

ters was exceedingly small, and in matters of heart and soul, of suffering or passion, he often shows—it must be admitted—a strong vein of Philistinism. But we may safely say that the day is still distant when *The Journalists* will not be a favourite play upon the German stage and *Soll und Haben* will cease to be a book that everybody reads.

JOHN G. ROBERTSON.

ART. VI.—ST. ANDREWS, 1645-46.

St. Andrews in 1645-46. By D. R. KERR. Edinburgh and London: W. Blackwood & Sons. 1895.

THIS essay is divided into three parts. In the historical introduction, a rapid survey is taken of the general state of Scotland, and Scottish affairs, from June 1643, to the middle of September 1645.

‘In the first days of 1645’—to quote from the essay—‘the affairs of Scotland, through a course of rapid and important events, had passed from a state of perplexing hesitancy into one of clear and determined issues. The Presbyterian party, the party undoubtedly in power, the party dominating Church and State, had ceased to look longer to the King for assistance in their anxious attempts to reconcile their spiritual loyalty with their loyalty temporal. In June, 1643, the Scottish Parliament, for the first time in the history of the country—if we except the precedent which its leaders claimed—met without the King’s commission. Its transactions at the outset had been nominally loyal, but as the course of events in the South proceeded, open hostility to the King had been declared by the levying of an army for the aid of the forces of the English Parliament. In the following year both Parliament and General Assembly had met with commission from the King, and in perfect harmony had worked for the protection of Presbyterian interests against the King’s hostility. Three Scottish armies were in the field. One was engaged in the suppression of the Irish Rebellion, another was in England under the veteran Earl of Leven, and a third was employed in the subjection of the Royalist districts at home. Compromise had been lost sight of, and all hopes were set upon a victorious campaign.’

The operations of Argyll, as leader of the Covenanters, and of Montrose, as leader of the Royalists, are referred to, in-

cluding the battles of Tibbermuir, Kilsyth, and Inverlochy, and terminating with the defeat of Montrose at Philiphaugh, by Lieutenant-General David Leslie, on the 13th September, 1645,—a defeat as disastrous to the Royalists of Scotland, as that at Naseby, in June of the same year, was to the Royalists in England.

In the second part of the essay, a sketch of the ecclesiastical, municipal, and ordinary life of the city of St. Andrews is given—a considerable portion being devoted to incidents connected with the University, which, Mr. Kerr justly states, ‘was the chief glory of the city.’ Reference is made to Rutherford, who was one of the most distinguished of the Professors, and to Robert Blair, minister of the first charge in the town, and ‘after Rutherford, probably the most notable man connected with the city.’ Rutherford was one of the Commissioners from the General Assembly of the Church of Scotland to the Westminster Assembly of Divines.

‘In many respects,’ says Mr. Kerr, ‘Rutherford was one of the most notable men of his time. His eloquence, courage, and sufferings for the cause of Presbyterianism had raised him to the position of a leader of the Church and, in some degree, of the people. His “*Lex Rex*,” the treatise in which he attempted to state the true relations of a king and people, had become the recognised expression of the principles of the Scottish Presbyterians. As a preacher also he had become famous. His duties as professor being combined with those of an active minister, it is probable that he was known to the people of St. Andrews more as an eloquent preacher than as a teacher of theology. His preaching was passionate and vehement, evidently in keeping with his reputation as an uncompromising controversialist. With his earnestness and devotion he had the poet’s sensuous imagination and subtle perception of analogies, and the gift of setting forth his strange conceits in language often beautiful and melodious. The peculiarity both of his ideas and language cannot, at times, be commended. This he would seem to have inherited from the generation of religious writers who preceded him. Still it is not necessary for the charitable to deny the reverence of these utterances, though they may not trust them on their own lips. His language, startling and repellant as it often is, was perfectly reverent as it came from him. Rutherford’s intense, subjective nature was not the one to produce an effect for effect’s sake. It may be remarked that many have condemned Rutherford’s imagery as unseemly and even blasphemous who, it is more than probable, accepted the spiritual interpretation of the Song of Solomon. What has been condemned as the vice of Rutherford’s religious writings was in many respects

the vice of his time, and is as marked in the saintly author of "The Temple" as in the Presbyterian divine. The life of Rutherford subsequent to 1647 was actively spent in the service of his Church. On his return from the Westminster Assembly of Divines he was raised to the Principalship of St. Mary's, which he retained till his death in 1662.'

