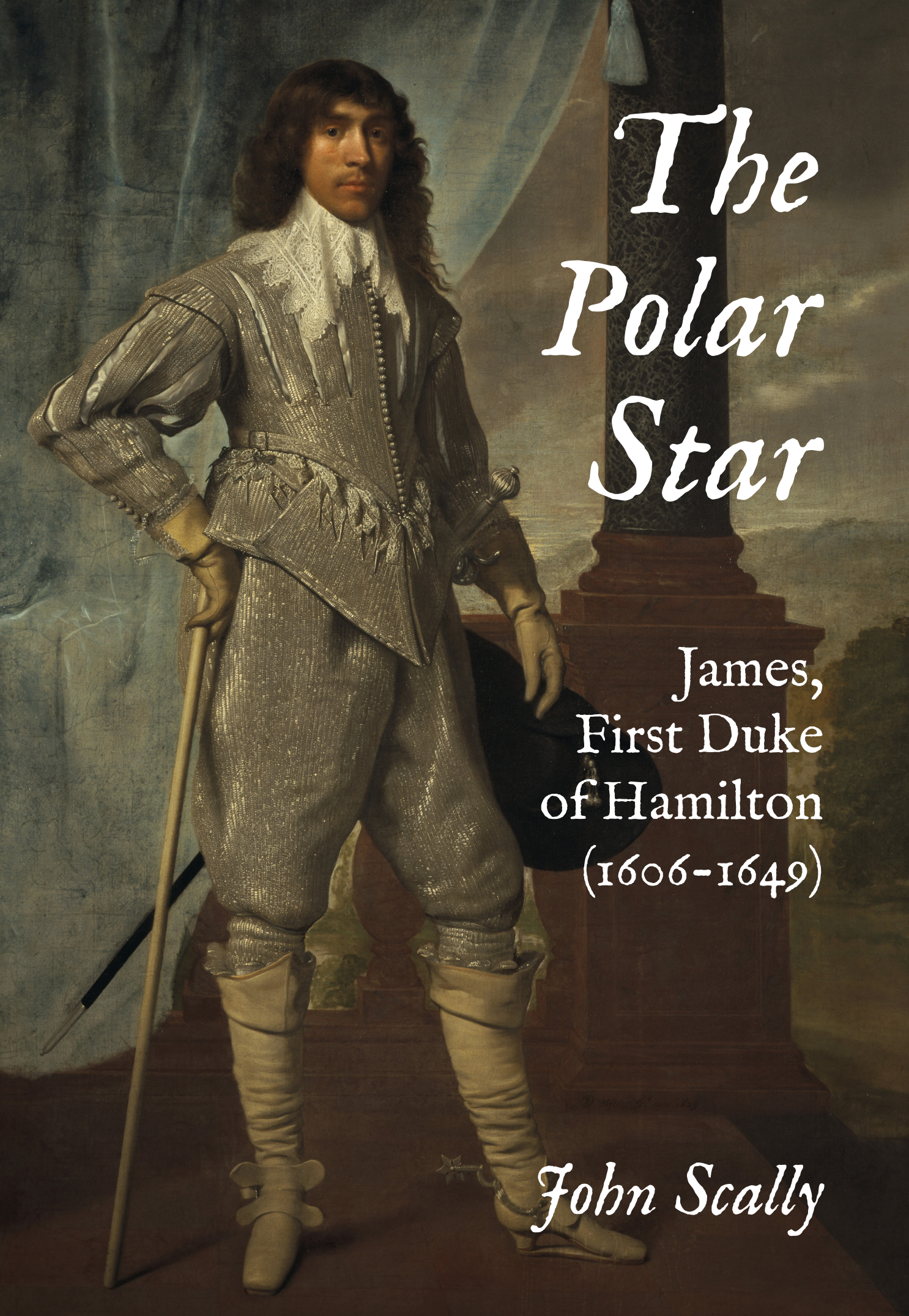

The Polar Star

James, First Duke of Hamilton (1606-1649)

John Scally

The Polar Star: James, First Duke of Hamilton (1606–1649)

John Scally

'Hamilton was the polar or northern starr.'
Philip Warwick, *Memoires of the Reigne of King Charles I* (London 1701)

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For Christopher, Ewan, Anna, Alex & Ava

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Preface

This is a political biography of the first duke of Hamilton, who played a crucial role in the politics and life of Britain in the first half of the seventeenth century. Related by blood to the Stuarts, he joined the court in 1620 and was executed in 1649. During that time, he was a key figure in some of the most momentous events in British history, the wars of the three kingdoms and the collapse of the Stuart monarchy. An important feature of my argument is that the closer you can get to the king, the clearer these events become. And Hamilton, combined with the numerous papers and correspondence he left behind, is probably the closest we can get to the throne.

The book turns on the experience of the highest nobleman in Scotland intimately connected to the king who provides a unique perspective on the politics and culture of the Stuart court, before, during and after the descent into the wars of the three kingdoms. The core of evidence used is from the vast Hamilton Archive, which provide fresh new insights at each stage of the unfolding crisis. Not only was the duke close to the king, but he was also acceptable to many of the groups opposing Charles, both in Scotland and England, due to his noble status, his political and religious beliefs, and his proximity to the throne. His wider orbit, therefore, provides further points of interest and revelation.

This is the story of a consummate courtier politician gradually engulfed by the collapse of the Stuart state. Positioning Hamilton as a highly skilled politician working at the centre of power amounts to a substantial revaluation of his career and is based on original sources, some of which are only relatively recently available to the public and are often obscured in private archives in the UK. Another aspect of this study is that Hamilton's writing and grammar, even by the loose standards of the time, was unconventional. He wrote in a phonetic Scots, which signalled the way he spoke. It brings into sharper focus that the multiple kingdom nature of the Stuart dominions was replicated in the range of accents to be heard from the lowest to the highest at court. The king and the duke would have had little difficulty tuning into those linguistic variations.

The duke was born in Hamilton, Lanarkshire, in 1606, and his great friend the king was born in Dunfermline in 1600. They were both executed in London within a few weeks of each other.

A final word on the title. It is taken from the memoirs of Sir Philip Warwick (1609–1683) whose descriptions of Hamilton were not always flattering but ring true. The quote is from the period earlier in Hamilton's career when he had returned to court, following the assassination of the duke of Buckingham in 1628, and was given the great duke's court title of 'master of the horse'.

Acknowledgements

When a book takes this long to complete, due to career interruptions and other obstacles life throws at you, the list of people to thank is a long one. Dr Simon Adams pushed me as an undergraduate to be more rigorous in my approach to history. He also pushed me to do a PhD, to which I replied, 'What's that?' My supervisor, Professor John Morrill provided the support I needed to complete the PhD in good time and gave 'faitherly' support when needed. Both happily became mentors after the certification had been secured and shaping a career became the objective. I owe them more than they will ever know.

Many other academics have encouraged and cajoled me to 'get the book out' or with slightly more exasperation enquired, 'when is that book going to be finished?': Keith Brown, Billy Kelly, Jane Ohlmeyer, John Adamson, David Smith, John Young, Allan Macinnes, Éamon Ó Ciarda, Willy Maley, Andrew Noble, Tom Devine, and many others nudged me along. Some went even further by reading drafts and providing comments: John Morrill, Simon Adams, Keith Brown, Brendan Bradshaw, Billy Kelly, David Smith, Jane Ohlmeyer, and John Adamson.

I have benefited greatly from the help and support of numerous librarians and archivists throughout the UK, but especially the staff of the Historical Search Room at the National Records of Scotland. David, Alison and Tristram patiently managed my frustration at only being allowed 'three items at a time.' I loved visiting and consulting several private archives, including the Traquair Papers in the Scottish Borders and the Tollemache Papers in Grantham. I was made most welcome and looked after with such care that I remember the experience as if it were yesterday. The seeds of those experiences subtly steered me towards a library rather than an academic career.

I was pleased to receive from the Ruth Ratcliffe Fund (NLS) a grant for a period of research leave to work on the book. I would like to acknowledge Ruth Ratcliffe's generosity and to thank the trustees for the award. My warmest thanks to the peer reviewers who made a number of helpful suggestions. All remaining issues are entirely my responsibility.

My father, a Glasgow bricklayer, died when I was half-way through my undergraduate degree, though he remained very concerned until the end that I was 'still at the school,' while my mother was unconditionally supportive, 'brilliant', until she died a few years ago.

My wife Nicola read the book in draft and made countless useful suggestions and brought her experience as a librarian and as director of the LSE Press to her efforts. She will understand my reasons for dedicating the book to our five children: Christopher, Ewan, Anna, Alex, and Ava.

Illustrations

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The BL King's Topographical Collection: "[Map of Germany m … | Flickr

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https://commons.wikimedia.org/wiki/File:Ann,_Duchess_of_Hamilton.jpg

Introduction

The first duke of Hamilton played an important role in the politics and life of Britain in the first half of the seventeenth century. Born in 1606 into the Scottish ancient noble family of Hamilton, who enjoyed a blood connection with the royal Stuarts through marriage, he was well placed to take full advantage of the union of the crowns which opened up substantial opportunities in England and Ireland. The centre of that new world was the recently established Stuart court in London. Hamilton's father, the 2nd marquis had been lured there by James VI & I in 1617 to become the Scottish favourite. Hamilton, styled earl of Arran, entered that courtly world in December 1620 at the age of fourteen and was executed on a scaffold outside Whitehall Palace in March 1649. During that period, he was involved in some of the most momentous events in British history, the wars of the three kingdoms and the collapse of the Stuart monarchy. His story casts a distinctive light on the period and allows a fresh account of the slowly unfolding crisis that saw an anointed king put on trial and publicly executed.

The career of James, 3rd marquis and 1st duke of Hamilton (1606–1649) falls into three parts: the first, from 1606–1638 concerns events prior to the Scottish troubles and the subsequent three kingdom crisis that enveloped the British Isles; the second, from 1637–1643, spans Hamilton's involvement in the collapse of Charles I's three monarchies in Scotland, Ireland and England; and the third and final part, from 1644–1649, covers Hamilton's role in the Engagement in Scotland and the second series of wars in England and Scotland.

Part one consists of five chapters: essentially a cluster of studies mainly concentrating on events prior to 1638. Chapter 1 covers the background of the Hamilton family, and looks at the career of Hamilton's father, James, 2nd marquis of Hamilton, and it concludes with a discussion of our subject's early career to 1629. Chapter 2 recounts Hamilton's involvement in the German wars under the king of Sweden, Gustavus Adolphus, and the impact of his German venture at home and abroad. Chapter 3 looks at Hamilton's patronage of the Protestant cause, his continued interests in

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foreign policy and concludes with a short section on his religion. Chapter 4 reconstructs Hamilton's career in England and Chapter 5 does the same for Scotland and Ireland.

Part two presents three chapters on Hamilton's role in the three-kingdom crisis between 1637–1643. The conclusions from part one will offer a fuller picture of the marquis during the political crisis. Not only that, but a distinctive picture also emerges of one of Charles I's most intimate and British-minded ministers struggling to steer the king towards a settlement, while trying to avoid censure from the king's opponents and his hard-line supporters in the three kingdoms. Part three covers the remarkable final phase in Hamilton's life over three chapters detailing the Engagement, defeat at Preston and his execution in London.

This is a story of a conciliator, a skilled politician seeking to avoid the descent into civil war in all three kingdoms. That the king ordered the imprisonment of his friend and moderate counsellor, illustrates the depth of the crisis in the three kingdoms at the close of 1643. In a truly remarkable final act, Hamilton emerged from prison in the summer of 1646 and in a matter of eighteen months transformed the political situation in Scotland. This led to an invasion of England by a Scottish army determined to restore their uncovenanted king. That Hamilton did it through the Scottish parliament and vanquished the marquis of Argyll in the process is no less extraordinary and compares to the parliamentary revolution in Scotland in 1639–1640 that ushered the Argyll covenanters into power.

The study is based principally on the massive Hamilton archive located at the National Records of Scotland in Edinburgh and the papers retained by the duke of Hamilton at Lennoxlove, East Lothian. The archive contains approximately 10,200 items of correspondence and 10,000 estate, building and household accounts.[1] Given this amount of material, the structure of the study has been determined by – and is in some part an attempt to make sense of – the relevant material in that collection. At that level therefore, it was essential to master the archive before mastering the subject under study. Most of the state papers in the Hamilton archive were sold to the National Records of Scotland in 1982 and the correspondence part was made available to the public as GD 406/1 using the catalogue compiled by Dr Rosalind Marshall as an appendix to her 1968 thesis.[2] The other part of the State Papers (M1 and M9) comprising draft papers, petitions, commercial papers and political papers is currently being catalogued and will appear as GD 406/2.[3] What remains at the present duke of Hamilton's residence at Lennoxlove comprise largely of estate papers and other financial accounts.[4]

Although the character of the correspondence ranges from draft, copy and original, a lot of the material prior to 1638 consists mainly of incoming letters. This means that we are often reconstructing Hamilton's activities from other people's correspondence. An attempt has been made to balance this with material from the Feilding of Newnham Paddox MSS (Hamilton's English relatives) and the Traquair MSS, but it is nevertheless the main weakness in the Hamilton Papers.[5] Naturally then, this is reflected in part one of the study. This is less of a problem in part two, though it is replaced by the archive taking on a dual role from February 1640 when Hamilton's brother William, earl of Lanark, was made secretary for Scotland at court following the death of

[1] R.K. Marshall, 'The House of Hamilton in its Anglo-Scottish Setting in the Seventeenth Century' (PhD University of Edinburgh, 1968), Abstract. My own estimate for the period 1625–1644 from a rough count in the Hamilton correspondence catalogues (including the supplementary and undated catalogues) amounts to 3,250 letters. This does not include the M1/M9 state papers nor the Lennoxlove papers: for them see below.

[2] Marshall, 'The House of Hamilton', catalogue appendices.

[3] Dr David Brown is cataloguing the M1, M9 series and I am most grateful to him for many helpful discussions on the Hamilton Papers and for allowing me access to the M1, M9 papers.

[4] This is a massive archive in itself and is currently being sorted by the National Register of Archives, Scotland. The current surveys are NRA(S) 2177, 332. I would like to thank His Grace the duke of Hamilton for permission to consult the Lennoxlove archive.

[5] Hamilton regularly made copies of his letters during his commissionership to Scotland in 1638, but less frequently before.

William Alexander, earl of Stirling. From then on, we must judge what material is Hamilton's or Lanark's as secretary. These problems aside, using the Hamilton Papers as a master source has allowed not only the reconstruction of the duke of Hamilton's career in considerable depth, but it permits a distinctive version of the period between 1628 and 1649.

The 1st duke of Hamilton has had two previous biographers: Bishop Gilbert Burnet (1643–1715), a near contemporary writing in the first two decades of the Restoration, and Hilary L. Rubinstein, whose work appeared in 1976.[6] Burnet burned with indignation that the duke had been:

> represented to the world with foul and base characters, as if he had been a monster both for ingratitude and treachery, though he had laid down his life for the king and involved his estate in vast debts for his service. It seemed to me the greatest injustice in the world …[7]

His study is on the one hand dedicated to Charles II with whom he corresponded during the research and writing and who allowed the author 'to tell the truth freely'.[8] On the other hand, Burnet drew some of his historical context from conversations with his own father, Robert, Lord Crimond (1592–1661), a Court of Session judge, who lived through the times and was Archibald Johnston of Wariston's brother-in-law, one of the leading Covenanters.[9] In addition, Burnet was sent the Hamilton archive by the duke and duchess of Hamilton and proceeded to bring it 'into some order' before writing his history.

All of these factors need to be considered when assessing Burnet's text. In essence, the author sought to correct a historical error in relation to the poor reputation of the duke of Hamilton, he rearranged the archive possibly to suit his purpose, and his final written text righted a historical wrong. Burnet's biography is an *apologia* for Hamilton and is structured around the selective presentation of largely accurate transcriptions of letters from the Hamilton Papers, punctuated by a commentary on Hamilton's unwavering loyalty to Charles I.[10] Three hundred years later, the opposite view was taken by Hamilton's second biographer. Hilary L. Rubinstein felt that the catchy title of her biography, *Captain Luckless*, a soubriquet coined by Hamilton's bête noire James Graham, 5th earl and 1st marquis of Montrose in 1649, provided 'a fitting epitaph for this maligned and misunderstood man'.[11] Rubinstein portrayed Hamilton as 'the arch-apostle of compromise' compelled by 'vague prejudices or self-interest' who in the final analysis was 'the most disastrous adviser a monarch ever had'.[12] It can be safely argued, therefore, Rubinstein challenged Burnet's uncritical appraisal of Hamilton's worth, but her argument is not supported by any evidence that she returned to the vast primary sources available for such an appraisal. Instead, she relied almost exclusively on the transcribed letters in Burnet's *Lives* as her primary source. Further discussion of Rubinstein's biography would serve little useful purpose, as it largely belongs to the genre of popular biographies normally associated with the marquis of Montrose (who conveniently provided the title for Rubinstein's biography) and Mary, Queen of Scots, in which a superficial narrative is enlivened by anecdotes of questionable provenance.[13]

For these reasons, it would be pedantic and tiresome to engage at every stage with the arguments of Hamilton's previous biographers as the present study differs so fundamentally in form,

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[6] Gilbert Burnet, *The Memoirs of The Lives and Actions of James and William Dukes of Hamilton and Castle-Herald* (Oxford, 1673, repr. 1852); H.L. Rubinstein, *Captain Luckless: James, First Duke of Hamilton, 1606–1649* (New Jersey, 1976).

[7] Burnet, *Lives*, p.ix.

[8] Burnet, *Lives*, p.xv.

[9] Burnet, *Lives*, pp.iii–iv, ix.

[10] See for example, Burnet, *Lives*, pp.1–3, 8, 142, 187, 424–25, 520–21, 523.

[11] Rubinstein, *Captain Luckless*, p.1.

[12] *Ibid*, p.174.

[13] See for example, *Ibid*, pp.16–17, 23, 41, 42, 45, 65–72 and *passim*. The chapter titles that Rubinstein employs suggest a popular audience, for example, 'Cry Treason', 'A kindly Scotsman' and 'Scotland ablaze'.

content and aims. Not only is this study from a British, even European, perspective, it is grounded on a thorough examination of the original Hamilton manuscripts and other primary sources that have never been used in a full-length treatment of one of Scotland's principal 17th century figures. Rubinstein's efforts aside, this has not been attempted since Hamilton received such sympathetic treatment from Bishop Burnet in 1673, some twenty-five years after the young duke lost his life on the scaffold in London.

The historical context in which Hamilton's life played out is amongst the most turbulent in the history of the British islands. A rich and complex bibliography has resulted with successive generations of academic and popular historians mining the sources and presenting a myriad of interpretations. I have benefited hugely from the wonderfully different narrative arcs created by historians over the last 150 years. S.R. Gardiner stands the tallest of all with his multi-volume histories, *History of England 1603–42* (1883–4) and *History of the Great Civil War 1642–49* (1893). Putting aside the author's Victorian liberal views and his promotion of the great men of the English House of Commons to the forefront of his account, and thereby demoting the nobles to mere bit players, his two multi-volume works dazzle on every page and provide a narrative that has yet to be equalled. I found great value in the elegant writing of C.V. Wedgwood, whose *The King's Peace 1637–41* (1955) and *The King's War* (1958) remain a smooth entry point into a complex world. I would have struggled to lay a narrative foundation on Scottish events of the period, without the guiding hand of David Stevenson's *The Scottish Revolution* (1973) and *Revolution & Counter-Revolution* (1977), alongside his numerous scholarly articles, many of them handily brought together in 1997 by Ashgate.[14] More recent accounts by a number of scholars, including Allan Macinnes, Peter Donald, John Young and Laura Stewart, have added considerably to the story.[15] Conrad Russell's work as the lead revisionist of his day remains stimulating, especially his insistence on events in Scotland being the factor that fatally destabilised the Caroline polity. His *Fall of the British Monarchies 1637–42* (1991), *The Causes of the English Civil War* (1990) and selected essays *Unrevolutionary England 1603–42* (1990) still yield interesting insights and deadly quotes from the archives.[16]

John Morrill stands out in 17th century history and for over 40 years he has kept up a constant dialogue, in print and public speaking, spanning all the Stuart kingdoms, critiquing religious, political, and economic topics with a generosity and openness that is uniquely him. His collected essays up to the early 1990s, *The Nature of the English Revolution* (1993) are an essential read, particularly around causes and scholarly debates on the period; so too is his work on Oliver Cromwell (1990 and 2007 and 2023 forthcoming) and his prodigious editorial work and book reviews. John Adamson's *Noble Revolt* (2007) superbly recasts the nobility to a more central role in the unfolding crisis and rehabilitates the House of Lords, while his edited volume *The English Civil: conflicts and contexts, 1640–49* (2009) contains a terrific introduction 'High Roads and Blind

[14] S.R. Gardiner, *History of England, 1603–1642* (12 vols in 10, London, 1883–1884); S.R. Gardiner, *History of the Great Civil War, 1642–1649* (4 vols., London, 1893); C.V. Wedgwood, *The King's Peace 1637–41* (London, 1955); C.V. Wedgwood, *The King's War, 1642–1647* (London, 1958); David Stevenson, *The Scottish Revolution, 1637–1644: The Triumph of the Covenanters* (Newton Abbot, 1973); David Stevenson, *Revolution and Counter-Revolution in Scotland, 1644–1651* (London, 1977; repr. 2003); David Stevenson, *Union, Revolution and Religion in 17th Century Scotland* (Aldershot, 1997).

[15] A.I. Macinnes, *Charles I and the making of the Covenanting Movement* (Edinburgh, 1991); P.H. Donald *An Uncounselled King: Charles I and the Scottish Troubles, 1637–1641* (Cambridge, 1990); J.R. Young, *The Scottish Parliament 1639–1661: a political and constitutional analysis* (Edinburgh, 1996); Laura A.M. Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland 1637–1651* (Oxford, 2016). See also, Leonie James, *'This Great Firebrand': William Laud and Scotland, 1617–1645* (Woodbridge, 2017); Alexander D. Campbell, *The life and works of Robert Baillie (1602–1662): politics, religion and record-keeping in the British Civil Wars* (Woodbridge, 2017); Barry Robertson, *Royalists at War in Scotland and Ireland, 1638–1650* (London, 2016).

[16] Conrad Russell, *The Causes of the English Civil War* (Oxford, 1990); Russell, *Unrevolutionary England, 1603–42* (London, 1990); Russell, *The Fall of the British Monarchies, 1637–1642* (Oxford, 1991).

Alleys – The English Civil War and its Historiography' followed by excellent essays by leading scholars. Keith Brown's work on the Scottish nobles, particularly his *Noble Society in Scotland* (2000) and *Noble Power in Scotland* (2013) and numerous essays have helped develop my thinking about the issues vexing the Scottish nobility in the run up to the National Covenant. John Young's *The Scottish Parliament 1639–1661* (1996), Clyve Jones ed., *The Scots and Parliament* (1996) and the *History of the Scottish Parliament* volumes of essays (2004–10) produced from the St Andrews parliamentary project resulted in a sharpening of my thinking on the role of the nobles in the unicameral chamber.[17]

Scholarly work on royalism and royalists has never kept pace with the attention received by, for example, parliamentarians in England, covenanters in Scotland and confederates in Ireland. In recent years, however, the subject has enjoyed a revival in publications. We have been catapulted from Brian Wormald's *Clarendon* (1951) to vigorous debate on the motivation of the various royalist individuals and factions supporting the king. Early works include Joyce Lee Malcolm's *Caesar's Due: Loyalty and King Charles, 1642–1646* (1993), David Smith's *Constitutional Royalism and the Search for Settlement, c.1640–1649* (1994) and James Loxley's *Royalism and Poetry in the English Civil Wars: the Drawn Sword* (1997).[18] An important aspect of Smith's clear defining of constitutional royalism was that it prompted discussion over the next decade and a half. This can be followed through Jason McElliot's *Royalism, Print and Censorship in Revolutionary England* (2007), a collection of essays edited by McElliot and Smith on *Royalists and Royalism during the English Civil Wars* (2007) and David Scott, 'Rethinking Royalist Politics, 1642–1649' (2009).[19]

Aside from those mentioned already, a few books stirred me to stay the course, John Adamson's *The Princely Courts of Europe* (2000), Richard Cust's *Charles I: A political life* (2007), Allan Macinnes's *The British Confederate* (2011) on the marquis of Argyll, Jane Ohlmeyer's *The Career of Randal MacDonnel, Marquis of Antrim* (1993), Micheál Ó Siochrú's *God's Executioner* (2008) on Cromwell in Ireland, Blair Worden's *The English Civil Wars 1640–60* (2009), Tessa Watt's *Cheap Print and Popular Piety 1550–1640* (1991), and Austin Woolrych's magisterial *Britain in Revolution* (2002).

Of course, writing a biography is not the same as many of the excellent scholarly works mentioned here and in the bibliography. For one thing, the subject is born and dies, which sets hard dates on either end of the study. There are fewer biographies of key individuals than you would expect, given the richness of study on every other subject. Roger Lockyer's life of the duke of

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[17] John Morrill, *The Nature of the English Revolution: essays by John Morrill* (London, 1993); *Morrill, ed., The Scottish National Covenant in its British Context, 1638–51* (Edinburgh, 1990); Morrill, *Oliver Cromwell* (Oxford, 2007) and other refs in the Bibliography; John Adamson, *Noble Revolt: the overthrow of Charles I* (London, 2007); Adamson, ed., *The English Civil War: Conflicts and Contexts, 1640–1649* (Basingstoke, 2009); Adamson, 'The Baronial context of the English Civil War', *Transactions of the Royal Historical Society*, 5th Series, xl (1990), 93–120, and other refs; Keith Brown, *Noble Society in Scotland: wealth, family and culture from the Reformation to the Revolution* (Edinburgh, 2000); Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh, 2011, ppk 2013) and other refs. See also R.C. Richardson, *The Debate on the English Revolution* 3rd edn. (Manchester, 1999). See the Bibliography for the rest.

[18] B.H.G. Wormald, *Clarendon: politics, history and religion, 1640–1660* (Cambridge, 1951; repr. 1989); Joyce Lee Malcolm, *Caesar's Due: Loyalty and King Charles I, 1642–1646* (London, 1983); David L. Smith, *Constitutional Royalism and the Search for Settlement* (Cambridge, 1994), see espec. 1–5 defining constitutional royalism; James Loxley, *Royalism and Poetry in the English Civil Wars: the Drawn Sword* (Basingstoke, 1997). See also, David Underdown, *Royalist conspiracy in England, 1649–1660* (New Haven, 1960); Ronald Hutton, 'The Structure of the Royalist Party, 1642–1646' *HJ*, 24/3, 553–569; Ronald Hutton, *The Royalist War Effort, 1642–1646* (London, 1982).

[19] Jason McElliot, *Royalism, Print and Censorship in Revolutionary England* (Woodbridge, 2007); Jason McElliot & David L. Smith, *Royalists and Royalism during the English Civil Wars* (Cambridge, 2007), espec. 'Introduction: Rethinking Royalists and Royalism'; David Scott, 'Rethinking Royalist Politics, 1642–1649', 36–60 (and bibliographical comments, 306–307), in Adamson, ed., *The English Civil War* (Basingstoke, 2009). See also Anthony Milton, 'Anglicanism and Royalism in the 1640s', 61–81, in Adamson, *English Civil War*; Robertson, 'Scottish and Irish Royalism in Context' in his *Royalists and Royalism in Scotland and Ireland, 1638–1650* (London, 2016).

Buckingham (1981), Jane Ohlmeyer's Antrim (1993), Allan Macinnes's Argyll (2011), David Stevenson's *Highland Warrior* (1980) on Alasdair MacColla, David Smith's PhD thesis (1990) and subsequent articles on the earl of Dorset (1990), Billy Kelly's PhD thesis on the earl of Ormond (1997), Alexander Campbell's *Life and Works of Robert Baillie* (2017) and Richard Cust on Charles I (2007) all helped to challenge my thinking on how to approach a biography.[20] Other scholars have looked at a decisive aspect of an individual's career as the limit for their study. Hugh Kearney's *Strafford in Ireland* (1959) continues to be relevant, while Leonie James' study of Laud's influence on religious policy in Scotland (2017) makes a strong case for the archbishop being much more involved than he later claimed.[21] As we will find, Hamilton would have emphatically agreed that Laud was up to his neck in the formulation of the Canons and Prayer Book.

There are many historiographical essays and perceptive prefaces scattered through these and other volumes which are referenced in the footnotes and listed in the bibliography at the end of this book. The surveys I found most useful were John Morrill's introduction and essays in *The Nature of the English Revolution* (1993), Austin Woolrych's admirably succinct 'Prologue' in *Britain in Revolution* (2002), John Adamson's excellent 'High Roads and Blind Alleys – The English Civil War and its Historiography' in *The English Civil War* (2009), Barry Robertson's bibliographical essay on royalists and royalism in Scotland and Ireland in his *Royalists at War* (2017) which provides a welcome overview of the subject, while Keith Thomas's review 'When the Lid came off England' (2004) nicely encapsulates the historical trends over a much longer timespan.[22]

[20] Roger Lockyer, *The Life and Political Career of George Villiers, First Duke of Buckingham, 1592–1628* (Singapore, 1981); Jane Ohlmeyer, *Civil War and Restoration in the Three Stuart kingdoms: the career of Randal MacDonnell, Marquis of Antrim, 1609–1683* (Cambridge, 1993); Allan I. Macinnes, *The British Confederate: Archibald Campbell, Marquess of Argyll, 1607–1661* (Edinburgh, 2010); David Stevenson, *Highland Warrior: Alasdair MacColla and the Civil Wars* (Edinburgh, 1980); David L. Smith, 'The Political Career of Edward Sackville, Fourth Earl of Dorset (1590–1652)' (PhD University of Cambridge, 1990); W.P. Kelly, 'The early career of James Butler, twelfth earl and first duke of Ormond (1610–1688)' (PhD University of Cambridge, 1997); Alexander D. Campbell, *The life and works of Robert Baillie (1602–1662): politics, religion and record-keeping in the British Civil Wars* (Woodbridge, 2017); Richard Cust, *Charles I: A Political Life* (Harlow, 2005, ppk 2007).

[21] James, *'This Great Firebrand'*, pp.1–4, 42–82, 67–69, 86; H.P. Kearney, *Strafford in Ireland, 1633–41* (Manchester, 1959 & Cambridge, 1989).

[22] John Morrill, *The Nature of the English Revolution* (1993), pp.1–29; John Adamson, ed., *The English Civil War: Problems in Focus* (London, 2009), pp.1–35; A. Woolrych, *Britain in Revolution* (London, 2002), pp.1–6; Barry Robertson, *Royalists at War in Scotland and Ireland, 1638–1650* (Farnham, 2014), 1–25; Keith Thomas, 'When the Lid Came Off England' (2004), When the Lid Came off England | Keith Thomas | The New York Review of Books (nybooks.com).

PART I

CHAPTER I

The Road to Court, 1606–1628

I

The Hamiltons were one of the oldest noble families in early modern Scotland. Their ancestry extended back at least to Sir Walter Fitzgilbert (1294–1346), known as Walter, son of Gilbert, who accrued lands in Kinneil, Larbert and Auldcathy after transferring allegiance from Edward I (1239–1307) to Robert the Bruce (1274–1329) following the Battle of Bannockburn in 1314.[1] The family's rise began in earnest with Sir James Hamilton of Cadzow (c.1410 or 15–79), county Lanark, who was a privy councillor to James II in 1440 and was created a hereditary lord of parliament on 3 July 1445 under the title James, 1st Lord Hamilton.[2] He was prominent in public life and by his first marriage was connected to the earls of Strathearn and through them to the Douglases.[3] It was, however, the first Lord Hamilton's second marriage that had lasting significance for his family, for in 1474 he married Lady Mary Stewart, widow of the disgraced Thomas Boyd, earl of Arran (d.1474), daughter of James II and sister of the reigning James III. By this marriage, the Hamiltons inherited not only the earldom of Arran, but were acknowledged next in line to

[1] George Hamilton, *A History of the House of Hamilton* (Edinburgh 1933), p.3. Oxford DNB, 'Hamilton Family', https://doi.org/10.1093/ref:odnb/54222 (accessed, 10.06.2022). In this account of the background to the Hamilton family, I have benefited from reading the following works, Sir James Balfour Paul, ed., *The Scots Peerage* (9 vols. Edinburgh, 1904–14), iv, 339–383; G.E. C[okayne], *The Complete Peerage* (New edition, ed. V. Gibbs et al., 14 Vols., London, 1910–59), i, 219–224; ii, 254–265; John Spottiswood, *The History of the Church of Scotland, beginning the Year of our Lord 203, and continued to the end of the Reign of King James VI* (Edinburgh, 1655); David Calderwood, *The True History of the Church of Scotland from the beginning of the Reformation, unto the end of the Reigne of King James VI* (Edinburgh, 1671).

[2] G. E. C., *Complete Peerage*, ii, 254.

[3] He married in February 1440 Eupheme, widow of Archibald, fifth earl of Douglas, first daughter of Sir Patrick Graham by Eupheme, suo jure countess of Strathearne, *Ibid,* 255. Oxford DNB, https://doi.org/10.1093/ref:odnb/54222 'Hamilton Family' (accessed, 10.06.2022).

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the Scottish throne after the royal Stewarts.[4] The Hamiltons became cousins and blood relations to the Stewart royal family, being either heirs to the crown or next heirs after a single royal child down to 1597. In that year, the birth of James VI's second child, Elizabeth, put her and her brother, Henry (born in February 1594), between the Hamiltons and the Scottish crown.[5] For over a hundred and thirty years the Hamiltons stood poised to ascend the throne of Scotland, and this left a lasting impression on the family and on early modern Scottish society. The noble surname Hamilton and 'Scottish crown' became linked, for good or ill, as a compliment or as a criticism.

That proximity to the Scottish crown ensured that the Hamiltons were entangled in the complex drama of sixteenth century regency politics, which reached a high point between 1543 and 1554 when the 3rd earl of Arran and duke of Chatelherault was regent of Scotland, second person of the realm and heir presumptive to the crown.[6] Chatelherault opposed Mary's marriage in 1565 to Henry Stewart, Lord Darnley (1545–1567), but later became the chief spokesman of the Marian party in Scotland.[7] On a similarly high profile, Chatelherault's eldest son, James, 3rd earl of Arran, was put forward at different times as a prospective husband for Queen Elizabeth of England and Queen Mary of Scotland. As a result, perhaps, he was later declared insane and incarcerated in a number of Hamilton residences until his death in 1609.[8]

Two of Chatelherault's other sons, Lord John (1539/40–1604), the head of the family due to his elder brother's insanity, and Lord Claud (1546–1621), were also involved in the political upheavals of the second half of the sixteenth century. As well as being adherents to the cause of Mary, the Hamilton brothers were involved in a long-running feud with the Douglas family, and were subsequently implicated in the murder of Regent Moray in 1570 and Regent Lennox in 1571. Under pressure from all sides, the brothers were forced into exile and the Hamilton estates were forfeited in 1579.[9] The brothers were back in Scotland by 1584 and the estates were restored a year later.[10] On his return to Scotland, Lord John slowly re-built the Hamilton estates under the approving eye of James VI, and in recognition of his loyalty to the king he was created marquis of Hamilton, earl of Arran and Lord Aven in 1599.[11]

Whilst Lord John was a staunch Protestant, his brother, Lord Claud, converted to Catholicism in the early 1580s.[12] Lord Claud enjoyed an independent land base from his brother from the age of ten, through the intercession of his uncle, John Hamilton, archbishop of St Andrews (1512–1571), the lucrative abbacy of Paisley was conferred on him in 1587 and turned into a temporal lordship. Claud was an even more committed Marian than his brother and on his return from exile in 1584, he became joint head of the Scottish Catholic party with his nephew, George Gordon, 6th earl and later first marquis of Huntly (1562–1636). In the last few years of the 1580s, the revelations of the Babington Plot, the execution of Mary and the destruction of the Spanish Armada ruined Lord Claud's political career and he eventually succumbed to the madness that afflicted his eldest brother.[13]

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[4] G.E.C., *Complete Peerage*, ii, 254–255; Oxford DNB, https://doi.org/10.1093/ref:odnb/54222 'Hamilton Family' (accessed, 10.06.2022).

[5] James VI's first child, Henry, was born on 19 February 1594.

[6] Spottiswood, *History of the Church*, books ii–iv; Calderwood, *True History*, pp.2–471, esp. pp.11–12, 29, 46–59, 185–186, 245; Balfour, *Scots Peerage*, iv, 366–373; G.E.C., *Complete Peerage*, ii, 221; Oxford DNB, https://doi.org/10.1093/ref:odnb/54222 'Hamilton Family' (accessed, 10.06.2022).

[7] Spottiswood, *History of the Church*, books ii–iv, *passim*, esp. iii, 135–141.

[8] G.E.C., *Complete Peerage*, ii, 222.

[9] Calderwood, *True History*, pp.46–59, 185–186.

[10] Claud appears to have returned to Scotland at an earlier date.

[11] Brown, *Bloodfeud*, p.221; G.E.C., *Complete Peerage*, ii, 257–258; Balfour, *Scots Peerage*, iv, 370–372.

[12] Calderwood, *True History*, p.245; Oxford DNB, https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/12057 'Lord Claud Hamilton – first Lord Paisley'..

[13] Calderwood, *True History*, pp.245–255; Donaldson, *James V–James VII*, 77, 83, 220, 165–166, 173, 180, 185–187, also chapters 7, 9, 10; Oxford DNB, https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/12057 'Lord Claud Hamilton – first Lord Paisley' (accessed, 10.06.2022).

By the middle of the sixteenth century, the Hamiltons, with their numerous cadet branches, owned land not only in their traditional territorial strongholds in the west of Scotland of Lanarkshire, Ayrshire and the Isle of Arran, but also West Lothian and Kinneil, near Bo'ness. The total number of their estates has been estimated at over two hundred, extending as far north as Corse in Aberdeenshire and as far south as Sanquhar in Dumfriesshire.[14] Land and nobility were axiomatic, and the rise of the Hamilton family was accompanied by a corresponding increase in landholding. Towards the end of the sixteenth century, a definite split in the Hamilton family occurred, and a powerful Catholic cadet branch emerged with the eldest son of Lord Claud Hamilton at its head. James, master of Paisley (1575–1618), was made baron of Abercorn in 1603 and was elevated to the title, earl of Abercorn, Lord Paisley, Hamilton, Mountcastell and Kilpatrick in 1606.[15] Contrary to the professed policy of Protestant plantation in Ireland, James VI and I made generous grants of Irish land to Abercorn, which the earl and his successors used to build up a substantial Catholic enclave in Strabane, County Tyrone, Ulster.[16] He was also appointed a gentleman of the Bedchamber by James VI and was much in his favour throughout his life. The 1st earl of Abercorn died in 1618, leaving behind five sons and four daughters. The eldest son, James, succeeded to the titles as 2nd earl of Abercorn (c.1604–c.1670). He consolidated the Irish estate, as well as inheriting further land in Paisley. In 1634, he resigned the Irish title of Baron Hamilton of Strabane to his younger brother, Claud. The third eldest son of the 1st earl, Sir William Hamilton, became a gentleman of Queen Henrietta Maria's Bedchamber and was her representative at the Papal court in Rome.[17] The fourth son, Sir George Hamilton, owned land in Dunalong in Tyrone and Nenagh in Tipperary, and was the brother-in-law of James Butler, 12th earl of Ormond (1610–1688).[18]

No matter how tempting it is to follow the fortunes of the Abercorns, it is with the main branch of the Hamilton family that we are concerned, and that line was continued by the 1st marquis of Hamilton's second eldest, but only surviving, son who was born in 1589, under the title, James Hamilton, Lord Aven. On 30 January 1603, Lord Aven married Lady Anna Cunningham, daughter of James, earl of Glencairn and a year later he succeeded to the titles (12 April 1604) as 2nd marquis of Hamilton.[19] James continued the favour he had shown to the first marquis and in May 1608, erected the dissolved lands of the abbey of Aberbrothwick into a temporal lordship in the second marquis's favour, under the title Lord Aberbrothwick.[20] Exactly a year later, and at long last, the insane, and unmarried, 3rd earl of Arran finally died in 1609, and the titles of earl of Arran, Lord Hamilton and sheriff of Lanark officially passed to the second marquis. He was made

[14] The pattern of Hamilton landholding and patronage is admirably reconstructed in, Elaine Finnie 'The House of Hamilton: patronage, politics and the church in the Reformation period', *Innes Review*, 36 (1985), pp.3–28, esp. pp.4–9.

[15] 'James Hamilton, First Earl of Abercorn' https://doi-org.lonlib.idm.oclc.org/10.1093/ref:odnb/12084 (accessed, 16.06.2022).

[16] Abercorn's eldest son was created Baron Strabane in 1617. S.C.L., W.W., Strafford MSS, vol.4/fols.94–5 (Charles I to Lord Deputy Wentworth, 5 June 1637); *Ibid*, 4/95–97 (Petition [of Claud, Baron Strabane and Sir George Hamilton] to Charles I, [May-June ? 1637]). See also, *Ibid*, vol.3/137v (Lord Treasurer Portland to Lord Deputy Wentworth, [October 1634]); Innerleithen, Traquair MSS, 3/41 (Charles I to Privy Council (Scotland)).

[17] TNA, Signet Office Docquet Books [hereafter, S.O.], 3/8 unfol., January, 1624; *HMC Cowper*, ii, 161; *DNB*, xxiv, 176–177.

[18] For Sir George Hamilton's Irish lands and his assistance in Ireland to James, third marquis of Hamilton, see chapter 5, section v; Sheffield City Library, Wentworth Woodhouse MSS, 4/95–97 (Petition [of Claud, Baron Strabane and Sir George Hamilton] to Charles I, [May-June ? 1637]).

[19] *HMC Hamilton*, 55 (115) (Marriage contract, 30 January 1603); Balfour, *Scots Peerage*, iv, 373–374; G.E.C., *Complete Peerage*, ii, 258–259.

[20] The first marquis had already been granted a charter of Arbroath on 11 November, 1600. The Aberbothwick charter made the holder a lord of parliament, but the second marquis was already a lord of parliament and this title may have been constituted in that form so that it could be passed to a son, G.E.C., *Complete Peerage*, ii, 258; Balfour, *Scots Peerage*, iv, 373–374. The Arbroath charter may also have been one of the many sweeteners James made to the Scottish nobility in the wake of the re-introduction of diocesan episcopacy in the parliament of 1606, M. Lee jnr, *Government by Pen* (Urbana, Illinois, 1980), p.63.

a Scottish privy councillor on 14 January 1613, and was content to live in Scotland, presiding over the consolidation of the Hamilton patrimony.[21]

All that changed, however, on the occasion of James VI and I's 'salmon-like' visit to Scotland in the summer of 1617.[22] Neil Cuddy has argued, plausibly, that the fall of James's Scottish favourite Robert Carr, 1st earl of Somerset, in the autumn of 1615, left the king without a Scottish favourite to counterbalance his English favourite, George Villiers, 1st earl of Buckingham.[23] So when James arrived in Scotland, he was on the look-out for a Scottish companion to restore the ethnic balance to his household. If that was indeed the case, then the 2nd marquis of Hamilton was well qualified to perform that function. Yet he was also of the blood royal and James may have recognised the need to keep the head of the Hamiltons close to him, just as he had done with his other blood relation, Ludovic Stuart, 2nd duke of Lennox.[24] James exerted his considerable charm on the second marquis during his visit, and spent three of his last nights in Scotland at Hamilton Palace.[25] The king was delighted when the marquis agreed to return to court with him. His satisfaction had not lessened nine months later, when he chivvied Lord Treasurer Mar to personally see to the speedy payment of a precept for £3,000 sterling granted to his new favourite, 'I knowe well the present wantis in my estate thaire, but I ame so fullie satisfied, and so muche rejoiced at the conquest I have made in drawing this man to wayte upon me, now that I knowe him as he doeth me, that I assure my selfe his service will repaye my liberalitie with a double interest.'[26]

II

Of course, the second marquis's rise at court never kept pace with that of Buckingham for, like everyone else, there was some dependence on the Villiers network. As soon as he stepped on to English soil on 4 August 1617, he was sworn onto the English Privy Council, and rumours preceded him on his journey south that he was 'the gallantest of both the nations.'[27] Only months after his arrival, he was tipped to become master of the horse, if Buckingham resigned the place to be made lord admiral of England. The wily Villiers prudently stayed put. In August 1618, he was linked to the lord chamberlain of the household's place if, in this case, William Herbert, 3rd earl of Pembroke relinquished that office to be made lord treasurer of England.[28] Despite missing out on a major office, the second marquis became increasingly prominent at court. He acted in court masques alongside Buckingham and quickly became a confidante of Prince Charles, a shy and awkward young man in his late teens.[29] On 16 June 1619, he was created earl of Cambridge in the

[21] James may have requested Hamilton's attendance at court prior to his visit in 1617, Balfour, *Scots Peerage*, iv, 374.

[22] This was James's only visit to Scotland, despite promising to return at least every three years in his farewell speech 'in the great kirk of Edinburgh' on 3 April 1603, Calderwood, *True History*, p.472. James used the analogy of the salmon to describe his instinct to come home. The king's visit lasted for 83 days, *HMC Mar and Kellie*, 80.

