitioner humbly craves by these under his hand at Dalkeith the 29 of Feb. 165 $\frac{1}{2}$.

W. DUNDAS.

Endorsed :—*Queenes Ferry, Feb. 24, 1651. The same wth Berwick.*

LI

ASSENT OF STIRLING ²

Feb. 29,
1652.

I Thomas Bruce of Walkin being deputed by the burgh of Sterling doe on the behalfe of my selfe and those Represented by mee declare our free and willing acceptance of and Consent vnto the Tender made by the Parlyam^t of the Co^mon Wealth of England, That Scotland bee Incorporated into and made one Co^mon Wealth wth England, That theireby the said Gouverm^t that is Established and Enjoyed wthout a King or Howse of Lords und^r the free State and Co^mon Wealth of England may bee derived vnto the people of Scotland. And wee desire y^t the people of England and Scotland may bee represented in one Parlyam^t and governed by theire representatiues therein as the Supreeme authority of the whole Land. And in the meane tyme wee shall liue peaceably vnd^r and yeald obedience vnto the authority of the Parlyam^t of the

¹ *Portland MSS.*, N. xx. 95.

² *Ibid.* N. xx. 124.

Coñon Wealth of England Exercised in Scotland. Subscribed
att Dalkeith the twenty ninth day of Feb^y 1652.

THOMAS BRUCE.¹

Vera copia: JO. PHELPEs, *Sec.*

Endorsed:—*Deputy of The Borough of Sterling assent to
y^e Proposicōns, Feb^y 28th 1651.*

LII

CHARTER TO ASSENTING BURGHS²

By the Coñission: of the Parlyam^t of the Coñon Wealth
of England for ordering and manageing affaires in
Scotland.

Whereas the Burgh of _____ haue by their Deputie
Declared their Acceptance of the tender of the Parliam^t of
the Coñon Wealth of England to bee Incorporated into the
Coñon Wealth of England and to bee one therewth, And haue
engaged there selues to liue peaceably vnder and yeald obedi-
ence vnto the Authoritie of the Parliam^t of the Coñon Wealth
of England exercised in Scotland, Who are therefore taken
into the speciall protecion of the Parliam^t, and applicacōn hath
beene since made to vs by

March,
1652.

Praying our grant and Coñission whereby the said Burgh
may bee authorized to Elect Officers to Gouverne the said
Burgh.

Vpon serious Consideracōn thereof and being desirous to
Endeauo^r by all good waies and meanes that the people of
that Towne may haue Governem^t and Justice administred
Wee by virtue of the Authority on that behalfe giuen us by
the Parliam^t of the Coñon Wealth of England, Doe Authorise
and appoint the Neighbours and Inhabitants of the towne and
Burgh of _____ According to their former Rules and
Customes from tyme to tyme to Nominate and Chose their

¹ Bruce writes from Dalkeith on February 4 to the 'proveist and bellies' of Stirling to complain of the short time allowed him by the Commissioners to consider the Tender. His acceptance of it was followed, as elsewhere, by a licence (dated April 14) to Stirling from the Commissioners to elect its corporation.—*Records of the Burgh of Stirling*, 1519-1666, pp. 200, 202.

² *Portland MSS.*, N. xx. 108; reported to Parliament on March 16, 1652.

Magistraites and offic^{rs} for the Gouvern^t of the said towne and Burgh and Libertyes thereof untill further Ord^r, w^{ch} Magistraites and offic^{rs} from tyme to tyme Chosen severall and respectiue offices, and are authorised to proceed in the Execucōn of their severall trusts and places and in the Execucōn of the Gouvernement wthin the said towne and Burrough and Libertyes thereof according as hath beene vsuall and accustomed, Prouided that in all Cases where formerlye the Name or Stile of King hath beene vsed in the Exercise of the aforesaid Gouvernement of the said Burgh, The name of the Keepers of the Libertye of England by authority of Parlyam^t bee Inforced and vsed in stead thereof, And that the persons from tyme to tyme elected and Chosen as aforesaid shall not proceed to the exercise of the said Respectiue offices and places vntill this oath ensueing be administred to them by such as wee shall appoint to administer the same, Expressing att the adminstracōn of the said oath to the said Respectiue officers the Name of the respectiue offices they were chosen into.

THE OATH.¹

You shall sweare y^t y^o shall bee true and faithfull to the Coñon Wealth of England as It is now Established wthout a King or Howse of Lords, you shall well and truly execute the office of _____ wthin the towne and Burgh of _____ and the Libertyes thereof according to the best of yo^r skill, knowledge, and power, soe helpe you God.

And also that the oath herevnd^r written shall bee administred to euery Burgesse or Free man of the said Towne and Burgh att the tyme of his admition. That is to say :

You shall sweare that you shall bee true and faithfull to the Coñon Wealth of England as it is now Established wthout a King or Howse of Lords, and in ord^r thereto you shall bee obedient to the Just and good Gouverment of the Towne and Burrough of _____, yo^u shall to the best of yo^r power, maintaine and preforme the peace and all the due Franchises thereof and according to yo^r Knowledge and Abillitye Doe and performe all such other Acts and things as doe Belonge to a Burgesse and free Man of the said Towne, so helpe you God.

¹ For objections to this oath, *vide* p. 165 *infra*.

And wee doe hereby Declare that wee Expect in such Eleccōns to bee made as aforesaid due Care to bee taken that all such persons Chosen be Men of Integritie and good affeccōn to the peace and wellfare of the Iseland and otherwise fitly quallified for their trust.

And lastly, wee appoint that as well the Electo^{rs} as the persons Elected Doe first subscribe the Ensueing Declaracōn Being the effect of what The Deputy of y^e said Burrough hath in their Names and on their behalfe Subscribed, That is to say :

Wee doe each of vs for him selfe Declare our willing and free acceptance of and Consent vnto the Tender made by the Parliam^t of the Coñon Wealth of England, That Scotland be Incorporated into and made one Coñon Wealth wth England That thereby the same Gouvernem^t that is Established in England wthout a King or Howse of Lords und^r the free state and Coñon-Wealth of England may bee derived vnto the people of Scotland. And wee promise that wee will Live peaceably vnder and yeald obedience unto the Authoritye of the Parliam^t of the Coñon-Wealth of England Exercised in Scotland, Prouided :

That the first Electōn to bee made in pursuance hereof bee within days after the Date hereof. Giuen vnd^r our hands at Dalkeith this day of 165 .

This is the forme of Coñmissions graunted to such Burroughs whose deputies haue in their name assented to the Vnion.

JO. PHELPEs, Sec^r.

Endorsed :—*Charter for Governm^t of Burghs in Scotland.*

LIII

COMMISSION TO SHERIFFS PRINCIPAL ¹

By the Coñmission^{rs} of the Parliam^t of the Comōn Wealth of England for orderinge and managing Affaires in Scotland.

Wee the said Coñmissioners consideringe how vsefull it will be for the publike service and for the benefitt of the people

March
1652.

¹ *Portland MSS.*, N. xx. 116. The names of some of the sheriffs are given in No. CXXXVII. *infra*.

of Scotland that sufficient and well quallified persons be made choice of to be Sherriffes within the severall Shires thereof And reposeinge especiall trust in yo^r wisdome faithfullness and ability Have nominated made and constituted And by these p^rsents doe nominate make and constitute you

Sherriffs Principall within the boundes and limites of the Sherriffedome of

And wee doe giue and graunte vnto you and yo^r sufficient Deputy or Deputies, whom you are heerby authorized to substitute, and for whom you will be answerable (the said Deputy or Deputies beinge first app^rved of and allowed by the Co^mander in cheife of Scotland for the tyme beinge and the Co^mission^{rs} for Administrac^on of Justice) full power Authority and Co^mission to vse exercise and per- forme the office of a Sherriffe within the said Sherriffedome of

vntill the first day of November next ensuinge And to affix and hold Courts to appoynte and make officers and members of Court needfull and of right accustomed, To raise levye and receiue the Amerciam^{ts} and Escheats of the said Courts for and duringe the said Terme and to p^rceed to the ministrac^on of Justice and excercise of the office of a Sherriffe. Provided that you the said Sherriffe or your Deputy or Deputies shall not raise levy or array or cause to be raised or levyed any forces for or vppon p^rtence or colour of supportinge any insurections seditious or treasons without the warrant or p^rticular direction of the Co^mander in chiefe in Scotland for the tyme beinge first had and obtayned in that behalfe. And wee . . . [*torn*] heerby . . . [*torn*] people of Scotland to be aydinge and assistinge to the Sherriffe and his Deputy and Deputies duringe the said terme in the Execuc^on of the said office of Sherriffe. Provided that in all cases where formerly the name or stile of Kinge hath bin vsed in the excercise of the aforesaid office the name of the Keepers of the Lib^rtie of England by Authority of Parliament be inserted and vsed in stead thereof. Given vnder our hands at Dalkeith the day of In the yeare of our Lord one thousand six hundred Fifty and one,

The forme of the Co^missions for Sherriffes.

JO. PHELPEs, Sec^r.

Endorsed :—*Co^mission for Sherriffe.*

LIV

FORM OF OATH FOR SHERIFFS¹

By the Com^{rs} of the Parliam^t of the Comōn Wealth of
England for Ordering and Managing Affaires in
Scotland.

Whereas wee haue by Comīssion beareing date the March
1652.
day of _____ Constituted and appointed you
Sherriffe of and for the Sherriffdome of _____
vntill the first day of November next ensueing Before your
takeing vppon you the said Office you shall take the oath
Ensueing, that is to say you shall sweare that you shall bee
true and faithfull to the Comōn-Wealth of England as the
same is now Established wthout a King or Howse of Lords,
you shall well and truly excercise the office of Sherriffe
according to the best of yo^r Skill, Knowledge and power Soe
helpe you God.

Which said Oath (*Mutatis mutandis*) you shall likewise
administer to all officers of Courts and other Office^{rs} by you
appointed by virtue of the said Comīssion before they take
vppon them the said respective Offices.

Given under our hands att Dalkeith this _____ day
of _____ 1651.

This is the forme of instruccōns to Sherriffes.

Jo. PHELPEs, Sec^r.

Endorsed :—*Instruccōns to Sherriff about the Oath.*

LV

WARRANT ESTABLISHING A COURT OF ADMIRALTY²

By the Com^{rs} of the Comōn Wealth of England for
Ordering and Managing Affaires in Scotland.

To Henry Whalley Esq^r Judg Aduocate of the Army:
Richard Saltenstall and Samuell Desbrough, Esq^{rs}.

Know yee that wee reposeinge speciall trust and Confidence March 1,
1652.
in yo^r Wisdome Faithfullnesse and Circumspeccōn by virtue

¹ *Portland MSS.*, N. xx. 197.

² *Ibid.* N. xx. 115.

of the power vnto vs giuen in that behalfe¹ haue erected made and constituted and doe by these presents erect make and constitute a Court of Admiraltie to bee houlden for Scotland and the Isles and Territories thereof wth all Admirall priuiledges and Jurisdiccōns thereto belonging, and doe hereby Assigne Constitute and make you or any two of you Judges of the said Court Giuing and granteing vnto you full power from tyme to tyme in convenient places to hould the said Court as to you shall bee thought meete and according to Law in all matters as well Criminall as Civill, to proceede to Sentence and execuōn in all things concerneing the p^rmises, to proceed execute and Doo whatsoever shall bee according to Law as fully and effectually to all Intents and purposes as any other Judge or Judges of any other Admiralty Court may or ought to doe. Giuen vnder our hands att Dalkeith the first day of March In the yeare of our Lord one Thousand six hundred fifty and one.

Vera Copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Comission for Court of Admiralty.*

LVI

ORDER FOR SENDING UP SIR HENRY VANE AND COLONEL FENWICK²

By the Comissioners of the Parliament of the Coṃon Wealth of England for ordering and managing affaires in Scotland, Martij 1^o, 1651.

March 1,
1652.

Ordered

That two persons of the Comissioners be sent to the Parliament.

That they begin their Journey on Thursday next,³ so as to be at Berwick that day.

¹ By Article 15 of their Instructions.

² *Portland MSS.*, N. xvi. 113.

³ They left Dalkeith on May 2, according to Nicoll (*Diary*, p. 87), and reported their proceedings in Scotland to the House on March 16. Their Report or 'Tender' is dated March 3, and is printed *infra*, No. LXXXIV.

That S^r Henry Vane and Collonel Fenwick be the two persons to goe to London to the Parliament.

Signed by order of the said Co^mmissioners.

Jo. PHELPEs, *Secr.*

Read, 16 Martij, 1651.

Endorsed:—*Order for S^r Henry Vane and Collonel Fenwick to goe to the Parliament.*

LVII

ASSENT OF ANSTRUTHER-WESTER¹

I Willm. Dugall Clarke of Anstruther wester being deputed by the Burgh doe on the behalfe of my selfe and shire represented by me declare our free and willing acceptance of, and our consent vnto the Tenders made by the Parliament That Scotland be incorporated vnto and made one Co^mon-wealth with England, That thereby that same Governement that is established and enjoyed w^hout King or Howse of Lords vnder the free State and Co^mon-wealth of England may be devised vnto the people of Scotland, and wee desyre That the People of England and Scotland may be rep^rsented in one Parliament by their representatiues thereto, as the supreame Authority of the whole Island And in the meane tyme wee shall live peaceably under, and yeild obedience vnto the Authoritie of the Co^monwealth of England exercised in Scotland. In witnesse whereof I haue subscribed thir p^rsents wth my hand at Dalkeith the first day of March 1652.

March 1,
1652.

W. DUGALL.

Vera Copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Anstruther West Burgh Deputies Assent. March 1, 1651.*

¹ *Portland MSS.*, N. xx. 128.

LVIII

DESIRES OF THE SHIRE AND BURGH OF BUTE¹

To the right Hon^{ble} the Co^missioners of the Parliam^t of the Co^monwealth of England for Ordering and Managing affaires in Scotland.

The humble desires of John Magilchrist, Deputie for the Shire and Burgh of Boote, In behalfe of himselfe and those whom he represents.

March 1,
1652.

1. First that the religion as it is profest in Scotland may be authorized by the supream^e authouritie of the Co^monwealth and that soe soone as convenientlie can be, a meeteing of the Ministry in Scotland or some ablest amongst them may be called by the said authouritie to conferr, reason and debate wth some able Ministers of England (to be also warranted for that effect) anent the Lawfullnes or vnlawfullnes of tolleration of opinions in spirituall concernem^{ts}. In the meane time the mainteynance of the present governem^t of the Church of Scotland to be countenanced as formerlie.

2. Secondlie that the Deputies of shires and Burghes who doe engage in the Vnion may be authourized by the Parliam^t of England or by yo^r hono^{rs} to meete together. That what they haue done seuerally as representing only perticular sheires and Burghs may be accepted and approued of them so meeteing, as a representative of the whole Countrey.

3. Thirdlie that the whole countrey being inienuously engaged, and other Securitie given by pledges, Hostages or otherwise, for the future peace, such Garrisons onlie be kept as the Parliam^t of the Co^monwealth shall thinke requisite for continueance of our peace and vnion. And the Countrey of Scotland to be relieved of the vnsupportable charge of the Armie.

4. That the Judges and other officers of trust be such as engage in this Vnion and be placed in their power and

¹ *Portland MSS.*, N. xx. 93.

authoritie with consent of the Deputies of the Countrey and Townes and that after a perfect Vnion the nomination be of publike places by the representatiue of the whole.

5. That the Act of confiscation be taken away (w^{ch} being soe generall as scarce any of this Nation can escape the censure seemes to be Inconsistant with the Incorporation tendered), at least that it be soe limited as only such great ones be comprehended whose Interest in the Royall governem^t yet and their actings formerlie for it shalbe found by the Parliam^t of the Co^monwealth of England to be impardonable.

Endorsed:—*Bute Shire and Burgh, Feb. 28, 1652. Proposals Mar. 1, 1651.*

LIX

ASSENT OF THE BURGESSES OF EDINBURGH¹

Wee and each of vs vnderscrivers havinge voice in the Election of the Magistrates of this Burgh for our Selues declare our willinge and free Acceptance of and Consent vnto y^e Tender made by the Parliament of y^e Co^mon wealth of England That Scotland be incorporated into and made one Co^mon wealth with England, That thereby the same government that is established in England wthout a Kinge or house of Lords vnder the free state and Co^mon wealth of England may be derived vnto y^e people of Scotland, and wee p^mise that wee will liue peaceably vnder and yeild obedience vnto the Authority of the Parliament of the Co^mon wealth of England exercised in Scotland. Witnes theis p^rsent subscribed wth o^r hands at Edinburgh the first day of March in the yeire of god j^m vj^c fiftie two yeires.

March 1,
1652.

ALEX^r DEMESTON. AND. BYNNY.

JAM. LOCH.

JO. PEIRSONNE.

JO. BYNNY.

ANDREW RAMSAY.

JAMES NEARTILE.

PATRICK THOMSONE.

PATRICK COCKHARNE (?).

ROBERT MACKIN.

GEO. SUITTIE.

ADAM THOMSON.

¹ *Portland MSS., N. xx. 109.*

JOHN MEIKEITH.	JAMES ROCHEAD.	ROB ^t MURRAY.
GILBT. SOMERVELL.	W. WILKES.	R. DAMSON, <i>notar.</i>
JA. BROUNLL.	HOW. HAMILTON.	<i>for</i> FRANCIS KERR.
DAVID KERR.	JAMES ALISONN.	J. MEGHORNE.
THO. PATTESON.	JO. MARIORIBANKES.	
THO STOREL.	THO. CALDREWOOD.	
THO. LEISHMAN.	JAMES ELEIS.	
	ALEX. CLEGHORNE.	

Endorsed :—*The City of Edinburgh Assent to y^e Vnion.*

LX

ASSENT OF PITTENWEEM¹

March 1,
1652.

I Simon Anderson being Deputed by the Burgh of Pettenweine doe on the behalfe of my selfe and those represented by me Declare our free and willinge acceptance of and our consent vnto y^e Tenders made by Parliament That Scotland be incorporate vnto and made one Coimon wealth wth England That thereby that same goūment that is established and enioyed without Kinge and house of Lords vnder the free estate and Coimon wealth of England may be derived vnto the people of Scotland, And wee desire that the people of England and Scotland may be represented in one Parliament by their rep^rsentatives thereto as the supream Authority of the whole Iland, and in the meane tyme wee shall live peaceably vnder and yeild obedience vnto the Authority and Coimon wealth of England exercised in Scotland. In witnes whereof I haue subscribed these p^rsents with my hand at Dalkeith y^e first day of March 1652.

SIMON ANDERSON.

Vera Copia : JO. PHELPE, *Secr.*

Endorsed :—*Pitttenweym Burgh Deputies Assent, March 3, 1651.*

¹ *Portland MSS.*, N. xx. 130.

LXI

ASSENT OF ELGIN¹

I Master John Hay Cõmissioner deputed by the Burgesses and neighbo^{rs} of the Burgh of Elgin and authorized by them to repaire hether to Dalkeith to attend the Cõmissioners of the Parliam^t of the Cõmon wealth of England for orderinge the affaires of Scotland, The said Cõmissioners haveinge delivered to me the Declaracōn of the said Parliament concerninge the settlement of Scotland and desired my positive Answere in writeinge to be given in to them as to the Acceptance of the Parliaments Tender in the second Article of the said declaracōn and to the other thinges contained in the paper of the 27 Februar last, doe for my selfe and on the behalfe of those represented by me retourne this Answere.

March 2,
1652.

As to the Tender of the second Article whereby it is declared that Scotland shall and may be incorporated into and become one Cõmon wealth with England whereby the same goūment that is established there and enjoyed by the people of that nation vnder the free state and Cõmonwealth of England as it is now setled without Kinge or house of Lords may be derived to the people of Scotland, I accept the said tender and assent thereto.

I also declare that wee will in the meane tyme live peaceably and obey the Authority of the Parliament of the Cõmon wealth of England to be exercised in Scotland, and shall be ready from tyme to tyme to offer what wee shall conceaue requisite for bringinge to effect the said Vnion and settlement with speed and best satisfaccōn to bothe nations. In witness whereof I haue subscribed these p̃nts at Dalkeith the second day of March 1652.

JOHN HAY.²

Veria Copia: JO. PHELPEs, *Secr.*

Endorsed:—*Elgin Burgh Deputy Assent, March 2, 1651.*

¹ *Portland MSS.*, N. xx. 129.

² Probably John Hay, town clerk of Elgin. Cf. Foster, *Members of Parliament*, p. 176.

LXII

DOUBTS AND SCRUPLES OF LANARK¹

The doubts and scrouples of us the burgess and neighbours of the burgh of Lanerk which we doe present to the right hono^{ble} the Coñmissioners of the pliament of The Coñmonn Welth of Ingleand for orderinge and manadgeing affaires in Scotland quhairfour we can not with freedome grant any absolut coñmission till we haue farder satisfaction in our consciences thairanent.

March 2,
1652.

Wee professe that we would Looke upone ane solide and weell grounded Vnion in the feare of God betwixt the covenanted Nationes in this yland But speciallie amongst all the trewlie godlie therein Not onelie as ane maine intendment of the Covenant: but amongst the speciall mercies the nationes ar capable of. And that we Judge our selves bound to promote the samen with our outmost endeavours and most willing to accept whatsoever tender might conduce therevnto according to the will of God. But as to that forme and manner of incorporation whereof our frie and willing acceptance is now requyred Wee desire to be satisfied in those particulares following. First, we conceive our selves bound by the Law of God and oath of Covenant agreeable thereto to endeavour the preservation of the Liberties of this Nation and Just fundamentall Lawes thereof, which we Judge to be altogether infringed be the forme of the now demanded incorporatioun which tho carrieing along with it a change of the whole fundamentall frame of governement and all thinges therevpon dependent Is not presented to the full and frie deliberation of the people in their collectede bodie, but first concluded without their advyce and knowledge and now offered in a divydit way without a previous condiscension in what might preserve from the dangerous consequences that may follow so great a change if not carefullie guarded against.

¹ *Portland MSS.*, N. xx. 92. A portion of this document is printed in *Hist. MSS. Comm. Rept.*, xiii. pt. i. p. 630. From No. CLIX., *infra*, it appears that Lanark never accepted the 'Tender.'

But secondlie though we could be much denied to cutt and carve in what concernes our owne Interest, Yet we dar not add to nor diminish from the matteres of Jesus Christ, Dearer to vs then all thinges earthlie, Which is so far from being secured by any thing offered for that effect That it is diverse wayes prejudiced and a fundation Laid downe in generall and doubtosome termes of a vast tolleration. Wee ar farr from the approveing the persecuting any of the trewlie Godlie But how should we be exonered in the day of our wakeneing to give our full and frie consent to any thing which opens a dore to manie grosse errores contrarie to sound doctrine and the power of godlienes. Wee delyt not to multiplie scrouples, being moved to this onelie for conscience sake in the feare of God. And therefore we doe hope and expect that the power of the Parliament of the Coñon Wealth of England will Looke vpon vs and deall with us no other wayes then a meane people who desires to walk honestlie towardis God and peaceable towards all men, And somuch the reither because we suppose it is not vnknowne to them what sufferingis wee sustained besydes all our present sufferinges for opposing that vnlawfull engadgement against England, So tender was we to contribut the smallest concurrence to what might be offensive to any in that Nation.

HEN. HINCHELWOD.

JOHNE NASMYT.

JAMES LOGAN.

DAVID PERSYE.

JOHN PATOUN.

J. BRENTOUNE.

GEDION JACKE.

ALEX TENNANT.

DAVID MOUNT.

WILLIAM MOWNT.

J. SEYMPTON.

GABRIELL HAMILTON.

WILLIAM INGLIS.

Endorsed :—*Lanerk Shire. Deputies Scruples, pñted Mar. 2, 1651.*

LXIII

PROPOSALS AND DESIRES OF LANARKSHIRE AND
DUMBARTONSHIRE ¹

Some proposalls and Desires from the Deputies of y^e
Shires of Lanerick and Dumbritton.

To the Right Honor^{ble} the Com^{rs} of the Parliam^t of the
Co^mon Wealth of England for ordereing and managing
Affaires in Scotland.

March 2,
1652.

First we humbly desire That an Authority from w^{ch} may
flow the equall Distribution of Justice to all sortes of people
may be established there, at least ouer these and some
adjacent Shires, as may most conduce to y^e ease, and be for the
conveniencie of that place of y^e Country.

2. That as much tendernesse may be had as is possible in
the matter of Sequestracions, that y^e same may fall onely vpon
notorious Delinquents.

3. In regard of y^e great devastation and vniversall Losses of
these Shires, That such parte of y^e Forces there quartered (as
the present posture of Affaires may permitt) be remoued to
some other places, who are not put to y^e same necessitie wth
vs of buyeing bread and bringing it from other remote parts
of y^e Land.

4. That y^e Assessments be Lessened, as the true estate of
these Shires being considered and compared wth that of others
will deserue; As also, that within our Shires, eury mans
proportion may be adapted to his abilitie; and to this end,
some knowing and consciencious men within these respectiue
Shires may be impowered, and ordered to rectifie the (justly
by so many greived at) Valuations. We humbly offer also,
That these Persons may be further authorized to make
practicable former Acts of Parl^t of this Nation, made for
relleife of Tennants.

5. That y^e ease giuen of Assessments for wasted Lands may be equalized and some appointed for that effect.

6. That the deploreaable condition of many poore Labourers of y^e ground wholly ruinated be taken into consideration, and some publicke allowance giuen for helpe to them to prouide Seede to rest in the Earth, that so their already miserable Lives may be sustain'd by that ground of hope for y^e subsequent yeare.

Endorsed:—*Shires of Lanerick and Dumbarton. Deputies desires. Mar. 2, 1651.*

LXIV

DESIRES OF NAIRNSHIRE¹

To the right honorable
The Cōmissionaris of the parliament of the Cōmonnwealth
of England.

The humble desyres of the heretoris and rentalleris of
the Shirefdome of Nairne appoyntet to be offered to
yo^r honors by their Cōmissionares.

First that yo^r honors wold be pleased to giue assurance that
Religione may be established as it hath bein by the blissing
of God this many yeeres past within this natione in Doctrine
worshipe and government. March 2,
1652.

Secondly that all forfaulto^{rs} and sequestraciones be dis-
charged by ane act of fauour wherby the generalitie of the
people may tast of the fruites of the government of the
parliament of the Cōmonnwealth of England.

Thridly that yo^r hono^{rs} would condescend vppon the tyme
quhen the incorporatione shall begine, And that the people
of this Land may be governed by our awine Lawe tho' the
power of administratioune be deryved from the parliament
of the Cōmonnwealth of England.

¹ *Portland MSS., N. xx. 97.*

Fourthly that yo^r hono^{rs} would Lay to hart the Lamentable conditione of this wasted Land that some speedy course may be taken for easing the insupportable burdenes y^rof, quherby the impoverished inhabitants may taiste of yo^r hono^{rs} tendernes.

Yo^r hono^{rs} answer is humblie expected by

PATRICK DUNBAR.

JOH. ROSE.

Endorsed :—*Nairne Shire. Deputies proposalls. March 2, 1651.*

LXV

DESIRES OF STIRLING ¹

To the Richt honorable the Co^mmissionares of the parliament of the Co[mmon] vealthe of Ingland for ordering and manadgeing the effaires in Scotland,

The humble Desyres of the nichtbo^{rs} and inhabitantes of the burghe of Sterling offered to be presentit be thair Co^mmissionar in satisfioun to the people of that burghe.

March 2,
1652.

That the trew protestant religion and the ecclesiasticall iudicatories be Established within this natioun conforme to the word of God.

That all suche who have bene in armes in obedience to the lawes of the land For Defence thairof or have bene aiding abbaithing or assisting to these warres Being warranted be the supream aucthoratie for the tyme may be declairit frie of foirfaultrie and confiscatioun of Goods and lands.

That all prissoners takin within or without this natioun be releisit.

That a tyme may be condiscendit vpoun for perfyting the Vnioun and admitting the Representatives of this natioun to the parliament And that the co^moun vealthe may have on name comprehending to the natiounes, viz. Great britane.

¹ *Portland MSS.*, N. xx. 94.

That thair be ane supreamie iudicatorie p̄ntlie Established within this natioun of qualefeit persones For administrating of Justice conforme to the law of the land.

That some taist of the sueitnes of vnioun and peace may be p̄ntlie gevin to the burghe of Sterling be abaiting thair vn-suportable assesmentis. And that be ressonne they are altogither impoverished be the many Great sufferingis they have formerlie susteanit And of leate be Destroying the whole cornes about that burghe when gñall louetennent Monk was thair withe his whole men to ye number of four thowsand and tuo hunderithe wha wer quartit within the burghe¹ and had eatche of thame frome the nichtbo^{rs} and burgess tua shilling Scottis a day sua long as they remaynit togither, ilk was nyntene dayes, and efter thair pairting these of the foote vnder cōmand of Colonell Rid² and ane hunderithe and twentie horsemen vnder comand of Maio^r Scott that remaynit in garisone vnder comand afoirsd had eatche of thame tua shilling scottis for a long tyme thair-efter, And as yitt that burghe is at the burdine of furnishing coall candell and bedding to the garisone Whiche hes newer bene in consideratioun, Bot still assesmentis in and exactit frome thame as if they wer in good tioun and eable to pay the same And as if they had n[o] suche burdines lying vpoun thame Whiche being richt[lie] considerit be your hono^{rs} vilbe fund verie veightie to suche a vaistit and impoverished place as is that burghe And so they to merite exemptioun frome payment of assesment.

That the burghe of Sterling may lykwayes p̄ntlie taist of the sweetnes of the foirsd vnioun and peace Be Enjoying of thair formar fredomes and liberties And that thair Maiestrates may have warrand frome yo^r hono^{rs} to sitt and administrat iustice within burghe to thair nichtbo^{rs} as formarlie.

That the nichtbo^{rs} and burgess of the burghe of Sterling may have the frie vse of thair trades and handicroftis And

¹ Stirling surrendered to Monck on August 6, 1651, but the castle held out until August 14. On the estimate of Monck's strength given in the text, cf. Firth, *Scotland and the Commonwealth*, p. xvii.

² Colonel Thomas Read, governor of Stirling.

that non be sufferit to vse tradding within burghe ather of mertchandice balking brewing or suche lyke Bot these wha are nichtbo^{rs} and burgess, And that these wha are not so and hes takin vp tradding within burghe¹ be dischairgit thairof be warrand frome yo^r hono^{rs}, vtherwayes the most pairt of the nichtbo^{rs} and burgess of that burghe whose being consistis altogither vpoun tradding and handicraft wilbe necessitat thameselfis thair wyfes and childerin to desert the burghe and go a beging.

Endorsed:—*Desyres of the burghe of Sterling be thair Comissionar.*

For Sterling Burgh, Mar. 2, 1651. Desires.

LXVI

ASSENT OF STIRLINGSHERE²

To the right hono^{ble} the Comission^{rs} of the Parliament of the Comon Wealth of England for managenge and orderinge Affaires in Scotland: Sir George and S^r Mungo Sterlines Deputies for the Sherriffe of Sterline.

March 2,
1652.

Beinge by you appoynted to deliver this day in writeinge vnder our hands a full and cleare Answere Wee doe on the behalfe of our selues and those represented by vs declare our willinge and free Acceptance of and consent vnto the Tender made by the Parliament of England, that Scotland be incorporate into and made one Comon wealth with England, that thereby the said Government that is established and enjoyed without Kinge or house of Lords vnder the free estate and Comon wealth of England may be derived vnto the People of Scotland, And wee desire that the people of England and Scotland may be represented in one parliament and govern^t by there representatives therein as the supream Authority of the whole Island, And in the meane tyme wee shall live peaceably vnder and yeild obedience vnto the Authority of

¹ Cf. *Records of the Convention of Royal Burghs*, 1615-1676, p. 429, art. 5.

² *Portland MSS.*, N. xx. 85.

the Parliament of the Common wealth of England exercised in Scotland.

These are our Answeres to the first two Articles required. As to the third and last Article wherein it is required that wee offer what wee conceaue requisite for bringinge to effect the said Vnion and settlement with speed and best satisfaccōn to the people of Scotland, our Judgm^t therein wee haue herewith delivered in another paper vnder our hands of the Date of these p^rsents. Signed at Dalkeith y^e Second day of March 1652.

G. STERLINGE.

M. STERLINGE.

Vera copia: JO. PHELPEs, Sec^r.

Endorsed:—*Sterling shire Deputies assent, March 2^d, 1651.*

LXVII

DESIRES OF STIRLINGSHIRE¹

Right Honorable

Having according to your appointment delyvered in wreat-
ing vnder o^r hands ane answer to the two first articles,² It
remaines we offer what we conceaue requisite for bringing
to effect the union and setlement of the nations, And there-
fore not presuming to informe you of what you doe not
knowe, we ar incouradged by our Calling and your Clemency to
remember you of what you weell understande. The beginning
of wisdom being the fear of the lord, We doe in the behalf
of our selvs, the shyre we represent, and the whole nation,
earnestly desyre :

March 2,
1652.

First, That the trew protestant religion may be, in this
land, continoued and mentained, It being the testimonie we
haue of Gods love, the priuledge we enjoy, beyond most
nationes, and that which most guid us to his euerlasting King-
dome, Religion being the improver of peace, and the sole
object of our devotion is the God of peace.

¹ *Portland MSS.*, N. xx. 99.

² *Supra*, No. LXVI.

For promoting whereof, you will no doubt observe the dispensers of the divyn misteries, with a watchfull eye, be they sonnes of Thunder, or Zebedees children, to rebuke them, be they moderate, and pasto^{rs} according to Gods heart, to encourage them.

Secondly Peace, gentle peace, which wes alwayes attended on by plenty and pleasure, sems of a long tyme to haue abandoned this Iland ; In place whereof haue succedded warrs, famine, and pestilence, all which haue so long, so hote, and so sore raged, as the bedd hes not been able to priledge the sick, nor the Cradle the suckling, nor the great belly the Embryo, nor the altar the priest.

That this storme may resolve in a Calme, and our Swords and speares be beat in plow-shares and pruning-hooks, let Confiscationes, sequestrationes, and forfaltors, proceed no further.

Thirdly, Revive Judicatories, put in offices, and employ men who fear God and hate covetousnes, Allow Barrons Courts as before.

Fourthly. Forbear to exact Asess, at least grant great abaitment, till y^e land recover, which thir former yeare warrs hes so much exhausted, which may be the easier yeilded vnto if you be pleased that your forces, horses and foot, returne to England, except such as wilbe fitt to keep in Castles, and fortified townes.

Fyfthlie, Procure a speidie and happie union, that may maik the Nation inseperable, and so insuperable, And so Allow the deputies of shyres to meet amongst themselvs for preparing what is fitt for so important a bussines.

Sextlie, Returne our Registers to be Keeped in this Nation.

Sevintly, Enlarge and sett at freedome our prisoners.

Eightly, Appoint that no quartering be in Noblemen and gentlemens houses.

Nyntly, Taik Course that those of the Militia may pay there quarters, locall and transient.

Tenth, Sie bygoune Insolencies punished donne by the Souldierie, either in Churches, or to Ministers.

Elevint, Encouradge trading, let money haue Course upon y^e interest payed thir yeere past according to late Acts of Parliament, Let Confiscation of the Summ be threatned to those who exacte more.¹

These ar a few of the desyres thought fitting at this time to be represented to your honors By Your humble servants.

G. STERLING.

Dalkeith, the second March 1652.

[M. STIRLING.]

Endorsed :—*Desyres by the deputies of Sterlinshyre To the right honorable the Commissioners of the Parliament of the Commonwealth of England. Mar. 2, 1651: read.*

LXVIII

DECLARATION TO STIRLINGSHIRE ²

By y^e Co^mission^{rs} of y^e Parliam^t of y^e Co^mon wealth of England for ordering and managing Affaires in Scotland.

Whereas the Sheire of Sterling hath by its Deputies de[cl]ared] its acceptance of the Tender of the Parliam^t of the Co^mon wealth of England to bee one Co^mon Wealth wth England and hath alsoe engaged itsel^fe to liue peaceably vnd^r and yeild obedience vnto the Authoritie of the Parliam^t of the Co^mon Wealth of England exercised in Scotland. March 2,
1652.

Wee doe declare that the abouesaid Sheire is taken into the especiall protection of the Parliam^t of the Co^mon wealth of England And doe therefore strictly require all Officers and Souldiers whatsoeuer as all other persons that shall haue occasion to travel in the said sheire or converse wth any of the Inhabitants of the sa[me] that they offer noe violence or

¹ The Convention of Burghs recommended in September 1656 that owing to the scarcity of money the rate of interest should be raised to eight per cent.—*Records of the Convention of Royal Burghs, 1615-1676, p. 428.*

² *Portland MSS., N. xx. 107.*

iniury vnto the persons or goods of any of the Inhabitants of ye same nor take any . . . [torn] from them vpon any pre-
tence without satisfaccōn giuen to the [same] and wth their
Consent As they will Answere the Contrary.

And wee doe further declare That the said Sheire and the
Inhabitants thereof in their Compliance and deportement as
aforesaid shall not onely haue all due encouragem^t from these
in Authoritie vnd^r the Parliam^t in Scotland but receive from
tyme to tyme such testimonies of respect and favour toward
them [by] way of benefitt to the Inhabitants in their Liberties,
Trade, and other Concernments as shall consist wth the present
state of Affaires here and the Parliam^{ts} Declaracōn in that
belaffe and as . . . [torn] testifie to them the good accept-
ance w^{ch} the Parliam^t hath of such Manifestacōn of their
assertions and endeavo^{rs} for promoteing the said Vnion. Giuen
vnd^r o^r hands at Dalkeith the Second day of March 165½.

This is a true Copie.

JO. PHELPEs, Sec^r.

LXIX

A NEWSLETTER¹

March 2,
1652.

Sir,—Of late there are more formall hopes of compliance
of the Counties of *Scotland* with the Commissioners of the
Parliament of *England* then formerly.

The Deputies of sixteen shires have already agreed to submit,
and are returned, and returning.

