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# 'I was no "master of this work" but a servant to it' William Laud, Charles I and the making of Scottish ecclesiastical policy, 1634–6\*

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## Abstract

Building upon recent scholarship, this article presents a study of policy formation within the composite monarchy of Charles I. Through a scrutiny of the 1636 canons – a crucial but neglected aspect of the 'Laudian' programme in Scotland – new light is shed on the contested dynamics of the working partnership between the king and William Laud, archbishop of Canterbury (1633–45). The article also engages with the question of whether Laud can accurately be described as 'the master' of religious reform in Scotland and contends that he recast retrospectively his role in policy formation – not just in the canons, but in other, equally controversial, aspects of Scottish policy – thus concealing the true extent of his involvement, by presenting himself as having been a servant, not an agent. Suggesting greater involvement in Scottish affairs than has hitherto been acknowledged, these findings put Laud at the heart of a programme of religious reform that extended across the British churches during the sixteen-thirties.

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Among the most controversial appointments in the history of the British church and state, William Laud's elevation to the see of Canterbury in September 1633 cemented his position as the king's chief ecclesiastical adviser and heralded the acceleration of an ambitious programme of religious reform, which extended beyond the English borders, north into Scotland and west into Ireland.<sup>1</sup> In England, this programme, to which Laud brought his impressive energy, undermined the practices of a predominantly Calvinist mainstream and sought a radical redefinition of Protestant orthodoxy along ceremonial lines. Accompanied by policies intended to increase the fiscal health and repair the architectural fabric of the church, the reforms have been described as a revival of the 'beauty of holiness'.<sup>2</sup> In Scotland and Ireland, although financial and material improvements were a concern, the programme was especially intended to bring these two divergent churches into line with an evolving English model, in both liturgical and canonical terms.<sup>3</sup> The use of

\* The author is grateful to the following colleagues at the University of Kent for their comments on an earlier draft of this article: Amy Blakeway, Ambrogio Caiani, Ken Fincham and Giacomo Macola.

<sup>1</sup> J. Morrill, 'A British patriarchy? Ecclesiastical imperialism under the early Stuarts', in *Religion, Culture and Society in Early Modern Britain: Essays in Honour of Patrick Collinson*, ed. A. Fletcher and P. Roberts (Cambridge, 1994), pp. 209–37.

<sup>2</sup> P. Lake, 'The Laudian style: order, uniformity and the pursuit of the beauty of holiness in the 1630s', in *The Early Stuart Church 1603–42*, ed. K. Fincham (1993), pp. 161–85.

<sup>3</sup> Cf. I. Atherton, 'Cathedrals, Laudianism and the British churches', *Historical Jour.*, liii (2010), 895–918; J. McCafferty, *The Reconstruction of the Church of Ireland: Bishop Bramhall and the Laudian Reforms, 1633–41* (Cambridge, 2007).

the English Prayer Book was endorsed in Ireland, where the introduction of the Thirty-Nine Articles in 1635 was underpinned by new Irish canons. New Scottish canons, which reached the press in 1636, were followed a year later by the new Prayer Book, which precipitated the famous riots in the High Church of St. Giles in Edinburgh on 23 July 1637. The reverberations of this divisive programme of reform were felt in all three kingdoms, which would experience revolt, rebellion and civil war by 1642.

Religion was, undeniably, a core source of conflict in Scotland, Ireland and England during the five tumultuous years following the launching of the Scottish liturgy. As David Stevenson has shown, much of the Scottish discontent of the late sixteen-thirties was centred on Charles I's religious policies, although it also stemmed from a variety of other sources.<sup>4</sup> Indeed, Allan MacInnes has given a meticulous explanation of the interdependence of political, economic, social and religious developments in his study of the making of the Covenanting movement.<sup>5</sup> According to earlier interpretations, it was Charles's own personal failings and, specifically, his lack of respect for Scottish institutions, traditions and estates, coalescing in his religious policies, that caused the rupture between the king and his Scottish people.<sup>6</sup> More recently, the assumption that James VI avoided the problems encountered later by his son, largely because he had left the church in a reasonably settled state, has been challenged, as has the view that James did not seek to anglicize his northern kingdom.<sup>7</sup> Laura Stewart's scholarship on Edinburgh demonstrates that the Jacobean legacy left to Charles was far from quiescent and that the ongoing debate over the implementation of the 1618 Perth Articles – contentious ceremonial measures which sought to bring the kirk into closer conformity with English practice – was such that 'the Prayer Book riot surprised almost nobody in Scotland'.<sup>8</sup> Moreover, the 1637 riots were not simply the spontaneous reaction of a disarmed congregation but may well have been orchestrated by local magnates, disaffected by over a decade of royal rule. Encouraged by the example of Scottish resistance to Charles, but fearful of invasion by an Anglo-Scottish Covenanting force, pre-existing political, social, economic and religious tensions in Ireland between New English protestants, Old English and native Irish communities was sparked into rebellion in the autumn of 1641, following a *coup d'état* by leading members of the Catholic

<sup>4</sup> D. Stevenson, *The Scottish Revolution 1637–44: the Triumph of the Covenanters* (Edinburgh, 1973), p. 51.

<sup>5</sup> A. MacInnes, *Charles I and the Making of the Covenanting Movement 1625–41* (Edinburgh, 1991).

<sup>6</sup> G. Donaldson, *The Edinburgh History of Scotland*, iii: *James V to James VII* (Edinburgh, 1965), p. 211; M. Lee, 'Scotland and the general crisis of the 17th century', *Scottish Hist. Rev.*, lxiii (1984), 136–54, at pp. 150–1; M. Lee, *The Road to Revolution: Scotland under Charles I, 1625–37* (Chicago, Ill., 1985), p. 4; J. Wormald, 'James VI and I: two kings, or one?', *History*, lxxviii (1983), 187–209. A bold defence of Charles's character and reputation has been posited by M. Kishlansky in 'Charles I: a case of mistaken identity', *Past & Present*, clxxxix (2005), 41–80, esp. pp. 71ff., which relate to Scotland. For substantial replies by C. Holmes, J. Goodare and R. Cust, see 'Debate – Charles I: a case of mistaken identity', *Past & Present*, ccv (2009), 175–212.

<sup>7</sup> A. MacDonald, *The Jacobean Kirk, 1567–1625: Sovereignty, Polity and Liturgy* (Aldershot, 1998), p. 184; A. MacDonald, 'James VI and I, the Church of Scotland, and British ecclesiastical convergence', *Historical Jour.*, xlviii (2005), 885–903; J. Goodare, 'Scottish politics in the reign of James VI', in *The Reign of James VI*, ed. J. Goodare and M. Lynch (East Lothian, 2000), pp. 32–54, at p. 52. Cf. Morrill, 'Ecclesiastical imperialism', p. 216.

<sup>8</sup> L. A. M. Stewart, *Urban Politics and the British Civil Wars: Edinburgh, 1617–53* (Leiden, 2006), pp. 172–3, 218. The political crisis created in the wake of the passage of the Perth Articles through the assembly in Aug. 1618 was left unresolved on James's death in March 1625 (see L. A. M. Stewart, 'The political repercussions of the five articles of Perth: a reassessment of James VI and I's religious policies in Scotland', *Sixteenth-Century Jour.*, xxxviii (2007), 1013–36).

nobility.<sup>9</sup> The eventual outbreak of the English civil war, in August 1642 – described famously by John Morrill as ‘the last of the Wars of Religion’, but intersecting political, constitutional, legal and local concerns – is now also widely accepted to have had its roots in the prior revolts in Scotland and Ireland, a position advanced by Conrad Russell and developed subsequently by others (although this view is not uncontested).<sup>10</sup>

The scope of Laud’s personal contribution to the formulation and enforcement of the religious reforms which led to the collapse of royal government in three kingdoms, has been a subject of interest for commentators and scholars, both past and present. Clarendon, writing in the sixteen-forties, characterized the alliance between Charles and Laud as one in which the archbishop’s ‘heart was set upon the advancement of the church’, an endeavour in which ‘he had the king’s full concurrence’.<sup>11</sup> To less appreciative contemporaries, Laud was the ‘evil counsellor’, pushing an irresolute monarch into implementing policies that spoke to the king’s own anti-Calvinist tendencies. Beginning with the still seminal work of Gordon Donaldson on the 1637 Scottish Prayer Book, modern historians have questioned this long-held judgement. Donaldson examined the formation of ‘Laud’s Liturgy’ and challenged the assumption that the archbishop was its principal author, a view recently reaffirmed in the collection of essays by Mike Braddick and David Smith.<sup>12</sup> For Donaldson, the persistent attribution of the liturgy to Laud was due in no small part to the ‘accident’ that amendments on the 1636 draft were in his handwriting. More recently Kevin Sharpe and Julian Davies have followed in Donaldson’s footsteps.<sup>13</sup> Their interpretation posits that Laud was happy to do the king’s bidding, to act on his instructions and carry out his orders, but that it was the king who was ultimately driving the pace of ecclesiastical change. However, it is

<sup>9</sup> N. Canny, ‘Religion, politics and the Irish rising of 1641’, in *Religion and Rebellion: Papers Read Before the 22nd Irish Conference of Historians, held at University College Dublin, 18–22 May*, ed. J. Devlin and R. Fanning (Dublin, 1997), pp. 40–70; C. Russell, ‘The British background to the Irish rebellion of 1641’, *Hist. Research*, lxi (1988), 166–82. See also a new collection of essays, *Ireland: 1641: Contexts and Reactions*, ed. M. Siochrú and J. Ohlmeyer (Manchester, 2013).