[23] Neil Cuddy, 'Anglo-Scottish Union and the Court of James I, 1603–1625', *Transactions of the Royal Historical Society 3rd Series*, (January, 1990), pp.107–124, esp.p.120; Neil Cuddy, 'The King's Chambers: the Bedchamber of James I in Administration and Politics, 1603–1625' (Oxford DPhil, 1987), chapter 5.

[24] James may also have seen the second marquis as a potential troublemaker, for on 8 June, Hamilton, along with the earls of Mar and Glencairn, although they obeyed the King's order to attend the English service in the chapel royal, declined to communicate kneeling, Calderwood, *True History*, pp.674–675.

[25] *HMC Mar and Kellie*, 80. The king stayed at Hamilton Palace between 28 July and 31 July.

[26] *HMC Mar and Kellie*, 84 (James to Mar, 16 May 1618).

[27] N. E. M. McClure, ed., *The Letters of John Chamberlain*, 2 vols (Philadelphia, 1939), ii, 98 (John Chamberlain to Dudley Carleton, 27 August 1617); G.E.C., *Complete Peerage*, ii, 258–259. The second marquis quickly became a favourite amongst the ladies of the court, McClure, *Letters of Chamberlain*, ii, 101.

[28] McClure, *Letters of Chamberlain*, ii, 118, 168.

[29] McClure, *Letters of Chamberlain*, ii, 127–128; D. Laing, ed., *Correspondence of Sir Robert Kerr, First earl of Ancram and his son, William, Third earl of Lothian.* (2 vols, Edinburgh 1875), i, 8–9.

English peerage, a title reserved for princes of the blood.[30] Political alliances naturally followed, and he was associated in this respect with William Herbert, 3rd earl of Pembroke (1580–1630), lord chamberlain of the household, and Lucy Harington, countess of Bedford (1580–1627), a childhood friend of Elizabeth of Bohemia, the electress Palatine.[31] An accurate measure of the marquis's growing importance was demonstrated by James's serious illness in April 1619. As he lay on what he believed was his death-bed, the king recommended to his heir a select few noblemen, 'but especially the Marquis of Buckingham and Hamilton'.[32]

Even so, it was not all plain sailing between James's Scottish and English favourites. The two clashed when Buckingham took personal offence at Hamilton's complaint in January 1620 that the ancient nobility was being debased by new advancements and the selling of honours.[33] Public protestations of 'amitie and friendship' quickly followed the spat, though it may be significant that a matter of weeks later the second marquis was sworn a gentleman of the king's Bedchamber, 'without the privitie … of the Lord of Buckingham.'[34] The scratchiness between Buckingham and Hamilton continued under the surface. In a later episode Buckingham had apparently been willing to relinquish the office of master of the horse to Hamilton if he was made lord admiral, but changed his mind; and it is likely that Hamilton retained some ill-feeling over his son's marriage to Mary Feilding.[35] That may explain why it took the marquis until 1624 before he received a senior court office. Nevertheless, the marquis was in a good and secure position and felt sufficiently confident to call his son and heir, James Hamilton, earl of Arran, to court towards the end of 1620.[36]

Born on 19 June 1606, the fourteen year old earl of Arran arrived in London on 12 December 1620, and from that date until June of the following year, he was gradually introduced at court.[37] Arran was accompanied by his governor, Mr James Baillie, about six personal servants including Sir John Hamilton of Lettrick and Sir John Hamilton of Grange, a few pages and five footmen.[38] The young earl's accounts for this important period show that increasing amounts of money were spent on clothes such as ruffs, leghose, silks, velvet and gold lace, as he became more visible at court. Arran regularly played tennis, attended plays, bought books, viewed the lions in the Tower,

[30] G.E.C., *Complete Peerage*, ii, 259; Balfour, *Scots Peerage*, iv, 374. The first holder was William the Lion, king of Scotland (early 13th C) and the last before the 2nd marquis was Edward IV (1442–1483), Thrush, *The House of Lords, 1604–1629*, iii, 10.

[31] McClure, *Letters of Chamberlain*, ii, 127–128, 157, 245, 250. The countess of Bedford's husband, the third earl, was an invalid and so she exercised the powerful interest on his behalf, S.L. Adams, 'Foreign Policy and the Parliaments of 1621 and 1624' in Sharpe, *Faction and Parliament*. (Oxford, 1978), pp.142–143. There was also talk of a marriage between the second marquis's eldest son, the earl of Arran, and the countess of Bedford's niece, McClure, ed., *Letters of Chamberlain*, ii, 184. For Pembroke, *Ibid*, ii, 257, 302; *HMC 10th Report*, 386, 391; R. Lockyer, *The Life and Political Career of George Villiers, First Duke of Buckingham, 1592–1628* (Singapore, 1981), p.36. On the more general issue of selling honours, Cust, *Charles I and the Aristocracy* (Cambridge, 2013), pp.2–6, 23.

[32] McClure, *Letters of Chamberlain*, ii, 227. James also recommended to his heir, the duke of Lennox, earl of Pembroke, earl of Arundel, Viscount Fenton and Viscount Haddington: three Scotsmen and two Englishmen. For the 2nd marquis's prominent position at court functions (marriages, christenings, feasts etc) and conveying of ambassadors to royal audiences, *Ibid*, ii, 210, 212, 279, 282, 339, 455–6. At Queen Anne's funeral in May 1619, Hamilton and Lennox supported the chief mourner, the countess of Arundel, *Ibid*, ii, 237.

[33] McClure, *Letters of Chamberlain*, ii, 286. The earl of Arundel was also involved in the argument over the debasement of the ancient peerage, almost certainly on Hamilton's side. For more on possible tensions between Hamilton and Buckingham, Thomas Cogswell, *The Blessed Revolution: English politics and the coming of war, 1621–1624* (Cambridge 1989), p.130.

[34] McClure, *Letters of Chamberlain*, ii, 286, 297.

[35] Thrush, ed., *The House of Lords, 1604–29*, iii, 1–11.

[36] The Arran title was conferred in 1609 after the death of the 3rd earl of Arran.

[37] The young earl's movements are reconstructed from the account books of his governor, Dr James Baillie, Lennoxlove, Hamilton MSS, TD 90/73/F1/25/books 1–17. For Arran's arrival in London, *Ibid*, F1/25/7, entry for 12 December. The first things Arran did on arrival was to go to Westminster church, look at 'the monumentis' and visit a barber.

[38] This is a rough estimate from the accounts.

and visited the parliament.[39] He was also present at the jousts for Accession Day on 24 March 1621 during which Hamilton and Buckingham broke each other's lances five times.[40] The breakthrough for Arran came at the end of May, for the accounts show that 'twa giftes' amounting to £5,017.12 Scots was paid to him.[41] Within a few short months, the young earl had passed through the decisive barrier between those who were paying to be at court and those who were being paid to be at court.

In July 1621, Arran went up to Exeter College, Oxford and his father returned to Scotland as royal commissioner to the parliament.[42] It was the second marquis's greatest political victory that he was able to have the Five Articles of Perth, approved by the general assembly in Perth in August 1618, ratified in the parliament in the summer of 1621.[43] This was the second prong of James's ecclesiastical policy, the first being the introduction of diocesan episcopacy in 1606. Even from David Calderwood's hostile account, it is clear that the marquis got the Articles ratified in parliament by a combination of shrewd political management and intimidation.[44] The royal commissioner had also promised the parliament that if they consented to the Five Articles 'they should never be urged with mo[r]e Ceremonies'.[45] While Calderwood lamented that by the ratification of the Articles 'Gods Worship through her sides had received a deadly wound', a grateful and immensely relieved James rewarded his Scottish favourite with £10,000 sterling.[46]

The second marquis's triumph in Scotland endeared him further to the ageing king, and matters relating to Scotland which came to court increasingly passed through his hands.[47] In English affairs too, the marquis enjoyed a more prominent role in court, council and parliament.[48] He was Protestant, anti-Spanish, pro-Palatine and was associated, both at court and in the parliaments of 1621 and 1624, with the political grouping centred around the 3rd earl of Pembroke, Archbishop Abbot and the countess of Bedford.[49] Even more important than this, however, he continued to enjoy a close relationship with Prince Charles, now a young man in his early twenties, both as a political ally and as a fellow connoisseur of the visual arts.[50] Honours continued to accrue. In April 1623, he was installed as a knight of the Garter and the following year, on the sudden death of the 3rd duke of Lennox, he was made lord steward of the household, the highest and most

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[39] Lennoxlove, Hamilton MSS, TD 90/73/F1/25/5, the accounts show that the earl bought a new pair of white spurs for Accession Day. The books were 'comings [cummings?] historie' and 'ye historie of america'.

[40] For the tournament, Alan Young, *Tudor and Jacobean Tournaments* (London, 1987), p.208; Thrush, *House of Lords 1604–29*, iii, 12.

[41] Lennoxlove, Hamilton MSS, TD 90/73/F1/25/17. The accounts show that £788 sterling was spent in Arran's retinue between 22 November 1620 and 6 June 1621, Lennoxlove, Hamilton MSS, TD 90/73/F1/30/1.

[42] I take the dates of Arran's entry into Exeter College from Rubinstein as she got the dates from the librarian at the college, H.L. Rubinstein, *Captain Luckless: James, First Duke of Hamilton, 1606–1649* (New Jersey, 1976), p.11. Typical of the nobility, Arran stayed at Oxford for six months, returning to court on 14 December.

[43] The articles are printed in, G. Donaldson, *Scottish Historical Documents* (Edinburgh, 1970), pp.184–185. For a discussion of Jacobean religious policy in Scotland, Donaldson, *James V–James VII*, pp.197–211, esp.pp.208–211; David Mullan, *Episcopacy in Scotland: the history of an idea, 1560–1638* (Edinburgh, 1986); Mullan, *Scottish Puritanism, 1590–1638* (Oxford, 2000).

[44] Calderwood, *True History*, pp.764–784, esp. pp.776–777. James also exerted considerable pressure from London, *HMC Mar & Kellie*, 96–97 (James to Mar, 13 July 1621).

[45] Calderwood, *True History*, p.775.

[46] *Ibid*, 778; *HMC Mar & Kellie*, 108 (James to Mar, 1 April 1622); *Ibid*, 111 (James to Mar, 20 April 1622).

[47] Lee, *Government by Pen*, pp.211–213. The second marquis's greatest opponent in the Scottish administration was Lord Treasurer Mar and his son, the earl of Kellie, in the king's bedchamber, *HMC Mar & Kellie*, 114, 115, 183; Laing, *Ancram and Lothian*, i, 32.

[48] For two examples of the marquis's growing importance in court and council, McClure, *Letters of Chamberlain*, ii, 438, 474–475.

[49] Adams, 'Foreign Policy, pp.142–143; Cogswell, *Blessed Revolution*, pp.84, 103–4, 130.

[50] Conrad Russell, *Parliaments and English Politics, 1621–1629* (London 1979), pp.113, 153. For the second marquis and the princes's art collecting activities, see chapter 4, section iv.

prestigious office in the court.[51] The marquis also made some colonial investments, principally in the Bermuda company and the New England Venturers, and was a director of the Virginia Company.[52]

The second marquis was unenthusiastic about the prospect of Prince Charles's marriage to the infanta of Spain in 1623. In fact, while Charles was in Madrid, he wrote to assure him that he would not do anything 'that shall cause honest men to blush for him'.[53] When Charles returned from Madrid without his bride in October 1623, disillusioned and angry at his treatment by the Spanish, the marquis took a cautious line and abstained from voting in the Committee for Foreign Affairs on whether to break off the marriage negotiations.[54] Perhaps more important for our purposes, the second marquis's son, the earl of Arran, who had lasted a mere six months at Oxford and was back at court by the end of 1621, had followed the prince and Buckingham to Madrid in 1623 in the company of his father-in-law, William Feilding, 1st earl of Denbigh.[55] In June of the previous year, Arran, not yet sixteen, had married, in the king's presence, Buckingham's niece, nine year-old Mary Feilding, daughter of William, Viscount Feilding, soon to be created earl of Denbigh.[56] It was yet another major dynastic coup for Buckingham to marry the son of James's principal Scottish courtier and blood relation into a little known Warwickshire family. The match was certainly uneven and Arran resented it for the rest of his life.[57]

Ironically, it was Arran's marriage into Buckingham's burgeoning family network that secured his invitation to Madrid and the second major breakthrough in his court career.[58] For it was on the Spanish trip that Arran and Prince Charles became friends, as only a few months after his return, Arran was sworn a gentleman of the prince's Bedchamber in January 1624.[59] Though it is difficult to prove, Buckingham's comprehensive influence over the prince may also have played a part in his nephew Arran's promotion, perhaps as compensation for the young earl's marriage.[60] The second marquis's promotion as lord steward of the household, a few months later, may also have been tied to the uneven marriage. Yet the evidence additionally suggests that the second marquis had been planning the marriage of his son to Ann Chichester, the neice of Lucy, countess of Bedford and when this fell through in May 1621, Buckingham seized the initiative and put forward his niece Mary with the king's support.[61]

Marriage shenanigans aside, by the summer of 1624 then, the marquis of Hamilton and the earl of Arran, father and son, occupied important positions at court. The father was closely bound to

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[51] Oxford, Bodleian Library, MSS Ashmole 1132, fol.121a; McClure, *Letters of Chamberlain*, ii, 479, 487; *HMC Mar & Kellie Supplementary*, 193 (Kellie to Mar, 22 February 1623/4); G.E.C., *Complete Peerage*, ii, 259.

[52] T.K. Rabb, *Enterprise and Empire: Merchant and Gentry Investment in the Expansion of England, 1575–1630* (Cambridge, Mass. 1967), p.305.

[53] *CSPV, 1623–25*, 28 (Valaresso to Doge, 2 June 1623). Charles probably meant accepting the marriage on dishonourable terms and converting to Catholicism.

[54] McClure, *Letters of Chamberlain*, ii, 542 (Chamberlain to Carleton, 31 January 1623/4). For a detailed examination of the shift in policy following Charles and Buckingham's return from Madrid, Thomas Cogswell, 'England and the Spanish Match' in Cust and Hughes, eds., *Conflict in Early Stuart England* (London and New York, 1989), pp.107–130; Cogswell, *Blessed Revolution, passim*.

[55] *HMC Mar & Kellie Supplementary*, 156–157 (Kellie to Mar, 14 March 1622/3).

[56] Viscount Feilding was married to Buckingham's only sister, and he was created earl of Denbigh a few months after the Arran marriage. For the marriage, *HMC Mar & Kellie Supplementary*, 122–123 (Kellie to Mar, 20 June 1622); McClure, *Letters of Chamberlain*, ii, 441 (Chamberlain to Carleton, 22 June 1622).

[57] Hamilton alluded to being forced into a marriage against his will in the last full letter he wrote before his execution, NRS, GD 406/1/2369 (Hamilton to Lanark, 8 March 1649).

[58] W.R.O., Feilding of Newnham Paddox MSS, CR 2017/C1/56 (Second marquis of Hamilton to first earl of Denbigh, [April–June 1623]); *Ibid*, CR 2017/C1/57 (Hamilton to Denbigh, [April–June 1623]).

[59] *HMC Mar & Kellie Supplementary*, 189 (Kellie to Mar, 14 January 1623/4).

[60] The link between Arran's promotion and his marriage, was made explicit by the earl of Kellie, 'my Lord of Arrane is made of the Prince his beddchalmer, and one wold make me believe that it wold be the beste pairt of his portione with his wyffe.' *HMC Mar & Kellie Supplementary*, 189.

[61] Thrush, *The House of Lords, 1604–1629*, iii, (James Hamilton 1606–49), 12–13.

the reigning monarch, the son similarly attached to the heir. There was little reason to doubt that things could only get better.

III

On Ash Wednesday, 2nd March 1625, the marquis of Hamilton, aged thirty-five, died of a fever at Whitehall. His son had fallen ill himself on his way back from a visit to Scotland, 'and culd but with great paine cume to London the verye nycht before his father dyed'.[62] A few nights later, a torchlit procession of four hundred coaches escorted the lord steward of the household's body to his residence, Fisher's Folly in Bishopsgate, and from thence it was conveyed to Scotland for burial.[63] Just over three weeks later, on 27 March, James VI and I died and his son ascended the throne as Charles I. Freed from the restraining hand of James, Charles and Buckingham hastened their expensive foreign policy aspirations and prepared for war with Spain. In May of the same year, Charles married Henrietta Maria, sister of Louis XIII of France. The eighteen-year-old 3rd marquis of Hamilton was part of the duke of Buckingham's magnificent retinue, which went to Paris to escort the new king's bride home.[64] Hamilton also accompanied the duke to the Netherlands in October, together with the earl of Holland, Sir Henry Mildmay and Sir George Goring, to solicit an alliance against Spain.[65] In London, Hamilton led the Scottish contingent, along with the 4th duke of Lennox, at James's funeral on 7 May 1625, and carried the sword at Charles's English coronation in February 1626.[66] The young marquis was also an assiduous attender at parliament from May 1625 to June 1626, sitting in the House of Lords as 2nd earl of Cambridge.[67] Yet below the surface of these public appearances, Hamilton's position at court was becoming increasingly difficult, perhaps even untenable.

First and foremost, Hamilton's father had left debts of about £31,000 sterling mostly owed in Scotland.[68] To cover this debt, Hamilton had only received from the royal bounty confirmation of his father's annual pension of £2,500 sterling from the customs and a few one-off cash grants procured by Buckingham.[69] Wardship was waived, but with the condition of the estate it was not as great a royal concession as it might have been.[70] Hamilton was probably sworn a gentleman of

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[62] *HMC Mar & Kellie Supplementary*, 222 (Kellie to Mar, 2 March 1624/5).

[63] McClure, *Letters of Chamberlain*, ii, 604–605 (Chamberlain to Carleton, 12 March 1624/5); *HMC Mar & Kellie Supplementary*, 223 (Kellie to Mar, 9 March 1624/5). The poet, John Donne composed a verse on the marquis's demise, 'An Hymne to the Saints, and to Marquesse Hamylton' printed in Laing, *Ancram and Lothian*, ii, 512–513. A eulogy on the second marquis was also written, in Latin, by Adam Moesterus, printed in W. Fraser, ed., *Memorials of the Earls of Haddington* 2 vols (Edinburgh 1889), ii, 98–102.

[64] Buckingham stood proxy for Charles at the ceremony in Paris. Hamilton is on a list, dated March [1625], of lords who were to attend Buckingham to Paris, Hardwicke, (P. Yorke) earl of, *Miscellaneous State Papers, from 1501 to 1726* 2 vols (London, 1778), i, 571–572.

[65] *HMC Mar & Kellie Supplementary*, 234–235 (Kellie to Mar, 22 October 1625).

[66] *RPCS 2nd Series, 1625–27*, p.xii. The fourteen-year-old duke of Lennox would have had precedence over Hamilton, but the two young noblemen probably walked side by side in the funeral procession. For Charles's coronation, Gilbert Burnet, *The Memoires of the Lives and Actions of James and William Dukes of Hamilton and Castle-Herald* (Oxford, 1673, repr. 1852), p.3, hereafter Burnet, *Lives of the Hamiltons* (1852).

[67] *L. J.*, iii, 432–682. Hamilton attended 74 out of a possible 112 meetings between 18 June 1625 and 15 June 1626. He took the oath of allegiance on 23 June 1625, *Ibid*, 440. He appears to have regularly attended in the company of his father-in-law, the earl of Denbigh, and James Hay, first earl of Carlisle: the first married to Buckingham's sister, and the second one of Buckingham's enemies.

[68] Hamilton MSS, Lennoxlove, TD 90/93/F1/42/4. The figures were for Martinmas 1626, Scotland, £24,843 and England, £6,082.

[69] TNA., SO3/8 unfol., November 1626. This pension appears to have been in arrears by £4,750 by May 1628; *Ibid*, unfol., May 1628. The one-off payments were recorded thus, TNA., SO3/8 unfol., May 1627, for £1,596; *Ibid*, August 1627, for £404.

[70] *RPCS 2nd series, 1625–27*, 16–17.

the Bedchamber in 1625, or was transferred in from the prince's bedchamber, though no formal record of appointments has survived.[71] But his debt may have dissuaded him from continuing in the position until his financial position was alleviated.[72] Second, there may have been continued friction between Hamilton and Buckingham over his marriage in 1622 to Mary Feilding, the earl of Denbigh's daughter and Buckingham's niece. Even though Mary had recently reached puberty, Hamilton had shown no inclination to consummate the marriage.[73] Exiling himself from court would have solved that problem. Although it is difficult to prove, it may well be the case that the young man was troubled by the accusations made by James's former physician, Dr George Eglisham (fl. 1612–1642), stated in a pamphlet published in the Spanish Netherlands in 1626, that the king and Hamilton's father had been poisoned by Buckingham.[74] Eglisham had close connections with the Hamiltons and had been raised with the second marquis. He was also a crypto Catholic, which fuelled the rumours that the second marquis had made a deathbed conversion to Rome.[75] Hamilton would certainly have known Eglisham well and may have been very unsettled by the accusations and rumours circulating around court on top of the shock of his father's unexpected death.[76]

With considerable debts, an unhappy marriage and a bad feeling about how his father died, Hamilton retired from court and went to Scotland a few days after the dissolution of the parliament in June 1626.[77] Neither Charles nor Buckingham were happy with his decision to retire from court, but any efforts at easing the young marquis's financial plight were hamstrung by the war with Spain, and deteriorating relations with France.[78]

At the same time, Charles's intended revocation scheme in Scotland created a welter of ill feeling that made Hamilton's homecoming uncomfortable.[79] Traditionally, an act of revocation gave a Scottish king the right to revoke all grants from the royal patrimony during a minority that were deemed unfair or illegal. By contrast Charles, who had never ruled in minority, looked set to question all royal grants extending back to the Scottish Reformation in 1560. Although Hamilton was deeply unhappy with the scheme, he neither openly countenanced the resistance to it, nor led the way in making a complete submission to the Committee for Surrenders and Teinds, as the king had suggested.[80] In February 1627 Hamilton was made a member of the Commission for

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[71] But see the language used in, NRS, GD 406/1/8187 (Hamilton to [Buckingham], 16 March 1627/[8?]).

[72] The position of gentleman of the Bedchamber carried no fees, so that chronic debt and little prospect of royal bounty (given the impending war with Spain) would have made it a difficult position to carry out with honour. Hamilton's position as gentleman of the Bedchamber is discussed at greater length in chapter 4, pp.76–77.

[73] Thrush, *The House of Lords, 1604–1629*, iii, (James Hamilton 1606–49), 12–13; Burnet suggests Hamilton had 'secret considerations' for not consummating the marriage, Burnet, *Lives* (1852), 516–517.

[74] George Eglisham, *The forerunner of revenge upon the Duke of Buckingham, for the poysoning of the most potent King Iames … and the Lord Marquis of Hamilton.* (Netherlands: [s.n.], 1626; see also Alastair Bellany & Thomas Cogswell, *The Murder of King James I* (New Haven, 2015), esp. pp.113–136.

[75] Bellany & Cogswell, *Murder of King James*, pp.128–133.

[76] In his pamphlet accusing Buckingham of murder, Eglisham alludes to his close affinity with the Hamiltons and with the second marquis in particular. On the publication and reception of *Forerunner* which was printed by the rightly famous Plantin Moretus press in the Spanish Netherlands, Bellany & Cogswell, *Murder of King James*, pp.137–187.

[77] NRS, GD 406/1/74 (George Carr to dowager marchioness of Hamilton, 22 June 1626).

[78] L.J. Reeve, *Charles I and the Road to Personal Rule* (Cambridge, 1989), chapter 2, *passim*; S.R. Gardiner, *History of England, 1603–42* 12 vols in 10 (London, 1883–4), vi, *passim*; Christopher Thompson, 'Court politics and Parliamentary Conflict in 1625' in Cust and Hughes, *Conflict in Early Stuart England*, pp.168–189.

[79] A.I. MacInnes, 'The Origins and Organisation of the Covenanting Movement, 1625–41.' (unpublished PhD dissertation, 2 vols. University of Glasgow, 1987), i, chapters iv–viii; see also the summarised version in Allan I. MacInnes, *Charles I and the making of the Covenanting Movement* (Edinburgh, 1991), pp.49–101.

[80] NRS, GD 406/1/18 (Charles I to Hamilton, 22 December 1626); NRS, GD 406/1/8187 (Hamilton to Buckingham, 16 March 1627). Most of the correspondence concerning Hamilton and the revocation scheme does not appear to have survived, perhaps deliberately, but what has survived convinces me that Hamilton was not in the least happy with it. See for example, NRS, GD 406/1/8280 (Hamilton to Charles I, [after 6 December 1627); NRS, GD 406/1/91 (Will Murray to Hamilton, 5 March 1627/8).

Surrenders and, at the first meeting in March 1627, he submitted his teinds and feu-mails, though he did not submit 'without reserve'.[81] In December of the same year, Charles told Hamilton that if he made a complete surrender and suffered as a result, then 'wee wilbe careful to supplie your losses in some other way'.[82] Despite the king's offer, however, Hamilton did not lead the way in surrendering his ecclesiastical patrimony back to the crown. His resistance prompted speculation at court that the young marquis had put himself upon his 'owne wings' and was intent on pursuing his own course.[83] Even so, on 3 April 1627 Hamilton was sworn on to the Scottish Privy Council, but he rarely attended at the board, nor did he make much of an effort to show himself at the Commission for Surrenders.[84] Instead, he retreated to his island of Arran to avoid both his creditors and further involvement in the thorny revocation.

The marquis left Hamilton palace on 5 February and arrived on Arran, an island just off the Ayrshire coast in the west of Scotland, on 11 February 1628.[85] During a seven month stay, he followed a relatively frugal existence and occupied himself in hunting and fishing, and fitting out and equipping a number of privateers to be used against French shipping.[86] In the meantime, the efforts to effect Hamilton's return to court continued.[87] In March 1628, Hamilton's father-in-law, the earl of Denbigh, travelled to Scotland to try to smooth a path back to court for his son-in-law.[88] Consequently, there were regular rumours at court of his imminent return which Will Murray, a Scottish groom of the Bedchamber, viewed as an opportunity 'not only to retaine friends but to reconcile enemies'.[89] Perhaps, then, there were things other than Hamilton's financial plight that kept him from returning to court, and what little evidence there is points to his unwillingness to accept his young wife, and an uneasy feeling about the circumstances of his father's death and, of course, the revocation.[90] Yet Hamilton's dire financial situation continued to be the reason he gave publicly and in correspondence. And that was the reason he gave in March for declining the king's

[81] *RPCS, 2nd Series, 1625–27*, 510, 516, 574 note. That may have been all that Hamilton was required to submit at that time, but his submission was not 'without reserve' like the earls of Mar, Melrose and Angus. There were sixty-eight members of the Commission for Surrenders and Teinds (about 25 nobles, 10 bishops, 23 knights, 10 burgesses), *Ibid*, p.clxxi, 516 note.

[82] NRS, GD 406/1/582 (Charles I to Hamilton, 6 December 1627).

[83] NRS, GD 406/1/91 (Will Murray to Hamilton, 5 March 1627/8). This is a rather cryptic letter, and it is difficult to be absolutely sure what Murray is referring to, but the timing suggests that it is about the revocation.

[84] *RPCS, 2nd Series, 1625–27*, 567. The warrant from court appointing Hamilton to the council was dated 3 March. Hamilton attended the council about a dozen times between April 1627 and February 1628, *Ibid*, 567–637; *RPCS, 2nd Series, 1627–28*, 1–200. Hamilton's attendance at the Commission for Surrenders was even worse than his attendance at the council, *Ibid*, 330–331.

[85] Hamilton's activities on Arran have been reconstructed from, Lennoxlove, Hamilton MSS, TD/90/73/F1/50 ('The compt book of the Marques [debursed] in Arran 11 February–2 September 1628').

[86] Hamilton made a voluntary offer to set out and equip some ships for the 'defence of … his Majesties ancient kingdome of Scotland' which was accepted and he received a commission on 27 May 1628 to fit out no more than five ships for a period of five years, with all prizes and spoils going to the marquis, *RPCS, 2nd Series, 1627–28*, pp.xiii–xv; 324–325; Lennoxlove, Hamilton MSS, TD/90/73/F1/50, fol.3. Hamilton may have fitted out a 'great ship and her Pinnace' by the time he left Arran, NRS, GD 406/1/238 (Falkland to Hamilton, 8 June 1629).

[87] Buckingham, Charles and Denbigh were involved in these efforts, W.R.O., Feilding of Newnham Paddox MSS, CR 2017/C1/55 (Hamilton to Denbigh, [n.d. 1627–8]); NRS, GD 406/1/96 (Hamilton to Buckingham, 24 March 1627/8); GD 406/1/97 (Hamilton to Charles, 29 March 1628).

[88] NRS, GD 406/1/91 (Will Murray to Hamilton, 5 March 1627/8). Hamilton enjoyed a close relationship with his father-in-law and had the saccharine habit of addressing him as 'Joy' in his letters, see for example, W.R.O., Feilding of Newnham Paddox MSS, CR 2017/C1/55, 53, 52.

[89] NRS, GD 406/1/90 (Will Murray to Hamilton, 25 February 1627/8).

[90] The revocation was the only regular topic of conversation apart from Hamilton's debt, NRS, GD 406/1/91, 18, 582, 8280. Lords Eglington and Cassilis corresponded with Hamilton while he was on Arran but the letters have not survived, Lennoxlove, Hamilton MSS, TD/90/73/F1/50, fol.8r. The marital problem was a less common topic, but in one letter Charles talked 'of the importunitie of an Hoste of Woemen for the caling of you hither', GD 406/1/151/1 (Charles to Hamilton, 27 March 1628). See also, GD 406/1/8228, 8230.

invitation to attend at court.[91] A debt of £31,000 sterling was a convenient, and large enough, cloak to conceal other reasons for not returning to court.

The assassination of the duke of Buckingham on 23 August 1628 by John Felton swept aside the complicated negotiations to effect Hamilton's return. Only eleven days after Buckingham's death, Hamilton ended his exile on Arran and moved to the mainland to await the king's command.[92] Sir John Stewart of Traquair brought the king's first message to Hamilton, and this was confirmed by the earl of Denbigh on his second trip to Scotland at the end of September.[93] In short, Hamilton was offered Buckingham's post as master of the horse on the condition that he consummated his marriage.[94] Apparently unperturbed by this proviso, Hamilton arrived at court at the end of October, dutifully engaged with his wife, and was sworn master of the horse on 12 November.[95]

The first year of the post-Buckingham political scene was characterised by diplomatic moves to extricate England from a disastrous foreign policy that found her at war with both Spain and France.[96] After the failure of the second attempt to relieve the siege of La Rochelle, Charles, through the influence of Secretary Dorchester and Queen Henrietta Maria, quickly came round to the need for peace with France.[97] On 24 April 1629, the Peace of Susa formally ended the hostilities.[98] The effort to conclude peace with Spain was complicated by its role as the engine of the Catholic Counter-Reformation and Spanish control of the Palatine territories belonging to Charles's sister, Elizabeth, and brother-in-law, Frederick of Bohemia. The problems began when Frederick accepted the crown of Bohemia in 1619, from which territories he was evicted by the Catholic Emperor Ferdinand II, following the battle of the White Mountain outside Prague in November 1620. Frederick, the 'Winter King' and Elizabeth fled to the Hague with their children and the Upper and Lower Palatinate was overrun by Spanish and Imperial forces.[99] Political opinion was therefore pervaded by the emotive issue of Charles's dispossessed relatives, within the broader compass of the Protestant cause in Europe.

In England, it was an issue between hawks and doves. The hawks, led by Viscount Dorchester and Sir Thomas Roe, included those who desired a concerted attack, ideally in alliance with France and the Netherlands, against Catholic Spain not only to stem the Counter-Reformation, but to restore Charles's relatives.[100] Amongst this group were the earls of Pembroke, Viscounts Conway and Falkland and the recently returned marquis of Hamilton.[101] The doves were led by Lord Treasurer Weston, William Laud, Bishop of London and Sir Francis Cottington, who

[91] NRS, GD 406/1/96 (Hamilton to Buckingham, 24 March 1627/8); NRS, GD 406/1/151/1 (Charles I to Hamilton, 27 March 1628); NRS, GD 406/1/97 (Hamilton to Charles, 29 March 1628). The evidence does not allow us to be more specific.

[92] Lennoxlove, Hamilton MSS, TD/90/73/F1/50, fol.9v. Hamilton probably went to Hamilton Palace.

[93] NRS, GD 406/1/152 (Charles to Hamilton, 25 September 1628).

[94] This was a source of great amusement, and crude puns, at court, *CSPD, Additional 1625–49,* 291 (Lord Henry Percy to earl of Carlisle, 3 September 1628); *Ibid*, 294 (George, Lord Goring to Carlisle, 16 September 1628); *Ibid*, 295–296 (Sir Robert Aiton to [Carlisle], 29 September 1628).

[95] Patent for Master of Horse dated November 12, 1628, NRS, GD 406/L1/128, also, *CSPD 1627–8*, 371 where the grant for the same office is November 7. For a 'Mills & Boon' description of Hamilton's arrival at court and the king's insistence on the marquis sleeping with his wife, Mary Feilding, Rubinstein, *Captain Luckless*, pp.21–22.

[96] Gardiner remains an invaluable source for English foreign policy, enhanced by L.J. Reeve. Gardiner, *England*, vi, *passim* esp. pp.345–369; Reeve, *Road*, chapters 2 and 3.

[97] Dorchester was appointed secretary of state in December 1628, a sign that an active anti-Spanish foreign policy was still a possibility.

[98] Reeve, *Road,* p.51.

[99] Reeve, *Road,* pp.9–10. The duke of Bavaria had been given the electoral title with the support of Emperor Ferdinand and Philip IV; but the Spanish were the key to any restoration of the elector Palatine.

[100] In the shorter term, Charles's uncle, Christian of Denmark, was at war with the Empire and his armies had been hammered by Tilly and Wallenstein, so part of an aggressive English foreign policy would have sought to lend his tottering war effort some assistance.

[101] For Pembroke, Conway and Dorchester, Reeve, *Road,* p.61. Only a few letters for 1629 have survived in the Hamilton Papers, two from Henry Cary, Viscount Falkland, lord deputy of Ireland. In one Falkland thanks Hamilton for

favoured peace and financial retrenchment at home alongside negotiation with Madrid as the only means to restore Elizabeth and Frederick. By the time parliament reconvened in January 1629, it had not been resolved whether to continue the war with Spain or not, so the king may have taken the issue to parliament with an open mind.[102]

The parliamentary session of January to March 1629 was swamped with issues of domestic religion, crown finance and foreign policy.[103] Acrimonious exchanges over these issues, especially over tonnage and poundage, allowed Weston and Laud the opportunity to counsel dissolution to an increasingly disillusioned Charles.[104] The infamous incident in the House of Commons on 2 March, where the speaker, Sir John Finch, was held down in the chair while Sir John Elliot read a declaration against evil counsellors, was the final nail in the coffin and the parliament was dissolved when it re-convened on 10 March.[105] In the short term, the dissolution of Charles's third parliament meant that the doves at court had won and the continuation of the war against Spain was now impossible. In the long term, it would be eleven years before another parliament would be called in England, though many people continued to hope, at least until 1632, that a parliament would be called to finance a more active foreign policy.

The twenty-two-year-old marquis of Hamilton attended the upper house, as earl of Cambridge, at fifteen out of the twenty-three meetings of the 1629 session.[106] By all accounts, the Lords were very quiet throughout the session, none more so than the earl of Cambridge. Yet his sympathies lay with the hawks, and he was probably disappointed at the dissolution of the parliament. In fact, his conduct over the next few years showed that he was extremely unhappy that a more active part in the European wars was not being taken. Even after a few months back at court, the young man was willing to pursue objectives that did not chime with those of the king and his chief ministers. He was flying by his own wings, as the ubiquitous Will Murray had noted. Just how determined Hamilton was to pursue his own foreign policy objectives, is the subject of the next chapter.

supporting him at court, NRS, GD 406/1/239 (Falkland to Hamilton, 3 June 1629); GD 406/1/238 (Falkland to Hamilton, 8 June 1629). For a detailed analysis of Hamilton's views on foreign policy, see chapter 2.

[102] *Ibid*, pp.56–57.

[103] Reeve, *Road*, chapter 3; Christopher Thompson, 'The Divided Leadership of the House of Commons in 1629' in Sharpe, *Faction and Parliament*, pp.245–284; Russell, *Parliaments*, chapter 7.

[104] Reeve, *Road*, pp.81, 88.

[105] Elliot's main target was Weston.

[106] *L. J.*, iv, 5–43.

CHAPTER 2

Being Buckingham: Hamilton's German Adventure, 1628–1632

Hamilton, a young nobleman in his early twenties, chose a European stage for his first substantial public act. It was something that confirmed his political opinions, revealed his religious sympathies and forged his self-image. For the rest of his career, he was to some degree defined by his recruitment and command of a voluntary force to fight alongside the Lutheran king of Sweden, Gustavus Adolphus (1594–1632), in order to regain the Palatine for his cousin, Elizabeth. Hamilton's commitment to the restoration of the lost German territories to Charles's sister, Elizabeth, and brother-in-law, Frederick, established his reputation as a patron of the Protestant cause in Europe. There was no greater emotive issue in Scotland and England at the time, and for many the cause of Elizabeth and Frederick was indistinguishable from resisting Habsburg-Catholic hegemony in mainland Europe. This first public act also established Hamilton, for good or ill, as a soldier, who had been blooded in the most brutal war of the century, and who was thereafter associated with military matters, whether it was recruitment of soldiers for service abroad, or indeed for him to be a commander of forces in the wars of the three kingdoms in 1639–40 and in 1648. The military aspect of his life was fixed fast at the beginning of his career, and it followed him to the scaffold.

Another important issue is the extent to which Hamilton enjoyed the king's support, most clearly seen in the plot allegations of 1631, linking his name to the Scottish crown. Yet whilst he could rely on unwavering loyalty from the thirty-one year old monarch, he did not wield sufficient political influence for Charles to back a full-scale war against the Habsburgs. The duke of Buckingham had possessed that power, Hamilton did not and never would. The headstrong young adventurer of twenty-four, was nevertheless eager to emulate, and surpass, the military exploits of Buckingham, the previous master of the horse. For all that, however, he was a naive pawn who was manipulated by both Gustavus and Charles to further their own foreign policy objectives: by the former as a prologue to a full-blown Anglo-Swedish alliance and by the latter as a token gesture towards

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a military solution to the ticklish issue of his homeless elder sister.[1] Whether fully supported by Charles or not, Hamilton's expedition influenced the course of Caroline foreign policy and helped to shape the credo of the Personal Rule. His experience on the continent, as discussed with the king, helped steer Charles away from an Anglo-Swedish alliance and public commitment to the European war. But it was almost certainly a case of confirming Charles's opinion rather than altering it. This was an ironic achievement, given the reasons for undertaking the expedition.

I

Like many of his formative actions, Hamilton's interest in the Palatine cause can be traced to his father. The second marquis corresponded with Frederick, elector Palatine, and was a vocal supporter of the 'Winter King' after he accepted the crown of Bohemia in November 1619.[2] He was allied to the third earl of Pembroke, Archbishop Abbot and the countess of Bedford, who viewed the plight of the king and queen of Bohemia within the broader ideological framework of the Protestant cause.[3] In that sense, Hamilton was the ideological heir of his father.[4] The sad fate of the Palatine family had mass popular appeal in Scotland and England.[5] In fact, in the later 1620s Elizabeth was next in line to the Stuart kingdoms and presented a credible Protestant alternative (and threat) to her brother Charles.

On his return to court in late 1628, Hamilton continued the family connection with his dispossessed cousin, giving it practical expression in his determination to take an expeditionary force to Germany.[6] It remains unclear whether Charles asked Hamilton to levy the force, or if Hamilton offered and the king accepted.[7] Either way, Hamilton was motivated in that direction and predisposed towards the hawks at court, especially Viscount Dorchester and Sir Thomas Roe. There may have been other reasons for the marquis being tempted to go abroad, but the evidence is patchy. Hamilton had not completely reconciled with his wife, despite attempts by members of the queen's circle, the earl of Denbigh and the king to heal the rift.[8] The marital problems may have provided a further nudge to go abroad, though he was on good enough terms with his wife to make her

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[1] Elizabeth's grandson by her daughter Sophia of Hanover would succeed to the British Crown as George I in 1714, the first of the House of Hanover.

[2] NRS GD 406/1/9345 (Fr[e]deric[k of Bohemia] to James, second marquis of Hamilton, 25 November 1619). See also *HMC., Hamilton Supplementary*, 9 (Elizabeth, queen of Bohemia to countess of Bedford, 3/13 March [1620]; GD 406/1/9344 (Frederick to second marquis of Hamilton, 8/18 May 1621). For Elizabeth, *HMC, Hamilton Supplementary*, 191 (Elizabeth to second marquis of Hamilton, 17/27 May [before March 1625]). See also, chapter 1, section II.

[3] For a discussion of this group see S. Adams, 'Foreign Policy and the Parliaments of 1621 and 1624' in K.M. Sharpe, *Faction and Parliament*. (Oxford, 1978), pp. 139–171, 144.

[4] Burnet, *Memoirs of the Hamiltons* (1852), p.6. For those at court similarly motivated, L.J. Reeve, *Charles I and the Road to Personal Rule* (Cambridge, 1989), for Pembroke, pp.38–9, 61; and Dorchester, pp.40, 112, 189, 210, 241, 255, 275–6, 282, 284; and Roe, pp.112, 192, 227.

[5] NRS E.65/6; *Acts of the Parliament of Scotland*, iv, 474–80; Reeve, *Road to Personal Rule*, p.222. See also Adams, 'Foreign Policy', p.147. After 1628, the same attitude appears to have gained support in Europe, G. Parker, *The Thirty Years' War* (London,1984), p.81.

[6] The young earl of Arran appears to have had at least one veteran of the European wars, David Ramsay, in his retinue, Hamilton MSS Lennoxlove, TD/90/73/F1/25/7 (Account Book of Arran's expenses, 1620, November–May 1621); Lennoxlove, TD/90/73/F1/50 (Account Book of Hamilton on Arran, 1628). As another early indicator of Hamilton's interest in the exploits of Gustavus see NRS GD 406/1/10832 (Newsletter, [before 1625]); GD 406/1/102 ('Propositions & Resolutions of ye King of Suede sent to ye Emperor, febr 1629'). For the significance of this paper as a first indication of Gustavus's intentions towards Germany, Parker, *Thirty Years' War*, pp.79–81.

[7] Burnet suggested that Hamilton did not propose the venture, Burnet, *Memoirs of the Hamiltons* (1852), p.7. Gardiner suggested that Charles 'gave permission' to Hamilton to 'levy six thousand volunteers', S.R. Gardiner, *History of England, 1603–42*. 12 vols in 10 (London, 1883–4), vii,174–5, while Reeve commented that Charles 'had allowed the adventurous young Hamilton to levy English and Scottish volunteers', *Road to Personal Rule*, p.266.

[8] See Chapter 1, pp.17–19.

pregnant before he left.[9] He may also have seen his German expedition as a way to avoid the advances of his creditors and in particular the unwelcome attention of the Commission for Surrenders and Teinds. It may be significant that while he was abroad all legal processes against his estate were suspended by a royal warrant, and Charles took personal responsibility for his friend's affairs.[10]

The offer of military aid was carried to the king of Sweden by Hamilton's kinsman Colonel Sir Alexander Hamilton (the first earl of Haddington's brother) sometime in 1629. Then Hamilton's client, David Ramsay (d.1642), a gentleman of the privy chamber, was sent to Sweden to negotiate conditions for the army of 6,000 men, which Hamilton intended to raise.[11] By 30 May 1630, a set of articles had been agreed by Ramsay and Colonel Hamilton with Gustavus Adolphus.[12] The preface to the articles stated that the contract was between the king of Sweden and Hamilton, and no mention was made of Charles I.[13] Hamilton's army would be doubled in size, with reinforcements from Gustavus, if he did not merge with the Swedish army on arrival.[14] If he was to campaign independently he was promised money, arms, ammunition, and an adviser with whom he could 'consult in all things'.[15]

Hamilton was the dependent of Gustavus rather than Charles, especially after he landed on mainland Europe.[16] Even so, the financial responsibility for the expedition was vague, and the two kings were expected to contribute at different stages: Charles for the initial recruitment and launch, and Gustavus for maintenance and reinforcements thereafter. In short, Hamilton's expedition was a characteristic fudge by Charles. He sought to associate himself with a military solution in Germany, while refusing French overtures for a joint effort against the Habsburgs, and at the same time concluding a secret treaty with Spain against the United Provinces.[17] In the midst of this over-complicated foreign policy, Hamilton was left to organise an expedition on a limited budget and to generate support at home and abroad.

Hamilton's effort to secure support in the Netherlands is a case in point. At the end of 1630, David Ramsay was sent to the Hague to negotiate the assistance of the prince of Orange and the estates, and to request a financial contribution from the exiled king and queen of Bohemia.[18] Ramsay failed to get any assistance from Holland because, as he told Hamilton, 'they can not beleve

[9] W.R.O., Feilding of Newnham Paddox MSS, CR 2017/C1/37 (Duchess to Feilding, 4 Feb. 1630/31). Hamilton and his father-in-law the earl of Denbigh (with whom Hamilton had a close relationship) both planned to leave court for extended periods, W.R.O., Feilding of Newnham Paddox MSS, CR 2017/C1/36 (Katherine Manners, duchess of Buckingham to Basil, Lord Feilding, November [?] 1630).