It is thought by computation of the whole, that upon
deliberate consideration we may conclude that those people
that are contained in those sixteen shires, are about half the
Nation.² And yet for all this some rigid Presbyterian persons
are very obstinate.

Dalkeith, 2 March 1651.

¹ *Severall Proceedings in Parliament*, March 4-11, 165½. E. 794 (2), p. 1993.

² The Commissioners, in drawing up their order of March 1 for the despatch
of Vane and Fenwick to London, were clearly guided by the fact that in their
view the major part of Scotland had already approved of the scheme of Union,
and that therefore the time was come for Parliament to take further action. By
March 2 they had secured the assent of the majority of the Shires south of the
Forth and Clyde, and also of Nairn and Banff in the north, and of Forfar and
Kincardine on the east.

LXX

A NEWSLETTER¹From *Dalkeith*, March 2.

Many of the Burroughs that have by their Deputies assented, have likewise by them Petitioned for Commissions from them, for Government of their respective Corporations, and especially *Edenburgh*.² March 2,
1652.

The number of shires in *Scotland*, to whom Summons have bin issued, for the sending in of Deputies to our Commissioners, are 31, of which number 18 have appeared according to the Summons, and assented to the Union. Also 2 Stewarties have bin summoned, and Burghs 56, of which 24 have likewise assented to the Union.³ There were many of the other Shires and Burghs, whose deputies did attend, but their Commissions being defective, they were dismissed; yet notwithstanding, divers have Petitioned for new Summons,⁴ and come in daily with assents to the Union. Only the Burrough of *Glasgow* have in writing given in their dissent to the Union.⁵

LXXI

ASSENT OF ANSTRUTHER-EASTER⁶

I M[a]ster William Thomsone beinge deputed by the Burgh of Anstruther Eister Doe on the behalfe of my self and those represented by me declare our willinge and free Acceptance of and Consent vnto the Tenders made by the Parliament That Scotland be incorporated into and made ane Coñonwealth with England That thereby that same governm^t that is established and enioyed without Kinge and house of Lords vnder the free Estate and Coñon wealth of England may be March 3,
1652.

¹ *Mercurius Politicus*, March 4-11, 165½. E. 656 (6), p. 1472.

² A petition on this matter had been presented on January 26 (*supra*, p. 17). *Vide infra*, Nos. LXXXIII., LXXXVII.-LXXXIX.

³ Cf. the number and names of the assenting Shires and Burghs reported to the House on March 16 by Vane, in *Commons' Journals*, vol. vii. p. 105.

⁴ This form is printed *supra*, No. XI.

⁵ The Dissent of Glasgow is printed *supra*, No. XXIX.

⁶ *Portland MSS.*, N. xx. 134.

deryved vnto y^e people of Scotland, And wee desire that the people of England and Scotland may be represented in one Parliament and goverment by theire representatiues thereto as the supreame Authority of the whole Island, And in the meane tyme wee shall liue peaceably vnder and yeild obedience vnto the Authority of the Parliament and Cōmon wealthe of England exercised in Scotland. Witnesseth this p̄sent writinge and subscrib^d with my hand at Dalkeith the Third day of March the yeare of our Lord 1652. M^r W. THOMSONE.

Vera Copia: Jo. PHELPEs, *Sec^r*.

Endorsed:—*Burgh of Anstruther East Deputies Assent, 3^d March 1651.*

LXXII

FORM OF OATH FOR JUDGES OF THE COURT OF ADMIRALTY¹

By the Cōmission^{rs} of the Parliament of the Cōmonwealth of England for ordering and managing Affaires in Scotland.

March 3,
1652.

Whereas wee haue by Cōmission bearing date the first day of this instant March constituted and appointed you Henry Whalley, Esq^r Judge Advocate of the Army, Richard Saltinstall and Samuel Desbrough Esq^{rs}, Judges of a Court of Admiralty erected in Scotland. Before you take vpon you respectiuey the Execucōn of the said Trust you shall respectiuey take the Oath ensuing (that is to say) You shall swear that you shall bee true and faithfull to the Cōmon wealthe of England as the same is now established without a King or house of Lords, You shall well and truly execute the office of one of the Judges of the Admiralty in Scotland [*sic*] according to the best of your Skill knowledge and power so helpe you God.

W^{ch} said Oath (*Mutatis mutandis*) You or any of you shall likewise administ^r to all Officers of the said Court by you

¹ *Portland MSS.*, N. xx. 196. Cf. *supra*, No. LV.

appointed by vertue of the said Cōmission before they take upon them the said respectiue Offices. Given vnder our hands at Dalkeith the third day of March in the yeare of our Lord one thousand six hundred fifty one.

Vera Copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Instruccōns to the Judges of the Admiralty.*

LXXIII

ASSENT OF CLACKMANNANSHIRE¹

Wee vnderscriv^{rs} and Cōmissioners Deputed by the Shire of Clackmanan In order to the Tender p^rsented to vs vppon the second of this instant by the right hono^{ble} the Cōmissioners of the Parliament of the Cōmonwealth of England Doe heerby for our selues and in name of the foresayd Shire represented by vs declare our hartly acceptance of the foresaid Tender, And doe heerby agree that Scotland be incorporated into and made one Cōmon wealth with England That thereby the same government that is established in England without Kinge or house of Lords vnder the Free State and Cōmon wealth of England may be deryved to y^e people of Scotland.

March 3,
1652.

Secondly wee declare that wee will in the meane tyme live peaceably vnder and giue obedience vnto the Authority of the Parliament of the Cōmon wealth of England exercised in Scotland By these p^rsents subscribed with our hands at Edinburgh this Third of March 1652.

WILLIAM GRAHAME.

ROBERT YONGER.

Vera Copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Clackmanon Shyre Deputies Assent, 3 March 1651.*

LXXIV

ASSENT OF CULROSS²

I Alexander Eizatt beinge Deputed by the Burgh of Culross doe one the behalfe of my selue and those represented by me

March 3,
1652.

¹ *Portland MSS.*, N. xx. 88.

² *Ibid.* N. xx. 136.

declare our free and willinge acceptance of and Consent vnto the Tender made by the Parliament of the Cōmon wealth of England That Scotland be incorporated into and made one Cōmon wealth with England, That thereby the same government that is established and enioyed without Kinge and house of Lords vnder the Free State and Cōmon wealth of England may be deryved vnto the people of Scotland. And wee desire that the people of England and Scotland may be rep^rsented in one Parliament and government by their representatiues therein as the supream Authority of the whole Island. And in the meane tyme wee shall liue peaceably vnder and yeild obedience vnto the Authority of the Parliam^t of the Cōmon wealth of England exercised in Scotland. In witnes whereof I haue subscribed these p^rsents at Dalkeith the third day of March 1652. ALEX^R EIZATT.

Vera Copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Culrosse Burgh Deputy Assent, 3 March 1651.*

LXXV

ASSENT OF CUPAR¹

March 3,
1652.

I George Jameson being deputed by y^e Burgh of Couper in Fyfe doe on the behalfe of my selfe and these represented by me declare o^r willinge and free Acceptance of and Consent vnto the Tender made by the Parliament of the Cōmon wealth of England That Scotland be incorporated into and made one Cōmon wealth with England, that thereby the same government that is established in England without Kinge or house of Lords vnder the Free State and Cōmon wealth of England may be deryved vnto the people of Scotland. And wee desire that the people of England and Scotland may be represented in one Parliament and governed by their representatiues therein as y^e supream Authority of the whole Island soe that the people of both nations may enioye one iust and Cōmon Interest. And in the meane tyme till this be made practicab^le wee p^rmise that wee will liue peaceably vnder and yeild

¹ *Portland MSS.*, N. xx. 132.

obedience vnto the Authoritye of y^e Parliam^t of the Co^mon wealth of England exercised in Scotland. And moreover wee shall be ready from tyme to tyme to offer what wee shall thinke requisite for bringinge the said Vnion and settlement to effect wth speed and best satisfacc^on to both nations. Witness my hand att Dalkeith.

GEO^R JAMESON.

Veria Copia: Jo. PHELPHES, *Sec^r*.

Endorsed:—*Coupar Burgh Deputies Assent, 3^d March 1651.*

LXXVI

ASSENT OF FIFESHIRE ¹

For as much as by order of the Com^{rs} of the Parliament of the Co^mon Wealth of England for orderinge and managinge Affaires in Scotland The gentlemen Heretours and Rentallers of the Shire of Fife haue authorized vs S^r Alexander Gibson of Drurie and M^r William Bruce of Prior² Co^missioners with power conteyned in our Co^mission bearinge Date at Couper the first day of March 1652, And now the Co^missioners afore-said havinge delivered to vs the Declarac^on of the Parliam^t of the Co^mon wealth of England concerninge the settlement of Scotland with an explanac^on therevpon from the Co^missioners, And havinge alsoe delivered to vs another paper dated vpon the second of this instant requiringe our full and cleare Answere in writinge to be given this day to three Tendors therein conteyned Wee doe retourne this Answere. And first as to y^e Tender of the Article whereby it is declared that Scotland shall and may be incorporated into and become one Co^mon wealth with England whereby the same government w^{ch} is established there and enjoyed by the good people of that nation vnder the free State of the Co^mon wealth of England as it is now settled without Kinge or house of Lords may be derived to y^e people of Scotland, wee doe accept thereof and acquiesse therevnto.

March 3,
1652.

As to y^e second wee declare that in the meane tyme wee will liue peaceably vnder and giue obedience vnto the Authority

¹ *Portland MSS.*, N. xx. 82.

² Lamont (*Diary*, p. 46) describes him as 'comisar of St. Androus.'

of the Parliament of the Common wealth of England exercised in Scotland.

As to y^e third wee haue exhibited our Thoughts therevppon in a paper apart.

And wee the Com^{rs} of the aforesaid County of Fyfe haue signed theise p^rsents with our hands at Dalkeith this Third day of March 165½.

A. P. DURIE.

WILL. BRUCE.

Vera Copia: Jo. PHELPEs, Sec^r.

As to the third Article in the Tender desiringe vs to offer what wee conceiue requisite for bringinge to effect the said Vnion and settlement with speed and best satisfaccōn to the people of Scotland, wee Answere that this same is of soe high concernment and comprehensive of soe many essentiall p^ossalls that in this nick of tyme wee cannott expresse all overtures necessary, and therefore albeit wee as Christians should represent our desires of settlem^t of Religion in Doctrine and discipline with the Church of Scotland, And as patriotts would p^opose our humble desires for enioyment of our Lawes and Libt^{ie}s for the Condisconding vppon the extent of our powers in this fellowship of an vnited Comōn wealth, for the Libt^{ie} of Trade, for the matter of Coyneage and Mint, for the p^opriety of goods, for an Act of oblivion and grace toward all prisoners, for discharge of all sequestracōns and forfeitures, for y^e moderacōn of the greate burden of Sesse and removeinge of forces and for takeinge of all Markes of distinction and distrust yett saviage, wee doe humbly conceaue that this is not the fitt tyme for effecting theise and many more, wee shall su^me vpp our desire in this That a short tyme may be appoynted for bringinge this vnion to a finall Accomplishment. Subscribed with our hands at Dalkeith this Third day of March 165½.

A. P. DURIE.

WILL. BRUCE.¹

Vera copia: Jo. PHELPEs, Sec^r.

Endorsed:—*Fife shire Deputies assent, March 3^d, 1651.*

¹ On March 16 they made their report of their mission at Cupar, and 'were approved by the comittie of the shyre, such as it was, Ferny being preses (verie fewe meiting that day) and gate many thanks for ther pains, and desired to continoue ther attendance with the English. (The day of ther election, viz., Mar. 1, some gentelmen did protest against the persons and ther comission.)'—Lamont, *Diary*, p. 47.

LXXVII

DESIRES OF FIFESHIRE¹

Dalkeith, 3 March 1652

To the right Honorable the Cōmmissioners of the Parli-
ament of the Cōmon wealth of England for ordering
and manageing affaires in Scotland.

The humble desires of the Cōmmissioners of the Shyre of
Fife.

1. That all forfeitures and sequestrationes be takin off the
Landis and fortunes of such as doe heartily conceave and goe
along in the pursuance of the Vnion. March 3,
1652.

2. That the insupportable burdene of Cess vnder which the
Shyre is vnable to subsist may be mitigated and the number of
the forces Lessened.

3. That gentlemens houses be exempted from quartering
and that their gardenes parkes or orchardis and other polises
may be protected from destruction.

4. That the restraint be takin off the necessary judicatories
of Cōmissariat and baron courts, that people suffer no Longer
by want of administration of justice till further course be
taken.

5. That in regarde of the present grosse inequality in the
Valuation of rents, that there be a Cōmittee appointed for
Valuing the Same to note as rectificōns what hath bene amisse
in former Valuationes.

6. That ane ordinary Cōmittee be established of persons
well affected to the publicke peace and that of the Shyre with
as full and ample power as any comittee formerly haue had.

7. That the forces within the Shyre be discharged from
exacting of the cuntry people more nor the ordinary measure
of the cuntry for oates and straw.

A. DURIE.

WILL. BRUCE.

Endorsed:—*Fifeshire desires in y^e 3^d March 5½.*

¹ *Portland MSS.*, N. xx. 98.

LXXVIII

COMMISSION TO THE DEPUTY FOR FORRES¹

March 3,
1652.

Whereas wee Burgesses Inhabitants and Neighbours of the Towne of Forres haue receiued ane paper directed to vs from the Cõmissioners of the Parliam^t of the Cõmonwealth of England Makeand mention that the said Parliam^t having Declared their Intencōns concerning the settlement of Scotland and appointit their Cõmission^{rs} to publish and make knowne the same to the people of this Nation, and to vse their Endeavors whereby the said settlement may with most satisfaccōn and speed bee effected, And the whole land through the goodness of god brought to ane happy and lasting peace, Requiring vs therefore to meete in some Convenient place wthin the said Towne, and there to Nominate and elect ane person of Integrity and good Affeccōn to the welfare and peace of this Island, And the person so electit wth full power on our behalfe for that effect to bee with y^m the saide Cõmission^{rs} at Dalkeith the six and twentieth day of February last, and not being able to send one (in o^r name) to obey the Cõmands layed on vs till now, wee haue advanced all our power to the behalfe aforesaide And Accordingly being mett at the saide Towne of Forres this day Doe Nominate and elect Thomas Warrant Burgesse of the said Towne Cõmission^r aboute Writt. Given vnder [our] handes at Forres the third day of [March] 1652.

B. FARQUHAR.	THO.	²
ALEX ^R BUCHANE.	JAM. JURIE.	
JOHN WINCHESTER.	JOHN PATERSONE.	
JOHN FYFF.	W ^M LOGANE.	
JOHN DUNBAR.	ADAM DUNBAR.	
N. DAR	JOHN LAUS.	
ALEX ^R MONTGOMRE.		
P. COOK.	JOANSTIEN.	W ^M . MYER.

Demandatis Dictorum Daudis Brodie Jacobi Brodie Alex.

¹ *Portland MSS.*, N. xx. 203.

² The name is illegible.

Forsythe Archibald Dunbar Thomae Tullothe Scribere nescient vt assero Ego Jacobus Imrie Notarius Publicus in fidem promissarum speculi requisities subscribo teste manu propria.

JACOBUS IMRIE, Notar Publicus.

Demandat Dictorum Guliel Farq^r Patrin Paterson Scribere nescient vt assero Ego Jacobus Imrie Notarius Publicus in fidem promissarium speculi requisicus subscribo teste manu propria.

JACOBUS IMRIE, Notarius Publicus.

Ass^t.

Vera copia Extā. Jo. PHELPHES, Sec^r.

Endorsed:—*Forres Burgh Deputies Comission, 13 Feb. 1652: received.*

LXXIX

ASSENT OF INVERKEITHING¹

I Robert Browne being deputed by the Burgh of Innerkeithing doe on the behalfe of my selfe and those represented by me Declare our free and willinge Acceptance of and Consent vnto the Tender made by the Parliament of the Co^mon wealth of England That Scotland be incorporate into and made one Co^mon wealth with England That thereby that same goverment that is established and enioyed without Kinge and house of Lords vnder the free estate and Co^mon wealth of England may be deryved vnto the people of Scotland. And wee desire that the people of England and Scotland may bee represented in one Parliament and goverment by the representatiues thereto as the supream authority of the whole Island. And in the meane tyme wee shall liue peaceably vnder and yeild obedience vnto the Authority of the Parliament of the Co^mon wealth of England exercised in Scotland.

March 3,
1652.

ROBERT BROWNE.²

Vera copia: Jo. PHELPE, Sec^r.

Endorsed:—*Innerkething Burgh Deputies assent, March 3, 1651.*

¹ *Portland MSS.*, N. xx. 135.

² M.P. for Inverkeithing in the Parliament of 1650.—Foster, *Members of Parliament*, p. 37.

LXXX

ASSENT OF KILRENNY¹

March 3,
1652.

I Gavin Barronn being Deputed by the Burgh of Kilrynnies doe on the behalfe of my selfe and those represented by me Declare our willinge and free Acceptance of and Consent vnto the Tenders made by y^e Parliam^t. of y^e Co^mwealth of England, that Scotland be incorporated into and made one Co^monwealth with England, That thereby that same government that is established and enjoyed without Kinge or house of Lords vnder the free Estate and Co^monwealth of England may be deryved vnto y^e people of Scotland. And wee desire that the people of England and Scotland may be represented in one Parliament and government by their representatives theireto As the supream Authority of the whole Iland. And in the meane tyme wee shall liue peaceably vnder and yeild obedience vnto the Authoritye of y^e Parliam^t of y^e Co^monwealth of England exercised in Scotland. In witnes of y^e which I haue subscribed these pⁿts wth my hand at Dalkeith y^e Third day of March 1652.

GAVIN BARRONN.

Vera copia: Jo. PHELPS, *Sec^r*.

Endorsed:—*Kilrinnie Burgh Deputies assent, 3^d March 1651.*

LXXXI

ASSENT OF KINGHORN¹

March 3,
1652.

I James Robertson beinge Deputed by the Burgh of Kingorne doe on the behalfe of my selfe and those represented by me declare our Free and willinge Acceptance of and Consent vnto the Tender made by the Parliament of the Co^monwealth of England, that Scotland be incorporated into and made one Co^monwealth with England, that thereby the same government that is established and enjoyed without Kinge and house of

¹ *Portland MSS.*, N. xx. 133.

² *Ibid.* N. xx. 131.

Lords vnder the free estate and Coimon wealth of England may be deryved vnto y^e people of Scotland. And wee desire that the people of England and Scotland may be represented in one Parliament and government by their representatiues therein as the supream Authority of the whole Island, And in the meane tyme wee shall liue peaceably vnder and yeild obedience vnto the Authoritie of the Parliament of y^e Coimon wealth of England exercised in Scotland. In witnes whereof I haue subscribed these pñts Att Dalkeith y^e third day of March 1652.

JAMES ROBERTSON.

Vera copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Kinggorne Burgh Deputies assent, 3^d March 1651.*

LXXXII

ASSENT OF MIDLOTHIAN¹

Forasmuch as by order from the Coimission^{rs} of the Parliament of the Coimon wealth of England for orderinge the Affaires of Scotland The gentlemen Heretors and Rentallers of the Shire of Edinburgh principall haue authorised Sir John Wauchope of Niddrie and James Creechton of St. Leonards to attend the said Coimissioners at Dalkeith to that effect, And now the Coimissioners aforesaid havinge delivered to vs the Declaracōn of the Parliament of the Coimon wealth of England concerninge the settlement of Scotland, and also havinge desired vs this day to giue in a positive Answere in writinge vnder our handes touching the acceptance of the Tender contayned in the second Article of that Declaracōn, Wee retourne this Answere as to the Tender in the second Article whereby it is declared that Scotland shall and may be incorporated into and made one Coimon wealth with England whereby the same government that is established there and enjoyed by the good people of that nation vnder the free State and Coimon wealth

March 3,
1652.

¹ *Portland MSS.*, N. xx. 87.

of England without Kinge or house of Lords may be derived to y^e people of Scotland.

We accept of the Tender and acquiesce therevnto. Wee doe alsoe declare that in the meane tyme wee will liue peaceably vnder and giue obedience to the Authority of the Parliament of the Cōmon wealth of England exercised in Scotland.

And for that wee haue to p̄pose concerninge the third Article of the paper delivered to vs of the second of March Wee offer as followeth, In witness whereof wee the said Cōmissioners haue signed these p^rsents with our hands at Dalkeith the Third day of March 1652.

JA. CREICHTOUN.

J. WAUCHOPE.

Vera copia : Jo. PHELPEs, *Sec^r*.

In order to our Acceptance of the Vnion that Scotland and England be incorporated in one Cōmonwealth Wee doe humbly desire that some perticuler tyme may be condiscended on for perfectinge the same, And in the meane tyme that it be declared by the Parliament of the Cōmon wealth of England that this nation is to be p̄tected in the exercise of the true p̄testant Religion, In the enioyment of their owne Lawes, in the freedome of their persons and y^e right and p̄perty of their estates and goods, That all forfeitures and sequestracōns be discharged, prisoners released, The insupportable burden of Cesse eased, and such a p̄portion of the forces as shall be thought fitt removed. And because much of the freedome of the people Consist in the right fillinge of places of publike Trust It is therefore humbly desired that Judges and Judicatories be established by Advice of y^e representatives of this nation, As alsoe all other places of publike Trust.

These desires are soe necessary that wee doe humbly conceaue the grauntinge of them will tend much to the satisfaccōn of the people of Scotland. There are and may be many other thinges necessary for the right perfectinge of this vnion that for p^rsent cannott be thought vpon by vs, Therefore it is desired that some may be authorised from this nation to meet with the Com^{rs} of the Parliament of the Cōmon wealth of

England for that effect, and a tyme appoynted for their meetinge.

J. A. CREICHTOUNE.

J. WAUCHOPE.

Vera copia : JO. PHELPEs, *Sec^r*.

Endorsed :—*Edinburgh shyre Deputies assent, March 3^d, 1651.*

LXXXIII

COMMISSION TO ADMINISTER THE OATH TO THE EDINBURGH MAGISTRATES¹

By the Comissioners of the Parliament of y^e Coñonwealth of England for orderinge and managinge affaires in Scotland.

Whereas wee haue by Coñission vnder o^r hands authorised y^e neighbo^{rs} and Inhabitants of Edinburgh to nominate and choose their Deacon of Crafts, Councillors, Magistrates, and other officers for y^e governm^t of y^e said Citty and Burgh accordinge to the purpose of the said Coñission, In which p^{ro}vision is made that y^e persons elected and chosen by vertue thereof to any office or place should not p^{ro}ceed to y^e exercise of y^e same vntill the oath in the said Coñission mencioned should be administred to them respectiuey by such as wee shall appoynte to administer the same. Wee doe therefore heerby appoynte Henry Whalley, Esq., Judge Advocate, to administer y^e said oath accordinge to y^e Tender thereof to y^e respectiue persons chosen by vertue of the said Coñission to any office or place wthin the said Citty and Burgh. Given vnder our hands at Dalkeith y^e Third day of March In y^e yeare of o^r Lord 1651.

March 3,
1652.

OLI. ST. JOHN, RICH. DEANE,

R. SALWEY, ROB. TICHBURNE.

Vera copia : JO. PHELPEs, *Sec^r*

To Henry Whalley, Esq., Judge Advocate of ye Army.

Endorsed :—*A Coñission to Judge Advocate [Whalley] to administer the oath to the Magistrates of Edinburgh. Scotch paper 1651.*

¹ *Portland MSS.*, N. xx. 114.

LXXXIV

THE COMMISSIONERS' TENDER TO PARLIAMENT¹

March 3,
1652.

The Comission^{rs} of y^e Parliament of y^e Co^mon Wealth of England for Ordering and Managing Affaires in Scotland, hauing according to the Instructions to them given from y^e Parliament by Conference with y^e Deputies of y^e respective Sheires and Burroughes of Scotland, that have bene Chosen and attended according to the Su^mons on that behalfe, as also with diuers other Persons of the Scots Nation, as by sundry other waies and meanes informed themselues to the best of their power of y^e state of things here, to the end that they might ripen their Results thereupon, for the Considerac^on of y^e Parliament, doe accordingly humbly Offer, as followeth.

1. The Major part of Sheires and Burroughes in Scotland by their Deputies having accepted the Parliaments Tender, of being one Co^mon Wealth with England, It is Offered to the Parliament to take into Considerac^on the passing of such Act, or Acts, whereby y^e aforesaid Incorporac^on may be speedily made: That Kingly power in Scotland, and all Lawes and Oaths relating thereunto, be taken away and abolished, And for the punishment of such as shall endeavor y^e restituc^on of Kingly power in Scotland, or that shall oppose or endeavor to subvert y^e Government established upon y^e said Union, or the Authority exercised in Scotland in Order thereunto, or in pursuance thereof.

2. That in y^e said Act y^e Parliament would be pleased for y^e present to Declare their minds as to England and Scotland being represented in one Parliament, As to the Peticulers for y^e effecting thereof, and setling of y^e Lawes and Government in Scotland and other things necessary for Compleating y^e said Union: That the Parliament would likewise Declare (if they thinke fitt) That the respective Sheires and Burroughes, who Accept y^e Tender of Union, be authorized to Elect y^e

¹ *Portland MSS.*, N. xvi. 112. The greater part of this Report is printed in *Hist. MSS. Comm. Report*, xiii. pt. i. p. 631.

same number of Persons, as upon Summons from y^e said Comission^{rs}, they have lately done, with power to y^e said Deputies (each of them having first expressed their consent to y^e Tender of Union in such manner as the Parliament shall thinke fitt) to meete, and out of themselues to Elect foureene Persons to represent all y^e said Sheires, and Seauen persons to represent all y^e said Burroughes: Which one and twentie persons, or anie Seauen, or more of them, are to Repaire to y^e Parliament of England by y^e day of with full power, on y^e behalfe of Scotland, to effect y^e p^rmisses. And it is humbly Offered that y^e Charges of y^e said Persons, in coming vpp to London and attending that business, may be defrayed by Order of y^e Parliament of England, and of y^e Revenue of Scotland or otherwise.

3. It is humbly propounded that y^e Parliament would more perticularly ascertaine y^e Persons whose estates shall incurr y^e penalty of forfeiture and confiscacōn. And that by an Act of Grace, all others which accept y^e Tender of y^e Parliament for y^e said Union, and Expresse y^e same by the day of in such manner as y^e Parliam^t shall thinke fitt, be secured in their Person and Estate; so as y^e same extend not to hold vpp Bondage services, w^{ch} shall hereafter be found needfull to be taken away. As also that it be declared by y^e Parliament, that all Confiscated Lands in Scotland shall be lyable to y^e payment of Debts, in such manner as other Lands are by y^e Lawes of Scotland.

That Persons formerly desired for administracōn of Justice in Scotland be with all possible speed sent downe.

That twelue or more Ministers be speedily sent down to reside in y^e seuarell Garrisons, and other convenient Places in Scotland.

OL. ST. JOHN.

H. VANE.

ROBERT TICHBORNE.

RI. DEANE.

RI. SALWAY.

G. FENWICK.

Dalkeith, 3^d of March 165½.

Endorsed:—*The Com^{rs} Tender to y^e Par^{ty}.*

Read 16 Martij 165½.¹

¹ This 'Tender' appears to have been presented to the House on March 16, and to have been read, 'the first time at large, and after by parts,' on March 18. Cf. *Commons' Journals*, vol. vii. pp. 105, 107.

LXXXV

ASSENT OF PEEBLESSHIRE¹

To the Right hono^{ble} the Co^mmissioners of the Parliam^t of the Co^monwealth of England for orderinge and Managinge Affaires in Scotland.

March 5,
1652.

The humble Answeres of the Deputies of y^e Shire of Peibles.

Wee in behalfe of our selues and those represented by vs declare our free and vnanimous Acceptance of and Consent vnto the Tender made by the Parliament of England that Scotland be incorporated into and made one Co^mon wealth with England, That thereby the same government that is established and enioyed without Kinge or howse of Lords vnder the free State and Co^mon wealth of England may be derived to all the people of Scotland.

Secondly, wee declare that wee will in the meane tyme liue peaceably vnder and giue obedience vnto the Authority of the Parliament of the Co^mon wealth of England exercised in Scotland.

MURRAY.²

J. B. WITCH.

Vera copia: Jo. PHELPS.

Endorsed:—*Peibles shire Deputies assent, March 5th 1651.*

LXXXVI

ANSWER AND OVERTURES OF THE SHIRE OF
PEEBLES³

To the right hono^{ble} the Co^mmissioners of the Parliam^t of the Co^mon wealth of England for orderinge and managinge Affaires in Scotland.

The humble Answer and Overtures of the Deputies of the Shire of Peibles to y^e third Article.

March 5,
1652.

To the end y^e Vnion mencōned in the first Article may be

¹ *Portland MSS.*, N. xx. 83.

² Probably Sir Alexander Murray of Blackbarony.

³ *Portland MSS.*, N. xx. 100.

brought to effect wth satisfaccōn to y^e people of Scotland Wee doe humbly desire,

That so soone as the Coṃmissioners of the scūall Shires and Burghes shall be fully heard a short tyme may be condiscended vppon for p̄fittinge of the Vnion, As alsoe that it be declared by y^e Authority of the Parliament of the Coṃon wealth of England that for the future this nation may be p̄tected in y^e excercise of the true p̄testant religion, as it is p̄sently p̄fessed in Doctrine, worshipp, and government, In enioyng their owne Lawes, In the freedome of their persons and in the right and prosperity of their goods and Estates, and that an Act of grace and fav^r may be extended to all y^e people of the Land that shall condiscend to this vnion, And peticularly that forfeitures, Confiscations, and Sequestracōns may be taken of and discharged, the prisoners released and a considerable part of y^e forces removed. And in regard the right ordering of the Civill Judicatories is of weighty concernment, the want thereof sadly lamented by all Ranckes of people, it is humbly desired that those Judicatories and Judges as also the tyme of their meetinge may be by y^r hono^{rs} with the advice of the whole nation as their representatives setled and determined.

And because many other thinges will be necessary for y^e p̄fecting this vnion w^{ch} cannot for y^e p̄sent be thought vppon by vs, wee doe humbly desire that a selected number of fitt persons may be authorized from the body of this nation to meet wth y^e Coṃmissioners of y^e Parliam^t of y^e Coṃonwealth of England for y^e speedy settlem^t thereof in such a way as may be best and most satisfactory to the people of this nation.

Vera copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Peebles shire, Deputies overtures, Martij 5^o, 1651.*

LXXXVII

PROTEST OF SIR JAMES STEWART¹

March 1652.

I Sir James Stewart proteste that before the Seythinge [?] or electinge of the Councill or Magistrates by the neighbours,

March 5,
1652.

¹ *Portland MSS.*, N. xx. 110. Cf. *supra*, Nos. XII., XIII., LXXXIII.; and *infra*, Nos. LXXXVIII., LXXXIX.

which I conceiue is required by the returnes of the Towne of Edinburghs Cōmissioners, That first the English Cōmissioners their mindes be knowne whether the last Councell shall be y^e Electo^{rs} (they obeyinge the order sent vnto them) or whether the like meetinge of neighbors as gaue the Cōmission to the lait Councell shall be Electors, or first Consulted before the Election by the last Councell.

ROBERT FOULES, JOHN DENHAM, DAVID KENEDIE, ANDREW BROSSEN, JAMES LAWSONE, Declared they adhered to the p̄testation aboue written.

Endorsed:—*S^r James Steuart his Protest against the electing of Magistrates in Edinburgh.*

LXXXVIII

PROTEST OF SEVERAL PERSONS IN EDINBURGH¹

The desires of seūall neighbors of this Burgh of Edinburgh to the late Towne Councell now mett together at Edinburgh this 5th of March 1652.

March 5,
1652.

Whereas we are informed of the willingnes of the Cōmissioners of the Parliament of England for settinge vpp a Magistracy over vs the people of this Burgh And for that end haue sent orders to the neighbors and Deacons that they may elect such Magistrates as they shall thinke fittinge, But wee when we Consider the frame of Spiritt that most part hath to such a worke, together wth the differences of Judgements and breaches of Loue amongst vs, wee Conceiue the difficulties that will arise in such a meetinge will not be few and may tend to makeinge y^e rupture greater, And therefore for our parte wee declare our sense that it may and will be for y^e Advantage of the whole Body to remitt the samen backe to those from whom the order floweth, That they may by themselues for this time appoynte Magistrates for this ensuinge yeare, And the samen is to be without p^riudice of the Lib^ry of the Towne in all tyme Cominge.

¹ *Portland MSS., N. xx. III.*

Whereas these our desires beinge p^rsented and altogether slighted notwithstandinge the Samen is Conforme to the ord^{rs} of y^e Com^{rs} of y^e Parliament of England for the election of o^r Magistrates, Therefore wee vnderscrivers in o^r owne names and of all who adhere to vs doe p^rtest against all that shall be done by those that intende and p^rtend to this power of Election in order to all that shall be done heerein.

ROB. ACHESONE.	ROB. MICHELL elder.	JOHN DOBLE.
F. BRAND.	ROB. MITCHELL younger.	W ^M FLEMINGE.
THO. PAIT.	JO. BRIGHT.	ROBT. SIMSON.
GEO. TURNBULL.	ALEX. ANDERESON.	J. COKBORNE.
WM. HEIRT.	R. WILKESON.	ROBT. JACKE.
JO. TAIT.	ROBT. PELLRIG.	EDW. GILLISPIE.
W ^M DOUGLAS.	JA. HAMILTON.	A. MELVILL.
W ^M MEIKS.	W ^M . ANDERSON.	J. CAMPELL.

Endorsed :—*Protest of severall persons in Edinburgh ag^t the Eleccōn of officers.*

LXXXIX

PETITION FROM CERTAIN NEIGHBOURS OF
EDINBURGH ¹

The humble Peticōn of certeine neighbours of the Citty of Edinburgh To the right hono^{ble} the Com^{rs} of the Parliam^t of the Comōn wealth of England appointed for orderinge and Managing Affaires in Scotland.

May it please yo^r hono^{rs}

Wee vndersubscribers in our owne names and in name of all who adhere to vs within the Citty, Out of the deepe sense of many sad p^rjudices susteyned by vs (through want of a well ordered Magistracy) And haveinge at former tymes tasted of the sower grapes of goverment by Corrupt Magistrates when the proud were called happy and those who wrought wickedness sett vpp, Doe make our applicatōn and pray for Redress in the future to yo^r hono^{rs} in whose hands the Lord hath putt power which as you haue p^rmisid by Declaracōn

March 5,
1652.

¹ *Portland MSS., N. xx. 113.*

Soe wee are hopefull you will endeavor to imploy the same for his honour and the Advantage of his people, Especially in settinge over vs such governers as after Inquiry made and Inquisicōn gotten may be found Men fearinge god, lovinge righteousnes, Countenancers of Piety and the professors thereof, That soe they may be indeed the ministers of God for our good And not a Terrour to good workes but to y^e evill.

THO. PUTE.	WILL. MITCHELL.	ROBT. SIMSON.
WILKERSONE.	JA. HADMILTONNE [?]]	HEN. HOOPER.
JA. KIRKPATRICK.	ROBT. SELBRINGE.	EDW. GILLESPIE.
W. FLEMINGE.	GEORGE EDWARD.	WM. ANDERSONN.
WILL. BELL.	WILL. HAIRTE.	THO. THOMSON.
WILL. MEIKS.	WILL. DOUGLAS.	AN. MELVILL.
JOHN BRYTE.	ROB. MITCHELL elder.	ALEX. ANDERSON.
F. BRAND.	ROB. MITCHELL younger.	W. BLACKWOOD.
ROBERT HAMILTON.	H. COCKBURNE.	JAMES BOHALL.
JAMSELL.	ROB. ENGLISH.	
JOHN TAITE.	ROB. JACKE.	

Endorsed:—*Peticōn from certaine Neighbours of Edinburgh to y^e Com^{rs} to resume the nominacōn of Magistrates to themselves.*

XC

RATIFICATION OF ST. ANDREWS DEPUTY ¹

Sanctandreis the eight day of March 1652 yeares.

March 8,
1652.

The which day the Burgesse and neighbours of St. Andreis after named beinge convened this day in y^e Tobooth of this s^d Citty anent the retourne and reporte of James Sword their p^rsent provost from the right hono^{ble} the Comiissioners of the Comōn wealthe of England, they by their subscribed warrant vnderwritten haue appoynted me there Comōn Clarke to extract and deliver to the said James Sword what they haue done in his report and retourne, Whereof the Tenour folowes. Wee ye Burgesses and neighbors of St. Andreis beinge

¹ *Portland MSS.*, N. xx. 138.

convened in our ordinary place of meetinge vppon y^e retourne of James Sword our p^sent provost and Co^mmissioner from y^e right hono^{ble} y^e Co^mmissioners of y^e Co^mon wealth of England at Dalkeith, And beinge now more cleerly informed by him of what is y^e pleasure of y^e Co^mon wealth of England and their Co^mmissioners demaunds anent the settlement of y^e peace of this Land, doe heerby testify that wee and all of vs abide at the Co^mmission given by vs formerly to y^e said James Sword and accepted and receiued by y^e aforesaid hono^{ble} Co^mmissioners, Counttinge of now againe our full power to follow foorth our first Co^mmission conforme to y^e Tenour thereof in all poynts, this wee haue subscribed here in y^e Tolbooth this eight of March 1652, appoyntinge y^e double heerof to be extracted by the Clarke and subscribed and delivered by him to y^e provost (*sic subscriptur*) ROBERT
 , JAMES WATSONE, Heritoor JAMES CARSTAIRES
 baillie, WILLIAM CARSTAIRES baillie, ANDRO CARSTAIRES baillie,
 WILLIAM LENTOONE baillie, JAMES ALLAN, JAMES WOOD, JO.
 WISCHURT, ROBERT WATSONE, PATRICK LENTRONE, & beinge
 in all an hundred names, w^{ch} Warrant I testify to be in my
 hands and Custody.

JAMES WATSONE, *Clark of St. Andreis.*

Vera Copia: JO. PHELPESE *Sec^r.*

Endorsed:—*St. Andrewes Burgh, Ratificacōn of Deputy,*
 10 March 1651.