<sup>10</sup> J. Morrill, ‘The religious context of the English civil war’, *Trans. Royal Hist. Soc.*, 5th ser., xxxiv (1984), 155–78, at p. 178; G. Burgess, ‘Was the English civil war a war of religion?’, *Huntington Libr. Quart.*, lxi (1998), 173–201; C. Russell, *The Fall of the British Monarchies, 1637–42* (Oxford, 1991); C. Russell, ‘The British problem and the English civil war’, *History*, lxxii (1987), 395–415; C. Russell, *The Causes of the English Civil War: the Ford Lectures delivered in the University of Oxford, 1987–8* (Oxford, 1990), esp. chs. 2 and 5. The full range of interpretations of the causes of war are too numerous to list here but recent work includes, e.g., J. Davies, *The Caroline Captivity of the Church: Charles I and the Remoulding of Anglicanism, 1625–41* (Oxford, 1992), pp. 313–8; *The English Civil War*, ed. R. Cust and A. Hughes (1997); J. Adamson, *The Noble Revolt: the Overthrow of Charles I* (2007); T. Harris, *Rebellion: Britain’s First Stuart Kings 1567–1642* (Oxford, 2014). Harris acknowledges the centrality of religion to the conflicts in the three kingdoms, but also states the case for political, constitutional and, ultimately, military explanations for war. The ‘three kingdoms’ context and a discussion of problems associated with the ‘New British Histories’ can be found in A. MacInnes and J. Ohlmeyer, ‘Awkward neighbours?’, in *The Stuart Kingdoms in the 17th Century: Awkward Neighbours*, ed. A. MacInnes and J. Ohlmeyer (Dublin, 2002), pp. 15–36. See also *The Scottish National Covenant in its British Context 1638–51*, ed. J. Morrill (Edinburgh, 1990); A. Woolrych, *Britain in Revolution, 1625–60* (Oxford, 2002). For a broader geographical and contextual analysis, see J. Scott, *England’s Troubles: 17th-Century English Political Instability in European Context* (Cambridge, 2000).

<sup>11</sup> Edward Hyde, *The History of the Rebellion and Civil Wars in England* (6 vols., Oxford, 1888), i. 130.

<sup>12</sup> G. Donaldson, *The Making of the Scottish Prayer Book of 1637* (Edinburgh, 1954). Donaldson’s work is taken forward in J.-L. Kim, ‘The Scottish-English-Romish book: the character of the Scottish Prayer Book of 1637’, in *The Experience of Revolution in Stuart Britain and Ireland*, ed. M. Braddick and D. Smith (Cambridge, 2011), pp. 14–32. A full account of Laud’s interventions in Scotland will be given in L. James, ‘*This Great Firebrand*’: *William Laud and Scotland 1617–45* (Woodbridge, forthcoming).

<sup>13</sup> K. Sharpe, *The Personal Rule of Charles I* (New Haven, Conn., 1992), pp. 279–85, 333–5; J. Davies, *The Caroline Captivity of the Church: Charles I and the Remoulding of Anglicanism, 1625–41* (Oxford, 1992), *passim*, esp. pp. 295–305.

natural that the king wished to appear as the author and instigator of policy, in order to procure obedience, and it suited Laud to have the mandate of royal approval upon which to act, particularly because he realized how controversial many of the measures were that he sought to implement.

Other work, focusing on England, has suggested that the partnership between Laud and Charles is best conceived as 'symbiotic'. It was a relationship in which the monarch depended on Laud to enact the minutiae of religious policy, while Laud required the stamp of royal approval before moving forward.<sup>14</sup> Taking this view, Nicholas Tyacke, Kenneth Fincham and Peter Lake have shown that it is often very difficult to attribute responsibility to either figure, not only because the pair worked closely together, but also because Laud was increasingly keen to distance himself from unpopular policies as the sixteen-thirties progressed and storm clouds gathered.<sup>15</sup>

Laud's role in the context of the Stuart triple crown has also been probed, but the extent of his influence remains contested. Russell has shown that prince and prelate sought to 'construct a new programme of British uniformity' based on English hegemony, with Laud employed 'as a sort of secretary for ecclesiastical affairs for all three kingdoms'.<sup>16</sup> Morrill, without entirely dismissing Laud's ambition to influence developments in Scotland, has nevertheless argued that the archbishop's 'involvement with the Scottish church was far more circumspect than his continuous interference in the affairs of the Church of Ireland'.<sup>17</sup> For Morrill, Laud's ostensible reticence in Scotland and the fact that there were variations in the specifics of policy across the archipelago, weaken Russell's case for a 'British programme' aimed at the Anglocentric integration of the three churches.<sup>18</sup>

This article contributes to these wide-ranging debates by presenting a detailed study of the drafting of the Scottish canons, a hitherto under-investigated but nevertheless crucial aspect of the Laudian programme in Scotland, to explore a practical example of the dynamics of the Laud-Charles partnership. The Scottish canons of 1636, a set of ecclesiastical laws governing the conduct of many facets of divine service, were an innovation in Scotland. Their novelty was derived not only from the fact that they were imposed by royal warrant alone, but also that they contained contentious ceremonial practices. James VI's Five Articles of Perth, passed by a ruthlessly managed general assembly in 1618, comprised alterations to Scottish worship which had caused profound unease amongst Scottish worshippers, particularly the requirement to kneel to receive communion.<sup>19</sup> Broadly speaking, James felt that these changes were necessary to harmonize worship across his kingdoms after succeeding to the English throne in 1603 and they reflected his ultimate aim, to 'make his Scottish church much more like his

<sup>14</sup> An apposite example of the way in which king and archbishop worked together can be found in 'Annual accounts of the Church of England 1632-9', ed. K. Fincham, in *From the Reformation to the Permissive Society: a Miscellany in Celebration of the 400th Anniversary of Lambeth Palace Library*, ed. M. Barber, S. Taylor and G. Sewell (Woodbridge, 2010), pp. 63-150, at pp. 79-87.

<sup>15</sup> N. Tyacke, *Anti-Calvinists: the Rise of English Arminianism, c.1590-1640* (Oxford, 1987); K. Fincham and P. Lake, 'The ecclesiastical policies of James I and Charles I', in *The early Stuart Church 1603-42*, ed. K. Fincham, pp. 25-49; K. Fincham, 'William Laud and the exercise of Caroline ecclesiastical patronage', *Jour. Eccles. Hist.*, li, (2000), 69-93.

<sup>16</sup> Russell, 'The British problem', p. 400.

<sup>17</sup> Morrill, 'Ecclesiastical imperialism', p. 231.

<sup>18</sup> Morrill, 'Ecclesiastical imperialism', p. 237.

<sup>19</sup> Stewart, 'Political repercussions', pp. 1023, 1029-30; MacDonald, *Jacobean Kirk*, pp. 162-4.

English one'.<sup>20</sup> To many Scots, however, such ceremonialist practices were seen as contrary to scripture and their implementation was viewed as an attempt to flex monarchical muscle over an independent kirk. Indeed, the canons of 1636 sought to emphasize the royal supremacy and episcopal government as the bases of ecclesiastical authority, rather than synods or assembly. Finally, they also ignored the active role of the laity in Scottish Protestant piety. Thus, the canons represented the disciplinary framework for a radical restructuring of the Presbyterian kirk. Yet, because they failed to arouse the strength of opposition inspired by the 1637 Prayer Book, or indeed the Five Articles, the canons have not attracted the same degree of academic attention as the liturgy. This is unfortunate, because the canons offer a unique perspective on the way in which Charles I employed his English primate to carry out religious reform in a church that lay outside the boundaries of his formal archiepiscopal jurisdiction.<sup>21</sup>

The most fruitful method of ascertaining Laud's contribution to the canons is to contrast his letters from the sixteen-thirties with his later account of the canons' preparation. However sparse, the former provides a 'live' testimony on unfolding events. The latter, on the contrary, is an *ex post facto* narrative, written in response to the charges that caused his 1641 impeachment. Not only does this enable the unpicking of the archbishop's role in the canons, but it also proves that, in his subsequent version of events, Laud reframed his contribution to the earlier development of policies, presenting himself as a servant, rather than an agent, in order to dampen the flames of controversy and in an attempt to 'save his neck'.<sup>22</sup> Since it has been acknowledged that Laud was 'an expert in presenting his own favoured policies as being initiated by the king', this is an important avenue of investigation which, to date, has been underemployed in the Scottish context.<sup>23</sup> The purpose here is to show that, when given the opportunity to intervene, Laud was an agent rather than an administrator.<sup>24</sup> Moreover, through the prism of the Scottish canons, we can see how royal wishes were converted into formal policy, thus shedding light on the dynamics of policy formation in an early modern monarchy.