In the third part of the essay, Mr. Kerr treats of the more important history of the city, viz., its connection with the events which were affecting the entire kingdom.

The troops raised in Fifeshire, suffered to such an extent, that exemption was granted by the Parliament to the Presbyteries of St. Andrews, Cupar, and Kirkealdy from further levies, on account of the number, from these Presbyteries, which had been killed in the battles of Tibbermuir and Kilsyth. After the news of the defeat of Montrose at Philiphaugh, a service preparatory to a public thanksgiving was held at St. Andrews, on Sabbath, the 21st September. The thanksgiving for the great victory was offered up on the Sabbath following.

'For the common people of Scotland,' says Mr. Kerr, 'there were now times of quiet and respite from the terror of the sword. What engaged the thoughts of the country at this time was more the relations between England and Scotland. Both kingdoms were now in subjection to the arms of the English and Scottish Parliaments. It was a time for the squaring of accounts between the allies. Ever since the battle of Marston Moor differences had begun to arise between the English and Scottish parties as to the position of the Scots army in England; and now that the work of the English army was practically completed, the presence of the Scots soldiery became more and more a matter of dispute and irritation. At length, the matter became of so great importance, and so threatened the whole relations between the two kingdoms, that in July 1645, a commission of six from the English Lords and Commons was appointed to go to Scotland and treat with the Scots on the grave matters of the peace of the nation. The Scottish Parliament, in August, accordingly appointed a commission to meet the English Commissioners, and to treat with them.'

Having referred to the actings of the Commissioners, Mr. Kerr proceeds to a consideration of what took place in the Parliament which met at St. Andrews on the 20th of November, 1645. On that day, to quote from the essay, 'the representatives of the nobility and the commissioners of the shires and burghs of Scotland assembled in the hall of the New College under the Chancellorship of the Earl of Loudon.'

Interesting sketches, to which we refer the readers of the essay, are given of three of the most distinguished of the Parliamentary leaders—the Earl of London, the Marquis of Argyll, and Sir Archibald Johnstone of Warriston. A detailed account is given of the trial of the prisoners taken at Philiphaugh. Reference is made to the proceedings of the Parliament relative to education, and to the vexed questions of the payment of the arrears due to the Scottish army, and its withdrawal from England.

In regard to the education of the people—

“An Act was passed for the erection of a school in every parish, with duly appointed and endowed schoolmasters. The schools were to be under the control of their particular Presbyteries in the matters of their foundation and appointment of masters. The burden of providing a good school-house and a stipend for the master of not less than a hundred and not more than two hundred merks was imposed upon the heritors of the parish. Stringent conditions were also imposed upon the heritors in order to insure the thorough maintenance of the school. It was enacted that the heritors should contribute towards the maintenance of the school proportionately, but should an heritor fail to pay his proportion for three terms, he would thereby entail the doubling of his proportion.

This Act was evidently passed in the expectation of more peaceful times ; but that the Scottish politicians should have turned aside from the maze of diplomacy which they were at this time attempting to thread, to the matters of the people's education, must add honour to their memory, and vindicate their sympathy with the aspirations of the common people.

As to the other matters debated Mr. Ker observes :—

The questions of the arrears due to the Scottish army, and its withdrawal from England, were settled by the agreement of the Scots to accept £200,000 and public guarantee for as much more, and to withdraw their army from England. The occurrence of these transactions simultaneously with the committal of the King into the hands of the English Parliament forms the ground of the Royalist accusation against the Scots that they sold their King. But a short examination of the proceedings of the St. Andrews Treaty will show that the £200,000 was due to the Scots, and demanded by them long before the King had come to their army. At that time also the debt was acknowledged by the English and payment promised.