XCI

COMMISSION TO THE DEPUTY FOR DUNFERMLINE

9 March 1652.

Wee the Burgess and neighbours of y^e Burgh of Dunfermlinge vnderscryvers beinge by order of the right hono^{ble} y^e Com^{rs} of the Parliament of the Co^monwealth of England at Dalkeith 2^d March instant authorized and required to meet and elect ane person to be there with them the 12 of March foresaid.

March 9,
 1652.

¹ *Portland MSS.*, N. xx. 155.

Accordingly wee beinge mett this day in the Tolbuth of the said Burgh haue nominated and elected James Reide provost of y^e said Burgh, To whom wee giue full power on our behalfe to treate and conclude for effectuatinge the settlement of Affaires in Scotland To y^e peace and welfare of the people of this Island and to the p^rservacōn of the gospell of Christ in doctrine and discipline established and p^rfessed with vs this day.

WILLIAM SMART	GEORGE BICKNALL.
JAMES LEGAT	ROBERT STEVINSON.
GEORGE ZOUNDING [?]	THOMAS EISDEN.
ANDREW HALL	JAMES MUDIE
DAVID HODK [?]	JOHN DUNCANSON
EDWARD RUTHERFURD [?]	THOMAS HORNE
JOHN POTTIR J ^r	JAMES SIMSTIN
JAMES HOUXSON	ANDREW NECKITHOW [?]
DAVID STEWART	JOHN WRIGHT
WILLIAM LEGAT	JOHN DONALD
JOHN HAMILTON	ANDREW PURUEES
JAMES ANDERSON	J. WALKER
ADAM ANDERSON	JOHN BENNETT
JAMES RICHARDSON	ANDRO ANDERSON
	ALEX ^r DOYSDALL
	DUNCAN YOUNGE

A true coppie ex^d C. BAKER Sec^r.

Endorsed:—*Copp. Com^r: James Reade Deputie Burrough of Dumfermling, 9th March 165 $\frac{1}{2}$.*

Read 2 April 1652.

XCII

ASSENT AND DESIRES OF SELKIRK SHIRE
AND BURGH ¹

To the right hono^{ble} the Cōmissioners of y^e Parliam^t of the Coñonwealth of England for orderinge and managinge Affaires in Scotland. The humble Answere of Patricke Scott of Ardet and George Pringill of Newhall Deputies for y^e Shire and Mr John Angus Burges Deputy for the Burgh of Selkirke.

Wee doe heerby accept of the Tender made to vs in the declaracōn of the Parliament of y^e Coñonwealth of England that Scotland be incorporated into and made one Coñonwealth with England, Wee beinge allowed in the said Vnion and incorporacōn such iust interests as is consistent with the nature of the said Vnion, which wee conceaue to be the true intention of the Parliam^t of England their declaracōn, And that the same with all Convenient speed may be made practicable amongst vs.

March 9,
1652.

Secondly wee declare that wee will in the meane tyme liue peaceably vnder and giue obedience vnto the Authority of the Parliament of y^e Coñonwealth of England excercised in Scotland.

P. SCOTT. GEO. PRINGIL. J. ANGUS.

The humble desires of the Deputyes of y^e Shire and Burgh of Selkirke.

1. First that it be declared by y^e Authority of y^e Parliam^t of the Comōnwealth of England that for y^e future this nation be allowed and p̄tected in y^e excercise of y^e true protestant religion as it is now p̄fected in Doctrine, worship and discipline.
2. That an Act of grace and favor may be extended to all

¹ *Portland MSS.*, N. xx. 106.

y^e people in the Land, and especially that all forfeitures confiscations and sequestracōns be taken of and discharged.

3. That our prisoners be released, that the insupportable burden of our Cesse be eased and that our greate and heavy bygone losses and wasted Lands within the said Shyre and Burgh be taken into Consideration and after iust Tryall repayred.

4. That in respect of y^e heavey p^riudices that many in y^e Countrey lye vnder for want of Justice, that yo^r hono^{rs} would be pleased to take speedy Course for setlinge of the accustomed Lawes of this nation and fillinge of places of Trust and Judicatories by appoyntinge Judges, beinge sufficient men of knowne Integrity ability and experience, by Advice of this nation or representatiue thereof. And in the meane tyme that y^e said Shyre and Burgh may haue power to elect a Sherriffe within the said Shire, Magistrates within the said Burghs, Clerks and other Members for their Courts for the better Administracōn of Justice within the boundes. And with all that the said Burgh Burgesses and Inhabitants thereof may haue the benefitt and Libty^e of free Co^merice and Trade aswell with England as other nations and may enioy all their other iust rights priuiledges and Inmⁿities.

5. That there may be some course taken for punishinge and repressinge of Thefts robberyes and Murthers vsually cōmitted by Moss troopers and other malefactors and their receptors vppon and toward the borders betwixt Scotland and England, for p^rventinge of many greate Losses and p^riudices frequently sustayned, as well by our Shyre as other neighbour Shyres towards y^e borders.

6. There are and may be many other thinges necessary for y^e right and perfitting of y^e said Vnion that for y^e p^rsent cannot be well thought vppon by vs, Therefore it is desyred that some may be authorised from this nation to meet with the Co^missioners of y^e Parliament of y^e Co^mon wealth of England for y^e better effectuatinge thereof and a tyme and place appoynted for their meetinge. And in the meane tyme if yo^r hono^{rs} thinke it expedient that the Deputies of Shyres and Burghs may be permitted to meete amongst themselues

for Condissendince vppon such overtures as may best conduce to y^e settlement and p^rservation of the said Vnion and Comōnwealth.

P. SCOTT GEO. PRINGILL J. ANGUS.

Vera Copia: JO. PHELPEs, *Sec^r*.

Endorsed :—*Selkirk* { *Shire*
Burgh } *Deputies Assent, Mar. 9, 1651.*

XCIII

ASSENT OF ST. ANDREWS ¹

I James Sword Deputy of the Burgh of St. Andrewes doe March 10,
1652. on the behalfe of the said Burgh retourne my Answere to the Parliaments Tender as followeth.

Wee Consent that Scotland be incorporated into and made one Coñon wealth with England.

Wee likewise Declare that wee will in the meane time liue peaceably vnder and giue obedience vnto the Authority of the Parliament of y^e Coñon wealth of England exercised in Scotland. Witnes my hand the 10th day of March 165 $\frac{1}{2}$.

J.A. SWORD.

Vera Copia: JO. PHELPEs, *Sec^r*.

Endorsed :—*St. Andrewes Deputies Burgh assent, 10 March 1651.*

XCIV

PETITION OF ST. ANDREWS ²

For the right hono^{ble} the Coñmissioners of the Parliam^t of the Coñonwealth of England.

The humble supplication of y^e provost, bayllies and Coñon Councill of Sanctandreis and remanant Burgis thereof humblic sheweth. March 10,
1652.

¹ *Portland MSS.*, N. xx. 137.

² *Ibid.* N. xx. 139.

That the Earle of Crawford Lindsay and his p^rdecessors haue intruded themselues aboue this fourty and odd yeares in the Balavie of the Stuartrie and royaltie of Sanctandreis in holdinge of Courtes and punishinge of persons within our said Burgh and royaltie thereof for manslaughter, for any other riott of blood or mutilacōn within our said burgh and royaltie thereof, and givinge out of Cockitts within our said Burgh and royaltie, Lifting and takeinge vpp all y^e Customes due for exporting of goods out of our said burgh and royaltie thereof. As Lackwaies in holdinge of Courts within our said burgh and royaltie, in faynninge and consynninge all thinges cominge vnder the Compass of Admiraltie, humbly begginge yo^r hono^{rs} will be pleased to gratifie the said poore Towne wth y^e said Casualties for vpholdinge and mayntayninge there decayed and ruinous harbour and other Co^mon workes to them and there successors, they behavinge themselues as becometh to y^e Co^monwealth of England.

2. In the fourty two yeare of God when our Army went into England, at my Lord Crawford his earnest desire for y^e better subsistance of the souldiers put forth in our bounds vnder his Co^mand, we did advance to him five hundred pounds sterlinge which was delyvered to him and others in his name. And we haveinge his obligatorie letter to be paid backe to vs againe to be putt to some pious vse, Therefore wee humbly begge that yo^r honours would be pleased to cause theise that intermits wth his estate make payment to vs for the vse aforesaid.

3. That where the Towne of Santandreis hath an Act of Parliament of the date the Twentie fift day of January one thousand six hundred fourtie nyne yeares for an hundred pound sterlinge for y^e subsistance of a Minister in Sanctandreies for preachinge of the Gospell of Jesus Christ there out of y^e first and rediest of y^e Bishopp and pour rents mortified to y^e vniversitye when they shall attayne to a Thousand pound sterlinge in y^e first place, and one hundred pound sterlinge to be paid to vs in y^e next place of y^e excercise of the said modification they first beinge paid a Thousand pound sterlinge Whilk . . . [torn] pound sterlinge they are alreadye in full possession and . . . [torn] small parte. These are humbly to

begge that yo^r hono^{rs} will be p[leased] to cause vs to be putt in possession of our tull hundred pounds out of the ties of our owin borrow akeres whilk they lead and bollis to be valued to vs as the whole bollis of their mortification is valued to themselues.

4. That yo^r hono^{rs} would be pleased to gratifye the towne with the old ruinous Castle there and the yeards belonging theronto and the pension of five chalder of victuall that Alex^r Nairne had with it for y^e supply of their Co^mon burdens, the said Alex^r Nairne beinge late dead.

5. That all y^e houses, yeards, and Crofts wthin Sanctandrius w^{ch} formerly held of Archdeanes, Prebenderies or others Superiors to whom the Inhabitants were foorst to haue their addresse in seekinge their entoir [?] and securitye were needles put to greate charges thereby may now be gifted to y^e Towne and their entoies and securities be onlye graunted by y^e Magistrates and their successors and y^e securities to be found by their clarke that y^e same may be found vpon record there.

6. That they may be eased of their p^rsent Cesse by reason the ruell they payd their Cesse for was for y^{er} trade and now their trade and shippinge beinge gone and taken away from them and all the tyme haveinge an whole Troope of horse wth their Compleit officers lyinge on them in all equitye they ought to be freed of Cesse, giue yo^r hono^{rs} will be pleased to do soe.

7. That where my selfe has a Co^mission from y^e Excheq^r to enter all the Aker Tenants these are humbly to begg that I may haue a new Co^mission to my selfe and my eldest sonne for enteringe the said aker tenent vpon a Judicatorie and resignation as to aprasinge wth power to create our owne Clerke.

JA. SWORD.

Vera Copia: Jo. PHELPEs, Secr.

Endorsed:—*St. Andrewes Burgh peticoⁿ, Mar. 10, 1651.*

XCV

OBJECTIONS OF MORAYSHIRE¹

March 10,
1652.

Wee Gentlemen and Heretors of the shyre of Murray vnd^r Subscribe and hauing sein and Considerit the Declaracōns of the Parliam^t and the Cōmission^{rs} of the Cōmonwealth of England with the propositiōns offered to the Deputies of the Shyres and Burghs of Scotland transmitted to vs by ane Ordinance from the Cōmission^{rs} of y^e date at Dalkeith the 26th of February 165½ doe humbly returne our Answer as followes

Anent the first propositiōn

Wee doe with all thankefulnes acknowledge the faouour of the Parliam^t and the Cōmission^{rs} and doe professe that there is not any temporall benefit Comparable (in o^r esteeme) so greate, so desirable and conducing for the welbeing and Cōmon safety and security of the Island as (vpon Sound and solid grounde of Religion equitie and Cōmon freedome) to bee incorporated and made one wth England, they being of all Nations dearest to us and cheife in o^r Affeccōns and respect and with whom wee would Associate and take part against anie or all the Nations of the Earth, Being also vnd^r the profession of the same religion, w^{ch} of all bonds is the firmest, and hauing now for many yeares liued vnd^r one Ciuill Governm^t and being as it were naturally deuidit from the rest of the world or in ane vnseperable Contiguity so imbodied together as one of vs cannot bee well without the other. This is that Designe w^{ch} our fathers aimed at, as foreseing how much Confusion and blood might thereby bee auoidit and how much happines by the attainm^t thereof would accrue to the p^rsent and Generacōns to Come, only as it is held forth in the Parliam^t and their Cōmission^{rs} Declaracōns, it is vpon such grounds implexing o^r Consent to seuerall particulers wherewth wee cannot fully close, y^t for the p^rsent till these thinges bee remoued wee dare not in o^r Consciencs yeild our Consent.

First it is to vs the foundacōn of Gouvernm^t y^t o^r Christian Magistrat should bee throughlie for God and his authority

¹ *Portland MSS.*, N. xx. 157.

and power should bee exercised in restraining and punishing outbreakers ag^t the first table of the morrall law, such as Blasphemers, defend^{rs} of and seducers to Damnables heresies and Errors, Noe lesse then wiced preachers ag^t the second Nöm, instead of ane effectuall remedie for p^ruenting this euill there seeme to vs a wide doore to be opened to tolleracōn and the same Incouragem^t and p^rteccōn promised to all wthout distinction, The sadd effects of w^{ch} liberty wee haue (not wthout much sorrow) both seene and heard, And it sall euer bee our desire to God that it may bee fair from the mind of the Parliam^t to introduce or sett vp the lyke in this Land, For wee would compt such a Liberty noe freedome or fauour but more bitter then any seruitude or death itselfe.

2. Wee obserue that the Church Government by subordinacōn, w^{ch} wth the Gospell wee and our Fathers receiued from the Lord and to w^{ch} wee are both morrallie and expresly bound, is by the declaracōn whollie cast loose, Albeit wee and the persons to whom it hath bin Cōmittit may and haue greatly failed in exercising and applying thereof and haue too much gloried in and rested on ane Outward forme. Yet besyd manie diuine prouidences and experiences the Lord hath by his word and Spirit often born witnes to it, that being rightly vsed it is his ordinance, And the Ministry thereof hath not bin fruiteles or altogeather wthout effort but oft in a gracious mean of greate use and very comfortable to the Churches of Christ in England and Ireland aswell as to our selues, w^{ch} now without greate vnthankfulness and the danger of Periurie wee dare not passe by or disclaime.

3. Wee cannot allow the forfeiting and sequestracōn, w^{ch} as wee Conceiue imbindes all or the farre greatest part of the Heretors in Scotland since it is agreable to the law of nature for men to defend themselues against inuasion, specially since many who opposed the English forces in Scotland did neuer ent^r or inuade England or injure any person of that Nation, But on the Contrary haue had their Estates wasted, their houses burnt, their deare freindes killed for the assistance giuen to the Parlt. of England while they were engaged in the Cause of religion and Coñon libertie.

4. Before Consent wer p^rssed it would seeme fitt that the

forme constitucōn and time when the incorporacōn sould take effect might bee first agreed on.

And as to the second proposicōn, that it may appeare how willing wee are to giue satisfaccōn and how farr wee are from any thought of interrupting or disturbing the peace of the Coṃon wealth of England, wee doe fully engage o^r estates and respectiue interestes as a Securitie for being peaceable and yeilding obedience to theise lawfull Coṃands vntill a finall and Comfortable settlem^t may be attained.

Anent the thirde proposicōn Wee humbly conceiue it had more naturall bin the first and a proper subiect of the free and ioynt deliberacōn of the Deputies of Shires and Burroughs, all that wee can offer there anent is first that noe ouerture or meanes will bee more conduceable for effectuating the settlement and vnion then to remoue the Impedim^{ts} w^{ch} wee haue humbly hintit at vpon the first p^oposicōn. *2^dlie* That the Assessem^t may bee abated and so many of the souldiory removed as the wisdome of the Coṃission^{rs} may thinke consistent wth the security of theire Affaires, for if the one halfe of the p^resent burden sould continue (the land is so exhausted) that noe subsistance in a short time would bee left to our families, farr lesse any meanes of discharging the other necessarie obligem^{ts} whereto o^r estates are liable.

Having thus weakelie (but in all humility) offered our sence anent the proposicōns, wee hope that the shyre sall not fare the worse at the hands of the Parliament or the Coṃission^{rs} that wee haue vsed a submissiue and inocent freedom as wee were required. Coṃon reason will tell vs that a ioynt and equall liberty by incorporacōn were to bee chosen and p^rferred. The Lord wth our owne Consciencs beare vs witnes that wee are not dealing deceitfullie or driving on any humane interest or designe. If wee may not vent^r wthout a cleare warrand to goe the length w^{ch} others haue done, it will not (wee hope) bee imputed to any obstinacy, for wee are willing and sall be ready to receiue and imbrace any light or information w^{ch} may further cleare vs, And in the meane time as wee haue engaged for the peace wee sall also (God willing) so demeane o^rselues in o^r seuerall stations as wee may looke for and enioy the fauor and proteccōn of the Parliam^t.

Att Elgin the tenth day of March 165 $\frac{1}{2}$.

DAUID STEWART.	J. BUTHERLAND.
INNES.	JO. DUNBAR.
WALTER LESLYE.	JAM. ROSE.
J. DUNBAR.	JAM. FALCONER.
JMES [?] DUNBAR.	JOHN WEGAHAIRE.
JAM. SPENS.	WM. KENNAIRD.
JO. WATSONNE.	ROBERT INNES of that Ilk.
THO. TUTLEER.	M. WILL. LESLIE of Bukmurray.
ROBERT CUMING.	NINIAN DUNBAR of Graingehill.
ROBERT INNES.	ALEX. DUNBAR of Inchbrock.
JAMES SPENCE.	JAM. ROSE.
J. BRODIE.	ROBERT DUNBAR.
KYNNNAIRD of Olwine [?]	DAUID DUNCANES.
J. BRODNOSBLYM.	JO. CAMPBELL.

Vera Copia : Jo. PHELPEs, *Secr.*

Endorsed :—*Murray and Elgin, exhibited and read, Mar. 23, 1651.*

Read 2 April 1652.

XCVI

COMMISSION TO THE DEPUTY FOR MORAYSHIRE

Wee the Heretors and Rentallors of the shyre of Murray hauing receiued some papers from the Coñmission^{rs} of the Parliam^t of the Coñmon wealth of England containing the proposicōns giuen to the Deputies of other shyres and Burghs As also authorising vs to Conuene that our Answer might bee returned to the Hono^{ble} Coñmission^{rs} at Dalkeith on or before the 18th of March instant, w^{ch} is of the date at Dalkeith the 26th of February 165½, Therefore wee doe Nominate and choose S^r Robert Innes Yonger of that Ilk and Robert Dunbar Appeirand of Wastfeild thereby giuen them both Coniunctly or incase of absence onie one of them to repaire to Dalkeith for the effect contained in the said Papers Conforme to our

March 12,
1652.

¹ *Portland MSS.*, N. xx. 156.

expresse and full Warrant subscribed wth o^r hands thaire anent of the date hereof at Elgin the twelueth day of March 165½.

JAM. SPENS.	KYNNNAIRD of Olwine.
WILL. WATSONE.	J. BUTHERLAND.
THO. TUTLEER.	H. BRODNOSBLYM.
DAUID STEWART.	JAM. DUNBAR.
J. CAMPBELL.	JOHN DUNBAR.
NINIAN DUNBAR.	THO. ROSE.
ALEX. DUNBAR of Inchbrock.	JOHN WAGAHAIRE.
JAM. ROSE.	M. WILL. LESLIE of Ashmurray.
W ^M KENNAIRD.	INNES.
ROBT. CUMING.	WALTER LESLIE.
RO. FARQUHAR.	J. DUNBAR.
ROBT. DUNBAR.	JAM. FALCONER.
ROBERT INNES.	JAMES DUNBAR.
ROBERT INNES of that Ilk.	JAM. SPENCE.
J. BRODIE.	

Vera Copia : Jo. PHELPEs, *Secr.*

Endorsed :—*Murray Comission, exhibited and read, Mar. 23, 1651.*

Read 2 April 1652.

XCVII

ASSENT OF GLASGOW¹

To y^e right Hon^{ble} y^e Com^{rs} of y^e Parliam^t of y^e Co^mon Wealth of England for ordering and managing affaires in Scotland.

The humble Answer of the Com^{rs} of the Burgh of Glasgow in name and behalfe of the said Burgh.

March 13,
1652.

First wee in name and behalfe of the said Burgh doe heartily accept of the Tender made to vs in the Declarac^on of the Parliam^t of the Co^mon Wealth of England, That Scotland bee incorporated into and made one Co^mon Wealth with England, That thereby that same gouv^{rn}m^t that is estab-

¹ *Portland MSS.*, N. xx. 146. This Assent is printed in *Severall Proceedings*, March 25-April 1, 1652. E. 794 (14), p. 2031. Cf. *supra*, No. xxix.

lished in England wthout a King or Howse of Lords vnd^r the Free estate and Coñon Wealth of England may bee derived to the people in Scotland.

Secondly wee declare that wee will in the meane tyme liue peaceably vnd^r and giue obedience vnto the Authority of the Parliam^t of the Coñon Wealth of England exercised in Scotland.

In testimony whereof, Wee doe in name and behalfe of the Burgh aforesaid subscribe theis pñts at Dalkeith this 18th day of March 165½.

Read 26 March 1652.

JAMES POLLIK.

WALTER NEILSONE.

A true coppie. Ex^d C. BAKER, Sec^r to y^e s^d Com^{rs}

Endorsed:—*Copp. Answer of y^e Deputies of y^e Burgh of Glasgow.*

Read 26 March.

XCVIII

DESIRES OF GLASGOW¹

To y^e right Hon^{ble} y^e Com^{rs} of y^e Parliam^t of y^e Coñon Wealth of England for ordering and managing Affaires in Scotland. March 13,
1652.

The humble desires of y^e Com^{rs} of the Burgh of Glasgow for and in behalfe of the said Burgh.

1. That they may haue a Magistracy chosen of the fittest and ablest of those who haue given obedience.

2. That the old Magistrates may bee compeld to make account to the new Magistrates that shall bee chosen of what moneys they haue receiued and how they haue disbursed the same, whereby the said burgh may bee the better enabled to pay their sess.

¹ *Portland MSS.*, N. xx. 147. It is printed in *Severall Proceedings*, March 25-April 1, 1652. E. 794 (14), p. 2030.

3. That some of the Ministers whose mouths are open against o^r proceedings in this o^r compliaunce may bee taken a course by the Magistrates that shall bee chosen, and that all compliants wth the said Ministers may likewise bee taken a course wth.

Yo^r Hono^{rs} Answere hereto wee humbly craue.

JAMES POLLIK.

WALTER NIELSONE.

Read 26 March 1652.

A true coppie ex^d C. BAKER, Sec^r to y^e s^d Com^{rs}.

Endorsed.—*Copp. Desires Burrough of Glasgow.*

XCIX

REASONS FOR THE DISSENT OF KIRKCUDBRIGHTSHIRE¹

Colinwarke, 13 March 1652.

March 13,
1652.

Wee Heretors, rentello^{rs}, and others of y^e Stewartie of Kirkudbright vndersubscribing giues full power and Comission To William Gordone to repaire to the Hono^{ble} the Com^{rs} of y^e Parliam^t of England now at Dalkeith the 18th of this instant, and there in o^r names and in the name of o^r country to represent to their Hono^{rs} the reasons vnderwritten w^{ch} doth containe the full and ample meaneing of this country in Answere to the papers p^rsented to vs from the said Com^{rs} as after followeth.

To except the late established gouernm^t of y^e Co^mon Wealth of England as it is now established by them wthout a King and Howse of Lords (w^{ch} is the first Article tendred by yo^r Hono^{rs} to y^e Deputies of the seⁿiall sheires wthin this kingdome) wee humbly conceive cannot bee willingly yeilded vnto by vs for the reasons following.

1. Becaus the Go^unm^t of that nac^on by King and howse of Lords was conceived by the Kingdome of England in Anno 1643 to bee the Antient Go^unm^t of that Land and of the Liberties of that Kingdome w^{ch} that whole Nation together wth this did so solempilie ingage to maintaine wth their Liues and estates, And that before the World and in the sight of the Lord o^r God the searcher of all hearts, whose name wee

¹ *Portland MSS.*, N. xx. 145. Cf. *infra*, Nos. CIX. CXV.

incalled vpon as a witness to the Ingenuity of o^r Intentions to performe the whole Articles and heade of that League and Coveñt, and who will noe doubt witness against vs and this whole Land wth terrible things in Righteousnes if wee shall suffer o^r selues to bee w^hdrawne and to make defeccōn to the contrary of any one Article therein contained.

2. That wee cannot wthout manifest periury willingly accept that Tender of y^e Parliam^{ts} Declaracon May bee sufficiently demonstrate from the third Article of the League and Coueñt, where wee are tyed to defend the person of the King In the defence of the Liberties of the Kingdomes w^{ch} stand in a distinct relacōn.

3. Because the goūnm^t w^{ch} wee are required to accept (as it is more fully explained by yo^r Hono^{rs}) leaveth a Latitude for Superstition, Heresie, and profanes, together wth what soon may bee contrary to sound doctrine, The exterpation whereof wee are bound to Endeavo^r by the second Article of o^r League and Covenñt.

4. Because by the First Article of o^r League and Covenñt Wee are bound to p^rserve the reformed Religion In the Church of Scotland in Doctrine, Worshipp, Discipline, and Goūnm^t, all w^{ch} shall bee destroyed by this Liberty w^{ch} is graunted to such as shall serue God in other Gospell way, w^{ch} wee humbly conceive as a way w^{ch} the scriptures of God neu^r knew of.

5. Wee are bound by the sixt Article of o^r League and Coveñt neu^r to suffer o^rselues directly or indirectly by whatsoever combinacōn, perswasion, or terror to bee devided from the Vnion then made, w^{ch} soe much concerneth the Hono^r of God, good of the Kingdome, and happines of the King.

As to the second Article of the aforesaid Tender to the Deputies of the seu^rall shyres of this kingdome, wee declare wee refuse not (dureing the Lords pleasure), as formerly wee haue done, to Answere yo^r demands anent Assessm^{ts} and Taxes if it were to the whole Estate wee haue (our Livelihood beeing allowed vs), seeing the Lord for o^r transgressions hes beene pleased to bring vs in thraldome to you, of whom wee may say wee haue meritted better things, wee haueing beene at much

expençe of Blood and estates for Englands Releife in the day of her Adversity both in England and Ireland. But wee shall looke for Reward of him who onely knew o^r worke and Labor of Loue in yo^r behalfe.

As to the third w^{ch} is required of the Deputies of the seūall shyres wthin theis Kingdomes, Wee offer all the wholl contents of y^e League and Covenūt w^{ch} was conceived in Anno 1643 as only effectuall to p^rserue vnion betwixt vs and England, according as it was then conceived by the Representatiues of both Nations, to w^{ch} if the Lord will wee shall alwaies adhere.

Now if yo^r Hono^{rs} shall resolue to destroy vs for y^e Pre-misses offered by yo^r now servants, though not long since vnd^r the Notion of Brethren, wee say noe more but shall in all humility apply to o^rselues that sayeing of the Prophit Micah Chap. 7, verse 8, 9, 10: wee will beare the Indignacōn of the Lord because wee haue sinned against him vntill hee pleadē o^r cause and execute Judgm^t for vs, hee will bring vs forth to Light and wee shall behold his Righteousnes.

KIRKCUDBRIGHT.

Read 26 March 1652.

A true coppie, ex^{at} C. BAKER.

W. M ^C LELLANE of Gresbdie.	J. LOGAN.
WILLM QUKYTHIN.	MA. BIRRELL of Becher
MILLES INSHE.	terme [?]
THOS. M ^C LELL of Collin.	WILLIAM M ^C LELLANE.
W. GORDONNE.	WILL. GORDOWN.
WILLIAM M ^C LELLANE of Bar-	J. GORDONE.
scohe.	RO. GORDOUN.
ROBERT STEWERT.	WILLM GLANDONYING.
ROGER GORDONN of Regmer.	JO. WILBIE.
J. CHALONER.	J. NEVIS [?] of Garstinth.
EDW. GORDOWNE.	F. LINEYE.
W. GRIERSON.	JO. HALLIDEY.
ALEX. GORDONE.	JOHANEM POWELL.
DAVID INKHILL.	WM. M ^C CULLOCH.
GILBERT GORDON.	

C

A NEWSLETTER ¹

From *Dalkeith, March 13*, thus. I must, if I say any thing, March 13,
1652. but repeat the same as formerly. Little of importance at present; Deputies from more Counties we hear of daily, and expect a fair compliance. The unanimous desires of all that have hitherto assented, are for an opportunity of a general meeting of Trustees for this whole Land, to advise and offer what may be for the carrying on and compleating the Union begun. *Archibald Todd*, Provost of Edinburgh, hath given the earnest of his Fidelity to that Commonwealth from whom he derives his new Magestratical being, by convening one of the Edinburgh Ministers before the City Council, for his so free declaiming against the late proceedings of the City, in their closure with and accepting authority from *England*, but the Provost may not teach him to keep within his bounds; he knowing better (as he says) to Preach, than the Provost to direct, making fair promises of speaking more freely the next.² I think I have told you twenty Shires and thirty four Burghs have assented. The Isles of *Orkney* and *Zetland* have since my writing sent their Commissioners, who are admitted to treat, the next will give you a further account of them. I rest Your affectionate Servant,

JO. PHELPS.

Dalkeith, 13 March 1651.

¹ *A Perfect Account of the Daily Intelligence from the Armies*, March 17-24, 1652. E. 658 (1), p. 506.

² Cf. Nicoll, *Diary*, p. 88.

CI

ASSENT AND DESIRES OF ORKNEY AND SHETLAND ¹

The right hono^{ble} the Co^mmissioners of y^e Parliament of the Co^monwealth of England for orderinge and manag- inge Affaires in Scotland.

The humble Answere of y^e Co^mmissioners of the Shyre of Orkney and Zetland.

March 15,
1652.

First wee doe hartily accept of y^e Tender made to vs in y^e Declaracōn of y^e parliament of y^e Co^mon wealht of England That Scotland be incorporated into and made one Co^monwealth wth England That thereby the same govern- ment that is established in England without a Kinge or howse of Lords vnder y^e free state and Co^monwealth of England may be deryved to y^e people of Scotland.

Secondly wee declare that wee will in the meane time liue peaceably vnder and giue obedience vnto y^e Authority of the Parliament of y^e Co^mon Wealht of England exercised in Scotland.

In testimony whereof wee doe in name and behalfe of y^e Shyre aforesaid subscribe these p^{nts} at Dalkeith y^e 15 of March 1652.

A. G. BUCHANON.²

JO. CRAIGIE.

Thirdly in reference to y^e last p^{position} putt vpp be yo^r hono^{rs} to vs: wee desire that

First wee may be allowed in such iust Interest as is consistent wth the nature of y^e said Vnion, which wee conceiue to be y^e true intention of y^e Parliament of England their declaration.

Secondly that an Act of grace and favor may be extendit to all y^e people of this nation And especially that all for-

¹ *Portland MSS.*, N. xx. 143. It is printed in *Severall Proceedings*, March 18-25, 1652.

² Probably Arthur Buchanan of Sound. He sat in the Convention of 1667. Cf. Foster, *Members of Parliament*, p. 41.

feitures confiscations and sequestracōns may be taken of and discharged.

Thirdly that our prisoners be released and y^e burdens of our Sesse eased.

Fourthly that in respect of y^e heavy p^rjudice that many in this nation lye vnder for want of Justice That yo^r hono^{rs} would be pleased to take such speedy course for settinge of such ancient and laudable lawes of this nation as may be consistent with this p^rsent Government of y^e Co^monwealth, And by fillinge of places of Trust and Judicatory with men of knowne ability integrity and experience by advice of this nation or representatiue thereof.

There are many and may be other thinges necessary for y^e right perfittinge of y^e said vnion that for y^e p^rsent cannott well be thought vpon, Therefore it is our desire that some may be authorised from this nation To meet with y^e Com^{rs} of y^e Parlt. of y^e Co^monwealth of England for y^e better effectuatinge thereof and a tyme and place appoynted for their meetinge. And in the meane tyme if yo^r hono^{rs} thinke it expedient That y^e Co^mmissioners of Shyres and Burrowes may be permitted to meet amongst themselues for condescendinge vpon such overtures as best may conduce for y^e settlement and p^rservation of the said vnion and Co^monwealth.

Endorsed:—*Coppie Assent of the Deputies of the Shire of Orkney and Zetland to y^e Vnion.*

Read 23 March 1651.

CII

DESIRES OF ORKNEY AND SHETLAND¹

To the right Hono^{ble} the Com^{rs} for the Parliam^t of the Co^mon Wealth of England For ordering and managing y^e Affaires of Scotland.

The humble desires of the Deputies for the Shire of Orkney and Zetland.

¹ *Portland MSS.*, N. xx. 144.

March 15,
1652.

First wee humbly desire to vnderstand what order shall bee established for the replanting of the Kirks of o^r Shire (they being all vacant for the p^rsent except twoe) And that some bee disioyned in respect there bee twoe or three vnder the charge of one Pastor, For there is a sufficiency of Competent maintenance for those Kirks that admitts of disioyneing.

Secondly That in respect there is a great decay of o^r Seminary of Learning by reason that the competent stipend allotted of old to the Gra^mer Schools of Kirkwoll is for the most p^t abstracted by particuler gentlemen wthin the Shire and applied to their owne use, Therefore wee desire that there bee an order emitted for recovering of the same.

Thirdly In regard wee liue remote from the publike Seate of Justice wee desire yo^r Hono^{rs} would bee pleased (wth all possible diligence) to appoint as Sherriff wthin the said Sheire (wth advice of the Inhabitants thereof) a Man feareing God and of knowne integretie and Affection to the Co^mon Wealth For administrac^on of Justice wthout partialitie or respect of Persons, As alsoe that o^r Former Clerke James Rutter bee continued in his office of Clerkeshipp wthin the said shire, wee hauing had sufficient experience of his integretie and abilitie heretofore.

Fourthly wee humbly desire yo^r hono^{rs} would be pleased to take to Considerac^on the sad and deplorable Condi^on of our Land which hath bin overburdened with heavy Taxac^ons and impositi^ons flowinge from y^e Estates of Scotland for y^e promotinge their seu^rall ingagements in warre, as alsoe that wee were overvalued by our then superio^{rs} in 700^l scottis monethly as witnes their owne Act of Parliament made thereanent, theirfore wee humbly crave a Mittigation of o^r p^rsent Assessm^{ts} wthout the which (in truth and vprightnes of hart wee speake) wee cannott subsist.

Fifthly that seeinge since o^r last valuac^on some mens estates within o^r Land are bettered, others totally ruinated, Therefore our desire is yo^r hono^{rs} will be pleased to order some men of trust and Integrety wthin our shyre for rectifyinge o^r sad valuac^on,

that all men may share alike in the publike burden p̄portionallie.

Sixtly because oʳ shyre in all tymes bygone has had Cōmerce and tradinge wth Noorway for importinge of boates for oʳ fishinge and other Timber requisite for ploughinge of y^e ground w^{ch} cannot be had elsewhere, therefore wee desire oʳ former tradinge (without y^e which wee cannott subsist) may be continued and authorised by yoʳ hono^{rs} p̄tec̄on And that wee may be licenced to export as much Cornes, comonly called sterlinge, as may serue for buyinge of y^e said Timber and boates.

Seventhly whereas in our late levy pressed vppon vs by Collonell Sr James Douglas in Anno 1651 The said Collonell did extort and exact from y^e Inhabitants of y^e shyre the sūme of 500^l sterlinge or thereby in name of levye Money to the greate p̄iudice of y^e Land, which he did apply to his owne private vse, Therefore wee humbly intreate yoʳ hono^{rs} to giue warrant for recovery of y^e same That wee may be the better enabled to pay our p^rsent sesse.

Eightly and because the vnion setled in oʳ shyre in subordination to the Cōmonwealth of England may be happily p̄iudiced to seditious and divisive spirritts booth by loytering and newtrall persons refusinge to concurre wth the prosecutinge of any publike orders shall flow from authority, therefore oʳ humble desyre is yoʳ hono^{rs} may be pleased To warrand the Sherriffe to take notice of such persons and to relate them accordingly to such as shall be authorised by y^e parliament for abandoninge enormities of y^e like nature.

Nynthly and because there be sundry persons lately crept into oʳ land whose fortunes lyes in y^e South laboringe to disturbe y^e peace of y^e Land and to interrupt y^e begun vnion, Therefore wee desire that they may be removed thence as havinge noe interest there, That soe all obstruccōns beinge taken out of y^e way wee may carry on the worke intrusted to vs wth greater freedome and alacritye.

Tenthly In respect that Zetland is a third part of oʳ shyre

is lyable to a third of all burdens imposed vppon vs, and seeinge they are 80 Miles of sea distant from vs, wee desyre they may sustayne their owne proportionable burden accordinge to o^r accustomed forme And wee thereof exonered in all Advancements.

Therefore yo^r hono^{rs} answer wee humbly craue and wait for, desiringe that y^e distance of o^r shyre from this place may be soe considered of by yo^r hono^{rs} as that wth all conveniency wee may be dispatched hence And yo^r hono^{rs} gracious Answer wee speedily retourned By those who are, right hono^{ble},

Yo^r humble Servants

A. G. BUCHANON.

JO. CRAIGIE.

Endorsed:—*Some passages herein. Coppie Desires of y^e Sheires of Orkney and Zetland.*

CIII

ASSENT OF DYSART¹

To the right hono^{ble} the Co^mmissioners of the Co^mmonwealth of England for orderinge and managinge affaires in Scotland.

The humble Answer of the Co^mmissioner of y^e Burgh of Dyssert in name and behalfe of the said Burgh.

March 16,
1652.

First, In name and behalfe of y^e said Burgh I doe hartily accept of the Tender made to me in y^e Declaracōn of y^e Parliament of the Co^mmonwealth of England that Scotland be incorporate into and made one Co^mmonwealth with England, that thereby y^e same Government that is established in England without a kinge or house of Lords vnder y^e free State and Co^mmonwealth of England may be derived to y^e people of Scotland.

Secondly, I declare that wee will in the meane tyme liue

¹ *Portland MSS.*, N. xx. 141.

peaceably vnder and giue obedience vnto the Authority of y^e Parliament of the Coñonwealth of England exercised in Scotland.