[10] NRS GD 406/1/205 (Charles I to Viscount Dupplin, chancellor and Sir James Skene, president of the College of Justice,14 June 1631).

[11] Colonel Sandy Hamilton was in Stockholm around May 1630 acting as Hamilton's agent, W. Fraser, *Memorials of the Earls of Haddington.* 2 vols (Edinburgh 1889), i, 27. Ramsay went later, see W. Cobbett, *A Complete Collection of State Trials* 12vols (London, 1809–26), iii, 446–447 (The Relation of Donald Lord Reay).

[12] The articles are printed in Burnet, *Memoirs of the Hamiltons* (1852), pp.8–10. The original can be seen through *NRA(S)* 2177, bundle 1410, 1–1a.

[13] Burnet, *Memoirs of the Hamiltons* (1852), p.8.

[14] Articles 1–4. Gustavus would provide 4,000 foot and 2,000 horse to enable Hamilton to 'make an impression elsewhere'.

[15] Articles 4–10. Article 5 confirms that all territory taken from the enemy would belong to the Swedish king, but that the revenues would go to Hamilton.

[16] These articles are also printed in Burnet, *Memoirs of the Hamiltons (1852)*, p.11–12. The original can be found at, NRS GD 406/M1/23 (1 March 1631, Articles (signed by Hamilton) ratifying the mutual compact with the king of Sweden).

[17] Reeve, *Road to Personal Rule,* pp.253–60; Gardiner, *England*, vii, 175–80.

[18] It was hoped the Estates would contribute 1,000 carts, provisions, some companies of horse and foot or failing that to grant a subsidy, NRS GD 406/1/9296 ([Ramsay] to the States General of Holland with their answer, 5/15 April 1631), noted in *HMC., Hamilton supplementary*, pp.13–16.

that the king of ingland intends any thing reallie for the advancment of your busines'.[19] Similarly, the king and queen of Bohemia sent numerous letters of support to the hopeful young marquis, but stressed their inability to make a financial contribution.[20] On the face of it, the king of Sweden warmly supported Hamilton's expedition. Unlike the Netherlands' narrow view, Gustavus saw Hamilton's army as a snare to draw the king of Britain into publicly promoting a large scale military commitment on the continent. By the end of 1630, Gustavus had obtained support for his grand campaign in Germany from France, Russia and Holland and through Hamilton he looked to add Britain to his group of supporters.[21] Gustavus's ideal scenario was that Hamilton's force of 6,000 would embark in the Summer of 1631, with up to 10,000 reinforcements following, after a full public alliance had been concluded between Britain and Sweden.[22] Before Hamilton left for the continent, Sir Henry Vane, the comptroller of the household, was chosen for the mission to discuss the projected alliance with Gustavus and left England in late September 1631.[23]

Meanwhile, on 18 July, the day before Hamilton set sail, additional levies of volunteers to bolster Sweden's forces was permitted.[24] A few months later Secretary Dorchester happily informed Hamilton, 'his Maty in the meantime [is] continuing his affection to ye king of Swede [and] doth give order for more men to follow that way ye lp hath led.'[25] Yet the numbers were not huge, a few hundred at first, and the total probably not more than a thousand.[26] Still, Dorchester and Roe pressed for the alliance when Hamilton left, in the face of stiff opposition from Weston and the other doves.[27] There was much at stake, for the political battle over the projected Anglo-Swedish alliance would decide the character of the Caroline regime in the thirties.[28] One thing was certain, funding for anything more than the modest force Hamilton was recruiting would require a parliament to be called. The final decision was made by Charles, and Hamilton's experiences on the continent influenced the decision to opt for isolation.

II

Acting as a private individual, Hamilton had to recruit, equip, finance and transport a British expeditionary force to the continent. It took about seventeen months from the signing of the commission on 15 December 1629 to the embarkation from Yarmouth on 19 July 1631.[29] It was common knowledge that Charles supported the mobilisation, yet the lack of official backing constantly

[19] NRS GD 406/1/9308 (David Ramsay to Hamilton, 8 November 1630) printed in *HMC., Hamilton supplementary*, pp.10–11.

[20] For Frederick see NRS GD 406/1/10464, 10465, 10466, 10467 [Hamilton Red Book, i, 48, 49, 50. 51]. For Elizabeth, GD 406/123, 125, 142. On the king and queen's financial position, GD 406/1/147 (Elizabeth to Hamilton,12/22 June [1630]).

[21] On French, Dutch and Russian support see Parker, *Thirty Years' War*, p.80; Reeve, *Road to Personal Rule*, pp.265–66.

[22] NRS GD 406/1/9257 (Gustavus to Hamilton, 25 April 1631); GD 406/1/9256 (Gustavus to Hamilton, 26 April 1631).

[23] Sir Philip Warwick, *Memoirs of the Reign of King Charles I* (London, 1702), pp. 107–8. It has been suggested that Vane was pro-Spanish and therefore a cautious choice, Gardiner, *History of England*, vii, 188; Reeve, *Road to Personal Rule*, pp. 227, 275–88. However, Vane may have been switching allegiance from Weston to Hamilton at this time, *CSPD, 1631–33*, 332 (Suckling to Vane, 2 May 1632).

[24] Sir Piers Crosby was to recruit 2,000 in Ireland and Sir Thomas Conway was to recruit 700 in England, TNA SP 16/196/91 (earl of Holland to Dorchester, 18 July 1631).

[25] NRS GD 406/1/209 (Dorchester to Hamilton, 2 September 1631).

[26] Hamilton was to receive 300 men to bolster Sir John Hamilton's regiment, as well as a further 800 men to be sent later, NRS GD 406/1/195 (Carlisle to Hamilton, 7 August 1631).

[27] Reeve, *Road to Personal Rule*, p.267.

[28] *Ibid.*

[29] *HMC., Hamilton*, 47(96) (Commission, Gustavus to Hamilton 15 December 1629). Hamilton was under sail by 19 July 1631, TNA SP 16/196/95 (Hamilton to Dorchester,19 July 1631).

hampered progress at home and abroad.[30] Even Charles's financial aid was not straightforward, being two grants from the English Treasury totalling £23,000, supported by a grant to Hamilton on 25 February 1631 of the lease of the customs and imposts of wines in Scotland for sixteen years, estimated at the time to be worth a total of £60,000 stg.[31] The grant of the wine tack had a twofold aim. It was first to stand security for loans to finance the expedition, and second, it was to ease Hamilton's debt and ensure the long term solvency of his estates.[32] The wine customs was about the most stable revenue stream the crown had in Scotland, and William Dick of Braid (1580–1655) was farming it for £6,253 per annum, amounting to a total of £100,053 over the sixteen year lease; £40,000 more than the estimated value.[33] Hamilton agreed to surrender the tack back to the crown after only three years for £40,000.[34] No accurate figure has survived to show how much of the wine tack was mortgaged to pay for the expedition, but it was probably about £20,000.[35] So Hamilton spent about £43,000 on his expedition, which was just about enough to levy, launch and maintain his forces for the first few months. After he sailed for Germany, however, Charles's financial commitment ended and Gustavus was to take over.[36] The procuring of arms and ammunition was also unstable as Gustavus suddenly reneged on the agreement to provide supplies.[37]

The initial plan was to recruit the whole army in Scotland but a poor response necessitated an English muster.[38] The recruitment drive stumbled towards 1,200 in Scotland, while the English muster yielded over 5,000, which was enough to satisfy the contract between Gustavus and Hamilton.[39] It was achieved by Charles badgering lord lieutenants in England to assist, and latterly London was scoured for able vagrants and masterless men.[40] The army was organised into three English regiments and one Scottish. There were 35 English and 18 Scottish officers for a force of 5,000 English and 1,000 Scots.[41] Of the four regimental commanders three were Scottish – two of them being Hamiltons – and one was English. Sir James Ramsay and Sir James Hamilton each commanded an English regiment, and the Englishman Sir Jacob Astley, led the third, with Sir Alexander Hamilton in command of the Scots regiment. The four colonels had close ties with Hamilton or his collaborators. Sir James Hamilton was a kinsman and member of Hamilton's household; Sir Alexander (Sandy) Hamilton was a kinsman and dependent on Hamilton for his

[30] NRS GD 406/1/205 (Charles I to Chancellor and President of the College of Justice, 14 June 1631); Gardiner, *England*, vii, 184.

[31] TNA SO 3/9 (Signet Office Docquet Book) unfol., September 1630; TNA SO 3/9 unfol., May 1631. Dorchester secured both grants. About £2,000 of the £12,000 grant may have been unpaid, TNA E. 403/2415, fol.9v; NRS GD 406/M9/21 (letter of gift under the Great Seal,15 February 1630) and the signature GD 406/Bundle 508. See also GD 406/M1/22 (15 March 1630/1). For the estimate of the total worth of the wine tack, Innerleithen, Traquair MSS, 5/9 ('Instructions ... anent the marq[uis] of hamilton', June [1633]).

[32] T. Birch, ed., *The Court and Times of Charles I* 2 vols (London, 1848), i, 102–3; *State Trials*, iii, 451 (Trial of James Lord Ochiltree). For more on Hamilton's finances and the wine tack, see chapter 5.

[33] *RPCS, 2nd Series, 1633–35*, 305–6. The figure was 112,000 merks Scots.

[34] *Ibid.*

[35] Innerleithen, Traquair MSS, 5/9.

[36] NRS GD 406/1/9360 ([Draft] Hamilton to Charles, [May 1631?]).

[37] NRS GD 406/1/9320 (Lord Reay to Hamilton, 15 January 1630/31); *HMC, Hamilton*, p. 72 (26) (Instructions to colonel Alexander Leslie, [1631]); NRS GD 406/1/9322 (Leslie to Hamilton, 12 May 1631).

[38] *RPCS, 2nd Series, 1630–32*, 58, 193–4, 225–6, 620. For Hamilton in Scotland, NRS GD 406/1/197 (Earl of Carlisle to Hamilton, 3 May 1631). Hamilton made at least two trips to Scotland in March and May. See also Birch, *Court and Times*, ii, 122.

[39] Birch, *Court and Times*, ii, 127; TNA SP 16/194/32 (Charles I to lord lieutenants of several counties, 19 June 1631); NRS GD 406/1/206 ([Copy][Dorchester ?] to justices of the peace and deputy lieutenants of Northamptonshire, 23 June 1631);*Ibid*, ([Copy][Dorchester ?] to earl of Westmoreland, 23 June 1631).

[40] TNA SP 16/195/33 (Charles I to Sir Robert Duncie, [before 19] June 1631); SP 16/195/15 (Charles I to Masters and Rulers of the Company of Watermen, 28 June 1631).

[41] *HMC., Hamilton Supplementary*, pp. 180–88.

place of gentleman of the privy chamber, and later for two pensions totalling £800 a year.[42] Sir James Ramsay was linked to Hamilton through the earl of Denbigh, he was the brother of David Ramsay, and he enjoyed Hamilton's patronage throughout the thirties.[43] Sir Jacob Astley, a veteran of the continental wars, owed his place to the recommendation of Sir Henry Vane and Elizabeth of Bohemia, the latter describing him as 'an honest sufficient man and firme in religion.'[44] Astley was made sergeant-major general of the army and played a key role in Hamilton's counsel.[45] During the 1630s, Astley acted as Hamilton's 'intelligencer' in Europe and likewise enjoyed the marquis's continued patronage.[46] A similar affinity endured between Hamilton and another veteran, Sir Alexander Leslie, later first earl of Leven, the commander of the proposed auxiliary troops to be provided by Gustavus.[47] Leslie was in Swedish service until he returned to Scotland in October 1638, during which time he corresponded with Hamilton, informed him of events on the continent and enlisted his support for Swedish levies in Britain.[48] In two of the surviving letters Leslie addressed Hamilton as his 'Patron', suggesting a close bond that survived at least until 1641, when he alerted Hamilton to the assassination plot known as 'the Incident'.[49]

III

Hamilton did not have to wait until 1641 for his enemies to close in on him and try to have him removed from Charles's side. Exactly a decade earlier, he returned to court from Scotland to be faced with accusations that he intended to use his army to seize the Scottish crown. To most contemporaries the affair was a confusing mish-mash of gossip, half truths and Court tittle-tattle. The Venetian Diplomatic Agent, Giovanni Soranzo, writing on 4 July, alerted his masters of the affair in terms that reflected the problem:

> Some days ago two Scottish gentlemen were arrested at Greenwich, where the Court now is, and another person of the same nation was also laid hands on before them. Commissioners, one of whom is the Earl of Carlisle, who is a Scot, have been deputed to draw up the process against them. The incident has excited remark, because the whole affair has been carried out with the most extreme and extraordinary secrecy.[50]

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[42] TNA SO3/11, July 1635; W. Knowler, ed., *The Earl of Strafford's Letters and Dispatches* (2 vols. Dublin, 1740), ii, 277 (Captain Stewart to Wentworth, 7 February 1638/9).

[43] Sir James was in Spain during Charles's wooing of the Infanta, and at the Rhe expedition, both times probably under Denbigh's patronage, W.R.O., Feilding of Newnham Paddox, CR 2017/C1/3 (Sir James to Denbigh, 25 March [1623]). For Rhe, *CSPD, 1628–9*, 251, 488.

[44] NRS GD 406/1/183 (Vane to Hamilton, 7 May 1631); GD 406/1/8383 (Astley to Hamilton, 10/20 May 1631); NRS GD 406/1/140 (Elizabeth to Hamilton, 21 June [1631]). Astley had been involved in the European wars since 1599, P. R. Newman, *Royalist Officers in England and Wales, 1642–1660. A Biographical Dictionary* (New York, 1981), number 39, pp.9–10.

[45] Birch, *Court and Times*, ii, 102–103.

[46] *HMC Hamilton Supplementary*, 191 (Elizabeth to Hamilton, 16/26 November [n.d]); *Ibid*, 193 (Elizabeth to Hamilton, 18/20 October [1635]); *Ibid*, 191 (Elizabeth to Hamilton, 16/26 November [n.d.]). For Astley as Hamilton's 'inteligencer,' *Ibid*, 43 (Charles, Prince Palatine to Hamilton, 4 September 1637).

[47] Leslie may have had the rank of serjeant-major general. I owe this point to Richard Brzezinski. Leslie was involved on the continent at an early stage in the mobilisation, *HMC, Hamilton*, 72 (25) (Gustavus to Hamilton,18/28 April 1631); *HMC, Hamilton*, 72 (26) (Gustavus' instructions to colonel Alexander Leslie, 1631). Leslie was to be assisted by Dr. J.G. Salvius. See also, *HMC, Hamilton*, 73 (31) (Salvius to Hamilton, 4/14 July 1631); NRS GD 406/1/9320 (Reay to Hamilton, 15 January 1631); GD 406/1/9257 (Gustavus to Hamilton, 25 April 1631). *HMC Hamilton*, 73(32) (Gustavus to Hamilton, 3 August 1631); C.S. Terry, *The Life and Campaigns of Alexander Leslie, first Earl of Leven*, (London, 1899) pp. 21–22.

[48] *HMC, Hamilton*, 81(62) (Leslie to Hamilton, 26 November, 1632); Terry, *Alexander Leslie*, pp. 33–34 (Leslie to Hamilton, 16 April, 1636); Terry, *Alexander Leslie*, pp. 34–36 (Leslie to Hamilton, 9 May, 1637).

[49] Terry, *Alexander Leslie*, pp. 33–36.

[50] *CSPV., 1629–32*, 523. For further mention of the 'mystical business' see Birch, *Court and Times*, ii, 126.

Even from this opaque account, the emphasis was on Scotsmen. As more details surfaced it remained that Scots were almost exclusively both accusers and accused. This is important, because it is one way to make sense of the affair. The alleged plot of 1631 was an attempt by adversaries to topple an opponent, using methods familiar in Scottish politics but less prevalent in English politics.[51] The main threads of this complicated affair will be unravelled by presenting four main blocks within a loose narrative framework: first, a brief account of the accusations and how they came to light; second, a detailed look at the main characters; third, how the preliminary examination was conducted; and finally, a short account of the trial in a court of chivalry and its broader implications. One of the main problems is distinguishing who said what, and when. Precedence will therefore be given to rendering the details of what individuals said or what the hearer believed they said.

Two of the three main characters in the affair, David Ramsay and Sir Donald Mackay, 1st Lord Reay (1591–1649), were closely involved in the organisation of Hamilton's expedition: Ramsay in Hamilton's employment and Reay in the king of Sweden's.[52] Taking the evidence from Reay's 'Relation', or deposition, of 18 May 1631, the men met for the first time in Stockholm sometime in May 1630 and, shortly after, had talks on three consecutive evenings; the first two on board Reay's ship at Elsinore, Denmark, and the last on a nearby isle. On each occasion Ramsay complained bitterly of the court's infiltration by papists and Arminians. As a result, he suspected that a change of religion was likely and further maintained that Hamilton intended to oppose such a move. Ramsay blamed Lord Treasurer Weston and the bishops for this slide into popery. These spiritual degenerates were juxtaposed with Hamilton who, claimed Ramsay, sent the lord treasurer a challenge. The 'Relation' also revealed that a toast was drunk to Hamilton as king of Scotland by Colonel Alexander Hamilton, Sir James Hamilton and David Ramsay in the presence of Reay.[53]

It was almost a year before Ramsay and Reay met again, this time in Amsterdam. Ramsay continued his diatribe against the Spanish faction at court, whom he identified as Lord Treasurer Weston, the earl of Carlisle, Viscount Cottington and Kenelm Digby.[54] According to Reay, Ramsay 'hoped' that Hamilton would protect England from the ambitions of France and Spain.[55] Finally, on his arrival in England, Reay was accepted into the expedition by Hamilton and held discussions with Sir James Ramsay, Sir James Hamilton, Captain Archibald Douglas and the earl of Roxburgh.[56] More interestingly, Reay also told of a discourse between Hamilton and his senior officers about making an "insurrection". This stands out in contrast from the rest of Reay's 'Relation' as it clearly implicated Hamilton in the alleged conspiracy, though curiously it was not referred to in the later examination or trials.[57]

Reay's decision to divulge these conversations to James Stewart, Lord Ochiltree (d.1658), transformed the situation. As his first examination showed, Reay first mentioned the plot to Ochiltree on 6 or 7 May, a few days before Hamilton made another of his recruitment trips to Scotland.[58] On 13 May, Reay went to Ochiltree's chamber and recounted the full details of a plot to use Hamilton's levies to overthrow the royal family, execute the Englishmen of the Spanish faction and the principal men of the Scottish government. Both men immediately decided that Ochiltree would inform

[51] Keith M. Brown, *Bloodfeud in Scotland 1573–1625* (Oxford, 1986).

[52] For Ramsay see above. He was in Holland between 8 November 1630 and 8 February 1631 at least, see NRS GD 406/1/9308, 9321. For Mackay see *HMC, Hamilton*, 70 (19) (Reay to Hamilton 15 January, 1630/31); *HMC, Hamilton*, 70 (18) (Gustavus to Hamilton 3 December, 1630); *HMC, Hamilton*, 70 (19) (Gustavus to Hamilton, 15 January, 1630/31). The third main character was Robert Meldrum, see below.

[53] *State Trials*, iii, 447–449 (Reay's 'Relation').

[54] *Ibid*, 450–452.

[55] *Ibid*, 451.

[56] *Ibid*, 451–452.

[57] *Ibid*, 451.

[58] Reay's first Examination, *State Trials*, iii, 430–32 (Trial of James, Lord Ochiltree).

Weston, who in turn took the story to the king. Whereas Reay stressed in his first examination that 'he knew nothing against the person of the marquis', Ochiltree, by contrast, quickly put Hamilton at the head of the plot.[59] On 16 May he submitted a list to Weston of Hamilton's kinsmen and relations in Scotland in which he described the marquis as the 'prime agent' and the earls of Melrose, Roxburgh and Buccleuch as the 'Plotters'.[60] On the same day, Ochiltree told the king:

> That the business was a Treason intended against his Majesty, and the party was the marquis of Hamilton, as this examinant was informed; and that it was the filthiest treason that ever was intended.[61]

A week later Ochiltree was at it again. In a fit of panic, after hearing that Hamilton was on his way to court he pressed the king to flee London, finally warning Charles, 'Sir, now we know the business, but know not the time; and therefore, sir, either do or die.'[62] Thus ended Ochiltree's second attempt to have Hamilton apprehended before he came to the king, after having similarly failed to have him imprisoned in Scotland.[63]

If Ramsay's drunken complaints of a Popish Court and his veneration of Hamilton as a Protestant crusader combined to make Reay suspicious of the motives of some members of the expedition, the treasonous utterings of the third main character in this affair, Robert Meldrum, tainted everyone. On his return to Stockholm from England in July, Meldrum, like Ramsay before him, told Reay of the pervasive influence of papists and Arminians at court and the desire for peace with Spain. Being now both suspicious and warming to his task, Reay instructed his lieutenant colonel, the laird of Bensho, to spy on Meldrum and jointly they accumulated evidence that Reay believed pointed to a plot. In one conversation, after Meldrum had declared that Charles should be immured behind a wall, Reay queried how that could be effected. In reply, Meldrum outlined a plot using Hamilton's army to seize the main Scottish castles and invade England. He also claimed to be composing a declaration arguing the justness of Hamilton's cause, his title to the Scottish crown and the 'tyrannical' methods of church government under James and Charles.[64] Without a doubt, Meldrum's statements were treasonous, whether all or part of Reay's account was true. Nevertheless, they were the warped imaginings of a man alienated from the king's political and religious policies, rather than the lineaments of an organised plot. Indeed, Meldrum's revolutionary blueprint stands in contrast to the vague rumblings of discontent from Ramsay. Most important, however, it was Meldrum's, not Ramsay's, rantings that Reay decided to believe. What is more, rather than moderating Reay's unbalanced view, Ochiltree drifted further into the realm of fantasy.

A number of questions beg answers from this narrative. Most obviously, what do we know about Reay, Ramsay and especially Ochiltree's background which may throw light on their motives? Let us begin with David Ramsay. Ramsay was one of the chief organisers of Hamilton's expedition. His association with Hamilton extended back to at least 1620 when he was part of the young earl of Arran's company on his first presentation at court.[65] He also spent some time with Hamilton during the enforced exile on the island of Arran in 1628, carrying correspondence between Arran and

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[59] *Ibid*, 432 (Reay's first Examination).

[60] *Ibid*, 435–436 ('The Tenor of the List'). The three accused earls' kinsmen and relations were also listed.

[61] *Ibid*, 429 (Ochiltree's Examination, 20 June, 1631).

[62] W.R.O., Fielding of Newnham Paddox, CR 2017/C2/177 (Roger Fielding to earl of Denbigh, 20 February, 1631/2); *State Trials*, iii, 430.

[63] W.R.O. Fielding of Newnham Paddox, CR 2017/C2/177 (Roger Fielding to earl of Denbigh, 20 February, 1631/2).

[64] 'Reay's Relation', *State Trials*, iii, 449–50, Meldrum claimed that nine Scottish earls and some of the English nobility backed the plot. On hearing of the birth of the Prince of Wales, Meldrum apparently said it would have no effect on the plot as the king and queen of Bohemia had promised their daughter to Hamilton, *Ibid*, 449.

[65] See above and NRS Hamilton MSS Lennoxlove, TD/90/73/F1/25/7 (Account book of earl of Arran's expenses November 1620-May 1621).

Edinburgh, and probably to court.[66] Ramsay's connection with the Stewart court went back even further. He held an indeterminate court position under James VI and then, predictably enough given his views, became a groom of the bedchamber to Prince Henry.[67] Later, under Charles, he served as a gentleman of the privy chamber, but it is uncertain whether he held that place between 1612 and 1625.[68] Be that as it may, by 1631 Ramsay was an established figure at court, with a position in the king's household and a client relationship with Hamilton. Indeed his brother, Sir James Ramsay, as has already been noted, commanded one of Hamilton's English regiments.[69] Furthermore, the marquis's close ally at court, Robert Kerr, earl of Roxburgh, and James Hamilton, earl of Abercorn, the head of the main cadet branch of the Hamiltons, both stood surety for David Ramsay during the trial in the High Court of Chivalry.[70] More significantly, Hamilton had asked Roxburgh to support Ramsay before he left for Germany.[71] Therefore Hamilton, though absent in Germany, continued to back Ramsay against Reay when it would have been more prudent to sever all ties with him.[72]

The reputation of Sir Donald Mackay, first Lord Reay rested on his military exploits in the service of Denmark and Sweden.[73] Charles I ennobled him on 20 June 1628 as a reward for service in the German Wars under the king's uncle, Christian IV of Denmark.[74] In 1626, with the assistance of James, Lord Ochiltree, Reay raised troops in Scotland to aid Ernst, Count Mansfeld in Germany.[75] For a two year period starting in 1626, he served Christian IV and in 1629 moved to Gustavus Adolphus, quickly becoming one of the main Scottish officers recruiting for the king of Sweden.[76]

As a result, Reay was involved at an early stage in activities relating to Hamilton's campaign. He discussed Hamilton's propositions with Gustavus and was empowered to conclude with Hamilton in all things concerning the expedition.[77] Reay also offered to serve in Hamilton's army and

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[66] NRS Hamilton mss Lennoxlove, TD/90/73/F1/50 ([unfol.]Account of extraordinary expenses, February-September 1628).

[67] *DNB*., xlvii, p. 240. Ramsay was awarded a pension of £200 sterling shortly after Prince Henry died. For his employment with James VI, NRS GD 406/1/1604 ([Hamilton] to Sir John Banks, 26 March 1642). One Ramsay was part of a group who ran at the ring with Prince Charles in February 1612, N. E. M. McClure ed., *The Letters of John Chamberlain*, (2 vols, Philadelphia 1939), i, 399; 'David Ramsay (d.1642)', Oxford DNB, https://doi.org/10.1093/ref:odnb/23079.

[68] *State Trials*, iii, 496; NRS GD 406/1/1604, in this letter Hamilton infers that Ramsay had been in continual royal service from at least 1603–42. On Ramsay's receipt of royal favour see TNA, SP 16/131/5 (Ramsay's petition to the king, 2 January 1628/9 and answer, 10 March 1628/9).

[69] Another brother, Sir George Ramsay, was also involved in the mobilisation, TNA, SP 16/195/12 (Lord Paulet to Dorchester, [? 1631]).

[70] Bodleian Library, MSS Rawlinson. D. 719, XII, fol.350v; *State Trials*, iii, 501. Abercorn was later unavailable and the earl of Buccleuch took his place, Rawlinson, D. 719, XII, fol.365r.

[71] NRS GD 406/1/9268 (Roxburgh to Hamilton, 1 July 1631). See also GD 406/1/9269 (Lord Goring to Hamilton, 1 September 1631).

[72] NRS GD 406/1/9275 (Roxburgh to Hamilton, 23 September 1631); GD 406/1/86 (Roxburgh to Hamilton, [September-May 1631–32]); GD 406/1/241 (Roxburgh to Hamilton, 17 March 1631/2). Burnet's claim that Hamilton had 'no interest at all' in Ramsay and knew nothing about him is misleading, probably deliberately, Burnet, *Memoirs of the Hamiltons* (1852), p.8.

[73] See, for example, R. Monro, *Expedition with the Worthy Scots Regiment (called Mac-keyes Regiment) levied in August 1626, by Sr D. Mac-key Lord Rhees* ... (London 1637); I. Grimble, *Chief of Mackay*, (London 1965); J. A. Fallon, 'Scottish Mercenaries', (PhD Glasgow 1972); Oxford DNB, 'Donald Mackay, first Lord Reay (1591–1649)' https://doi.org/10.1093/ref:odnb/17556.

[74] NRS Reay MSS, GD 84/2/171 (Extract act of Privy Council, 8 July 1628); G.E.C., *Complete Peerage*, x, 753.

[75] NRS GD 84/2/149 (Letter of Agreement, 4 March 1626). Ochiltree signed the letter on behalf of Mackay; GD 84/2/151 (Commission to levy 3,000 Scots, Mansfelt to Mackay, 9 April 1626); GD 84/2/153 (Warrant to transport 3,000 men, Charles I to Mackay, 21 July 1626). These troops may have been sent to Denmark after Mansfeld's death in 1626. I owe this observation to Richard Brzezinski.

[76] For Christian IV, see NRS GD 84/2/160, 161, 168, 170; *Complete Peerage*, x, 753. For Gustavus Adolphus, see also GD 84/2/174, 175; see the 'List' in Monro, *Expedition*, no page number, located between volumes I and II.

[77] NRS GD 406/1/9320 (Reay to Hamilton, 15 January 1630/1); *HMC Hamilton*, 70 (18), (19).

a commission was being negotiated up till the disclosure of the plot.[78] More to the point, during Hamilton's recruitment-drive Reay operated a parallel levy in Scotland and Ireland for Gustavus amounting to 2,000 men in Scotland and three regiments in Ireland.[79] Crucially, however, Reay's recruitment campaign was suspended until Hamilton's was completed.[80] This assumed even greater importance to Reay's prestige after Count Tilly, the leader of the Catholic League's forces, successfully stormed New Brandenburg in March 1631, resulting in further losses to Reay's regiments in Germany. Gustavus quickly assured Reay that the Scottish and Irish levies would be used to rebuild the depleted regiments.[81] At this level therefore, there may have been some rivalry between Hamilton and Reay in their efforts to secure scarce resources. Furthermore, Reay was aware that Hamilton enjoyed Charles's support and with it a considerable advantage.[82]

Another source of irritation was the money owed to Reay by Christian IV of Denmark who had passed the debt on account to Charles I.[83] One of the sums stood at 18,304 rix dollars (£4,576 sterling).[84] The debt was not satisfied by September 1632 despite Reay holding privy seals dated from May 1629.[85] In early 1631 Reay entreated Dorchester to intercede with the king on his behalf to secure payment.[86] Curiously enough, there are copies of some of the letters that passed between Christian IV and Charles I concerning Reay's debts amongst the Hamilton Papers.[87] This puzzle may be explained in two ways. Firstly, Reay may have sent the letters to Hamilton to try and solicit his aid, either in 1629 or, more plausibly, during their correspondence in 1630 and 1631. Secondly, they could have been sent to Hamilton, or requested by him, during the initial examination of the plot. Reay, therefore, may have been aggrieved at Charles's financial support for Hamilton in the face of these outstanding debts.[88] From this evidence it seems likely that Reay felt some antipathy towards Hamilton, sufficient perhaps, to encourage him to make use of the loose-tongued complaints of Ramsay and the fanciful meanderings of Meldrum. In fact, it was rumoured around court that Reay had been motivated by 'spleen'.[89] Equally, Reay's resolution to confide in Ochiltree, notwithstanding their friendship, was significant given the latter's historical connection with the Hamiltons.

Evidence for enmity towards Hamilton is more compelling in the case of James Stewart, Lord Ochiltree (1615–1658). He was the son of Captain James Stewart of Bothwellmuir, the unchallenged

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78 Reay offered to 'traill a pik[e]' under Hamilton, NRS GD 406/1/9320; *State Trials*, iii, 449, 451.

79 For the Scottish levies, see NRS GD 84/2/180 (Commission, Gustavus to Mackay, 2 December 1630); and the Irish, GD 84/2/183 (Articles of agreement between Reay and Crosbie, 20 April 1631).

80 *CSPV 1631–33*, 516. I am grateful to Richard Brzezinski for this reference. See also, *CSPD 1631–33*, 113, 124.

81 NRS GD 84/2/181 (Gustavus to Mackay, 15 March 1631). For an account of the storm of New Brandenburg and the losses, M. Roberts, *Gustavus Adolphuss: a history of Sweden, 1611–1632* (2 vols., London 1953–8), ii, 477–480.

82 NRS GD 84/2/184 (Gustavus to Reay, 14 July 1631).

83 The debt was for Reay's outlay of money and arrears while in the King of Denmark's employment, NRS GD 84/2/160 (Mackay to Christian IV, 10 May 1627); GD 84/2/161 (Mackay to Christian IV, 28 May 1627); GD 84/2/167 (Frederick, Elector Palatine to [?], 25 July 1627).

84 NRS GD 84/2/173 ([Copy] Discharge by Reay, 11 May 1629). On the same date, 4 October, Christian IV asked Charles to honour the debt, NRS GD 406/1/9656 ([Copy] Christian IV to Charles I, 4 October, 1628). Charles wrote back on 30 May 1629 accepting the debt, NRS GD 406/1/9657.

85 NRS GD 84/2/192 (Power of Attorney, Mackay to David Cunningham, 6 September [1632]). Cunningham received £500 out of a £3,000 privy seal warrant dated 12 May 1629, on 10 October 1632. Whether the other privy seal[s] had been satisfied by that time remains uncertain.

86 In January 1631, Mackay was in Elsinore where he was again put off by the parliament and council until Charles paid what he owed Denmark, TNA, SP 75/12/ fos.26r–v (Reay to Dorchester, 22 January 1631).

87 NRS GD406/1/9656, 9657.

88 Bodleian Library, MSS Rawlinson, D.719, XII, 356v–357r. The debt was not mentioned during the trial; however, Reay's counsel were at pains to stress his financial independence, saying that he did not rely on military employment to live.

89 W.R.O., Feilding of Newnham Paddox mss, CR 2017/C2/177 (Roger Feilding to earl of Denbigh, 20 February 1631/2). See also, Birch, *Court and Times*, ii, 125–6.

favourite of the young James VI between 1580 and 1584.[90] Captain Stewart was related to the Hamiltons as second son of Andrew, lord Ochiltree, whose mother was the only child of James Hamilton, 1st earl of Arran by his first wife.[91] Exploiting the attainder of the Hamilton brothers in 1579, and his appointment as tutor to his incapacitated kinsman, James, 3rd earl of Arran, he persuaded the king that the children from the 1st earl of Arran's second wife were illegitimate and as a result, was created earl of Arran, Lord Aven and Hamilton on 28 October 1581.[92] When Stewart's dominance ended in 1585, the Hamiltons returned to favour, the forfeiture was revoked and the earldom of Arran restored.[93] Just as Captain Stewart responded to an hereditary animus in 1581, it is likely that his son reacted similarly half a century later. Ochiltree also inherited his father's overweening ambition and successfully purchased the lordship of Ochiltree in 1615 from his cousin.[94] Ochiltree was also one of the principal supporters of the revocation scheme at court, a stance that may have put him at odds with Hamilton and some of the other lords accused.[95] There were many reasons then, to explain why Ochiltree was willing to believe anything harmful to Hamilton. His swift compilation of a list of Hamilton's relations and political clientele in Scotland was intended to inflict the widest possible damage to the marquis's complex and powerful family network.[96]

On a broader canvas, Hamilton's expedition was linked to future foreign policy objectives and so had its opponents and supporters.[97] Reay and Ochiltree's decision to take the story to Lord Treasurer Weston reflected the divisions at court. It would have fitted with Weston's anti-war policy to frustrate the expedition by giving credence to the plot accusations, and to some extent that was what he did.[98] But when he realised that the king was not about to abandon Hamilton, he quickly drew back and later tried to proffer the olive branch.[99] For instance, while Hamilton was abroad he and Weston corresponded regularly, exchanged expressions of respect, support and mutual friendship, and the treasurer helped to organise the christening of Hamilton's second daughter.[100]

Following the revelations, a series of examinations were held in June 1631 and the lord treasurer presided as commissioner. The examining committee was made up of three Englishmen, the commissioner, the lord keeper and the earl marshal, and three Scotsmen, the earl of Morton (lord treasurer of Scotland), the earl of Menteith (president of the Scottish Privy Council) and the earl of Carlisle (groom of the stool).[101] The king was present throughout and it was he who judged Hamilton and the other Scots lords – Roxburgh, Haddington and Buccleuch – innocent, later announcing his decision to the English Privy Council and in writing to its Scottish counterpart.[102]

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[90] For Captain James Stewart, Sir J. Balfour Paul, *The Scots Peerage* 9 vols (Edinburgh 1904–14,), i, 394–7; *Complete Peerage*, i, 222–223.

[91] Balfour, *Scots Peerage*, i, 394.

[92] *Ibid*, 394–97; *Complete Peerage*, i, 222–223. The earl of Arran resigned the title to Captain Stewart in 1581, but he was mentally unfit to do so.

[93] *Complete Peerage*, i, 222–223.

[94] Balfour, *Scots Peerage*, vi, 517. He was tacksman and sheriff of Orkney and Shetland between 1613 and 1622, and, in 1629, spearheaded the failed attempt to establish a colony on the Cape Breton coast, *Cal.S.P.Colonial, America and West Indies, 1574–1660*, 104–6; *Complete Peerage*, x, 8.

[95] For Hamilton and the revocation see chapter 1 pp.17–19. For Ochiltree, see MacInnes, 'The Origins and Organisation of the Covenanting Movement, 1625–41.' (unpublished PhD dissertation, 2 vols. University of Glasgow, 1987), i, 313.

[96] *State Trials*, iii, 435–6 (Trial of James Lord Ochiltree).

[97] Rumours abounded on who wanted Hamilton's expedition discredited. The Spaniards were the most commonly cited; others traced the smear to Brussels. Even the French were suspicious of the expedition, *CSPV., 1629–32*, 526–527.

[98] His biographer has claimed that Weston exploited the situation to try to 'destroy' Hamilton's influence, M.C. Alexander, *Charles I's Lord Treasurer* (London, 1975), p. 181. See also Reeve, *Road*, p. 267, n. 191.

[99] Apparently Weston initially took the story to Charles unaware that Hamilton was implicated, but this is perhaps debatable, *State Trials*, iii, 428–429.

[100] Birch, *Court and Times*, ii, 102–103; NRS GD 406/1/266 (Will. Murray to Hamilton, 19 March 1631/2). See below.

[101] Birch, *Court and Times*, ii, 125–126 (Pory to Puckering, 16 June 1631); *Ibid*, 126 (Beaulieu to Puckering, 29 June 1631).

[102] *Ibid*; *CSPV, 1629–32*, 526–527; *RPCS., 2nd Series, 1630–32*, 263 (King to Council, 29 June 1631). The earls of Haddington, Roxburgh and Buccleuch were also declared innocent.

Consequently, the two who had implicated Hamilton were summarily dealt with. Meldrum was committed to prison in London and Ochiltree sent to Scotland for trial as a leasing maker, that is, a sower of sedition.[103] Ochiltree was tried by assize in the last two months of 1631 in Edinburgh. His lawyers argued, with some justification, that Ochiltree could not be tried in Scotland for offences committed in England, and that the depositions were invalid because they were all copies, albeit authenticated by five English privy councillors and the king.[104] After failing to resolve these and other legal nuances, the trial was postponed and, on reappearing on 1 February 1632, Ochiltree was committed to perpetual imprisonment.[105] He remained in prison for twenty years without a full trial and was eventually released by the English Commonwealth in 1652, a broken man.[106]

Determining the fate of Lord Reay and David Ramsay was even more difficult. Unlike Ochiltree, however, Reay did not implicate Hamilton in the plot and took care to clear him early in his examination.[107] The main obstacle to putting Reay and Ramsay to a legal trial was the absence of witnesses to their conversations. A proceeding in common law required two witnesses and, in the words of Lord Coke:

> It seemeth that by the antient Common Law one accuser or witness was not sufficient to convict any person of High Treason, for in that case where is but one accuser it shall be tried before the Constable or Marshal by combat, as by many records appeareth.[108]

Conveniently, Ramsay challenged Reay in the presence of the king and Charles subsequently referred the case to a High Court of Chivalry.[109] For the trial, the earl of Lindsay was made lord high constable of England presiding with the earl marshal, Thomas, earl of Arundel. They were assisted by nine lords of the privy councils and Sir Henry Marten, judge of the High Court of Admiralty. Included, were the lord chamberlains of the king and queen's households and the three Scots lords from the preliminary examination.[110]

The court met on nine occasions: the first meeting was on 28 November 1631 and the last on 18 February 1632, the painted chamber at the back of the parliament house being modified to accommodate the court.[111] In their opening speeches both the earl marshal and the king's advocate for the Marshal Court, Dr. Duck, stressed the legitimacy of the proceeding while going on to

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[103] Birch, *Court and Times*, ii, 125–126, says Meldrum was committed during the examination. For Ochiltree, see *State Trials*, iii, 425–454 (The Trial of James Lord Ochiltree for calumnies and slanderous speeches against James, marquis of Hamilton … etc). Rumours were circulating court in December that Ochiltree had been beheaded in Edinburgh, Birch, *Court and Times*, ii, 151.

[104] *State Trials*, iii, 440–441.

[105] *Ibid*, 452.

[106] *RPCS, 2nd series, 1630–32*, 263.

[107] At the end of his first examination Reay 'protested he knew nothing against the person of the marquis; but that he was, for aught this examinant knew, as good a subject as any the King had.' *State Trials*, iii, 432.

[108] Quoted in a note in *State Trials*, iii, 483 (Proceedings in the court of chivalry on an appeal of High Treason: by Donald, Lord Reay against Mr David Ramsay); G.D. Squibb, *The High Court of Chivalry* (Oxford 1959), p. 52. For Whitelock's opinion see *Ibid*, 495.

[109] W.R.O., Feilding of Newnham Paddox, CR 2017/C2/177 (Roger Feilding to earl of Denbigh, 20 February 1631/2); *State Trials*, iii, 495, 497.

[110] The best account of the trial is Oxford, Bodleian Library MSS Rawlinson D. 719, XII, fos.350–366. The nine lords were Philip, earl of Pembroke and Montgomery, lord chamberlain of the king's household; Edward, earl of Dorset, lord chamberlain of the queen's household; James, earl of Carlisle, groom of the stool; Edmund, earl of Mulgrave; William, earl of Morton; William, earl of Srathearn; Edward, Viscount Wimbledon; Thomas, Viscount Wentworth; Henry, Viscount Falkland, *State Trials*, iii, 495.

[111] The following account is taken from Bodleian Library, MSS Rawlinson. D. 719, XII, fos.350–366. There is an incomplete copy of this account in the Hamilton MSS, presumably the one Hamilton consulted when he returned from Germany, Lennoxlove, Hamilton MSS TD 90/73/Bundle 1371. Two more meetings were held in the council chamber at Whitehall, one on 10 April to prorogue the combat from 12 April to 17 May, and another, on 12 May, to cancel the combat and commit both men to the Tower till sureties were given and approved by the king, *State Trials*, iii, 511–513.

emphasise that combat would be awarded only when all other ways had been exhausted to find the truth.[112] Nevertheless, after a thorough re-examination of the evidence there was found to be insufficient proof to convict Ramsay. Trial by combat was therefore awarded, to be fought in presence of the king in Tothill fields, Westminster on 15 April 1632.[113] Of the two protagonists Ramsay fared the worst in the court. He regularly lost his temper, ignored legal counsel, tried to cast off his sureties and demanded the combat. On each occasion he was persuaded to follow the form of the court, but his behaviour created an unfavourable impression on the constable, earl marshal and the king.[114]

The conclusion of the affair was determined by Charles. After proroguing the combat until 17 May, he eventually decided not to allow the protagonists to fight and gave his reasons to Hamilton in a long letter, in his own hand, dated 8 May. Upon 'mature deliberation' the king had decided:

> that though upon want of full proofe, the combatt was necessarilie awarded, yet upon the whole matter I am fully satisfied that there was no suche Treason as Mackay fancied: & for D. Ramsay though wee must cleere him of that Treason in particular yet not so far in generall but that he might give occasion anufe by his tonge of great accusation, if it had beene rightlie placed, as by his foolish presumtius cariage did appeare.[115]

In concluding, Charles urged Hamilton to have no further dealings with the 'pest' Ramsay and again assured him that he would have 'no dishonour in this bussiness'.[116] A further two points emerged from the trial, one specific and the other general. Firstly, great care was taken to emphasise Hamilton's innocence of any complicity in the whole affair.[117] Secondly, the resort to trial by combat as a legitimate means to decide appeals to treason had now been reintroduced into legal proceedings in England.[118]

However, this was not the last time that Hamilton's name was linked to the Scottish crown. It happened again in 1638, just as he was about to leave the king for another extended period, this time as royal commissioner to settle the troubles in Scotland.[119] Undoubtedly, Hamilton was proud of his descent from the Royal Stewarts and Charles, like his father before him, chose to keep the Lennox and Hamilton heirs close to him. That Hamilton had been accused and cleared of aspiring to the Scottish crown so early in his career had two long term consequences. First, in rather spectacular fashion, it advertised the fact that Hamilton actually was a blood relation. But it meant that Hamilton never shook off the association between him and coveting the Scottish crown. The blood link stuck in the contemporary mind. Second, and more important, the attempt to discredit him made the king more reluctant to listen to any attempt to blacken his friend's name. This was something that Hamilton used with great skill, at least until the 'Incident' in October 1641.

IV

We turn now to Hamilton's campaign in Germany. The aim is to examine not only the military consequences but, more importantly, its effect on the course of Caroline foreign policy. In doing

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[112] Bodleian Library, MSS Rawlinson D. 719, XII, fos.350v–351v. Apparently the bishops were unwilling to concede that such combats were lawful by God's word, *CSPD, 1631–33*, 119 (Edward Nicholas to John Pennington, 23 July 1631).