That the Royalist allegation is groundless, the following considerations may serve to show :—The occasion of the Civil War in England was the assumption, by the King, of power

which, if defensible under an *absolute* monarchy, was not legitimate under a *limited* monarchy, or any form of constitutional government. The King and the Parliament assumed, in consequence, an attitude of hostility to each other. In the early stages of the war it seemed as if the Royalist forces were to succeed in putting down what was termed, by them, the rebellion. Fairfax was defeated by Newcastle at Atherston Moor, and Sir William Waller was defeated at Lawnsdon Heath. Weymouth, Dorchester, Portland Castle, and Exeter were lost; and Bristol had been taken by Prince Rupert.

The Parliamentary party, and those who adhered to them, being thus in a critical position, were anxiously desirous of obtaining the assistance of the Scots, and sent Commissioners to Scotland to make arrangements for obtaining it. An International League and Covenant was entered into, and the English and Scotch bound themselves to stand by each other in defence of what they considered civil and religious liberties.

The Scots army was to come to the assistance of the English, and to be paid by the English £30,000 each month during their campaign in England.

In January, 1644, the Scots army crossed the Tweed. From the period of their entering England till after the Battle of Naseby, in June, 1645, which proved so disastrous to the King's forces, the most friendly relations subsisted between the two armies; but after that battle, in which the King's troops were hopelessly defeated, the English, finding themselves in a position to maintain their cause against the King without the assistance of the Scots, were eager to get quit of them. The Republican party in England were gaining strength; and knowing that the Scots, although opposed to the unconstitutional actings of the King, and resolutely determined to secure their civil and religious liberty, were nevertheless loyal to the Sovereign; they endeavoured to make their position in England as uncomfortable as possible; and, among other things, suspended the payment of the army for more than half a-year, with a view to making their return to Scotland not only desirable, but also necessary. 'Whilst they had need of them, they were careful to provide for them; but

now, they would let many months pass without sending them any money, or taking any care for their supply, or so much as affording them good words. One of two effects they thought this would produce—either that the soldiers would run away, or mutiny, and so the army disband or fall to pieces, or else live upon free quarters, and so, by oppressing the country, become odious to the people, and force them to rise against them.* They were exposed, also, to many other vexatious annoyances and provocations.

In order to avoid being taken captive by Fairfax, the King escaped privately from Oxford, and unexpectedly came, in May, 1646, to the Scots army at Newcastle. He was neither invited, nor expected. His arrival was immediately intimated to both Houses of the English Parliament, with accompanying assurances, on the part of the Scots, that there was no treaty between them and the King, and that nothing would be done, or assented to, by them, inconsistent with the terms of the Solemn League and Covenant, to which both nations were parties. Every attempt was made by Henderson, as representing the Church; by the Earl of Leven, as representing the Army; and by Lord London, as representing the Estates, to induce the King to adhere to the Covenant, and thus come to an agreement with the Parliaments of England and Scotland, but in vain; and, finding that on no other terms could he count upon the aid of the Scots army, he proposed to the English Parliament that he might come to London, or any of his houses thereabout, with freedom, honour, and safety, that he might further treat upon the propositions of peace presented to him.

Within a fortnight after the King came to the Scots army, the English Parliament declared formally, by vote, that they had no further use for them; and, that after adjustment of their accounts, and payment of the arrears, they should withdraw from the kingdom.

Six weeks thereafter, early in August, they empowered their Commissioners to pay £200,000 before the removal of the

* Hollis' *Memoirs* (Stevenson's *History*).

army, and £200,000 after its departure. Although not nearly the amount due, yet, in order to put an end to the annoyance to which they were being subjected, the terms were accepted on the 2nd September; and up to that date no negotiations had taken place in regard to the disposal of the King's person. That question had not yet been considered, and had no connection with the payment of the arrears which had long been previously due.

The King having refused to grant the propositions for peace which had been submitted to him, the House of Commons declared, by vote, 'that the person of the King shall be disposed of as both Houses of Parliament shall think fit. On September 24th the House of Lords concurred; and a Grand Committee of both Houses was appointed to confer, consult, and debate with the Commissioners of Scotland concerning the disposal of the person of the King.'*

'In the Conference there were many and long debates for several days, the Houses of Parliament claiming the sole right and power in the disposal of the person of the King in England; and the Scottish Commissioners asserting that both kingdoms had an interest in the disposal of his person, whether he were in England or in Scotland, he being the King of both; but, at length, the Conference broke up without any agreement.'