In testimony whereof I doe in name and behalfe of y^e Burgh aforesaid subscribe theis pñts at Dalkeith y^e 16 day of March, 1652.

JAMES HALYBURTONNE.

Endorsed :—*Coppie Assent of y^e Deputie of the Burrough of Dysert to the vnion.*

CIV

DESIRES OF DYSART¹

I James Halyburtonne Comissioner for y^e Burgh of Dyssert Doe humbly supplicate yo^r hono^{rs} to take to Consideration the greate losse that the poore Towne hath sustayned since y^e English Army came to Fyfe, as the perticulers heerwith produced will testify, beside transient quarteringes, as alsoe y^e poore Towne is now made an Garrison and y^e expence of Coale, candle and other necessaries they are put to is more noo their Monethly assessment which should come of the Landmark and not of y^e Burgh. Sua we intreate for reliefe of y^e Cess duringe yo^r hono^{rs} pleasure. And alsoe y^e harbour is fallen downe, which will make the Towne vnprofitable vnles it be repaired. And in like manner wee desire a new electione of Magistrates with an warrand for that effect. Soe except yo^r hono^{rs} grante an exemption to them to be free of y^e Cess for an Certeine tyme, be all appearance Dysert will turne an Desert, And yo^r hono^{rs} Answere.

March 16,
1652.

Endorsed :—*Coppie Desires of y^e Deputie of the Burrough of Dyssert.*

CV

ASSENT AND DESIRES OF THE HERITORS AND OTHERS OF PERTSHIRE²

Dalkeith, March 17, 1652.

Forasmuch as the Coñission^{rs} of the Parliam^t of the Coñon Wealth of England haue directed to the Hereto^{rs} and Rentello^{rs}

March 17,
1652.

¹ *Portland MSS.*, N. xx. 142.

² *Ibid.* N. xx. 150.

of the Shire of Pearth the Declaracōn of the Parliam^t of the Coñon Wealth of England concerning the settlem^t of Scotland to-geather wth the Tender conteyned in the second Article of the Declaracōn That Scotland be incorporated in ane Coñon Wealth wth England, And the Herito^{rs} Rentallo^{rs} of the shire of Pearth haueing Authorized vs James Earle of Annandail and S^r John Drummond of Drip wth Coñmission to that effect, wee doe therefore for o^r selues and in name and by Warrant of the Shyre returne this Answer, That as to the Tender of the second Article, whereby it is declared that Scotland shall and may be incorporated into and become one Coñon Wealth wth England whereby the same Governm^t w^{ch} is established there and enjoyed by the good people of that Nation vnd^r the Free State and the Coñon Wealth of England as it is now settled wthout King or howse of Lords may bee derived to the People of Scotland, Wee doe accept of the Tender and acquies therevnto. Wee alsoe doe declare that wee will in the meane time liue peaceably vnd^r and give obedience to the Authoritie of the Parliam^t of the Coñon Wealth of England exercised in Scotland. In witnes whereof wee haue signed this day and yeare abouesaid.

ANNANDALE.

J. DRUMMOND.

A true coppie, ex^d C. BAKER, Sec^r to y^e s^d Com^{rs}.

That the Vnion conteyned in the tother Paper may bee brought to effect wth satisfaccōn to the People of Scotland wee doe humbly desire, that soe soone as the Coñmission^{rs} from the seūall Shires and Boroughs shall bee fully heard A short time may bee condiscended vpon by their Advice for the p^fecting of the Vnion, and also that it bee declared by Authority of the Parliam^t of the Coñon Wealth of England That for the future this Nation shall bee protected in the exercise of the true Protestant Religion, in the inioym^t of their owne Lawes and in the Freedome of their Persons and in the right and propertie of their estate and goods, And that for Bygones an Act of grace and favo^r may bee extended to all the people of the Land who shall consent to this Vnion, And that in p^ticular all Forfeitures, Confiscations and Seques-

trations bee taken off and discharged, the prison^{rs} released, the insupportable burthen of the Cess eased and a Considerable part of the Forces remoued. And in regard of the great importance it will bee to the good of this Nation the right ordering of Civill Judicatories, It is humbly desired that these Judicatories, Judges and times of their meeting may bee settled by advice of the whole Nation or their representatives to iudge according to the Knowne Law, And likewise that the Mint bee reestablished wthin this Nation, And because many other things will bee necessary for the settleing of the Vnion w^{ch} for the present cannot bee thought vpon by vs, Wee doe desire that a select number of Fitt p^{rs}ons bee Authorised from the seu^rall Counties to meete wth the Co^mmission^{rs} of the Parliam^t of the Co^mon Wealth of England and a Warrant may bee graunted for their meeting.

ANNANDALE.

J. DRUMMOND.

A true coppie, ex^d C. BAKER, Sec^r to y^e s^d Com^{rs}.

Endorsed:—*Coppie Answer and Desires of y^e Deputies of y^e Sheire of Pearth.*

CVI

COMMISSION TO THE DEPUTY FOR ROSS-SHIRE¹

The Co^mmissioners of the Parliament of the Co^monwealth of England havinge required y^e heritours and Rentallers of the Shire of Ross to chuse two of their number to knowe from them the intencōn and pleasure of the Parliament of England for a lastinge peace in this Island, Wee doe by these p^rsents fully authorise Robert Monro of Fouls our only Co^mmissioner to goe and wayte vpon the said Co^mmissioners at Dalkeith the Twentie first of March instant And there to know their pleasures for the settlement of a lastinge peace, with power to our said Co^mmissioner on our behalfe to treate, reason, determine, and conclude in all thinges that shall happen to be p^rposed there for effectinge y^e same, And to represent the hardships

March 17.
1652.

¹ *Portland MSS.*, N. xx. 160.

of this poore Countrey for redressinge thereof soe farr as may be possible, firme and stable holding and for to hold whatsoever our said Cōmissioner doth or leades to be done in the p̄mises. Signed by vs at Tayne the 17th day of March 1652 yeares.

WALTER INNES of Inidbreky.

MONRO of Fremtene.

B. LOVAY of Arbo.

W. SWILOND [?].
1

ROBERT INNES.

ROSS of Pitcalnie.

THO. MACKENZIE.

J. DOLEBLACE [?].

W. WOOD.

COLLIN M^cKENZIE.

JOHN ROS.

Vera Copia: JO. PHELPS, *Secr.*

Endorsed:—*Comission, Ross'shire, Robt. Monroe, Deputy, Mar. 25, 1651.*

CVII

COMMISSION TO THE DEPUTY FOR TAIN²

At Tayne y^e seaventeene day of March 1652.

The which day the Burgess and neighbours of the Burrough of Tayne havinge this day at y^e desire of y^e Cōmissioners of y^e Parliament of y^e Cōmonwealth of England convened within our said Burrough for electinge one person of Integrity and good affection to y^e welfare and peace of this Island. And after mature delibācon Wee haue elected and fully authorised David Ross one of our neighbours a person havinge good affection to the Welfare and peace of this Iland our Cōmissioner to goe and wayte vppon y^e said Cōmissioner^{rs} at Dalkeith the twentie first of March instant, And there to know their pleasures for the settlement of a lastinge peace, with full power to our said Cōmissioner on our behalfe to treat, reason, vote, determine and Conclude in all things that shall happen to be p̄posed there for effectinge y^e same, And represent y^e hardshipp of this Burrough for redressinge thereof soe farr as may be possible, firme, and stable, holdinge and for to hold whatsoever

March 17,
1652.

¹ Name unreadable.

² *Portland MSS.*, N. xx. 159.

our said Cōmissioner doth or leadis to be done in the p^rmisses.
Signed by vs day yeare and place aforesaid.

Jo. Ross.

H. M^cCULLOCH, Provost.

W. Ross.

JOHN MONRO, Bayllie.

JOHN M^cCULLOCH.

Joⁿ FERGUSSONE.

JAMES M^cCULLOCH.

W. Ross.

L. Ros.

W. M^cCULLOCH, elder.

WALTER HAY.

W. M^cCULLOCH, yo^r.

R. HAY.

W. SURY [?].

WILLIAM DONOOME.

DANIELL ROSS.

M^cCARCHILPE.

FORRESTER CLERK [?].

Vera Copia: Jo. PHELPEs, *Secr*.

Endorsed:—*Taine Burgh Cōmission, Robt. Rosse, Deputy,*
Mar. 25, 1651.

CVIII

EFFECT OF THE CONFERENCE BETWEEN THE COM- MISSIONERS AND THE MARQUIS OF ARGYLL¹

Dumbarton, March 18, being Thursday, 1651.

The 17th of March 1651 being Wednesday in p̄suance of y^e ^{March 18,} order of y^e Cōmissioners we mett y^e Marquayse of Argyle at ^{1652.} Dumbarton, and did let him know y^t according to his letters, y^e Cōmissioners of Parliam^t had sent us to give his Lordship an opportunity to communicate his mind and desires to y^m.

1st The first thing his Lordship desired was, y^t if we had any thing of prejudice against him to object, he might know the particulars and thereby haue opportunity to give satisfaction therein.

It was answered we were sent to receiue such desires as his Lordship had to make; he replyed, y^t he was prevented in w^t he [had] to desire, in order to y^e settlement of [the] nation and y^e good of y^e whole Iland by y^e positieue resolutions of y^e Parliament expressed in their Declaration, w^{ch} he [had] no

¹ *Portland MSS.*, N. xx. 151. This document is printed almost in its entirety in *Hist. MSS. Comm. Report*, xiii. pt. i. p. 635.

knowledge of wⁿ he first desired [an] opportunity to communicate his mind. Never y^e less thou he believed y^e Commissioners might not go contrary to w^t y^e Parliament had expressed, yet he thought it might be worthy of consideration in order to y^e very ends p^pounded by Parliam^t, y^t a number of select p^{ersons}, who had in Scotland constantly wth England opposed y^e Co^mon enemy might be p^{er}mitted to convene and meete together for redresing and giuing mutuall satisfacion.

It was answered y^t y^e Parliam^t of England had declared their intentions concerning y^e settlement of Scotland by y^e union p^{ro}posed, And y^t their Commissioners by their authority had given y^e people of Scotland opportunity to expresse their acceptance of y^e tender of union, declaring wthall, if they accepted of y^t union, y^t yⁿ they would be ready to receive such overtures from y^m as might make y^e said union effectuall, and wth best satisfacion to y^e people of Scotland.

He desired to know w^t was expected from him, and how he might demeane himselfe, touching y^e premises, and w^t was intended concerning him.

It was answered y^t we were sent to receive his desires and not to tender p^{ro}posicions to him, y^e Commissioners of Parliam^t hauing not thought meet to do any thing of y^t nature to any indiui[dual] p^{ersons} in Scotland, and therefore must referre him therein to y^e Parliam^{ts} declaracion; yet since [he] insisted so much upon these particulars y^t if [he] pleased in writing to expresse y^m to y^e Commissioners, we douted not but they would be taken [into] consideration by y^m.

3^{ly} That as he desired to be at some certaynty concerning y^e premisses, so he had not resolved [to] demeane himselfe otherwayes yⁿ peaceably towards [the] authority of y^e Parliam^t of y^e Co^mon wealth of England exercised in Scotland. and y^t if it should be found convenient for y^e settlem^t of Scotland, y^t any places should be fortified in y^e hyghlands where he had interest, y^t upon notice giuen him (w^{ch} he desired) he shold be so farre from opposing y^e same. y^t he shold be ready to give his aduise and assistance therin.

4^{ly} he farther declared y^t y^e shire of Argyle w[ould] wth all

possible speed send Commissioners to Dalkeith wth full power and authority according to y^e Commissioners summons directed to y^t shire, and y^t althow y^t shire was very unable to pay any Cesse, by reson of y^e great devastacions made by Montrosse for their affection to y^e Parliam^t of England, as he alleadged; And y^t y^e Authority of Scotland found cause not to lay any burthen upon y^e said Countrey, yet to show how willing they were according to their ability to do any thing y^t might expresse y^m wth other shires to be under y^e Protection of y^e Parliam^t of England, they shold be ready beyond their ability to pay towards y^e said Assesment.¹

Endorsed :—*The effect of y^e conference between the Com^{rs} and the Earle of Arguile.*

Read 26 March 1652.

CIX

COMMISSION OF ASSENT TO THE DEPUTIES FOR THE STEWARTRY OF KIRKCUDBRIGHT²

Whereas y^e eighteenth of this Moneth of March was assigned by y^e right hono^{ble} y^e Co^mmissioners of y^e Parliam^t of y^e Co^monwealth of England appoynted for orderinge and managinge the affaires of Scotland vnto the Stewartrie of Kirkuburgh To send out theire deputies or Co^mmission^{rs} for acceptinge y^e p^oposals and Tender of y^e Co^monwealth of England for incorporatinge of y^e two nations of England and Scotland, And findinge a part of y^e Gentrye assuminge to themselues y^e representatiue of the whole Stewartrie haue sent out a Deputy with Co^mmission to refuse y^e said proposalls and tender for reasons included within the same, wherevnto wee and many more within y^e Stewartrie is not Consenters,³ for y^e which cause wee vnder-

March 18,
1652.

¹ For Argyll, cf. Nos. II., IV., VI., XIII., XXI. Correspondence relating to his interview with the Commissioners on March 17 is printed in Firth, *Scotland and the Commonwealth*, pp. 37, 40, 42. Deane and Lilburne's expedition into the Highlands at length compelled Argyll to accept the Union on August 19, 1652 (*ibid.* p. 48). Argyllshire had made submission on April 26 (*infra* No. CXLIV).

² *Portland MSS.*, N. xx. 158. It is printed in *Severall Proceedings*, April 15-22, 1652. E. 794 (25).

³ Cf. No. XCIX.

scribers and all others adhearing to vs by these p^rsents giues full power and Co^mission vnto George Maxwell of Munches and Andro Lindsay of Auchenskeoche to appeare before y^e right honoble y^e Co^missioners of y^e Parliam^t of y^e Co^monwealth of England to disclayme y^e said Co^mission and in our names to p^rtest against y^e same.

Wee doe likewise heerby giue full power and Co^mission to y^e said George Maxwell of Munches and Andro Lindsay of Auchenskeoch to receaue p^rpositions of y^e Tender of y^e Parliament of y^e Co^monwealth of England and to treat accept and Conclude therein as y^e said George Maxwell and Andro Lindsay shall thinke fitt and expedient for incorporatinge y^e said two nations and establishinge an happy peace and vnion therein. And what our said deputies shall Conclude wee oblige our selues to stand and abide thereat. By these p^rsents subscribed with o^r hands at Kirkgunzen y^e eighteene day of March 1652.

Vera copia: Jo. PHELPS, *Secr.*

Lo. HERREIS.¹

T. GLENDONING of Portumney.

JOHN HERREIS of Mabie.

EDWARD MAXWELL of Barnbushell.

ANDRO LINDSAY of Auchenkerth.

WILLIAM BROWNE of Muntonne.

THO. MAXWELL of Corswede.

WILLIAM MAXWELL of Castlegoure.

GILBERT BROWNE of Bargbie.

JOHN LINDSAY of Wauchope.

JOHN LINDSAY of Maynes.

JOHN STURGEON of Torrory.

JAMES MAXWELL of Wreathes.

JOHN BROWNE of Mallance.

ROBERT HERREIS of Barnbaroche.

GEO. MAXWELL of Munchees.

Endorsed :—*Kirkudburgh, March 27, 1651.*

¹ John Maxwell, Baron Herries of Terregles, afterwards (1667) third Earl of Nithsdale.

CX

ASSENT OF INVERNESS¹

To y^e Right hon^{ble} y^e Co^mission^{rs} of y^e Parliam^t of y^e Co^mon Wealth of England for Ordering and Mannag-
ing Affaires in Scotland.

The humble Answer of y^e Co^mission^{rs} of the Burgh of
Inuernes in name and behalfe of the said Burgh.

First I in name and behalfe of y^e said Burgh doe heartily
accept of y^e Tender made to vs in the Declaration of y^e Parliam-
ent of y^e Co^mon-Wealth of England, that Scotland be in-
corporated into and made one Co^mon-wealth with England,
that thereby that same Government that is established in Eng-
land wthout a King or House of Lords vnder y^e Free State and
Co^mon-Wealth of England may be derived to y^e people of
Scotland.

March 20,
1652.

Secondly I declare that Wee will in y^e meane time liue
peaceably vnder and giue obeadience vnto the authoritie of y^e
Parliament of y^e Co^mon-Wealth of England exercised in
Scotland.

In testimony whereof I doe in name and behalfe of the
Brough aforesaid subscribe theis p^rsents at Dalkeith the xxth
day of March 1652.

DANIEL FULLER.

Endorsed :—*Copp. Assent Deputie Burrough of Inuernes.*

CXI

COMMISSION TO THE DEPUTY FOR PEEBLES²

Wee the Burgesses and neighbours of y^e Burgh of Peibles
having seene and seriously considered the declaracō of the
parliament of the Co^monwealth of England And y^e declaracō
of the Co^missioners for orderinge and Managing affaires in
Scotland And alsoe an order of the said Com^{rs} bearing date

March 22,
1652.

¹ *Portland MSS.*, N. xx. 149.

² *Ibid.* N. xx. 163.

y^e Twelve day of March instant relatiue to a former conteyn-
 inge y^e p̄posicons given to y^e Deputies of other Shires and
 Burghes, doe nominate and authorise Robert Thomsone Deputy
 for our said Burgh To answeare to y^e p̄posicōns meñconed in
 that paper and therwth sent to vs or to any other thing that
 shall be p̄posed vnto him in reference to y^e Burgh, And doe
 heerby ratify and confirme whatsoever our said deputie shall
 answeare, p̄pose or conclude in our behalpes. Witness our hands
 at Peibles the Twentie twa day of the said Moneth of March
 1652.

Vera copia : Jo. PHELPEs, *Secr.*

WM. CHESTON.

THOMAS WILLIAMSONE.

E. RAITHE [?].

A. WILLIAMSON.

JOHN HORSBENKE.

JOHN PASSONE.

JOHN LOWIS, provost.

WILL. LEWIS, Councill^r.

DAVID PUNDERVILE, Baylie.

JAMES WILLIAMSON.

Alex^r SANDER.

JAMES HORSBRINKE, Councill^r.

JOHN STODDART.

JOHN BEES.

JOHN DICKSON.

JOHN EDMOND.

Endorsed :—*Peibles Burgh Deputies Comission, March 22,*
 1652.

CXII

COMMISSION TO THE DEPUTIES FOR INVERNESS-SHIRE ¹

Wee vndersubscribed Heretors and Rentallo^{rs} of the Sherriff-
 dome of Innesse In obedience to the summons sent to vs
 by the Comission^{rs} of the Parliam^t of the Comōn Wealth of
 England for manageing and ordering affaires in Scotland of
 date the twenty one day of February I^{mvi}^c fifty two yeares,
 And by uertue of an seacond ord^r Issued forth by them
 of date from Dalkeith the twenty sixt day of February I^{mvi}^c
 fifty two yeares, Nominate, Choyse and appoint Kenneth

¹ *Portland MSS.*, N. xx.

M^cKenzie of Coull and Alex^r M^cIntoschie younger of Connedge or Either of them our Deputies and Comission^{rs} to the effect conteyned in the said ord^r, To whome wee giue full power and Cōmission for vs and in our behalfe to repaire to the said Cōmission^{rs} where they are p^rsntley att Dalkeith and there to receiue from them all such ovento^{rs}, Articles, propositio^{ns}, or demaunds, which shall bee offered by them for the nearer vnion and Coniuncōn of both Nacōns, and also to giue into them by word or writt all ovento^{rs}, Articles, propositio^{ns} or Demaunds necessary for that effect and for the particuler weall of this shire, and to treat, aduise, Consult and conclude therein And Generally all and eury thing to doe for settlem^t of these Nations as freely and absolutely as if wee were personally present. Whilke wee promitt to hould firme and stabill, in Witnesse whereof wee haue signed these presents wth our hands at Inuerness the twentie third day of March 1652 yeares.

WILL. ALZENHER.

H. KENZIE.

J. [?] ROSE.

HECTOR MACKENTASE.

KENETH MACKENZIE.

ALEX^R CUTEHBERT.

HEN. FRASER.

A. DALER.

J. CUTHBERT.

ALEX. MAKENZIE.

DUMBARR.

JN. LOWATS.

THOMAS FRASER.

JO. SORBEIR.

TH. DOLLAIR.

E. FRASER.

WERMTOSHIRE.

THOMAS SHIUES.

E. DORBES.

FT. VASE.

CO. M^R LEMNIS.W^M M^CGORLASTHE.

J. RINNS.

Vera Copia: ex^d, C. BAKER, *Secr.*

Endorsed:—Comission Kenneth M^cKenzie and Alexander M^cIntoschie, Deputies of y^e Sheire of Inuernes, 7 April 1652: read.

CXIII

COMMISSION TO THE DEPUTIES FOR THE SHIRE
OF CAITHNESS¹

. . . [illegible] the 24 of March 1652 . . . [illegible]
Instruccōns for John Sinclaire of . . . [illegible] and
M^r George Monro of Newtowne.

March 24,
1652.

You are authorised forthwith to reaire to the English
Comissioners at Dalkeith And there to represent the greivances
of this Shire to them for obtayninge redresse thereanent, And
likewise you haue power to Act in every thinge relatinge to
the Wealle of this Island and Shire in particular as other
Comissioners for other Shires siklike and in the samen manner
as if every perticuler were inserted heervnto. By these p^rsents
subscribed as followeth, day, moneth, place and yeare of God
abouewritten.

JO. SINCLAR.

H. SINCLAR [?].

R. BRUCE [?].

J. SINCLARE.

JOHN SINCLAR.

N. SINCLOR.

WM. SINCLAR.

DAVID SINCLARE.

CHARLES LULDELL [?].

Vera Copia: ex^d by Jo. PHELPEs, Sec^r.

Endorsed:—*Cathnes Deputies Comission to offer p̄posalls
exhibited 8 April 1652.*

CXIV

ASSENT OF DUNFERMLINE²

March 24,
1652.

Beinge deputed and appoynted by y^e Burgesses and neigh-
bours of the Burgh of Dumferlinge to be present at Dalkeith,
I vndersubscriyvd and hayfand full power from them for
closinge with y^e Comission^{rs} of the Parliament of the Comon-
wealth of England doe by their order and in their name
declare their Acceptance of y^e Parliam^{ts} Tender in their
declaracōn that Scotland be incorporated into and made one

¹ *Portland MSS.*, N. xx. 172.

² *Ibid.* N. xx. 154.

Coñon wealth with England, that theirby the same governm^t that is established in England without a Kinge and house of Lords be the same in Scotland, and sicklike they declare in the meane time to liue peaceably vnder and giue obedience vnto y^e Authority of the Parliament of y^e Coñonwealth of England exercised in Scotland. In witness wheireof I haue heeronto subscribed my name at Dalkeith the 24th of March 1652.

J. KEITH.

A true coppie ex., C. BAKER, Secr.

Endorsed:—*Coppie Answer Deputie of the Burrough of Dumferling, 24th March 165½.*

Read 2 April 1652.

CXV

ASSENT OF CERTAIN OF THE STEWARTRY OF
KIRKCUDBRIGHT¹

To the right hono^{ble} the Com^{rs} of the Parliam^t of the Coñonwealth of England for orderinge and Manag- inge Affaires in Scotland.

Wee vnderscribers of y^e Stewartrye of Kirkudbright doe heerby humbly testify and declare our voluntary acceptance of y^e Parliaments Tender in their declaracōn That Scotland be incorporated into and made one Coñonwealth wth England, that thereby the same Governm^t that is established in England without a Kinge or house of Lords vnder y^e free state and Coñonwealth of England may be derived to y^e people of Scotland. And wee declare that wee will in the meane time liue peaceably vnder and giue obedience vnto the Authority of the Parliament of y^e Coñonwealth of England exercised in Scotland.

March 24,
1652.

And wee doe hartily begg y^e Lord soe to direct yo^r harts in y^e p̄secution of this greate worke as may most advance his glorie in y^e establishment of Religion, setlinge of y^e nations in a firme and happy vnion, And the freedome and Tranquillity

¹ *Portland MSS.*, N. xx. 199. It is printed in *Severall Proceedings*, April 15-22, 1652. E. 794 (25).

of all his people in that bond wthin this Island. At Dalkeith
y^e 24 of March 165½.

R. NITHSDAILL.

CERSTET STERRE.

P. W. SERNNAY.

WILLIAM OSBURNE.

PATRICK MURDOCHE.

Vera Copia : JO. PHELPS, *Secr.*

Read 2 April 1652.

Endorsed :—*Severall Gent. of the steuarty of Kirkcudbright
their assent p^rsented March 25, 1651.*

CXVI

A DECLARATION OF THE PARLIAMENT OF ENGLAND IN ORDER TO THE UNITING OF SCOTLAND INTO ONE COMMONWEALTH WITH ENGLAND¹

March 25,
1652.

Whereas the several Shires and Burroughs of *Scotland*, hereafter mentioned, have by their Deputies assented unto the Tender of the Parliament of the Commonwealth of *England*, That *Scotland* shall and may be Incorporated into, and become one Commonwealth with *England*; whereby the same Government that is Established here, and enjoyed by the Good People of this Nation, under the Free State and Commonwealth of *England*, is now settled without King or House of Lords, may be derived and communicated unto them, with such convenient speed as the same can be made practicable amongst them; That is to say, The Shires of *Barwick, Haddington, Roxborough, Linlithgo, Dunbarton, Dumfrieze, Witon, Forfar, Aberdeen, Banf, Bute, Lanerk, Kinkardine, Nearn, Sterling, Clackmannon, Edinburghshire, Fife, Pebles, Selkirk, Orkney* and *Zetland*, and *Pearth*; And the Burroughs of *Edinburgh, Aberdeen, S^r Andrews, Pearth, Rothsea, Dundee, Aberbothick, Lauther, Haddington, Dunbar, North Berwick, Linlithgo,*

¹ *Two Declarations of the Parliament of the Commonwealth of England.* E. 659 (19). The declaration was proclaimed at Edinburgh on Wednesday, April 21, 1652 (Nicoll, *Diary*, p. 92), with the appended warrant to the Burghs and Shires to elect deputies.

Queens-Ferry, Sterling, Rugland, Witon, Forfar, Montross, Bampf, Breichan, Brunt-Island, Crayl, Jedborough, Dumbarton, Cullein, Amstroder-West, Pittenweyn, Elgin, Cowper, Kinghorn, Innerkething, Kooleross, Kilrenny, Amstrother-East, Selkirk, Disert, Glasgow, Innerness and Kircaldy; as by the several and respective Declarations, signed under the Hands of the said Deputies of Shires and Burroughs, and presented to the Parliament, and there now remaining, doth appear.

Upon consideration whereof the Parliament have Resolved, That a Bill be brought in for making the said Union accordingly; and do Declare, That the People of this whole Island shall be represented in One Parliament, and be Governed by their successive Representatives therein; and that the People of *Scotland* shall send Members to serve in the Parliament of the Commonwealth of *England*, in such proportion and at such time, as shall be hereafter declared.

And as to the particulars for the effecting hereof, and settling of the Laws and Government in *Scotland*, and other things necessary for compleating the said Union, the Parliament do think fit, That a certain number of Deputies, to be Chosen and Commissionated in maner hereafter expressed, do attend the Parliament, or such persons, and at such places as the Parliament shall appoint, on the behalf of the Shires and Burroughs of *Scotland* consenting to the said Union, with full power to effect the premises: And for this purpose the Parliament doth Declare, That the respective Shires and Burroughs of *Scotland*, unto whom Warrants for Electing Deputies to meet with the Commissioners of Parliament at *Dalkieth*, have been formerly sent by the said Commissioners; and who in pursuance thereof have, by their Deputies or otherwise, declared their Consent unto the said Union, which hath been received and allowed by the said Commissioners of Parliament; or such Shires and Burroughs as shall, after the publishing of this Declaration, and before the time herein appointed for the new Election of Deputies, declare their Consent unto the said Union, to the effect of what hath been already declared by the rest of the Shires and Burroughs, and such Declaration of theirs be accepted and allowed of by the Commissioners of the Parliament, or the Commander in chief for the time being in

Scotland, shall be capable of choosing and sending Deputies for the intent aforesaid: And all such Shires and Burroughs as aforesaid, that is to say, The Heritors and Rentallers of the said Shires, and the Neighbors and Burgesses of the said Burroughs respectively, are hereby authorised and required to meet at some convenient place within their respective Shires and Burroughs, at some time before the end of the Moneth of *July* next, and then and there to Elect and Choose for their Deputies respectively, persons of known Integrity, and such as have declared their Consent to the said Union, in like Numbers as formerly they were authorised to do by the Commissioners of Parliament residing at *Dalkieth* in *Scotland*, which persons so Elected, are to be commissioned by their respective Shires and Burroughs, according to the Tenor following:—

We Underwriters being authorised and required by the Parliament of the Commonwealth of England to Elect persons of known Integrity, and who have declared their Consent, That Scotland be Incorporated into, and made One Commonwealth with England; with power on our behalf, to meet with the rest of the Deputies of Shires and Burroughs at Edinburgh, at or before the Twentieth day of August, One thousand Six hundred fifty two; and there by Vote of the major part of Deputies present, to Elect Fourteen persons to represent all the Shires of Scotland consenting to the Union as aforesaid; and Seven persons to represent all the Burroughs consenting as aforesaid, to attend the Parliament of England, or such as they shall appoint, as is directed by their Declaration bearing Date the Five and twentieth day of March, One thousand Six hundred fifty two, and to have full power for effecting the matters expressed in the said Declaration, Do give and grant for us and in our Name, and in the Name and behalf of
unto *full power to attend the Parliament of England, or such persons as they shall appoint, for effecting the matters expressed in the said Declaration, and to do all things requisite for the perfecting the said Union; holding firm and stable what shall be so done by our said Deputies, to all intents and purposes, as if we our selves had been in person present and done the same.*

[Who] are to meet at *Edinburgh*, at or before the Twentieth

of *August* next, and out of themselves to Elect Fourteen persons to represent all the said Shires, and Seven persons to represent all the said Burroughs; which One and twenty persons are to make their repair to the Parliament of *England*, or to such places in *England* as the Parliament shall appoint, upon the First day of *October*, One thousand six hundred fifty two, with Commissions to them, or any Eleven of them, from the rest of the said Deputies of Shires and Burroughs, according to the Tenor hereafter expressed;—

We Underwriters, Deputies for the severall Shires and Burroughs hereafter named, That is to say, being thereunto authorised by our said Shires and Burroughs, in pursuance of the Declaration of the Parliament of the Commonwealth of England in that behalf, Dated the Five and twentieth day of March, One thousand six hundred fifty two, have nominated and elected of our Number _____ *to represent our said Shires, and,* _____ *to represent our said Burroughs; which said One and twenty persons are to attend the Parliament of England, or such persons as the Parliament shall appoint, in pursuance of and for the ends expressed in their said Declaration: And we do hereby give and grant, for us and in our Name, and in the Name and behalf of the said Shires and Burroughs, unto the said One and twenty persons or any Eleven of them, full power to bring to effect the matters expressed in the said Declaration, and to do all things requisite for the perfecting the said Union; holding firm and stable what shall be so done by our Commissioners, to all intents and purposes, as if we our selves had been in person present and done the same.*

And before the said Deputies do proceed to the Election of persons at their said meeting at *Edinburgh* to attend the Parliament as aforesaid, they are in the presence of such as for that purpose shall be thereunto appointed by the said Commissioners, or by the Commander in chief of the Forces for the time being in *Scotland*, by writing under their Hands to declare their Consent to the Union in manner following:

I A. B. being chosen and deputed by _____ *do declare my willing Consent unto the Tender of the Parliament of the Commonwealth of England, That Scotland be Incorporated into, and made One Commonwealth with England, whereby the*

same Government that is established in England without King or House of Lords, may be derived to the People of Scotland; and that I will be True and Faithful unto the said Government, and live peaceably under, and yield obedience unto the Authority thereof exercised in Scotland.

And for defraying the Expences of the said Deputies appointed as aforesaid to attend the Parliament upon this Service, it is thought fit, and hereby declared, That twentie Shillings *Sterlin* by the day be allowed unto each of the said Deputies during this service, from the time of their setting forth for *England*; and that according to the said proportion of Twenty shillings *Sterlin* by the day there be advanced unto each of the said Deputies, three Moneths allowance, which is to be paid them upon the place by the Commissioners at *Leeth* out of the Publique Revenue there, who are hereby authorised and required to issue the same accordingly.¹

And the Commissioners of Parliament for Managing the Affairs of *Scotland*, or such as they shall appoint, are hereby authorised and required to cause this Declaration, by such persons as they shall appoint, to be published and made known unto the respective Shires and Burroughs as aforesaid, in such maner, as they may not pretend Ignorance thereof; and such Publication shall to all intents and purposes be as effectual, for the authorising the said Shires and Burroughs to proceed to this election of Deputies as aforesaid, as if particular Summons for that purpose had been granted unto each of them.

CXVII

ASSENT OF PEEBLES²

To y^e right hono^{ble} y^e Co^mmissioners of y^e Parliam^t of y^e Co^mmonwealth of England for orderinge and Manag- inge affaires in Scotland.

The humble answer of Robert Thomsone chosen and appoynted Deputy for y^e Burgh of Peibles.

In behalfe of my selfe and those whom I represent I declare our free and vnanimous acceptance of and consent vnto the Tender

March 25,
1652.

¹ On this matter, *vide supra*, p. xliii.

² *Portland MSS.*, N. xx. 162.

made by y^e Parliament of the Co^monwealth of England, that Scotland be incorporated into and made one Co^mon wealth with England, That thereby the same go^ument that is established and enjoyed without a Kinge or house of Lords vnder y^e free Estate and Co^mon wealth of England may be derived vnto y^e people of Scotland, And I doe further declare that wee will in y^e meane tyme liue peaceably vnder and giue obedience vnto y^e Authority of the Parliament of y^e Co^mon wealth of England exercised in Scotland, Witnes my hand y^e 25th day of March 1652.

ROBERT THOMSONE.

Vera copia, Jo. PHELPEs, Secr.

Endorsed :— *Peibles burgh assent of Deputy, March 29, 1652.*

CXVIII

ASSENT OF ROSS-SHIRE¹

Answeres by the Deputy of y^e sheire of Ross to y^e propositions p^oposed by y^e Co^mmissioners of the Parliament of y^e Co^monwealth of England for orderinge and Managinge Affaires in Scotland.

I Robert Monro of Fouls, Deputy for y^e sheire of Ross, in behalfe of my selfe and those represented by me hereby declare our Acceptance of y^e Parliaments Tender in their Declarac^on that Scotland be incorporated into and made one Co^monwealth with England, That thereby the same Govern^t that is established in England without a Kinge or house of Lords vnder y^e free estate and Co^mon wealth of England may be derived to y^e people of Scotland.

March 26,
1652.

Secondly, I declare and do engage in behalfe of y^e said sheare that wee shall in y^e meane tyme liue peaceably vnder and giue obedience vnto the Authority of the Parliament of ye Co^monwealth of England exercised in Scotland.

R. MONRO of Foullis.

Vera copia, Jo. PHELPEs, Secr.

Endorsed :— *Rosse shire Deputies assent, March 26, 1652.
Read 2 April 1652.*

¹ *Portland MSS., N. xx. 153.*

CXIX

ASSENT OF TAIN¹

Answeres by the Deputy of y^e Burgh of Tayne to the propositions p̄posed by y^e Cōmissioners of y^e Parliam^t of y^e Cōmonwealth of England for orderinge and Managing Affaires in Scotland.

March 26,
1652.

I David Ross Deputy for the Burgh of Tayne in behalfe of my selfe and those represented by me, heerby declare our Acceptance of y^e Parliam^{ts} Tender in theire Declaracōn that Scotland be incorporated into and made one Cōmon wealth with England, That thereby y^e same government that is established in England without a Kinge or house of Lords vnder y^e free estate and Cōmonwealth of England may be derived to y^e people of Scotland.

Secondly, I declare and doe engadge in behalfe of y^e said Towne that wee shall in y^e meane tyme liue peaceably vnder and giue obedience vnto y^e Authority of the Parliament of the Cōmonwealth of England exercised in Scotland.

DAVID ROSS.

Vera copia : Jo. PHELPEs, *Secr.*

Endorsed :—*Taine Burgh Deputies assent, Mar. 26, 1652.*
Read 2 April 1652.

CXX

COMMISSION TO THE DEPUTIES FOR ARGYLLSHIRE²

March 27,
1652.

Wee of the shire of Argyle being mett and hauing . . . [*illegible*] to the shire by the Cōmission^{rs} of the Parliam^t of the Cōmonwealth of England For ordering and managing of Affaires in Scotland, Haue in ord^r therevnto nominat and elected James Campbell of Arkinglas and Master Dowgall Campbell of Lagg our Cōmission^{rs}, Authorising them To repaire to Dalkeith or where it shall happen the said Cōmission^{rs} of the Parliam^t of the Cōmonwealth of England to bee

¹ *Portland MSS.*, N. xx. 152.

² *Ibid.* N. xx. 185.

for the time, And there in name of this shire to treat, reasonne, and conclude wth them in all thinges tending to the settlement of the tua Nations In a lasting peace, Providing that our said Co^mission^{rs} doe not Condescend to anything Contrarie to the Covenant and the Oath of God lying on vs, Wherethrow wee may bee brought vnd^r the compass of perjurie and breach of Covenant, Astricting our said Co^mission^{rs} to bee faithfull and to report to ws their Dilligence. In witnes of the qlk wee haue subscribeit this our Co^mission wth our handes at Inveraray the twenty Seauenth day of March The yeir of God ane Thousand Six hundreth and Fifty tua yeares.

R. CAMPBELL of Donntoone.

D. CAMPBELL of Inveray.

ROFF ACHINWILLINGE.

PATRICK CAMPBELL of Knap.

NEIL CAMPBELL of Rocodell.

DOWGALL CLERK of Brale-
chane.

A. CAMPBELL of Kilberrie.

DUNCAN M^cKELLAR of Mam.