[113] Bodleian Library Oxford, MSS Rawlinson D. 719, XII, fos.364v–365r.

[114] *Ibid*, fos.350v, 352v, 353v, 355v–356r, 359r, 361v, 362r–v, 363r.

[115] NRS GD 406/1/159/1 (Charles I to Hamilton, 8 May 1632).

[116] *Ibid.* See also, NRS GD 406/1/9306 (Will. Murray to Hamilton, 2 August 1632); GD 406/1/160 (King to Hamilton, 1 August 1632).

[117] Bodleian Library, MSS Rawlinson D. 719, XII, fos.358v–359r.

[118] For more on this see J. S. A. Adamson, 'The Baronial Context of the English Civil War', *Transactions of the Royal Historical Society*, 5th Series, xl (1990), pp.93–120.

[119] See chapter 6, pp.140–41, 146. It also happened in 1643.

so, the level of Hamilton's political credit at court, especially with the king, can be measured. The interrelationship between Hamilton's experience serving the Swedish king and the failure of the projected Anglo-Swedish alliance will be insisted upon. Hamilton's censorious letters to Charles about the king of Sweden offered a telling example of the consequences of a half-hearted European commitment, an example that Charles weighed against the price of a full commitment, bringing with it loss of trade, loss of customs revenue and possibly war with Spain. And the unpleasant necessity of calling a parliament in England. It was no mere coincidence, in fact, that the failure of Sir Henry Vane's embassy coincided with Hamilton's final estrangement from Gustavus Adolphus. For most of Hamilton's period abroad, there were clear differences between his aspirations and the aims of the Swedish king. Hamilton expected better treatment, in terms of military and financial assistance as well as service near or in the Palatinate territories. Yet Gustavus saw Hamilton merely as a diversion in the field, and as a snare to draw Charles into a full military alliance.[120] Finally, and most importantly, Charles, and certainly Hamilton, were not always as prominent in the Swedish king's military and political programme as they perhaps imagined. The march on Vienna was Gustavus's main objective and all other considerations, including the liberation of the Palatinate, were secondary.[121]

The expedition was initially to anchor on the river Weser and occupy the territory of the archbishop of Bremen, Gustavus's uncle.[122] However, at very short notice the plan was altered and the expedition landed 230 miles up the coast near Wolgast in Pomerania on 31 July.[123] After landing his troops, Hamilton received orders to march along the river Oder towards Silesia to meet General Alexander Leslie with the auxiliary troops that were to bolster the expeditionary force.[124] As his troops headed for the rendezvous with Leslie, Hamilton went to a council with Gustavus at Werben on the Elbe, about 100 miles west, where the Swedish king faced Tilly's army.[125] At the meeting Gustavus expressed regret that Hamilton had landed in a ruined part of the country, but explained that he could offer no help and they parted after clarification of the orders.[126] On 3 September, James Spens, Baron Orholm was despatched to act as Gustavus's agent in Hamilton's army.[127]

Unfortunately, no detailed record of Hamilton's first meeting with the Swedish king has survived, but a description of his entry into Stettin on 28 August has, and it highlights important aspects

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120 TNA SP 75/12/ fos.26r–v (Lord Reay to Dorchester, 22 January 1631/2).

121 I am very grateful to Simon Adams for discussions around these points.

122 *HMC, Hamilton*, 71(24) (Salvius to Hamilton, 16/26 April 1631). See also *HMC, Hamilton*, 72 (26) (Instructions to colonel Alexander Leslie, 1631); *HMC, Hamilton*, 73(31) (Salvius to Hamilton, 4/14 July 1631).

123 Gustavus was disappointed that the marquis did not land at the Weser, *HMC, Hamilton*, 73 (32) (Gustavus to Hamilton, 3 August 1631). Roberts, *Gustavus Adolphus*, ii, 608, posits that Hamilton was forced to land in Pomerania rather than the Weser 'largely because Gustav Adolf had been unable to fulfil his promise to provide a strong detachment to cover the landing' but does not cite a source. The decision to alter the landing area was clearly taken late on, TNA SP 16/199/5 (Pennington to lords of the Admiralty, 2 September 1631); TNA SP 16/196/72 (Hamilton to Dorchester, [15 July] 1631); NRS GD 406/1/273 (Dorchester to Hamilton, 16 July 1631).

124 TNA SP 16/199/5 (Pennington to lords of the Admiralty, 2 September 1631). It took at least 3–4 days to land, arm and billet the soldiers. The queen of Sweden had recently landed at the same town with an army of 8,000, *The Swedish Intelligencer, the first part* (3rd edition 1632) pp.108–9; *HMC Hamilton*, 73(32) (Gustavus to Hamilton, 3 August 1631). For the reaction in Brussels to Hamilton's arrival, NRS GD 406/208 (B. Gerbier to Hamilton, 25 August [o.s.] 1631).

125 *Swedish Intelligencer*, pp.108–9; NRS GD406/1/10454 (Gustavus to Hamilton, 3 August 1631) noted in *HMC Hamilton*, 73(32).

126 NRS GD 406/1/9355 ([Draft] Hamilton to Charles I, [Early August 1631]). Monro, *Expedition*, ii, 52–53 gives a general account of the meeting between Hamilton and Gustavus at Werben. For an accurate account of Hamilton's orders written in his own hand from Stettin on the Oder, TNA SP 95/3/ fol.107r (Hamilton to Dorchester, 22 August [1631]).

127 NRS GD 406/1/10456 (Gustavus to Hamilton, 3 September 1631). For Spens's career in Swedish service, Fallon, 'Scottish Mercenaries', chapter 10 esp. pp. 251–261. 'James Spens of Wormiston, Baron Spens', Oxford DNB https://doi.org/10.1093/ref:odnb/26142. Spens's daughter was married to Sir James Ramsay.

of Hamilton's public image.[128] According to the account Hamilton's procession radiated grandeur and power and was compared to that of General Albrecht Von Wallenstein (1583–1634), one the great commanders of the Imperial side. Hamilton entered the town in a carriage drawn by six beautiful horses attired with richly decorated harnesses. His domestic servants wore magnificent liveries and carried banners with his coat of arms on both sides in gilt, topped with gold coronets. Also in the procession were 36 personal halberdiers, 200 guards and 40 gentlemen attendants.[129] Outwardly, therefore, Hamilton projected to the full his position as Charles's proxy, as master of the horse, knight of the Garter, general of the army and the king's cousin.[130] An amalgamation of these elements motivated Hamilton to fight alongside the king of Sweden to restore the king and queen of Bohemia to their rightful possessions. It is in this context, that we must view Hamilton's indignation at his poor treatment by Gustavus.

Between August and early November, Hamilton advanced along the Oder, relieved the siege of Crossen, took the city of Guben and attempted to secure the area along the river between Custrin and Crossen, while refortifying Frankfort.[131] On 15 September, two days before the battle of Breitenfeld, he was instructed to lie before Custrin to secure Gustavus's retreat in the event of a Swedish defeat.[132] The aim was additionally to secure the strategic areas in the region against the 22,000 strong Silesian army.[133] Hamilton initially used Frankfort, and later Custrin, as a base, sending out regiments on specific missions, such as to relieve the siege of Crossen.[134] In his letters to court, Hamilton's enthusiasm for the campaign was often contrasted with his frustration at the king of Sweden. A typical example began with news of the relief of Crossen and went on to give a detailed account of Leslie's successful attack on Guben with 600 men, resulting in the capture of 250 prisoners, all of whom joined Hamilton's army. The majority of the garrison escaped, however, prompting a bitter outburst from the twenty-five year old nobleman:

> This I dar[e] be bould to say, if I had beine so happ[i]e, as thatt the half of thoes forsis I expeckted from the King had cume to me (bot they heave bein sloe of marching for I heave sein non of them as yeitt saif 400 futt and 200 hors[e]) thatt … without greatt los[s] I woold heaive cout of[f] 2000 men and takin 22 peis of ordinans.

So the limited success of the campaign in Silesia was squarely blamed on Gustavus. Yet later in the same letter, Hamilton revealed the real cause of his frustration. On the same evening that he had resolved to lay siege to Glogau, the second city of Silesia, he received orders to follow the king into middle-Germany, mainly because of an agreement that the elector of Saxony would move against the Silesian army.[135] Bristling with indignation at his treatment, he declared to the earl of Carlisle, 'yeitt if thoes promised forsis of his had beine cam to me, I woold heaiue ventered a chyding

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[128] Eleazer de [Mauvillon], *Histoire de Gustave-Adolphe … sur tout ce qui a para de plus curiex at sur in grande nombre de manusscrits et principalement sur ceux de M. Arkenholtz* 4 vols (Amsterdam, 1764), iii, p.352. I am very grateful to Richard Brzezinski for sending me a transcript of the Mauvillion passage.

[129] [Mauvillon], *Histoire de Gustave-Adolphe*, iii, p.352. The poet Sir John Suckling was one of the 40 gentlemen who attended Hamilton, W. Carew-Hazlitt, ed., *The Poems, Plays and Other Remains of Sir John Suckling.* (1892), p.xxi.

[130] Hamilton was made a knight of the Garter in the ceremonies between 5–7 October 1630, Bodleian Library, MSS Ashmole, 1132, fol.124a. It was a clear indication of Charles's endorsement of Hamilton's military aspirations, *CSPV, 1629–32*, 432.

[131] British Library, Egerton MSS 2597, iv, fos.53r-54r (Hamilton to Carlisle, [after 20 September 1631]); *HMC Hamilton*, 74(38) (Gustavus to Hamilton, 30 October 1631); *Swedish Intelligencer*, pp.108–9.

[132] Wedgwood, C.V. *The Thirty Years War* (London, 1992), pp.297–303; Parker, Geoffrey. *The Thirty Years War* (London, 1984), pp.126, 164, 192–193.

[133] NRS GD 406/1/9356 (Hamilton to Charles I, [after 7 September 1631]) noted in *HMC Hamilton*, 76–77(49).

[134] B.L., Egerton 2597, iv, fos.53r-54r. See also a draft of this letter, NRS GD 406/1/9357 printed in *HMC Hamilton*, 77 (50).

[135] *HMC Hamilton*, 73 (35) (Gustavus to Hamilton, 20 September 1631).

and wintered ther [Silesia].'[136] Piqued at his treatment, Hamilton announced that he would go to Gustavus at 'ane sloe pase'. In the final paragraph Hamilton stressed the importance of the area to the overall campaign in Germany, but regretted that 'ther is nor so mani prinsis and tounes thatt offers him [Gustavus] assistans, as he is be cume all most kairles to aske for ani'. Disillusionment dripped from every line, but Hamilton concluded with the hope that greater martial exploits were before him.

A matter of months into the campaign and Hamilton had formed a clear impression of the king of Sweden, that steadily deteriorated during the next year. Whether he liked it or not, he was a pawn in a complex war game and it was this recognition that slowly grew on the eager young nobleman. Of course, Hamilton's frustration must additionally be related to the inhospitable terrain, the condition of his army and lack of pay. In his own words, it was 'ane Countri most miserabilly wasted, for heir is nothing bot plag[u]e and famin[e]'.[137] By the time of Gustavus's order to march on 20 September, the army had been reduced by one third through sickness and death from plague.[138] As he had intimated to the earl of Carlisle, Hamilton delayed obeying Gustavus's orders, giving the sickness of his army as an excuse.[139] Undeterred, however, Gustavus insisted on a forward march, despatching General John Baner (1596–1641) to urge Hamilton on and effectively to take joint command of the army.[140] Hamilton's account to Charles concluded with another scathing comment on Gustavus's order:

> I must obay his commands for with the letter, order came that the countri shuld intertein me no longer, and the few hoors I had shuld gooe for the Ealbe [to] the King. Itt will coost me six weiks march and I feeir the remnant of my mens layves who (tho I say itt) heaith doun him the better sarvis (albeued we heau foght lytell) then trys as mani men ever did.[141]

When Hamilton eventually left his headquarters at Custrin on 15th October 1631, he was forced to leave behind 2,000 men, half of them because of plague and the other half in garrisons.[142] Only 1,500 of his original force marched, along with some Dutch foot and 1,000 Swedish horse.[143] The final order from the king of Sweden was for the army to march to Magdeburg and lay siege to the town.[144]

By December, the army had linked up with Baner's forces to put a combined strength of around 6,500 before Magdeburg.[145] For the next three months Hamilton kept up the siege and came very close to treating for a capitulation in mid-December, when news of the imminent arrival of Field Marshall Gottfried Heinrich Pappenheim (1594–1632) with a reputed army of 12,000 stymied the negotiations.[146] The besiegers expected reinforcements of 5,000 under the Duke of Saxe-Weimar,

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[136] B.L., Egerton MSS, 2597, iv, fol.54r.

[137] *Ibid*; TNA SP 95/3/107r (Dorchester to Hamilton, 22 August [1631]); TNA SP 16/199/5 (Pennington to lords of the Admiralty, 2 September 1631).

[138] NRS GD 406/1/10458 (Gustavus to Hamilton, 24 September 1631) noted and translated in *HMC Hamilton*, 74(37).

[139] NRS GD 406/1/233 ([Copy] Gustavus to Hamilton, 30 October 1631).

[140] Baner had initially been at Havel to guard the Elbe and aid Hamilton's advance, NRS GD 406/1/10457 (Gustavus to Hamilton, 20 September 1631). But after Hamilton's equivocation he was sent to him 'to remove the difficulties therfore joyninge yr advises together yt shall hearafter governe yr affaires', GD 406/1/233 ([Copy] Gustavus to Hamilton, 30 October 1631).

[141] *HMC Hamilton*, 77–78 (51) (Hamilton to Charles I, [after 20 September 1631]).

[142] NRS GD 406/1/9616 ([Draft] Hamilton to Sir Henry Vane, [17 October] 1631).

[143] NRS GD 406/1/9359 (Hamilton to Charles I, [late 1631]) noted in *HMC Hamilton*, 78 (52).

[144] TNA SP 81/37 fol.116r (Sir Jacob Astley to Dorchester, 11 November 1631).

[145] *Ibid*; NRS GD 406/1/9359 (Hamilton to Charles I, [December] 1631). In this letter Hamilton appears to underestimate the size of his army.

[146] *HMC Hamilton*, 75 (43) (Baner to Hamilton, 16 December, 1631/2) pressing Hamilton to retire and GD 406/1/9368 (Hamilton to Baner, [December], 1631/2) for Hamilton's refusal. The negotiations, around Christmas 1631, between Hamilton and Mansfeld for the capitulation of Magdeburg can be followed through, GD 406/1/9246 ([Hamilton]

and Hamilton eagerly anticipated a battle.[147] In fact, Pappenheim had no such intention for his force was half what he had led the enemy to believe. His intention was to break through the blockade, free the 4,000 Imperialists in Magdeburg and decamp with everything they could carry.[148] Although he had instructions from Gustavus not to hazard the army in a battle, Baner was taken in by the false reports of Pappenheim's numbers and retired allowing the Imperialists to enter Magdeburg on 4 January and leave four days later with the garrison and goods. Baner's decision was not supported by Hamilton. He itched to engage the enemy and complained bitterly to Charles of the general's 'extrem[e] timerusnes'.[149] Shortly after, Hamilton, weary of Baner, retired with the remnants of his army to winter quarters in Halberstadt, his military involvement in the German wars at a virtual end.[150]

Even though Hamilton conceded that his army had 'fo[u]ght lytell', their contribution did have some impact on the course of events in Germany. Hamilton's ally at court, Secretary Dorchester, talked up the significance in a letter to the young adventurer:

> The reliefe of Crossen, the surprise of Goubin, & (wch is more) the reputation of your forces that no doubt was operative in the slow resolutions of the Elector of Saxony, & hath served also to disjoyne the Imperialists of Silesia from assisting Tilly at the Battell of Leipsick [Breitenfeld] are both in waight & number notable accessoryes to the victorious progresse of the King of Swede & recompense abundantly the losse of men wth sicknesse & other casualtyes (not unusuall to our English troopes before they are accustomed to the discomodityes of the field).[151]

Hamilton's arrival in Germany about a month before the battle of Breitenfeld tipped the balance in favour of Gustavus at that engagement for four reasons. Firstly, his journey to Werben on the Elbe, where the king faced Tilly's army, was enough to prompt the Imperialists to decamp, under the impression that Hamilton had brought his army with him.[152] Secondly, his campaign in Silesia, particularly in fortifying Crossen, was enough to stop the 22,000 strong Silesian army joining Tilly before the battle.[153] Thirdly, the arrival of the expedition provided a fillip to induce the wavering John George, elector of Saxony, to throw in his lot with Sweden, again, critically before Breitenfeld.[154] Finally, the campaign in Silesia and the siege of Magdeburg provided a diversion which Gustavus exploited.[155]

Just as Hamilton had played a major part in persuading Charles to send a special embassy to Gustavus, so his opinion influenced the outcome of the treaty negotiations for a full military alliance between Britain and Sweden. His treatment during the Silesian campaign coloured his advice to Charles. It moved from unconcealed enthusiasm in the first months on the continent, advising

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to [count Wolfgang of Mansfeld, commander of Magdeburg], undated); *HMC Hamilton*, 75–76 (46) (Mansfeld to Hamilton, 28 December 1631); GD 406/1/329 ([Mansfeld to Hamilton, n.d]). Baner appears to have been at Leipzig when these negotiations were going on, see *HMC Hamilton*, 75 (43); GD 406/1/9643.

147 NRS GD 406/1/9361 (Hamilton to Charles I, [January 1631/2]); GD 406/1/9360 (Hamilton to Charles I, [undated]).

148 Roberts, *Gustavus Adolphus*, ii, 689–690.

149 NRS GD 406/1/9361 (Hamilton to Charles I, [January 1631/2]); *HMC Hamilton*, 78–79 (55) (Hamilton to Charles I, [January 1631/2]).

150 *HMC Hamilton*, 79 (55) (Hamilton to Charles I, [undated]).

151 NRS GD 406/1/230 (Dorchester to Hamilton, 13 December 1631).

152 NRS GD 406/1/9355 ([Draft] Hamilton to Charles I, [August 1631]); SP 81/37 fol.116r (Sir Jacob Astley to Dorchester, 11 November 1631).

153 *Ibid*; Monro, *Expedition*, ii, 53. The numbers at Breitenfeld were Tilly 35,000 and Gustavus 42,000. Dr Roberts acknowledges that Hamilton had been sent to Silesia to 'brave it out' against a superior force, Roberts, *Gustavus Adolphus*, ii, 535.

154 TNA SP 81/37 fol.116v.; Monro, *Expedition*, ii, 53. Dorchester told Vane to press the second and third points on the king of Sweden during the treaty negotiations, TNA SP 81/37 fos.233v–234r.

155 Monro, *Expedition*, ii, 53.

Charles to throw in his lot with Gustavus, to more cautious counsel.[156] In late 1631, he told Charles that his aid 'must be royall greatt and tymu[e]lly', but stressed that the army would have to subsist independently, as Gustavus could not be trusted to fulfil his promises. Otherwise, Sweden would 'make the same yuse of thoes me[n] ye send thatt he heaith don[e] of myne which woold turne to ther yuter reuing and prejudiciall to your Mats honour.'[157] For Hamilton therefore his poor treatment was an affront to Charles. A few months later Hamilton railed against 'the exsessif ambitioun and intollerabill pryd of the King of Sued' who would not trust the marquis in the Palatinate territories.[158] Finally, Hamilton asked Charles whether he could even accept a new army from Gustavus after he had suffered so much under him.[159]

At the beginning of October 1631, Charles's ambassador to the king of Sweden, Sir Henry Vane, arrived in Germany.[160] As was normal in Caroline foreign policy, the ambassador's instructions were long-winded and inconclusive. Vane was to treat not only with Gustavus, but also with the king of Denmark and the princes and towns of Germany.[161] He carried a portfolio stuffed with diffuse subjects ranging from trade disputes and crown debts with Denmark to the continuation of the joint Anglo-French efforts to mediate a peace between Poland and Sweden.[162] He did not leave court, therefore, with a clear-cut commission to negotiate a treaty with the king of Sweden. Nor was he allowed to commit Charles to anything until receiving further orders from court.[163] Instead, Vane was to find out what Gustavus expected of the confederation and to stress that Charles was already providing considerable military assistance, principally in the form of Hamilton's expedition.[164] Above all, the foundation of any confederation was restitution of the Palatinate.[165]

A virtue was made out of the fact that the present assistance was given without a formal contract and there was an expectation that a further informal arrangement could be made.[166] As usual, Charles, like his father before him, was hedging his foreign policy bets. Vane's embassy was balanced by talks at Vienna conducted by Sir Robert Anstruther for peaceful restitution of the Palatinate. Vane was to expect word from Anstruther if the negotiations with the Emperor reached a conclusion.[167] If Anstruther was successful, there would be no need for Vane to negotiate an armed alliance; if Anstruther failed, then Vane would perhaps be allowed to negotiate such an alliance.[168] Vane arrived in Hamburg on 6 October 1631 and the next day wrote to Hamilton

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156 NRS GD 406/1/9356 (Hamilton to Charles I, [after 7 September 1631]) noted in *HMC Hamilton*, 76–77(49).

157 NRS GD 406/1/9360 (Hamilton to Charles I, [Draft or Copy][late 1631]).

158 NRS GD 406/1/9361 (Hamilton to Charles I, [January 1631/2]); NRS GD 406/1/9365 (Hamilton to Charles I, [late February-April 1632]) printed in *HMC Hamilton*, 79–80 (57).

159 TNA SP 81/39 fol.183r (Astley's Memorandum, [March 1631/2]).

160 Controversy surrounded the choice of Sir Henry Vane over Sir Thomas Roe, one of Elizabeth's closest allies at court. For Elizabeth's impression, TNA SP 81/37 fol.43r (Elizabeth to Roe, 1/11 July 1631) and Roe's, Birch, *Court and Times*, ii, 124; *CSPV 1629–32*, 526; TNA SP 16/204/107 (Unsigned Newsletter, 30 December 1631).

161 TNA SP 75/12 fol.204r ('Instructions for our Counselor Sr Henry Vane … Ambr. extra. to Kings of Denmark & Swede & the princes & free towns of Germany'). Vane was also to enquire into those implicated in the alleged plot of 1631, TNA SP 95/3 fol.136 (Charles I to Vane, 27 September 1631), TNA SP 16/205/72 (Arundel to Dorchester, undated [1631]).

162 TNA SP 75/12 fos.204r-209v.

163 *Ibid*, fos.204r-209v.

164 *Ibid*, fol.206v. The levies for Sir Thomas Conway's regiment, the master of Forbes's regiment and Sir Frederick Hamilton's regiment were also mentioned. All of these had been levied after Hamilton sailed.

165 *Ibid*, fol.207r. Vane was also provided with a synopsis of British aid for the restitution of the Palatinate since the invasion, fol.209r.

166 *Ibid*, fol.206r.

167 *Ibid*, fol.207r, 208v.

168 *Ibid*. See also SP 81/39 fol.377r (Memorandum on Vane's mission). See also, NRS GD 406/1/187 (Vane to Hamilton, 26 October 1631). Many felt that Charles was being outmaneuvered by the Habsburgs, *CSPV, 1629–32*, 526, 537, 550; TNA SP 81/37, fos.77r–v.

urging a meeting before he went to Gustavus.[169] Being friends, the two men quickly joined forces and worked together during the negotiations.[170] Hamilton was now disillusioned enough with the king of Sweden to work with, and in, a more cautious Vane. A few days before receiving Vane's notification Hamilton broke from Custrin and marched towards Magdeburg. After he tended to his depleted army, he caught up with Vane seven miles outside Wittenburg. The two men discussed the ambassador's commission and then proceeded to Wittenburg to commence negotiations with Gustavus.[171]

They arrived on 5 November 1631 and two days later Vane had a private audience with the king. Gustavus immediately took the initiative. He wanted Charles to 'really joyne with him in the warre' at this propitious time and proposed that if '4 or 5 tonnes of gold' was sent to raise men then the Palatinate would be restored.[172] In reply, Vane stated that he was to find out how the Palatinate could be restored by war and emphasised Charles's recent aid in the form of Hamilton's army.[173] After acknowledging Hamilton's contribution, Gustavus promised that if the tons of gold were sent over immediately and an army of 10–12,000 in the spring, he would not lay down his sword until the king of Bohemia was restored.[174] Quite simply, Gustavus was restating the terms for alliance that he had sent Hamilton at court the year before, but with the addition of the gold. Gustavus concluded that if Charles did not assist he would be forced to make peace with the Emperor.[175] At Vane's suggestion commissioners were appointed to discuss the propositions more fully, presumably to give him time to get directions from London. In his subsequent letter to court Vane begged Dorchester to send plain and clear indications of what Charles desired either by peace or war.[176]

The king of Sweden left Wittenberg on 9 November after appointing Gustavus Horn, his field marshal, to treat with Vane, and nominated Hamilton to act as umpire, as one who held the interests of both parties in equal measure.[177] The talks with Horn fared no better. Things came to a head less than a week later when Horn, after failing to secure an offer from Vane, demanded financial aid and an army of 25,000 to be maintained by Charles for four years.[178] Vane broke off the talks next day, ostensibly over diplomatic precedence, but clearly to gain time and await instructions from London.[179] Despite feeling that Horn was keeping him in Wittenberg to badger him into agreement, Vane believed that Gustavus should be assisted if a reasonable contract could be negotiated. Arms, not a treaty, he told Dorchester, would decide the fate of Germany.[180]

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169 TNA SP16/201/54; NRS GD 406/1/184 (Vane to Hamilton, 7 October [1631]).

170 NRS GD 406/1/154/1 (Charles I to Hamilton, 21 September 1631), GD 406/1/184; TNA SP 81/39 fol.143r (Hamilton to Vane, 8 October [? 1630]); NRS GD 406/1/9616 ([Draft] Hamilton to Vane, [16 October] 1631).

171 NRS GD 406/1/9616, 9359; TNA SP 81/37 fol.116r (Astley to Dorchester, 11 November 1631); NRS GD 406/1/9616; TNA SP 81/37 fos.88r, 116r.

172 TNA SP 81/37 fol.116r (Vane to Dorchester, 12 November 1631).

173 *Ibid*, fol.119r–120r. Vane was following his instructions to the letter.

174 *Ibid*, fol.119v–120v. Gustavus appears to have equated 3 to 4 tons of gold with £300,000 to £400,000. During the same interview he also mentioned a figure of £200,000. Reeve, *Road to Personal Rule*, p.278, suggests that Gustavus demanded £200,000 which included 10,000 men to be sent in the spring. However, it seems rather that Gustavus wanted the tons of gold or cash (anything between £200,000-£400,000) and 10–12,000 men in the spring, TNA SP 81/37 fos.119v–120v.

175 TNA SP 81/37 fol.120v.

176 *Ibid*, fol.122v, Vane advised providing a British army rather than putting tons of gold into Gustavus's hands.

177 *HMC Hamilton*, 74 (39) (Gustavus to Hamilton, 9 November 1631). For Gustavus leaving Wittenburg on the 9th, TNA SP 81/37 fol.139r.

178 TNA SP 81/37 fol.164r (Vane to [Dorchester], 20 November 1631). The complete letter is fol.138r–142r with a section in cipher, which is deciphered at 164r-165v. The meeting was held on the afternoon of the 15th at Horn's lodgings. Hamilton was present, *Ibid*, fol.139r.

179 *Ibid*, fol.164v, Vane sent Hamilton to Horn to break off the negotiations because they could not agree where to meet.

180 *Ibid*, fol.164v–165v.

Charles found Gustavus's demands 'impracticable' and had taken Hamilton's casualties 'like a father of his people' and therefore:

> Is not resolved, whether he shall hereafter continue this maner of assistance, and therefore thinks fitt you should forbeare any farther mencon of armyes to be sent and payd from hence but to leave that poynt as all other [of] the treaty wthout ingagem[en]t and free for his Matys choyse and direction hereafter.[181]

As usual, Charles retained the right to make the final decision and again Hamilton's experiences (and opinion) appear to have had an effect. Even so, the negotiations dragged on into the following spring. A final offer appears to have been that Charles would pay 40,000 thalers a month (£8,333 sterling) providing every effort was made to restore the Palatinate and electoral title to Frederick.[182] Gustavus finally accepted the money in March, but the projected Anglo-Swedish alliance was thwarted by the triple combination of Hamilton's disillusionment with Gustavus, Dorchester's death on 15 February 1632 and Weston's subsequent re-ascendency.[183]

Hamilton's own negotiations with the king of Sweden stumbled on over the same period and into the summer. Rather than breaking down like Vane's, they simply petered out as Hamilton realised that Gustavus had no further use for him. Hamilton's requests for payment for his troops and his future employment were the two issues under debate. Pay was a running sore that was never resolved. According to Vane, Hamilton would entertain the army until November 1631, and thereafter Gustavus would provide support.[184] Yet Vane had been instructed to emphasise – and exaggerate – the amount spent on Hamilton's expedition to illustrate that Charles was already committed to the cause. A figure of £100,000 sterling was recommended in his instructions, which Chancellor Oxenstierna threw at Hamilton during pay talks.[185] Hamilton could not deny this exaggerated figure and the Swedes refused to believe that he did not have sufficient funds.[186] In October, Hamilton complained bitterly to Charles that he had 'not resevitt wone penni' from the king of Sweden.[187] A month later, however, he received 6,000 rix dollars for four months service and was promised more.[188] Be that as it may, Gustavus never paid his mercenaries a regular wage. After advancing one months pay, as Vane observed, Gustavus relied on 'pillage and good words'.[189] Like the talks over pay, the prospect of a new army was linked to Charles's policy, despite Hamilton being assured by Gustavus that he was 'one of his owne'.[190] Nevertheless, as Vane's negotiations faltered, Hamilton's attempt to secure a decision on a levy for a new army was shunned.[191] When the treaty discussions broke down for the last time in the early summer, Hamilton told Charles

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[181] *Ibid*, fol.234v.

[182] *HMC Hamilton*, 74 (40) (Conditions of Confederation …); *HMC Hamilton*, 81 (60). Roe later stated that Astley, whom Hamilton had sent to court, carried back an offer of £10,000 a month 'without obligation', *CSPD, 1631–33*, 338 (Roe to Elizabeth, 28 May 1632).

[183] *CSPV 1629–32*, 608 (Gussoni to Doge, 16 April 1632).

[184] TNA SP 81/37 fol.122v (Vane to Dorchester, 12 November 1631).

[185] TNA SP 75/12 fol.206v; NRS GD 406/1/9365 (Hamilton to Charles I, [late February-April 1632]) noted in *HMC Hamilton*, 79–80 (57).

[186] NRS GD 406/1/9365 (Hamilton to Charles I, [late February-April 1632]) describes in veiled terms the position that Hamilton had been put in. For the King's eccentric reply, GD 406/1/158 (Charles I to Hamilton, 30 April 1632). A figure of £100,000 may have been spent in total on the expedition.

[187] NRS GD 406/1/9360 ([Draft] Hamilton to Charles I, [late 1631]) noted in *HMC Hamilton*, 78 (53).

[188] TNA SP 81/37 fol.117v (Astley to Dorchester, 11 November 1631); *Ibid*, fol.176v (Vane to Dorchester, 3 December 1631).

[189] TNA SP 81/37 fol.176v; Roberts, *Gustavus Adolphus*, ii, 217–18.

[190] NRS GD 406/1/9364 (Hamilton to Charles I, 19 February [1631/2]).

[191] Roberts, *Gustavus Adolphus*, ii, 614–615. The remnants of Hamilton's old army was reduced to two regiments and joined to the Duke William of Weimar's army, *Swedish Intelligencer*, p.30–31.

that he was 'not verie ambisious of farder imployment heir.'[192] Gustavus admitted that the failure of the treaty had affected Hamilton's position and in the same interview proceeded to rage against Vane's and Charles I's coldness to Frederick of Bohemia's cause.[193]

As the picture became more bleak in Germany, the formidable double act of Charles and Will Murray began to plan Hamilton's return to court.[194] Given the protagonists, a certain amount of duplicity was involved. The idea was to make an offer for Hamilton's continued employment which would be refused, allowing him to bow out with honour. The scheme entailed Hamilton entering the Palatinate to assist France with as many men as Charles's proposed contribution could maintain.[195] As Charles expected, this came to nothing, but Hamilton's release was not secured. Finally, at the beginning of September, he was allowed to return home, ostensibly to raise fresh levies for the war.[196] In contrast to his outward journey the marquis returned to England accompanied by only two of his colonels, Sir James Ramsay and Sir James Hamilton of Priestfield, and by Sir John Hepburne who had replaced Sir Alexander Leslie as Swedish military adviser a year earlier.[197]

Protracted absence threatened a courtier's place, and Hamilton was no exception to the rule.[198] The attempt to implicate him in the alleged plot of 1631 was launched shortly after he left court for Scotland, but Ochiltree's imprisonment in Scotland provided an obvious deterrent to those who entertained similar designs. Even so, various rumours circulated. Some reported Hamilton's partiality to the Scots and one rumour, spread by a deserter, Christopher Crowe, claimed that all but one hundred of the army had starved to death.[199] For these reasons, Hamilton had to watch his back. A steady stream of letters passed between him and his friends, who included Will Murray, the earls of Roxburgh and Carlisle, lord Goring, Secretary Dorchester and Lord Treasurer Weston.[200] The first four were close associates keen to protect Hamilton's reputation.[201] As Charles's chief minister it was natural, if not politic, for Hamilton to keep Weston informed of his activities and to solicit his aid.[202] For Weston's part, both in his correspondence and actions, he responded cordially

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[192] NRS GD 406/1/9367 (Hamilton to Charles I, May [1632]) noted in *HMC Hamilton*, 80–81 (59). Hamilton composed an earlier and more optimistic memorandum, 'My Desyres', about the spring of 1632, *NRA(S)* 2177, Bundle 1411, a transcription can be found in *NRA(S)* 2177, p. 267.

[193] *HMC Hamilton*, 80–81 (58) (Memorandum by Hamilton, [August/September, 1632]. For more on the king of Sweden's disappointment at the breakdown of the treaty, his attitude towards Hamilton, and his sense of humour, *HMC Hamilton Supplement*, 21–25.

[194] NRS GD 406/1/9306 (Will. Murray to Hamilton, 2 August 1632) noted in *HMC Hamilton Supplementary*, 25–26; GD 406/1/160 (Charles I to Hamilton, 1 August 1632).

[195] NRS GD 406/1/161.

[196] *NRA(S)* 2177, Bundle 1410,(2–2a) (Gustavus to Charles I, 7 September 1632); *Ibid*, (7) (Letter of authorisation to Hamilton, 8 September 1632); *HMC Hamilton*, 81 (61) (Commission Gustavus to Hamilton, 8 September 1632) to levy 10–12,000 men.

[197] Monro, *Expedition*, ii, 154. Hamilton was 'honourably conveyed' from the king of Sweden's camp by all the Scots officers in the army, *Ibid*.

[198] *HMC, Denbigh*, v, 8 (Edward Nicholas to Lord Feilding, 13 December 1631). This view is expressed by Nicholas.

[199] The rumours were that Hamilton favoured the Scots over the English largely as a result of Colonel Sandy Hamilton's power over him, NRS GD 406/1/201 (Will. Murray to Hamilton, [late 1631]); for Crowe, see TNA SP 16/204/55 (Statement of Sir Richard Grosvenor, 14 December 1631); SP 16/214/22 (Petition of Crowe, [9 March] 1631/2).

[200] Will Murray, NRS GD 406/1/266, 268; Roxburgh, NRS GD 406/1/9268; Carlisle, NRS GD 406/1/195, 198, 196, 199; Goring, NRS GD 406/1/9269, 271; Dorchester, NRS GD 406/1/209, 230; Weston, NRS GD 406/1/231, 232, 267, 242. Other correspondents included the earl of Holland, NRS GD 406/1/9292, Sir James Galloway, NRS GD 406/1/270 and Henry Gyll, NRS GD 406/1/243.

[201] For example, NRS GD 406/1/195 (Carlisle to Hamilton, 7 August 1631). Hamilton addressed his packets to Carlisle, NRS GD 406/1/198; NRS GD 406/1/198 (Carlisle to Hamilton, 16 December 1631); NRS GD 406/1/9268 (Roxburgh to Hamilton, 1 July 1631); NRS GD 406/1/266 (Murray to Hamilton, 19 March 1631/2); NRS GD 406/1/271 (Goring to Hamilton, 1 May 1632). A lot of their letters appear to have miscarried, as Hamilton openly charged them with neglect, whereas they claimed to have written on numerous occasions, see for example, NRS GD 406/1/196, 266, 271.

[202] Hamilton wrote to Weston for that purpose, NRS GD 406/1/231 (Weston to Hamilton, 26 September, 1631), NRS GD 406/1/232 (16 December 1631), NRS GD 406/1/267 (27 March 1632), NRS GD 406/1/242 (2 May, 1632).

to Hamilton's letters and worked to heal the rift caused by the plot allegations of 1631.[203] Hamilton sent Sir Jacob Astley to England in March 1632, mainly to receive further directions from the king, and to dispel the rumours at court.[204] It seemed to work, for within a few days of his arrival Hamilton's friends happily reported 'all mouthes stopped' that were open to his disadvantage.[205]

Of course, Hamilton's greatest friend at court was the king, as all of his correspondents reminded him.[206] Charles was Hamilton's chief correspondent and confidant. In the Hamilton Papers alone, seventeen letters between them have survived: nine from Hamilton and eight from Charles, and in these there are references to six more, five from Hamilton and one from Charles, giving a total of twenty-three.[207] Of the eight surviving letters from the king, seven are written in his own hand and addressed to 'James' a personal address that Charles had only used with Buckingham.[208] The intimacy upon which Hamilton built his career, and which had deepened since Buckingham's death, is evident. Charles's last letter, dated 24 September 1632, illustrates the point:

> James/ I wrote to you in my laste, to fynde a pretexte to cume home, but now I must tell you that it is not fitt for you to stay anie longer where ye ar, for, the impossabiletie of your imploiment there, & the necessitie of your business heere requyres your returne; so at this tyme I'l say no more, but, Nill mihi rescribas, at tamen [yse] veni: for ye shall be no sooner cum, then [be] wellcum to, your faithfull frend & cousin.[209]

[203] *Ibid*; Will. Murray assured Hamilton that he was 'beholden' to Weston, GD 406/1/268 (Murray to Hamilton, 29 March 1632).

[204] TNA SP 81/39 fos.183r-184r (Astley's Memorandum, [March 1632]).

[205] NRS GD 406/1/268 (Murray to Hamilton, 29 March 1632). See also, GD 406/1/199 (Carlisle to Hamilton, 27 March 1631/2). For Charles's favourable report of Astley's efforts on Hamilton's behalf, GD 406/1/158 (Charles I to Hamilton, 30 April 1632). Astley was feted by Hamilton's friends at court, Carlisle especially, TNA SP 16/214/64 (25 March 1631/2).

[206] For Example, NRS GD 406/1/195, 266, 268.

[207] For Hamilton, NRS [Hamilton Catalogue] GD 406/1/9355, 9359, 9360, 9356, 9361, 9363, 9365, 9367. For Charles, [Hamilton Catalogue] GD 406/1/153, 154, 155, 157, 158, 159, 160, 161. The king acknowledged receipt of the other five letters in GD 406/1/153, 155, 160. Hamilton acknowledged receiving one from Charles dated 3 December 1631, GD 406/1/9363.

[208] The exception is NRS GD 406/1/160.

[209] NRS GD 406/1/161. The Latin translates, 'Write me nothing but just come'.

CHAPTER 3

The Protestant Cause, Patronage and Religion, 1632–1649

Hamilton returned to England in late 1632 to find the face of the court changed. The campaign to launch Britain into the European conflict between 1629–32 was now over. The policy of financial independence from parliament and political isolation both at home and abroad was firmly in train. Hamilton's German campaign was the last government-backed military expedition until the First Bishops' war in 1639. For Professor Kevin Sharpe and Edward Hyde, earl of Clarendon three centuries earlier, the Personal Rule was a period of surprising calm in both court and country.[1] Sharpe also emphasised the lack of political faction and 'the peace prevailing at court'.[2] While war raged in Europe, Britain remained comparatively peaceful.

This is a reasonably accurate picture and is suggested in other work.[3] Yet the king's decision not to call a parliament in the winter of 1631–2 to finance a military commitment in Europe does not mean that thereafter foreign policy was a redundant issue.[4] Granted, a course in foreign policy was well and truly set, but some of those who harboured alternative views survived at court, and their survival is something that still requires explanation.

Hamilton is one of the most neglected of these figures. With a few others in the government he kept alive the idea of a Protestant military foreign policy to restore the Palatine. In that respect he was alienated from most of the court, and the king. The marquis's interest in foreign affairs was evident from his correspondence with his brother-in-law Basil, Lord Feilding. Moreover, the

[1] K.M. Sharpe, 'The Personal Rule of Charles I', in H. Tomlinson ed., *Before The English Civil War.* (London 1983), pp.53–78, esp.pp.53, 75, 78. See also Sharpe, *The Personal Rule of Charles I* (New Haven, 1992).

[2] K.M. Sharpe, 'The Image of Virtue: the court and household of Charles I, 1625–42' in D. Starkey, ed., *The English Court from the Wars of the Roses to the Civil War.* (London 1987) p.225.

[3] For Example, Conrad Russell, *Unrevolutionary England* (London 1990), Introduction and *passim.* For a different view, R. Cust and A. Hughes, ed., *Conflict In Early Stuart England* (London and New York, 1989) Introduction and *passim.* See also Cust, *Charles I: a political life* (Harlow, 2007), Ch.3.

[4] Reeve, *Charles I and the Road to Personal Rule, passim*, esp.pp.275–291.

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enormous amount of material relating to foreign affairs that has survived in the Hamilton papers suggests that this was one of the marquis's greatest interests. Not until 1636, however, do we see evidence of his direct involvement in government foreign policy, and even then it was when he made an unofficial approach to Sweden.

This chapter contains three sections. The first section mainly looks at Hamilton's continued links with the Palatine family and with Sweden. It also extends the themes from the previous chapter and explores his patronage of those who had been associated with the German expedition. Using this and other evidence an attempt is made to reconstruct the public image Hamilton projected during the Personal Rule. The second section examines his direct involvement in the foreign policy initiatives of 1636–8 when the prospect of Britain entering an anti-Habsburg coalition seemed more likely. The third section attempts the difficult task of reconstructing Hamilton's religion. In the course of the final section, an argument is presented, which will be further developed in the next chapter, about the fluid nature of his social, political and religious world. In short, it will be shown that Hamilton's views on foreign policy did not always restrict his political alliances or patronage to like-minded individuals, but that he collaborated with individuals across the political and religious spectrum.

I

We have seen how Hamilton's enthusiasm for the German campaign was eroded to the extent that he reversed his counsel to Charles I and recommended a tactical withdrawal of support for Gustavus Adolphus.[5] By doing so he contributed to the policy of isolation that marked the Personal Rule, as it gave Charles another reason to be wary of financing land armies. However, this did not mean that Hamilton's commitment to the Palatine cause had diminished. His altered counsel to Charles was because Gustavus could not be trusted to honour a contract. This was based on the king of Sweden's poor treatment of Hamilton's army, and on Gustavus's refusal to return the Palatine territories to Frederick when the opportunity arose. Ironically, the king of Sweden's death at the battle of Lutzen on 6 November 1632, about ten days after Hamilton arrived back in London, removed the main cause of his change of heart.[6]

It is no surprise then, that over one third of the surviving correspondence in the Hamilton papers from late 1632 to 1637 relates directly to Palatine or foreign issues.[7] With Dorchester dead and Roe shunned at court Hamilton was one of the few remaining ministers in Charles's government, outside the queen's circle, who still supported the Palatine cause.[8] Two arguments will form the basis of this section. First, Hamilton acted as the principal broker for Elizabeth and her son Charles Lewis (Louis) at court. Second, in the absence of any embassy in London, Hamilton exercised a virtual monopoly over the interests of Sweden.[9] The formation by Axel Oxenstierna, the Swedish chancellor, of the Heilbronn League in April 1633, dedicated to continuing the war in Germany against the House of Austria (Philip IV and Ferdinand II), continued to weld a military solution to the Palatine with the exploits of Sweden, especially as Charles opted to sit on the

[5] See chapter 2 pp.33–38; 40.

[6] *HMC., Hamilton*, 81–2 (Alexander Leslie to Hamilton, 26 November 1632). For Hamilton's arrival in London, *CSPV, 1632–6*, 19.

[7] I derive these figures from my notes on the main Hamilton catalogue at the NRS. I have noted over 120 entries for the Palatine and foreign affairs, December 1632 to May 1638. This is roughly equal to the correspondence related to the Venetian and Turin embassies of Basil, Lord Feilding, 1635–June 1638.

[8] Hamilton had connections with the queen's circle, see below and Chapter 4, sections II & III. For those who supported a Protestant foreign policy in alliance with France, R. M. Smuts, 'The Puritan followers of Henrietta Maria in the 1630s', *English Historical Review*, vol. 93, January 1978, pp.26–45 esp.p.27.