On the 20th December the King again made known his desire, by letter to the English Parliament, to come to London, or neighbourhood, to treat anew in regard to the propositions for peace. This letter was received on the 25th: and, on the 31st December, the Houses resolved that Holmby House be appointed for the King to take up his abode, with such attendants as they shall appoint, and with due regard to the safety and preservation of his person. This vote, says Stevenson, both Houses of Parliament enclosed to his Majesty, and also to the Scottish Commissioners residing with his Majesty at Newcastle, who forthwith transmitted the same to the Parliament, then sitting in Scotland.

* Stevenson's *History*.

Before coming to any final determination in the matter, the Parliament of Scotland resolved again to send Commissioners to his Majesty, earnestly and humbly to entreat him to agree to the propositions for peace previously submitted to him, assuring him that his assent to the propositions was the only condition which would enable them, consistently with the Solemn International Covenant engagement, to interfere effectually in his behalf. The King persisted in his refusal; and on the 16th January, 1647, 'the Estates of Parliament passed a declaration, wherein, having considered his Majesty's promises, when he came to the Scots army, to follow the advice of his Parliaments: his refusal to grant the propositions of both his kingdoms, notwithstanding the frequent addresses of this kingdom for that purpose; his Majesty's desire to be in London, or in some of his houses near to the Houses of Parliament; and the desire of the two Houses that he may come to Holmby House, promising the safety and preservation of his Royal person, in the preservation and defence of the true religion and liberties of the kingdom, according to the Covenant; they did declare their concurrence for his Majesty going to Holmby House, or some other of his houses in or about London, there to remain till he gave satisfaction to both kingdoms in the propositions of peace; and that, in the interim, there shall be no harm, prejudice, injury, or violence done to his Royal person; that there shall be no change of Government other than had been for three years preceding; and that his posterity shall be in no ways prejudiced in their lawful succession to the throne and government of these kingdoms.'

The interval occupied in fruitless negotiations, afforded time to the Republican party in England to perfect their designs against the King's person, which culminated in the tragic scene witnessed on the 30th January, 1649, when he was brought forth to execution, and his head fell on the scaffold erected in front of Whitehall Palace, the report of which unexpected atrocity sent a thrill of horror into the heart of the entire Scottish nation.

In order to mark their abhorrence of the deed, and their want of sympathy with its perpetrators, they resolved to pro-

claim the King's son as the legitimate heir to the throne, and their readiness, on condition of his adhering to the Covenant, to receive him as Charles II.

The Parliament of England had no right finally to dispose of the King's person without the consent of the Scottish Parliament, and could only do so by a flagrant breach of the treaty between the two kingdoms. The English Parliament would probably not have done so, had it rested with them. Before the army could find in the Parliament an instrument suited to its purpose, *Pride's Purge* required to be administered; and it was only after the army had succeeded in summarily and forcibly expelling from the Parliament those of its members who were not prepared obsequiously to favour the unconstitutional designs of the military leaders, that the execution of the King, despite the remonstrances and protests of the Scottish Parliament, took place. 'Upwards of forty of the Presbyterian members were cast into confinement; above one hundred and sixty were excluded from the House; and none were suffered to sit and deliberate but the most determined Sectarians, in all not exceeding sixty.' *

The House of Lords refused to concur in the proposal to bring the King to trial as guilty of treason against the people of England; but the House of Commons which, after the depleting effects of *Pride's Purge* became the Rump Parliament, voted the concurrence of the Lords to be unnecessary, and became fitting tools of the military leaders.

The degraded Rump of the Long Parliament was permitted to retain its diminished power, but for a brief period, for when Cromwell afterwards found that its continued existence was an obstacle to his ulterior designs, he put an end to it in the most summary and contemptuous manner.

'Entering the House of Commons,' says Hetherington, 'he assailed the astonished members with a torrent of violent invectives, ordered the mace, "that bauble," to be taken out of the way, called in the military to eject the dismayed but struggling members, and having locked the door put the key in his pocket, and returned to Whitehall.'

* Hetherington's *Westminster Assembly*.

So fell the English Parliament beneath the power of military usurpation; and at the same moment terminated the Westminster Assembly.