A. CAMPBELL of Dunstafnage.

COLINE CAMPBELL of Ardin-
tennye.

J. LAUCHLINE of Praginterte.

MALCOLME M^cLIELLER of
Kilblaine.

NICOLL M^cNICOLL of Ettrik-
more.

Read 14 May 1652.

Endorsed :—*Argyll shire, Co^mission deputing Jam. Camp-
bell, M^r Dowgal Campbell.*

CXXI

ASSENT OF KIRKCALDY¹

Being deputed and appointed by the Burgesses and Neighbours of Kirkcaldy to bee present at Dalkeith the 28th of this Instant March, I vndersubscribing hauing full power from them for closing wth the Com^{rs} of the Parliam^t of the Co^mon Wealth of England doe by their order and in their name declare their Acceptance of the Parliam^{ts} Tender in their Declarac^on that Scotland bee incorporated into and made one Comon Wealth wth England, that thereby the same Governm^t that is esta-

March 28,
1652.

¹ *Portland MSS., N. xx. 148.*

blished in England wthout a King and Howse of Lords bee the same in Scotland, and sicklyke they declare in the meane time to liue peaceably vnd^r and giue obedience vnto the Authority of the Parliam^t of the Co^mon Wealth of England exercised in Scotland. In witnes hereof I haue herevnto subscribed my name at Dalkeith this 28th March 1652.

DAVID FERGUSONE.

A true coppie, Ea^d C. BAKER, Secr^y to y^e s^d Com^{rs}.

Endorsed :—*Copp. Answer of y^e Deputie of y^e Burrough of Kirkcaldy.*

CXXII

OFFERS AND DESIRES OF PEEBLES¹

To y^e right hono^{bl} y^e Co^mmissioners of y^e Parliament of the Co^monwealth of England for orderinge and manag- inge Affaires in Scotland.

The humble offers and desires of Robert Thomson Deputy for y^e Burgh of Peibles.

March 29,
1652.

To y^e end the Vnion mencōned in the first Article of y^e paper may be brought to effect with satisfaccōn to y^e people of Scotland, I for my selfe and in name and behalfe of those represented by me doe humbly desire :

1. That for y^e quietinge of y^e Consciencs of many godly people they may be protected in the exercise of y^e true protestant religion as it is established and p^ressed within the Church of Scotland in Doctrine, worshipp, and goūment.

2. That y^e people of this nation may enioy their owne lawes, the freedomes of their persons, the right and p^rpertie of their Estates and goods and a gracious and favorable Act for all thinges past extended to y^e said people.

3. That all such who haue bin in Armes in obedience to y^e lawes of y^e Land or aidinge, assistinge, or abettinge to those warrs, beinge warranted by y^e supream Authority for y^e time,

¹ *Portland MSS.*, N. xx. 161.

may be declared free of all forfeiture, confiscation, and seques-
tracōn of Lands and goods.

4. That all prisoners may be released, a considerable parte of
the forces removed, The burthen of y^e insupportable Assessment
eased, and y^e Coñionwealth may haue a name relatinge to and
comprehending both nations.

5. That for y^e better p̄movinge of y^e vnion and establish-
ment of Civill Judicatories The representatiues of this nation
may be admitted to y^e Parliament and may be authorised in
y^e meane time to meete together for y^e p̄paringe and p̄posinge
such overtures as may most conduce to y^e perfeitinge of y^e
same.

Vera copia, Jo. PHELPHES, Secr.

Endorsed :—*Peibles Burgh, Deputies p̄posalls, March 29, 1652.*

CXXIII

DRAFT OF A LETTER TO BE SENT TO THE COMMISSIONERS ¹

My Ve [*sic*] Gentlemen.

Upon the reporte made vnto the Parliam^t by Sr Henry
Vane the younger and Collonell Fenwick² concerning the
affayres of Scotland it pleased the Parliam^t to passe the
Declaration,³ wherof printed coppyes are herewith sent vnto
you by their command, by w^{ch} likewise I acquaint you that
they doe expect your care for putting that declaration in
execution and that when you shall see that by your directing
the matter of this declaration is putt in a way of execution,
and when you shall have caused the Courts of Judicature to
be sett vp in Scotland, That then the L^d Chiefe Justice S^t John,
Maior Salway, and Alderman Tychborne are heerby required
to returne from Scotland, and att their comming away such
directions are to be left as you shall see cause vppon the places

March 30,
1652.

¹ *Portland MSS.*, N. xx. 273. On March 30 the House ordered Whitelock
to prepare a letter of this tenor. Cf. *Journals*, vol. vii. p. 112.

² On March 16. Cf. *supra*, No. LXXXIV. ³ Of March 25, *supra*, No. CXVI.

for carrying on the publike service in pursuance of your instructions.

Endorsed:—*The draught of a L^{re} to be sent to y^e Com^{rs} of y^e P^{liam}^t in Scotland. Letters 1652.*

CXXIV

COMMISSION TO THE DEPUTIES FOR MORAYSHIRE ¹

March 30,
1652

Wee the Freeholders and Rentallers of the sherriffdome of Elgin and Forres hauing receiued ane paper from the Co^mission^{rs} of the Parliam^t of the Co^monwealth of England for ordering and managing affaires in Scotland Makand mentionne that the Parliam^t of the Co^monwealth of England hauing declarit their Intencōns concerning the settlement of Scotland And appointit their said Co^mission^{rs} to publish and make knowne the same to the people of this Natione and to vse their endeauer whereby the said settlement may wth most satisfaccōn and speed be effected and the whole Island through the goodnes of God brought to ane happy and lasting peace, Requiring therefore and authorising vs to meete in some Convenient place wthin our said shyre and there to nominate and elect twa persons of Integrity and good affeccōn to the wellfaire and peace of this Island, Which persons so elected wth full power on our behalfe for effecting the p^rmisses were required to be wth the said Com^{rs} at Dalkeith vpon the six and twentieth day of February by last past, And wee accordingly hauing mett wthin the Burgh of Elgin and electit tua such persons of integrity our Co^miss^{rs} to the effect aboue written, who ware then resident at Edinburgh, on of them though being acquainted and adverteist of this trust put vpon him be vs did returne home, quhill or Co^mission was adrest and direct to them, And therefore wee hauing againe wth . . . [illegible] Burgh Conuenit, doe by these p^rsents Nominate and elect Robert Innes younger of that Ilk and Robert Dunbarr younger of Westfeirs our Co^mission^{rs} to the effect aboue written And authorise them wth our full power on our behalfe for effecting

¹ *Portland MSS.*, N. xx. 168.

the p^rmisses, ordaining them to repaire to Dalkeith towards the said Co^mission^{rs} wth all possible dilligence to the Effect aboue written. Giuen vnd^r our hands Att Elgin the Penult of March j^mvi^c and fifty twa yeares.

Vera copia : extā by Jo. PHELPS, Sec.

ROBERT INNES of that Ilk.	JOHN INNES.
LODOUICK GORDON.	JAMES ROSE.
JOHN GRAND of Balludweltshe.	DAUID DUNBAR.
NINNIAN DUNBAR.	W. DAUID STEWART.
J. BINHAY.	THO. THUMTE [?]
JAMES SPENE.	JOHN URQUHARD.
W. B. PCAY.	JAMES DUNBARR.
N. BOURLASS.	ALEX. URQUHART.
THO. TULLOCH.	JAM. FALCONER.
ROBERT DUNBARR.	ROBERT GILSPEN of Kirkwood.
AN. LESLEY.	

Endorsed :—*Comission of Murray and Elgin shire, 8 April 1652.*

CXXV

ASSENT OF WILLIAM MAXWELL, OF KIRKHOUSE¹

I William Maxwell of Kirkhouse Doe humbly testify and declare my voluntary Acceptance of the Parliam^{ts} tender in theire Declaracōn that Scotland bee incorporated into and made one co^mon wealth wth England, that thereby the same Government that is established in England, wthout a King or house of Lords vnd^r the Free state and Co^mon wealth of England may bee derived vnto the people of Scotland, And I declare that I will in the meane time liue peaceably vnd^r and giue obedience vnto the Authority of the Parliam^t of the Co^mon wealth of England exercised in Scotland, And I doe hartily begg the Lord so to direct your harts in the prosecucōn of this greate worke as may most advance his glory in the establishment of Religion, setling of the Nations in a firme and happy

March 30,
1652.

¹ *Portland MSS., N. xx. 173.*

vnion and the Freedome and tranquillity of all his people (in that bond) wthin this Island. Dated at Dalkeith 30th day of March 1652.

W^M MAXWELL.

Vera copia: extā by Jo. PHELPEES, Secr.

Endorsed:—*W^m Maxwell of Kirkcudbright his personall assent to y^e vnion: rec. April 9, 1652.*

CXXVI

ASSENT OF SEVERAL HERITORS OF KIRKCUDBRIGHTSHIRE¹

March 30,
1652.

Wee George Maxwell of Munches and Andrew Lindsay of Auchenskeoche In Pursuance of a Cōmission bearing date the Eighteenth day of March instant to us directed from the Lord Herreis, John Glandining of Partun, John Herreis of Mabie, John Lindsay of Wachop, Edward Maxwel of Barnbachel, John Lindsay of Maines, William Browne of Muntonne, John Sturgeone of Torrorie, James Maxwell of Wreaths[?], Thomas Maxwell of Corswada, William Maxwell of Castlegoure, John Browne of Mollance, Robert Herreis of Barnbarroche, and Gilbert Broune of Bargbie, Heretors of the Stewarty of Kirk Cudbright, doe hereby in behalfe of our selues and the aforesaid Parties humbly Testify and Declare our voluntary Acceptance of the Parliam^{ts} tend^r in their Declaracōn that Scotland bee incorporated into and made one Cōmon wealth wth England, that thereby the same Gouvern^t y^t is established in England wthout a King or house of Lords vnd^r the free state and Cōmon wealth of England may bee deriued to the people of Scotland. And wee Declare that wee will in the meane time liue peaceably vnd^r and giue obedience vnto the Authority of the Parliament of the Cōmon wealth of England exercised in Scotland.

And wee doe hartily begg the Lord so to direct yo^r harts in the prosecucōn of this greate worke as may most aduance his Glory in the establishm^t of Religion, setling of the Nations in

¹ *Portland MSS.*, N. xvi. 120. It is printed in *Severall Proceedings*, April 15-22, 1652. E. 794 (25).

a firme and happy vnion and the freedome and tranquillity of all his people in that bond within this Island.

Dated at Dalkeith the thirtith day of March 1652.

AND^R LYND^SAY of Auchenskeoche.

GEO. MAXWELL of Munches.

Endorsed:—*Kirk Cudbright seūall heretors assents, receiued March 30, 1652.*

CXXVII

ASSENT OF PATRICK MURDOCH, OF DUMFRIES¹

To the right hono^{ble} the Co^mission^{rs} of y^e Parliam^t of the Co^monwealth of England for orderinge and Managing Affaires in Scotland.

Whereas the Burrough of Dumfreize or there Deputie cannot as yett aknowledge there Acceptance of the Tender of y^e Parliament of the Co^mon wealth of England as it is held forth in there Declaracōn,² I Patrick Murdoche hera[*torn*] and Burgess in Dumfreis doe heerby humbly testifie and declare my voluntarie Acceptance of the Parliaments Tender in there Declaracōn That Scotland be incorporated into and made one Co^mon wealth with England without a Kinge or house of Lords vnder y^e free state and Co^mon wealth of England may be derived to y^e people of Scotland And I declare that I will in the meane time liue peaceably vnder and giue obedience vnto the Authoritie of y^e Parliament of the Co^mon wealth of England exercised in Scotland.

March 30 [?],
1652.

And I humbly desire that in respect of my former publike Employment I may become serviceable vnto yo^r hono^{rs} in such a manner as yo^r hono^{rs} may Conceau most meete and Convenient.

PATRICKE MURDOCHE.

A true coppie ex^d: C. BAKER, Secr.

Endorsed:—*Copp. Patrick Murdocke his p̄sonall Consent to y^e vnion.*

Allowed, 9th Apr. 52.

¹ *Portland MSS.*, N. xx. 174.

² Dumfries appears (cf. No. CLIX. *infra*) to have neglected to send her Deputy both to Dalkeith and Edinburgh.

CXXVIII

LETTER FROM THE GOVERNOR OF DUMBARTON¹

April 6,
1652.

S^r,—Vppon my retourne from Glasgow accordinge to yo^r Coñmand I tendred the oath to the officers that were chosen in Dunbarton, but they not beinge satisfied in their Consciencs, as they p^tended, desired a Consideracōn vppon it till this day which I accordingly graunted them. But I am deprived of my expectacōn in their takinge the oath, as yo^r hono^{rs} may see by this inclosed.² S^r I haue not bin wantinge in a perswadinge them to the best of my Judgement And when I could not p^rvaile I coñmanded them not to Act till I know yo^r further pleasure. I haue received a L^re from the Lord of Muckfarlinge³ wherein he signifieth his willingness to become obedient to y^e Parliament of the Coñmonwealth of England, if his burden may but equall with the rest of his neighbours, for oppression from them, as he saith, hath bin the Cause of his standinge out, all which I humbly leaue to yo^r hono^{rs} Consideracōn who am, Right hono^{ble}, yo^r faithfull servant

J. A. THOMPSON.

Dumbarton Castle Aprill 6th 1652.

*To the Right Hōble Maior Grāl Deane
those at Dalkeith.*

Vera copia exta by Jo. PHELPEs, Secr.

Endorsed :—*Dumbarton L^re from Goūnour 9 Aprill 1652.*

CXXIX

DUMBARTON MAGISTRATES' REFUSAL OF THE OATH⁴

. . . [torn] The 6 of Aprill 1652.

April 6,
1652.

S^r, since Satturday last the Third of Aprill, which day you did signifye yo^r Coñmission for Administratinge of an oath to vs who are lately Elected Magistrates of Dunbritane, Wee

¹ *Portland MSS.*, N. xx. 178.

² No. CXXIX.

³ Walter Macfarlane of that Ilk. Cf. Douglas, *Baronage*, p. 96.

⁴ *Portland MSS.*, N. xx. 177.

haue bin earnest with God for freedome to manifest our desires and due respects thereanent, And now doe promise to giue obedience to the Parliament of England and their Authority exercised in Scotland in soe farre as Gods word is the rule to lead vs therein, And alsoe to exercise Justice in our respectiue Charges faithfully as god shall enable vs, And doe humbly intreate that more perticuler Acceptance of the oath may be continued vntill wee haue greater freedome and light in conscience for performinge the same, And that this o^r Answere may be retourned to y^e right hono^{ble} the Co^mmission^{rs} of y^e Parliam^t of England, from whom wee doe expect such favorable Considerac^on as not to be lookt vpon as Contemners of order.¹

H. CAMPBELL, provost.

J. COUNINGHAM, Bailliffe.

M. M'ALPINE, Bailliffe.

To Captaine James Thomsons Governour of Dunbritane.

Vera copia exd: by Jo. PHELPS, Secr.

Endorsed:—*Dumbarton Magistrates refusall of y^e oath, April 1652.*

CXXX

DESIRES OF SEVERAL DEPUTIES OF SHIRES ²

To the right hono^{ble} the Co^mmission^{rs} of the Parliam^t of the Co^mmonwealth of England for orderinge and managinge Affaires in Scotland.

The humble desires of the Deputies of Shires vnderscryvinge, April 6,
1652.
First, for present remedyinge many and heavy p^riudices the whole bodie of this nation suffers thorough the long want of Adminstrac^on of Justice, yo^r hono^{rs} will be pleased to authorise the Inferiour Judicatours to sitt, Cognosce and determine in such Causes as they haue formerly bin in vse to doe.

Second, for repressing the many Robberies, Thefts and

¹ The Commissioners' reply upon this matter is printed in Firth, *Scotland and the Commonwealth*, p. 39.

² *Portland MSS.*, N. xx. 164.

Murthers Comitted vpon the borders, yo^r honors would empower some persons with Authoritie to apphend and incarcerate all such as are guilty of the aforesaid Crimes vntill such time as Criminnall Judges shall be appointed.

Third, for securinge such Shires as border vpon the highlands from the incursions of highlanders, yo^r hono^{rs} would take such Course that the lawes of this nation may be with speed putt in Execution against all disturbers of the peace in those places, And that the said shires may receiue power to appointe armed guards or watches of their owne Inhabitants to be mayntayned vpon a part of the Sess, They giuinge securitye to yo^r hono^{rs} And to the officers quartered amonge them That they shall Act nothingse p^riudiciall to y^e Co^monwealth of England or their forces.

ANENDALE.	J. BINNY.	JO. VEITCH.
G. STERLINGE.	WILL. BRUCE.	GEO. SEATON.
J. SINCLAIR.	MURREY.	P. SCOTT.
B. SINCLAIRE.	J. DURIE.	G. BLAIRE.
CARNEY.	J. DRUMOND.	

A true Coppie ex^d C. BAKER, Secr.

Endorsed :—*Desires of severall Deputies of Sheires.*

CXXXI

DESIRE OF SEVERAL SHIRES¹

To the right hono^{ble} the Co^mission^{rs} of the Parliam^t of the Co^monwealth of England for ordering and managing Affaires in Scotland.

April 8,
1652. The humble desire of the Dep^ties of shyres . . . [*illegible*] relating to the first Article . . . [*illegible*] given in upon the sixt of . . .

That seeing yo^r Hono^{rs} are about to appoint Judges through the severall shyres of this Nation, you would be pleased to take into yo^r Considerac^on all such persons who have had conferrd vpon them any Jurisdic^on or office, heritable or ad vitam,

¹ *Portland MSS.*, N. xx. 176.

that they may yett be authorised by yo^r Hono^{rs} (after embracing of the Tender) to enioy and exercise their said offices and places as formerly vntill such time as the Com^{rs} to be sent from the shires and Burghs of this Nation shall meet wth the Parliam^t of England or their Com^{rs} for perfecting the vnion, Seing they have all good right thereto by the law of this Nation as to their lands, w^{ch} rights are so valid as they have not att any time bin revokeable by the kingly power, Also those offices aford to some of them a considerable p^t of their livelihood.

Vera copia cxd., Jo. PHELPS, *Secr.*

ANNANDALE.	CARNEY.	G. STERLING.
J. DRUMOND.	WILL. BRUCE.	J. VEITCH.
J. DUNBAR.	GEO. SEATON.	G. BLAIR.
J. SINCLARE.	J. INNES.	WM. BRUCE.
PATRICK SCOTT.	B. SINCLARE.	MUNRO.

Endorsed :—*Desires of seūall shires exhibited 8 April 1652.*

CXXXII

ASSENT AND DESIRES OF THE SHIRE OF CAITHNESS ¹

To the right honourable The Com^{rs} from the Parliament of the Coīnon Wealth of England for Ordering and Manageing y^e affaires of Scotland. The answeare of John Sinclaire of Tannoch and M^r George Monro of Newton Deputies from the shire of Caithnes to the Proposicōns tendered to them by the said Coīmission^{rs}.

Wee being authorized by Coīmission from the said shire to repaire to Dalkeith to attend your Honn^{rs}, And haueing receiued y^e Declaracōn of the Parliam^t of the Coīnon Wealth of England anent the settlement of Scotland, wth a paper Conteyneing three proposicōns in order to the said settlement, and requireing our positieue answeare in writeing therevnto, Doe retourne this answeare.

April 8,
1652.

¹ *Portland MSS.*, N. xx. 171.

As to the Tender whereby it is declared that Scotland shall and may be Incorporated into and become one Common Wealth wth England, Whereby the Government that is Established there and Enjoyed by the good people of that Nation under the free state and Common wealth of England as it is now settled wthout King and House of Lords, may be derived to the people of Scotland, Wee doe accept of y^e tender and acquiesce thereunto.

As to the second proposi^on, That it may appeare how willing wee are to giue satisfacc^on, Wee Declaire that wee for our selues and in Name of those by us rep^resented will in the meane tyme liue peaceably vnd^r and giue obedience vnto the Authority of the Parliam^t of the Common Wealth of England Exercised in Scotland.

JO. SINCLAIRE.

GEO. MONRO.

As to the third proposi^on anent the ouerto^{rs} of what wee conceiue requisite for bringeing the vnion and settlem^t to Effect wth speed . . . [*illegible*] the people of Scotland, Wee humbly . . . [*illegible*] perticular tyme may be agreed vpon for perfecting the vnion. That It be declared by authority of the Parliam^t of the Common Wealth of England that this Nation for the future shall be protected in the present Exercise of the true protestant religion, in the Enjoyment of their owne Laws, the freedome of their persons and in the right and property of their Estates and goods, and an Act of grace and fauor extended for by gaines to all the people who shall consent to this vnion, And in particuler y^t all forfei^{rs}, Confisca^ons and sequestra^ons be taken of and discharged, the Burthen of the Sesses Eased, the prisoners released and a Considerable part of the forces removed as your Honn^{rs} shall thinke fitt, And in regard of y^e greate Importance it will be for the good of this whole nation The right Ord^ring of the Ciuill Judicatures, It is humbly desired that these Judicatories and Judges and tymes of meeteing may be settled by aduice of the whole Nation or their Rep^resentatiues, that the Mint may be established, and that this Nation may enjoy their tradeing and traffequing by sea and Land as formerly, And further that

whatsoever Ouertors has beene or shall bee by any Deputies of other shires or Burges proposed to your Honn^{rs} in pursuance of the premises may bee houlden as proposed herein by us in Name of the said shire whome wee represent, and that the said shire may Claime and haue a like Interrest and Benefitt wth other shires and Burghs thereof as fully as if euery ouerto^{rs} proposed and to bee proposed by them were exprest therein; And because many other things will bee Necessary for perfecting the vnion w^{ch} for the present wee Cannot condiscend upon Wee desire That a select number of fitt persons bee authorized from the [Shires and Burghs] of this Nation to meete wth the Com^{rs} of the Parliam^t of the Comon Wealth of England for that Effect and a particuler tyme may bee appointed for their meeteing.

JO. SINCLAIRE.

GEO. MONRO.

A true coppie ex^d C. BAKER Secr.

Endorsed:—*Answer of y^e Deputies of the Sheire of Caithnes, 8 April 1652, rec^d.*

CXXXIII

ASSENT AND DESIRES OF THE SHIRE OF INVERNESS¹

To the right Honour^{ble} the Com^{rs} of the Parliam^t of the Comon Wealth of England for Ordering and Managing Affaires in Scotland.

The Deputies of y^e shire of Invernesse humbly retourne this answeare vnto the paper Deliuered vs contayneing three Articles.

That wee for our selues and in behalfe of those whome wee rep^rsent doe hartily accept of the tender made to vs in the Declaracōn of the Parliam^t of the Common Wealth of England That Scotland bee Incorporated into and made one Comon Wealth wth England, That there bee one Representatiue for the whole Iseland wthout King or Howse of Lords, And the

April 8,
1652.

¹ *Portland MSS.*, N. xx. 167.

same Govern^t vnd^r the free state and Coñon wealth of England may bee deriued unto Scotland, Wee being participants of the just and Coñon Interrests that are agreable to the Nature of this vnion such as wee conceiue to bee the Intent and End of the tender held forth.

As to the seacond wee retourne this answere, that wee shall in the meane tyme till the said vnion bee perfected Live peaceably vnd^r and giue obedience vnto the Authority of the Parliam^t of the Coñon Wealth of England exercised in Scotland.

To the third, Wee shall be alwise readie to offer such propositiōns as wee Conceiue may conduce for the more speedie settlem^t of the said vnion to the best satisfaccōn of the people of the Land, and for y^e present will onely Insist vpon this, namely that the protestant Religion as it is now Professed in Scotland in Doctrine and worshipp bee not altered but owned and confirmed by the supreeme authority of this Iseland. Seacondly that all the forfaulters and sequestracōns may bee taken of by an act of fauo^r Whereby the whole good people of Scotland may tast of the fruites of the Governem^t and may bee animated to Act the more Cherefully according to the Lawes w^{ch} shall bee proposed. Lastly that all and especially those whome wee rep^rsent bee protected by your Honn^{rs} from the Insolent Inuasions of Highland^{rs}, vnto whose malice wee and they lye open and ready to suffer unlesse it bee speedily looked vnto by yo^r Honno^{rs} and an effectuall Course taken for secureing the people vnd^r yo^r obedience from their Incur-sions, the granteinge of w^{ch} desires wee conceiue will bee the best meanes to Induce them to Imbrace the tender, and the particuler and necessary desires of our shire Wee will make bould to p^rsent vnto yo^r Honn^{rs} hereafter.

KENZIE MACKINTOSHE.

A true coppie ex^d C. BAKER, Sec^r.

Endorsed:—*Answer of y^e Deputies of the sheire of Inuerness.*
8 April 1652.

CXXXIV

ASSENT OF MORAYSHIRE ¹

To the right hono^{ble} the Co^mission^{rs} from the Parliament of the Co^monwealth of England for managing the Affaires of Scotland.

The Answere of Sir Robert Innes younger of that ilk and Robert Dunbarr younger of Wastfeild Deputies for the Shire of Murray to the p^{ro}posic^ons tendred to them by the said Co^missioners.

Wee being authorised by co^mission from the said shire to repaire to Dalkeith to attend y^r hono^{rs}, And havinge receaued y^e Declarac^on of the Parliament of the Co^monwealth of England anent the settlement of Scotland, wth a paper conteyning Three p^{ro}posic^ons in order to y^e said settlement, and requiringe o^r positieue Answere in wrytinge therevnto, Doe retourne this Answere.

April 8,
1652.

As to y^e Tender whereby it is declared that Scotland shall and may be incorporated into and become one Co^monwealth wth England, whereby the Government that is establisht there and enioyed by y^e good people of that nation vnder y^e free state and Com^on wealth of England as it is now setled without Kinge and house of Lords may be derived to y^e people of Scotland, Wee doe accept of the Tender and acquiesce therevnto.

As to the second p^{ro}posic^on, that it may appeare how willinge wee are to giue satisfac^on, wee declare that wee for our selues and in name of those by vs rep^rsented will in the meane time liue peaceably vnder and giue obedience vnto the Authority of y^e Parliament of y^e Co^mon wealth of England exercised in Scotland.

As to y^e third p^{ro}posic^on anent the overtures for what wee Conceau requisite to bringe the vnion and settlement to

¹ *Portland MSS.*, N. xx. 169.

effect with speed and best satisfaccōn to the people of Scotland, wee haue sett them downe in a paper apart.

R. INNES.

R. DUNBARR.

Veru copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Murray and Elgin Shire Deputies assent, 8 April 1652: allowed.*

CXXXV

OVERTURES OF MORAYSHIRE ¹

To the right hono^{ble} the Co^mission^{rs} from y^e Parliam^t of the Co^monwealth of England for managing the Affaires of Scotland.

April 8,
1652.

The overtures p^oposed by Si^r Robert Innes younger of that Ilk And Robert Dunbarr younger of Wastfeild Deputies for the shire of Murray to the said Co^missioners anent the vnion and incorporacōn of Scotland into and becominge one Co^monwealth wth England, as follows.

Wee as deputed by Co^mission from y^e said Shire havinge exprest o^r consent to y^e Parliament of y^e Co^monwealth of Englands Tender of vnitinge and incorporatinge Scotland into and becominge one Co^monwealth wth England, and p^omissed to liue peaceably vnder and giue obedience to the Authority of the Parliam^t of y^e Co^monwealth of England exercised in Scotland in manner as is expressed in o^r paper given in to yo^r hono^{rs} in that behalfe, In pursuance of the said vnion and settlement thereof wee doe humbly offer to yo^r hono^{rs} these overtures following.

1. That it be declared by the Authority of the Parliament of y^e Co^monwealth of England that this nation for the future shall be p^otected in y^e p^resent exercise of the true p^restant Religion, In the enioyment of their owne lawes, In the freedome of their persons, and in the right and p^roperty of their Estates and goodes, And an Act of grace and favor

¹ *Portland MSS.*, N. xx. 170.

extended for bygons to all the people who shall Consent to this Vnion, And in p̄ticuler that all forfeitures, Confiscations, and sequestracōns be taken off and discharged, the prisoners released, the burden of the Sess eased, a considerable part of the forces removed as yo^r hono^{rs} shall thinke fitt, And in regard of the great importance it will be for the good of this whole nation, the right ordering of y^e Civill Judicatories, It is humbly desired that these Judicatories and Judges and times of meetinge may be settled by advise of the whole nation or their rep^rsentatiues, and that the Mynte may be established. And because many other things will be necessary for perfectinge the Vnion, which for y^e p^rsent wee cannot Condiscend vpon, wee desire that a select number of fitt persons be authorised from the bodye of this nation to meet wth the Co^mission^{rs} of the Parliament of the Co^monwealth of England for that effect and a perticuler tyme may be appointed for their meetinge.

S^r R. INNES.

R. DUNBARR.

Vera copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Murray shire and Elgin Deputies outures,*
8 April 1652.

CXXXVI

PETITION OF THE DEPUTIES FOR ARGYLLSHIRE¹

To the right hono^{ble} the Co^mission^{rs} of the Parliam^t of the Co^monwealth of England for ordering and managing Affaires in Scotland.

Humbly Sheweth

That whereas yo^r honno^{rs} haue delivered to vs the Co^mission^{rs} from the Shyre of Argile certaine papers requiring vnder our handes an Answer to the Acceptacōn of the Parliam^{ts} tender in their Declaration for incorporating Scotland into and making of it one co^mon wealth wth England, and to

April 9,
1652.

¹ *Portland MSS.*, N. xx. 180.

certaine other Particulars therein expressed, and wee finding our selves vnable to giue a full Answer to your proposicōns vntill the Shyre bee first acquainted wth the same, who as yet haue not seene them,

Wee therefore humbly Desire your honnors may bee pleased to graunt such a Competent time as that the shyre may bee more frequently conveaned and particularly acquainted wth your honno^{rs} desires, which shall be as soone as possible the Inconueniences of the weather, the Seas and Waters will permitt, and then a full answer shall bee returned to your honnors desires.

J. CAMPBELL of Arkinglas.

M. CAMPBELL of Lagg.

Vera copia: Jo. PHELPEs, *Secr.*

Endorsed:—*Argile shire Deputies desire of longer time.*
Ent^d April 9, 1652.

CXXXVII

A NEWSLETTER¹

From *Edenburgh April 10.*

April 10,
1652.

Now that most of the Counties Commissioners have subscribed to the Union, the Parliaments Commissioners will return into *England*.² The Deputies from *Argile*-shire came in yesterday.³ Sherifs are appointed for the several Counties,⁴ two for each Countie, the one a *Scotch* man, the other *English*, chosen most out of our Army officers, as Col. *Cooper* for *Orkney*, Col. *Fitch* for *Innernes*, Col. *Ashfield* for *Aberdene*, Col. *Cobbet* for *Angus*, Col. *Daniel* for *Perth*, Col. *Overton* for *Fife*, Col. *Read* for *Sterling*. Col. *Syler*, Mr. *Desborough*, and Mr. *Saltonstal* will be designed Commissioners for dispatch of affairs, and for the regulating of Sequestrations, Customs, and Admiralty, etc.

¹ *Mercurius Politicus*, April 15-22, 1652. E. 660 (5), p. 1541.

² They proposed to leave Dalkeith on April 28.—Firth, *Scotland and the Commonwealth*, p. 42.

³ The assent of Argyllshire (No. CXLIV.) was not given until April 26.

⁴ Cf. No. LIII.

CXXXVIII

SUPPLICATION OF FIFE¹

To the right hono^{ble} y^e Co^mission^{rs} of the Parliament of the Co^monwealth of England for orderinge and managing Affaires in Scotland.

The humble supplication of the Burroughs of Fyff humbly sheweth April 14,
1652.

That wheras by o^r Deputies and in our Co^mission to them for that effect wee haue declared our Acceptance of y^e Parliaments Tender, And findinge that when Magistrates are to be elected within Burghs an oath is required,² Therefore beinge Conscious to our selues of y^e breach of former oathes And knowinge that yo^r hono^{rs} haue declared Lib^{tie} to Tender Consciences, It is our humble desire to yo^r hono^{rs} that noe oath be required but rather such a Course taken as may with most satisfac^on to yo^r hono^{rs} Render the peoples willingnes to the Tenders.

And yo^r hono^{rs} favorable Answer and Clemency heerin humbly wee beseech.

Vera copia: Jo. PHELPEs, *Secr.*

. . . [*illegible*] the aforesaid Petic^on The Peticion^{ers} being first called in and heard, the Co^mission^{rs} returne Answer in writing as followeth.

By the Co^mission^{rs} of the Parliam^t of the Co^monwealth of England for ordering and managing Affaires in Scotland, April 14, 1652.

The oath is the same that all Officers in England take and that all places in Scotland that exercise Government have taken, and besides what is obliging to the righteous administrac^on of Justice, there is not any thing therein but what the Deputies of the respective Burghs have Assented vnto, and declared the same by their subscribe^on, nor doe the Co^mis-

¹ *Portland MSS.*, N. xx. 201.

² Cf. p. 64 *supra*.

sion^{rs} admitt of Exercise of Government in any the Burghs till the respectiue Officers have taken the oath inioyned, Nor doth it appeare to them that Maior Generall Monk in his Capitulacōn hath done or intended to doe any thing to the Contrary.

Vera copia: Jo. PHELPEs.

Endorsed:—*Burghes of Fife Deputies Peticōn p^rsented.*
14 April 1652.

CXXXIX

ASSENT OF FORRES¹

April 14,
1652.

. . . [*illegible*] deputed and appointed by the . . . [*illegible*] acceptance of y^e Parliam^{ts} Tender . . . [*illegible*] that Scotland bee Incorporated into and made one Coñon Wealth wth England, that thereby the same Government that is established in England wthout a King or howse of Lords may be derived to the people of Scotland, And I doe also Declare that in the meane tyme they will live peaceably vnder and yeald obedience vnto the Authority of the Parliam^t of the Coñon Wealth of England exercised in Scotland. In witness whereof I have subscribed these p^rsents the fouerteenth day of April 1652.

THOMAS WARRAND.

Endorsed:—*Copp. Answer Deputy of the Burrough of Forres. Allowed xviijth Aprill 1652.*

CXL

AN ORDER BY THE COMMISSIONERS²

April 14,
1652.

By Vertue of the Authority to us given by the Parliament of the Commonwealth of England, Wee doe will and require you to cause the Declaration herewith sent you, intituled

¹ *Portland MSS.*, N. xx. 200.

² *Severall Proceedings in Parliament*, April 22-29, 1652. E. 794 (28), p. 2098.

A Declaration of the Parliament of England in Order to the uniting of Scotland into one Commonwealth with England to bee duly and publicly proclaimed at the Market Crosse of Edenburgh, on or before the first day of May next ensuing, between the houres of nine and twelve in the morning, according to the tenor thereof, and to make due return of this precept, and of the due execution thereof unto us, or the Commander in chief in Scotland, with all convenient speed. Given under our hands at Dalkeith the fourteenth day of Aprill in the year of our Lord one thousand six hundred fifty and two.

To Henry Whaley, Esquire, Judge Advocate of the Army.

*Vera Copia: Jo. PHELPEs, Secreta.*¹

CXLI

COMMISSION TO THE DEPUTY FOR DORNOCH²

The Comission^{rs} of the Parliam^t of the Co^monwealth of England Having required the Inhabitants of the Towne of Dornoch to choose one of their numb^r to know from them the Intenc^on and pleasure of the Parliam^t of England for a lasting peace in this Island, Wee doe by these p^rsents fully Authorise M^r Robert Gordon [*sic*] To goe and waite vppon the said Com^{rs} at Dalkeith, or where they shall happen to bee for the time within this Nation, And there to know their pleasure for the settlement of a lasting peace, with full power to our said Comission^r on our behalfe to 'Treate, reasone, determine and Conclude in all things that shall happen to bee proponed there for effectuating the same, And to rep^rsent the Hardshippes of o^r poore Towne for redressing thereof so far as may bee possible. Firme and stable Holdand and for to hold

April 15,
1652.

¹ The Parliament's Declaration of March 25 was, in accordance with the above order, proclaimed at Edinburgh on April 21. *Vide supra*, p. xxxii.

² *Portland MSS.*, N. xx. 182.

whatsomeuer o^r said Co^mission^r Doe or lead to bee done in the p^rmisses, signed by vs at Dornoch the 15th April 1652.

M. TRACY.	JAM. MURRAY.
J. DEMPSTER.	A. MANSON [?].
J. SUTHERLAND.	FR. CULLOCKE.
GURLAY LOGAN.	GEO. LEITH.

Endorsed :—*Co^mission of Dornoch Burgh Deputing M^r Robert Gordon.*

CXLII

COMMISSION TO THE DEPUTY FOR SUTHERLANDSHIRE¹

April 20,
1652.

The Co^missioners of the Parliament of the Co^monwealth of England Hauing required the Heretors and Rentallors of the shire of Southerland to choose two of their numb^r to know from them the Inten^con and pleasure of the Parliam^t of England for a lasting peace in this Island, Wee doe by these p^rsents fully Authorise Mast^r Rob^t Gordon to goe and waite vpon the said Com^{rs} at Dalkeith or where they shall happen to bee for the time within y^e nation, And there to know their pleasure for the settlement of a lasting peace, with full power to our said Co^mission^r on our behalfe to treat, reasone, determine and Conclude in all thinges that shall happen to bee propounded there for effectuating the same, And to re^psent the Hardshipps of this poore Country for redressing thereof so far as may bee possible. Firme and stable Holdand and for to hold whatsomeuer o^r said Co^mission^r does or leads to bee done in the p^rmisses, signed by vs at Dornoch the twenty day of April 1652.

R. BRAY.	GILBERT GOURDON.
J. MURRAY.	WALTER MURRY.
M. K[<i>illegible</i>].	ALEXAND ^R GORDOUN.
J. SMYLAND.	[<i>Name illegible.</i>]
W ^M . GORDOUN.	W ^M BRAY.
A. GOURDON.	

Endorsed :—*Co^mission of Sutherland Shire Deputing M^r Rob^t Gordon.*

¹ *Portland MSS.*, N. xx. 184.