[9] *CSPV., 1632–6*, 80.

fence.[10] As Elizabeth reminded Hamilton, 'what good is done for … Sweden will redound to my children's benefitt.'[11]

By continuing to sponsor the Palatine interest Hamilton endorsed a particular political credo: closer association or confederation with those states opposed to the House of Austria – the Netherlands, Sweden and France. Hamilton was not alone, however, even though his views went against the tide of opinion at court, at least until late 1635. In May 1636, the Venetian ambassador reported that, while at court Charles Lewis, the prince Palatine, confided in Hamilton and the earls of Pembroke and Holland, 'the only ones he believes to favour his party'.[12] To this group we could also add Hamilton's close friend George, Lord Goring, master of the horse to Henrietta Maria, as well as some of the Puritan followers in the queen's circle.[13]

The tide of opinion in foreign policy between 1632–6 was held by what A. J. Loomie has called the 'Spanish Faction'.[14] The leader and driving force of the group was the lord treasurer, Richard, Baron Weston and from 1632 1st earl of Portland. We saw in the last chapter how his relationship with Hamilton was soured over the plot allegations of 1631, but seemed to improve, publicly at least, as both men worked to heal the rift.[15] Yet they were never close and did not correspond after Hamilton returned from Germany. Portland's ally, predictably enough, was Francis, Lord Cottington, chancellor of the Exchequer and master of the Court of Wards.[16] The other two principal members were Thomas, Viscount Wentworth, president of the Council of the North and lord deputy of Ireland after 1633, and Sir Francis Windebank, who became secretary of state in June 1632, a few months after Dorchester's death.[17] At least twice during the Personal Rule Weston, Cottington and Windebank had secret talks with Juan de Necolalde, the Spanish ambassador, about an alliance with Spain, and all three received gifts for their support.[18] Prior to his embassy to the emperor in 1636 and subsequent *volte face*, Thomas Howard, earl of Arundel and Surrey, the earl marshal, could also be labelled 'pro-Habsburg and anti-French'.[19]

While it can be misleading to allocate political credentials to groups within the Caroline court, the touchstone in this case has been the attitude of politicians towards the projected restoration of the Palatinate. The group to which Hamilton belonged were all firm Protestants and with varying degrees of commitment kept alive the possibility of a military solution against the House of Austria (Philip IV and Ferdinand II) in alliance with any or all three of the following: Sweden, the United Provinces and France. Yet their task was a difficult one. Not only had they to work against Charles's hankering for a Habsburg alliance, but also his aversion to calling a parliament, on which their confessional foreign policy depended.[20] Nevertheless, Hamilton trimmed his sails and, as we

[10] Parker, *Thirty Years' War*, 132–44. The second goal of the League was 'the restoration of the Protestant estates' in Germany, *Ibid*, 135.

[11] *HMC., Hamilton*, 189–90 (Elizabeth to Hamilton, 30 March [N.D]) original is NRS, GD 406/1/112.

[12] *CSPV., 1632–36*, 565 (Correr to Doge, 23 May 1636).

[13] *HMC., Hamilton Supplementary*, 26–7 (Elizabeth to Hamilton, 1 February 1633) original NRS, GD 406/1/121. See also Goring's correspondence with Hamilton during the German campaign, chapter 2 p.65 & note 251; Smuts, 'Puritan Followers', p.27.

[14] A.J. Loomie, 'The Spanish Faction at the court of Charles I, 1630–38', *Bulletin of the Institute of Historical Research*, vol. 59, 139 (1986) pp.37–49.

[15] Chapter 2 pp.30–31; NRS, GD 406/1/268 (Will. Murray to Hamilton, 29 March 1632).

[16] Loomie, 'Spanish Faction', p.37. See also M. J. Havran, *Caroline Courtier: The life of Lord Cottington* (London 1979), *passim*.

[17] Loomie, 'Spanish Faction', p.37. For more on these two see, H.F. Kearney, *Strafford In Ireland, 1633–41* (Manchester, 1959 and Cambridge 1989); P. Haskell, 'Sir Francis Windebank and the Personal Rule of Charles I' (unpublished University of Southampton PhD 1978). According to Loomie, these four were supported by William Monson, one of the vice-admirals and Robert Bertie, earl of Lindsay, lord admiral after Portland's death, Loomie, 'Spanish Faction', p.37.

[18] *Ibid*, p.40, 38 and *passim*; Haskell, 'Windebank' esp. pp.153–5.

[19] Loomie, 'Spanish Faction', p. 37.

[20] S. L. Adams, 'Spain or the Netherlands? The Dilemmas of Early Stuart Foreign Policy' in H. Tomlinson, ed., *Before the English Civil War* (London, 1983), esp. pp.89–90, 93, 100–101.

shall see, explored options which took account of the king's inclinations and his own experiences in Germany.

The group of which Weston was the most influential member were all crypto-Catholics except the absentee Wentworth, and were in a stronger position.[21] The treasurer managed to steer a hispanophile policy until his death in March 1635, a task made easier by Charles's own predilection for such a course.[22] They believed that the Palatinate could be restored through negotiation or alliance with Spain and the emperor. This was reflected in the Weston group's second series of secret talks with Necolalde in early 1634.[23] Weston proposed either a league between the Habsburgs and Britain against Sweden, the Netherlands and France, contingent upon the restoration of the Palatinate, or, on a more moderate scale, a Spanish subsidy to finance a British fleet against the Dutch navy. Both plans, like that of 1632, got no further than the drawing board, but what is important is that this was the king's preferred route. Only when the prospect of a Habsburg-friendly solution was wrecked in 1636 did Charles consider the options favoured by the Protestant interventionists.

At this stage it should be stressed that the king's disinclination to follow an expensive military option to force his nephew's claim does not mean that he had abandoned his cause. The king had ten paintings hanging in his bedchamber: three on religious subjects, one classical, one each of Henrietta Maria, his brother prince Henry, his sister Elizabeth, her husband Frederick of Bohemia the elector palatine, another of the palatine children, and finally a life-size painting of Buckingham and his family in pride of place above the chimney.[24] These paintings provide a vivid illustration of the priorities of Charles I, and indeed show the prominence of the palatine family in particular. To see the king as an uninterested spectator of his exiled relations' plight is as inaccurate as viewing Hamilton as a devoted interventionist no matter the cost. Both men fell somewhere in-between and locating Hamilton's position is one of the aims of this chapter.

In order to analyse Hamilton's role within this context we must first look at his relations with the Palatines and Sweden. While the hispanophile mood prevailed at court, Hamilton's activities were low key. Yet Elizabeth's regular correspondence with him shows that he was involved in nearly every initiative to squeeze support from her younger brother.[25] Only a few weeks after his return from Germany, Elizabeth solicited Hamilton's intervention with Charles for the monthly allowance to the king of Sweden to be transferred to her husband.[26] When General Patrick Ruthven was sent to England to procure a levy in March 1634 Elizabeth referred him to Hamilton, remarking despairingly that he was the only one of Charles's councillors whom she trusted.[27] In 1635, when her son Charles Lewis came to court to offer his service to Charles, Elizabeth committed him to Hamilton's care.[28] Two years later, during the pro-French phase at court, Elizabeth recommended Ruthven to Hamilton's patronage as the general was carrying an

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[21] Weston died a Catholic, Gardiner, *History of England*, vii, 378; M.C. Alexander, *Charles I's Lord Treasurer*, pp.29–30, 63, 141, 162, 172, 189, 218. Cottington, when ill, declared himself a Catholic, Gardiner, *England*, viii, 140, 136; Havran, *Cottington*, pp.13–14, 77–78, 86, 112–13, 119–20, 126–31, 177–8. For Windebank, Haskell, 'Windebank', p.105 and chapter viii, pp.362–389. Wentworth took no part in the secret talks with Spain in 1634 being preoccupied with Ireland, Kearney, *Strafford*.

[22] Loomie, 'Spanish Faction', pp.40, 42.

[23] The Weston group's (Weston and Cottington) first series of secret talks with Necolalde were in 1632 and concerned another anti-Dutch initiative, in this case employing an English land force, Loomie, 'Faction', p.39.

[24] O. Millar, *Van der Doort's Catalogue of Charles I's Pictures* (Walpole Society, vol.37, Glasgow 1960), pp.35–36.

[25] For example, NRS, GD 406/1/122, 132, 118, 134, 130.

[26] NRS, GD 406/1/122 (Elizabeth to Hamilton, 19/29 November 1632) noted in *HMC., Hamilton Supplementary*, 26.

[27] *HMC., Hamilton Supplementary*, 36 (Elizabeth to Hamilton, 10/20 March [1634/5]). For more on Elizabeth's despair of getting help from Charles at this time, see the Nethersole affair, January 1634, SP 16/258/37, 38, 39, 40, 42, 73; *CSPD, 1633–4*, 400.

[28] *HMC., Hamilton Supplementary*, 193 (Elizabeth to Hamilton, 8 October [1635]).

offer of a league from Sweden.[29] In the same year, she enlisted Hamilton to procure financial aid for her son who had resolved to take over the Landgrave of Hesse's army after his death in early October 1637.[30]

Similarly, few of Elizabeth's agents or supporters went to the Stuart court without being recommended to Hamilton.[31] Sir Francis Nethersole, Colonel G. J. Peblis, William Curtius and Sir Richard Cave were referred to Hamilton or instructed to give him information she would not commit to paper.[32] In particular, Peblis and Curtius (Vane's former secretary during his embassy to Gustavus)[33] both maintained regular contact with Hamilton to keep him informed of events abroad.[34] Elizabeth also used Hamilton to ensure a warm welcome at court for her allies. For example, when the two sons of George, duke of Brunswick-Luneberg, came to court, Elizabeth asked Hamilton to see that they were 'extreme well used' as their father was 'now of our side,' having defected from the Imperialists to Sweden.[35]

Elizabeth's son, Charles Lewis, the prince Palatine, also used Hamilton's influence to promote his interests, especially after he came of age and visited the court between November 1635 and June 1637.[36] In preparing the ground for the visit Elizabeth unequivocally charged Hamilton to take her son under his wing:

> [H]e is young and therfore may commit manie faults which makes me to intreatt your care of him and that you will give him your best counsall and advise in his actions and affairs … I pray do not flatter him but chide him when he doeth not well.[37]

Hamilton duly obliged and, along with Holland and Pembroke, counselled the prince during his stay at court.[38] In a letter to Sir Thomas Roe on 13 July 1637, written a few weeks after his return to the Hague, Charles Lewis admitted that he was not 'loath' to be out of England. The prince singled Hamilton out for special attention but in a way that was double-edged: 'I pray continue to make much of my Lord Marquis & write me worde if my frends are as forward in my businesse

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[29] *HMC., Hamilton Supplementary*, 42 (Elizabeth to Hamilton, 20/30 July [1637]).

[30] NRS, GD 406/1/130 (Elizabeth to Hamilton, December [1637]). On the Landgrave's death, *HMC., Denbigh*, v, 52.

[31] See for example, NRS, [Hamilton Catalogue] GD 406/1/122, 121, 119, 127, 143, 144, 139, 111, 113.

[32] Nethersole and Peblis instructed to give Hamilton more information, NRS, GD 406/1/122. Curtius commended to Hamilton, NRS, GD 406/1/119. Thanks Hamilton for helping Curtius, *HMC., Hamilton Supplementary*, 190. Sir Richard Cave will tell Hamilton all, *HMC., Hamilton Supplementary*, 193.

[33] *CSPV., 1632–36*, 6, 9. Curtius apparently remained as Charles's agent in the Swedish army, T. Birch, ed., *The Court and Times of Charles I* (2 vols., London, 1848), ii, 191, 212. He may have later been employed as an agent for the Palatine at the British court, *CSPV., 1636–39*, 600.

[34] For Curtius, *HMC., Hamilton Supplementary*, 33 (Curtius to Hamilton, 14 November 1633); *HMC., Hamilton Supplementary*, 35–6 (Curtius to Hamilton, 3 March 1633/4); *HMC., Hamilton Supplementary*, 89–90 (Curtius to Hamilton, 15/25 May, 1634). For Peblis, who was sent to England by the elector Palatine in the last few months of 1634, *CSPV., 1632–36*, 22; NRS, GD 406/1/9370 (Peblis to Hamilton, 20/30 April 1633); GD 406/1/9371 (Peblis to Hamilton, 18 September 1633); *HMC., Hamilton*, 84–5(65) (Peblis to Hamilton, 30 October 1633); *HMC., Hamilton Supplementary*, 87–9 (Peblis to Hamilton, 31 March 1634)).

[35] *HMC., Hamilton Supplementary*, 190 (Elizabeth to Hamilton, 18/8 April [1633–6]). Duke George fought for the Emperor, 1626–30, then for Sweden, 1630–35, and again 1639–41, Parker, *Thirty Years' War*, p.321.

[36] Charles Lewis first sought Hamilton's favour a few months after his father's death. He was sixteen and described Hamilton as 'one who intyrely loved' his father, *HMC., Hamilton*, 82–3(63) (Charles Lewis to Hamilton, 4 January 1632/3). Charles Lewis and his brother, prince Rupert, arrived at court on 21 November 1635 and left June 1637, Gardiner, *England*, viii, 99, 219.

[37] *HMC., Hamilton Supplementary*, 193 (Elizabeth to Hamilton, 8 October [1635]).

[38] *CSPV., 1632–6*, 565 (Correr to Doge, 23 May 1636). I am thinking of those who supported the elector Palatine at court rather than those people, like Roe, who had no place there. For the close relationship between the elector and Hamilton's ally, the earl of Holland, W.R.O., Feilding of Newnham Paddox mss CR 2017/C5/22 (Edward Hyde to Basil, Lord Feilding, 10 December 1635).

in my absence as when I ame with them'.[39] There is a suggestion that Hamilton's commitment was in doubt, but it may have been that while supporting the Palatine's cause, he was unwilling to commit himself as far as the young prince would have wished. Nevertheless, on the same day, the prince wrote to Hamilton expressing his infinite obligations and asking his 'thoughts' on the French treaty 'wch are of more consideration to me then any'.[40]

For the next few years they kept up a regular correspondence, similar in content and objectives to that which Hamilton held with the prince's mother. Hamilton was used by the prince to test the king's opinion on his policy, to request the king's aid and assist the prince's clients.[41] Hamilton advised Charles Lewis that unofficially the king approved of his going to the late landgrave of Hesse's army.[42] In August 1637, a few months before the landgrave's death, it was through Hamilton's intercession as the 'fittest' minister that the prince hoped to secure land forces from Charles, enabling him to join with the Swedes in Germany.[43] When Charles eventually decided to assist his nephew, apparently with an initial sum of £20,000 and munitions,[44] the prince attributed it to the 'fruits' of Hamilton's 'good offices'.[45]

Hamilton's offices on behalf of the Palatines were paralleled by his mediation for Sweden. His old employers engaged his services in a similar manner. When the chancellor of Sweden's son, Johan Oxenstierna, arrived at court early in March 1633, he was introduced to the king by Hamilton.[46] A year later he returned as ambassador extraordinary to solicit aid for the Heilbronn League and permission to levy troops.[47] Axel Oxenstierna had written to Hamilton a few months earlier asking him to smooth the way with Charles for the levy and to assist lord general Ruthven in the recruitment.[48] However, the chancellor's son received little satisfaction at court.[49] The intended levy was restricted to Scotland, then obstructed by the earl of Stirling after he was bribed by Necolalde.[50] It is difficult to discover how much effort Hamilton put into aiding the young Swedish ambassador, but, whatever he did, it was not enough to counter the Weston group.[51] Nevertheless,

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[39] TNA, SP 16/363/117 (Charles Lewis to Sir Thomas Roe, 13/23 July 1637).

[40] *HMC., Hamilton Supplementary*, 41–2 (Charles Lewis to Hamilton, 13/23 July 1637). For the prince's acknowledgement of the favour Hamilton showed him in England, GD 406/1/9280 (Charles Lewis to Hamilton, 10 August/31 July 1637). Sir Richard Cave was instructed to keep Hamilton informed of the elector's affairs and to pass information from Hamilton etc., GD 406/1/9283. Edward Hyde reported that on leaving England the elector received a pension of £12,000 and Rupert one of £2,400, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C2/201 (Hyde to Lord Feilding, 1 June [1637]).

[41] For aid to the prince's clients, NRS, GD 406/1/9281, 9282, 9283.

[42] NRA(S) 2177, p.266, Bundle 1404 ([Draft] Hamilton to Charles I, 12/19 October [1637]).

[43] NRS, GD 406/1/9280 (Charles Lewis to Hamilton, 10 August/31 July 1637) printed *HMC., Hamilton Supplementary*, 42–3.

[44] *CSPV., 1636–9*, 400 (Zonca to Doge 23 April 1638). Gustinian, the Venetian ambassador at the Hague, reported the arrival of this aid in the second week of June, that is, the money, 10,000 pounds of powder, ten pieces of artillery and several officers, *Ibid*, 422 (Gustinian to Doge, 12 June 1638). It was reported in early September that Charles had sent another £20,000 to the prince Palatine, *Ibid*, 471.

[45] NRS, GD 406/1/9283 (Charles Lewis to Hamilton, 5 April 1638) printed *HMC., Hamilton Supplementary*, 44–5.

[46] Johan Oxenstierna seems to have been on an unofficial visit to sound out what the king intended for the cause in Germany. Nothing concrete was offered and he left for France under a cloud in the first week of April, *CSPV., 1632–6*, 80, 92.

[47] *CSPD., 1633–4*, 427–8 (Durie to Roe 22 January 1633/4); *Ibid*, 517 (Durie to Roe, 10 March 1633/4). For the purpose of his visit, Gardiner, *England*, vii, 354; Loomie, 'Spanish Faction', p.41.

[48] *HMC., Hamilton Supplementary*, 34–5 (Axel Oxenstierna to Hamilton, 22 November 1633).

[49] *CSPV., 1632–36*, 219–20, 221.

[50] The ambassador's commission was queried, Gardiner, *England*, vii, 354. Necolalde's bribes to officials limited the chances of success: the Scottish secretary, the earl of Stirling, was paid £250 to obstruct the Scottish levy, Loomie, 'Spanish Faction', p.41. The British levy was refused but the council apparently agreed to a limited recruitment in Scotland, *CSPV., 1632–6*, 219. Ruthven told Durie that levies were granted, *CSPD., 1633–4*, 554 (Durie to Roe, 16 April 1634).

[51] It was reported in France that Oxenstierna would get more satisfaction if the current attack on Weston by Laud and Coventry succeeded, *CSPV., 1632–36*, 225. For the attack on the Treasurer, Gardiner, *England*, vii, 355–6, 362, 364.

the ambassador thanked him for his offers of assistance in glowing terms, 'Car il n'y a Seigneur en ceste Court d'Angleterre lesquell je cherisse plus pour son affection vers la bonne cause et generosite de faire des actions lovables que vous'.[52]

Despite the disappointment over Oxenstierna's embassy the Swedes continued to solicit Hamilton's aid. They made further requests for assistance with levies in Scotland: through Regent Gabriel Oxenstierna and Sir Alexander Forbes in 1635 and Sir Alexander Leslie and Sir Robert Monro in 1636.[53] When Eleazor Borthwick, a Scottish minister in Swedish service, was sent to London in October 1634 to prepare the way for a new Swedish embassy he was referred to Hamilton.[54] Similarly, Sweden's ambassador, Sir John Skytte, and agent Sir Michael Blom, who followed shortly after Borthwick, were recommended to Hamilton.[55] Skytte in particular seems to have held Hamilton in high regard, and the Swedish council unashamedly courted his goodwill.[56] In 1635 they presented Hamilton with six brass canon (which were later turned against the Covenanters), and responded quickly to suits he sponsored at the Swedish court.[57]

As well as acting in the interests of the Palatine family and Sweden, Hamilton received requests for his patronage in other areas. A facet of his public image after 1632 was that of war veteran, which was cultivated through paintings such as Hamilton in armour by Van Dyck.[58] In a letter of March 1637 Lord Feilding told Hamilton that he had been approached by some Scots officers employed by the king of Spain in Milan, who believed Charles was about to declare war on Philip IV and wished to be the first to offer their service. He continued,

> your lops will finde theire names in the enclosed paper wch I thought most convenient to use your lop as the fittest instrument to acquaint the King with, because as your lop hath a great interest in that nation, so you are a great patron of those who follow the military proffesion.[59]

Both assertions reveal a lot about Hamilton's public deportment. His 'great interest' in Scotland will be explored later, so here we shall confine ourselves to the second point. It has already been noted how Hamilton assisted Sweden in their recruitment of mercenaries in Scotland, and this

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[52] NRS, GD 406/1/9263 (Johan Oxenstierna to Hamilton, 28 August 1634), 'For there is not a Lord in this English Court whom I cherish more for his affection towards the good cause and magnanimity in doing praiseworthy actions, than you'. The translation is with the letter, though it is not contemporary. Hamilton's ability to help Oxenstierna may have been limited by his periods away from court organising the Scottish taxation, see chapter 5, section iv.

[53] Terry, *Life and Campaigns of Alexander Leslie, first earl of Leven*, pp.33–4 (Leslie to Hamilton, 16 April 1636).

[54] NRS, GD 406/1/9617 (Privy Council of Queen Christina to Hamilton, 26 October 1634) briefly noted *HMC., Hamilton*, 83(1).

[55] *HMC., Hamilton*, 83(2) (Privy Council of Sweden to Hamilton, 29 October 1634); *NRA(S)* 2177, Bundle 1404, p.267 (Jacques Comte de la Gardie to Hamilton, 7 November 1634). For Blom, *HMC., Hamilton*, 83(3) (Axel Oxenstierna to Hamilton, 12 November 1634).

[56] *HMC., Hamilton*, 83(4) (Swedish Privy Council to Hamilton, 9 July 1635); NRS, GD 406/1/9624 (Skytte to Hamilton, 20 August 1635). For Elizabeth's comment that all the Swedish ambassadors think they have a special relationship to Hamilton, GD 406/1/112. For the Swedes later praising of Hamilton's efforts, *NRA(S)* 2177, B-1404, p. 262 (Privy Council of Sweden to Hamilton, 1 September 1637).

[57] NRS, GD 406/1/9623 (Privy Council of Sweden to Hamilton, 31 July 1635); *HMC., Hamilton*, 83(4); GD 406/1/9261 (Skytte to Hamilton, 28 June 1636); S. R. Gardiner, *Hamilton Papers*, (Camden Society, 1880), 16 (Hamilton to Charles I, 24 June 1638).

[58] Having seen active service Hamilton, unlike Wentworth and Charles I, was justified in having his portrait in armour. The full length portrait of Hamilton in armour by Van Dyck was purchased cheaply by the prince of Liechtenstein from the duke of Hamilton, 'The Independent', 5 July 1991. For the portrait in the 'Princely Collection', Portrait of James Hamilton, Third Marquess of Hamilton | LIECHTENSTEIN. The Princely Collections, Vaduz–Vienna (liechtensteincollections.at) (accessed, 19.10.2023).

[59] NRS, GD 406/1/9572 (Lord Feilding to Hamilton, 17/27 March 1636/7). The list can be found at GD 406/1/9572/2 and contains 9 names including Sergeant Major John Urrei [Hurry?] and Captain Nathaniell Gordon. Hamilton duly presented the names to Charles who was impressed but had 'youse of no sogers nor offiseres', W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/97 (Hamilton to Lord Feilding, 25 January 1637/8).

was a service which he also provided for France, especially in relation to the Scottish regiment there. Indeed Colonel Sir John Hepburne, in a letter of January 1633, asked for Hamilton's permission to enter French service.[60] Shortly after, Hepburne was made colonel of a special guard of 2,000 Scots for Louis XIII and three months later arrived in London with French commissions to levy 3,000 Scots.[61] In 1634 and 1635 (France declared war on Spain in May) Hamilton was importuned by the king of France to secure permission for more levies in Scotland.[62]

During the organisation of his military expedition in 1631 Hamilton had promised, 'he that will hazard with me now in this business, it shall be a tie to me and my posterity to hazard my fortune and estate with him and his.'[63] The words were spoken to Lord Reay who chose to see conspiracy rather than the promise of a close bond. Reay missed the point, but others did not. In the last chapter we saw that Hamilton, throughout the thirties, continued to correspond with and patronise some of his officers, notably Sir Alexander Leslie, Sir Alexander Hamilton, Sir James Ramsay and Sir Jacob Astley.[64] But it was not only Hamilton's senior officers who enjoyed his continued favour. William Davies, who had also served in Germany, came home to find certain of his lands in Pembrokeshire appropriated by a local magnate, Sir Thomas Cannon. His petition for the restitution of his lands, subsequent upon a legal trial was delivered to the king by Hamilton.[65] In June 1634 Hamilton's clients, Thomas Dalmahoy and Sir James Leslie, were granted a patent to issue licenses in Scotland for the sale of tobacco under one stone in weight.[66] Dalmahoy was part of Hamilton's retinue in Germany and a Captain Leslie is mentioned in the expedition's accounts.[67]

More interestingly, in March 1637, we find Hamilton procuring a lease of several lands and tenements in the city and county of Worcester for Thomas Dalmahoy, David Ramsay and Colonel Sir Archibald Douglas, all of whom were involved in the expedition.[68] The inclusion of Ramsay in the lease is surprising. We left him in the late Summer of 1632 discredited at court and reportedly banished from the kingdom.[69] The king had warned Hamilton on two separate occasions to have nothing more to do with this 'pest'.[70] Yet Hamilton managed to draw him back into royal favour. A few months before the Worcester lease was passed Hamilton secured Ramsay the custody of the mentally incapacitated Anne Mustard's estate from the king, and he appears to have been back in his place as a gentleman of the privy chamber.[71] By May 1637 Ramsay was transacting business at Hamilton's behest.[72] Around the same time he was granted the reversion of Sir James Pitt's office

[60] NRS, GD 406/1/254 (Hepburne to Hamilton, 23 January 1633). Hepburne had replaced Leslie as Gustavus's commander in Hamilton's army at the end of 1632 and accompanied Hamilton from the king of Sweden's camp when he left Germany in September 1632, probably going as far as Paris, see chapter 2 p.41.

[61] *CSPV., 1632–6*, 92 and note.

[62] *HMC., Hamilton*, 91(74) (Louis XIII to Hamilton, 10 October 1634). See also GD 406/1/8389 (George, Lord Seton to Hamilton, 7 October 1634); GD 406/1/9613 (Louis XIII to Hamilton, 29 August 1635).

[63] Cobbett, *A Complete Collection of State Trials*, iii, 451 (Reay's Relation).

[64] Chapter 2, pp.25–26.

[65] TNA, SP 16/233/59 (Petition of William Davies to the King, 14 March 1632/3).

[66] *RPCS., 2nd Series*, *1633–5*, 271–3. For the difficulty enforcing the patent, MacInnes 'Covenanting Movement, 1625–41' (PhD Glasgow 1987), ii, pp.1–2 note 5.

[67] *H.M.C., Hamilton Supplementary*, 183–184.

[68] TNA, SO 3/11, unfol., March 1636/7. Colonel Douglas was dead, but the lease was in trust for his sister, Elizabeth, in consideration of her surrender of his pension of 2,000 merks. For Douglas see chapter 2 pp.27; Ramsay, chapter 2 esp. section III.

[69] Ramsay was reportedly banished the kingdom with £500 in his purse, Birch, *Court and Times.*, ii, 181. See also chapter 2, *passim.*

[70] Chapter 2, p.33.

[71] *HMC., Cowper*, ii, 147 (Hamilton to Sir John Coke, 10 November 1636); NRS, GD 406/1/371 (Alexander Cottington to Hamilton, 8 May 1637). In the letter to Coke, see note above, Hamilton described Ramsay as a gentleman of the privy chamber.

[72] NRS, GD 406/1/11872 (Ramsay to Hamilton, 30 May 1637).

as a philazer in the Court of Common Pleas.[73] Hamilton's patronage of his "verie good frind" and "antient acquaintance" continued, and even in March 1642, when he had other things on his mind, he found time to write a long letter to Sir John Bankes on Ramsay's behalf.[74]

As suggested above, Hamilton projected an image of the soldier-statesman imbued with the values of the Protestant-Palatine cause. The extent of his contacts in Europe was amongst the best and most extensive at the Stuart court. It was Hamilton who was expected to promote the Palatine cause in the Scottish parliament in 1633, to ensure that it would exhibit the same support as its English counterpart in 1629.[75] When Oxenstierna called the crucial meeting of the Protestant states of the Empire at Frankfurt in 1634 it was rumoured that the king would send Hamilton as his representative.[76] From a different perspective, Hugh Ross had held various commissions since 1626 to organise the exchange and repatriation of British prisoners of war in Europe. It was to Hamilton that he turned in 1638 to secure payment of his charges and arrears.[77]

The irrepressible John Dury (yet another Scot who sought Hamilton's favour) never gave up hope that Hamilton would become his patron with the king.[78] In early 1634, on receiving news of the Frankfurt convention, Dury went to inform the two secretaries, Hamilton, then Laud.[79] During the interview Hamilton promised to speak to the king on his behalf, but Dury took the initiative a few months later and tried to get Hamilton to secure him a preferment.[80] Dury tried a different approach in March 1640 by going through Hamilton's secretary, Francis Vernon, in an attempt to secure the marquis's intercession with the king.[81]

Probably more revealing is a letter from one Thomas Hopley of 3 March 1637. Hamilton had given the writer an "audience" the previous evening in which a proposition to aid Sweden "wth paid souldeors" was discussed. In the letter Hopley went on to promise a scheme by which the king could do this "w[i]thout calling a p[ar]liam[e]nt, w[i]thout taking one penny from his subjectes yea by givinge unto them." As a result of his audience Hopley felt compelled, and sufficiently confident, to declare:

> I see that you are the man whome God will use as his happy & glorious instrument. 1/ for the blessed uniting of the heartes of Kinge & people unto him, & each unto other. 2/ for restoring & making more illustrious the palatine then ever any of his Ancestors were.

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[73] NRS, GD 406/1/1604 (Hamilton to Sir John Bankes, 26 March 1642). The grant was for '[philizer] for London and diverse other shires'. Philazers, prothonotaries and exigenders were all offices in the Court of Common Pleas. On 22 January 1641, the clerks of Common Pleas petitioned against Ramsay and ten others (including a John Hamilton) for selling these offices at 'unreasonable and excessive prices', *L. J.*, iv, 139.

[74] *Ibid.*

[75] NRS, GD 406/1/120 (Elizabeth to Hamilton, 21/31 May [1633]).

[76] TNA, SP 16/263/51 (John Dury to Roe, 27 March 1634) printed in Gunnar Westin, *Negotiations about Church Unity 1625–1634* (Uppsala 1932), pp. 285–6. Hamilton had copies of the articles to be discussed at the convention, *HMC., Hamilton Supplementary*, 35 and was kept informed about its progress, *Ibid*, 89–90. Anstruther was in fact sent, SP 16/263/73. For the meeting, Parker, *Thirty Years' War*, pp. 140, 157; *CSPV., 1632–6*, 222–3.

[77] NRS, GD 406/1/504 (Hugh Ross to Hamilton, 23 May 1638). Ross claimed that he had redeemed 4,577 prisoners and was asking £6,451 for charges and arrears. He held commissions from the English Privy Council, the duke of Buckingham and Charles I.

[78] See for example the following two letters with 6 years between them, NRS, GD 406/1/9251 (Dury to Hamilton, 29 March 1634); Sheffield University Library, Hartlib MS 2/2/fol.5r (Dury to Hartlib, 14 March 1640). I owe the second reference to Anthony Milton.

[79] *CSPD., 1633–4*, 427 (Dury to Roe, 22 January 1633/4) printed in Westin, *Church Unity*, 278–80.

[80] *Ibid*; NRS, GD 406/1/9251.

[81] G.H. Turnbull, *Hartlib, Dury and Comenius. Gleanings from Hartlib's Papers*. (Liverpool, 1947), p.203; Sheffield University Library, Hartlib MS 2/2/fol.4r (Dury to Hartlib, 8/18 March 1640), *Ibid*, 2/2/fol.5r (Dury to Hartlib, 14 March 1640), *Ibid,* 2/2/fol.8r–v (Dury to Hartlib, 20 March 1640). I owe all these references to the kindness of Anthony Milton.

> 3/ for humblinge the proud house of Austria, & making it to suffer & to doe what justice doth require.[82]

Like some of the other evidence presented here, this reveals Hopley's perception of Hamilton. Hopley wrote his letter less than a day after an audience, making the content even more significant. Without doubt, Hopley, Dury and the others, were responding to Hamilton's public actions and the image he projected. It was this that prompted a confidant in Madrid to relate, "your honour suffers hier sum qt in opinion".[83] Relating a conversation in the presence of Philip IV, the writer quoted the Conde Duque of Olivares' impression of Hamilton:

> he had alwayes caryed a particular inclinacion to the Conde de Arren [ie Hamilton] desde que estuvo a ca con el principe y que le pesava mucho que signiisse factiones contrarias al Rey de Espana.[84]

Hamilton protested:

> who so ever they wer thatt geaive the Conde Ducque informationne, that I followed factiones contrarias all Rey de Espanie has doune itt out of malis and splean to me.[85]

That, and a claim that he was only following the king's intentions, was his reply. It was clearly a charge he found difficult to deny.

II

It has been argued that between his return from Germany and late 1635 Hamilton's activities in foreign affairs were restricted by the prevailing political climate at court. He promoted the Palatine cause through his offices with the king like an unofficial ambassador and charge d'affaires. He did what was possible under the circumstances. Beyond that, it is difficult to assess how far he was willing to commit himself. It is to these problems that we now turn in the politics of 1635–7 when the king contemplated a more active way forward to secure the rights of the elector Palatine and his family.

In terms of the course of Caroline foreign policy the year 1635 was a watershed. In that year Weston died, France went to war with Spain, Sweden's war effort began to totter and the prince Palatine came to the British court.[86] Yet the situation did not change overnight. The shift away from Spain was made reluctantly by the king and never completely.[87] For the next two and a half years attempts were made to negotiate an alliance in Europe against Spain. In 1636 a revived queen's party began pushing for an alliance with France.[88] That group overlapped with Elizabeth's supporters at court and made common cause for an alliance with France, Sweden, Denmark and the Netherlands. They came close to succeeding and a draft of the Anglo-French treaty was sent

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[82] NRS, GD 406/1/332 (Thomas Hopley to Hamilton, 3 March 1637).
[83] NRS, GD 406/1/317 (Hugo Sempilio to Hamilton, 10 October 1635).
[84] *Ibid.*
[85] The quote is from Hamilton Catalogue, volume i, p.365 in the National Records of Scotland. The original is listed as NRS GD 406/1/9534 ([Draft] Hamilton to [ ], ND [1635]), but it has been miscalandered or mislaid: NRS GD 406/1/9534 is actually a scrap of paper with comments in Hamilton's hand about the recall of the French ambassador. The letter is described in *NRA(S)* 2177, p.266.
[86] Sweden's defeat at the battle of Nordlingen on 6 September 1634 was not their only problem, Parker, *Thirty Years' War*, pp.132–144, esp. p.141.
[87] Adams, 'Spain or the Netherlands?', pp.100–1; Gardiner, *England*, viii, 217–8.
[88] Smuts, 'Puritan Followers', pp.35–7. Laud apparently lent some support.

to the conference at Hamburg in the late summer of 1637.[89] In the end, the grand anti-Habsburg alliance failed to materialise amidst squabbles over maritime superiority and scepticism about French, but especially English, sincerity. Despite the silence from the limited work on these negotiations, Hamilton was involved and it is that which we hope to track.[90]

In a letter to his brother-in-law in Venice on 8 December 1636, Hamilton anticipated the consequences of the failure of the earl of Arundel's last ditch embassy to the emperor for a resolution on the Palatinate:

> Itt is probabill thatt att my lo[rd] Marshals returne … ther will be new resolutiouns takine in the affaires of the pallatinatt for his lo[rdship] is parted from the empriours Court without reseving anie satisfaction in thoes affaires … bot what will be the way for the effecting of our ends is as yeitt un knoen to me, by way of tretie ther is small hopes left, we may Congectur whatt will be the nixtt, bot itt is a mater of no small consiquens the beiing ingaged in a ware, yeitt this I ame most Confident of, his Matie will shoe the woordill [world] the extraordinarie Cayre he hes of his nepheu and thatt cause.[91]

Hamilton made two important points here. First, at this early stage it was "un knoen" to him if a policy had been decided, implying that he was not involved in the consultations. Hamilton was not a member of the Committee for Foreign Affairs until October 1639, though that in itself is not evidence that he was not consulted.[92] Second, he appeared to welcome the possibility of a war. The first point was clarified further in mid-January of the following year in his next letter to Feilding:

> Upone my lo[rd] Marshall['s] returne much tyme uas spent in privatt consall, and att last a resolution takine to assist the Suaides and joyne with the joymteh [junto], but upon uhatt conditiones is not yeitt publickly knoen. A generall accomodation is the end and the restoring of the Pallatine who, in person is lykly to undertake sume actioune (by seea) this sumer.[93]

Five weeks later, and Hamilton's approval of the turn of affairs becomes evident:

> The tymes are lykly to change and ue begine to think of putting ourselves in actioun … The conjunctive of affaires is shuch thatt his Mati can not be loong now in suspens for ue expect dayly ane absolut conclusioun with Franse or eales Ther resolution to the Contrarie. Frome Sued[en] (wher befor this sertanly his Matti agent is arrived) ue expeck propositicans will be med for the continuing of the ware in Germanie, and if they be not altogider unrasonabill itt is lykly they will be imbrased heire.[94]

Hamilton expressed similar approval at the prospect of his friend, George, Lord Goring, being sent as ambassador to Holland.[95] The negotiations, especially with Sweden, depended firstly on an agreement being reached with France, and Hamilton was perturbed by the delay, which he interestingly attributed to French fears that Charles intended "nothing bot the making more

[89] NRS GD 406/1/9280 (Charles Lewis to Hamilton, 10/21 August 1637).
[90] Smuts, 'Puritan Followers', pp.38–41; Loomie, 'Spanish Faction', pp.43–48; Gardiner, *England*, vii, 210–222.
[91] W.R.O., Feilding of Newnham Paddox ms, CR 2017/C1/64 (Hamilton to Lord Feilding, 18/8 December 1636). For Feilding's answer against a war, NRS, GD 406/1/9555 (Feilding to Hamilton, 6 February/27 January 1636/7).
[92] See for example Haskell, 'Sir Francis Windebank'. (PhD Southamton 1978), pp.106–7.
[93] W.R.O., Feilding of Newnham Paddox ms, CR 2017/C1/65 (Hamilton to Feilding, 28/18 January 1636/7).
[94] W.R.O., Feilding of Newnham Paddox ms, CR 2017/C1/67 (Hamilton to Feilding, 24 February 1636/7).
[95] *Ibid.* See also W.R.O., Feilding of Newnham Paddox ms, CR 2017/C1/70. Hamilton told Feilding that Elizabeth had promised 'great matters' in Holland's 'name', W.R.O., Feilding of Newnham Paddox ms, CR 2017/C1/67.

advantagous conditions with Spain & Germany".[96] By this Hamilton presumably meant that France thought Charles, as previously, only flirted with the idea of an alliance to scare the Habsburgs into dealing for the Palatinate.

Given that, the easiest way to understand what was intended is provided in a letter written by Charles I on 28 February 1637:

> Upon Arundell's Return I have perceived that directly, which heretofore I have much feared, to wit, the Impossibility of restoring my sister and Nephews by fair means, at least without threatening. This has made me fall in with France in a strict defensive League:(the treaties are not yet ratified by France, but I make no question of their ratifying of them) and if we and the confederates, (viz. Denmark, Swede and the States) can agree both how and what to ask, upon refusal … we are jointly to proclaim the House of Austria with all their Adherents, our Enemies. But I have professed, that all my Warfare must be by Sea and not by Land … I am resolved not to meddle with Land Armies.[97]

Amongst other things, Charles's confident assertion that France would ratify the treaty is worth noting. Wentworth, the recipient of the letter, took this to mean a declaration of war on the Habsburgs and quickly despatched a lengthy paper advising against such a course.[98] In his reply, Charles told his lord deputy of Ireland:

> Ye mistake the Question, for it is not, whether I should declare a war to the House of Austria or not, but whether I shall join with my Friends to demand of the House of Austria my nephew's Restitution, and so hazard (upon Refusal) a declaration of War?[99]

Charles was more inclined to threaten war than to wage it, and believed that the "hazard" of a war would only involve the use of naval power.[100] Land armies meant a parliament and a naval war meant Ship Money. Yet Charles may also have been thinking of Hamilton's experiences in Germany. At that time he had been unwilling to commit further land forces (on Hamilton's advice) during Vane's treaty negotiations with the king of Sweden.[101]

Charles seemed reluctant wholly to commit himself after sitting on the fence for so long and staring hopefully at Madrid. It was this reluctance, which France (and Sweden) sensed, that contributed to the delay and lack of candour. Equally, the approaches to Sweden must also be seen as an attempt to stop them making peace to the detriment of the Palatines. Despite the setbacks, Hamilton was able to report to Feilding in mid-June that the treaty with France was agreed and "condesended to by booth", with the final ratification at Hamburg to allow Sweden time to join the "Leeag". In concluding, Hamilton perhaps exhibited a lingering suspicion that both Charles and Louis lacked sincerity: "I shall say no more bot thatt I pray god all be performed thatt is undertakin and the sucses proufe ansuerabull to my wisshes".[102]

It remains unclear whether Hamilton was consulted during the crucial weeks after Arundel's return from the emperor. The limited evidence suggests that he was not one of the inner circle of advisers when the decision was taken to canvass France and Sweden about a league. But this is based only on two pieces of evidence. First, he was not a member of the Committee for Foreign

[96] W.R.O., Feilding of Newnham Paddox ms, CR 2017/C1/71 (Hamilton to Feilding, 21 April 1637).
[97] Knowler, *Earl of Srafford's Letters and Dispatches*, ii, 53 (Charles I to Wentworth, 28 February 1636/7).
[98] Knowler, *Strafford's Letters*, ii, 59–64 (Wentworth to Charles I, 31 March 1637).
[99] Knowler, *Strafford's Letters*, ii, 78 (Charles I to Wentworth, 1 June 1637).
[100] Charles often used threats to secure concessions, Conrad Russell, 'The First Army Plot of 1641', *Unrevolutionary England, 1603–42* (London, 1990), pp.281–302. I am grateful to Dr David Smith for reminding me of this point.
[101] See chapter 2 pp.37–41. Laud was totally against the use of land forces, J. Bliss ed., *The Works of the Most Reverend Father In God, William Laud* (8 vols., Oxford 1860), vii, 319 (Laud to Wentworth, 11 February 1636/7).
[102] W.R.O., Feilding of Newnham Paddox ms, CR 2017/C1/81 (Hamilton to Feilding, 26/16 June 1637).

Affairs, though this is less important than it appears as the committee often rubber-stamped decisions already made in private consultations. Second, and more persuasive, Hamilton reported the decision to Feilding in terms which suggested that he was not consulted.[103]

More fully documented is Hamilton's initiative to merge the interests of Sweden with the Palatines through marriage. Given his association with both parties it was likely that he would be the architect of such a move. The plan was to suggest two marriage alliances. The first, and most important, was between the prince elector, Charles Lewis, and Queen Christina, daughter of the late Gustavus Adolphus. The second was between the palsgrave of Sweden and Charles Lewis's sister.[104] The points of the marriage proposals had already been worked out by March 1637. It was to be offered as an additional bond to the projected alliance between Britain and Sweden. Included in the contract was a general defensive league between Britain and Sweden as well as an offensive league against the "enemeis of the pallatinat". Assurance was given for British levies for members of the prospective coalition, at "ther awin chairges", and those opposed to the cause would be "debarred". Sweden would also receive naval support with a proposal that the merchants of both countries trade abroad together. It was stressed that the other members of the broader league, France and Holland, would not be prejudiced. As a further inducement Chancellor Oxenstierna would receive the Order of the Garter on completion of the deal.[105]

The last part of Hamilton's orders makes it plain that if the offer "be lyked of by the Suads, I am in guad hope that his Matei uilbe moved to give eare to them"'[106] In other words, Hamilton was fronting the offer while Charles at least officially kept distant from it. For that reason, it was not part of the official negotiations conducted by Sir William Barclay, General Patrick Ruthven and Colonel Fleetwood.[107] A separate retinue left for Stockholm at the end of March 1637, with gifts of horses to young Queen Christina, the queen mother, the regent Gabriel Oxenstierna and other chief members of the Swedish council.[108] It was led by Eleazor Borthwick, a Scottish minister long associated with Hamilton. In 1648 Marchamont Nedham, a very hostile source, was to claim that Borthwick had submitted a deposition against Robert Meldrum during the plot investigations of 1631.[109] With more certainty, we have already noted that the Swedish Privy Council recommended Borthwick to Hamilton in October 1634.[110] From then on, he was probably part of Hamilton's circle though he may still have been employed by Sweden.[111] Borthwick's mission was conducted with some secrecy and he reported direct to the marquis at court.[112] His letters survive and provide the only detailed record of this initiative. Moreover, the correspondence provides an insight into the European status of Britain in the same summer as the introduction of the new liturgy in Scotland.

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[103] See also note 93 and Hamilton's quote on private consultations.

[104] NRS, GD 406/1/9310 (Hamilton to Borthwick, 14 March [1636/7]), the instructions are in Borthwick's hand, 'My Lord Marquesse of hamiltoun gives order in maner following.' noted with omissions and mistakes in *HMC., Hamilton Supplementary,* 39.