Every effort possible was made by Scotland to preserve the King's person. When the Scottish Commissioners in London became aware of the hostile measures proposed to be taken in reference to the King, they sent down an express to Edinburgh informing the Scottish Parliament of the summary procedure of the English army in secluding the members of the Parliament opposed to their designs, and of their intention to bring the King to trial. The Committee of the Estates sent up a strong remonstrance addressed to the honourable William Lenthal, Speaker of the English House of Commons, reminding them of the declarations made by the English Houses of Parliament, both to the King and to the kingdom of Scotland, that when the King was to go to England with consent of both kingdoms, and in accordance with his own desire repeatedly expressed, respect should be had to the safety and preservation of His Majesty's person.

'Wherefore,' they say, at the close of a strongly expressed appeal, 'we do expect that there shall be no proceeding against his person, which cannot but continue and increase the great distractions of these kingdoms, and involve us in many difficulties, miseries, and confusions; but that, by the free counsels of both Houses of Parliament of England, and with the advice and consent of the Parliament of Scotland (which is now sitting), such course may be taken in relation to him, as may be for the good and happiness of these kingdoms, both having an unquestionable interest therein.'

Finding that that protest of the Scottish Estates of Parliament failed to arrest or to delay the proceedings by which the King's life was threatened, their Commissioners in London, a fortnight afterwards, in name of the Scottish Parliament, addressed another solemn protest to the Speaker of the English House of Commons.

Having expressed their deep disappointment that their former protest had not put a stop to the proceedings against his Majesty's person, they conclude with the following statement:—

‘But we understand that after many members of the House of Commons have been imprisoned and secluded ; and also without and against the consent of the House of Peers, by a single act of yours alone, power is given to certain persons of your own number, of the army and some others, to proceed against his Majesty’s person : in order whereunto he was brought up on Saturday last, in the afternoon, before this new extraordinary court. Wherefore we do, in the name of the Parliament of Scotland, for their vindication from false aspersions and calumnies, declare, That though they are not satisfied with his Majesty’s concessions in the late treaty at Newport in the Isle of Wight, especially in the matters of religion, and are resolved not to crave his Majesty’s restitution to his government, before satisfaction be given by him to his kingdoms ; yet they do all unanimously with one voice (not one member excepted) disclaim the least knowledge of, or accession to, the late proceedings of the army here against his Majesty ; and sincerely profess, that it will be a great grief unto their hearts, and lie heavy upon their spirits, if they shall see their trusting of his Majesty’s person to the honourable Houses of the Parliament of England, to be made use of to his ruin ; so far contrary to the declared intentions of the kingdom of Scotland. And to the end it may be manifest to the world how much they abominate and detest so horrid a design against his Majesty’s person, we do, in the name of the Parliament and Kingdom of Scotland, hereby declare their dissent from the said proceedings, and the taking away of his Majesty’s life ; and protest, that as they are all together free from the same, so they may be free from all the evils, miseries, confusions, and calamities that may follow thereupon to these distracted kingdoms.’

Having made use of every means within their power to influence the English Parliament, without receiving any satisfaction, the Commissioners were directed by the Estates of the Parliament of Scotland, to make a last appeal to General Fairfax, the commander of the Parliamentary forces.

On the 29th of January, the day previous to the King’s execution, the appeal was sent to Fairfax. This last appeal, like those by which it was preceded, was fruitless. Nothing could induce the parliamentary and military leaders to pause. The death of the King could alone satisfy them ; therefore, on the subservient Rump Parliament in conjunction with the relentless leaders of the Parliamentary forces, the responsibility for that tragic deed must rest.

As for the arrears due to the Scottish army, although payment was long and inexcusably delayed, all questions relating to them were settled before the negotiations in reference to

the King's person had been entered on, and months before these negotiations were concluded.

Had the King assented to the terms submitted to him by the Scottish Commissioners and been favourably impressed by the earnest and affectionate appeals addressed to him by the Chancellor the Earl of Loudon, the Earl of Leven, and others, the entire nation would have put forth its strength on his behalf, even at the risk of a war with England; but his refusal tied up their hands, and rendered it impossible, without breach of solemnly plighted faith to England as a party to the Covenant, to interfere.