CXLIII

INSTRUCTIONS TO THE DEPUTY FOR ARGYLLSHIRE ¹

Att Inveraray the twenty twa day of Aprill . . . [discoloured] j^mvi^c and Fifty twa yeares.

Instruccōns from the shire of Argyle to James Campbell of Arkinglas, ther Coñission^r.

Whereas M^r Dowgall Campbell of Lagg who was ioyned in Coñission with the said James Campbell of Arkinglass for settling in Name of this shire wth the Coñission^{rs} of the Parliam^t of the Coñonwealth of England Is for the p^rsent something vnwell and not able to travell, Thairfor in Case the said M^r Dowgall shall not be timeouslie at Dalkeith the said James Campbell of Arkinglas is hereby Authorised in name of this shire to proceed in settling and Concluding wth the said Coñission^{rs} of the Parliam^t of the Coñonwealth of England Conforme to the Coñission giuen be the Shire to him and the said M^r Dowgall, Keepand the Provision therein contained, And that siclike and in the samen manner as if the said M^r Dowgall were pñt and acting wth him. And if need bee the said James is hereby warrandit to produce his Instru^ccon before the said Coñission^{rs}.

April 22,
1652.

C. LOTHINNELL [?].
J. CAMPBELL fear of Glenorg.
H. BARTREID.
A. CAMPBELL of Dunstafnage.
ELMO [?] CAMPBELL.
DA. CAMPBELL.
ALEX^R CAMPBELL.
F. FAGISTOYAN [?].
PATRICK CAMPBELL of Knap.
L. LACHLANE.
P. STEWART.
A. CAMPBELL of Roherns.

N. CAMPBELL of Dontroun.
W. WALLESTER of Lorp.
CAMPBELL of Glencaradel.
D. CAMPBELL of Inverall.
— Ross, Achinwilling.
W. CAMPBELL of Skymishe.
F. CAMPBELL of Aknish.
GRAME, Osdonnordrie.
DUNCANE M^cGIBBONN.
EUVEN [?] CAMPBELL.
NEIL CAMPBELL.

Read 14 May 1652.

Endorsed:—*Argyll shire Deputing M^r Dowgall Campbell sole Coñissioner.*

¹ *Portland MSS.*, N. xx. 186.

CXLIV

ASSENT OF ARGYLLSHIRE ¹

To the Right honorable the Cõmission^{rs} of the Parliam^t of the Cõmonwealth of England for . . . [*illegible*] Affaires in Scotland. . . . [*illegible*] Campbell Deputy . . . [*illegible*] the papers deliued . . . [*illegible*] Cõmission^r.

April 26,
1652.

The said James Campbell of Arkinglas as rep^rsenting the shire of Argyle hauing receiued the Parliam^{ts} Declaraçon with three proposiçons doth for himselfe and in name of those by whom hee is Authorised, As to the first proposiçon Anent the Acceptance of the Parliam^{ts} tend^r that Scotland bee incorporated into and made One Cõmon wealth wth England that thereby the same Government that is established in England without King or House of Lords vnd^r the free Estate and Cõmon wealth of England may bee deriued to the people of Scotland doth returne this Answer, That hee Accepteth of the Parliam^{ts} tend^r that Scotland bee incorporated into and made one Cõmon wealth wth England, and that the same Governm^t that is established in England without King or house of Lords may bee derived to y^e people of Scotland.

As to the second proposiçon, to see how willing the said James Campbell is for himselfe and those whom hee doth rep^rsent are to giue satisfaçon, hee doth Declare that they will in the meane time liue peaceable vnd^r and giue obedience vnto the Authority of the Parliam^t of the Cõmon wealth of England exercised in Scotland.

As to the third proposiçon the said Deputy hath giuen in his Thoughts in a paper apart herewith p^rsented.

J. CAMPBELL of Arkinglas.

Read 14 May 1652.

Endorsed :—*Argyll shire Deputies assent to the Vnion.*

¹ *Portland MSS.*, N. xx. 187.

CXLV

ANSWER OF ARGYLLSHIRE TO THE THIRD
PROPOSAL.¹

To the Comission^{rs} of the Parliam^t . . . [*illegible*]
of England for ordering and managing affaires
in Scotland. The Answer of James Campbell of
Arkinglas Deputy for the shire of Argyle to the
third proposicōn delivered to him by the saide
Comission^{rs}.

The said James Campbell hauing giuen Answeres in writing
to the two former proposicōns, and being desired to offer in
writing what hee Conceiues requisite for bringing to effect the
vnion and settlement with speed and best satisfaccōn to the
people of Scotland, doth for himselfe and those whom hee
rep^sents desire that the religion professed in Scotland these
yeares bygone as it hes bin established in Doctrine, Discipline,
Worshipp, Government and through the blessing of God hes
not bin without fruite may bee Continued and established
according to the Nationall Covenant and Sollemne League and
Covenant, And that towards the settling thereof that euery-
thing Comanded by the God of heauen may bee diligently
done for the house of the God of heauen, that Wrath may bee
no longer against the Land. That ane particuler time may
bee appointed for making of the Vnion practicable, that the
greate and intollerable burdens of the souldiery and Assesse
vnd^r which the Land is groaning and ready to sinck may bee
eased wth speed, and as many of the forces removed as may
Consist wth the Security of the Parliam^{ts} Affaires, That Judica-
tories bee established wthout delay, and that such only bee
intrusted as are of knowen integrity, fearing god, louing truth
and hating couetuousness, That the Sequestracōns may bee
taken off . . . [*discoloured and unreadable*] these are the
thoughts of . . . [*illegible*] which hee conceaues to bee
most . . . of the Vnion to effect with best satisfaccōn to the
people of Scotland and shall bee willing to offer what further

April 26,
1652.

¹ *Portland MSS.*, N. xx. 188.

shall occurre to him with the Remanent Deputies of the Shires and Burghs at a full meeting according to the Parliam^{ts} Declaracōn.

J. CAMPBELL of Arkinglas.

Read 14 May 1652.

Endorsed :—*Deputy of Argyll shire his Answer to y^e third Proposicōn.*

CXLVI

PROPOSALS OF ARGYLLSHIRE¹

To the Comission^{rs} of the Parliam^t . . . for ordering . . . [*illegible*] Affaires in Scotland The . . . of James Campbell of Arkinglas Deputy for the shire of Argyle for . . . of the shire humbly sheweth.

April 26,
1652.

That the said shire of Argyle for their Constant adhear[ance] to the Cause of God and opposing the Enemies thereof according to ther power for advancing Religion, being invaded by the Irish Rebellers and ther Conferderates in Scotland was totally Wasted and destroyed and the samen left to the Cruel mercies of these Rebels and vnd^r ther power for the Space of three yeares together, whereby the same was rendred vnable ever since to vnd^rgoe and beare any publique burdens, In consideracōn whereof yo^r pet^r in name of the shire humbly Desires yo^r honnors to Consider and Condiscend to the particulers following.

1. That the shire of Argyle may bee declared free of the bygone Assesse, and that for time to Come the same may bee superceeded till it shall please the Lord to enable them with subsistance to pay the same, and that they bee not now Crushed in their beginning to plenish and plant the samen, And what shall bee imposed hereaft^r may bee only exacted at two times of the yeare, at Lamas and Candlemas, as yo^r honnors shall thinke fitt.

2. That that Shire may not bee burdened wth Garrisones or

¹ *Portland MSS.*, N. xx. 189.

Quarteringes of Souldiers, since yo^r pet^r is content for himselfe and in name of those whom hee rep^rsents to engage themselues and their respective Interests for their living peaceably vnd^r and obedience vnto the Authority of the Parliam^t of the Co^mon wealthe of England, And seeing that shire differs from any in the Land, being all Hylandes, and ther ioynt vnd^rtaking may assure the Parliam^t of the reall p^rformances.

¹ time to time giuen them for the . . . and Security ag^t the Incursions and Invasions of broken and illegal men (who continue in rebellion since the beginning of the troubles and are about the numb^r of Eight or nine hundred men) as they shall call for from the Co^mand^r in Cheife of the Parliam^{ts} forces or Co^mand^r vpon the place next adiaacent to them.

That since that shire lies at a greate distance from publike Courtes and places of Co^mon Justice in the Land your honnors would bee pleased to establish the Judicatories that haue bin in vse wthin the samen, And that yo^r delay thereof or alteracōn bee not occasion of disord^r wthin the shire.

That yo^r honnors would bee pleased to Countenance and fauour all meanes and wayes that may incourage that shire in their faithfull and effectuall performance of their vnd^rtakinges to and for the Parliam^t of England. And as it is conceaved mainly conduceable therevnto, So it is desired that the Marquis of Argyle bee looked vpon wth ane fauorable eye, That too ready trust bee not giuen to euery report that may give hard impressions of him, For as tis resolved by the shire to approue themselues in ther stations faithfully and in their resoluōns stedfastly wthout him, so by his Assistance they may bee the more vsefull in their Endeauors and will by the Lords grace so demeane themselues as that all their Aduersaries shall²

J. CAMPBELL of Arkinglas.

Read 14 May 1652.

Endorsed :—*Deputy of Argyll shire his proposalls.*

¹ Blank in the Manuscript.

² Unfinished in the Manuscript.

CXLVII

THE COMMISSIONERS' ANSWER TO THE DEPUTY FOR
ARGYLLSHIRE¹

By the Com̄issioners of the Parliament of the Cōmonwealth of England for ordering and managinge Affaires in Scotland. 27 April 1652.

April 27,
1652.

Vpon Consideracōn had of the Supplication of James Campbell of Arkinglas Deputy for the shire of Argyll for and in name of the said shire now p^rsented.

As to the last particuler of the said supplication, for as much as the Inhabitants of the said shire haue by their Deputy Accepted the tender of Vnion and ingaged to liue peaceably vnder and yeild obedience to the Authority of the Parliam^t of the Cōmonwealth of England exercised in Scotland, The Com̄issioners doe Declare that they are now taken into the proteccōn of the Parliament of England and rendred Capable of their fauour, And as to the Desires exp^rssed in relacōn to the Marquis of Argile they shall bee speedily rep^rsented to the Parliament of England.

Read 14 May 1652.

Endorsed:—*Com̄issioners answer to the Deputy of Argyll his ꝑposalls concerning the Marques of Argyll.*

CXLVIII

ORDER APPOINTING SALARIES TO THE COMMISSIONERS
FOR THE ADMINISTRATION OF JUSTICE²

xxvijth April 1652.

[By the Com^{rs} of the Parliam^t of the] Cōmonwealth of England for ordering and managing Affaires in Scotland.

April 27,
1652.

Ordered that Sr John Hope of Craighall Knt, John Swinton and William Lockhart Esq^{rs}, three of the Com^{rs} for Adminis-

¹ *Portland MSS.*, N. xx. 194.

² *Ibid.* N. xx. 193. The Scottish Court of Session had sat for the last

tracon of Justice to the people of Scotland, shall haue the yearely allowance of Three hundred pounds to each of them, to bee paid quarterly from the first day of May next. And Major Generall Deane is Authorized and desired to issue out his Warr^t for the paym^t thereof accordingly.

27th Aprill 1652.

Endorsed:—*Appointing the Salaries of Sr John Hope, Mr Swinton and Mr Lockhart 3 of ye Com^{rs} for the [administration] of Justice.*

CXLIX

ORDER APPOINTING SALARIES TO THE ENGLISH JUDGES ¹

xxviith day of April 1652.

By the Com^{rs} of the Parliam^t of the Co^mon[wealth of England for ordering and] managing Affaires [in Scotland].

Ordered [that Edward Moseley, George Smith, Andrew Owen and Richard Marsh Esq^{rs}] the Com^{rs} for administracōn of Justice to the People in Scotland shall haue the yearely Allowance of Six hundred pounds to each of them, to bee paid quarterly from the first day of May next, and the one hundred pounds apeice already received by them to bee deducted out of the First Quarters payment, And Maior Generall Deane is desired to issue his warrants vnto the Co^mission^{rs} for

April 28,
1652.

time on February 28, 1650 (Mackay, *Memoir of Viscount Stair*, p. 58). On April 6, 1652, the Council of State appointed Andrew Owen, of Trinity Hall, Cambridge, John Marsh, of Gray's Inn, George Smith, and Edward Moseley, to proceed to Scotland by April 24 to act as Commissioners for the administration of Justice (*Cal. State Papers Dom.*, 1651-52, p. 210). With them were associated Sir John Hope of Craighall, Sir William Lockhart of Lee, and John Swinton of Swinton. Their commission was proclaimed at Edinburgh on May 3, and on the following May 8 the Writers to the Signet were summoned before them to take the oath of allegiance to the Commonwealth and of assent to the Union (Nicoll, *Diary*, pp. 93, 94). On May 18 they were publicly installed (Firth, *Scotland and the Commonwealth*, p. 43). Cf. *infra*, No. CLVII.

¹ *Portland MSS.*, N. xx. 192.

Confiscated and forfeited Lands for the payment thereof accordingly.

CL

ORDER FOR RECEIVING AND REGULATING THE FEES
OF THE OFFICERS OF THE COURT OF JUSTICE¹

xxvijth of Aprill 1652.

By the Com^{rs} of y^e Parliam^t of y^e Co^monwealth of England for ordering and managing Affaires in Scotland.

April 28,
1652.

Ordered that the Com^{rs} for Administracōn of Justice in Scotland doe Regulate the Fees of such clerks, Ministers and officers as shall bee in vnd^r them in such manner as they shall conceiue fitt and equall.

Ordered that the said Com^{rs} take Order for the receiveing of the said Fees soe Regulated, And that the Accompt thereof bee giuen vnto the Com^{rs} for Confiscated and forfeited Lands, and that the Money received as aforesaid bee paid vnto them.

Ordered that the said Com^{rs} haue hereby power to charge vpon the Co^mission^{rs} for Confiscated and forfeited Lands such su^mes of money for paieing the Sallaries of their Clerks, Ministers and other officers employed vnd^r them and for incident charges as they shall see requisite for the carrieing on of the worke, Provided that the same exceed not twoe thousand twoe hundred pounds p̄ Ann. And Maior Generall Deane is hereby Authorised and desired to issue out his Warrants for the paiem^t thereof accordingly.

Endorsed :—28 *Aprill* 1652. *Or. for Regulating and Receiving the fees of y^e officers of y^e Court of Justice. And for y^e payment of their Salaries not to exceed 2200£ p. ann.*

¹ *Portland MSS.*, N. xxi. 121. Upon the changes instituted by the Commissioners in the working of the reformed Court of Session, *vide* Mackay, *Memoir of Viscount Stair*, pp. 58-62.

CLI

ASSENT OF DORNOCH ¹

To the Right hono^{ble} the Com^{rs} of the Parliam^t of the Co^monwealth of England for ordering and manageinge Affaires in Scotland the Answer of M^r Robt. Gordon Deputy for the Burgh of Dornock to the Proposicōns delivered to him by the said Co^mission^{rs}.

The said M^r Robert Gordon hauing Considered the Declaracōn of the Parliam^t of the Co^monwealth of England wth the three proposicōns p^resented to him, Doth in the name of the Burgh of Dornock by whom hee is Authorised, To the first of these proposicōns Doth returne this Answer, That hee doth Accept of the Parliam^{ts} tend^r in theire Declaracōn, And does willingly Consent that Scotland bee incorporated into and made One Co^monwealth wth England, And that the same Government that is established in England without King or House of Lords vnd^r the Free state and Co^mon wealth of England may bee derived vnto the people of Scotland.

April 30?
1652.

As to the second, To show how willing hee is to giue satisfaccōn hee doth Declare, That those rep^resented by him shall in the meane time liue peaceably vnd^r and giue obedience vnto the Authority of the Parliam^t of the Co^monwealth of England exercised in Scotland. As to the third proposicōn, hee doth Declare that hee shall bee ready to giue in such ouertures as hee shall conceiue expedient for bringing the Vnion to effect at a full meeting with the remanent Deputies of shires and Burghs according to the Parliam^{ts} late Declaracōn.

RO. GORDON.

Endorsed :—*Dornoch Burgh Deputies assent.*

¹ *Portland MSS.*, N. xx. 181.

CLII

ASSENT OF SUTHERLANDSHIRE¹

To the Right hono^{ble} The Co^mission^{rs} of the Parliament of the Co^monwealth of England for ordering and managing of Affaires in Scotland The Answer of M^r Robert Gordon Deputy for the Shire of Sutherland to the proposicōns delivered to him by the saide Co^mission^{rs}.

April 30^[?]
1652.

The said M^r Robt. Gordon hauing Considered the Declaracōn of the Parliam^t of the Co^monwealth of England wth the three proposicōns p^resented to him Doth in the name of the shire of Southerland by whom hee is Authorised, To the first of those proposicōns doth returne this Answer, That hee doth Accept of the Parliam^{ts} tender in their Declaracōn And does willingly Consent that Scotland bee incorporated into and made One Co^monwealth with England, And that the same Government that is established in England wthout King or House of Lords vnder the Free state and Co^monwealth of England may bee derived vnto the people of Scotland.

As to the Second, to shew how willing hee is to giue satisfācon, hee Doth Declare that those rep^resented by him shall in the meane time liue peaceably vnd^r and giue obedience vnto the Authority of the Parliam^t of the Co^monwealth of England exercised in Scotland.

As to the third proposicōn, hee doth Declare that hee shall bee ready to giue in such ouertures as hee shall Conceiue expedient for bringing the Vnion to effect At a full meeting with the Remanent Deputies of shires and Burghs according to the Parliam^{ts} late Declaracōn.

RO. GORDON.

Endorsed :—*Sutherland shire Deputies assent.*

CLIII

THE OFFICERS' OATH²

May
1652.

You shall sweare that you shall bee true and faithfull to

¹ *Portland MSS.*, N. xx. 183.

² *Ibid.* N. xx. 190. In the *Commons' Journals* (vol. vii. p. 132) this oath

the Cōmon wealth of England as the same is now established without a King or house of Lords, You shall well and truly execute the Office of according to the best of yo^r Skill knowledge and power (So helpe you God).

Endorsed :—*The officers oath.*

Read 14 May 1652.

CLIV

THE OFFICERS' OATH OF THE SCOTS NATION¹

I doe Declare my willing Consent vnto the tender of the Parliament of the Cōmon wealth of England that Scotland bee incorporated into and made one Cōmon wealth with England that thereby the same Government that is established in England without a King or house of Lords may bee derived to the people of Scotland, And that I will bee true and faithfull to the said Government and liue peaceably vnd^r and yeild obedience vnto the Authority thereof exercised in Scotland.

May
1652.

Endorsed :—*The Officers Oath of ye Scots Nation their Declaraçon of assent to ye Vnion.*

Read 14 May 1652.

CLV

A NEWSLETTER²

Tuesday, May 4

From Scotland by this last Post, it is advertised, That several of the Shires that have accepted of the offers of the Parliament of England are making choise of fit persons for their Representatives to attend the Parliament, and that these

May 4,
1652.

is described as 'to be taken by the several Officers in Scotland,' *i.e.* all whom the Commissioners had appointed in their several departments. The form in No. CLIV. was presumably imposed in addition to this one upon Scotsmen who were filling any executive post.

¹ *Portland MSS.*, N. xx. 191. *Vide* No. CLIV., note.

² *A Perfect Account of the Daily Intelligence from the Armies*, April 28-May 5, 1652. E. 662 (7), p. 560.

Representatives shall have power to do all things requisite for the perfecting the Union between the two Nations and settling them in the bands of Amity and Concord, but there be some that make a stand in the business, and would fain see how Argyle thrives either in his continued refractoriness, or obtaining conditions for himself and the Kirk in that low estate they acknowledge it to be in. Here is great care taken to prevent the Clergie of holding correspondence with the enemy. The Commissioners are comming for England, I beleeve they will be at London the latter end of the next week.¹ . . . Its said Argyle hath sent a Letter with several addresses to the titular Scots King; what the effect of it is, as yet we know not. He is a subtle Fox, but if he close not quickly, it is not the rockie Earths he hath amongst the Mountains that can secure him this Summer.

CLVI

A NEWSLETTER²

From *Edenburgh*, June 5.

June 5,
1652. The *English* Judges here have sat now these 12 daies for the administration of Justice.³ There is little difference betwixt our Lawes, save only in the Terms and Forms; They imitate us *English* in most things but come short of our method in Proceedings; but as yet their Forms are kept, because of the want of *English* Clarks and Attournies. In Criminall Cases likewise, their laws agree with ours, and I beleeve have been borrowed from us: Their form of Triall also is agreeable to ours, the main difference being in Terms and expressions.

There is one great defect among them and alwaies hath been, the great want of *Justices of Peace*; which makes care lie the heavier upon us, the regall power of their Lairds

¹ They received the thanks of Parliament on May 14.—*Commons' Journals*, vol. vii. p. 132.

² *Mercurius Politicus*, June 10-17, 1652. E. 668 (2), p. 1664.

³ *Vide supra*, p. 174, note 2.

of manners being justly abolished.¹ We have eased the People much in their Fees, and from those extortions that have been frequent here; and hope we have secured them from the like Abuses in the future. Justice was wont to be open and free for none formerly but great men, but now it flows equally to all; which will in a short time make them sensible from what Bondage they are deliver'd.²

The Advocats all (except 3 or 4) have refused to subscribe to the Tender of the union, whereby they stand incapable to plead.³ Their *Clergy* preach damnation to such as accept of the same; and though they agree in nothing else among themselves, yet they agree in their opposition to the Parliament, and in praying for their *pretended King*.

CLVII

A NEWSLETTER ⁴

The Deputies from the severall Counties in *Scotland* have met at *Edenburgh*, their first meeting was on Thursday last,⁵ their businesse of meeting is for their choosing of Commissioners

August 17,
1652.

¹ By the Declaration of January 31, 1652, which annulled all jurisdictions other than those derived from Parliament. It was not until May 5, 1654, that an Ordinance of the Council of State erecting Courts Baron in Scotland was proclaimed at Edinburgh (Firth, *Scotland and the Protectorate*, pp. 99, 100). Lamont (*Diary*, p. 88) describes the Courts as sitting every three weeks, and as having jurisdiction in causes involving contracts, debts, trespasses, etc., to the value of forty shillings sterling. Cf. Mackay, *Memoir of Viscount Stair*, p. 61.

² On the character of the English judicial administration in Scotland, cf. Mackay, *Memoir of Viscount Stair*, pp. 56 *et seq.* Nicoll (*Diary*, p. 104) admits that 'the Englishes wer moir indulgent and mercifull to the Scottis nor wes the Scottis to thair awin cuntriemen and nychtbouris, as wes too evident, and thair justice exceidit the Scottis in many things, as wes reportit.'

³ The withdrawal of the most eminent advocates in 1654 was traditionally held as the origin of written pleadings at the Scottish bar, a practice rendered necessary by the ignorance of Scottish law on the part of the English judges. *Vide* Mackay, *Memoir of Viscount Stair*, p. 61.

⁴ *Severall Proceedings in Parliament*, August 19-26, 1652. E. 796 (26), p. 2386.

⁵ August 12. *Vide supra*, p. xxxiii.

or *Scotland*, to be sent up to *London* to waite upon the Parliament.

It was thought they would have soon concluded, and have chosen and dispatched them away, but their work is not like to bee so soon dispatched as was conceived, and before expected, for they are falne into great divisions among themselves.

When they were met together, and it was thought would have faln to the businesse, they being some of them jealous of one another, began to except against some of their own company, which hath raised great obstructions among them.

The objection is by some, that are very high against the rest, who they say are not in a capacity to serve in that Assembly in regard they say that the Burghs have chosen them to be Commissioners who are neither Burgesses nor Free-men of the Corporations, which they alledge to be against the expresse Act of Parliament, and thereupon they deny the legality of the chusing of those persons, and deny to accept of them.¹

This dispute is very high amongst them, and I beleeve cannot be decided but by the determination of the Judges, to whom I beleeve they will appeale.²

Leith, 17 August 1652.

CLVIII

A NEWSLETTER³

August 21,
1652.

SIR,—At Col. *Fenwicks* comming into these parts, most of the Deputies for the Shires and Burroughs were come to *Edenburgh* according to the Parliaments Declaration, to elect out of themselves 21 persons to attend the Parliament. The Com-

¹ The persons objected to were Patrick Hay (Anstruther-Easter), Thomas Sydserff (Banff), William Dundas (Queensferry), Robert Gordon (Dornoch).—*Records of the Convention of Royal Burghs*, 1615-1676, p. 361.

² The minutes of this Convention at Edinburgh, August 12-20, are in *Records of the Convention of Royal Burghs*, 1615-1676, pp. 358, *et seq.*

³ *Severall Proceedings in Parliament*, Aug. 26-Sept. 2, 1652. E. 797 (3), p. 2384.

missioners at *Dalkeith* did authorize the Commissioners for Justice to view their Commissions, and to take their superscriptions to the tender of the Union expressed in the Declaration. On Monday last we viewed their Commissions, and the next day took their Superscriptions.¹ Yesterday the Deputies made their Elections, a list of the persons elected I have here enclosed, and shall with all speed send up a Duplicate of the respective Commissions of the Deputies of the Shires and Burroughs with their superscriptions. The persons elected doe intend to be at *London* the first day of *October*, the time appointed by the Parliaments Declaration.

A List of the Deputies of the shires and Burghs, chosen in Scotland for Commissioners to the Parliament of England.

For the Shire of Berwick.

The L. Swinton,² one of the Commissioners for Justice.
Mr. John Hume of Rentoune.³

For the Shire of Lenark.

Col. Lockart,⁴ one of the Commissioners for Justice.
Sir J. Drummond of Rickarton for Pirth shire.⁵
Sir J. Humbleton of Forbiston⁶ for Dunbarton shire.
Mr. Geor. Blayre of Garrok⁷ for Dunfreeze shire.
Sir J. Mac-Dougall of Garthland for Galloway shire.
L. Carnegie⁸ for the shire of Forfar.
Mr. David Falkner of Glenfarquhar for Cincardenshire.⁹
Sir Al.¹⁰ Stirling of Ker for Starlingsh.

¹ Cf. *Records of the Convention of Royal Burghs*, 1615-1676, p. 360.

² John Swinton of Swinton.

³ John Home of Renton, M.P. for Berwick, 1628-1633.

⁴ Sir William Lockhart of Lee.

⁵ His name does not appear in the Committee's Minute Book (*infra*, No. CLIX). Perhaps he is confused here with William Drummond (Linlithgow). Blair's editor (*Life*, p. 299) gives Sir James Craig of Riccarton as Linlithgow's representative

⁶ Sir James Hamilton of Orbiston.

⁷ *i.e.* Garvoch.

⁸ Lord James Carnegie.

⁹ M.P. for Kincardineshire in the Convention of 1667.

¹⁰ An error for 'George.' Sir George was M.P. for Stirlingshire, 1639-1641.

Mr. Ja. Creiton of St. Leonards for Middle-Lothian shire.¹

L. Lynton² for the shire of Pebles.

Mr. Jo. Sinclare of Tanhaugh³ for the shire of Cathnesse.

Sir Alex. Gibson of Dury for Fife sh.

Sir Alex. Weatherburn for the Burrough of Dundee.

M. J. Sword for the Burgh of S. And.

Mr. Jo. Mill, and Mr. Jo. Joysie for Edenburgh.

Mr. A. Glen for the Burgh of Lithgo.

Mr. G. Cullen for Aberdeen Burgh.

Mr. Da. Wallis for Glasgow Burgh.

¹ M.P. for Dumfriesshire 1661-1663.

² John Stewart, Lord Linton, afterwards (1654 or 1659) second Earl of Traquair.

³ Tannach or Tannachy.

DEPUTIES OF SHIRES.

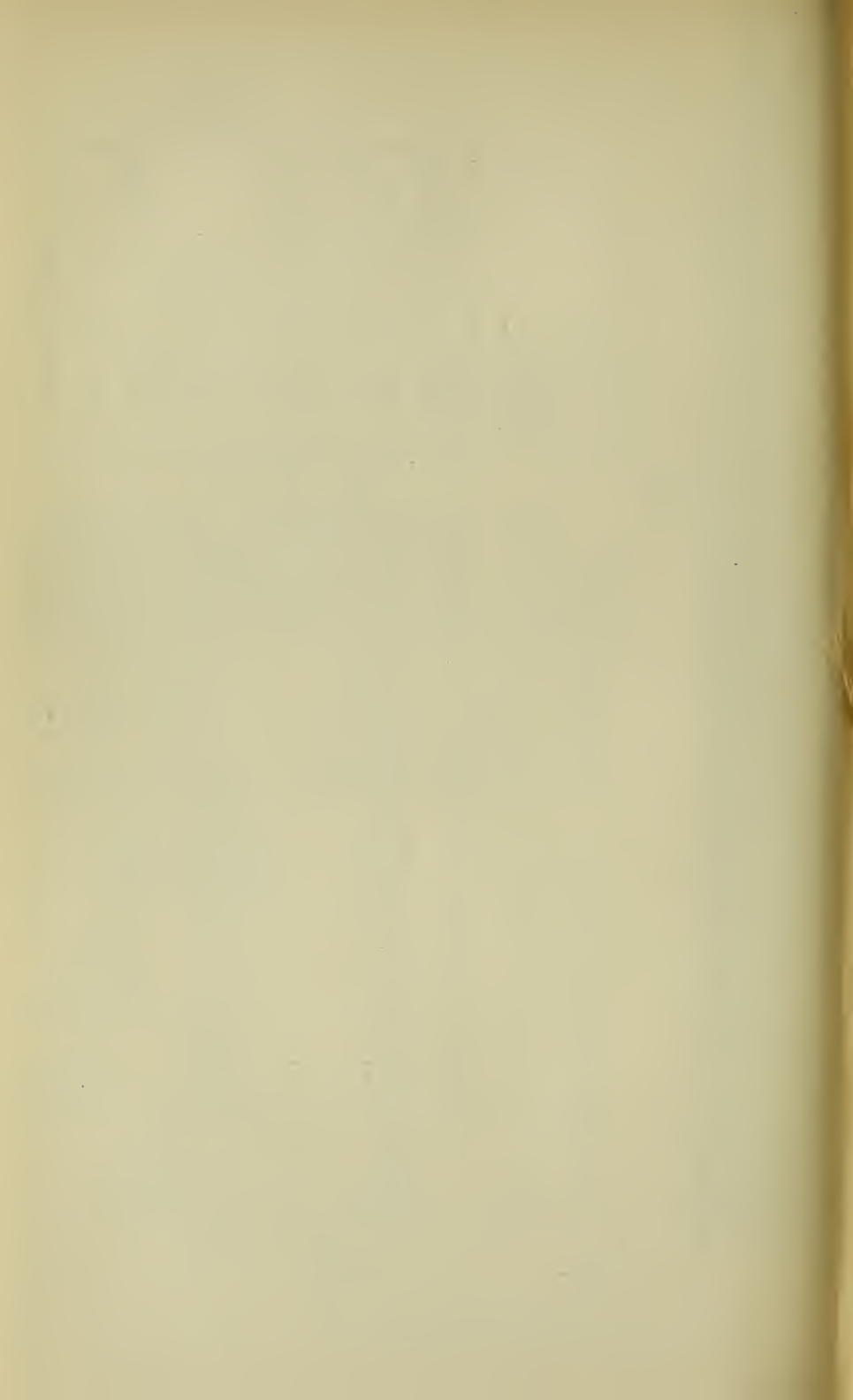
shires whose Deputies subscribed y ^o Union at Edinburgh. 20	shires y ^t sent Deputies to Edinburgh. 23	shires named in y ^o Commission of y ^o 21 Deputies. 10	p ^t at y ^o elecc ^o n of y ^o 21 Deputies and voted.	18 shires and one Dep ^y of y ^o 19th.	The first of each shires of y ^o 21. 8 The rest signed y ^o Commission of y ^o 21. 8	Deputies y ^t signed to y ^o Commission of y ^o 21 Deputies.	Jo. Sinclare. } 1. Haddington.	W ^m Bagly. } 2. Roxburgh.	W ^m Eliot. } 3. Rosse.	And ^w Ker. } 4. Elgin.	Hector Douglas. } 5. Nearnie.	S ^r Robert Innes. }	Jam. Cuthbert. }	Coll. W ^m Lockhart. } 6. Lanark, Coll. W ^m Lockhart.	Geo. Lockhart. }	M ^r Geo. Blaire. } 7. Dumfries, M ^r Geo. Blaire, sick.	Jam. Johnstoun. }	S ^r Jam. Dougall. } 8. Wigton, S ^r Jam. M. Dougall.	S ^r Andr ^s Aymers. }	M ^r David Falconer. } 9. Kincairdin, M ^r David Falconer.	S ^r Gilbert Ramsey. }	S ^r Geo. Sterling. } 10. Sterlin, S ^r Geo. Sterling.	S ^r Mungo Sterling. }	S ^r Geo. Seaton. } 11. Mid Lothian, Jam. Creitchtoun.	L ^d Linton. }	S ^r Jo. Veach. } 12. Peebles, L ^d Linton.	Jo. Sinclare. }	M ^r Geo. Munro. } 13. Caithnes, Jo. Sinclare.	W ^m Drummond. } 14. Linlithgow, W ^m Drummond.	Walter Dundas. }	S ^r Jam. Hamilton. } 15. Dumbarton, S ^r Jam. Hamilton.	Jo. Douglas. }	S ^r Alex ^r Gibson } 16. Fifo, S ^r Alex ^r Gibson.	S ^r Jam. Arnott. }	Of ye 21 } Jo. Swinton. } 17. Berwick, Jo. Swinton.	signed not } Jo. Hume. } Jo. Hume.	1 } Coll. David Barclay. } 18. Southerland.	absent at y ^o elecc ^o n of y ^o 21 through sickness. }	Jan. L ^d Carnegy. } 19. Forfar, Jam. L ^d Carnegy.	S ^r Cha. Carnegy. }	M ^r Geo. Buchanon. } 20. Orkney and	Geo. Craige. } Zetland.	Collon M ^r Kenzie. } 21. Invernes.	Hugh Frazer. }	Jam. Viscount Fren- } 22. Bamfe.	draught. }	Mr. Jam. Blaire, Ad- }	vocate. }	Jam. E. of Annan- } 23. Perth.	dale. }	S ^r Jo. Drumond. }	That reported to have chosen Deputies to have mett at Edinburgh, who making } 24. Aberdene.	assented at Dalkeith. { default, a peticon in the name of generall Heritors of that shire is p ^{re} sented to the }	Com ^{rs} for Administrac ^o n of Justice at Edinburgh to excuse the shire. }	{ These shires assented at Dalkeith, but sent noe Deputie to Edinburgh. }	25. Bute.	26. Selkirk.	27. Clackmanon.	28. Argyll.	That neuer sent to Dalkeith nor Edinburgh, }	29. Reynfrew.	30. Ayre.	That neuer sent to Dalkeith nor Edinburgh. }	31. Kirkudbright, ²
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These 14 are of the number of the 21 Deputies.

DEPUTIES OF BURGHS.

Scotland hath	Sent Deputies to Edinburgh. 37	These 34 subscribed y ^o Union and p ^{re} sented and voted at y ^o Elecc ^o n of y ^o 21 and named in y ^o Commission. 34	These 7 are of y ^o 21 Deputies. 7	These 25 signed y ^o Commission of y ^o 21. 25	These 3 as- sented not at returned to fishing sick. 3	Jo. Jossy. } 1. Edinburgh.	Jo. Milne. ³ }	S ^r Alex ^r Wedderborn. } 2. Dundee.	Jam. Sword. } 3. St. Andrewes.	Geo. Cullen. } 4. Aberdene.	And ^w Glen. } 5. Linlithgow.	Daniel Wallace. } 6. Glasgou.	Jo. Mackalle. ⁴ } 7. Haddington.	Geo. Jameson. } 8. Cowpar.	And ^w Scott. } 9. Rutherglen.	Jam. Law. } 10. Kirkady.	Tho. Hamilton. } 11. Aberbothick.	And ^w Butter. } 12. Perth.	Rob ^t Browne. } 13. Innerkething.	Geo. Wood. } 14. Forfar.	Tho. S ^t Serfe. ⁵ } 15. Bamfe.	David Donaldson. } 16. Breithin.	Tho. Purues. } 17. Dunbar.	Robt. Rutherford. } 18. Jedbrough.	David Seaton. } 19. Brunt Island.	Jo. Forsyth. ⁶ } 20. Cullen.	And ^w M ^c Colluch. } 21. Tayne.	Jo. Levingston. } 22. North Berwick.	W ^m Berclay. } 23. Sterlin.	Jo. Forbes. } 24. Invernes.	Jam. Halyburton. } 25. Dysart.	Robt. Cooke. } 26. Forres.	Jo. Burnside. } 27. Calrosse.	Mr. Tho. Steuart. } 28. Wigton.	Robt. Cunningham. } 29. Kinghome.	Geo. Cuming. } 30. Elgin.	Patrick Douglas. } 31. Whithorne.	Mr Rob ^t Gourdon. } 32. Dornoch.	Jam. Peddie. } 33. Montrosse.	W ^m Dundee. ⁷ } 34. Queensferry.	Mr. Jo. Angus. } 35. Selkirk.	Jo. Snyne. ⁸ } 36. Pittenweyme.	W ^m Campibell. } 37. Dumbarton.	These are poore fishing Burghs within the shire of Fifo, and haue bin ordi- } 38. Crayle.	narily dispensed with from sending to the Parleament. } 39. Anstruther East.	40. Anstruther West.	41. Kilriny.	These are sometimes dispensed with for their poerty. } 42. Lauther.	43. Peebles.	A poore fishing towne in Buteshire. } 44. Rothsea.	45. Dumfermlin.	The poerty of these was pleaded at Dalkeith, w ^{ch} often also obtaines a } 46. Sanquheere.	dispensac ^o n from Parliament. } 47. Lockmabben.	48. Amnan.	49. Galloway.	50. Dingwall.	These appeared neither at Dalkeith nor at Edinburgh. } 51. Reynfrew.	52. Ayre.	53. Erwin.	54. Lanerik.	55. Daunfries.	56. Nearnie.	57. [Thurso].	58. Kirkudbright.
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¹ From the Minute-book of the Committee in conference with the Scottish Deputies (*State Papers, Dom.*, i. 138). The list is printed in *Acts of the Parl. of Scot.*, vol. vi. pt. ii. p. 794. ² Kirkudbright did in fact accept the Tender. *Ibid.* No. CIX. ³ He is described by Lamont (*Diary*, p. 56) as a mason. On April 6 leave of absence from the Committee at Westminster was begged on his behalf. — *Acts of the Parl. of Scot.*, vol. vi. pt. ii. p. 803. ⁴ M^cColl in *Records of the Royal Burghs*, 1615-1676, p. 358. ⁵ M^cColl in *ibid.* ⁶ Dundas in *ibid.* ⁷ George Snyne in *ibid.* ⁸ Sydeserf in *ibid.* ⁹ James Forsyth in *ibid.*



APPENDIX

PAPERS RELATING TO THE
UNION NEGOTIATIONS IN

1670



APPENDIX

PAPERS RELATING TO THE UNION NEGOTIATIONS IN 1670

PREFATORY NOTE

THE documents printed in this Appendix have been transcribed from the original manuscripts in the possession of All Souls College, Oxford. They relate to the proceedings of the Commissioners appointed by England and Scotland to frame articles of Union in 1670. Appendix I. contains the official journal of the meetings of the Joint Commission, from September 14 to November 1, 1670. Appendix II., while it covers the same ground and repeats the details set forth in the official journal, furnishes information upon the private meetings of the English Commissioners during the joint conference. Appendix III. appears to be a note upon the resolutions of the Commission appointed by James the First. Appendix IV. contains the draft of a speech delivered in connection with the resolution to cut out James, Duke of York, from succession to the throne of the United Kingdoms. Appendix V. contains a letter from Arlington to Lauderdale referring to the King's proposals regarding Union in his speech on October 18, 1669.