[105] NRS, GD 406/1/9310.

[106] *Ibid.* This last paragraph is not in the HMC version.

[107] NRS, GD 406/1/9311.

[108] NRS, GD 406/1/9278, 369.

[109] British Library., E.446 (4), M. Nedham, *The Manifold Practises And Attempts of the Hamiltons, and particularly of the present Duke of Hamilton Now Generall of the Scottish Army To get the Crown of Scotland* (London 1648), p.15.

[110] See above; NRS, GD 406/1/9617 ([Copy] Queen Christina to Hamilton, 26 October 1634). This letter states that Borthwick was 'a great frend bothe to the Evangelicall cause and to your honor'.

[111] For Borthwick's movements between Scotland and Court, 1635–6, T. Thomson, ed., *A Diary of the Public correspondence of Sir Thomas Hope of Craighall, 1633–45.* (Bannatyne Club, Edinburgh 1843), pp.27, 40, 44. Borthwick left Edinburgh on 14 March 1637, the same day he drafted the instructions for the embassy, *Ibid*, p.40 and NRS, GD 406/1/9310 suggesting that Hamilton may also have been in Edinburgh. The letters to Hamilton during Borthwick's embassy suggest familiarity, for example, NRS, GD 406/1/369, 373.

[112] NRS, GD 406/1/9311. See also, GD 406/1/368, 9278, 369.

Borthwick arrived in Stockholm on 16 April (three days after the official agent, Sir William Barclay) and left sometime in July.[113] He immediately delivered Hamilton's letters to the regent and Sir John Skytte and set about securing an audience for Barclay, who had till then been unsuccessful. In addition, Borthwick revealed that Colonel Sir George Fleetwood, sent by Charles to hinder the Swedes making peace, had been "no good freind to your honr heire in speaking qt he will not stand too".[114] It seemed anyone who rocked the boat was doing Hamilton a disservice. A week after his arrival, Borthwick reported that the horses had been gratefully received, but that the propositions had not yet been discussed. The initial reason was attributed to Chancellor Oxenstierna's commitments in Germany – nothing could be discussed until his return. While assuring Hamilton that Regent Gabriel affirmed that if Charles joined with Sweden the war would continue, Borthwick noted worrying news from Germany:

> Her Gabriell reportts that the Chancelor is informed the Kings Majei of Great brittane will doe nothing for [the] help of Germanei for a yeire and that he is agayne to send ane Ambassadour to the Emperor.[115]

Not without reason Borthwick concluded his letter, "I sould be glayd to heare y[ou]r H[onou]r how matters goes in Ingland that sua I might accomodat[e] my self the better heire".

Sometime over the next two weeks Borthwick had an audience with Chancellor Oxenstierna that produced nothing conclusive.[116] Although the Swedes seemed willing to allow a meeting between the elector Palatine and their queen, the stumbling block remained the king's failure to make a firm martial commitment to the German war. For reasons of security, Borthwick did not report the details of his meeting until 14 June when he was able to convey a letter by Barclay's servant.[117] In this more detailed report, he described how the proposal was floated to Oxenstierna as an initiative of Hamilton's devising. Without answering, Oxenstierna immediately launched into a resume of Sweden's policy in Germany since Gustavus Adolphus's death and pointed out how Charles I had done "littill … bot putting of[f] tyme w[i]t[h] treateis to no end". In contrast, Sweden had fought throughout and were now "cleare befor the world to make ther awin peace". As for the marriage proposals, it was not law in Sweden to make such treaties when the party concerned was of the age of consent. Nevertheless, the proposal was of such importance that it would be put before the council and estates. And with that frosty answer Borthwick was put off from "weeke to weeke".[118]

For the next six weeks Borthwick awaited his answer and continued his illuminating reports. He advised that Gustavus's widow, the queen mother, whose goodwill the marquis had courted, exerted little influence as "the chanseller will dae quhat he pleases".[119] Hamilton's confidence on that score seems to have been misplaced. Yet the main difficulty remained that Caroline foreign policy, in whatever guise, carried little weight. As Borthwick angrily noted:

> Ther is a wonderfull change in Sued[en] in so littell tyme they look big becaus of this good yeare [and] jeasts to sei the King so used be [the] frens[h] K[ing] quho still respects the Duk[e] of Baverra w[i]t[h] the disgrate of the elect. pallatine … The Chanseler thinks yt

[113] NRS, GD 406/1/368 (Borthwick to Hamilton, 16 April 1637); GD 406/1/9311 (Borthwick to Hamilton, 3 July 1637).
[114] *Ibid*; NRS, GD 406/1/370 ((Borthwick to Hamilton, 7 May 1637). Fleetwood returned to the British court around 21 April with offers for continuing the war, W.R.O., Feilding of Newnham Paddox ms, CR 2017/C1/71; *CSPV., 1632–6*, 567; Birch, *Court and Times*, ii, 276.
[115] NRS, GD 406/1/369 (Borthwick to Hamilton, 24 April 1637).
[116] NRS, GD 406/1/370 (Borthwick to Hamilton, 7 May 1637).
[117] NRS, GD 406/1/375 (Borthwick to Hamilton, 14 June 1637).
[118] *Ibid.*
[119] NRS, GD 406/1/370 (Borthwick to Hamilton, 7 May 1637).

> the elect. pallat. gues not the right way for his bussines and ye Ellc: palletinatt cannot be helped without a parlamen in ingland.[120]

Adding insult to injury, Borthwick reported that Denmark and Sweden were discussing a marriage between Queen Christina and one of the king of Denmark's sons.[121]

Borthwick's next letter, on 12 May, began with the equally depressing news that Sweden looked about to accept peace terms in Germany and "we left owt".[122] The news did not get any better, "it is heire thought that france and Ingland sall not stand long in good tearmis, the esteat of the Court of Ingland is knowin weall heare and few things passes querof they heave not shortlei intelligence".[123] The latter point was something Hamilton would find applied to his negotiations in Scotland the following year, with the Covenanters very well informed about the ongoing discussions at court. Two days later, Borthwick vented his spleen upon the influential Scots at the Swedish court, notably Patrick Ruthven, later earl of Forth and Brentford. He found that the Swedes ignored Barclay and listened to the opinion of Ruthven and his friends. They advised "that ther was no good to be lookitt for from England".[124] In his final letter, on 3 July, Borthwick pointed out that Ruthven "hes so prevealed w[i]t[h] the Chamberlan and the rest ther, that it is in vayn to perswade anie more by word or wrot yt good can come from Ingland w[i]t[h]owt parlemen[t] wch they think will not be".[125] It was not just in Britain that the king's aversion to parliaments was heeded.

Despite his failure to get an answer, Borthwick continued reporting to Hamilton until the beginning of July. Exasperation made his pen less cautious and the poor standing of Charles and Hamilton was revealed. The Swedes case was that "the King must give more nor his old faire generalls befor he gett the lordschip of Swed[en] to my lord Elector."[126] The contempt for such a proposal in the light of Charles's history of military non-commitment drew a derisory response. With surprising honesty, Borthwick summarised the situation thus:

> ther is nothing heire but jesting at all yr purposes and proceidings in Ingland, nether will they be perswadit to expect anie thing from thence, sume quho hes beine heire leatlei of quhom I wrot particularlei befor hes given them such impression that ether ye want goodwill or at least credeit wt yr Master to doe aniething in Stat[e] affaires.[127]

If English foreign policy was a laughing stock, Hamilton, in this case, was the court jester. The charge of a lack of goodwill is understandable given the lacklustre support throughout the decade. The second charge, that Hamilton lacked any political clout, cuts much deeper. About two years before, the same impression was reported to Hamilton from Madrid, thus, "the Conde Ducque told Mr Lyndsay that the mor[e] the King & he inquired of you, the les they culd heir of your credit wt the King of Great Britain".[128] Lindsay endeavoured to persuade Olivares that Hamilton in fact held "great sway" with Charles I, but whether he succeeded is not recorded.[129] The charge from Madrid that Hamilton lacked the influence to decisively shift Caroline foreign policy is certainly true. Yet the reports of diminishing influence from Sweden came principally from Ruthven and his friends. In September 1632, Ruthven requested Hamilton's patronage to enable him to leave

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120 *Ibid.*
121 *Ibid.* Albeit these talks were not going well, and foundered on the same point as Hamilton's offer.
122 NRS, GD 406/1/372 (Borthwick to Hamilton, 12 May 1637).
123 *Ibid.*
124 NRS, GD 406/1/373 (Borthwick to Hamilton, 14 May 1637).
125 NRS, GD 406/1/9311 (Borthwick to Hamilton, 3 July 1637). The cipher for Ruthven was Lord Innermeath or Hindermeath.
126 *Ibid.*
127 NRS, GD 406/1/375 (Borthwick to Hamilton, 14 June 1637).
128 NRS, GD 406/1/317 (Hugo Sempilio to Hamilton, 10 October 1635).
129 *Ibid.*

"this dangerous prince" (Gustavus Adolphus) and come to Britain "to attend your exc:[ellency]'.[130] Hamilton's answer has not survived, but the fact that Ruthven was still in Swedish service in 1637 is perhaps answer enough. Though Ruthven occasionally wrote to Hamilton he may have harboured a grudge, but this is only speculation.[131] We have already found evidence that Hamilton was unpopular in Madrid and that may account for his poor standing there.

It is not surprising, however, that frustration in Sweden and hostility in Spain was directed at Hamilton. As previously argued, his views on foreign policy, for most of the Personal Rule, went against the orthodoxy at court. His influence in that sphere was therefore limited. Hamilton would not force his opinions too far if they were unpalatable to Charles I. We will see this again during his time as royal commissioner to Scotland. Yet he organised the unofficial embassy and marriage proposal, of which we would have been unaware had not Borthwick's letters survived. By instinct and because it was the king's preference, Hamilton was a courtier politician who often gave his advice unofficially. The Committee for Foreign Affairs was the place to give official advice, but it was sometimes presented with policy that was formulated elsewhere. The extent of Hamilton's political influence therefore is difficult to gauge. We shall encounter the same problem when we look at Scotland in the same period. That some contemporaries, believed Hamilton was a political lightweight may in some way reflect the workings of the Caroline polity during the Personal Rule. It may also reflect the fact that Hamilton and Charles disagreed on foreign policy, and thus the marquis's counsel went unheeded.

The accusation that Hamilton, like Charles I lacked real commitment warrants further comment. Despite the king's claim to Wentworth that he had decided on a more active Palatine policy due to dissatisfaction with the emperor and the king of Spain, Charles also feared that Sweden might sue for peace to the detriment of his nephew's cause. Charles dabbled with the idea of an anti-Habsburg alliance, albeit limited to a naval commitment, more in the hope of eliciting concessions than going to war. It was at least true to Charles's serpentine nature, but fooled neither France nor Sweden. In fact, we see the same convoluted approach to negotiations during the civil wars, with the king regularly playing one side against the other and lacking sincerity. That Hamilton was charged with lacking "goodwill" in Sweden may be partly due to his master's reputation. Yet we cannot always blame Charles's famous reputation for duplicity each time some of the mud lands on Hamilton. But in this case Hamilton's resort to a sequence of marriage alliances may signal a view that the grand anti-Habsburg alliance, given the protagonists' motives, would fail. Perhaps he hoped to salvage something and build from that. Certainly, marriage alliances were more enduring than political alliances and, in similarly fraught circumstances, he attempted to broker a marriage between his daughter, Anne, and the earl of Argyll's son in 1641.[132]

Yet if nothing else Hamilton was ever hopeful. Even after the Borthwick Embassy had collapsed, he retained some optimism that the official alliances would be ratified. On 4 August, a month after Borthwick's last despairing letter from Stockholm, Hamilton warned his more cautious brother-in-law in Venice:[133]

> The tyme ar lykly to be actife for his Matti is sensabill hou he hes beine yused, and hes not only concluded with frans[e] bot is in a faire way lykuys to joyne with sued[en] and holland to the former of which his Matti hes granted freie liberti to make whatt levis they pleais in ani of his dominions.[134]

[130] NRS, GD 406/1/275 (Ruthven to Hamilton, 17 September 1632).
[131] There seems to be only one example, *HMC. Hamilton*, 93 (Ruthven to Hamilton, 4/14 May 1635).
[132] See chapter 8, pp.187–8; 193–4.
[133] NRS, GD 406/1/9555 (Feilding to Hamilton, 6 February/27 January 1636/7). In which Feilding points out the hazards of going to war to recover the Palatinate.
[134] W.R.O., Feilding of Newnham Paddox ms, CR 2017/C1/86 (Hamilton to Feilding, 14/4 August [1637]).

With less optimism, he told Feilding about five weeks later that it would not be long before "a full resolution" in the "forrane treatseis". With a hint of despair, however, he added that if the treaties did not go through it would not be the king's fault, "bot my feair is France and Spaine will conclude peace and England neglected if not excluded."[135] Despair turned to silence and the treaties were never mentioned again in his subsequent correspondence. Predictably enough, efforts by Sweden and France to get a full commitment from Charles remained elusive,[136] though the king provided some aid for the prince Palatine.[137] For all that, rumours continued that the alliances were still on throughout 1638.[138] By that time Hamilton had been forced to turn his attention elsewhere.

As we have seen, such was the political orthodoxy of the Personal Rule that alternatives, or complements, to anti-Habsburg alliances were explored, both officially and unofficially. Economic warfare was another effective way to dent Spain's power in Europe. The activities of the Providence Island Company with its famous members (Warwick, Holland, Bedford, Saye, Pym, St John et al) was, amongst other things, geared towards damaging the economic and colonial power of Spain.[139] Apart from the earl of Holland, their members were all excluded from the government of Charles I. They embraced a militant Protestant vision which had some sympathisers in the government and they probably hoped to follow their lead with a similar enterprise. Unlike Providence Island however, this project depended on a breach with Spain and would be supported, if not led, by the government.

The idea emerged during the prince Palatine's stay at court and was taken up by his assiduous supporter, Sir Thomas Roe. The plan was to set up a West Indies company on the Dutch model and was in varying degrees supported by the prince Palatine, Arundel, Northumberland, Pembroke and Hamilton.[140] There is little doubt that the company was intended as the second prong in the projected war with Spain. Its formation and survival depended on the anti-Habsburg alliances being established and the subsequent breach with Spain. The company would compensate the crown for the loss of trade revenues from war with Spain in Europe and the Indies.[141] To separate the Indies from Spain would cripple their ability to make war in Europe. As Roe pressed on with his preparations he reported his progress to Hamilton in September 1637 and enclosed a blueprint for the company.[142] Yet like the anti-Habsburg alliances on which it depended the project stymied. Again, that is not as important as the fact that Hamilton was to some degree involved. In terms of identifying policies to which he was sympathetic, his connection with the West Indies project fits into the general pattern.

The question posed at the beginning of this section – how far Hamilton was willing to commit himself for the Palatine cause – has been answered as far as the evidence allows. Certainly, when the opportunity arose for a more active policy Hamilton was a firm and enthusiastic supporter. Yet the policy preferred by Charles was to use the threat of Britain joining an anti-Habsburg coalition to force concessions for his nephew. The military option, if indeed the king ever intended

[135] W.R.O., Feilding of Newnham Paddox ms, CR 2017/C1/90 (Hamilton to Feilding, 15/25 September [1637]). Feilding warned Hamilton that this might happen, NRS GD 406/1/9555.

[136] *CSPV., 1632–6*, 364–5, 400–401, 403, 403–4, 470. And attempts by Spain to stop the alliance, *Ibid*, 437, 438.

[137] See pp.66–67 & note 45.

[138] *CSPV., 1632–6*, 390, 470.

[139] Reeve, *Road*, pp.212–215; Smuts, 'Puritan Followers', pp.37–9; A. P. Newton, *The Colonizing Activities of the English Puritans* (New York, 1914).

[140] TNA, SP 16/364/84 (Roe to Charles Lewis, 29 July 1637). Northumberland saw it as 'the most hopefull and feasible designe' but doubted whether the money could be raised in the present recession, SP 16/365/28 (Northumberland to Roe, 6 August 1637). For Hamilton, NRS, GD 406/1/1252 (Roe to Hamilton, 19 September 1637). This project is briefly mentioned in M. Strachan, *Sir Thomas Roe 1581–1644, A life* (Salisbury 1989), p.226 and note 61, but Hamilton is not mentioned.

[141] This forms the basis of Roe's letter to Charles Lewis, TNA, SP 16/364/84.

[142] NRS, GD 406/1/1252.

going that far, was restricted to a naval commitment. This simply was not enough for Charles's coalition allies.[143]

But was it enough for Hamilton? Of the limited evidence that has survived none shows the marquis objecting to the limits imposed by the king. A shrewd politician such as Hamilton would never commit such thoughts to paper anyway. With some certainty we can say that Hamilton supported the projected coalition as far as the king seemed willing to take it, that is to an initial naval commitment. Unlike Charles, however, he may have seen that as the first step rather than the final one. His sponsorship of the marriage proposals with the concomitant military option suggests that he wanted much more than the king was inclined to give. The marriage proposals may also have been an attempt to salvage something more permanent if the grand alliances proved illusory. That Hamilton was associated with the West Indies design is further evidence that he envisaged war with Spain at some point, but then again, in the early stages, so may have the king. For all that, Hamilton was certainly much closer to the foreign policy objectives of those men associated with Providence Island and the 'opponents' of the court than he was to the bulk of the court and indeed, the king. It was to these individuals and their friends that Hamilton would attach himself as the new decade dawned.

III

Including a discussion of Hamilton's religion as part of this chapter is deliberate, for it provides the only route into a most elusive topic. Put simply, Hamilton did not leave enough evidence to reconstruct his religion from either his personal piety or his ecclesiastical patronage. Instead, we must piece together what fragments of comment he made, but even more we have to rely on circumstantial evidence. By that it is meant how he behaved in public affairs which could have confessional connotations. In other words, to what extent did religious belief shape Hamilton's public actions? Therefore, it is appropriate that we should conclude an analysis of the Protestant cause and diaspora with some reflection on the marquis's religion.

Nevertheless, a loud note of caution should be made before proceeding. In the next chapter it will be argued that Hamilton, even though he was a patron of the Protestant cause, was very flexible in his patronage connections and political alliances, often working with men and women of divergent ideological and religious beliefs. So one must be wary of slotting him and others into neat political, social or religious categories. For instance, the politics of foreign policy and the politics of patronage were not always the same. Therefore, in this short discussion of Hamilton's religion, the main argument will be that his religious belief did not always dictate his political alliances, his social connections nor on whom he bestowed his patronage.

What should also be made clear from the outset is that Hamilton's religious experience was Scottish. He spent his first fourteen years in Scotland under the influence of his Calvinist mother, Anna Cunningham, the dowager marchioness of Hamilton and though his religious attitudes were almost certainly softened at court, these formative influences were very important.[144]

In the circumstances it would probably be best to begin with a review of what Hamilton was not in religious terms. First and most obviously, Hamilton was not a Catholic. Hamilton's Catholic relatives have been discussed earlier, the earls of Abercorn, a cadet branch of the family which broke away in the late sixteenth century.[145] Hamilton was from the Protestant and main line of the family, though in his Will he left instructions that his eldest daughter, and heir, should be married to Lord

[143] *CSPV, 1632–6*, 401, 470; and above.
[144] See chapter 1, p.14.
[145] See chapter 1, pp.10–11.

Paisley, the second earl of Abercorn's eldest son.[146] This attempt to re-unite the Hamiltons may have been prompted by a desire to avert the legal challenge brought by the earl of Abercorn from 1652, initially concerning the Chatelherault title, over a female succession.[147] Dynastic problems aside, Hamilton's patronage of the Protestant cause and his consistently anti-Spanish stance would make it unlikely that he was Roman Catholic. At least two instances have survived, in 1622 and in 1639, when an anti-Catholic streak showed itself.[148] Many of those associated with the German campaign such as Elizabeth of Bohemia, David Ramsay and the earl of Roxburgh all attested to the enthusiastic young marquis's Protestant credentials.[149] Even the most vindictive pamphleteers in 1648 did not refute Hamilton's Protestantism.[150]

In his voluminous study of the Hamilton brothers, bishop Gilbert Burnet confined himself to observing that the marquis's religion was "protestant and reformed" and that he was a "zealous enemy to popery".[151] Burnet's first point is so broad that it is difficult to disagree with, especially given what has already been said. Yet his second point is surely an exaggeration, for though it has been argued that Hamilton displayed an anti-Catholic streak, it did not stop him working or corresponding with Catholics. He even retained one of his own personal counsel, Dr James Baillie, despite suspecting that he was a Roman Catholic.[152] In 1638, George Con, papal legate to Henrietta Maria, exchanged letters with Hamilton.[153] Earlier in the same year, and more remarkably, Hamilton's brother-in-law, Basil, Lord Feilding (ambassador extraordinary to Venice and the princes of Italy), recommended to Hamilton one Mr Fitton, who had acted as Feilding's intelligencer in Rome thus:

> Hee is a secular preist, but of that order (wch of all others is the lesse dangerous) the most moderate, and therefore the more capable of your lops assistance wherein your lop may owne him for your servant.[154]

Evidently, we have walked into a minefield.

The second negative we can suggest is that Hamilton was not a hard line Calvinist. As we have seen, he was not bitterly anti-Catholic. Nor did he shun visual imagery as idolatry. Hamilton's art collecting activities during the 1630s shows that he happily collected pieces on religious topics by

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[146] Lennoxlove, Hamilton mss, TD 91/109/M14/3/4 (12 June, 1648). Hamilton had two daughters only: Anne and Susanna, if Anne died before she could marry Lord Paisley then Susanna was to marry him.

[147] When Hamilton was made a duke in April 1643, he had a special remainder, failing heirs male of his body, to his brother William's heirs male (who only had daughters), with remainder to the eldest heir female of his own body, G.E.C., *Complete Peerage*, ii, 260, 467; Balfour, *Scots Peerage*, iv, 377–381. It was the succession through Anne which Abercorn unsuccessfully contested.

[148] In 1622, Hamilton, then earl of Arran, complained about the release of recusants from prison, *CSPD 1619–23*, 448 (Bishop Williams to Arran, 17 September 1622). In 1639 Hamilton railed against Roman Catholics to the earl of Traquair, Innerleithen, Traquair mss, 7/10A (Hamilton to Traquair, [August] 1639). For more on the second instance, see chapter 7, pp.178. See also, TNA SP 16/169/17 ([J?] Carleton to Dorchester, 19 June 1630).

[149] *HMC Hamilton Supplementary*, 26 (Elizabeth to Hamilton, 19 November 1632); *State Trials*, iii, 448, 452, 464, 502; NRS, GD 406/1/241(Roxburgh to Hamilton, 17 March 1632). On hearing of the death of the Calvinist landgrave of Hesse in 1637, Hamilton lamented the passing of 'a constant man for the liberty of Germanie', W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/76 (Hamilton to Feilding, 20 October [1637]). See also, GD 406/1/140 (Elizabeth to Hamilton, 21 1631).

[150] See for example, Nedham, *The Manifold Practises*, pp.8–9.

[151] Burnet, *Lives*, p.518.

[152] Baillie was living in London and receiving a pension of 500 merks per term from Hamilton and, by 1645, was married to Margaret Hamilton (Hamilton's natural sister). He may have been the same James Baillie who was Hamilton's governor when he first arrived in London, Lennoxlove, Hamilton mss, TD 90/73/F1/25/1–17; TD 90/73/F1/123. See also, NRS, GD 406/1/241. For Baillie's suspected Catholicism, GD 406/1/940 (Hamilton to Windebank, 15 April [1639]).

[153] NRS, GD 406/1/11197 ([Copy] Hamilton to George Con, 24 October [1638]).

[154] NRS, GD 406/1/9500 (Feilding to Hamilton, 28 March/7 April [1638]). For more on Feilding, see chapter 4.

Catholic painters such as Tintoretto, Titian and Raphael.[155] What we have with our subject then, is someone who evades neat religious categorisation, just as he defies neat categorisation in his political, social and patronage connections.

Two areas may help to narrow the focus further, Hamilton's private worship and his ecclesiastical patronage. We do not even know for certain who Hamilton's chaplain was. In 1638, Robert Baillie said that it was the unfortunately named Mr Laudian (surely a corruption of Lothian) who had written in favour of kneeling to receive the sacraments. But what is known is that Robert Baillie warmly approved of the minister, who it was rumoured had recently died, "he was an excellent philosophe, sound and orthodoxe, opposite to Canterburie's way, albeit too conforme: I counselled oft Glasgow [University] to have him for their divine lecturer".[156] Later in his career, both James Johnstone, minister at Stenhouse and a Dr Sibbald may have been at different times the marquis's chaplains.[157] Other than suspecting that the latter was Dr James Sibbald, one of the Arminian Aberdeen doctors who challenged the Covenanter ministry in 1638, little is known about these two men.[158]

The Hamiltons enjoyed enormous ecclesiastical patronage in the West of Scotland, Lothian and Arbroath, but no records of presentations has survived.[159] Be that as it may, it seems almost certain that Hamilton's Calvinist mother, Anna Cunningham, the dowager marchioness, not only ran the Scottish estates, but may have controlled most of the ecclesiastical patronage as well.[160] Certainly she organised conventicles in the Hamilton area during the 1630s.[161] Hamilton's acquisition of Chelsea House and Manor in June 1638 brought with it the nomination of the incumbent for Chelsea and the power to collate the parsonage of Fulham.[162] However, by the time these places fell vacant in the summer of 1642, Hamilton was on his way back to Scotland to avoid taking sides in the English Civil War and the marquis's chamberlain at Chelsea, Sir John Danvers, appears to

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[155] For Hamilton's art collecting activities through his brother-in-law in Venice, see chapter 4, section iv. For lists of some of the paintings he acquired, Paul Shakeshaft, ''To much bewiched with thoes intysing things:' the letters of James, 3rd marquis of Hamilton and Basil, Viscount Feilding, concerning collecting in Venice 1635–1639', *Burlington Magazine*, February 1986, pp.114–132, esp.pp.131–132; E.K. Waterhouse, 'Paintings from Venice for Seventeenth Century England', *Italian Studies*, vii, (1952), pp.1–23. At least one of the paintings Hamilton acquired, 'the Madonna and Child with saints' by Palma Vechio, had a cross in it, reproduced in Shakeshaft, 'To much bewiched', p.127. For Robert Cecil's pictures, Pauline Croft, 'The Religion of Robert Cecil', *The Historical Journal*, 34/4 (1991), pp.787–788.

[156] Robert Baillie, *The Letters and Journals*, ed., D. Laing, (3 vols, Edinburgh 1841–2), i, 77.

[157] For Johnstone, *The Register of the Privy Council of Scotland 3rd Series* ed., P. Hume Brown, (16 vols, Edinburgh, 1908), i, 276. For Sibbald, Burnet, *Lives*, pp.510–511, 515; *HMC Hamilton Supplementary*, 76 (Sibbald to William, 2nd duke of Hamilton, 5 May 1649).

[158] Sibbald may only have attended Hamilton for the few months before his execution. He was not Dr James Sibbald, the Aberdeen doctor who died in Dublin a few years earlier. See below.

[159] There may well be records on ecclesiastical patronage which I have missed in the enormous Hamilton archive. For a thorough appraisal of the extent of Hamilton religious patronage in the sixteenth century, Elaine Finnie, 'The House of Hamilton: patronage, politics and the church in the Reformation period', *Innes Review*, no.36, pp.3–28. See also the review of charters and deeds in *NRA (S)*, 332, part 48, nos.138–152.

[160] The dowager marchioness was a very powerful and independent lady, most clearly seen in her Will where, amongst other things, she hoped that her eldest son would look more to God's glory 'nor to al that this wordil can give him', Lennoxlove, Hamilton mss, TD 91/109/M14/3/3 (Will of Anna Cunningham, 4 November 1644). For an example of her tough stance with Hamilton when he asked for money for his brother, NRS, GD 406/1/408 (Anna Cunningham to Hamilton, [1636–37]). For examples of the marchioness's signature on estate accounts and debts, Lennoxlove, Hamilton mss, TD 90/93/F1/42/1; F1/79; F2/135; F2/103; F2/92; F2/93; F2/102; F2/112; F2/114. Sir John Hamilton of Orbiston was Hamilton's main link with the estates. Hamilton appears to have had some contact, through Sir Thomas Hope, the lord advocate, with nominations for entries in his own parishes for the Commission for Planting Kirks, GD 406/1/262 (Hope to Hamilton, 31 December 1633). For the king making a nomination for the kirk of Carluke, NRS, GD 406/1/249 (Charles I to Archbishop of St Andrews, 18 March 1633). For the dowager marchioness's robust support of the Covenanters see chapter 7, p.167.

[161] W. Makey, *The Church of the Covenant 1637–51: revolution and social change in Scotland* (Edinburgh, 1979), pp.72–73.

[162] *CSPD 1637–8*, 526–7; NRS, GD 406/1/1698 (Danvers to Hamilton, 30 June 1642).

have been left with the nominations.[163] At this stage then, it can be said that Hamilton was neither Catholic nor rigid Calvinist and Robert Baillie's endorsement of his chaplain in 1638 leaves the impression that he did not approve of the orthodoxies of the church in England, nor was he enthusiastic about Laud's interventions in Scotland.

Apart from his patronage of the Protestant cause, other instances of Hamilton's political behaviour could also contain evidence of religious attitude. Such an approach has to be carried out with the greatest care, however. When William Prynne was tried in Star Chamber in February 1634 for his condemnation of women actors in his book *Histriomastix*, Hamilton voted for the highest sentence.[164] But this throws no light on Hamilton's piety, or lack of it, for he almost certainly voted condign punishment on the godly Prynne, like the earl of Dorset, because Queen Henrietta Maria, a keen actress and theatre-goer, had been libelled.[165] Court position and family relation (Hamilton's wife and mother-in-law were of the queen's Bedchamber) therefore dictated his condemnation of the unfortunate Prynne.[166] Similarly, Hamilton's patronage of William Middleton and Henry Downhall was less to do with doctrinal empathy than the fact that both were successively Lord Feilding's chaplains.[167] Hamilton's association with Eleazor Borthwick throughout the 1630s was grounded on similar views on foreign policy, but the relationship was closer than anything we have found with other ministers.[168] Borthwick embraced the Scottish National Covenant in 1638 and gradually became an influential figure in the movement, yet he retained his links with Hamilton.[169] Even though too much can be read into this relationship, it seems to point in the same direction as Baillie's earlier approval of Hamilton's chaplain. A picture of Hamilton as a moderate Scottish Protestant then, is perhaps beginning to emerge.

The marquis's views on episcopacy would certainly clarify this picture. The next two chapters will examine his activities in England, Scotland and Ireland prior to the Scottish troubles and it will cite no examples of Hamilton collaborating with bishops either in secular or religious matters.[170] That may be significant and it suggests his disapproval of the growing influence of bishops in civil matters, especially in Scotland. During the Scottish troubles, Hamilton again displayed what could at best be described as an ambivalent attitude towards the Scottish episcopate and he was widely believed by contemporaries to be anti-episcopal and "ane inclyner to the puritane side".[171] How contemporaries viewed Hamilton is perhaps more important than how he behaved in his official capacity as royal commissioner in 1638–39. Thus the commissioner's assistance to

[163] NRS, GD 406/1/1698. Hamilton may have written back to Danvers with his nominations, but he was leaving other areas of patronage in his gift to his servants and others, see for example, NRS, GD 406/1/1847 (Hamilton to [?], 5 June 1643).

[164] S. R. Gardiner, *Documents Relating to the Proceedings against William Prynne in 1634 and 1637* (Camden Society, ns xviii, 1877), pp.13–25. Hamilton missed the first day of the trial, being in Scotland negotiating taxation returns, 'yett for the tyme hee satt he findes the cause soe odyous that hee agreeth in his sentence with the highest', *Ibid*, p.25.

[165] The queen's lord chamberlain, and organiser of her theatrical entertainments, Edward Sackville, 4th earl of Dorset condemned Prynne for the same reason, D.L. Smith, 'Catholic, Anglican or Puritan? Edward Sackville, Fourth Earl of Dorset and the ambiguities of religion in Early Stuart England' *Transactions of the Royal Historical Society* 1992, Vol.2, 105–124.

[166] Hamilton's court position, family connection political alliances in England will be discussed in chapter 4.

[167] See chapter 4, pp.117, 124.

[168] As described above, Hamilton sent Borthwick to Stockholm in 1637, and he also sent him to Scotland in 1638 and received a very interesting advice paper from him, see chapter 6, p.141.

[169] See above for Borthwick and Hamilton before the troubles. NRS, GD 406/1/1382 for Borthwick acting as a messenger between Hamilton and the Covenanters in the summer of 1641. In November 1641, the committee of estates chosen by parliament to go to the English parliament nominated Borthwick and Harry Rollock as their ministers, Baillie, *Letters*, i, 397.

[170] See chapters 4 & 5, *passim*. There is a suggestion that Hamilton may have collaborated with John, earl of Traquair, lord treasurer of Scotland in 1637, over the nomination of James Fairlie for the bishoprick of Argyll, NRS, GD 406/1/1012.

[171] The words are Baillie's, *Letters*, i, 85. For the tension between Hamilton and the Scottish bishops, chapter 6, *passim*. For some other examples of contemporary opinion that Hamilton was anti-episcopal, Spottiswood, *History of the*

ministers dispossessed by the Covenanters in 1638–39 was at the behest of the king and casts little light on Hamilton's religious outlook.[172]

The only instance where Hamilton's personal piety and his political role as royal commissioner clashed was over his subscription in September 1638 of the 1581 Negative Confession and Royally approved band, the so called King's Covenant. In a letter to Archbishop Laud, Hamilton described how he put the King's Covenant before the Scottish Privy Council on 22 September,

> Wee resolved to the subscription of the Confession of faithe and band, wch wee all did, and my sellff wth this protestation that corporell presenc I understode was meant and not reall presence, wch was I said clearlie expressed in the confession established by act of parliament.[173]

Obviously, the rejection of any real presence at the consecration was a very important point to Hamilton. And it continued to trouble him. For two months later, when the policy of which the King's Covenant was a key part had failed, Hamilton told Charles that he had tried everything to gather a Royalist party in Scotland to the point where he had "even straned my Contience in sume poynts (be subscrybing the negatife confession)".[174] Earlier, in May 1638, Hamilton informed his mother that he was coming to Scotland as commissioner and expressed a fervent hope that the troubles could be settled "and yeitt by god['s] grace we keipe our religioun untented or poluted".[175] Even though Hamilton was trying to get his mother on his side, such an expression may offer us a glimpse of the marquis's opinion on the recent liturgical reforms. Such scruples bring him even closer still to the moderate Scottish Protestants characterised by Baillie and Borthwick, ministers to the right of centre in the Covenanting movement in the Summer of 1638.[176]

Ten years later, Hamilton wisely composed his Will before taking his ill-fated army into England to rescue the king in the summer of 1648.[177] Although some English historians have warned us that the preambles to Wills were often formulaic,[178] the preamble to Hamilton's Scottish Will is nevertheless instructive:

> I doe humblie recomend my sould to the mersie of my glorious Creatore, hoping that by the mereites of my Blissed savior Chryst Jesus he will pardone my sines and reseaue me in to his Mersie: deying as I have profesed a member of the treu reformed Religion, as it is nou established in this kingdome, and a Loyall subject to my Gratious Master King Charles.[179]

Whilst the part before the colon about salvation through the merits of Jesus was standard enough, the part after the colon could have been inscribed on Hamilton's standard as he marched into

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Church of Scotland (1659 Edinburgh), preface 'Authors Life' by 'D.M.'; Oxford, Bodleian Library, mss Rawlinson D. 857 (Several Passages at the Assembly at Edinburgh 18 August 1639 [unfol.]).

172 In May 1638, Hamilton agreed with the king that he would assist the silenced ministers, see chapter 6, p.138. For a list of clergy put out of their places drawn up in 1639, NRS, GD 406/M1/72/2. For a petition by George Hannay, minister at Torpichen, describing his violent ejection from his church, GD 406/M1/31 (Hannay to Hamilton, [after 6 May 1638]). See also, Peter Donald, *An Uncounselled King: Charles I and the Scottish troubles, 1637–41* (Cambridge, 1990), p.98.

173 NRS, GD 406/1/564 (Hamilton to Laud, 24 September [1638]).

174 NRS, GD 406/1/326/1 (Hamilton to Charles I, 27 November [1638]). For a detailed analysis of Hamilton's commissionership to Scotland between May–December 1638, chapter 6, *passim*.

175 NRS, GD 406/1/409 (Hamilton to Anna Cunningham, 21 May 1638).

176 Hamilton eventually signed the February Covenant in the summer of 1641 (with the king's approval) to be allowed to sit in parliament and later asked the House of Lords in England to allow him to abstain from voting on bishops exclusion as he was already bound by the Covenant, NRS, GD 406/1/904. For a different stance when writing to the bishop of Ross in August 1639, GD 406/1/944.

177 Lennoxlove, Hamilton mss, TD 91/109/M14/3/4 (12 June, 1648). The Will is all in Hamilton's hand.

178 For a discussion of this, D.L. Smith, 'Earl of Dorset and the ambiguities of religion' above.

179 *Ibid.*

England. Once again, we encounter the problem of separating Hamilton's religion from his politics, and it is something that refuses to yield, whether through a lack of evidence or the marquis covering his tracts. Even at his execution, in March 1649, two rival statements were published, one rejecting Scottish religion and the other embracing it – the former presumably for an English audience and the latter for a Scottish one.[180]

We have only been able to catch glimpses of Hamilton's religion, and when these are put together an approximate picture is the best that can be achieved. In fact, that blurred picture is probably what Hamilton wanted his contemporaries to have. A Reformed Protestant, with an anti-Catholic and anti-episcopal streak, who disapproved of Laudianism in England and could be placed to the right of centre in Scottish religion in the summer of 1638 is about as near as Hamilton has allowed us to get. Unlike Charles I, Johnstone of Wariston or Viscount Scudamore in England, Hamilton was not famous for his strong religious views.[181] His actions as a courtier and politician were not directed by a godly compass. His self-fashioning was imbued with the behaviours and standards of the ancient nobility and as a cousin of the king. Rather, Hamilton was governed by codes of honour, respect, self-interest and a desire to retain harmony and balance within the body politic. If a political, economic or social problem presented itself, Hamilton would try to effect a solution within the limits of what was feasible, of what was possible at the time. If anything, Hamilton at times may have tried to keep religious issues out of politics, but occasionally, as in 1647–48 when he harnessed Presbyterianism to his political manifesto, he brought it in to achieve secular ends. And perhaps significantly, that was Hamilton's last desperate political act. Witnessing the ravages wrought by religion in the Thirty Years War may have left the young nobleman with a politique mentalité, a desire to keep religion out of politics because it tended to overheat the body politic and divide the state.[182] That we cannot be more specific about Hamilton's religion is less to do with the vagaries of archive survival, and more the result of another smooth evasion by our subject.

[180] The two speeches are printed in Burnet, *Lives*, pp.506–512.

[181] For Scudamore, see Ian Atherton, 'Viscount Scudamore's "Laudianism": the religious practices of the first viscount Scudamore', *Historical Journal*, 34/3 (1991), pp.567–596. I am very grateful to Ian Atherton for advice on the problems of revealing an early modern nobleman's religion.

[182] I am grateful to Dr. Brendan Bradshaw for discussions around this point.

CHAPTER 4

England, 1632–1640

One impression to be drawn so far is that Hamilton and Charles regularly disagreed. Enough evidence has been assembled to illustrate a deep commitment to the Palatine cause and the reverberations it caused through Hamilton's career. We saw that Hamilton advanced his own foreign policy against the grain of Charles and his court, but in true courtier-politician style, never so far as to create a breach with the king. He cut his cloth to suit the times. Even so, the Borthwick embassy shows that he was willing to push a course that may have led to a more active foreign policy on behalf of princess Elizabeth and her family. What evidence there is suggests that the king did not know the full details of the approach. This is a recognisable element in Hamilton's political craft and it resurfaces again, particularly during the break-up of the Caroline polity between 1638–43. Working for Charles required considerable dexterity, including working 'back-channels' to try and build greater influence or a change in policy.

Through part of the present chapter we continue to answer the question which Gilbert Burnet left unanswered: what did Hamilton do in the period before the Scottish troubles?[1] One thing is certain: Hamilton thrived at court despite his differences with the king over foreign policy. Yet what else did he do, aside from his association with the Palatine family?

This chapter seeks to examine his domestic interests and his involvement in the government of England. The first section will delineate his court offices, and sketch some contemporary impressions. Section two examines some aspects of Hamilton's political clientage, his collaborators and family connection at court. Section three is a case study of Hamilton's protection of his brother-in-law Basil, Lord Feilding (ambassador extraordinary to Venice and the princes of Italy) as an illustration of the influence the marquis exerted at court. Section four presents a brief study of Hamilton's activities as an art collector. The final section is broader in scope. It is a close study

[1] Burnet, *Lives of James and William Dukes of Hamilton* (Oxford, 1673, repr. 1852), pp.31–33, esp.p.33.

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of Hamilton's and the other Scots's attendance at the English Privy Council: it will be suggested that Hamilton and the other Scots followed a distinct pattern of attendance.

I

Even to the stoutest defender of the pre-eminence of the English peerage James, 3rd marquis of Hamilton, 2nd earl of Cambridge, sometime 4th duke of Chatelherault,[2] master of the horse and gentleman of the Bedchamber to Charles I, knight of the Garter, privy councillor in England and Scotland, steward of Hampton Court and keeper of Portsmouth would warrant a sage, if somewhat grudging, nod of approval. In recent years the impact of the Scots at the early Stuart court (not least the two who successively sat on the English throne) have received some much-needed attention.[3] It is worth pointing out that the two highest peerage titles in the post-Buckingham court were held by Scots, both of whom were the king's cousins and both of whom ranked amongst the most intimate of his friends. The first, was James Stuart, duke of Lennox and earl of March, and the second was Hamilton, who was also next in line to the Scottish throne after the royal Stuarts. No English peer had such a link with his king.

It is appropriate to begin by taking a closer look at a few of the titles listed above that have not already been discussed and relate directly to the concerns of this chapter. The two most important in the list were master of the horse and gentleman of the Bedchamber. The master of the horse was the third highest court office and enjoyed precedence over every household officer bar the lord steward and lord chamberlain.[4] There was no lord steward appointed between April 1630 to April 1640 and so Hamilton was the second most senior court officer throughout the Personal Rule.[5] As master of the horse, Hamilton occupied around twenty rooms in Whitehall.[6] Recent holders of the office included the Elizabethan earls of Leicester and Essex, and George, duke of Buckingham, and this alone attests to the importance of the place. As the title of the medieval office literally suggests, Hamilton was in charge of the king's horse. This meant that on all occasions, whether at the hunt or in public, Hamilton rode close to the king and led or bridled the royal horse. We see this most clearly in Van Dyck's 1635 painting of Charles I standing in a rustic setting with Hamilton nearby bridling the king's horse.[7] Furthermore, only the master of the horse and the groom of the

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[2] For the debate over whether the Chatelherault title was hereditary, G. E. C[okayne], *The Complete Peerage*, ii, Appendix B, 445–8.

[3] The most influential work on the nobles in recent years is by Professor John Adamson and Professor Keith Brown. John Adamson, *The noble revolt: the overthrow of Charles I* (London, 2007); Adamson, 'The Baronial Context of the English Civil War', Transactions of the Royal Historical Society, 5th Ser., 40 (1990), pp.93–120 and other references; K.M. Brown, *Noble Society in Scotland: wealth, family and culture from the Reformation to the Revolution* (Edinburgh, 2000); Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Ednburgh, 2011); Keith Brown, 'Aristocratic Finances and the Origins of the Scottish Revolution' *English Historical Review*, vol. civ, number 410 (January 1989), pp.46–87 and other references. See also, Jenny Wormald, 'James VI and I: Two Kings or One?', *History*, vol. 68 number 23 (June 1983), pp.187–209; Neil Cuddy, 'The King's Chambers: the Bedchamber of James I in Administration and Politics, 1603–1625' (Oxford DPhil, 1987); Neil Cuddy, 'Anglo-Scottish Union and the Court of James I, 1603–25', *TRHS*, (January 1990); Peter Donald, *An Uncounselled King*; Reeve, *Road to Personal Rule*; Richard Cust, *Charles I and the Aristocracy* (Cambridge, 2013); Conrad Russell, *The Causes of the English Civil War* (Oxford, 1990) and Russell *The Fall of the British Monarchies, 1637–42* (Oxford, 1991); Kevin Sharpe, *The Personal Rule of Charles I* (New Haven, 1992).

[4] G. Aylmer, *The King's Servants: the Civil Service of Charles I* (London 1961) p.30.

[5] The 3rd earl of Pembroke was the previous lord steward and he died in April 1630.

[6] These figures are for Charles II's reign, Sharpe, 'The image of virtue: the court and household of Charles I, 1625–1642' in Starkey, *The English Court* (London, 1987), p.229. Hamilton's rooms may have been situated off the Long Gallery towards the Orchard, Millar, ed., *Van der Doorts Catalogue of Charles I's Pictures*, p.44.