Subdivided into two parts, this article focuses, first, on Laud's contribution to the drafting of the canons. A thorough examination of this process shows that his input had a material influence on the contents of the final version. This microscopic approach illuminates the relative responsibility of king and archbishop in the canons' creation, expands current thinking on their alliance and lays bare the shaping of this controversial aspect of religious reform in Scotland. The second section explores aspects of Charles I's controversial revocation scheme revealing that, contrary to prevailing historiographical appraisals and despite lacking official entitlement to intervene, Laud did not shy away from engaging himself in this hugely unpopular attempt to expand the wealth and power of the kirk. The broader implications of these two case studies – that Laud was

<sup>20</sup> Stewart, 'Political repercussions', p. 1034; MacDonald, 'James VI and I', pp. 900–1. Cf. Morrill, 'Ecclesiastical imperialism', pp. 220–1.

<sup>21</sup> A comparative analysis of the Scottish canons, their preparation and the reaction to them, will appear in James, 'This Great Firebrand'. See also, J.-L. Kim, 'Firing in unison? The Scottish canons of 1636 and the English canons of 1640', *Records of the Scottish Church Hist. Soc.*, xxviii (1998), 55–77.

<sup>22</sup> Fincham, 'William Laud', p. 69.

<sup>23</sup> Amanda Capern has argued that Laud cannot be exonerated from responsibility for promoting the Irish religious policies of the earlier 1630s simply because he started privately to have second thoughts about them later in that decade (A. Capern, 'The Caroline church: James Ussher and the Irish dimension', *Historical Jour.*, xxxix (1996), 57–85, at p. 64).

<sup>24</sup> Russell, 'The British problem', p. 397.

occupied in a similar programme of reform across all three churches – are teased out in the article’s conclusion.

In an early modern personal monarchy, policy-making was the preserve of the sovereign, often made in private consultation with a nucleus of ministers. Political influence was wielded chiefly behind the scenes and such ‘extra-institutional’ politics was a feature of the period. Thus, the records left to scholars – royal instructions, privy council records, state papers and proclamations – rarely yield clues as to the discussions and debates which informed decisions. This is particularly the case for Charles I, who sanctioned ‘as little discourse . . . as may be’ around the council table.<sup>25</sup> Thus, it is not easy to establish the degree of influence exercised by individual advisers around the king. Seeking to identify Laud’s input to policies relating to kingdoms outside his designated archiepiscopal power is even more problematic. Although appointed to the Scottish privy council in June 1633, Laud had no executive role north of the River Tweed and, technically, no jurisdiction over the Scottish church. Since he was operating outside formal institutions in Scotland, institutional sources can hardly be expected to bear evidence of his involvement. After dynastic union in 1603, all Scottish institutions, including parliament and privy council, retained their autonomy; they were neither officially nor nominally subject to their English equivalents and no new mechanisms were established to manage the dual monarchy.<sup>26</sup> This was especially true of the kirk, where, unlike the Church of England, the nature of supreme authority remained in doubt.<sup>27</sup> Although variations occurred in the procedure for policy approval, the most recent instance of major change to religious worship in Scotland, the Perth Articles, had been given formal sanction by a general assembly and were subsequently ratified by parliament, although this was not a constitutional practice that was set in stone.<sup>28</sup> Scotland had no official counterpart to Sir Thomas Wentworth, the lord deputy of Ireland from 1632, who exercised quasi-regal power on Charles I’s behalf. Wentworth’s letters to Laud and vice versa, bear witness to the depth of the archbishop’s entanglement in Irish church affairs, but in the absence of a Scottish equivalent, the sources – and, thus, our understanding of Laud’s influence in Scotland – are much sparser.<sup>29</sup> Consequently, other avenues must be scouted for evidence of Laud’s involvement, in the shadows beyond the formal institutions. In the case of Scotland, it is in these shadows that Laud’s role becomes most clearly visible.

Based on a study of the official documentation, the evolution of the canons is reasonably straightforward. It is necessary, however, to extrapolate the drafting of the canons from the drafting of the liturgy, since both books were being prepared at the same time by a similar group of men and the process is bound up in the same sources.

<sup>25</sup> The National Archives of the U.K., SP 16/175, fo. 12.

<sup>26</sup> J. H. Elliott, ‘A Europe of composite monarchies’, *Past & Present*, cxxxvii (1992), 48–71, esp. pp. 55–6, 61–2.

<sup>27</sup> Donaldson, *James V to James VII*, pp. 206–7.

<sup>28</sup> E.g., in Jan. 1561 the first *Book of Discipline* was approved by a convention of nobility rather than a full parliament. The second *Book of Discipline* was adopted by the assembly in Apr. 1578, but rejected by parliament in July (G. Donaldson, *The Scottish Reformation* (Cambridge, 1960), pp. 65, 203, 207). For the role of the assembly, see J. Goodare, *The Government of Scotland, 1560–1625* (Oxford, 2004), pp. 150, 168.

<sup>29</sup> The situation changed in June 1638 when James, 3rd marquis of Hamilton arrived in Edinburgh to negotiate with the Covenanters on the king’s behalf. A comprehensive analysis of Laud’s part in the royal negotiations with the Covenanters will be given in James, ‘*This Great Firebrand*’. An excellent account of Hamilton’s commission can be found in J. Scally, ‘The political career of James, 3rd marquis and 1st duke of Hamilton (1606–49) to 1643’ (unpublished University of Cambridge Ph.D. thesis, 1992).

On 13 May 1634, Charles I instructed the Scottish bishops by letter to prepare new canons, although he had been thinking about canonical conformity in Scotland since at least as early as October 1627.<sup>30</sup> For Charles, canons were necessary primarily as ‘ane soverane help to avoyd confusions’, a neat articulation of his desire to achieve closer uniformity in forms of worship across his churches, but also encapsulating his belief in his prerogative (‘soverane’) right to make alterations to Scottish religion.<sup>31</sup> Barely three months later, in August 1634, John Maxwell, bishop of Ross, made the arduous journey to London to deliver the first draft.<sup>32</sup> This provisional set, put together by Maxwell and John Spottiswoode, archbishop of St. Andrews, was based on the version instigated by James VI in 1615, but left on hold following the Perth Articles furore. Charles made clear that the final version must be modelled closely on the English canons of 1604.<sup>33</sup> Over the autumn of 1634, this draft, amended by Laud and William Juxon, bishop of London, was returned to Maxwell.<sup>34</sup> In May 1635, Maxwell was back in London with an updated version in Spottiswoode’s ‘own hand’.<sup>35</sup> The king approved this edition, his royal warrant signifying that he was happy for it to proceed to publication. In early 1636, the finished canons were passed to Dr. Robert Baron, professor of divinity at Marischal College, Aberdeen. Baron, one of the six ‘Aberdeen doctors’ renowned for their support of Jacobean and Caroline religious policy, took responsibility for getting the canons to press.<sup>36</sup> The book was eventually published in Aberdeen in late January 1636, with the king’s warrant of May 1635 in the preface.<sup>37</sup> The story thus far seems clear: the canons were a royal policy, based on Jacobean precedent, instigated and endorsed by Charles, in consultation with the Scottish bishops.

However, the Scottish canons exemplify many of the problems of policy attribution in this period, because extra-institutional evidence is much more revealing than that of

<sup>30</sup> W. Alexander, *The Earl of Stirling’s Register of Royal Letters Relative to the Affairs of Scotland and Nova Scotia, 1615–35*, ed. C. Rogers (2 vols., Edinburgh, 1885) (hereafter *Stirling’s Register*), ii. 227.

<sup>31</sup> *Stirling’s Register*, ii. 797.

<sup>32</sup> Ross was one of a handful of Scottish prelates who supported actively the enforcement of royal policy in Scotland during the 1630s. For more on the secular importance of the Caroline episcopate, see S. Tuckett, ‘The Scottish bishops in government 1625–38’, in *Scotland in the Age of Two Revolutions*, ed. S. Adams and J. Goodare (Woodbridge, 2014), pp. 59–78.