The documents printed by Bruce, in his *Report on the Union*, which relate to the Union negotiations in 1670, include none relating to the deliberations of the Commissioners, and his account of their deliberations (vol. i. pp. 222 *et seq.*) is based upon Defoe's *History of the Union of Great Britain*. In the *Calendar of State Papers, Domestic*, Charles II., 1670, there are but a few isolated references to the proceedings of the Commissioners.

After the failure to devise a commercial treaty between England and Scotland, Charles the Second, in his Speech at the opening of Parliament on October 19, 1669, recommended the consideration of the wider scheme of Union. His proposal was accepted by

both Parliaments, and Commissioners representing the two countries met at Westminster on September 14, 1670. The progress of their negotiations is sufficiently set forth in the Journals printed below. At the conference on November 1, 1670, the Earl of Lauderdale, on behalf of the Scottish Commissioners, required that in the united Parliament, Scotland should be assured a representation equal to that which she enjoyed in her own. To this scheme of Parliamentary fusion the English Commissioners offered an uncompromising dissent, and instructed the Attorney-General to prepare arguments against it. The proposal, in fact, brought matters to a complete deadlock, and the conference, after adjourning to November 8, and again to March 1671, finally dissolved without arriving at any practical conclusion.

APPENDIX I¹

[fol. 61.]

THE OFFICIAL JOURNAL

In the two and twentieth year [1670] of the Raigne of our Sovereigne Lord Charles y^e Second, of England, Scotland, France and Ireland King, etc. An Act passed in y^e Parliament of England, entituled, An Act authorizing certain *Commissioners of the Realm of England* to treat *with Commissioners of Scotland*, for the weale of both Kingdomes, and also in y^e same year, an Act passed in the Parliament of Scotland to the same effect.

In pursuance of which respective Actes and his Majesties Commissions herein mencion'd on wednesday the 14th of September, 1670, assembled in y^e Exchequer-Chamber at Westminster.

<i>Commissioners for England.</i> ²	<i>Commissioners for Scotland.</i> ³
L. Arch-Bishop of Canterbury.	F. Lauderdale, L. Commissioner.

¹ MS., All Souls College, 229, fol. 61 *et seq.*

² In addition to those mentioned as present on September 14 the following had been appointed Commissioners to represent England: the Duke of Buckingham, the Duke of Ormonde, the Earl of Manchester, the Earl of Carlisle, Viscount Fauconberg, Lord Widdrington, Lord Townshend, Lord Ashley, Sir Thomas Higgins, Sir Edmund Pooley.—Bruce, *Report on the Union*, vol. ii. p. cccxxii.

³ The following had also been appointed Commissioners for Scotland: the Archbishop of St. Andrews, the Earl of Atholl, the Earl of Dunfermline, the

L. Keeper of y ^e Great Seale	L. Chancellor [Earl of Rothes].
[Sir Orlando Bridgeman].	L. Privy Seale [Earl Marischal].
E. Essex.	E. Hoome.
E. Anglezey.	E. Lothian.
Lord Bishop Durham.	E. Kincarden.
Lord Bishop Chester.	L. Register [Sir Archibald Primrose].
Lord Arlington.	L. Advocate [Sir John Nesbit].
Sir Thomas Clifford.	L. Hatton.
Sir John Trevor.	L. Staire.
M ^r Attourney Generall [Sir	L. Newbyth.
Heneage Finch].	M ^r William Erskyn.
Sir Robert Carr.	Sir Robert Morray.
Sir Thomas Osborne.	Sir Archibald Morray.
Sir Thomas Littleton.	Sir Robert Synclaire.
Sir Leoline Jenkins.	Sir Alexander Frazer.
	Sir William Bruce.

Whose Lordships being sett, y^e Lord Keeper of the great Seale told their Lordships that the Occasion of their meeting would best appeare by his majesties Commission vnder the Great Seale of England: which Commission was Read as followeth:

Charles the Second by the Grace of God of England, Scotland, France and Ireland King, Defender of the faith, etc., To the most Reverend Father in God our Right Trusty and welbeloved Councillor, Gilbert Lord Archbishop of Canterbury, Primate and metropolitan of all England, To our Right Trusty and welbeloved Councillor, Sir Orlando Bridgeman, Knight and Baronet, Lord Keeper of the great Seale of England. To our Right Trusty and Right welbeloved Cozens and Councillors, George Duke of Buckingham, Master of our Horse, James Duke of Ormond, Lord Steward of Our Household, Edward Earle of Manchester, Lord Chamberlaine of our Household. To Our Trusty and Right welbeloved Cozen, Arthur Earle of Essex. To our Right Trusty and right welbeloved Cozens and Councillors, Arthur Earle of Anglezey, Charles Earle of Carlisle. To our Right Trusty and welbeloved Cozen, Thomas Viscount Faulcon-berge. To the Reverend fathers

[fol. 62.]

Earl of Tweeddale, the Bishop of Dunblane, the Bishop of Galloway, Sir Andrew Ramsay (Provost of Edinburgh), Sir Patrick Moray.—Bruce, *op. cit.* vol. ii. p. cccxxiii.

in God, John Lord Bishop of Durham, John Lord Bishop of Chester. To our Right Trusty and welbeloved Councillor, Henry Lord Arlington, principall Secretary of State. To Our Right Trusty and welbeloved William Lord Widdrington, Horatio Lord Townsend. To our Right Trusty and welbeloved Councillors, Anthony Lord Ashley, Chancellor and Vnder-Treasurer of our Exchequer, Sir Thomas Clifford, Knight, Treasurer of our Household, Sir John Trevor, Knight, principall Secretary of State. And to Our Trusty and welbeloved Sir Henegge Finch, Knight and Baronet, our Attourney generall, Sir Robert Carr, Knight and Baronet, Sir Richard Temple, Baronet, Sir Thomas Osborne, Baronet, Sir Thomas Litleton, Baronet, Sir Leoline Jenkins, Knight, Judge of our Court of Admiralty, Sir Thomas Higgons, Knight, and Sir Edmund Pooley, Knight, Greeting. Whereas The Kingdomes of England and Scotland were first vnited in Allegiance and Loyall Subjection in the person of our Royall grand-father, since which happy conjunction it hath been very much endeavoured that a nearer and more compleat Vnion might

[fol. 63.] be settled between both Kingdomes, and some progresse towards the attainement thereof was made in y^e time of our Royall Grand-father. And Wee, out of our princely zeale and fatherly Care for y^e welfare and happinesse of all our Subjects, persisting still in y^e same pious and prudent Resolucions, have lately recommended it to the Parliaments of both our kingdomes, that Commissioners might be nominated to Treat and Consult concerning this Vnion. And whereas in our parliament held at Westminster, an Act lately pass'd in the Two and Twentieth year of our Raigne, entituled An Act Authorizing certaine Commissioners of the Realme of England to treat with Commissioners of Scotland for the weale of both Kingdomes, in and by which Act of Parliament, to the end our Royall and gracious purposes might be accomplished, and such a further Vnion might be treated and agreed upon as would Compleat and Confirme, for ever, a constant mutuall Love and friendship between y^e Subjects of both Realmes, It was enacted that such persons to be nominated by Us, Vnder our Great Seale of England, and such and so many of them as wee should appoint to be of the Quorum, should have full power and Authority to assemble and meet at such times and places, as Wee should please to Appoint, and to Treat and consult with Certain other Commissioners to be authorized by the parliament of Scotland, of and concerning such an Vnion between y^e two Realms,

and of and Concerning Such other Matters, Causes and Things, as, vpon mature deliberacion and Consultacion, the greatest part of the sayd Commissioners, to be assembled as aforesayd, and y^e Commissioners to be authorized by the Parliament of Scotland, shall thinke Convenient, and necessary, for Our Honour and y^e weale and Common good of both Realmes. And that y^e said Commissioners should reduce their doings and proceedings therein into Instruments Tripartite, evry part to be subscribed and Sealed by them, to y^e end that one part thereof may be presented to Vs, another part thereof might be offered to y^e parliament for y^e Realme of England, and another part to y^e Parliament of Scotland, at the next Session of Parliament to be held in each Kingdome respectively, after such Instruments so Subscribed and Sealed: That thereupon such further proceedings might be had, as Wee, and both y^e said Parliaments (to whome y^e Consideracion of the whole is Reserved), should thinke fitt, and necessary, for the Common Good of both y^e said Kingdomes, as in and by the said Act (relation being therevnto had) more at large it doth and may Appear. Now Know Yee that Wee, reposing special Trust and confidence in your fidelities, Prudence, industry, Diligence and Circumspection, have nominated, Constituted and appointed, and by these presents do nominate, Constitute, and appointe, Yow y^e said Lord Arch Bishop of Canterbury, Lord Keeper of Our great Seale of England, Lord Duke of Buckingham, etc. to be Commissioners of the Realme of England in this behalfe, giuing Vnto Yow and any thirteen or more of yow, full power and Authority to assemble and meet with y^e Commissioners to be authorized by y^e parliament of Scotland, or so many of them as shall be a Quorum, at our City of Westminster, upon y^e fourteenth day of September next: And then and there to Treat, debate and Conclude of and concerning such an Vnion of the said Realmes of England and Scotland, and of and concerning all and evry such other Matters as Yow or the major part of yow then and there assembled shall judge convenient and necessary for our Honour, and y^e weale and Common Good of both our said Realms. And also to doe and performe all and evry other the Acts and things which by y^e Commissioners to be nominated vnder our great Seale of England ought, by Vertue of the said Act, to be done and performed. And so from Time to Time, with or without adjournments, to Assemble and meet, and to proceed in all and eury the matters herein or by the sayd Acts

[fol. 64.]

[fol. 65.]

Committed to your Care, according to your best Discretions. And yow are to take Care that all your doings and proceedings in and about y^e premisses be reduced into Writings or Instruments Tripartite, and duely prepared to be presented to Us and to y^e Parliaments of both our sayd Kingdomes, in such manner and forme as in and by y^e sayd Act is injoynd and Required. And for So doeing these our Letters patents shall be your sufficient Warrant and discharge in that behalfe. In wittnesse wherof Wee haue Caused these our Letters to be made pattents. Wittnesse, Our-Selfe at Westminster, the Twentieth day of August in y^e 22th year of our Raigne.

Per Ipsum Regem.

BARKER.

Then y^e Earle of Lauderdale, his Majestie's high Commissioner for the Kingdome of Scotland, offered to their Lordships that y^e like Commission vnder the Great Seale of Scotland was there present, which was read as followeth :

Carolus Dei gracia Scotiæ, Angliæ, Franciæ, et Hiberniæ Rex, fidei Defensor. Omnibus probis hominibus suis, ad quos præ-sentes Literæ nostræ pervenerint, Salutem. Sciatis, quando-quidem Regna nostra Scotiæ et Angliæ in eâdem insulâ sita in Sacratissima personâ Augustissimi nostri Avi Jacobi Sexti æternæ memoriæ, in Leigiancia, obedientia, et Subjectione feliciter unita sunt, et ex eo tempore summo studio et enixè agebatur ut arctior et perfectior Unio inter dicta nostra Regna Coalesceret, quâ in Re non[n]ullo progressu facto sub auspicijs et Regno Dicti nostri Avi Serenissimi: Nos Simili regio et paterno affectu et Cura pro uberiori felicitate omnium Subditorum nostrorum, ducti et cupientes, et in animo habentes prosequi, Quæ Serenissimus noster Avus piè et prudenter facere statuerat, et auspiciatus est, non ita pridem Vtriusque Regni nostri Ordinibus et parliamentis commendavimus ut Commissionarij Seu Delegati nominarentur ad Tractandum et deliberandum de Vnione prædicta, et in Comitijs seu parlamento nostro Edinburgi, Actum, confectum est 30 Julij proximè elapsi, cui Titulus, Actum autoritate muniens quosdam Commissarios Regni Scotiæ ad Tractandum cum Commissionarijs Angliæ pro bono utriusque Regni, Quo quidem Acto parlamenti statutum et Sancitum est, quod ij qui a Nobis nominandi forent sub magno nostro Sigillo Regni Scotiæ, vel certus eorum Numerus (Quorum nuncupatus) virtute et autoritate dicti Acti muniti sunt autoritate et Commissione et potestate instructi ad Con-

[fol. 66.]

gregandum et Conveniendum Locis et Temporibus a Nobis designandis, et ad Tractandum et Consultandum secundum Tenorem eorum Commissionis et autoritatis in eum finem sub magno Sigillo cum Commissarijs per autoritatem parlamenti Angliæ autoritate munitis, de et Super tali Vnione Regnorum Soctiæ et Angliæ, et de et super talibus alijs negocijs, Causis et rebus quibuscunque, quæ et prout matura deliberacione et prævia Consideracione major pars dictorum Commissionariorum congregata, ut dictum est, et unà cum ijs Commissionarijs a parlamento Angliæ autoritate muniti juxta Tenorem et Contenta eorum Commissionis, eum in finem eis demandatæ, ex prudentia sua judicabunt convenientia et necessaria pro honore nostro, et Utilitate et Communi bono utriusque Regni. Et quod dicti Commissionarij redigant Eorum Acta et processus in præmissis in Scripta et Instrumenta tripartita Singula à prædictis Commissionarijs Scotiæ et Angliæ aut eorum majori parte subscribenda et sigillanda, quo eorum Unum Nobis, alterum parlamento Scotiæ, et aliud parlamento Angliæ, exhibeantur, proximis eorum Sessionibus in utroque regno tenendis respective, postquam predicta Scripta et instrumenta a predictis Commissionarijs subscripta et Sigillata fuerint. Vt postea desuper procedatur ulterius prout Nobis et utrique parlamento predicto commodum et necessarium videbitur, pro communi utriusque regni bono et emolumento; Quibus quidem integra eorum consideracio, et eorundem approbacio aut reprobacio, aut alicujus eorundem partis, prout Ipsis videbitur, penitus illibata reservetur, quemadmodum in dicto Acto fusiùs habetur. Cùmque experientiâ Compertas habeamus fidem, prudentiam, et alias Animi Dotes Subditorum nostrum postea memorandorum et in ijs maximam fiduciam collocemus, idcirco nominavimus, Constituimus et ordinavimus, Tenorque præsentium nominamus, constituimus et ordinamus, Dilectissimum et fidelissimum nostrum Consanguineum et Conciliarum, Johannem Comitem de Lauderdaill, etc. nostrum supremum commissionarium pro dicto regno nostro Scotiæ, et Reverendissimum in Christo Patrem, Jacobum Archiepiscopum Sancti Andreae, et fidelissimos nostros Consanguineos et Conciliarios, Johannem Comitem de Rothes, etc. dicti nostri Regni Celsum Cancellarium, Guilielmum Comitem de Marshall, etc. nostri privati Sigilli Custodem, Johannem Comitem de Atholl, etc. Alexandrum Comitem de Home, Carolum Comitem de Dumfermling, Guilielmum Comitem de Lothiam, etc. Johannem Comitem

[fol. 67.]

de Twerdaill [*sic*], etc. Alexandrum Comitem de Kincardin, et Reverendos in Christo Patres, Robertum Episcopum Dunablanensem, et Jacobum Episcopum Candidæ-Casæ (seu Gallovidiæ). Ac dilectos nostros familiares Conciliarios Dominum Archibaldum Prymroise de Dummany, nostrorum Rotulorum Registri, Concilij, Sessionis, Scacarij et parliamenti Clericum; Et Dominum Johannem Nisbet de Derbeton, nostrum Advocatum Equites auratos. Et dilectum nostrum familiarem Conciliarium, Carolum Maitland de Halton et dilectum nostrum Dominum Jacobum Dalrympill de Stair, et Dominum Johannem Baire de Newbyth, Equites Auratos, ac Senatores nostri Collegij Justitiæ, et dilectum nostrum Guilielmum Ersken, et dilectum nostrum familiarem Conciliarium, Dominum Robertum Morray, equitem Auratum, Quin etiam dilectos nostros Dominum Archibaldum Morray de Black-barony: Dominum Robertum Synclaire de Longformacus; Dominum Alexandrum Frazer de Durres; Dominum Guilielmum Bruce de Balcasky, Dominum Andream Ramsay de Abbottishall, præfectum Civitatis Edinburgenæ: et Dominum Patricium Morray, Equites auratos, Commissionarios pro Regno nostro Scotiæ, in hac parte. Dando et Concedendo ijs aut quibusvis eorum tredecim aut pluribus plenam potestatem et Authoritatem ad Congregandum et Conveniendum cum Commissionarijs a parlamento Angliæ autoritate munitis, aut eo eorum Numero, qui eorum Quorum constituet, in Civitate nostra Westmonasteriensi, 14^o die Septembris proximè sequentis, et ad (Loco et Tempore prædictis) Tractandum, Consultandum, disceptandum et Concludendum, de et super tali Vnione dictorum Regnorum Scotiæ et Angliæ, et de et Super vniversis et singulis ejusmodi materijs, negocijs, Causis, et Rebus, quæ et prout antedicti Commissionarij, aut major eorum pars, tunc et ibi congregata, expedire, et Convenientia conducibilia, et necessaria judicant, pro nostro honore et utriusque Regni bono et emolumento. Nec non ad faciendum et præstandum omnes et singulos alios Actus et quæcunque alia, quæ Commissionarij nominandi sub magno nostro Sigillo Scotiæ possent aut debeant, Virtute dicti Acti parliamenti facere, explicare aut præstare. Cum potestate dictis Commissionarijs de Tempore in Tempus, prævijs prorogacionibus seu adjournamentis, vel absque et sine eis, congregandi, Conveniendi et procedendi in omnibus Singulis materijs, negocijs, et rebus, Virtute præsentium, aut prædicti Acti Parliamenti, eorum fidei et Curæ demandatis prout Eorum Officio et prudentiæ con-

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gruit. Mandamus porrò et Requirimus ut Cuncta sua Acta et processum in premissis in Scripta et Instrumenta Tripartita redigenda Curent, eaque ritè præparanda et concinnanda, quò Nobis, et vtriusque Regni parlimento exhibeantur modo, in dicto Acto Parlimenti expresso et præscripto. In Cujus Rei Testimonium præsentibus magnum nostrum sigillum appendi præcepimus. Apud Aulam nostram de Whit-hall 15^o Augusti Anno peractæ Salutis humanæ 1670, et Regni nostri 22^o.

Per Signataram manu S. Domini
Regis Suprascriptam.

Which Commissions being read, the Lord Keeper of the Great Seale of England did let their Lordships know y^t his Majesty had appointed Somerset-house for their future sitting on this Affaire, and (by consent of all their Lordships) adjourned their next meeting to be at Somerset-house on Saturday next at (9) of the clock in y^e forenoone.

At Somersett-house,

[fol. 69.]

Saturday, y^e 17th of September 1670, present,

<i>Commissioners for England.</i>	<i>Commissioners for Scotland.</i>
L. Arch Bishop Canterbury.	E. Lauderdale, L. Commis-
L. Keeper of the great Seale.	sioner.
Duke of Bucks.	L. Chancellor.
Earle of Essex.	L. Privy Seale.
Earle of Anglezey.	E. Hoome.
L. Bishop of Durham.	E. Lothian.
L. Bishop of Chester.	E. Kincarden.
L. Arlington.	L. Register.
L. Ashley.	L. Advocate.
Sir Thomas Clifford.	L. Hatton.
Sir John Trevor.	L. Staire.
Mr. Attourney generall.	L. Newbyth.
Sir Robert Carr.	M ^r William Erskyn.
Sir Thomas Osborne.	Sir Robert Morray.
Sir Richard Temple.	Sir Archibald Morray.
Sir Thomas Litleton.	Sir Robert Sinclair.
Sir Leoline Jenkins.	Sir Alexander Fraser.
Sir Edmund Pooley.	Sir William Bruce.

This day y^e Lord Keeper of the Great Seale of England delivered to the Earl of Lauderdale, Lord high Commissioner

for Scotland, a Copy in Parchment of the Commission vnder the great Seale of England, attested by y^e Clerke appointed to attend y^e English Commissioners, and received from his Lordship the Like Cobby of the Commission vnder the Great Seale of Scotland.

Then y^e Lord Arlington, principall Secretary of State, presented to y^e Lord Keeper of the Great Seale a message from his Majesty in writing (a Duplicate whereof y^e Earl of Lauderdale declared he had also received), which message y^e Lord Keeper, etc. Read as followeth :¹

[*fol.* 70.]

Charles R.

His Majesty, having vpon Seuerall Occasions own'd his hearty Wishes of a most strict vnion of these two Kingdomes, in prosecution of the Attempt made by his Royall Grandfather, and in Order thereto, moved both his Parliaments to authorize Commissioners for a Treaty, doth very much rejoyce in their ready and Franke Compliance with his desires and y^e dutifull Respect they both expresse towards Him in y^e doeing thereof, and hopeth not only y^e Commissioners, now happily mett about the Treaty, shall agree vpon the Termes and Condictions of this Vnion, but that by the blessing of God, his Parliaments will do their parts in brin[g]ing it to perfection, as he purposeth to doe His. For his Majesty Conceives that y^e accomplishment thereof will Conduce as much as anything on earth Can doe, and indeed that is the most proper meanès y^t Can be imagin'd, for strengthning and preserving y^e Royall Government, and Peace of this Island, from being ever hereafter shaken, as they haue been of Late : It will Roote out all Jealousies and Animosities for the future amongst his Subjects, and Settle amongst them a mutuall and firme Love and Confidence, and for ever preclude all feares from abroad. It will Open the way to the improvement of the fishing and all other Trades, and Commerce : and facilitate y^e attaining such increase of Riches and Strength, as will put this Island in a more flourishing Con디션 then hitherto could be reasonably hoped for, and so Render it more Secure from Enemies, then ever : more usefull to friends and more Considerable to all y^e world. And as his Majesty hath bestowed many serious thoughts vpon this Treaty, the particulars of the matter of it, and the Tearmes of such an Vnion as

¹ The following letter is printed in Bruce, *Report on the Union*, vol. ii. App. No. xlv. Cf. *State Papers Dom. Car. II.*, 278. No. 185.

Hee desires, he is Graciously pleased, for encouraging the said Commissioners, to offer to y^m some of his Thoughts in a few Comprehensie heads conteyning such things as He judges necessary to be Considered, and from which many Particulars will naturally arise, which will afford matter of Debate. [fol. 71.]

The Result whereof his Majesty judgeth must be an agreement vpon some such Condicions and tearmes as must for the future be unalterable: That so y^e Blessing of this Vnion may be accomplished by rendring y^e breach of it as impossible as humance [sic] Councells Can make it.

The heads his Majesty proposeth to be treated of, are

1. The preserving to either Kingdome their Laws Civil and Ecclesiasticall entire.
2. The reduceing of both Parliamentes into One.
3. The Vniting of the Two Kingdomes into one Monarchy, vnder his Majesty, his Heirs and Successors, inseparably.
4. The Stateing of all Priviledges, Trade, and other advantages.
5. The securing y^e Condicions of the Vnion.

His Majesty is pleased to offer these heads to y^e Commissioners for the Vnion, as matter of Debate, but leaves it to them to followe such method, and make such proposalls on y^e subject as shall Occur to y^m, and wisheth a happy and Speedy Close to their Debates.

Which message being read, the Commissioners for Scotland desired some times to consider thereof, the matter being new to them, upon which it was agreed to Consider against the next generall meeting in what method to proceed upon his Majesty's message, and also in what manner the Commissioners both of England and Scotland shall deliver their Opinions in their publick meetings.

Vpon which y^e Lord Keeper of the Great Seale (by Consent of the whole board) adjourned their Lordships next meeting to Thursday y^e 22th instant at nine of the Clock in y^e forenoon in y^e same place.¹

¹ For the English Commissioners' meeting to formulate resolutions as to procedure, *vide* fol. 81, *infra*.

[fol. 72.]¹

At Somer-set-house,

Thursday, y^e 22th instant, 1670, present,*Commissioners for England.*

L. Arch Bishop Canterbury.
 L. Keeper of y^e Great Seale.
 D. Bucks.
 E. Essex.
 E. Anglezey.
 L. Bishop of Durham.
 L. Bishop of Chester.
 L. Arlington.
 L. Townsend.
 L. Ashley.
 Sir Thomas Clifford.
 Sir John Trevor.
 M^r Attourney generall.
 Sir Robert Carr.
 Sir Thomas Osborne.
 Sir Richard Temple.
 Sir Thomas Littleton.
 Sir Leoline Jenkins.
 Sir Edmund Pooley.

Commissioners for Scotland.

E. of Lauderdale, L. Commis-
 sioner.
 L. Chancellor.
 L. Privy Seale.
 E. Home.
 E. Lothian.
 E. Kincarden.
 L. Register.
 L. Advocate.
 L. Hatton.
 L. Stayre.
 L. Newbyth.
 M^r William Ersken.
 Sir Robert Morray.
 Sir Archibald Morray.
 Sir Robert Sinclair.
 Sir Alexander Fraser.
 Sir William Bruce.

This day² y^e Lord Keeper of y^e Great Seale in y^e name of y^e Commissioners for England offered to y^e Board what their Lordships had thought fitt to propose as preliminary Articles or Rules for their better proceeding in this Treaty, which being read, and y^e Substance thereof assented to by y^e Commissioners for Scotland, it was agreed that a Committee of Commissioners of both Kingdomes should be appointed for the wording of what was agreed to, and to Report vnto y^e Board.

Then his Lordship proposed y^e third head in his Majestie's message (*videlicet*, The uniting of the two Kingdomes into one Monarchy vnder his Majesty, his Heirs and Successors, inseparably), to be y^e first Article to be Debated, which was assented

¹ Opposite fol. 72 the more modern hand has added extracts from 'Thomas Cragius, Libro 1^o,' on the laws of descent or succession.

² The English Commissioners held a preliminary meeting on this date. *Vide infra*, fol. 82.

to by y^e Commissioners of Scotland. And upon debate it was agreed to Leave out y^e words (and Successors)¹ and that y^e monarchy be stiled by y^e name of Great Britaine, and y^t this Article should be worded by the aforesaid intended Committee.

Then y^e Commissioners for y^e kingdome of England named ² the [fol. 73.]³ Earle of Anglezey, M^r Attorney generall, and Sir L. Jenkins, and y^e Commissioners for Scotland named y^e Earle of Kincarden, y^e Lord Advocate, and Sir Robert Morray, to be a Committee for wording y^e two preliminary Articles, and the third head in his Majesties message, as agreed to. Whose Lordships might meet when and where they please, so as they be ready to make a Reporte on Saturday morning next.⁴

Then y^e Lord Keeper of the Great Seale proposed to y^e consideracion of y^e Commissioners for Scotland whether they would proceed upon y^e first or second head mencioned in his Majestie's message: upon which the Commissioners for Scotland declared their Choice to enter upon the Debate of the first head (*videlicet*, y^e preserving to either Kingdome their Laws Civil and Ecclesiasticall entire) on Saturday next, which being agreed to, y^e Lord Keeper of y^e Great Seale (by their Lordships generall Consent) adjourned their next meeting to Saturday next at nine of y^e Clock in y^e forenoone.

At Somerset-House,

Saturday, 24th September, 1670—present,

<i>Commissioners for England.</i>	<i>Commissioners for Scotland.</i>
L. Arch Bishop Canterbury.	E. Lauderdaill, L. Commissioner.
Lord Keeper of y ^e Great Seale.	L. Chancellor.
D. of Buckingham.	L. Privy Seale.
E. of Essex.	E. Home.
E. Anglezey.	E. Lothian.
L. Bishop Durham.	E. Kincarden.
L. Bishop Chester.	Lord Bishop Galloway.
L. Arlington.	Lord Register.
L. Townsend.	Lord Advocate.

¹ Cf. fol. 83 *infra*.

² *Ibid*.

³ Opposite fol. 73, in the same modern hand, are 'extracts from T. Crag, lib. 2.'

⁴ Cf. fol. 84, *infra*, for the proceedings of these Committees upon Friday, September 23.

L. Ashley.
 Sir Thomas Clifford.
 Sir John Trevor.
 M^r Attorney generall.
 Sir Robert Carr.
 Sir Richard Temple.
 Sir Thomas Osborne.
 Sir Thomas Litleton.
 Sir Leoline Jenkins.

Lord Hatton.
 Lord Stayre.
 Lord Newbyth.
 M^r William Newbyth.
 M^r William Ersken.
 Sir Robert Morray.
 Sir Archibald Morray.
 Sir Robert Synclaire.
 Sir Alexander Frazer.
 Sir William Bruce.

[fol. 74.]

The Lord Keeper of y^e Great Seale read at the Board y^e two preliminary articl[e]s of Union (upon the third head in his Majesties message), worded by y^e Lords Committees of the Commissioners of both Kingdomes,¹ to each y^e Commissioners of both Kingdomes declared their Consent.

Then y^e Articles were written faire and signed by y^e respective Clerks, and then (being openly read againe by the Clerk attending the Commissioners of England) were interchangeably delivered to y^e Commissioners of both Kingdomes to be enter'd in their respective books and signed by both Clerks.

PRELIMINARY ARTICLES²

1. That y^e manner of proceeding between y^e Commissioners of both Kingdomes be by conference and Debate, and that y^e Results of their Debates be put in writing by a Committee of the Commissioners of both kingdomes, and after approbacion thereof y^e Coppies of such writings be delivered to y^e Commissioners of both Kingdomes, interchangeably Signed by their Respective Clerks, and then enter'd in their Respective books and Signed by both Clerks.

2. That nothing which shall be agreed or assented to by the Commissioners of both kingdomes in their Treaty, shall be taken as y^e Opinion or Resolucion of the said Commissioners, nor drawn into Consequence, nor any way mayd use of, as such, vntill y^e whole which shall be agreed to be reduced into Instruments tripartite vnder y^e hands and seales of the Said Commissioners, according to their Respective Commissions. Nor then neither, vnlesse the same being presented vnto, shall be approved and

¹ Cf. ff. 84 and 85, *infra*.

² Cf. *State Papers, Dom., Car. II.*, 278, No. 212.

Ratified by the Respective parliaments. So as this Præliminary be not vnderstood to Leave roome for Debate or Change of any thing by y^e Commissioners, which shall be put vnder their hands and Seales as aforesaid.¹

ARTICLES OF THE VNION.

Resolved,

1. That y^e two Kingdomes shall be inseparably vnited into one Monarchy vnder his Majesty, and y^e heyres of his body, and for default of such heires vnder the heyres of the body of King James, his Majesties Royall Grandfather of Glorious memory.

2. That the name of this monarchy shall be great Brittain.

By Order of the Commis-
sioners for y^e Kingdome
of England.

By Order of y^e Commis-
sioners for y^e Kingdome
of Scotland.

Jo. WALKER, Cler.

J. [?] FORRESTER,² Cler.

Next y^e Earle of Lauderdale, Lord Commissioner for Scotland, offered the first head in his majesties message to be then proceeded on, viz.³ The preserving to either kingdome their Lawes Civil and Ecclesiasticall entire. And after some Debate thereupon had at y^e Board, to the end their Lordships might better Consider thereof, the Lord Keeper of y^e Great Seale (by y^e Generall consent of the Commissioners of both kingdomes) ad-journed⁴ the next meeting to thursday y^e 13th of October next at nine of y^e Clock in y^e forenoone.

[fol. 76.]

At Somersett-House,

Thursday, y^e 13th of October, 1670, present,

Commissioners for England.

Commissioners for Scotland.

L. Keeper of y^e Great Seale.

E. Lauderdale, Lord Commis-
sioner.

E. Essex.

L. Chancellor.

L. Bishop Chester.

L. Privy Seale.

L. Widdrington.

E. Home.

M^r Attourney generall.

¹ This clause was thus worded, modifying the original draft of the joint Committee, in view of the objections of the English Commissioners. Cf. fol. 85, *infra*.

² Part of this name is cut off at the bottom of the page.

³ Cf. *State Papers, Dom., Car. II., 278, No. 211*.

⁴ The English Commissioners sat apart at the conclusion of this day's conference. Cf. fol. 86; *infra*.

Sir Thomas Litleton.
Sir Leoline Jenkins.

E. Lothian.
E. Kincarden.
L. Bishop Galloway.
L. Register.
L. Advocate.
L. Hatton.
L. Staire.
L. Newbyth.
M^r William Erskene.
Sir Robert Morray.
Sir Archibald Morray,

This day y^e Commissioners for both kingdomes present being mett in y^e great Roome y^e Earl of Lauderdale, Lord high Commissioner for Scotland, did intimate vnto their Lordships, that in Regard of his Majesty's being (at y^e present) at Newmarket, where many of the Commissioners appointed for this Treaty are attending on his Majesty, he conceived there was Sufficient Reason for adjourning their proceedings for some fewe dayes longer: upon which (by the Generall Consent of the Commissioners present) the next meeting was appointed to be on thursday, the 20th of October instant, at nine of the Clock in y^e forenoon.

[fol. 76.]¹

At Somerset-House,

Thursday, the 20th of October, 1670, present,

Commissioners for England.

L. Arch Bishop Canterbury.
L. Keeper of y^e Great Seale.
L. Steward of his Majesties household.
E. Essex.
E. Anglezey.
E. of Carlisle.
L. Bishop of Durham.
L. Bishop of Chester.
L. Widdrington.
L. Townsend.
L. Ashley.
Sir Thomas Clifford.

Commissioners for Scotland.

E. Lauderdale, L. Commissioner.
L. Chancellor.
L. Privy Seale.
E. Home.
E. Lothian.
E. Tweedail.
E. Kincarden.
L. Bishop of Galloway.
L. Register.
L. Advocate.
L. Hatton.
L. Staire.
L. Newbyth.

¹ Opposite fol. 76 *sqq.*, Statutes of Scotland, Poynings Law, etc.

Sir John Trevor.	M ^r William Ersken.
M ^r Attourney generall.	Sir Robert Morray.
Sir Richard Temple.	Sir Robert Synclaire.
Sir Thomas Litleton.	Sir Alexander Frazer.
Sir Leoline Jenkins.	Sir William Bruce.
Sir Thomas Higgins.	
Sir Edmund Pooley.	

The Lord Keeper of the great Seale acquainted y^e board y^t y^e Commissioners for England had Considered¹ of the proposition made by their Lordships y^e Commissioners for Scotland upon y^e first head in his Majesties message (now under Consideracion) (*videlicet*), That the Laws and Customes Civil, Criminall and Ecclesiasticall, Judicatories and Officers of either kingdome, be preserved and remayne entire in all time comming as they are before y^e Vnion. And y^t all Actions, processe, Causes and questions, Civil, Criminall, or Ecclesiasticall, concerning y^e subjects of Scotland, or any of them, in their Laws, Rights, proprieties, or other Interests in Scotland, be onely tryed, judged and determin'd, in Scotland, by y^e Ordinaries and Competent Judicatories there: and shall not be pursued, heard or judged in England, in y^e first instance, or by way of Appeal, Review, Reduction, or any other way whatsoever.

[fol. 77.]

His Lordship told the Board y^t the Commissioners for England conceive, as this proposition is made, the Parliament which will be for great Britaine after y^e Vnion will have no Legislative Power to alter or Change any Laws how Greivous soever. Besides, there will be no power any where to Alter any of the Laws in Scotland, though the subjects of Scotland should desire it, and therefore desired their Lordshipps, y^e Commissioners for Scotland, to explaine their meaning upon that proposition.

Whereupon y^e Commissioners for Scotland withdrew, and soon after Returning the Earl of Lauderdale delivered the meaning of the Commissioners for Scotland as followeth. Our Meaning is not hereby to determine every particular Law of Scotland to be vnalterable, but wee cannot Say any thing to the way of altering till y^e next Article concerning the Parliament be Treated.

Vpon which y^e Commissioners for England withdrew for a while to Consider of y^e sayd Explanacion,² and Returning againe the Lord Keeper of y^e Great Seale did let y^e board know that

¹ Cf. fol. 87, *infra*.² Cf. fol. 88, *infra*.

their Lordships conceived the matter proposed worthy of a Litle more time, in which it may be better Considered of, as well by y^r Lordships, y^e Commissioners for Scotland, as by the Commissioners for England. Whereupon (by y^e generall Consent of the Commissioners of both kingdomes) the next meeting was adjourn'd to Saturday the two and Twentieth instant at (9) a Clock in y^e forenoone.

[fol. 78.]