[7] In the Louvre, 'Charles I a la ciasse', printed in Roy Strong, *Charles I on Horseback* (London 1972), p. 55. The picture was used on the front cover of C. V. Wedgewood's paperback edition of *The King's Peace, 1637–41* (London 1968). This is my reasoned assumption that it is Hamilton.

stool were permitted to ride with the king in his carriage.[8] The same rule probably applied to the royal barge.[9]

Most of the medieval martial elements of the office had disappeared before the seventeenth century, though strong elements persisted around behaviour, honour, hierarchy and nobility. The proposed trial by combat solution to the Ochiltree Affair, discussed earlier, is a tangible example of medieval culture persisting into the 17th Century. Similarly, in a meeting of the Council of War on 19 March 1639, Hamilton put a claim to the lord general of the army that it belonged to his place, as master of the horse, to carry the king's standard on the day of battle.[10] As an outward sign of the king's favour then, the office was difficult to match. It meant that on nearly every occasion outside the royal residences Hamilton was at the king's side. Such was its prestige, that a rumour circulating in 1633 reported that Hamilton had sold the place to the earl of Newcastle for £20,000.[11]

The master of the horse ran his own department, the Stables, employing nearly 200 staff, which consisted mainly of grooms, equerries and yeomen.[12] Each of the royal houses had its own stables and, in conjunction with the steward of the royal house, it was the responsibility of the master to staff, stock and maintain them.[13] More interestingly, evidence suggests that the master of the horse was responsible for licensing the import and export of all horses.[14] Similarly, as master of the horse, Hamilton secured a patent in 1635 to licence, regulate and set prices for hackney carriages in London.[15] Finally, it was Hamilton who authorised and controlled the use of the king and queen's coaches, whether for the convenience of foreign diplomats or indeed to serve the royal family.[16]

The Stables were financed out of the Great Wardrobe, but the accounts do not appear to have survived.[17] On top of the money from the Wardrobe, the master received extraordinary payments to purchase horses for the king and queen, usually for their own use though sometimes as gifts to heads of state. Some of these accounts have survived and they show that Hamilton received a total of £19,320 between November 1628 and February 1639, just under £2,000 per annum.[18] Breaking the figure down, we find £3,000 spent on gifts and the rest on stock for the royal family. Each of the 29 transactions was normally procured by Hamilton via the king's signet and sign manual and sent to the Exchequer by privy seal warrant.[19] The usual format was that Hamilton had a float of

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[8] N. Cuddy, 'The Bedchamber of James I in Administration and Politics, 1603–25' (University of Oxford DPhil 1987), p.52. Princes of the blood were also entitled to ride in the king's carriage.

[9] I have no evidence for this but see Cuddy, 'Bedchamber of James I,' pp. 167–8.

[10] TNA, SP 16/414/134 (Notes of Council of War, 19 March 1638/9).

[11] *CSPV, 1632–6*, p.87.

[12] TNA SP 16/154/77 (The King and Queen's servants in the stables, 1629). See also Aylmer, *King's Servants*, p.474.

[13] See for example, Nonsuch Palace's stable buildings had eight rooms below stairs and 10 above for grooms and inferior officers of the court. The great stable and little stable could house 40 horses with six rooms for lodgings, TNA, E. 317/Surrey/41. For an example of repairs, *CSPD 1629–31*, 64 (Warrant to Hamilton for £200 for repair of stables at the mews, 25 September 1629).

[14] NRS, GD 406/1/296 (Wentworth to Hamilton, 2 September 1634) requesting a license to export 20 horses to Ireland; *CSP Ire., 1633–47*, 38 (Charles I to Wentworth, 16 January 1633/4); *Ibid*, Charles I to Hamilton, 16 January 1633/4); TNA, SO3/10 unfol., January 1634 (Warrant to Hamilton and letter to lord deputy); Sheffield City Library, Wentworth Woodhouse mss, vol. 4/ fol.56; GD 406/1/1420 (St. Albans and Clanricard to Hamilton, 13 August 1641) requesting a license to export 34 horses to Ireland. For examples of Hamilton licensing horses for export to France. TNA, SP 16/199/54, 55; GD 406/1/1431 (countess of Carlisle to Hamilton, 21 September 1641).

[15] See below and chapter 6.

[16] A.J. Loomie, ed., *Ceremonies of Charles I: The Note Books of Sir John Finet, 1628–41* (New York, 1987), pp.137–8, 153–4, 173.

[17] TNA, SP 16/229/63; TNA, *Guide*, i, p.71. I am grateful to Simon Adams for this reference and information on this subject.

[18] The docquets and warrants are recorded in the Signet Office (TNA, SO3/9–11) with 18 and the other 11 dispersed through the State Papers.

[19] See for example, TNA, SO3/10 unfol., April 1632; SO3/11 unfol., July 1635; *CSPD 1635–6*, p.151; SP 16/356/1.

£400 to cover the main purchase, submitted his account to the king and was paid the excess – often about £100, but sometimes as high as £500 – plus a new float of £400.

Hamilton appears to have been dissatisfied that his department had to rely on the Wardrobe for payment of its normal running costs. Significantly, the Wardrobe was in financial disarray as Hamilton would have been well aware, for his father-in-law, the 1st earl of Denbigh was master of the Great Wardrobe.[20] This may have prompted Hamilton's offer in 1631 to take over the stable duties of the Wardrobe for an annual payment of £7,000.[21] About the same time, an investigation into the household departments found that the Stables spent around £27–30 per day (i.e. £9,855-£10,950 p.a.).[22] Despite the saving, Hamilton's offer was not taken up and no evidence has survived to tell us if it was either rejected or quietly dropped. However, he won a minor point in 1637, being thenceforth responsible for procuring payment for the liveries of the king and queen's coachmen, postillions and footmen.[23] Clearly, he remained unhappy that his Stables were tethered to the Wardrobe.

Unlike the mastership of the horse, the place of gentleman of the Bedchamber carried neither administrative responsibility nor fees.[24] Again, as the name suggests, the place involved attending the king when he was in his bedchamber. As well as being a companion to the king, certain duties were carried out by the gentlemen. Often in collaboration with the groom of the stool, they dressed the king after the grooms had performed the more menial tasks.[25] The gentlemen worked in rotas, perhaps in quarterly shifts as in Scotland, and slept in the king's chamber when it was their turn.[26] There could be no better complement to Hamilton's public position of master of the horse than gentleman of the Bedchamber.[27] Quite simply, wherever the king went Hamilton was in attendance. The rules of entree did not pose a problem.[28]

Hamilton was made steward of Hampton Court in June 1630 in the middle of his preparations for the German expedition.[29] Like his investiture as a knight of the Garter in October of the same year, the stewardship illustrated the king's support for the German venture.[30] For Hamilton it gave him the fees and patronage of one of the king's largest houses and, moreover, alternative

[20] See below.

[21] TNA SP 16/229/63. Hamilton also offered to take on some of the charges of the prince and Lady Mary, 'so long as the charges of their stables is not augmented'. This was over and above the Wardrobe's current remit. The £7,000 was to be paid in equal portions, twice termly.

[22] TNA, SP 16/229/65 ('Concerning provisions for the Household'). These figures were compared with a list of what officers spent under Edward VI. Dr. Aylmer's figure of £1,671 p.a. (annual totals for 1631–5) is too low. The extraordinary payments which Hamilton received did not come from the Wardrobe and do seem to have been calculated into the per day calculation.

[23] TNA, SO3/11, [N.D] 1637; *CSPD 1637*, p.537. The sum was £710 p.a. for 9 coachmen and their postillions, and 20 footmen. In May 1631 Hamilton procured (as a one-off) a winter livery for the same servants, over and above their usual issue, TNA, SO3/10, unfol., May 1631. This may have been partly done to press his deal to have the Stables removed from the Wardrobe.

[24] For fees see, Aylmer, *King's Servants*, p.473.

[25] The grooms made the king's bed and helped him on with his underwear, N. Cuddy, 'The Revival of the Entourage: the Bedchamber of James I, 1603–1635' in Starkey, *The English Court* (London, 1987), p.191.

[26] Cuddy, 'Revival' pp.178, 191.

[27] Patent for Master of Horse dated 12 November, 1628, NRS, GD 406/L1/128, also, *CSPD 1627–8*, 371 where the grant for the same office is November 7. I have argued in chapter 1 that Hamilton was sworn a gent. of the Bedchamber sometime in 1625, shortly after Charles ascended the throne, but the evidence is inconclusive, see chapter 1, pp.16–17. It has normally been assumed that Hamilton became a gentleman of the Bedchamber at the same time he was sworn master of the horse, G. E. C., *Complete Peerage*, ii, 259.

[28] The gentlemen of the Bedchamber could share or preside over the groom of the stool's duties 'either as a matter of course or by acting as deputy in his absence.' Cuddy, 'Revival', p.186.

[29] TNA, SO3/9, unfol., June 1630. The signature was procured by Dorchester. The earl of Anglesey was the previous steward.

[30] Bodleian Library, Oxford, ms Ashmole 1132 fol.124. See also chapter 2, p.35.

accommodation to his rooms at Whitehall.[31] Hamilton may have been staying at Hampton Court from 1634.[32] Certainly he housed part of his picture collection there,[33] and executed various building projects (including a garden) and repairs.[34] Hamilton was also keeper of Portsmouth which, amongst other things, gave him the right to nominate one of the town's members of parliament.[35] His first opportunity to exercise that privilege came in 1640 and he nominated his brother, Sir William Hamilton, as the first burgess to be returned by the town to the Short Parliament.[36] A close examination of Hamilton in the Privy Council will be done in section V, but one more title deserves notice before moving on; duke of Chatelherault.

As we have already noted in chapter 1, Hamilton's great grandfather, James, 2nd earl of Arran and regent of Scotland (1543–54) received from Henry II of France on 8 February 1549 the grant of the duchy of Chatelherault in Poitou.[37] Along with the lordship came an annual revenue of 12,000 livres. From an early stage the benefits were only intermittently honoured, and Hamilton made strenuous efforts to have the duchy restored and the revenue paid regularly.[38] Apparently, he even intended going to Paris himself to force his claim.[39] He made this bold promise during a particularly long series of negotiations in Paris, between 1627–8, conducted by one of his closest servants, probably Sir John Hamilton of Broomhill.[40] What is clear is that Hamilton, in general terms, offered his service to the French king, either at home or abroad. On subsequent information Broomhill received from Richelieu's servants, it appeared that an offer would be made to restore the duchy if Hamilton agreed to work for France. In the event Richelieu does not seem to have made the offer and Hamilton, reacting to Broomhill's warning that such an offer might be made, rejected it anyway.[41] Due to the ragged nature of the evidence, too much significance must not be put on these events. If nothing else, they illustrate Hamilton's determination to pursue the laurels, as well as the financial rights, of his ancestors and it was a determination that persisted into the 1640s.[42] It also highlights a hereditary connection between the Hamiltons and France. Finally, given the date, the initiative must also be viewed simply in terms of canvassing around for money to ease chronic indebtedness.[43]

In sum, Hamilton's offices point towards the court, and in particular, the king's bedchamber and royal person. The marquis was the king's friend as well as his minister. He was a court officer as well as a privy councillor. That he was a friend and court officer was more important than his being a minister and privy councillor. For example, Hamilton was the king's hunting companion. It was the marquis who brought reports of poaching in the royal parks to the king's attention

[31] For an attempt by a Mr [J] Carleton to get the deputy stewardship of Hampton Court, TNA, SP 16/169/17 (Carleton to Dorchester, 19 June 1630).

[32] *CSPD 1634–5*, 213.

[33] Lennoxlove, Hamilton mss, TD 90/93/F1/91/(Accounts for repairs to Chelsea House, 1638), bill number 12.

[34] *CSPD 1636–7*, 442; *CSPD 1638–9*, 605, payment for repairs and building a garden. See also, TNA, SO3/10 unfol., June 1630.

[35] NRS, GD 406/1/798 (Hamilton to mayor of Portsmouth, 5 March 1639/40).

[36] NRS, GD 406/1/798 ([Hamilton] to mayor of Portsmouth, 5 March 1639/40).

[37] It is doubtful whether the grant made Arran a French peer, but certainly he was made hereditary lord of the duchy. For a full discussion of the problem, G.E.C., *Complete Peerage*, ii, Appendix B, pp.465–8.

[38] NRS, GD 406/1/9660 (Gerard du [Runehey ?] to Hamilton, 7 May 1635); GD 406/1/9327 (J. Setone to Hamilton, 3 November 1634).

[39] NLS, MS 1031, fol.7v.

[40] The four letters that survive are all signed by a Hamilton which I recognise as the signature of Broomhill. NLS, MS 1031 fos.1r-7v. Frustratingly, the letters do not carry the year, but another letter from Hamilton to the king asking permission to begin the negotiations points to 1627–8. That is also an undated letter, but internal evidence suggests that it was written during his exile in Scotland, 1627–8, NRS, GD 406/1/8333.

[41] NLS, MS 1031 fos.1v–2r, 7r–v.

[42] D. Laing, ed., *Correspondence of Sir Robert Kerr, First earl of Ancrum and his son William, 3rd earl of Lothian* (2 vols, Edinburgh 1875), i, 142–143 (Instructions from Charles I to earl of Lothian to go to the king of France, 10 January 1642/3).

[43] There is some evidence for the approach being made to ease Hamilton's financial situation, NLS, MS 1031 fol.7r–v.

and arranged for notice to be given in surrounding churches condemning the poachers.[44] On a hunting trip to Woodstock in late August 1633, word arrived that the queen had been taken ill. Predictably enough, Charles rushed to Somerset House, but significantly he was attended only by Lennox, Hamilton and Holland.[45] Hamilton was also a commissioner for the affairs of Charles's heir and the rest of the royal children.[46] That is not, however, to belittle the role of the privy councillor, but it entails a shift of emphasis. Hamilton was in the bedchamber looking out, Laud was in the council looking in.

With the advent of a king of multiple kingdoms the step towards a nobility of multiple kingdoms was not far behind. The evidence suggests that Hamilton viewed himself in that light. Certainly with his peerage titles and, as we shall see, his grim determination to be a power in Ireland, he fitted the bill.[47] An important component of that ambition was his determination to increase his power and influence to that of the top ranking peers in England. The way he built up a substantial art collection, spent massive sums on clothes and ran a large household all attest to his desire to compete with the grand peers of England such as Arundel, Salisbury, Essex and the long shadow cast by the duke of Buckingham.

How, then, does this square with observations by contemporaries? Hamilton has normally prompted a variety of opinions from those who came into contact with him, even before his prominent political role in the decade 1638 to 1648. Clarendon disliked him, before and after 1638, though a proportion of that reflected his own Anglocentric bias.[48] We shall see later that Hamilton had numerous critics after 1638, but what comments on him survive that are not coloured by later events? We have as a starting point the description by Philip Warwick of the brooding, introverted young marquis's audience with Charles I shortly after he came to the titles.[49] In that description, Hamilton had short hair and 'wore a little black callot-cap,' not fashionable, as Warwick observed. The context at that time is also important, since Hamilton had inherited significant debt and was troubled by Eglisham's claims that his father had been poisoned. Four years later, and Hamilton's portrait by Daniel Mytens tells a different story. In the painting he is dressed in a suit of elegant blue cloth almost identical to that worn by the king in a portrait around the same time.[50] His hair is cavalier-long with fashionable curls, and he leans confidently on his white staff of office.[51] The change is further underlined by a return to the accurate pen of Philip Warwick who, looking back to the 1630s, recalled that Hamilton:

> had a large proportion of his Majestie's favour and confidence, and knew very dextrously, how to manage both, and to accompany the King in his hard chases of the stagg, and in the toilsom pleasure of a racket: by which last he often filled his own, and emptied his Master's purse; and tho' he carried it very modestly and warily, yet he had a strong influence upon the greatest affairs at Court, especially when they related unto his own Country. So as tho' the Duke of Lenox was the greater man, and likewise a very well qualified Gentleman … yet Hamilton was the polar or northern starr.[52]

With slightly more bile, Sir Tobie Mathew reported in November 1632 that in his absence, 'the king makes much of my Lo: Hammilton & indeed of all yt nation; & he is noble in it; for he

[44] TNA, SP16/339/15 (Warrant delivered by Hamilton, [n.d]).
[45] TNA, SP16/245/36 (Richard Kilvert to Sir John Lambe, 29 August, 1633).
[46] *CSPD 1636–7*, p.154 (Warrant by Hamilton, Pembroke, Sir Thomas Edmondes and Sir Henry Vane, 4 October 1636).
[47] See chapter 5.
[48] Clarendon, Edward Hyde, first earl of, *History of the Rebellion and Civil Wars in England* ed. W. D. Macray (6 Vols., Oxford, 1888) i, *passim*; iv, 491; i, 201, 165, 200–1, 389–90, 296.
[49] Philip Warwick, *Memoires of the Reigne of King Charles I* (London 1701), pp.103–4.
[50] The painting of Charles is also by Mytens and hangs in the National Gallery of Scotland in Edinburgh.
[51] The Mytens portrait also hangs in the National Gallery in Edinburgh.
[52] Warwick, *Memoires*, pp.104–5.

dranke his first draught of yt ayre'.[53] An adherent of the Wentworth circle, when reporting on the opposition to Hamilton's patent for marking iron in 1637, observed 'Marquis Hamilton is not easily taken off, especially when there is a Glimmering of good Profit to come in.'[54] With much less hostility, a fellow courtier Scot and gentleman of the king's Bedchamber, Robert, 1st earl of Ancram, on notifying James, Lord Johnstone, of Hamilton's trip to Edinburgh in October 1633, warned his correspondent not to make Hamilton 'your ilwiller', and ended his letter, 'the Marquis is very frendly and constant where he takes'.[55] In June 1637 William Middleton, Lord Feilding's ex-chaplain,[56] observed: 'My lord Marquess is a most diligent waiter upon the King, and so evenly carries himself that he offends none and gaines some'.[57] Admittedly viewing Hamilton as a patron, Middleton confidently asserted later in the same year, 'I know he is strong in the King's favour and so that none more'.[58] Putting this all together we have a picture of someone in a secure position with the king, of a friendly and loyal disposition, yet with a stubborn, avaricious streak. These personal qualities, such as they were, can perhaps be tested by an examination of Hamilton's activities at court in the remainder of the chapter.

II

In the previous chapter we examined Hamilton's patronage of those individuals associated with the German campaign and his continued sponsorship of the Palatine cause. Yet this was only a part of the network of clients, associates, friends and relations with whom he worked. That is not to detract from the significance of the themes discussed previously, however. On the contrary, Hamilton tended to work with people who held similar views on foreign affairs. For example, the earls of Pembroke and Holland shared Hamilton's views on the Palatine cause. The trio's friendly relations found practical expression in their combined procuring of a grant of the whole continent of Newfoundland in October 1637.[59] Hamilton and Holland worked together in many other areas: both were connected with the queen's circle and were united in their antipathy for the lord deputy of Ireland.[60] While Hamilton naturally gravitated to those of a similar mind, he also worked with those who held contrary views. Although Sir Francis Windebank was both Catholic and pro-Habsburg, Hamilton preferred engaging his services to those of the senior secretary of state Sir John Coke, a Protestant interventionist. Hamilton's partnership with the Catholic Randal Macdonnell, 2nd earl of Antrim, offers another example.[61]

Nevertheless, the evidence suggests that Hamilton was never close to Weston, Laud, Cottington, and above all Wentworth. In large part that could be explained through differences on policy. In changed circumstances, however, during his commissionership to Scotland in May–December 1638, Hamilton found it prudent to work closely with Archbishop Laud.[62] Hamilton's regular reports to Lord Treasurer Weston while he was in Germany followed a similar pattern.[63] For Ham-

[53] TNA SP 16/225/22 (Mathew to Sir H. Vane, 15 November [1632]).
[54] W. Knowler, .ed., *Strafford's Letters and Dispatches* (2 vols. Dublin, 1740), ii, 72 (Garrard to Wentworth, 28 April 1637).
[55] W. Fraser, *The Annandale Book* (2 vols., Edinburgh 1894) ii, 31–2. Ancram also included the earl of Roxburgh in his warning (who was apparently travelling with Hamilton), but was more insistent that Johnstone did not get on the wrong side of Hamilton.
[56] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C85/1–4.
[57] *HMC, Denbigh, V*, 49–50 (Midleton to Feilding, 23 June 1637).
[58] *Ibid*, 51 (Midleton to Feilding, 1 September, 1637).
[59] TNA, SO3/11 unfol., (October 1637). The fourth grantee was Sir David Kirke.
[60] For Hamilton and the queen's circle, see below. For Strafford, see chapter 5, section v.
[61] See chapter 5, pp.121–122.
[62] See chapter 6, *passim*.
[63] See chapter 2, p.31.

ilton then, political differences were subordinate to political expediency. The key point here is that Hamilton's activities cannot always be slotted into neat categories. For example, although Hamilton may not have favoured some aspects of the government of the thirties, yet still he was one of the principal monopolists of the decade.[64]

Hamilton's pattern of alliance and patronage were not based on one key political or religious factor. Rather Hamilton, in building a support network throughout the court and government, often worked with those of a different ideological or religious caste. Self-interest, family relations, ambition and pragmatism acted against a clean pattern of clients and collaborators.

An interesting starting point was Hamilton's relationship with Sir Robert Heath (1575–1649), one of his principal clients of the 1630s. What follows is a hitherto unrecognised aspect of Heath's career, which will lead to the suggestion that Hamilton intended building a power base amongst the legal profession. Sir Robert Heath's career has attracted substantial attention, especially his term as attorney-general in the 1620s and his puzzling fall from favour on 12 October 1634 after serving three years as lord chief justice.[65] It will be suggested that Heath was broken in 1634, but survived because he worked within the Hamilton orbit.

Throughout the mid to late 1630s Heath was in no doubt who his patron was.[66] Heath was Calvinist in religion, a strong critic of Arminians, anti-Spanish and interventionist, while being a staunch upholder of royal authority.[67] On that broad sweep he had much in common with his patron.[68] Similarly, the antipathy in varying degrees of Laud, Cottington, and Weston may have drawn Heath to Hamilton.[69] The assassination of Buckingham in 1628, Heath's former patron, also suggests a natural move to the next master of the horse and royal favourite. The marquis provided Heath with protection, with government work and, on 12 October 1636, the place of king's serjeant and an official return to royal favour. The connection between the two went back prior to Hamilton's German campaign. In April 1631, for example, they were working on plans to curb abuses in the silk trade.[70] Similarly, in December 1634, six weeks after his fall, Hamilton put Heath to work on ways to regulate alehouses and the brewing trade, a project which continued at least until May 1638.[71]

The evidence suggests a deepening of the relationship after 1634. Thenceforward, Hamilton was increasingly the patron of Heath's commercial interests and utilised both his position with the king and as a privy councillor to safeguard the enterprises. Hamilton was the patron of Heath's

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[64] Hamilton was involved in a plethora of monopolies including coal, wine, copper mining, iron, silk, gold and alehouses and the papers to these activities survive in NRS, GD 406/M1 and M9. Unfortunately, I have no room to discuss these in detail except those used in my discussion of the English Privy Council and in a few other instances. Leaving these interesting activities out is made easier by Ronald Asch's article on monopolies in which Hamilton figures prominently, R. G. Asch, 'The Revival of Monopolies: Court and Patronage during the Personal Rule of Charles I, 1629–40' in eds., R.G. Asch and A.M. Birke, *Princes, Patronage, and the Nobility: the Court at the Beginning of the Modern Age, c.1450–1650* (Oxford, 1991), pp.357–392.

[65] P. E. Kopperman, *Sir Robert Heath, 1575–1649: window on an age* (Suffolk, 1989); T.G. Barnes, 'Cropping the Heath: the dismissal of Lord Chief Justice Heath in 1634', *Historical Research*, vol.64, number 155 (October 1991), pp.331–343. The best comments on Heath are in, R. Cust, 'Charles I and a draft Declaration for the 1628 Parliament', *Historical Research*, 63/151 (1990), pp.143–161.

[66] See for example, NRS, GD 406/1/314 (Heath to Hamilton, 3 August 1635); GD 406/1/388 (Heath to Hamilton, 9 October 1637).

[67] Cust, 'Declaration', pp.145–9; Kopperman, *Heath*, pp.190–3.

[68] Cust, 'Declaration', pp.145–9; Kopperman, *Heath*, pp.190–3.

[69] Cust, 'Declaration', p.145. For Laud, Kopperman, *Heath*, pp.238–44.

[70] NRS, GD 406/1/203 (Heath to Hamilton, 1 April 1631).

[71] NRS, GD 406/1/513 (Papers by Edward Nicholas and Sir Robert Heath on Alehouses, 5 & 11 May 1638). For earlier material, NRS, GD 406/2/M1/340 (Proposal for licensing Alehouses, [? December 1634]). Kopperman, *Heath*, p.280, suggests that Coventry was Heath's patron, but the evidence in the Hamilton papers clearly points to Hamilton. Kopperman's unnamed 'lord' quoted in the Bankes Papers is probably Hamilton, *Ibid*, n.7. In the Oxford DNB article of 2004, Kopperman opts for the earl of Carlisle as Heath's main patron following the assassination of Buckingham, Sir Robert Heath (1575–1649), https://doi.org/10.1093/ref:odnb/12842.

saltworks project in South Shields, Tyneside.[72] He also organised support for Heath when a case challenging his lease of the Dovegang leadmine in Derbyshire was brought before the Privy Council in June 1635.[73] Hamilton's increasing activity in protecting Heath's position led to a greater commitment in the former lord chief justice's enterprises.

The Dovegang project offers a convenient example. In August 1635, shortly after the successful defence in the Privy Council, Heath thanked Hamilton for being 'pleased to run with us'.[74] The following year Hamilton agreed to take a lease of the mine[75] in his own name, partly to assist with the capital outlay[76] and partly because Heath's removal from the chief justices's place had reduced his ability to command respect in Derbyshire.[77] By the summer of 1637 Hamilton had obtained a 21 year lease to be farmer of lead ore in the low and high peaks of Derbyshire.[78]

Correspondingly, the closer commercial ties provided an added incentive for Hamilton to have Heath reinstated as a legal servant to the crown. Significantly, it was the agent of Heath's fall, Archbishop Laud, with whom the marquis worked to secure the recall. As Heath related to Hamilton on 9 October 1637:

> On friday last … my lord Grace of Canter. was pleased to tell me that the king hath been gratiously pleased at his Graces & your Lops intercession, to signifie his resolution to receave me into his service againe & make me one of his Serjants at Lawe … his Grace advisit me to be an humble suitor unto yor Lop to move his Maty for his warrant in that behalf: which uppon this incouragement & the assurance I have of your lops favor, I was bold to prsent unto you by my good frend Mr [Tho] Levingston And mo[r]e a[m] bold to renewe my humble suite to yor lop & humbly begg this of yor lop that as ther shall be occasion you will ingage yor self to his Maty on my behalf that I shall dedicate the rest of my short life to his service & therein shall be as faythfull & industrious as any.[79]

Three days later, on 12 October, Heath's patent was enrolled.

Much less well documented is Hamilton's relationship with another prominent legal figure, Sir Edward Littleton (solicitor-general from October 1634 to January 1640). The two letters which have survived point towards a collaboration in 1638, a few months before Hamilton went to Scotland as royal commissioner. In the first, dated 10 March 1638, Littleton, in a frank and friendly style, sent his cousin to Hamilton 'who hath a business of moment to imparte which requires a present consideration'.[80] Two weeks later the solicitor-general wrote again celebrating the successful collaboration:

> I must thanke you for others and truly I can not say lesse then that there never was an after-game better played, and surely the same power and abilitie can play a fore-game very well

[72] See below, though as an example, NRS, GD 406/1/311.
[73] See below.
[74] NRS, GD 406/1/314.
[75] *CSPD 1636–7*, 65 (Heath to Hamilton, 17 July 1636); *Ibid*, 66.
[76] NRS, GD 406/1/339 (Heath to Hamilton, 18 June 1636).
[77] NRS, GD 406/1/321(Thomas Levingstone to Hamilton, 4 August [1636]). In this letter it was reported that opinion in Derbyshire was that 'Sir Robert Heath is a man altogether in disgra[ce]'. Levingstone was the go-between Hamilton and Heath and operated out of the Inner Temple, see also below.
[78] TNA, SP 16/377/5 (Proposition of Hamilton to the king, [1637]); SP 16/377/6 (Acceptance by the king of the proposition). In this arrangement, Hamilton was not sole undertaker for lead ore in the area as others held grants, but he had the right to offer a price (20 shillings per fodder) for mined lead in the area regardless. Lord Goring, on behalf of Henry Percy, the earl of Northumberland's brother, wrote to Heath informing him that Percy had a related grant in the area, NRS, GD 406/1/386 (Heath to Hamilton, 30 August 1637). However, Goring's complaint does not seem to have gone any further.
[79] NRS, GD 406/1/388 (Heath to Hamilton, 9 October 1637).
[80] NRS, GD 406/1/365 (Littleton to Hamilton, 10 March [1637/8]).

> when a fit opportunitie presents itself; the bearer hath intentions of doing especiall services to the king and doth much desire to make his applications to your Lordship with whose wisdome and noblenes he is infinitely taken.[81]

Such circumlocutions are tantalising. In May of the same year Sir Thomas Milwood was made chief justice of Wales by Hamilton's 'means'.[82] Both Littleton and his father had been successively chief justice of north Wales.[83] Just as there may be a connection in Milwood's appointment, so there could be with Littleton's appointment as lord chief justice of Common Pleas on 27 January 1640 and a year later as lord keeper of the great seal.[84] That is not to imply, however, especially in the absence of further evidence, that Hamilton secured the appointments, only that he may have supported the candidature along with others. Littleton, who had been in the 1620s the defender of Selden and in the 1630s the counsel for the crown against Hampden, was a mix Hamilton, and indeed Heath, would not have found incongruous. That Hamilton most certainly helped secure the place of solicitor-general for Oliver St John (Hampden's defence in 1637) in early 1641 points in the same direction.[85]

Hamilton's correspondence with Lionel Cranfield, 1st earl of Middlesex, from 1636–40 is another example of Hamilton's association with former ministers, as was his attempt to have him brought back into government in 1637. Hamilton was not the only minister who corresponded with Middlesex. Henrietta Maria's cautious lord chamberlain, Edward Sackville, 4th earl of Dorset, used Middlesex as a means to vent his frustration at the direction government was taking in the second half of the Personal Rule.[86] The origins of the relationship with Hamilton remain unclear. Certainly, it did not come from Hamilton's father, who was one of the group that engineered Middlesex's fall.[87] It is more likely that it came through Middlesex's nephew, Sir John Suckling, gentleman of the privy chamber, who in 1631–2 had flitted between Vane and Hamilton's retinue in Germany.[88] Middlesex's first few letters attempted to whet Hamilton's appetite and draw out the marquis's support. In a letter of 3 February 1637, for example, he claimed that he had solutions to some of the most pressing state matters:

> The macking good his Mate undertackinges for the defence of his Right in the narrow Seas. The Releeving the Prynce Pallatyne. The Raysinge monyes to do both and for his Mate supportacon (not in that narrow waye dishonorablye propounded for his subsistence onlie) But in such a Royall maner as is fitt for so great a kinge.[89]

The suggestion of a project to aid the prince Palatine was probably an attempt to draw the marquis in by appealing to one of his hobby-horses. If that was the plan then it worked. Around 20

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[81] NRS, GD 406/1/367 (Littleton to Hamilton, 24 March 1637/8).

[82] Knowler, *Strafford's Letters*, ii, 164 (Garrard to Wentworth, 10 May 1638).

[83] *DNB*, xxxiii, 366–7.

[84] For the great seal (19 January 1641), TNA, P.C. 2/53, p.5.

[85] NRS, GD 406/1/1657 (St. John to Hamilton, 20 June 1642).

[86] D.L. Smith, 'The Fourth Earl of Dorset and the Personal Rule of Charles I', *Journal of British Studies* 30 (July 1991), pp.271–277; 'The Political Career of Edward Sackville, Fourth Earl of Dorset' (University of Cambridge PhD 1990), chapter 3.

[87] M. Prestwich, *Cranfield: Politics and Profit under the Early Stuarts* (Oxford, 1966), pp.436–474.

[88] Thomas Clayton, ed. *The works of Sir John Suckling: The Non-Dramatic Works* (Oxford 1971), pp.xxxiii–xxxiv; W. Carew Hazlitt, *The Poems, Plays and other Remains of Sir John Suckling* (2 vols.London, 1892), i, pp.xx–xxii; Prestwich, *Cranfield*, p.548.

[89] NRS, GD 406/1/340 (Middlesex to Hamilton, 3 February 1636/7). Middlesex also said that he had ideas on the soap business, the impositions on wines and the Irish customs. More mysteriously, he also talked of a business 'greater then all these and wch more concernes his Matie. But that is not fytt for a letter.' *Ibid.* See also GD 406/1/1026 (Middlesex to Hamilton, 26 October, [1636]).

July 1637 Hamilton took Middlesex to the king at Theobalds to discuss the projects.[90] However, Charles listened but committed himself no further.

In November of the same year, a committee was formed to regulate the royal households and, by perusal of ordinances going back to Henry VIII, to suggest economies.[91] The committee comprised Hamilton, along with the other principal household officers and from outside, Archbishop Laud.[92] Traditionally, attempts to curb spending in the household met with stiff opposition, or apathy, and this was no exception. However, the committee initially looked with some enthusiasm at ways to cut cost and waste. Apparently, some members, probably Hamilton, Coventry and Dorset, unsuccessfully tried to have Middlesex drafted in as an adviser.[93]

Hamilton's attempt to have Middlesex brought into the administration is an important index of his attitude to government policy. Taken with his patronage of Heath, Littleton and his views on foreign policy, it becomes more significant. To some extent Hamilton opposed the course of government policy and, unlike others of a more cautious disposition such as the earl of Dorset, he was willing to push against it. Yet crucially Hamilton, once again, never went far enough to alienate the king. After Charles's lukewarm reception of Middlesex, the marquis steadily severed the contact.[94]

The emerging picture, then, is of Hamilton outside the government mainstream, that is, the proponents of 'Thorough', and edging forward with alternative strategies for government. This was not a dangerous balancing act, for Hamilton seemed aware of how far he could go. Before 1638 his position was relatively secure, even though he did not have the impact on affairs, especially concerning England and Ireland, that Laud, Weston and Wentworth had. Yet he remained at court and pushed when the opportunity arose.

Still, it was not without mishap. Hamilton's initial foray into the minefield of court entertainments proved as unsuccessful as his military campaign in Germany. William Crofts's account to Lord Feilding of a ball in honour of the young lord's departure for Italy noted, 'some of the other Cavaliers that daunced at your ball indeede did not take so well, especially my Lord Hambleton, whose dauncing was not liked at all.'[95] Mercifully, in the same letter, Crofts happily reported that at a later ball, this time a triple wedding of French dignitaries to kinswomen of Richelieu, Hamilton fared better:

> the Queene hath continued her favour to our nation in giving expresse order for the letting in of my Lord of Devonshire, my lord Hambleton and my Lord Dobigny, where my Lord Hambleton was taken to daunce and everybody sayes he did acquit himselfe much bettar than before.[96]

That Hamilton brushed up on his dancing is an important indicator of a desire not just to be accepted into court society, but also the circle around Henrietta Maria. The marquis was already

[90] Knowler, *Strafford's Letters*, ii, 87 (Garrard to Wentworth, 24 July 1637).

[91] TNA, P.C. 2/48, p.403.

[92] *Ibid.* The full committee was Laud, Lord Keeper Coventry, Lord Treasurer Juxon, Lord Privy Seal Manchester, Hamilton, Earl Marshall (Arundel), earl of Salisbury (captain of gent. pensioners), earl of Holland (groom of the stool), earl of Morton (captain of the Guard), Vane, Edmondes, Jermyn, Coke and Windebank.

[93] Prestwich, *Cranfield*, pp.547–559. In the longer term, a report was presented in mid-April 1638, but not implemented, G. Aylmer, 'Attempts at Administrative Reform, 1625–40', *English Historical Review*, no.283, April 1957, pp.254–8; Prestwich, *Cranfield*, pp.547–9. A list of suggestions was put forward in mid-April 1638 and eventually approved by a sub-committee and two auditors on 12 June, but then it all 'faded into oblivion', Aylmer, 'Administrative Reform', p.256. By 1638, Hamilton was increasingly distracted by events in Scotland.

[94] Middlesex continued to write to Hamilton up to 1640, but the chance was clearly gone by the end of 1637. After the unsuccessful audience with the king in November, the correspondence was all one way. For some more of the letters, NRS, GD 406/1/1024 (Middlesex to Hamilton, 19 July 1639), GD 406/1/1025 (Middlesex to Hamilton, 23 September, 1639).

[95] *HMC, Denbigh, v*, 10 (W. Crofts to Feilding, 1 December, [1634]).

[96] *Ibid.*

half way there, if those who corresponded with him while he was in Germany was anything to go by. Holland, Goring, Carlisle, and Dorset had all expressed support for Hamilton in 1631–2.[97] Moreover, it appeared that Hamilton intended building a broader power base outside the king's bedchamber by utilising not only his aforementioned friends, but the family network he had reluctantly inherited in 1620. To understand this further we must look deeper at Hamilton's family connection at court.

Hamilton's mother-in-law Susan, countess of Denbigh, Buckingham's only sister, was first lady of the queen's Bedchamber.[98] Hamilton's wife was a lady of the Bedchamber.[99] Housed on the top floor of the inner court of Nonsuch Palace were the queen's most private rooms, among them 'the Queen's bedchamber, the Queen's backstayres, the King's backstayres, the Queen's chappell and two roomes for the Ladie Marquess of hambleton'.[100] She was the only one of the queen's attendants mentioned. In addition, Hamilton's wife regularly occupied a prominent place at court functions. At the christening of Prince Charles in June 1630 the marchioness carried the baby throughout the ceremony.[101] Her mother, the countess of Denbigh, was the prince's governess.[102] Of the eight ladies of the queen's Bedchamber who received keys to the altered locks at Whitehall in January 1637, three were related to Hamilton and another three were the wives of his close friends, the earls of Carlisle, Holland and Roxburgh.[103]

Although in his formative years at court Hamilton had a close relationship with his father-in-law, the 1st earl of Denbigh, it waned partially during the 1630s with Denbigh's loss of influence and protracted absence from court.[104] The former admiral of the fleet to La Rochelle and beleaguered master of the Wardrobe never fully recovered from his patron's assassination in 1628 and, more importantly, the rising debt in the Wardrobe.[105] Similarly, the career of Basil, the earl's eldest son, stalled on the assassination of Buckingham. The earl's wife, however, continued to enjoy a strong influence in the queen's bedchamber and it was with her that Hamilton most often collaborated.

For example, in May 1633 Eleanor Villiers, a niece of the countess, believed herself pregnant by Henry Jermyn, one of the queen's circle.[106] Apparently Jermyn refused to marry the young girl and, after the countess had informed Hamilton, it was taken to the king and queen. On 5 May Hamilton told Charles and the countess of Denbigh told Henrietta Maria.[107] The incident also illustrates Hamilton's participation in enforcing the high moral requirement amongst household members,

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[97] For the first three see chapter 2, pp.41–42. For Dorset, NRS, GD 406/1/192 (Dorset to Hamilton, 14 March, [1631/2]).

[98] *CSPD 1629–31*, 185. The countess was a very important woman at court. A glance at her procurements at the Signet Office during the thirties confirms this, TNA, S.O. 3/8-11, *passim*. As an example, see some of her procurements between November 1629 and March 1631, two of them from the king's Sign Manual, *CSPD 1629–31*, 101, 185, 324, 537. See also below.

[99] TNA, L.C. 5/134 (Lord Chamberlain's warrant book, 1633–40), p.145.

[100] TNA, E. 317/Surrey/41 (parliamentary survey).

[101] Loomie, *Ceremonies of Charles I*, pp.88–90. At the same ceremony Hamilton stood proxy for the king of Bohemia, *Ibid*. For the marchioness's attendance at the queen's theatre productions at Somerset House, *Ibid*, p.76.

[102] Loomie, *Ceremonies*, p.89.

[103] TNA, L.C., 5/134, p.145. The three relations were his wife, his mother-in-law and Katherine, duchess of Buckingham. The earl of Carlisle died in March 1636.

[104] He was abroad for most of the period between 1631–5 travelling in 'the east Indian ships (as a volantere) to the king of Pertia, and the great Magull', W.R.O., Feilding of Newnham mss, CR 2017/C1/2 (earl of Denbigh to Lord Feilding, 28 September [1630]); *CSPD 1629–31*, 329.

[105] The financial problems in the Wardrobe appear to have begun from the cost of James I funeral and it remained in debt thereafter. In June 1635 the arrears were about £12,000, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C7/15 (Abstract of debts … June 1635). See also, *Ibid*, CR 2017/C2/187 and CR 2017/R12 (Petition of 2nd earl of Denbigh to Charles II, [1660]); *CSPD 1629–31*, 424. Attempts were made to reform the situation, for example, TNA, SP 16/315/96.

[106] SP 16/238/35 (Examination of E. Villiers).

[107] *Ibid*. Jermyn was subsequently banned from court for a time, Clarendon, *Life of Edward, Earl of Clarendon* (Oxford, 1727), p.13.

which was such a feature of the Caroline court.[108] A more standard collaboration can be seen in William Middleton's attempt to secure royal patronage in the summer of 1637. He was advised by Archbishop Laud and Bishop Wren of Norwich to pursue his suit for the place of examiner at Charterhouse school through Hamilton and the countess of Denbigh 'joyntly'.[109]

As well as utilising his family interest, Hamilton tried to advance individual family members, most notably his brother-in-law, Lord Feilding and, with much more success, his brother, Sir William Hamilton.[110] Clearly then, the marquis aimed for a broad base of support through the court. An appropriate example of this intention is provided by the next section.

III

As with his father's career, that of Basil, Lord Feilding, faltered as a result of the events of August 1628. Until then Feilding looked set for a glittering court career alongside his seemingly unstoppable uncle. He was made a knight of the Bath on 1 February 1626 and sat in the House of Lords as Baron Feilding in 1628.[111] Buckingham had secured him a promise of the place of master of the robes and, after six months in that place, he was to be sworn a gentleman of the king's Bedchamber.[112] On the duke's death, however, the mastership of the robes went to George Kirke, the Bedchamber place was shelved and the king recommended Feilding try his fortune in the Dutch wars.[113] Things looked up, however, when, after returning from his travels abroad, he received a pension of 1,000 marks and subsequently married Anne Weston, daughter of Lord Treasurer Portland.[114] Hamilton's relations with Feilding were the subject of considerable strains: the Weston marriage cannot have helped, especially when in the spring of 1634 Feilding and his brother-in-law Jerome, Lord Weston, got involved in a double duel with Hamilton's friends, the earl of Holland and George, Lord Goring.[115] The affair was eventually resolved in the Privy Council where submissions were made and severe reprimands meted out.[116] But the main differences between Hamilton and Feilding concerned foreign policy, that is, the restoration of the Palatinate. We know that if the circumstances were right Hamilton supported war with the Habsburgs.[117] Feilding did not and, like his father-in-law favoured negotiation with Madrid, rather than alliance with her enemies.[118] So, on one of the great ideological issues of the day Hamilton and Feilding differed. Yet significantly, this did not seem to affect their alliance during Feilding's time in Italy, nor perhaps at any other time.

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[108] Sharpe, 'Image of Virtue', *passim*, esp. pp.227, 258–60; Smith, 'Dorset and the Personal Rule', pp.260–1.

[109] *HMC Denbigh, V*, 50–1 (Middleton to Feilding, 13 July 1637). Middleton, backed by the countess of Denbigh, had failed to secure the place of governor of Charterhouse earlier in the year. It had gone to the Rev. George Garrard whose candidature was apparently supported by a disparate group of court nonentities: Henrietta Maria, Laud, the lords treasurer, privy seal and chamberlain, as well as the earls of Northumberland, Holland and probably the lord deputy of Ireland, Knowler, *Strafford's Letters*, ii, 150 (Garrard to Wentworth, 7 February 1636/7), 152–3 (Garrard to Wentworth, March 1636/7). It is no wonder that Hamilton probably did not support Middleton first time round.

[110] See chapter 5 pp.102–3.

[111] *DNB*, xviii, 287–9.

[112] W.R.O., Feilding of Newnham Paddox mss, CR 2017/R12 (Petition of 2nd earl of Denbigh to Charles II, [1660]).

[113] *Ibid.*

[114] *Ibid.* Marrying into the Weston network may have put a barrier between Feilding and Hamilton, given the marquis's cool relations with the treasurer. See chapters 2 and 3.

[115] The whole affair can be followed through, *CSPD 1633–4*, 14–16 and in more detail, TNA, SP 16/236/46–60.

[116] TNA, P.C. 2/42, pp.565–571. Despite this evidence, a cleavage is difficult to prove as the sources record no contact between the two until the report of Hamilton's poor show on the dancefloor at Feilding's ball in late 1634.

[117] See chapter 3 *passim*.

[118] NRS, GD 406/1/9555 (Feilding to Hamilton, 6 February/27 January 1636/7), who argues against against war. Compare Feilding's cautious reply to Hamilton with his pro-Spanish views to the like-minded Windebank, *HMC Denbigh V*, 60–1 ([19/29] September 1638).