<sup>33</sup> The Jacobean draft was prepared by James Law, archbishop of Glasgow, and William Struthers, minister and later dean of Edinburgh (see *An Apologetical Narration of the State and Government of the Kirk of Scotland since the Reformation*, ed. W. Scot (Edinburgh, 1846), p. 243; P. Heylyn, *Cyprianus Anglicus: or, the History of the Life and Death of Archbishop William Laud. Containing also the Ecclesiastical History of the Three Kingdoms* (1668), pp. 297–8; Donaldson, *Scottish Prayer Book*, p. 44; William Laud, *The Works of the Most Reverend Father in God, William Laud, D.D., sometime Lord Archbishop of Canterbury*, ed. J. Bliss and W. Scott (7 vols., Oxford, 1854) (hereafter referred to as *W.W.L.*), iii. 319). For Charles’s instructions that the Scottish canons should be as similar as possible to the English canons, see Hyde, i. 104 and *W.W.L.*, iii. 321. See also A. S. W. Pearce, *John Spottiswoode: Jacobean Archbishop and Statesman* (Scottish Reformation Soc. academic ser., iii, Edinburgh, 2014), pp. 296–7.

<sup>34</sup> Hyde also cites Matthew Wren as having been involved (Hyde, i. 104). For Wren’s more obvious input to the Prayer Book, see *W.W.L.*, vi. 456; Donaldson, *Scottish Prayer Book*, p. 50.

<sup>35</sup> *The Charge of the Scottish Commissioners against Canterbury and the Lieutenant of Ireland* (1641), p. 6; *W.W.L.*, iii. 317.

<sup>36</sup> Baron was a widely respected theologian whose work was appreciated for its scholarly quality even by those who disagreed with his religious views (*The Letters and Journals of Robert Baillie, A.M., Principal of the University of Glasgow 1638–62*, ed. D. Laing (3 vols., Edinburgh, 1841), i. 248). Baron’s collusion in the canons emerged during a search of his property in 1639, which revealed letters ‘wryttne by the bishop of Rosse, concerninge the printing of the Booke of Canons, and a timber peece of *tailly du pierre*, whereupon was cut the Kings armes, to be printed into the frontispiece of that booke’ (J. Gordon, *History of Scots Affairs from 1637 to 1641*, ed. J. Robertson and G. Grub (3 vols., Aberdeen, 1841), iii. 237–8).

<sup>37</sup> *Stirling’s Register*, ii. 752. The printer was Edward Raban.



institutions. The king addressed to the ‘whole bishops’ of Scotland his initial request to frame new canons, under the watchful eye of Laud and Juxon.<sup>38</sup> In reality, however, only a handful of Scottish bishops, including Maxwell and Spottiswoode, can be linked directly to the canons during their formulation.<sup>39</sup> A fertile source for the current investigation of Laud’s contribution to the canons, as well as other aspects of Scottish ecclesiastical reform, is his written response to the charges that the Scottish commissioners brought against him in the early Long Parliament. Laud’s response forms part of his *History of the Troubles*.<sup>40</sup> The Scottish commissioners, a group of nobles and clergy who arrived in London in November 1640 to negotiate the terms of the Treaty of London, were at the same time responsible for initiating Laud’s imprisonment in December, which led to his impeachment in February 1641. Although the Scottish charges brought about his immediate downfall, in the event – and for reasons that will be explained elsewhere – no charges relating to Scotland were brought against Laud at his trial in 1644.<sup>41</sup> From late 1641, however, during his long imprisonment in the Tower, Laud had the leisure to reply in writing to the Scottish charges. His defence would never be heard in Westminster Hall, although the archbishop was, of course, unaware of this when working on the text. The commissioners’ charges against him attributed to the archbishop full responsibility for the sorry state of the Scottish kirk. He was accused, *inter alia*, of having been the ‘master’ of the canons, as well as the liturgy, of having presided over the Scottish bishops in a ‘magisterial’ way to achieve the publication of both books and of having caused ‘great disturbance’ in Scotland.<sup>42</sup> Unlike the Scottish Prayer Book, a draft of which has survived with Laud’s annotations, there is no extant equivalent of the canons.<sup>43</sup> A version did exist, at least until 1640, with Laud’s ‘interlinings, marginals, and filling up of blank pages, with directions’.<sup>44</sup> This document had found its way into the commissioners’ hands and formed the basis of the charges against him.

Before analysing Laud’s response to the individual charges raised against him, it is worth evaluating how he replied to the allegation that the draft canons bore his handwritten alterations and what this reveals about his overall contribution to the drafting process. Although the archbishop was careful to spell out that he ‘did nothing but as I was commanded and warranted by his Majesty’, he did not deny his involvement in the drafting process. He claimed that if some pages of the draft were left blank by the Scottish bishops, this was ‘to leave room and space for me to do that for which the book was brought to me’. Clearly, then, his input to the draft was, if not invited, then at least expected.<sup>45</sup> Also revealing is the manner in which he explained that

<sup>38</sup> T.N.A., SP 16/339, fo. 121 is an undated warrant authorizing Laud and Juxon to ‘peruse the canons which are sent from the Bishops of Scotland’.

<sup>39</sup> T.N.A., SP 16/286, fo. 32. The final draft canons were sent to Charles on 2 Apr. 1635 under a covering letter signed by David Lindsay of Edinburgh, John Guthrie of Moray, Thomas Sydserf of Brechin, Patrick Lindsay, bishop of Glasgow and Adam Bellenden, bishop of Dunblane.

<sup>40</sup> *W.W.L.*, iii. 301–80.

<sup>41</sup> A comprehensive discussion of the Scottish context to Laud’s impeachment and trial will be given in James, ‘*This Great Firebrand*’.

<sup>42</sup> *Charge of the Scottish Commissioners*, p. 1.

<sup>43</sup> Even with the survival of an MS. draft of the liturgy bearing Laud’s annotations, his contribution has been questioned (see Donaldson, *Scottish Prayer Book*, p. 80).

<sup>44</sup> *Charge of the Scottish Commissioners*, p. 4.

<sup>45</sup> *W.W.L.*, iii. 318.

Juxon's role in the drafting process was 'as deep . . . as mine'.<sup>46</sup> Thus, Laud implicated Juxon, while at the same time admitting the depth of his own contribution. Despite incriminating the bishop of London, Laud was at great pains to make clear that he looked over the draft canons first and that he did so 'alone by myself'. Only after he had read through and commented on them were the canons sent to Juxon 'for him to do the like'.<sup>47</sup> Judging by the silence in the commissioners' charges, Juxon's hand was absent from the draft, which reinforces the impression that the amendments were solely Laud's.<sup>48</sup> Quite apart from these thinly-disguised admissions, the incipit to Laud's defence includes a stronger advocacy of his contribution in the following terms: 'whatever they of Scotland think, that Church did then need many things to be put in better order, and at this day need many more'.<sup>49</sup> A summary of Laud's multi-layered response, then, would be that he was given leave by the king to alter the draft canons that the Scottish bishops had prepared and sent south. The bishops themselves clearly anticipated his input. The bishop of London was also party to the draft, but Laud perused the canons first, only sending the draft to Juxon once he had seen and commented on it. The bottom line was that, in the face of the Scots' objections, Laud did not regret getting involved in the canons because they were necessary to put the kirk in order, a view he still held. This lends weight to the argument that his involvement extended beyond that of meek obedience to royal instructions.

For the purposes of this article two of the Scottish commissioners' charges – and Laud's corresponding responses – merit special attention. First, the charge that Laud changed the Scottish bishops' suggested title of the canons to a more radical alternative. Next, the accusation that Laud was active in ensuring the inclusion of the canon asserting the royal supremacy over all future changes to doctrine and discipline. Moreover, the last-minute insertion of a canon prohibiting Sabbath fasting can be attributed to Laud, although this additional canon escaped the attention of the Scottish commissioners. All three examples suggest that Laud influenced the canons in decisive ways; two of them even show that he was given enough autonomy by Charles to make significant alterations to the contents of the book after the endorsement of the royal warrant.<sup>50</sup>

Moving to the first of the three cases under consideration, Laud was accused by the Scottish commissioners of having amended the title on Spottiswoode's draft version of the canons – a seemingly trivial matter, but one with serious implications. If they were to have a new disciplinary framework compatible with the nature of Scottish worship and acceptable to Scottish worshippers, the bishops naturally expected the process to be consultative. This is why the title originally chosen for the draft version brought to Charles in August 1634 was 'Canons agreed upon to be proponed to the severall Synods of the Kirk of Scotland'. Having originated as a Jacobean initiative, the new draft canons

<sup>46</sup> *W.W.L.*, iii. 320.

<sup>47</sup> *W.W.L.*, iii. 330.

<sup>48</sup> In their charges the commissioners referred to a letter from Juxon to Maxwell. In this letter, dated 17 Feb. 1636, Juxon thanked Maxwell for sending him a final, printed copy of the canons (*Letters and Journals of Robert Baillie*, i. 438–9).

<sup>49</sup> *W.W.L.*, iii. 318.