At Somersett-house,

Saturday, 22th October, 1670, present,

<i>Commissioners for England.</i>	<i>Commissioners for Scotland.</i>
L. Arch Bishop Canterbury.	E. Lauderdale, Lord Commissioner.
L. Keeper of y ^e Great Seale.	L. Chancellor.
L. Steward	L. Privy Seale.
L. Chamberlaine.	E. Home.
E. Essex.	E. Lothian.
E. Anglezey.	E. Tweedail.
L. Bishop of Durham.	E. Kincarden.
L. Bishop of Chester.	L. Bishop of Galloway.
L. Widdrington.	L. Register.
L. Townsend.	L. Advocate.
M ^r Attorney Generall.	L. Hatton.
Sir Robert Carr.	L. Stayre.
Sir Richard Temple.	L. Newbyth.
Sir Thomas Osborne.	M ^r William Erskene.
Sir Thomas Litleton.	Sir Robert Morray.
Sir Leoline Jenkins.	Sir Archibald Morray.
Sir Thomas Higgins.	Sir Robert Synclaire.
Sir Edmund Pooley.	Sir Alexander Fraser.
	Sir William Bruce.
	Sir Andrew Ramsey.
	Sir Patrick Morray.

The Lord Keeper of y^e Great Seale expressed the Sense of the Commissioners for England¹ upon y^e exposition made by y^e Commissioners for Scotland, upon y^e first head proposed in his Majesties message (*videlicet*, The preserving to either Kingdome

¹ They had held a preliminary meeting on this day. Cf. fol. 88 *infra*.

their Laws Civil and Ecclesiasticall entire), and finding that y^e altering of Laws will relate to y^e next head proposed in his Majesties message (*videlicet*, y^e Reduceing of both Parliaments into One), did let y^e Board know, that if their Lordships of Scotland thinke fitt, they were ready to proceed upon that head, and if they pleased to offer any particulars upon it, the Commissioners for England were ready to proceed thereupon.

Vpon which y^e Commissioners for Scotland declared their willingnesse to proceed on that head, but desired time to Consider of what shall be thought fitt to offer and debate on either side, upon it, vntill another meeting.¹

By his majestie's Order on the 26th of October, 1670, the next meeting of y^e Commissioners of both Kingdoms was put off to Tuesday, y^e 1st of November next, at 9 of the Clock in the forenoone.

At Somersett-House,

[fol. 79.]²

Tuesday, y^e 1st of November, 1670, present,

Commissioners for England.

Commissioners for Scotland.

L. Arch Bishop Canterbury.	E. Lauderdale, Lord Commissioner.
L. Keeper of y ^e Great Seale.	L. Chancellor.
E. Essex.	L. Privy Seale.
E. Anglezey.	E. Home.
E. Carlisle.	E. Lothian.
L. Bishop of Chester.	E. Tweedail.
L. Widdrington.	E. Kincarden.
L. Townsend.	L. Bishop Galloway.
L. Ashley.	L. Register.
Sir John Trevor.	L. Advocate.
M ^r Attorney generall.	L. Hatton.
Sir Robert Carr.	L. Staire.
Sir Thomas Osborne.	

¹ The English Commissioners held a meeting apart at the conclusion of this day's conference. Cf. fol. 89, *infra*.

² Opposite fol. 79, etc., are 'Conditions offered by K. Phil. II. to y^e Portuguez before y^e attaque,' remarks on uniting the kingdoms, the name Great Britain, etc.

Sir Thomas Littleton.
 Sir Leoline Jenkins.
 Sir Thomas Higgins.
 Sir Edmund Pooley.

L. Newbyth.
 M^r William Ersken.
 Sir Robert Morray.
 Sir Archibald Morray.
 Sir Robert Synclaire.
 Sir Alexander Frazer.
 Sir William Bruce.
 Sir Andrew Ramsey.
 Sir Patrick Morray.

The E. of Lauderdale declared that (according to agreement) y^e Commissioners for Scotland were ready to proceed upon the Second head proposed in his Majestie's message (*videlicet*), The Reducing of both Parliaments into One. And y^t they did consent y^t both Parliaments be vnitid into One.

To which¹ y^e Lord Keeper of the Great Seale answer'd that y^e Commissioners for England did likewise agree to it; but supposing that the Commissioners for Scotland intend a Proportion of Members as to y^e Ballance of that Parliament, desired to know what that proportion shall be for Scotland as to England.

Vpon which y^e Earle of Lauderdale declared that they came to this Treaty by y^e Authority of y^e Parliament of Scotland and were named by his Majesty, and they did not See how their number shall be lesse then now it is in the Parliament of Scotland, without incapacitating some Peers of Scotland, and cutting of some shires and royall Bouroughs from sending members of Parliament, which would be a hard Task to vndertake, th[eir] Lordships being to Give an Account of this Treaty to y^e Parliament of Scotland.²

[fol. 80.]

Whereupon y^e Lord Keeper of the Great Seale told them y^t their Lordships, having proposed a thing which y^e Commissioners for England could not expect: It would be fitt to take some time to Consider thereof, which being agreed to,³ The next

¹ The English Commissioners had already held a preliminary meeting on this date to consider this question. Cf. fol. 89, *infra*.

² Cf. *State Papers, Dom., Car. II.*, 280, No. 69.

³ The English Commissioners, at the conclusion of this day's conference, met apart and instructed the Attorney-General to prepare arguments with which to oppose the Scottish Commissioners' views upon Scotland's representation in the united Parliament. Cf. fol. 90, *infra*.

meeting (by the Generall Consent of the Board) was adjourned to Tuesday, y^e 8th day of November, instant, at three of the Clock in y^e afternoone to debate this buisnesse.

Tuesday, y^e 8th of November, 1670.

The meeting of the Commissioners of both Kingdomes intended to be this day was putt of till Saturday next being y^e 12th instant November at three a Clock in y^e afternoone.

By his Majesties Order on y^e eleaventh day of November, 1670, the next meeting of the Commissioners of both Kingdomes was adjourned to y^e last thursday of March next comming.

APPENDIX II¹[fol. 81.]²

THE 'PARTICULAR JOURNALL'

Wednesday, y^e 14th of September, 1670.

In the 22th yeare of the Raigne of our Sovereigne Lord Charles y^e Second, by the Grace of God of England, Scotland, France and Ireland King, Defender of y^e faith, etc. An Act passed in the parliament of England entituled, An Act authorizing Certain Commissioners of the Realme of England, to Treat with Commissioners of Scotland for the weale of both Kingdomes, and in y^e same Yeare, an Act passed in the parliament of Scotland to y^e same effect.

In pursuance of which Acts and his Majestie's Commissions vnder y^e Respective Seales of England and Scotland, the Commissioners in y^e said Commissions named mett this day in y^e Exchequer-chamber at Westminster, where his Majestie's Commission vnder the Great Seale of England was read publickly by y^e Clerke attending the Commissioners for England, and also his Majesties Commission vnder the great Seale of Scotland by the clerk attending the Commissioners for Scotland, which being done, y^e Lord Keeper of y^e Great Seale of England did let their Lordships know that his Majesty had appointed Somerset-House for their future sitting on this Affair, and (by Consent of all their Lordships) adjourned their next meeting to be at Sommerset-house, on Saturday next, 9 Clock forenoone.

At Somerset-house,

Saturday, y^e 17th of September, '70.

This day y^e Commissioners of both Kingdomes being mett, y^e Lord Keeper of y^e Great Seale of England delivered to y^e Earle of Lauderdale, Lord high Commissioner for Scotland, a Coppy in

¹ MS., All Souls College, 229.

² Opposite fol. 81, etc., are extracts from some French work on descent.

parchment of his Majesties Commission vnder y^e Great Seale of England, attested by y^e Clerk attending the English Commissioners, and received from his Lordship the Like Commission vnder y^e Great Seale of Scotland.

Then y^r Lordships received a message from his Majesty in writing and heads therein proposed to be treated of, which being read, y^e Commissioners of both kingdomes agreed to Consider against their next meeting in what method to proceed upon his Majesties message, and also in what manner their Lordships shall deliver their Opinions at their Generall meetings, upon which y^e next generall meeting of y^e Commissioners was adjourned to thursday, y^e 22th of September instant, at nine of the Clock in the forenoone.

[fol. 82.]

After this adjournment y^e Commissioners for England withdrew into their owne Chamber among themselves to Consider of the method of their proceedings on this Treaty.

Where first y^e Lord Keeper of y^e Great Seale and y^e Lord Arlington acquainted the rest of the Commissioners then present, that his Majesty had appointed Mr. John Walker to attend their Lordships as their Clerk, which their Lordships approved of, And ordered that he should subscribe their Orders and papers (By order of the Commissioners for the Kingdome of England) Jo. Walker, Clr.

Then upon debate it was resolved, that nothing which shall be in Debate or assented to shall be taken as y^e Opinion or resolucion of the Commissioners of either kingdome, or drawn into Consequence or any way made use of, unlesse the whole be mutually agreed to.

Also that their Lordships would not Treat by papers (as in y^e Treaty in 1667), but that the joynt resolutions of the Commissioners att their generall meetings only be Reduced into writing and enter'd by both their Clerks.

Next it was resolved that these two Propositions be offered to the Commissioners for Scotland at their Lordships next generall meeting as preliminaries to be joyntly agreed and Resolved on.

Then were read the Severall heads offered to their Lordships Consideracion in his majesties message, and upon debate it was agreed y^t y^e Lord Keeper of y^e Great Seale let y^e Commissioners for Scotland (at the next generall meeting) know, That upon due Consideracion had, their Lordships offer the third head (*videlicet*, The vniting of both Kingdomes into One Monarchy vnder his

Majestie, his heirs and Successors, inseparably) proposed in his Majesties message, to be the first point to be debated, and then his Lordship desired the Commissioners for Scotland to propose on which of the two first heads to proceed next, but that their Lordships were of Opinion not to proceed on y^e fourth or fifth heads till y^e others be agreed on.

Thursday, y^e 22th of September, 1670.

Before y^e generall meeting of the Commissioners of both Kingdoms this day y^e Commissioners mett in their owne Chamber, and it was agreed that what y^e Lord Keeper should propose at the generall meeting be done in the name of the Commissioners.

Then y^e Commissioners of both Kingdomes being mett, The Lord Keeper of the Great Seale offered to y^e Board what the Commissioners for England had agreed on, on Saturday last as [fol. 83.]¹ preliminaries for the better proceeding in this Treaty, the substance whereof being assented to by the Commissioners for Scotland, it was agreed that a Committee of the Commissioners of both Kingdomes should be appointed for the wording of what was agreed to, and to reporte vnto the Board.

Also his Lordship proposed the 3^d head in his Majestie's message to be y^e first Article to be debated, which was assented to by the Commissioners for Scotland, but some objections being made against the words (and Successors) in that head—The Commissioners for England withdrew to their Chamber to Consider thereof, and what words were fitt to be assented to, where after some Debate their Lordships resolved, if the Commissioners for Scotland, at their Lordships Returne, should insist upon leaving out those words (and Successors) to yeild to them therein.²

While the Commissioners for England were in their Chamber, a message was brought from the Commissioners of Scotland by their Clerke, to know whither their Lordships would name their Committee there, or at the board, upon which their Lordships named the Earle of Anglezey, Mr. Attourney generall and Sir Leoline Jenkins, and returned answer that they had named a Committee of their Commissioners.

The Commissioners returning to y^e generall meeting after some debate on y^e 3^d head, agreed to Leave out the words (and Successors), and y^t y^e Monarchy should be stiled by the name of Great Britain.

¹ Opposite fol 83, in a third handwriting, 'Jacobi Regis Oratio 3^e.'

² The resolution was aimed at the King's brother, James, Duke of York.

Then y^e Commissioners for Scotland let their Lordships know that they had appointed the Earl of Kincarden, the Lord Advocate, and Sir Robert Morray to be their Committee, and y^e Commissioners for England named the Earl of Anglezey, Mr. Attourney generall, and Sir Leoline Jenkins, whome they had appointed to be of y^e sayd Committee, which Committee were also appointed to word the 3^d head as agreed to, and to meet when and where they please, so as to be ready to make a Report on Saturday next.

Then y^e Lord Keeper proposed to the Consideracion of the Commissioners for Scotland whether they would proceed on ye first or second head proposed in his Majestie's message.

Then y^e Commissioners for Scotland declared their choyce to enter upon y^e debate of the 1st head (*videlicet*, The preserving to either Kingdome their Lawes Civil and Ecclesiasticall entire) on Saturday next, which being agreed to, the next meeting, by their Lordships generall agreement, was adjourned to Saturday Next at nine of the Clock in y^e forenoone.

The Orders for the Committee was drawn as followeth: *videlicet*,

Thursday, y^e 22th of September, 1670.

Lords Committees nominated by the Commissioners appointed to treat concerning an vnion between England and Scotland, for the wording the two preliminaries, and the third head of his Majesties message, as this day agreed to at their Lordships generall meeting, in Order to y^e entering y^m by the respective Clerks attending y^e Commissioners of both Kingdomes,

[fol. 84.]

Earle of Anglezey.

Earle of Kincarden.

Mr. Attourney generall.

Lord Advocate.

Sir Leoline Jenkins.

Sir Robert Morray.

Their Lordships to meet when and where they please, so as a Report be ready for the Board by Saturday next at 9 of the Clock in y^e forenoone.

Fryday, y^e 23th of September, 1670.

The Lords Committees abovenamed mett at nine of the clock in y^e forenoone, at y^e Earle of Anglezey's house, and after Consideracion had, agreed y^t y^e particulars committed to their Charge be worded as followeth,

PRÆLIMINARY ARTICLES.

1. That y^e manner of proceeding between y^e Commissioners of

both kingdomes be by conference and debate, and that the result of their Debates be put in writing by a Committee of the Commissioners of both Kingdomes, and after approbacion thereof, the Coppies of such writings be delivered to y^e Commissioners, interchangeably signed by their Respective Clerks, and then entred in the Respective books and signed by both Clerks.

2. That nothing which shall be agreed on or assented to by y^e Commissioners of both Kingdomes in their Treaty, shall be taken as ye Opinion or Resolucion of the said Commissioners, nor drawn into consequence nor any ways made use of, unlesse y^e whole which shall be agreed to be reduced into Instruments tripartite vnder y^e hands and seales of the sayd Commissioners, according to their Respective Commissions.

ARTICLES OF THE VNION.

1. Resolved, That the two kingdomes shall be vnited into One Monarchy vnder his Majesty and his heirs inseparably.

2. That y^e name of this Monarchy shall be Great Britain.

Saturday, 24th of September, 1670.

[fol. 85.]

The Commissioners for England being mett in their Chamber, the Earl of Anglezey reported what y^e Committee of the Commissioners of both Kingdoms had prepared pursuant to their Lordships Order at the generall meeting of the Commissioners of both Kingdomes, upon Consideracion had whereof it was proposed that some words might be added to the Second preliminary Article to take of all jealousies that may Remaine of any Vse to be made hereafter, of what shall be put into y^e Instruments Tripartite, if the Parliaments of both Kingdomes shall not thinke fitt to Confirme y^e same.

Whereupon a Message was sent from their Lordships to y^e Commissioners for Scotland (in their Chamber) to desire y^e Committee of y^e Commissioners of both Kingdomes might meet again presently in the Great Roome, which being Consented to, the sayd Committee mett and agreed to alter and add to the 2^d præliminary Article in manner following :

That nothing which shall be agreed or assented to by y^e Commissioners of both kingdomes in their Treaty, shall be taken as y^e Opinion or Resolucion of the said Commissioners, nor drawn into Consequence, nor any way made vse of, as such, untill the whole which shall be agreed vnto be reduced into Instruments Tripartite vnder y^e hands and Seales of the said Commissioners according to

their respective Commissions, nor then neither, vnlesse y^e same being represented to shall be approved and ratified by y^e Respective Parliaments: So as this præliminary be not vnderstood to Leave Roome for Debate, or Change of any thing by y^e Commissioners, which shall be put vnder their hands and seales as aforesaid.

Which Alteracion and Addition, being reported by y^e Earle of Anglezey to y^e Commissioners for England, was approved of.

Then y^e Commissioners for Scotland sent a message to the Commissioners for England desiring that the said Committee might [meet] again presently in y^e great Roome, which was agreed to, where being mett, the Committee of y^e Commissioners for Scotland proposed an Addition to be made to y^e first Article of Vnion agreed upon of these words:—They being of the progeny and posterity of King James his Majesties Royall Grandfather of Glorious memory.

Which addition y^e Earle of Anglezey reported to the Commissioners for England, whose Lordships upon debate thereof agreed to offer att the Generall meeting of the Commissioners of both kingdomes, the Article thus altered: That the Two kingdomes shall be inseparably united into One Monarchy vnder his Majesty and the heires of his Body: and for want of such Heirs under the Heires of the body of King James, his Majestie's royall grandfather of Glorious memory. [fol. 86.]

Then y^e Commissioners of both Kingdomes being mett, y^e Lord Keeper of the great Seale read the two præliminary Articles prepared by y^e Lords Committee, to which the Commissioners for Scotland declared their agreement, and the Commissioners for England theirs.

Also his Lordship read the two Articles of Vnion upon the third head in his Majesties message, worded by the Lord's Committees, with the addicion of such words as y^e Commissioners for England, upon y^e motion of the Commissioners for Scotland, thought fitt to Consent unto. To which Articles y^e whole board Consenting, the said præliminary Articles and Articles of Vnion were written faire and Signed by the Respective clerks, and then (being openly read againe by y^e Clerke attending y^e Commissioners for England) were interchangeably delivered to y^e Commissioners of both kingdomes to be enter'd in their Respective bookes, and signed by both Clerkes.

Next y^e Earl of Lauderdale, Lord Commissioner for Scotland,

offered the first head in his Majesties message to be then proceeded on (*videlicet*), The preserving to either kingdome their Laws Civil and Ecclesiasticall entire, to which his Lordship declared they did agree in generall, but offered as to y^e meaning of it thus :

That y^e Laws and Customes, Civill and Criminall and Ecclesiasticall, Judicatories, and Officers, of either kingdome, be preserved, and remaine entire in all times Comming, as they are before y^e Vnion, and that all Actions, Processe, Causes and questions, Civil, Criminall and Ecclesiasticall, concerning the Subjects of Scotland, or any of them, in their Lives, Rights, Proprieties, or other Interests in Scotland be only tryed, judged and determin'd in Scotland by the Ordinary and Competet Judicatories there, and shall not be heard, pursued or judged in England in the first Instance, or by way of Appeal, review, reduction or any other way whatsoever.

After some Debate hereupon had at the Board to y^e [end] their Lordships might the better consider thereof, the Lord Keeper (by y^e generall Consent of y^e Commissioners of both kingdomes) adjourned the next meeting to thursday, y^e 13th of October next, at nine of the Clocke in the forenoone.

After which y^e Commissioners for England mett in their owne Chamber to debate and prepare themselves upon this point, against y^e next generall meeting, and after some time spent thereupon, departed.

Thursday, y^e 13th of October, 1670.

[fol. 87.] This day y^e Commissioners for both Kingdomes present being mett in the great Roome, the Earl of Lauderdale, Lord high Commissioner for Scotland, did intimate to their Lordships that in Regard of his Majesties being (at this present) at Newmarket, where many of the Commissioners appointed for this Treaty are attending on his Majesty, He conceived there was sufficient Reason for adjourning their proceedings for some few days longer. Vpon which (by y^e Generall Consent of the Commissioners present) y^e next meeting was appointed to be on thursday, y^e 20th day of October instant, at nine of the Clock in y^e forenoone.

Thursday, the 20th of October, 1670.

The Commissioners for England being mett in their Chamber, the first head proposed in his Majesties message, *videlicet*, The

Preserving to either kingdome their Laws Civil and Ecclesiasticall entire, was read, with the proposition made by y^e Commissioners for the kingdome of Scotland as an explanacion thereof, which being debated by their Lordships (after some time spent), it was agreed to desire the Commissioners for Scotland to expresse their meaning more clearly as to the Legislative power of y^e Parliament which will be for *Great Britaine* after the Vnion.

Vpon which y^e Commissioners for both kingdomes being mett, the Lord Keeper of the Great Seale offered to the Board that the Commissioners for England had Considered of the proposition made by y^e Commissioners for Scotland upon y^e first head in his majesties message now vnder Consideracion, and having read the proposition, told their Lordships, That as the Proposition is made the Parliament which will be for *great Britain*, after the Vnion, will have no Legislative power to alter or Change any Laws how Greivious soever: Besides, there will be no power any where to Alter any of the Laws in Scotland (though the Subjects of Scotland should desire it), and therefore Desired their Lordships, y^e Commissioners for Scotland, to explaine their meaning upon that proposition.

Whereupon y^e Commissioners for Scotland desired to withdraw and returne againe presently.

Whose Lordships soone after returning, the Earle of Lauderdale delivered the meaning of the Commissioners for Scotland as followeth, *Videlicet*, Our meaning is not hereby to determine every particular Law of Scotland to be unalterable. But wee Cannot say any thing to the way of altering till y^e next Article Concerning y^e Parliament be Treated.

Vpon which y^e Commissioners for England desired to withdraw for a while to Consider of what was offered and to Returne presently. Whose Lordships being withdrawn to their own Chamber, the said Answer of the Commissioners for Scotland was there read, and upon some Consideracion had thereof, It was agreed to take a Litle further time to Consider more fully thereof, and vpon their Returne to propose the same to the Board, and a present Adjournment. Then the Commissioners for England being returned to the Great Roome, the Lord Keeper did let the board know that their Lordships Conceive the matter proposed worthy of a Litle more time, in which it might be better Considered of, as well by their Lordships, the Commissioners for Scotland, as y^e Commissioners for England. Whereupon by y^e

[fol. 88.]

Generall Consent of the Commissioners of both Kingdomes, the next meeting was adjourned to Saturday, y^e 22th instant, att nine of the Clock in y^e forenoone.

Saturday, the 22th of October, 1670.

The Commissioners for England, being mett in their Chamber, read the last paper delivered by y^e Commissioners for Scotland (*Videlicet*, Our meaning is not by this paper to determine every particular Law of Scotland to be unalterable, but wee Cannot say any thing to y^e way of altering till the Article Concerning the Parliament be Treated), and thereupon agreed to offer at the Board, that they are ready (if their Lordships of Scotland please) to proceed upon y^e second head proposed in his Majesty's message (*Videlicet*, the vnitng of both Parliaments into One) and to Receive what y^e Commissioners for Scotland shall offer thereupon.

Then y^e Commissioners for both kingdomes being mett, y^e Lord Keeper of y^e great Seale expressed the sence of the Commissioners for England upon y^e exposition made by y^e Commissioners for Scotland upon the first head proposed in his Majesties message (*Videlicet*: The preserving to either Kingdome their Laws Civil and Ecclesiasticall entire), and finding that the altering of Laws will Relate to y^e next head proposed in his Majesties message (*videlicet*, The Reduceing of both Parliaments into One), did let the Board know that if their Lordships of Scotland thinke fitt, they were ready to proceed upon that head, and if they pleased to offer any particulars upon it, the Commissioners for England were ready to proceed thereupon.

Vpon which y^e Commissioners for Scotland declared their willingnesse to proceed upon that head, but desired time to Consider of what shall be thought fitt to offer on either side on it untill another meeting.

[fol. 89.]

Whereupon, by y^e generall Consent of the Commissioners of both Kingdomes, the next meeting was adjourned to thursday, y^e 27th instant, att three a Clock in the afternoone.

Then the Commissioners for England returned to their Chamber to consider upon what manner to proceed upon the said head and after some time spent, agreed to heare what the Commissioners for Scotland will att their next meeting propose upon that head.

By his Majesties Order on y^e 26th of October y^e next meeting

of y^e Commissioners of both Kingdomes was putt of to tuesday, y^e 1st of Nouember, 1670, at nine of the Clocke in y^e forenoone.

Tuesday, y^e 1st of November, 1670.

The Commissioners for England being mett in their Chamber to consider of the second head in his Majesties message now to be treated on (*videlicet*, The Reducing of both Parliaments into One), agreed to propose to y^e Commissioners for Scotland, That conceiving their Lordships intend a proportion of number of members to sitt in both houses of y^e Parliament which shall be for Great Brittain, they desire to know from y^e Commissioners of Scotland what that proportion shall be for Scotland as to England.

Then y^e Commissioners of both Kingdomes being mett, the Earl of Lauderdale, Lord Commissioner for Scotland, declared that, according to agreement, y^e Commissioners for Scotland were ready to proceed upon the said 2^d head (*Videlicet*, the reducing of both Parliaments to One), and they did consent y^t both Parliaments be united into One.

To which y^e Lord Keeper of the Great Seale answered, that y^e Commissioners for England did likewise agree to it, but supposing that the Commissioners for Scotland intend a Proportion of members as to the ballance of that Parliament, and desired to know what that proportion shall bee for Scotland as to England.

Vpon which the Earl of Lauderdale declared that they came to this Treaty by authority of the Parliament of Scotland, and were named by his Majesty, and did not see how their number shall be lesse then now it is in y^e Parliament of Scotland, without incapacitateing some peers of Scotland, and cutting off some shires and royall Bouroughes from sending Members to Parliament, which would be a hard task to vndertake, their Lordships being to give an Accompt of this Treaty to y^e Parliament of Scotland. [fol. 90.]

Vpon which the Lord Keeper told them that their Lordships having proposed a thing which y^e Commissioners for England could not expect, it would be fitt to take some time to Consider thereof, which being agreed to, the next meeting (by y^e generall Consent of the Board) was adjourned to tuesday, y^e eighth of Nouember instant, att three of y^e Clock in y^e after-noone, to debate this buisnesse.

Then y^e Commissioners for England being returned to their Chamber, after some debate, it was agreed to desire M^r Attourney Generall to draw up some reasons to be offered to their Lordships Consideracion at their next meeting against what y^e Commissioners for Scotland have proposed concerning their Parliament being entirely vnited to y^e Parliament of England.

Twesday, y^e 8th of Nouember, 1670.

The meeting of the Commissioners of both Kingdomes intended to be this day was putt off till Saturday next, being the 12th of this instant Nouember, att 3 a Clock in y^e afternoone.

By his Majesties Order on the eleaventh day of Nouember 1670, the next meeting of the Commissioners of both kingdomes was adjourned to the last thursday in March next Coming.

APPENDIX III

[Opposite fol. 71 in a rather more modern handwriting :—]

THE AGREEMENT.

1. All Hostile Lawes on both Sides to be abrogated, whereof Severall are Enumerated.

2. The name and the Lawes, Treaties and Customes of the Borders to be extinguish'd, and the Subjects to be govern'd by their respective Municipall Laws.

3. Wrongs done upon the Borders, if they be already declar'd upon in Bills filed, or else pronounced for by Sentences definitive, to be redressed (if that Cannot be by y^e Commissioners named) by the next Session of Parliament.

4. No English man Shall bring prohibited wares into Scotland unles of English manufacture, *et vice versa*.

5. English men shall transport French wines into Scotland, paying y^e Same Duties with Scots there, and *vice versa*.

6. Two of a Side shall be sent into France, and according to what they informe of the Scotish Privileges there, above y^e English, the Customs shall be rays'd, and *vice versa*, as long as the priviledges last.

7. Importation free as to Natives.

8. Exportation of prohibited good reciprocally Penall.

9. Otherwise free upon the same termes to both.

The rest of the heads are for Trade, excepting y^t there is one about offices, Honours and Dignities to be Confer'd in y^e one Kingdom upon y^e Natives of the Other, and that about the bringing of *Refugiez* to punishment.

The Emperor Matthias proposes (anno 1617) to the Estates of Bohemia to Chuse to themselves his Cosin Ferdinand for their King: himselfe haveing no son and his two Brothers having renounc'd their Title to that Crown in favour of Ferdinand, whom the Emperor had adopted to be his son and Successor.

The States consent to the Election and Crown him, but not to exercise his Charge during the Emperors Life.

Statute book,
p. 107.

Edward 3 anno xiiiij^o cap. solo, acknowledged [sic] his haveing changed *his Seal* and *his Armes*, and added France to his style.

Whether the two Kingdomes are not united allready into one Monarchy, as fully as they can be, by humane witt.

Wee have Instances of Severall Unions abroad, by Descent as this is, Portugall with Castille, Navarre with France. There is no Incorporation of the one into the other, by transfusion of the Lawes of the one into another, nay, the Contrary is provided for most expresly in both Cases.

APPENDIX IV

[Opposite fol. 74 in the rather more modern handwriting:—]

As to the Subject of this days Debate,¹ I would humbly offer that though it be verry practicable and safe to lett the Lawes of property stand as they are, I think there are some Laws in Scotland touching *descent* that may deserve your Lordships Consideration.

For though I perceive tis my Lord Keeper's opinion, and that Agreeable to y^e Practice received in all free Monarchies cannot make heires or limit any remainders to y^e Crown, yett it hath been an opinion contended for in severall Places that where there is no received uniforme Rule in the Descents of the Crown (as the presence of a *salique Law* in France is Sacred there), there the Descent of Private Inheritances is made a good Argument that the Crown should follow the same Course. My Lord of Anglesey was pleased to lay before your Lordships a possibilitly that there might such a Case happen that one and the Same person might be capable of Inheriting by the Law in one Kingdome and yet at the Same Moment uncapable by the Lawes of the other.

By the Law of England a Brother by the halfe blood inherits not after his Brother, for Instance, by the Fathers side, but the Sister of the whole Blood or else the Uncle, by the Law of Scotland, a Brother of the half blood Succeeds and excludes y^e sister by the whole blood.

My Lord I have no pretence to be so well vers'd in the Laws of Scotland further then they are Common with the Civill Law.

Only I have my Author, one *Th. Crag*, who was in his Time a Lawyer of good Esteem with King James, and was one of the Commissioners in the first Treaty for the Union.

He in his second Book *de Jure Feudali*, where he treats of Collaterall Successions, does not onely deliver it as the Law of Scotland that Brothers of the halfe Blood succeeds those of the

¹ *Vide* p. 201, *supra*.

whole, but does in the same Place observe the Different Course which the English Law takes in this Case.

A man has severall children (for Instance), one son by one Venter, and two or three by another, the father dyes, the Son by the first Venter enters, and is seiz'd, and Dyes without Issue. In that Case, not the Brother by the Second, but the uncle succeeds [*sic*] as next of the whole blood. Then indeed, if that uncle dyes, the father of the Children will be his heir, and then those of the halfe blood will come in, not as heires of their Fathers, but of the Whole Blood to their Uncle.

My Lord, the objection is too obvious, if the Desents of the Crown doe follow the Same Rules and Measures with those of private Inheritances, but as I suppose they ought not to doe; and that England receded from their own Rule in the Case of Queen Mary and Queen Elizabeth, who were of the halfe blood to King Edward, so I should hope Scotland (if ever it came to be a Question) would doe the Same and follow the Rule of England.

Remotior in uno gradu linealiter descendens præferendus est proximiorj in gradu exeuntj de secundo-genitâ in qualibet successione.

Rot. liberat. an[n]o 3^o Ed. j. M. 2. *per John Lovetot.*

Rot. pat. an. 20 Ed. j. Com. Glove. *Scotia.*

Rot. pat. 21 Ed. i. inter Placita.

Mich. 33^d Ed. i. coram Rege, Rot. 127. *Scotia.*

Rot. parl. 35 Ed. i. in brevi de Parl.

Rot. parl. 14 Ed. 3. n. 15. stat. 4.

Rot. Claus. 22^d Ed. 3, 23 Ed. 3, breve de Parlamento magnifico Principis [*sic*].

Rot. 42 Ed. 3^d n. 7.

Rot. pat. 2 H. 5. par. 3. m. 1.

Joh. Com. Mare[s]call. contra Rich. Com. Warwic., Rot. parl. anno 3^o H. 6 in principio et n. 10.

Rot. Parl. 27 H. 6. n. 18.

Rot. parl. 11 H. 6. m. 9. n. 32, 33, 34, 35, inter Com. Arundell et Norfolk.

Rot. parl. 6 H. 6. n. 22, 23, 24.

APPENDIX V¹

LORD ARLINGTON TO THE DUKE OF LAUDERDALE

[*Holograph*]

Whitehall, Oct. 19th, 1669.

MY LORD,—His Maj^y was this day at the House of Lords to open y^e sessions w^{ch} hee did by a short speech referring himselfe to My Lord Keeper especially in y^e point relating to y^e Union betwixt y^e two Kingdomes, if I can get a Copy of My Lord Keepers Speech before y^e closing this Pacquet both of y^m shall bee sent to yo^r Gr^{ce} by this Post, in writing, though y^e next will carry them in print. The House of Comons have adjourned y^mselves till Thursday, and declined this day y^e taking into consideration y^e King's Speech, upon y^e grounds that y^e matters therein contained being weighty, ought to bee debated in a full House, accordingly they have appointed y^e calling y^e House on Monday, and resolved y^e debating y^e points in the speeches as they lye in order, on Tuesday, soe that that of y^e Union lying last possibly it may not come before them till y^e day following. The matter that now lyes most in their eye and seemes to have given them offense is y^e printed book vindicating y^e Priviledge of y^e House of Peers, w^{ch} yo^r Gr^{ce} remembers was warmly contested by them y^e last session, accordingly they have ordered the bringing before them the printer, and if Wee may beleive comon discourses, will proceed agst him not onely as having printed an unlicensed book but a Libell; Their private discourses amongst one another concerning y^e Union were but could² neither could Wee look for more from them till y^e matter shall bee more fully opened by debate, though I think My Lord Keeper hath prepared it very well by his speech. The great newes Wee have from Abroad, is y^e taking of Candia upon termes honourable enough, considering

¹ This letter was copied by Dr. S. R. Gardiner from the Manuscripts of Dr. John Webster. I am indebted to Dr. C. H. Firth for it. ² *i.e.* cold.

y^e condition of y^e beseiged, and y^e despaire they are in of being succoured, y^e effect of y^m is said to bee a Truce of 100 yeares wth y^e Grand Sgn^r, y^e possessing Suda, Canea, and some places of w^{ch} I have forgot the name, and y^e Island, but their abandoning their title of King of it, and yet after all this confident discourse of y^e losse of y^e Place, lres from Venice of a fresher date then y^e Newes is say nothing of it. Our lres from y^e Streights tell us S^r Tho. Allen is broken wth those of Algiers, and y^e manner of it, but nothing of y^e successe, I am wth all truth and respect My Lord y^{or} Ex^{ces} most humble and most faithfull servant,

ARLINGTON.

I N D E X



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It has been impossible to identify some of the names of persons and places. They are here printed as they are written in the documents or copies of the original documents.

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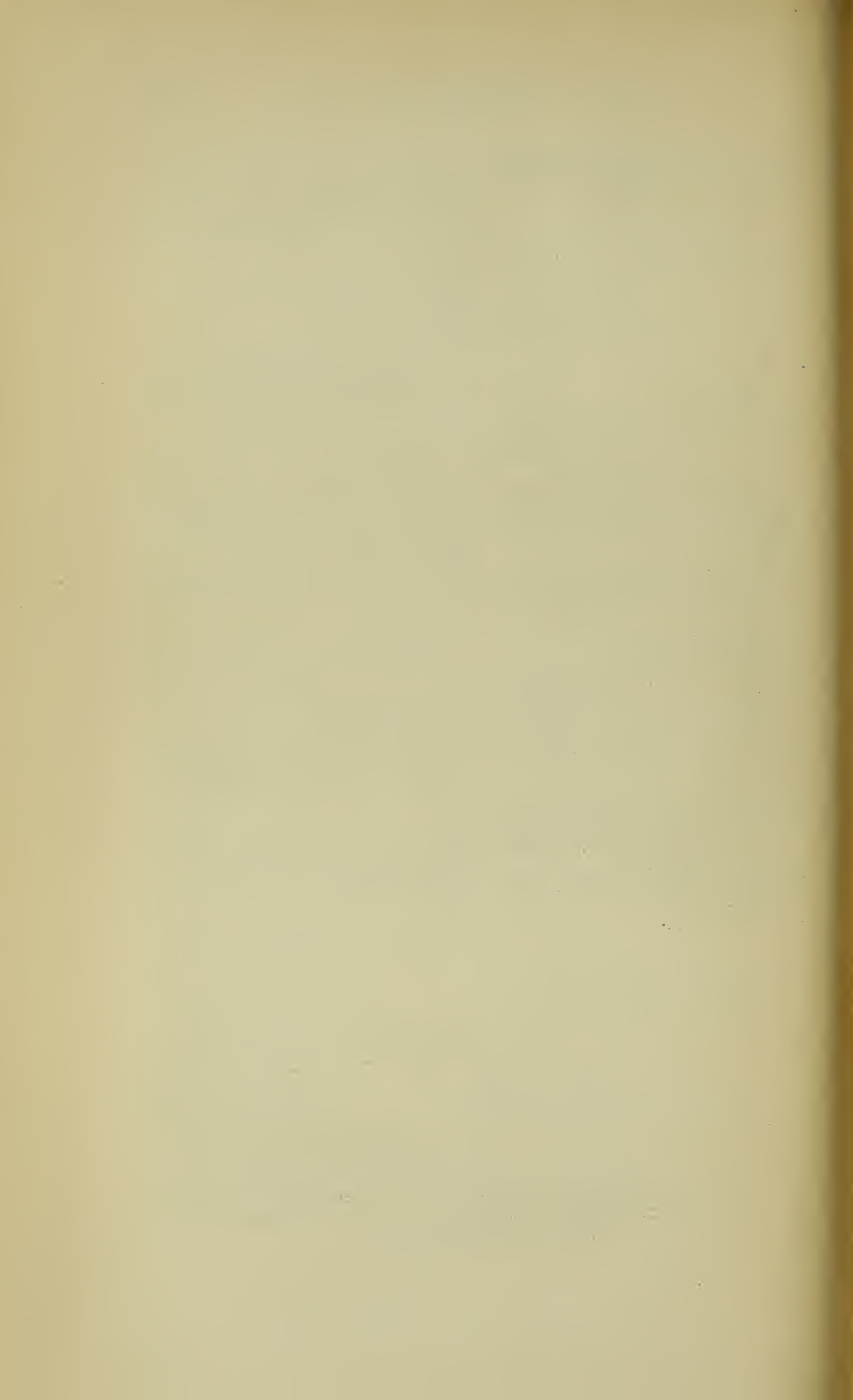
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