That both nations were right in insisting that the conditions which they proposed should be assented to, as necessary to securing civil and religious liberty under constitutional, as opposed to personal irresponsible government, is clear, but difference of opinion will no doubt exist as to the wisdom of pressing upon the King the signing of the Covenant, after his repeated refusals on the alleged ground of conscientious scruples relative to his coronation oath.

The language employed in some portions of that document, is not such as would be made use of now; but it ought to be remembered that the laws of toleration were not understood then as now. Intolerance was the vice of the age. Episcopalians, Presbyterians, and Independents were all at fault in regard to it; and, in judging them, we ought to do so on the principle, adopted by all fair-minded historians, that allowance must be made for the opinions prevalent in the age in which they lived and acted.

It ought, also, to be remembered that the Covenant bound those who adhered to it to conserve and defend the legitimate right of the Sovereign, as well as to secure and defend the liberties of the subject. The principles contended for went down to the roots of constitutional government, and involved the very existence of civil and religious liberty.

What made the question of toleration more difficult was the fact that the extreme section of the Sectarics were in favour of toleration being extended to all, however prejudicial to the best interests of society their principles and practices might

be, such as the Levellers and Fifth Monarchy men, who held views subversive of all rule and order, and destructive of security to person and to property. To that 'boundless toleration,' as they called it, the Presbyterians both in England and in Scotland were opposed, and the recoil from the anarchical and socialistic views of the Sectaries, unhappily led them to take a view of toleration in general, greatly to be regretted, and which it would be foolish either to adopt or defend.

As far however as the leading members of the Westminster Assembly were concerned, they were on the way to a right understanding of the doctrine of toleration, for the men who framed and left on record the noble declaration: 'God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men which are in anything contrary to His word, or beside it, in matters of faith and worship,' could not fail ultimately, if not themselves, at least their successors who entered into their labours, to attain to right views regarding it.

The Scottish leaders in that Assembly were men of great ability. The men who, to say the least, could hold their own with the learned Selden, and in reply to his elaborate and carefully got up pleadings with their recondite references, take up point after point and dispose of them, could be no ordinary men. They were men whose intellectual stature would dwarf that of many of their detractors. They had no sympathy with the English republican sectaries. They were loyal to the throne; and not only so, but it is evident that several of them, as the Earl of Loudon, Henderson, and Blair, had a personal affection for the King, and would have done anything to promote his interests short of putting into abeyance strong conscientious convictions which they felt they dared not sacrifice.

They were not behind their age. They were men of varied acquirements, 'of immense reading both patristic and classical.' Indeed it would be difficult—as was stated by the late Lord Moncrieff many years since—to point to any work of the same period by any English jurist, in which the principles of

constitutional government are more clearly laid down, and more ably defended than by Rutherford in his *Lex Rex*, and, we may add, by Buchanan, at a still earlier period, in his *De jure Requi apud Scotos*.

'The chief English writers on these subjects of that day were Algernon Sydney, Harrington, and Milton. Of these, Sydney's work, which was not published until after his death, but was written some years after Rutherford's, follows almost exactly the course of reasoning adopted by the latter.

Harrington's *Oceana*, also later than Rutherford's, is a republican work, which Rutherford's is not; nor does Milton, in his treatise *On the Tenure of Kings and Magistrates*, or his *Defensio pro Populo Anglicano*, attain so clearly the constitutional view which the work in question so lucidly illustrates.'—(Lord Moncrieff).

From the numerous authorities quoted, and the varied sources of information referred to, it is evident that Mr. Kerr's Essay is the fruit of praiseworthy research. He is still young, only on the threshold of public life, and we hope that he may long continue to prosecute historical studies.

R. WILLIAMSON.

ART. VII.—THE 'SONG TO AEGIR.'*

Hail, Aegir, Lord of Billows,
 Whom Neck and Nix obey!
 To thee, in morn's red dawning,
 The host of heroes pray.
 We sail to dread encounter:
 Lead us o'er surf and strand,
 Through storms and crags and breakers,
 Into our foeman's land.
 Should water-sprites us threaten,
 Or if our bucklers fail,
 Before thy lightning glances
 Make thou our foemen quail!
 As Frithjof on *Ellida*
 Crossed safely o'er the sea,
 On this our Dragon shield us,
 Thy sons who call on thee.

* Translated by Professor Max Müller.