<sup>50</sup> *Charge of the Scottish Commissioners*, p. 6. The earliest surviving MS. of the Scottish canons is held in King's College, Aberdeen. MS. 904 is an early 18th-century handwritten transcript of the printed 1636 canons, taken from an earlier copy of the book formerly held at the Leighton Library, University of Stirling, since destroyed. The author is grateful to Helen Beardsley, senior subject librarian (arts) at Stirling for clarifying the provenance of this MS.

were seemingly meant to travel along the same route to approval intended for their predecessor – they would be put before the synods, the diocesan courts, moderated by bishops. The Scottish commissioners claimed that Laud had deleted all reference to the synods in the title and their evidence was the draft written by Spottiswoode, with Laud’s handwritten changes. Rather than going through the synods, Laud’s title now ordained that the canons would be ‘ratified and approved by His Majesties Royall Warrant and ordained to be observed by the Clergie and all others whom they concerne’.<sup>51</sup> With one flourish of the pen – they adduced – Laud had diverted the canons away from their designated path to approval and instead converted them into a prerogative measure. The Scottish commissioners were in no doubt that this change embodied Laud’s belief that the authority for ecclesiastical reform stemmed ‘from the power of prelates, or from the King’s prerogative’.<sup>52</sup> Laud’s written response to the charge suggests that the commissioners were fundamentally right. Making no attempt to deny the central accusation, Laud sought instead to evade it, explaining that the original title ‘could not stand with any congruity of sense, for no church uses to print canons . . . but such as have been proposed and agreed on’.<sup>53</sup> In other words, the canons could not be printed without having first been approved. Laud’s statement, however, was both ambiguous and misleading, glossing over the fundamental issue at stake: that in Scotland ecclesiastical change could not be effected by royal mandate alone. Laud was well aware of this. He had been present in Edinburgh for the 1633 parliament and had witnessed how the king’s subjects there had stood up to Charles’s attempts to wield the prerogative as a weapon of religious reform.<sup>54</sup> As a result, he knew that it would be highly contentious to implement canons by royal warrant and without any consultation beyond a handful of bishops. But the fact of the matter is that Laud was guided by his belief – one that he shared with the king – that the royal prerogative was not subject to any constitutional or geographical constraints, despite the fact that, in religious matters, monarchical authority was still highly contested in Scotland.

An expression of Laud’s conviction that canonical reform was a purely prerogative matter can be found in a letter he wrote to Wentworth in April 1634, shortly before Charles instructed the Scottish bishops to begin drafting new canons. Sent at a time when he was also negotiating new canons for Ireland, Laud advised Wentworth not to put the Irish version before the parliament in Dublin after approval by convocation – ‘lest it make a noise’. After all, as he went on to explain, ‘with us, canons have no other confirmation than the Broad Seal’.<sup>55</sup> In other words, from Laud’s perspective, if a policy was likely to cause a reaction, then it was far better to invoke the royal prerogative than to consult. More importantly, doing so was not, for Laud, unorthodox, because, as he told Wentworth, this was how things were done in England – the use of the word ‘us’ conveys a sense of legitimacy here. This is a half-truth, since there was an expectation, if

<sup>51</sup> *Charge of the Scottish Commissioners*, p. 6; *W.W.L.*, iii. 323; A. MacDonald, ‘James VI and the general assembly’, in *Goodare and Lynch*, pp. 170–85, at pp. 181–2; W. Foster, *The Church before the Covenants: the Church of Scotland 1596–1638* (Edinburgh, 1975), pp. 111–7.

<sup>52</sup> *Charge of the Scottish Commissioners*, p. 6. Had the canons been put to the synods for approval, the bishops – as moderators – or their nominees, would have been involved in their approval.

<sup>53</sup> *W.W.L.*, iii. 323.

<sup>54</sup> J. Young, ‘Charles I and the 1633 parliament’, in *The History of the Scottish Parliament*, ii: *Parliament and Politics in Scotland, 1567–1707*, ed. K. Brown and A. Mann (Edinburgh, 2005), ii. 101–37, 124–9.

<sup>55</sup> *W.W.L.*, vii. 66.

not a requirement, that consultation would take place.<sup>56</sup> In light of the Scottish canons' revised title, this is instructive, but in the broader framework of the three kingdoms, it also prompts an interesting hypothesis. If, according to Laud's understanding, what applied to England was preferable in Ireland and could also be applicable to Scotland, there were no obvious boundaries in his mind between the churches of Charles I. When enacting reform in more than one kingdom, Laud's perception of orthodoxy transcended specific religious contexts. Instead, he could borrow features of one church – the Church of England – and project them across the others. Attempting to distinguish between or label Laud's approach with one of Morrill's terms – congruity, anglicanization or anglicization – becomes problematic here, because he was operating from a 'British' perspective, by thinking in terms of a method which might be extended from one kingdom to three, but he was doing so from an anglocentric position, by virtue of his status as the primate of England.<sup>57</sup> Expanding upon this point, one could argue that the actual process of policy approval adopted by king and archbishop was 'anglicized', to ensure the smooth implementation of the 1636 canons.

Laud's half-hearted attempt to skirt over the significance of the change of title in his response to the charge shows that, rather than being an unfortunate bureaucratic oversight, a 'fatal inadvertency' which rendered the canons unpalatable to the Scots, the decision not to consult was a deliberate and conscious part of the plan.<sup>58</sup> This consideration leads to a further observation. As Laud did not deny having removed the need for synodal approval from the canons' title, is it possible that he was responsible for impressing upon Charles the importance of enforcing the canons by royal prerogative? Going down the synodal route kept the potential for opposition high on the agenda and made unchallenged acceptance of the new canons unlikely. Imposing them by virtue of the royal prerogative, on the other hand, would prevent any potential objections from being given voice and, ideally, speed up the process of canonical reform. According to Mark Kishlansky, both canons and liturgy had been granted assembly approval at Aberdeen in 1616, thus rendering 'without foundation' any claims that the 1636 canons were implemented by royal prerogative alone. This view, refuted thoroughly by Julian Goodare, is not borne out by the evidence above. Moreover, at no point in his response to the commissioners' accusations did Laud rebut the charge on the grounds that the canons had already been granted the prior approval of the assembly, which would have been the obvious response had it been true. Clearly, for Laud and Charles, even before push came to shove, the only legitimate source of approval for canonical reform was the royal mandate.<sup>59</sup>

While the change of title pertained to Laud's actions before the king signed off the final copy, the two further cases discussed below will show that Laud secured the insertion of additional canons in the book after Charles had issued his royal warrant in

<sup>56</sup> The 1604 English canons had been prepared by convocation but were not submitted to parliament for approval, although the 1534 Act for the Submission of the Clergy implied that M.P.s should be involved in the process and there was an expectation that parliament should be consulted (J. Hart, *The Rule of Law, 1603–60: Crowns, Courts and Judges* (2003), pp. 173–4). In 1640, despite similar expectations that the draft canons would be given consideration by the English parliament, they were, instead, authorized after the dissolution of the Short Parliament in May (E. Cope, 'The Short Parliament of 1640 and convocation', *Jour. Eccles. Hist.*, xxv (1974), 167–84). The Irish canons, published in Dublin in 1635, were not, as advised by Laud to Wentworth, presented to the Dublin parliament. They were approved by the Irish convocation in Apr. 1635 (McCafferty, p. 93).

<sup>57</sup> Morrill, 'Ecclesiastical imperialism', p. 225.

<sup>58</sup> Hyde, i. 105.

<sup>59</sup> Kishlansky, pp. 71–2; Goodare, in 'Debate – Charles I: a case of mistaken identity', pp. 194–7.

May 1635. This was the essence of the claim by the commissioners that the approved book of canons published in January 1636, seven months after the royal warrant was signed, contained ‘an addition of some other canons and a paper of new corrections’, which had not been included in the book authorized by the king. According to the evidence in their possession, the commissioners maintained, Laud’s involvement was so obvious that it was a ‘matter out of all debate’.<sup>60</sup> The archbishop responded to this charge with a total denial. He claimed that ‘truly, to the utmost of my memory, I know of none such, but that the copy written by my Ld. of S. Andrews own hand . . . was the very copy which was warranted by his Majesty and without any further alteration’.<sup>61</sup> This could not be clearer. But hitherto neglected evidence from the sixteen-thirties shows incontrovertibly that Laud was, to put it mildly, being economical with the truth. Two extant letters written by Laud in late 1635 – one to Maxwell of Ross, the other to Spottiswoode of St. Andrews – expose important elements of his approach and highlight the unenviable position of the Scottish prelates. While the letter to Maxwell had fallen into the hands of the Scottish commissioners, the letter to Spottiswoode had not. Thus, an important piece of evidence proving that Laud was still making changes to the canons, even as they were being readied for the press, was not included in their charges. But the central point is that both letters call into question the archbishop’s retrospective account of his contribution to ecclesiastical policy, suggesting that caution is warranted when assessing the validity of his claim that he was merely acting on the orders of his superior.

Laud’s letter to Maxwell of 19 September 1635 bears out the first ‘post-warrant’ alteration under discussion: that he conspired with this particular Scottish bishop to add Canon 8.4, which had major implications for the future of the Scottish kirk. The canon threatened excommunication to any presbyter or layman who affirmed the legality of the synod in determining church discipline. Furthermore, it stated that ‘it shall not be lawful for the bishops themselves, in a National Synod or otherwyse, to alter anie Rubric, Article, Canon Doctrinall or Disciplinarie whatsoever’ under pain of censure ‘and His Majestie’s farther Displeasure’. Instead, the king was the ultimate authority on which rested all ‘rules, orders or constitutions in causes ecclesiastical’.<sup>62</sup> This represented a far-reaching innovation, which eroded the Presbyterian foundations of the Scottish church and placed the king above all other decision-making bodies. The evidence for the Scottish commissioners’ charge was Laud’s remark to Maxwell that ‘I am very glad . . . that the true meaning of that one Canon remains still under the curtain. I hope that you will take care that it may be fully printed and passed with the rest. ‘Twill be of great use for the settling of that Church’.<sup>63</sup> This provides unmistakable evidence of Laud’s desire to enshrine the royal supremacy within the canons and to keep its significance hidden until the moment of publication. His response, when charged with having tried to conceal the canon’s full meaning, is more ambiguous. Laud answered the charge in a number of ways. First, and significantly, this was one of the rare occasions on which he did not claim to have been acting on the king’s instructions. Second, he did not deny the fundamental premise on which the canon was based: ‘certainly, it is a canon that in a well-governed Church, may be of great use’.<sup>64</sup> Third, he was vague about having

<sup>60</sup> *Charge of Scottish Commissioners*, p. 6; *W.W.L.*, iii. 320.

<sup>61</sup> *W.W.L.*, iii. 320.

<sup>62</sup> *Canons and Constitutions Ecclesiastical gathered and put in forme, for the Government of the Church of Scotland* (Aberdeen, 1636), p. 25.

<sup>63</sup> *W.W.L.*, vi. 434.

<sup>64</sup> *W.W.L.*, iii. 322.

written to Maxwell to secure its place in the book: 'if I did write to the Prelate of Ross . . . I writ no more then than I believe now'. Finally, he distorted the meaning of his 'behind the curtain' comment. Rather than presenting this as an attempt to conceal the radical nature of this particular canon, he claimed that he had merely observed that the canon was behind a curtain because it 'would not be thoroughly understood by every man'.<sup>65</sup> In sum, Laud's multi-faceted answer to this charge once more casts doubts over the veracity of his retrospective account, revealing both the range of strategies he was prepared to deploy in order to extricate himself from a difficult situation and the fact that he was correctly accused of making critical changes to the canons after they had been given the royal mandate.

Stronger conclusions about Laud's contribution to the canons can be drawn from his letter to Spottiswoode of 1 December 1635.<sup>66</sup> This letter, which was not incorporated into the Scottish commissioners' case against him, nevertheless provides unequivocal evidence that Laud remained engaged in the canons' formulation in the final weeks before they were printed. The post-warrant insertion of Canon 14, which prohibited fasting on the Sabbath, was a direct consequence of Laud's intervention. The insertion of this canon was the result of his discovery that Adam Bellenden, the recently appointed bishop of Aberdeen, had failed to curtail the practice of public Sabbath fasting in his diocese.<sup>67</sup> Fasting had a prominent place in the history of the kirk from the Reformation, and Sundays were often proclaimed fast days. The Scots were the only reformed nation to have a liturgical fasting order, which formed a lengthy section of the 1587 *Book of Common Order*, and in the last decades of the sixteenth century public fasts in which the whole realm could participate could be proclaimed by either the general assembly, parliament, the privy council or the king.<sup>68</sup> Laud, on the other hand, believed that it was the monarch's prerogative alone to determine the place, time and nature of public fasting. This was embodied in the English canons of 1604 and it was reflected in his approach to Ireland, where he urged Wentworth to 'proceed against . . . by public admonition at least' anyone who determined their own fast days without royal approval.<sup>69</sup> Thus, it is not surprising that on hearing that fasting was continuing undisturbed in Aberdeen diocese Laud issued a damning rebuke to Spottiswoode, ordering him to do two things. First, he demanded that Spottiswoode enforce the ban on Sabbath fasting in all dioceses; and, second, Laud instructed him to ensure that a canon against 'this unworthy custom' be included in the final book of canons. Laud was distinctly authoritarian in his attitude to Spottiswoode. Spottiswoode, Laud's equal in both political and ecclesiastical terms, must have been horrified to receive this missive. Not only was he being instructed, in forceful terms, to enshrine in the canons the abolition of a fundamental aspect of Scottish Protestant practice, but he was being ordered to do so by someone who had no formal jurisdiction over him or his church. Nevertheless, the beleaguered Spottiswoode did as he was told and, when the canons

<sup>65</sup> *W.W.L.*, iii. 322.

<sup>66</sup> *W.W.L.*, vi. 443–4.

<sup>67</sup> It is possible that Laud was informed of this transgression by James Wedderburn, dean of the chapel royal. For Wedderburn's contribution to preparing the liturgy, see Donaldson, *Scottish Prayer Book*, p. 80 and Kim, 'The Scottish-Romish-English book', p. 27. For more on Wedderburn's theology, see *Religious Controversy in Scotland: 1625–39*, ed. D. Mullan, (Edinburgh, 1998), pp. 5–9, 50–81.

<sup>68</sup> Mullan, p. 16; M. Todd, *The Culture of Protestantism in Early Modern Scotland* (2002), pp. 344–52.

<sup>69</sup> *W.W.L.*, vii. 298.

were published a month later, they included a written order that suspension or punishment was promised to any clergyman presiding over fasts without royal licence. It was also made unlawful for anyone to fast on a Sunday. Thus, the events leading to the formation and inclusion of this canon attest to the centrality of Laud's role and belie his reputation for circumspection in a Scottish context.

The brevity of the fasting canon – it is among the shortest in the book – supports the view that it was added in haste, and with no time to elaborate the wording, to target a 'malpractice' which was specific to Scotland, but considered unacceptable in an English context. This prompts an obvious comparison with the 1634 Irish canons, some of which were also thrashed out at speed, in response to certain Irish 'abuses'.<sup>70</sup> It also proves that the process of drawing up the canons was a dynamic one: fasting would not have been incorporated in the Scottish canons if Laud had not discovered that the practice was continuing undisturbed and, given Bellenden's laxity, possibly even unofficially sanctioned, in Aberdeen. Laud's letter to Spottiswoode demonstrates beyond reasonable doubt that the canon in question was the brainchild of the English primate. Indeed, it is certain that no Scottish bishop in his right mind would have sanctioned the inclusion of a canon which sought to eradicate a core feature of Scottish Protestant practice. The fasting canon also opens a window into Laud's thinking on the nature of his authority and reveals that he conceived of his role in a three kingdoms framework. When he berated Spottiswoode that fasting on the Sabbath contravened 'the ... Canons of the church', Laud was obviously not referring to existing Scottish canons, since these were not yet in print. Although he might have had in mind the ancient canons of the church, he was in all probability thinking of the English canons of 1604, which had proscribed fasting and which were then being enforced in England. Since he was engaged in the coeval implementation of canonical reform in Ireland, this attitude suggests that there were no clear boundaries in Laud's mind between the churches of Charles I. What Laud envisaged was one 'church' in which the three institutional churches would be bound together by a common application of orthodoxy. Although Laud did not seek formally to incorporate either the Scottish or Irish dioceses within his archiepiscopal remit, he nevertheless interpreted his ecclesiastical authority as one that legitimately crossed both institutional and geographical frontiers.

The trajectory of the canons from draft to final copy is also indicative of Laud's room for manoeuvre in ecclesiastical policy formation. It has been established that Laud secured the inclusion of two further canons in the Scottish book during the 'post-warrant' phase, which lasted from May 1635 to January 1636. This delay corresponds to a similar interval in the preparation of the Scottish Prayer Book, which was endorsed with the canons in May 1635 but not printed until the spring of 1637. Writing of the Prayer Book, Donaldson argued that it was 'barely conceivable that the king should have sanctioned printing' without knowing in detail the further changes required. Thus, he regarded the issuing of the May 1635 warrant as 'premature'.<sup>71</sup> However, given that the coeval drafting of the canons reveals a similar pattern, the delay appears less as an aberration and more like the standard *modus operandi* of sovereign and ecclesiastical statesman. The date on which the royal warrant was issued, in other words, signalled the point at which Charles was happy for Laud to take control and do the necessary 'tuning' in order to get the canons to press. This way of working suited Charles, because it

<sup>70</sup> McCafferty, pp. 93–4.

<sup>71</sup> Donaldson, *Scottish Prayer Book*, p. 49.

enabled him to appear as the authority from which all ecclesiastical matters devolved but without concerning himself with the detail. At the same time, the king's close partnership with Laud and their mutual religious belief also gave the monarch absolute confidence that his archbishop would act in accordance with royal wishes. In making 'post-warrant' amendments to the canons, Laud was conforming to, rather than deviating from, his usual working practice as the king's chief ecclesiastical adviser. This is borne out by the king's reaction to receiving his own printed copy of the canons in February 1636. A first-hand account confirmed that Charles took delivery of the book, 'reade some part of it' and was 'well pleased' with what he read.<sup>72</sup>

Laud's handwritten alterations on the no-longer extant draft canons have been central to the discussion thus far and their significance should be reviewed in drawing this section to a close. In the case of the Prayer Book, the extant draft of which bears Laud's handwritten alterations, it has been argued that changes written in his hand did not necessarily originate with him. They were, instead, amendments that he wrote down, 'merely as a clerk', on the advice of the king and after consultation with the Scottish bishops preparing the liturgy.<sup>73</sup> According to this interpretation, the attribution of the liturgy to Laud is partly explained by the 'accident' of the draft Prayer Book bearing his writing. However, as this section has shown, Laud's handwritten amendments were also to be found all over the draft canons; when set against his autonomy in formulating the canons, their existence on this draft was certainly no accident. Instead, when combined with an analysis of his involvement in the canons project itself, Laud's handwritten notes on the draft book appear less coincidental and more indicative of his influence.

The previous section employed the formulation of the Scottish canons to exemplify the nature of the partnership between Charles and Laud; its conclusion was that, far from being a mere servant, the archbishop took a proactive role in the process of church policy formation. Drawing on the methodology used above, the remainder of this article turns to another inflammatory aspect of the king's programme of ecclesiastical change in Scotland: his attempts to increase the material wealth of the kirk. Thanks to Laud's ability to operate outside the framework of formal institutions, he was in a unique position to engage in this contentious royal policy. In England, the archbishop was actively enforcing a range of policies designed to increase the wealth of both church and clergy. The means by which he did so included the abolition of the feoffees for impropriations in the exchequer court in February 1633, the revived practice of compiling glebe terriers and the restoration of tithes from lay hands to the clergy.<sup>74</sup> In Ireland, Laud was at great pains to keep in Wentworth's mind the 'great busyness of the impropriations', a vigorous programme of reclaiming impropriate rectories pursued by John Bramhall, bishop of Derry, as Laud's chief agent.<sup>75</sup> It would seem incongruous, therefore, for Laud to have kept his distance from any policy which restored wealth and power to the Scottish church. Not only was he profoundly involved in similar policies elsewhere in Charles's kingdoms, but the revival of the church's material and financial position was a project very close to his heart.

<sup>72</sup> *Letters and Journals of Robert Baillie*, i. 439.

<sup>73</sup> Donaldson, *Scottish Prayer Book*, p. 80. Kim suggests that Donaldson was 'far wrong' in this assertion (Kim, 'The Scottish-English-Romish Book', p. 25).

<sup>74</sup> See K. Fincham, 'Episcopal government 1603–40', in *The Early Stuart Church*, pp. 71–91.

<sup>75</sup> E.g., San Marino, Huntington Library, Hastings MS., HA, 15153, 15155. See also, McCafferty, pp. 21–58.



Liturgical and canonical reform occupied the lion's share of the Scottish commissioners' charges in 1640. The charges, however, also accused Laud of having sought 'to gain from the Noblemen, for the benefit of Prelates and their Adherents, the Abbacies of Kelso, Arbroath, St Andrews and Lindores'.<sup>76</sup> It is important to clarify the meaning of this charge. In October 1625, Charles implemented his controversial revocation scheme, which was formally ratified as an Act in the Scottish parliament in June 1633. Although precedents varied, revocation had become an accepted constitutional practice that permitted a sovereign, aged twenty-one to twenty-five, to nullify any grants of royal property, pensions and offices made between their accession and the assumption of majority. A retrospective and counteractive response to the problems of successive minority monarchies and regency governments, revocation was also an instrument of acquisition.<sup>77</sup> Charles's revocation was contentious, although the scope of his scheme remains debated. For a start, Charles had never been a minority monarch, although revocations during a majority had been issued before. Second, the retrospective scope of his scheme was extended to cover all alienations of property dating back to 1566 and, in some cases, to 1540, although, again, this was not entirely unprecedented.<sup>78</sup> Third, Charles interpreted James VI's revocation in such a way as to stake a claim 'to annexe to the Crown as much of the alienated and dispersed properties and revenues of the pre-Reformation Church as possible'.<sup>79</sup> Again, this had been done before. Perhaps most significantly, however, Charles's scheme had 'claws and teeth'.<sup>80</sup> The establishment of the Commission for Surrenders and Teinds (Tithes) in January 1627, enhanced the coercive nature of the process.<sup>81</sup> Although he originally intended a wholesale revocation, Charles's scheme, as enacted through the commission – which was a deliberative and consultative body, with the king retaining ultimate authority for decision-making – became a process of selective realignment and renegotiation of landed titles.<sup>82</sup> This is the part of the process in which Laud took an interest, because the church was the intended beneficiary of any property transfers or teind revaluations, and this is behind the Scottish charge against him.

Laud was not a member of the Commission for Surrenders, so its records are of little help in establishing his direct input, but mining the Scottish commissioners' charges again proves fruitful. Through them, Laud can be linked to four of the most high profile properties which were subject to Charles's revocation during the sixteen-thirties: the former monastic lands of St. Andrews, Arbroath, Kelso and Lindores.<sup>83</sup> By deconstructing Laud's response to the relevant charges and comparing it with other surviving material, it is possible to correct existing scholarly accounts and identify for the first time his role in this important area of Scottish ecclesiastical policy. For the purposes of this article, two cases will suffice: Arbroath and Lindores.

<sup>76</sup> *Charge of the Scottish Commissioners*, p. 5.

<sup>77</sup> MacInnes, pp. 52–4.

<sup>78</sup> MacInnes, pp. 56, 68.

<sup>79</sup> MacInnes, p. 53.

<sup>80</sup> J. Goodare, 'The nobility and the absolutist state in Scotland, 1584–1638', *History*, lxxviii (1993), 161–82, at p. 162. Goodare provides a lucid articulation of both novel and traditional aspects of Charles's revocation in Goodare, 'Debate – Charles I: a case of mistaken identity', pp. 189–201. A detailed account of the Caroline revocation can be found in MacInnes, esp. ch. 3, pp. 49–76.

<sup>81</sup> MacInnes, pp. 62–3.

<sup>82</sup> MacInnes, p. 58.

<sup>83</sup> The records of the Commission for Surrenders and Teinds are held at the National Library of Scotland, Edinburgh.

The broad thrust of the charge relating to Arbroath applied also to Lindores (as well as Kelso and St. Andrews priory) and this was that Laud was responsible for securing the transfer of these ‘temporal lordships’, either in the form of title or teinds. In the case of Arbroath abbey, held by James, third marquis of Hamilton, Laud’s response to this charge was uncomplicated, although, interestingly, he did not deny his involvement.<sup>84</sup> According to Laud, Hamilton had approached him to secure his help ‘without any the least thought of mine that way’. The marquis had offered to surrender the abbey to the king, suggesting that it be annexed to the ‘very poor Bishopric of Brechin, close to which it lay’, in return for the confirmation of his baronial rights over another Scottish priory estate.<sup>85</sup> Having been asked to intervene, Laud dutifully did so and Hamilton then ‘very nobly conveyed Arbroath, as he promised’.<sup>86</sup> However, Laud’s account is overly simplistic, not least because the Arbroath negotiations took several years to thrash out, only concluding in 1636. More importantly, if, as Laud states, Hamilton did approach him, then this is surely indicative that he had a role to play in the surrender to the Crown of alienated temporalities in cases where the church stood to benefit. Thus, even without holding a formal position on the commission, Laud had some agency in this one aspect of Charles’s complex revocation scheme. Other sources confirm Laud’s commitment to enhancing the wealth of the Scottish bishoprics, and especially Brechin, which stood to benefit from the annexation of Arbroath.<sup>87</sup> And, in January 1636, when the surrender of Arbroath was in its final stages, it was Laud who wrote to John Stewart, first earl of Traquair, the Scottish lord treasurer, to ensure that once Hamilton had signed the surrender and the king had approved the ‘mortification’, the bishopric of Brechin should receive ‘all free rent that Arbroath comes to’.<sup>88</sup> In the case of Arbroath, then, Laud’s response to the Scottish charges skims across the surface, whereas there is evidence elsewhere of a deeper involvement.

One further example will be considered: the Lindores affair, which blew up in June 1635. The surrender of Lindores abbey from Sir William Forbes of Craigevar, was the only occasion on which the king resorted to legal compulsion to revoke a temporal lordship.<sup>89</sup> It caused a phenomenal uproar inside the Scottish privy council and across the wider polity and has been described as a ‘dry run’ for the reaction to the Prayer Book in 1637. A summary of the Lindores affair is as follows. In late 1634, Charles took the prerogative decision to pass a warrant under his own hand to bestow for life the abbacy of Lindores upon Andrew Learmonth, a minister of Liberton, near Edinburgh. Although surrendered temporal lordships had been conferred upon bishops – to endow the newly created bishopric of Edinburgh in 1633, for example – the proposal to grant

<sup>84</sup> Arbroath had been held by the Hamiltons since 1604 (The National Records of Scotland (hereafter N.R.S.), GD 406/1/10442, James I to James, 2nd marquis of Hamilton, 5 May 1604). The Arbroath case took a long time to resolve (Scully, p. 181).

<sup>85</sup> MacInnes, p. 75, n. 59.

<sup>86</sup> *W.W.L.*, iii. 314.

<sup>87</sup> N.R.S., MS. 81 Morton, no. 50, Stirling to Morton, 8 Jan. 1635. In a letter to Traquair of 6 Apr. 1634, Laud referred to ‘a new Proposition to increase the Bishoprick of Brechin’ which included the annexation of Arbroath (Innerleithen, Traquair House, Traquair MS., bundle 12, no. 8).

<sup>88</sup> Traquair House, Traquair MS., bundle 12, no. 9.

<sup>89</sup> Appointed a J.P. for Aberdeenshire in 1634, Forbes of Craigevar became an opponent, rather than a supporter, of the Crown in the late 1630s (*The Parliaments of Scotland: Burgh and Shire Commissioners*, ed. M. Young (2 vols., Edinburgh, 1992), i. 245–6; S. M. Vance, ‘Forbes, Sir William, of Craigevar, first baronet (d. 1648)’, *Oxford Dictionary of National Biography* (Oxford, 2004) <<http://www.oxforddnb.com/view/article/67445>> [accessed 22 Aug. 2016]).

Lindores to Learmonth was a new departure. The life grant of Lindores gave Learmonth the power to reduce and annul all grants of land and teinds made since the abbey was secularized, thus raising the spectre, among the gentry in particular, that property rights would be undermined by 'the direction of abbots', the title being a hallmark of the pre-Reformation church. More significantly, if a more general restoration of monastic property to the clergy was the king's ultimate intention, this was plainly at odds with his formal pronouncements on the purpose of the revocation.<sup>90</sup> The widespread apprehension caused by the Lindores grant was conveyed to court by the aged earl of Haddington who, writing to the marquis of Hamilton in June 1635, warned that those holding lands and teinds would 'cease to be his Majesties vassals and fall under the direction of the abbots'.<sup>91</sup> This grant of former monastic land to a cleric raised serious concerns throughout the political nation that greater revenue and power would be 'again restored into the hands of the Churchmen', who would become more powerful than the aristocracy. It was feared that within two years bishops and clergy would control all kirklands and teinds, and there were rumours in circulation that the progress of Charles's revocation represented a reversal of the Reformation.<sup>92</sup> Somewhat prophetically, it was also predicted that, if the Lindores grant went through, Charles's Scottish troubles might well spill over into England.

The essence of the charge against Laud was that he was responsible for procuring the king's warrant for the transfer of Lindores to Learmonth. Given Laud's established commitment to the royal prerogative this is not an outlandish claim and the archbishop's written reply was characteristically oblique. He admitted that he knew of Learmonth and that he 'came recommended to me very highly, and with assurance that the title which he laid to Lindores was just and legal', but Laud also claimed that he had refused to get involved in the Lindores surrender, because he doubted its legality.<sup>93</sup> To be sure, Laud's version is as anaemic as his account of Arbroath; yet it also shows that he had met in person the intended beneficiary, indicating, again, that he was actively involved in the surrender process. No evidence from the sixteen-thirties has survived to elaborate in more detail on Laud's role in Lindores, but his contribution could well have been more substantial than is suggested by his retrospective account. What is clear, though, is that the Lindores controversy marked a turning point in the archbishop's approach to Scottish ecclesiastical policy. Later in 1635, after the eye of the Lindores storm had subsided, Laud wrote an important letter to Spottiswoode. He began his missive with the phrase 'you shall receive nothing from me, but that which is commanded me by the king' and proceeded to inform Spottiswoode that the king had decided 'not to meddle' with Lindores or any other former monastic land 'as yet'.<sup>94</sup> Significantly, Laud also instructed Spottiswoode that, henceforth, Traquair would only take orders on matters concerning the surrender of monastic property either from Charles directly or through Laud. Moreover, these new arrangements were not confined merely to the surrender of

<sup>90</sup> MacInnes, pp. 53, 91.

<sup>91</sup> N.R.S., Hamilton papers, GD 406/1/315, earl of Haddington to marquis of Hamilton, 17 June 1635. A discussion of the significance of this letter can be found in Scally, pp. 183–4. See also, MacInnes, pp. 90–1.

<sup>92</sup> G. Burnet, *The Memoires of the Lives and Actions of James and William, Dukes of Hamilton and Castlereald* (Oxford, 1852), p. 30. Sir William Brereton reported a rumour that 'it is here thought and conceived that they will recover much of that land and revenues formerly belonging to the Abbeyes, as that they will in a short time possess themselves of the third part of the kingdom' (William Brereton, *Travels in Holland, the United Provinces, England, Scotland and Ireland, 1634–5*, ed. E. Hawkins (Manchester 1844), pp. 100–1).

<sup>93</sup> *W.W.L.*, iii. 313.

<sup>94</sup> *W.W.L.*, vi. 438.

church property. Instead, Spottiswoode was ordered to apply the new channels of communication to 'any other business that may reflect upon the Church, or anything that belongs to the king's service, in which Churchmen are trusted'. Traquair must be consulted on anything to do with revocation; Maxwell was the conduit for all other church business. Furthermore, Spottiswoode was commanded to keep this arrangement 'very secret and made known to no other person, either clergy or lay'.<sup>95</sup> These peremptory instructions to Spottiswoode are a very clear example of Laud exceeding the formal limits of his English archiepiscopal office by commanding the Scottish primate in a way that implied he had jurisdiction over him. This goes some way further than the general offering of 'fraternal advice' characteristic of his role as described by Morrill, since the new protocols governed all church business. There was no need for either Laud or Charles formally to reassert the ancient claims of the primate of England over the Church of Scotland, since it was already a working practice.<sup>96</sup>

The letter to Spottiswoode belies Laud's later claim that he had no involvement in the Lindores affair in the sixteen-thirties beyond having a brief encounter with Learmonth. Although inconclusive, the evidence surveyed above raises the hypothesis that Laud's remedial measures in the aftermath of Lindores derived from the fact that he had encouraged the king to sign the prerogative warrant for the abbacy's surrender. The previous discussion of the canons' formulation reinforces Laud's well-known commitment to the use of the royal prerogative in the context of religious policy. It also shows that his retrospective account cannot be trusted, so the suggestion that he had pushed the king on Lindores would not be a step too far. And, if true, this would certainly explain why he was keen to cover his tracks.

This article provides a fresh answer to a question that is central to the historiography of early modern Britain: who was responsible for shaping the contentious ecclesiastical policies implemented during the sixteen-thirties, measures which led to rebellion and civil war in three kingdoms? By foregrounding Laud's contribution to the Scottish canons of 1636, it has shown that, while he was adroit at presenting himself as 'no master' in the process of policy formation, he can hardly be described as a mere servant either. His unique access to the monarch and their shared vision enabled him to act with a considerable degree of latitude in finalizing policies, provided that the monarch was seen as the dominant authority on which responsibility for a particular policy rested. Moreover, as the reform programme unravelled from 1640, Laud was at pains to absolve himself of culpability for policies that were an obvious source of tension and conflict. This was a natural response to the very serious predicament in which he found himself, but his attempts to dissociate himself retrospectively from provocative policies should not blind us to the depth of his entanglement at the moment of policy formation. If, as has been shown, Laud was actively implementing central elements of Crown policy in the Scottish church, his involvement in Scotland converges with his approach elsewhere in the Stuart multiple monarchy. As the Crown was the only source of power common to all three kingdoms, Laud may, after all, have been the hinge upon which the reform programme swung. Finally, in casting light on the dynamics of this unique alliance between sovereign and ecclesiastical statesman, this article also intersects the broader conundrum of how an embryonic composite monarchy functioned prior to the Acts of

<sup>95</sup> *W.W.L.*, iii. 313.

<sup>96</sup> Morrill, 'Ecclesiastical imperialism', pp. 218, 232.

Union in 1707. In the absence of any constitutional, institutional or ecclesiastical union, it was unsurprising that a monarch such as Charles I, whose outlook was shamelessly anglocentric, would employ an English officeholder to implement religious policies that crossed geographical and constitutional borders. In theory, there may even have been some sense in appointing a Crown servant, with daily proximity to the monarch – in this case, an archbishop of Canterbury – to manage a realistic programme of reform across the British archipelago, provided that all lines of communication were kept open across all three churches and as long as the autonomy, traditions and, more importantly, personnel of the churches beyond the borders of England were respected, heard and permitted actively to contribute to the reforming process. It would have been a difficult endeavour, but not an impossible one. However, given the character of the Laud-Charles partnership, their distinctive and ambitious vision, the nature of the reforms attempted and the fact that avenues of communication and consultation beyond England were closed down, it was, instead, a catastrophic combination.