In the wake of these events Feilding was appointed ambassador extraordinary to Venice and the princes of Italy in late 1634. Without doubt, Feilding's move to Italy resulted in a strong alliance between the marquis and his brother-in-law. For the next four years both men corresponded regularly, normally every fortnight. Hamilton wrote to keep his brother-in-law informed of events, to advise him on his standing at court, on future conduct, and finally to seek Feilding's help in his increasing obsession with acquiring works of art. On Feilding's side, the correspondence represented a solution to the perennial problem of having a patron at court. Fortunately, he was in the enviable position of enjoying dual protection: from Hamilton in both the king and queen's court and additionally from his mother, the countess of Denbigh, and his sister, the marchioness of Hamilton, in the queen's bedchamber.

Feilding's recent marriage to the lord treasurer's daughter guaranteed a further and more powerful patron.[119] Unfortunately, the death of his wife and the lord treasurer in March 1635, a few months after he arrived in Venice, dissolved the alliance.[120] It was a smooth changeover from Portland to Hamilton, however, and by the end of the year the regular correspondence between the two was established. An examination of this correspondence highlights the influence Hamilton exerted at court, where and with whom. It was an influence Hamilton was obliged to utilise to protect his indiscreet and accident prone brother-in-law. One more point requires emphasis. Feilding viewed his appointment to Venice as a stepping stone to high office, principally an appointment back at court, or latterly, the place of ambassador in Paris.[121] In many ways he was a man in a hurry to make an impression, move onto greater things and make up for the time lost through Buckingham's untimely demise.

It has been a feature of the debate on the Caroline court to emphasise the king's insistence on order; that each officer executed his business and did not seek to encroach on the sphere of others.[122] In practice, however, this was not always the case. Within a short time Hamilton made the business of the Italian embassies, particularly those of Venice and Savoy, his own territory. He regularly circumvented the secretaries, especially Sir John Coke,[123] and took Feilding's letters and dispatches to the king. Normally Feilding would send Hamilton copies of his official despatches, enclosed with a personal letter.[124] The marquis then read important parts of the correspondence to the king, or the king would read them himself; when Charles gave an answer, Hamilton would himself communicate it to his brother-in-law. The secretaries were sometimes present at these sessions, probably when they were the official audiences for Italian business, and Hamilton normally left the more mundane tasks to them. Although Sir John Coke was the secretary allotted to service Feilding, Hamilton preferred working with the younger, and more able, Sir Francis Windebank.[125] On Hamilton's advice, Feilding began to send copies of his dispatches as well as the more sensitive information to Windebank.[126] The marquis also left Feilding in Windebank's care when he was

[119] *HMC, Denbigh, V*, 10–11 (Feilding to Portland, [December 1634]; W.R.O., Feilding of Newnham Paddox ms, CR 2017/C2/175 (Portalnd to Feilding, 10 December 1634); NRS, GD 406/1/9456.

[120] Feilding's wife died on 20 March shortly after she arrived in Venice, and Portland on 13 March, W.R.O., Feilding of Newnham Paddox ms, CR 2017/F1/21; Gardiner, *England*, vii, 378. For the letters of condolence, *HMC, Denbigh, V*, 13–15 esp.14 (G. Feilding to B. Feilding, 12 April, 1635).

[121] For Feilding, NRS, GD 406/1/9456, 9443, 9576, 9573, 9544. And Hamilton's posed advice, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/64, 67, 70. C72/2/1-3. And for Feilding's desire for an ambassadors place in Paris, NRS, GD 406/1/525 (Hamilton to Windebank, 15 June 1638).

[122] Sharpe, 'Image of virtue', pp.226–229 and *passim*.

[123] For the poor relationship between Hamilton and Coke, see below.

[124] For example, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/72, 73, 74, 86, 90, 92, 97.

[125] NRS, GD 406/1/9465 (Feilding to Hamilton, 7 October/27 September [1637]). Coke was the senior secretary.

[126] *Ibid.* See also, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/85 (Hamilton to Feilding, 3 August [1637]). Windebank appears to have moved in and started sending Feilding letters and instructions, *Ibid*, CR 2017/C5, *passim*.

in Scotland in 1638.[127] In these actions we see the origins of the steady campaign by Hamilton to expose Coke's incompetence, culminating in his removal in 1639 and replacement by Hamilton's long-time friend and collaborator, Sir Henry Vane.[128] Indeed, it was on the occasion of Feilding's move to Savoy and subsequent return to Venice in late 1638, when Coke tried to have his diplomatic status reduced, that the marquis pounced, and did not miss the mark. As Windebank's secretary informed a presumably delighted Feilding:

> my discovery of Mr. Secretary Cokes ill intentions towards you hath produced by my Lord Marquis his power and complaints to the King so notable a redresse and reparation, in obtaining you newe credential letters … which your lordship will receive by this post from Mr. Secretary Windebanke, without the Knowledge of Mr. Secretary Coke; whom my Lord Marquis did so reproach before the King (as I am informed) as I know not how Mr. Secretary will digest itt.[129]

Long before this incident, Hamilton also procured permission for Feilding to write direct to the king if he had particularly sensitive material to relay.[130] Later, when it became apparent that Feilding's position was under threat, Hamilton formed an alliance with Anzolo Correr, the Venetian ambassador, so as to act as a special go-between for Venetian ambassadors in London.[131] Hamilton provided the same service for the resident of Savoy in London from 1636.[132]

Such an approach had its benefits for Feilding. Unlike that of the secretaries, Hamilton's access to the king was unrestricted. Most importantly, he could present the material in a favourable light, gauge the time and place to do so and report the king's impression. For example, in one instance Hamilton reported that Charles read the dispatches and commented that Feilding was 'ane abill young man'.[133] On another occasion Hamilton withheld a problematic dispatch as the king was 'extremly trubled with a byle in his thye which make him unwilling of busines … bot shuch as will rather give Content then bread dislyke'.[134] Hamilton apologised to Feilding another time for not delivering immediately an important dispatch as most of the day had been 'spent in hunting efter our accustomatt maner'.[135] It was an enormous benefit then that Hamilton was always around the king and could choose a fitting moment to present an item of business. Equally, it was important that he could block, delay or reverse approaches which threatened his brother-in-law's position. That Feilding was dependent on Hamilton for his survival in his office is difficult to refute. To illustrate these points further we shall look at some specific examples in greater depth.

Feilding became embroiled in two incidents at Venice which caused concern at court. The first was over his giving asylum to two wanted men; and the second was over the killing of a gondolier by one of his servants. To the Venetian ambassador, Correr, the asylum incident was simple enough; a man who was being pursued by the authorities on a charge of high treason was arrested

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[127] NRS, GD 406/1/9514 (Feilding to Hamilton, 19/29 December 1638); GD 406/1/9564 (Feilding to Hamilton, 5 July/25 June 1638).

[128] Feilding often complained to Hamilton about Coke, NRS, GD 406/1/9462, 9524. It may also be significant that Lord Deputy Wentworth, Hamilton's enemy, used Coke for most of his business, S.C.L., W. W., Strafford Papers, vol. 3/322, 324; Knowler, *Strafford's Letters*, ii, 245. For Hamilton's part in Vane's promotion, Clarendon, *History of the Rebellion*, i, 165.

[129] *HMC Denbigh V*, 66 (John Reeve to Feilding, 18/28 January 1638/9).

[130] NRS, GD 406/1/9443 (Feilding to Hamilton, 3 January 1635/6).

[131] *CSPV 1636–9*, 326 (Correr to Doge, 26 November 1637). Hamilton seems to have been a successful go-between as the ambassador admitted it was more difficult to get business done after Hamilton went to Scotland in May 1638, *Ibid*, 417.

[132] NRS, GD 406/1/9456 (Feilding to Hamilton, [30 May 1636]); W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/61 (Hamilton to Feilding, 30 June/10 July [1636]).

[133] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/73 (Hamilton to Feilding, 12/2 June 1637).

[134] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/78 (Hamilton to Feilding, 27/17 November [1637]).

[135] W.R.O., Feilding of Newnham Paddox mss CR 2017/C1/87 (Hamilton to Feilding, 24 August [1637]).

at a house next to Feilding's residence. He delivered his account at an audience with the king on 14 March 1637, to which he was conducted by Hamilton.[136] Two hours later, Feilding's dispatches arrived with his servant, John Bashford, telling of the sbirri (Venetian police) violently entering a house rented by him, beating his servants and arresting two men. Furthermore, one of the men, 'Andrea dalla Nave', had been granted refuge by Feilding.[137] That same night, Hamilton, after consultations with the Feildings, went to the king and publicly denounced both the violation of an ambassador's residence and the misrepresentation of the facts by Correr.[138]

Next day Hamilton's objections were reinforced by the earl and countess of Denbigh.[139] Later, Feilding managed to secure a copy of Correr's report to the Doge and senate, which conveys how the Hamilton/Feilding lobby operated:

> Att the first communication of the news [the king] made not great account thereof but after by the more lively offices of the marquis ham[ilton] and the solicitation of the weomen of the court who had gaind the quine, the king had bene raisd to a higher sense of the affront, and to such quick resolutions as are before sett downe.[140]

As a result the king demanded a high reparation from the Venetians and, it was rumoured, even considered sending Correr home and recalling Feilding.[141] In a few days the case was before the Committee for Foreign Affairs and the whole Privy Council,[142] while Correr stood by and despaired at his inability to budge the king in the face of Hamilton and the Feildings.[143] In the end, one of the men, Boni, was released and the other, La Nave, received a light sentence,[144] while Correr apologised for his behaviour.[145] Although the court lobby succeeded, Hamilton wisely advised his brother-in-law to labour for a speedy reconciliation with the Venetians.[146]

No sooner had the dust settled than reports reached court at the end of November of the discharge of a pistol in St Mark's square by one of Feilding's servants resulting in the death of a gondolier.[147] As usual, Hamilton took control, emphasised that the pistol was discharged accidently, and stressed the insult of having Feilding's residence surrounded, once more, by the sbirri.[148] Again, Hamilton determined the time when the king was informed and appeared to have had the

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136 *CSPV 1636–9*, 161–3 (Correr to Doge, 14 March 1636/7).

137 *CSPV 1636–9*, 164–6 (Correr to Doge, 18 March 1636/7). La Nave's crime was apparently trying to bribe a judge through a jew. The name is probably della Nave.

138 Hamilton read Feilding's account to the earl and countess of Denbigh and his wife, Mary before going to the king, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/81 (Hamilton to Feilding, 16/26 June 1636/7); *CSPV 1636–9*, 165.

139 *Ibid.*

140 NRS, GD 406/1/9579 (Feilding to Hamilton, 31 March/10 April 1637).

141 Apparently it was Correr who reported that Feilding may be recalled and he sent home, NRS, GD 406/1/9579; *CSPV 1636–9*, 175. The demands varied and the progress of the negotiations can be followed through, *CSPV 1636–9*, 137–144, 168–175, 195–8, 225–6 and notes. See also, GD 406/1/9526, 9508. And Feilding's letter that Bashford carried, GD 406/1/9544 (Feilding to Hamilton, 13/23 February [1637]). And Feilding's nine page letter to Charles I about the negotiations, GD 406/1/9526 (12 May 1637).

142 W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/68 (Hamilton to Feilding, 10/20 March 1636/7). In this letter, Hamilton is uncharacteristically smug about his ability to turn the king around.

143 *CSPV 1636–9*, 168–171, 175.

144 *CSPV 1636–9*, 225–6.

145 W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/81. Hamilton also procured a personal letter from Charles to Feilding.

146 W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/69 ([n.d]); NRS, GD 406/1/8278. The longer the case dragged on, the more it could reflect adversely on Feilding. It was also tendered with a view to the alliance negotiations with France and plans to have Feilding brought home to another post. For Windebank's equally posed advice, *HMC 6th Report*, 281 (Windebank to Feilding, 1 April 1637).

147 *CSPV 1636–9*, 323–5 (Correr to Doge, 20 November 1637). The incident can be conveniently reconstructed through, *Ibid*, 276–293.

148 *CSPV 1636–9*, 323–6.

co-operation of the secretaries.[149] This time Hamilton was even more keen to quieten the whole affair, as rumblings at court drew attention to Feilding's propensity for misadventure.[150]

As well as protecting Feilding, Hamilton was able to influence diplomatic appointments in Italy. That is, the ones he wanted to control, mostly on the advice of Feilding. On the earl of Portland's recommendation Feilding had employed, against his will, the former resident in Venice, Mr Rowlandson, as his secretary.[151] With his new patron's assistance the secretary was removed[152] and replaced by Hamilton's nominee, Henry Downhall.[153] Downhall was sent over in August 1637 to replace William Middleton as Feilding's household chaplain but also doubled as Feilding's secretary.[154] Anthony Hales, the resident at Turin since 1626, was another victim. Feilding had him removed in late 1635, ostensibly for indulging in some sabre rattling during negotiations with the duke of Savoy,[155] but really because he wanted his dependent in the place.[156] The dependent was Mr Peter Morton whom Hamilton duly sponsored for the post at Turin. But Feilding, on information received, found that Morton was not as loyal as he had at first thought and asked Hamilton to withdraw his support.[157] Feilding's change of heart came too late, however, and Morton got the place, ironically after some opposition which Hamilton was able to overcome.[158] Seemingly unperturbed, Hamilton then pushed to have Morton's title reduced to secretary and kept subordinate to his brother-in-law.[159]

Yet once in Turin, Morton fought a rearguard action to have the title resident, backed principally by Coke, Windebank and the secretaries of the duke of Lennox and earl of Northumberland.[160] Most probably because Hamilton had withdrawn his support, Morton later sought to persuade the resident of Savoy in London, Benoit Cisa, Conte di Pezze, to go through Windebank and Lennox's secretary as a route to the king[161] rather than Hamilton, to whom Cisa had been originally referred by the duke of Savoy.[162] Cisa, in turn, was dependent on Henrietta Maria.[163] Although Hamilton suffered little by Feilding's change of mind about Morton, it inconvenienced him in as much as Morton, an able servant with influential backers, tried to damage Hamilton's relationship with Cisa.[164] To calm the waters, Hamilton urged his brother-in-law to appoint Morton as his representative in Venice while he was in Savoy, especially since he had found out that Morton was

[149] *CSPV 1636–9*, 325–6.

[150] *CSPV 1636–9*, 326, 324; W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/75 (Hamilton to Feilding, 27 October [1637]).

[151] NRS, GD 406/1/9462 (Feilding to Hamilton, 8 September [?1635]).

[152] NRS, GD 406/1/9462, 9465, 9483; W.R.O., Feilding of Newnham Paddox mss, CR 2017/C72/2/fos.1–3 (Hamilton to Feilding, [9/19 June 1637]). After his removal, Rowlandson returned to Venice, as Hamilton believed to be on hand if Feilding was recalled.

[153] NRS, GD 406/1/9472, 9483. There is an element of supposition here as Feilding asked Hamilton to choose a secretary for him and the secretary who took over was Feilding's new chaplain, Henry Downhall, *HMC, Denbigh V*, 62–3. However, Downhall may only have been filling in until a secretary arrived. Yet he may have carried out both jobs as a cost cutting exercise.

[154] Hamilton procured Downhall's pass for Venice. His was the first signature on the document, TNA, P.C. 2/48, p.171.

[155] NRS, GD 406/1/9462 (Feilding to Hamilton, 9 September [1636?]. The letter is after Hales removal, and after Hales started a smear campaign against Feilding in Turin.

[156] NRS, GD 406/1/9443 (Feilding to Hamilton, 3 January/24 December 1635/6). For Feilding's different motives compare this with GD 406/1/9462 above.

[157] NRS, GD 406/1/9443, 9456 (Feilding to Hamilton, [30 May 1636]), 9466.

[158] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/60 (Hamilton to Feilding, 25 April [1636]).

[159] *Ibid*, CR 2017/C1/60.

[160] NRS, GD 406/1/9525 (Feilding to Hamilton, [n.d.]).

[161] *Ibid.* It had been previously arranged with the duke of Savoy that his representatives in London would go through Hamilton.

[162] NRS, GD 406/1/9456.

[163] NRS, GD 406/1/9525.

[164] NRS, GD 406/1/9466. Morton also seems to have been supported by the earl of Northumberland's secretary, GD 406/1/9525. And Windebank, see below.

Windebank's 'creatur[e]'.[165] The implications of this will become clear when we examine Feilding's term as ambassador in Savoy, and remind ourselves that Henrietta Maria's sister was married to the duke of Savoy.

On 12 October 1637 news arrived at court of the death of the Francophile duke of Savoy.[166] Although Hamilton initially viewed the event as it affected Italian politics, it is more important in casting further light on his power at court.[167] It was the queen who initiated a move to have an extraordinary ambassador sent to her bereaved sister and, with the earl of Holland, supported Lord Conway for the place.[168] The deal was concluded at the Committee for Foreign Affairs and approved by the king before Hamilton was alerted by Windebank. The secretary told Hamilton that the king opted for the grander gesture of sending Conway because Feilding was 'all most upone the place'.[169] Presented with what appeared to be a *fait accompli* Hamilton pushed against the decision and, within a day, had Feilding appointed. Predictably enough, he went first to the king and suggested that it was Feilding's right as extraordinary ambassador to the princes of Italy to go to Savoy. Charles wavered but would not alter the resolution.[170] Next he went to the earl of Holland who immediately transferred his support from Conway to Feilding.[171] The two secretaries did the same. At a meeting of the Committee for Foreign Affairs the place was given to Feilding, subject to the queen's agreement. Charles assured Hamilton that she would assent. To top it all, Hamilton also received assurance from the king that after Savoy Feilding could choose whether to return to Venice or come home.[172]

As a career move, the Savoy appointment presented a golden opportunity for Feilding to impress the queen, and therefore the king, and erase the memory of the accidents at Venice.[173] Unfortunately, Feilding was a much less shrewd tactician than were his supporters at court. Despite Hamilton's earnest entreaty to shun all controversy at Savoy, Feilding had the court in an uproar shortly after his arrival in March 1638.[174] First, he complained about his entertainment, lodgings and the manner of his first audience.[175] And second, he refused to treat with the minister appointed to him 'becaus of his beeiing tou much frynsh', as Hamilton put it.[176] It must have only increased the marquis's exasperation that it was the queen who told him herself. That she went to Hamilton before the king and that he was able to persuade her to suspend her judgement and not to tell her husband until Feilding's dispatch arrived is significant.[177] Hamilton's letter to Feilding balanced anger with an admonition on how such behaviour threatened his brother-in-law's 'ooune saiftie',

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[165] W.R.O., Feilding of Newnham Paddox mss CR 2017/C1/95 (Hamilton to Feilding, 27 October [1637]). In Hamilton's words Windebank 'will take mortouns employmen to veneis as a courtasi doun to him self'. It seems Feilding was unable to comply, as he could not pay Morton's debts at Turin along with the expense of his travel, so he appointed Sir Gilbert Talbot, NRS, GD 406/1/9491(Feilding to Hamilton, 19/29 January 1637/8); *CSPV 1636–9*, 398. For speculation on who would succeed Feilding, *Ibid*, 363, 388–9.

[166] *HMC 6th Report*, 278 (Windebank to Feilding, 21 August 1635).

[167] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/75 (Hamilton to Feilding, 27 October [1637]).

[168] W.R.O, Feilding of Newnham Paddox mss, CR 2017/1/58 (Hamilton to Feilding, 3/13 November [1637]). According to Hamilton, Holland put Conway's name forward at the 'joynto', that is, the Committee for Foreign Affairs, *Ibid*, CR 2017/C1/75 (Hamilton to Feilding, 27 October [1637]).

[169] W.R.O, Feilding of Newnham Paddox mss, CR 2017/C1/58. Feilding's diplomatic remit was for all the 'princes of Italy'.

[170] *Ibid*.

[171] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C2/197 (Holland to Feilding, 29 March [?1638]). In this letter Holland told Feilding he had been more active in his service 'then my propositions hade showed me to bee so ...'

[172] *Ibid*.

[173] With the help of his wife and mother-in-law, Hamilton had the queen eating out of his hand, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/97.

[174] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/95 (Hamilton to Feilding, 27 December [1637]).

[175] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/99 (Hamilton to Feilding, 29/19 April 1638); NRS, GD 406/1/9587 (Feilding to Hamilton, 4 June/25 May 1638).

[176] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/99.

[177] *Ibid*; *CSPV 1636–9*, 404. Cisa, the resident of Savoy, was also persuaded to keep it from the king.

> for by itt you dou not only venture to loous the queine, bot eaiven the king lykuys, who may have sume grounds to herber thoghtes thatt you ar a man to much subjeckt to have mistakes with thoes you ar imployed to.[178]

Feilding made a spirited – yet rather hollow – defence of his action, claiming he had not refused to talk to the duchess's ministers and blamed Cisa for embroidering the dispatch.[179] Once again, the mess was cleared up. However, a greater one was around the corner. The duchess of Savoy was contemplating an alliance with her brother, Louis XIII, and asked Feilding's advice. Feilding, proving beyond doubt his ability to shoot himself in the foot, advised neutrality. By doing so he exceeded his instructions and only Hamilton stood between him and Charles's decision at the Committee for Foreign Affairs to recall him in disgrace.[180] Even with most of his time taken up with preparations for the commissionership to Scotland, Hamilton managed to have the resolution withdrawn and Feilding posted back to Venice.[181] Feilding's chance to use a simple embassy of condolence to the queen's sister as a springboard to replace Viscount Scudamore as ambassador in Paris was lost.[182]

To an accomplished courtier such as Hamilton, Feilding's inability to soothe and parry was bewildering. Hamilton's advice 'not tou much to stand on puntilious … and comply uith thoes thatt hes the managine of affaires and the duches favoore' was lost on his brother-in-law.[183] The tension in Feilding's world came from dependence on those working within the pro-French orbit at court while being himself anti-French. Hamilton was able to work with people of differing views: Laud, Windebank, Goring, Henrietta Maria, Charles – as well as those with whom he had more in common: Dorchester, Roe, Vane, Holland, Pembroke, Sir Robert Heath and later Essex, Saye, Argyll et al. Feilding lacked that flexibility, the ability to weave a path rather than cut a swath.

Feilding may have harboured a grudge against the court when he returned to England in 1639. Conrad Russell has suggested that Feilding 'failed to rally to Charles' in 1642 partly because of arrears in his fees.[184] Certainly that may be true as Feilding often complained of penury and appears to have been owed £1,580 in November 1637.[185] Three days after the opening of the Long Parliament, Feilding's deputy in Venice, Sir Gilbert Talbot, wrote that the ambassador's chain (which Feilding had pawned in Padua) would be sold if money was not sent to redeem it.[186] In 1660, Feilding claimed that the combined arrears of his pension of 1,000 marks and diplomatic fees amounted to £13,157-6s-8d, of which he had received £1,500.[187] Feilding was not a successful royal servant, and for that he had no-one else to blame but himself. His lack of political sagacity together with a failure to heed Hamilton's advice left him discontented and alienated in 1640.

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178 *CSPV 1636–9*, 404.

179 NRS, GD 406/1/9587.

180 W.R.O., Feilding of Newnham Paddox mss, CR 2017/C72/1 (Hamilton to Feilding, 17/27 May [1638]).

181 *Ibid.* Feilding was to return to Venice after 'sume short tyme'. For Feilding's answer to Hamilton's of 17 May and his own desire to return to Venice, NRS, GD 406/1/419 (Feilding to Hamilton, 16/26 June 1638). He did not leave until the end of the year, leaving plenty of time to get into further scrapes, *CSPV 1636–9*, 447 (Gustinian to Doge, 10 September 1638). In September, Feilding entreated Windebank to get him out of Turin as he was being victimised and ill-treated, *HMC Denbigh V*, 60–1. For his attempts to get his own back on the French ambassador in Savoy, GD 406/1/9511 (Feilding to Hamilton, 6/16 [October] 1638).

182 NRS, GD 406/1/525 (Hamilton to Windebank, 15 June 1638); *HMC 6th Report*, 283 (Windebank to Feilding, 15 March 1637/8); *CSPV 1636–9*, 363, 398–9.

183 W.R.O., Feilding of Newnham Paddox mss, CR 2017/C72/1.

184 Russell, *Causes of the English Civil War*, p.165.

185 TNA, E. 403/2415 (Moneys due to Lord Feilding, Abassador Extraordinary at Venice). This amount does not include his pension arrears.

186 *HMC Denbigh V*, 72 (Talbot to Feilding, 10/16 November 1640).

187 W.R.O., Feilding of Newnham Paddox mss, CR 2017/C6/100-100A. The £1,500 was paid on 18 August 1642, Russell, *Causes*, p.165. Professor Russell also rightly cites 'the Incident' in Scotland as contributing to Feilding's choice of sides, *Ibid.*

Hamilton's unmitigated support for Feilding could be wholly explained through family connection. Yet the marquis had another reason for ensuring that his brother-in-law stayed in Venice – paintings.

IV

Following in the tradition of the Elizabethan nobility, a key part of the late renaissance nobleman's self-fashioning was the accumulation of an art collection. This was a trend started in the early Stuart period by prince Henry and by the duke of Buckingham.[188] The tier of English noblemen with whom Hamilton competed for political power and patronage were, or had been, avid collectors: the duke of Buckingham, the earls of Salisbury, Essex, Northumberland, Portland and most notably, the earl of Arundel, lord marshall of England. The 2nd marquis of Hamilton was also a collector and in his collection we can discern both a similarity in taste – Carravagio, Tintoretto, Palma – and source, Venice,[189] with the 3rd marquis. In addition, Hamilton's father swopped pictures with Prince Charles.[190] Like his father, Hamilton also exchanged pictures with Charles, but more often either sold or gave them to him.[191] Charles I was the greatest collector, of course, and so we must identify where Hamilton's aesthetic appreciation met his political opportunism.

Certainly, Hamilton's art collecting further endeared him to the king, bestowing on him membership of the exclusive group of collectors around Charles. It was an interest inherited from his father and probably through his time in Prince Charles's Bedchamber, so we cannot view his art collecting entirely in terms of the reflected political, or indeed financial, gains. During Hamilton's periods away from court preparing for the German campaign his friends kept him informed about new pictures being hung in the king's closet.[192] Likewise, while in Germany, Hamilton conducted a dialogue with Charles concerning the purchase of paintings and sculptures in Munich.[193] On his return from Germany the marquis gave at least seven paintings and one sculpture to the king.[194] Later on, when speculating in the Venetian art market, the marquis's attitude to picture collecting displayed a certain ambivalence. Periodically, he would declare that he was 'much in loofe with pictures', but at other times he would claim to care little for them.[195] However, this may have been a pose to impress his brother-in-law and hide his anxiety when it looked likely that he would miss a collection on offer.[196] As we shall see, the marquis showed a grim determination when pursuing additions to his collection, especially when either the king or his great rival, Arundel were

[188] Roy Strong, *Henry, Prince of Wales and England's Lost Renaissance* (Germany, 1986) pp.86–184; R. Davies, 'An Inventory of the Duke of Buckingham's pictures, etc. at York House in 1635' *Burlington Magazine* 10 (1907), pp.376–82; Francis Haskell, 'Charles I's Collection of Pictures' in Arthur MacGregor, ed., *The Late King's Goods: collections, possessions and patronage of Charles I in the light of the Commonwealth sale inventories* (Oxford, 1989), pp.204–6.

[189] NRS, Hamilton mss, GD 406/M4/3 ('Copy of the Note of the pictures and payntings belonging to the Right honnorable Lord marquis Hamelton deceased, delivered to my lord duke according to my lord Marquis his warrant of the 14 of March 1624'). The 2nd marquis visited Venice in 1610 and was friendly with Sir Henry Wotton, the ambassador, *CSPV 1610–13*, 409; Sheffield City Library, Wentworth Woodhouse, Strafford Papers, mss 2/fol.14 (Wentworth to Wotton, 8 November 1617).

[190] Millar, *Van der Doort's Catalogue of Charles I's Pictures*, pp.78, 81.

[191] See for example, *Ibid*, 53, 64–6, 70, 158. Also below.

[192] NRS, GD 406/1/183 (H. Vane to Hamilton, 7 May 1631).

[193] NRS, GD 406/1/158 (Charles I to Hamilton, 30 April 1632).

[194] Millar, *Van der Doort's Catalogue of Charles I's Pictures*, pp.62, 65–6, 81, 90, 95. Included amongst them were paintings by Snelling, Francks, George Spence, Palma and Louis Cronick.

[195] For example, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/70, 80, 86, 91, 95, 98, 75, 78. See also, P. Shakeshaft, ''To much bewiched with thoes intysing things'': the letters of James, 3rd marquis of Hamilton and Basil, Viscount Feilding, concerning collecting in Venice 1635–1639' *Burlington Magazine*, February 1986, pp.114–132. Appendix I in Shakeshaft contains largely accurate transcriptions of those parts of the more important letters relating to Hamilton's collecting activities.

[196] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/70, 75, 80, 86, 91.

involved. Hamilton was equally fascinated by the price of paintings; and the money he could make if he had 'a mynd to turne marchand', especially in selling his prizes to the king.[197]

Between 1636 and 1639 Hamilton secured around 400 pieces in Venice. They mostly came from buying the entire collections of Bartholomeo della Nave, the procurator Priuli and Nicolo Renieri. An inventory of under a half of Hamilton's collection in 1649 listed, among others, 36 paintings by Titian, 42 by Palma (young 24, old 18), 12 by Veronese, 9 by Tintoretto and others by Raphael, Corregio, Georgione (10) and Leonardo.[198] Thus, his collection of the Venetian school exceeded in both number and quality that of the late duke of Buckingham.[199] Hamilton's total collection probably numbered upwards of 600.[200] Such was the marquis's increasing obsession with art collecting that he planned to visit Italy in 1637.[201]

Almost every letter that Hamilton wrote to Lord Feilding in Venice contained a final section enquiring after paintings. In the interests of brevity, however, we shall take only a brief look at the negotiations behind Hamilton's purchase of Bartolomeo della Nave's collection and the simultaneous acquisition of the Priuli collection, containing the prized Saint Margaret by Raphael. How Feilding came to hear about della Nave's collection is uncertain, though we cannot overlook the coincidence of surnames between Andrea della or 'dalla' Nave, the man to whom he gave asylum and Bartolomeo, the owner of the art collection.[202] It is tempting to see some kind of quid pro quo operating, though we have no other evidence to support it. Whatever the link, if any, Feilding was clear of the field in alerting his brother-in-law that the collection was on the market in the spring of 1636.[203] Even before he had seen the detailed list he had

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197 W.R.O., Feilding of Newnham Paddox mss CR 2017/C1/82 (Hamilton to Feilding, 7/17 July 1637).

198 K. Garas, ‚Die Entstenhung der Galerie des Erzherzogs, Leopold Wilhelm' in *Jahrbuch der kunsthistorisches Sammlungen in Wien*, N.F., XXVII, 1967, pp.75–80. The following are the surviving lists of Hamilton's pictures, Hamilton mss, Lennoxlove, (Listed in *NRA (S)* 332), M4/5, [1637] A list of paintings sent by Feilding to Hamilton, with annotations in Feilding's hand; M4/6, [1637] 'A note of picturs for my lord Marquis from my lord Feilding'. [Italian]; M4/7, [1637] 'A note of picturs for my lord Marquis from lord Feilding'. [Italian]; M4/8, [c. 1637] A price list of paintings. [In Italian, with a translation]; M4/9, [c. 1637] 'A note of pictures for my lord Marques from my lord Feilding'. [Italian]; M4/10, [c. 1637] List of paintings and marbles, in the same hand as M4/9 (with marginal notes in the hand of the earl of Arran (later 4th duke) indicating the owners of the paintings in his day); M4/11, [c. 1637–8] List of pictures shipped from Venice; M4/12, 13, 14. [c. 1637–8] Lists of paintings; M4/15, [c. 1637 x 1643] A list of paintings in Hamilton's hand; M4/17, [Before 1643] 'A bill for the right honourable the lord marquis of Hamilton', that is, a list of pictures.; M4/18, [c.1643] Inventory of the 1st duke's pictures, with their values; M4/19, [c.1643] Inventory of the 1st duke's pictures; M4/20, [c. 1643] Inventory of the 1st duke's pictures, [with annotations in Hamilton's hand ?]; M4/21, [c. 1643] 'A catalogue of my Lord Marquis's pictures', 600 paintings packed into 44 cases; M4/22, [c. 1643] 'A catalogue of my lords Pictures', similar to M4/21; W.R.O., Feilding of Newnham Paddox mss CR 2017/C1/102 [1643] 'Duke Hamilton's pictures' [numbering 234 and a list of 36 marbles, statues and curiosities ? In Italian]; M4/40, [1649] A list of the pictures acquired by Archduke Leopold Wilhelm. Seven of the most important of these lists – M4/6, 7, 9, 10, 20, 21, 40 – have been printed in the following two articles: E.K. Waterhouse, 'Paintings from Venice for Seventeenth Century England' in *Italian Studies*, vii, 1952, pp.1–23, lists pp.14–23; K. Garas, 'Die Entstenhung der Galerie des Erzherzogs, Leopold Wilhelm' in *Jahrbuch der kunsthistorisches Sammlungen in Wien*, N.F., xxvii, 1967, pp.39–80, lists pp.64–80. Two other lists, M4/5, 13, have been printed in P. Shakeshaft, "To much bewiched with thoes intysing things': the letters of James, third Marquis of Hamilton and Basil, Viscount Feilding, concerning collecting in Venice 1635–1639'. in *Burlington Magazine*, February 1986, pp.114–132, Appendix II and III.

199 Not all of the painters, such as Leonardo and Raphael, were of the Venetian school which I have listed. Only those of the Venetian school have been counted when comparing Hamilton's with Buckingham's collection, Francis Haskell, 'Charles I's Collection of Pictures' in Arthur MacGregor, ed.,*The Late King's Goods*, p.208. Haskell's description of Hamilton as 'a greedy, ambitious and elegant Scottish nobleman' is partly accurate.

200 One inventory of 1643 has 600 pictures, K. Garas, 'Die Entstethung ...', pp.69–75. There is no time to examine at length Hamilton's contribution to 17th Century picture collecting but, as with all aspects of the Scots at the early Stuart court, more attention (and revision (sic)) is necessary.

201 NRS, GD 406/1/9466; *CSPV 1636–9*, 197.

202 A brother, perhaps? I have no other evidence, but it is nevertheless suggestive assuming, that is, that della Nave is not the Venetian equivalent of Smith.

203 Feilding informed Hamilton about the collection sometime before late June 1630, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/61, also *Ibid*, C1/64; NRS, GD 406/1/9451 (Feilding to Hamilton, 6/16 May 1636).

requested, Hamilton told his brother-in-law to buy the lot.[204] The La Nave collection comprised about 220 paintings[205] and 36 ancient marbles.[206] After receiving the list in the early summer of 1637, Hamilton, in his reply to Feilding, displayed a critical knowledge of art, as well as showing his own artistic tastes which were not entirely satisfied by the quality of the collection.[207] As a result, he made a canny offer of £1,500.[208]

All that changed within a month, however, when Hamilton informed Feilding that the king had seen the list and was:

> extremly takine ther with as he hes persauded me to b[u]y them all, and for thatt end hes furnis[h]ed me with sume munnis, so brother I heve undertakin that they shall all cume in to ingland, booth pictures and statues out of which he is to make choyes of whatt he llykes and to repay me whatt they coost if I heave a mynd to turne marchand.[209]

With the king involved, Hamilton overcame his previous caution and instructed Feilding to buy them 'whatt sumever they coost'. Feilding was also charged to conclude the deal immediately as the earl of Arundel intended making a bid 'which will spoyll our bargane if not prevented by your industrie'.[210] Over the next seven months Hamilton, agitated by the prospect of Arundel securing the collection and of losing face with the king, pleaded with Feilding to close the deal and ignore the rising price.[211]

In August 1637, Hamilton received news that procurator Priuli's collection containing the Saint Margaret by Raphael was also for sale, and promptly instructed Feilding to buy both Priuli as well as La Nave.[212] By the end of the year Hamilton had discovered that Arundel was behind the rising cost of the collections. In a detailed letter to Feilding, dated 27 December, he explained that Arundel's agent in Venice, William Petty, made inflated bids for collections, thereby scaring off competitors. Thus:

> the pictures remain with ther ounners he weill knoing that no inglis man stay long in Italy nor you long to reseid wher you ar. So consequentli the pictures must fall in to his oune hand and att his oune prysis, pettie beiing auyes upone the place and provydid with munnis for thatt end.[213]

Aware that he was the dupe of a sophisticated ploy Hamilton, rather than back-off, insisted that Feilding buy the collections at the inflated prices. Because:

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[204] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/61.

[205] Feilding described the collection in a letter of 8/18 September [1637] saying it contained works by Titian, Correggio, Andrea Schiavone, Palma, Veichia, Bordenone and Bassan, NRS, GD 406/1/9508. William Petty accompanied Feilding to the viewing and suggested offering 14,000 duckets (£2,333), which he did, *Ibid*. For more on Petty, see below.

[206] Sir Ellis Waterhouse tentatively identified the La Nave list and printed it in, E. K. Waterhouse, 'Paintings From Venice for 17th Century England' in *Italian Studies*, vii, 1952, pp.14–21.

[207] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C72/2/fol.3 (Hamilton to Feilding, [June 1637]). Hamilton was particularly concerned whether copies were being passed off as originals.

[208] *Ibid*.

[209] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/82 (Hamilton to Feilding, 17/7 July 1637).

[210] *Ibid*. Hamilton suggested offering £2,000. The intensity of Hamilton's resolve that Arundel would not get the collections can be gauged, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/91, 95.

[211] See for example, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/83, 86, 87, 90, 74. As well as Arundel, the Spanish ambassador in Venice was preparing to make a bid, *Ibid*, C1/86, which raised the price further, NRS, GD 406/1/9469.

[212] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/87 (Hamilton to Feilding, 24 August [1637]). Hamilton described the St Margaret as 'a peeise so famous as I shall not be in patiens if I mise itt'.

[213] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/95 (Hamilton to Feilding, 27 December [1637]).

> I dou nou conseave my self to be ingaged in poynt of honoure and wher the flinging a way of a small sume of munnie may saif thatt and satisfie my self itt might justly be called averis in me if I should not dou itt.[214]

In the end Hamilton paid 15,000 duckets (£2,500) for La Nave and 5,000 duckets (£835) for Priuli, totalling £3,335, of which about £500-£800 may have been due to Arundel and Petty's price manipulation.[215] Feilding completed the deals in February 1638, quickly notifying a delighted Hamilton who recklessly declared that he 'woold not have missed of them for tripill whatt they coost'.[216] The marquis must have been equally delighted at Feilding's description of Petty's 'choller' and 'disorder' on being told of the conclusion of the deals.[217] Hamilton's triumph over the earl marshal was probably even sweeter than Feilding's over Petty. Although Hamilton protested too much that he was not 'ane exorbitant louffer' of pictures, his honour had also been engaged, in different ways, by both the king and Arundel. That he persisted displays, once again, a stubbornness when he had resolved on a course of action. The marquis was not easily put off.

Hamilton received the good news about his paintings in the same month as the National Covenant was signed in Scotland. The collections arrived in England about a month before the Glasgow Assembly. The earl of Morton informed Hamilton that the king would waive custom duties only if the marquis gave Charles a 'guud bargan' on the pictures he wanted.[218] In reply to his old friend, Hamilton provided a further insight into the deal he had struck with the king, together with a revealing picture of the deteriorating situation in Scotland. For both these reasons it is worth ending this section by quoting this piece of eloquent Scots irony in full:

> If I uer not opressed uith grife and trubbill I uoold have much joyed when I hard thatt my pictures uer cume, bot the treuth is I have quytt for goot them, and if his Matti uoold have a chepe Bargan nou is the tyme to deall with me, for yuse ue have of munie heir bot nott of pictures, for the veri naming of a sperituall invention is a nufe to make thoes thatt heath not lossed ther uites goe as mad as the rest, bot the lose uill not be greatt for the number uoold be bot feu, bot nou in good earnest the king uoold gaine if I should be knoked in the head heire for then he uoold find thatt he is my ayre for the santa margarita uher as if I returne he must pay deire for hire [her], in my absence my shoope is shut, and no uares to be seine exsept to him self till the return of your lo. faithfull freind and poure distressed marchand.[219]

V

Up till now it has been emphasised that Hamilton's power was drawn from his joint offices of master of the horse and gentleman of the Bedchamber. master of the horse was normally associated with the royal favourite.[220] The fountain of his strength was his close relationship with, and proximity to, the king. He competed with the highest tier of the English nobility, built up a distinguished art collection and ran a large household at Wallingford House, and later, in 1638 planned

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214 *Ibid.*

215 NRS, GD 406/1/9493 (Feilding to Hamilton, 5 February 1637/8). For the various financial transactions involving Hamilton's merchant, William Moorehead, and latterly anyone else who would lend, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/82, 87, 90, 94, 75, 95.

216 W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/98 (Hamilton to Feilding, 8/18 March 1637/8).

217 NRS, GD 406/1/9493.

218 NRS, GD 406/1/8369 (Morton to Hamilton, 18 October 1638).

219 NLS., Morton Papers, 79/80 (Hamilton to Morton, [after 18 October 1638]).

220 J.S.A. Adamson, *The Noble revolt: the overthrow of Charles I* (London, 2007), p.154, plate opposite.

to relocate to Chelsea House where he intended to develop its gardens and house his art collection in the two galleries.[221] At greater length, it has been demonstrated that he looked to exploit his connections in the queen's circle to build a broader power base through the court. Hamilton's sphere of influence was situated firmly within the inner court. And in a Personal Monarchy that was the place to be. But there were two Cs in Caroline personal government: the court and the council. Hamilton was a privy councillor as well as a courtier.

The debate on where power lay, in the court or the council, is always a heated one.[222] The evidence that has already been piled up tilts unquestionably towards the court being the cockpit of power. And this is confirmed by a detailed analysis of Hamilton's attendance pattern at the English Privy Council between 1633 and 1642. The argument in this section will be that Hamilton continued to be a courtier when he attended the council. There was no transformation into a Cecilian bureaucrat. For normally when Hamilton attended the council he went in train with the king and the other eligible members of the court and household. In most cases then, when Hamilton was there, the Privy Council became the court. Apart from specific instances when Hamilton attended without the king, in most cases when business that concerned him was on the agenda, the evidence supports this hypothesis.

Looking at the evidence another way, we can also determine the role of the Scots in the English Privy Council. The English Privy Council had no remit to discuss Scottish affairs and so we must try to ascertain the role the Scots played. The main points in this context will be three: first, that they were a marginal group, often used when numbers were short or when a particularly strong show of conciliar unity was required, such as over the dispatch of the ship money writs; second, Scottish members would attend when something in which they had a personal interest was to be discussed; third, the Scots were more likely to be there, like Hamilton, when the king attended. Although it is difficult to prove, I would suggest that Charles did not expect the Scottish members to attend regularly. Perhaps he even discouraged them. Their presence was more of a theatrical device in the British court rather than a serious attempt to integrate Scots into English government.

Hamilton was sworn of the council on 8 March 1633. Between that date and 30 August 1642 he attended 245 out of a possible 1,058 meetings, roughly one in four.[223] Of these 245, he attended 177 with the king. The attendance of Hamilton's parallel figure in the Bedchamber, James, 4th duke of Lennox followed a similar pattern. He was sworn onto the council a few months after Hamilton on 28 July 1633,[224] and attended 233 meetings up till 30 August 1642, 191 of those with the king. For both men then, attendance at the council could be explained as the household coming to council

[221] Hamilton was granted Chelsea House on 23 June 1638, *CSPD, 1637–8*, 526–7. The man whom Hamilton appointed to conduct repairs and alterations (and much more besides) was Sir John Danvers, famous for his designs of Italian gardens, Strong, *Prince of Wales*, p.31. For a taste of Danvers correspondence with Hamilton, NRS, GD 406/1/1316, 1694, 1698.

[222] For an interesting critique by Dr Starkey, *The English Court*, *Introduction*, pp.1–24.

[223] Hamilton's attendance is recorded 1633 March-December, TNA, Privy Council Registers, P.C. 2/42, pp.497, 526, 534, 546, 565. P.C. 2/43, pp.178, 249, 261. 1634, P.C. 2/43, pp.627, 635, 653. P.C. 2/44, pp.24, 138, 192, 221, 239, 269, 281. 1635, P.C.2/44, pp.317, 319, 335, 347, 385, 439, 513, 530, 561, 604. P.C. 2/45, pp.21, 121, 237, 294, 309. 1636, P. C. 2/45, pp.329, 340, 347, 349. P.C. 2/46, 10, 41, 77, 108, 133, 138, 140, 176, 187, 245, 258, 277, 303, 308, 312, 345, 364, 370,371, 420, 426, 434, 435, 449, 454. P.C. 2/47, p.28. 1637, P.C. 2/47, pp.61, 76, 83, 104, 152, 177, 224, 237, 254, 273, 286, 298, 298, 309, 330, 345, 379, 404, 430. P.C. 2/48, pp.6, 26, 29, 39, 90, 122, 157, 177, 201, 207, 212, 221, 275, 295, 314, 326, 346, 359, 403, 428, 446, 454, 460, 481, 483. 1638, P.C. 2/48, pp.500, 507, 521, 523, 544, 583, 597. P.C. 2/49, pp.20, 25, 32, 35, 61, 72, 96, 119, 136, 155, 176, 330, 343, 350, 411, 417. 1639, P.C. 2/50, pp.12, 35, 49, 81, 100, 112, 130, 150, 151, 197, 203, 225, 231, 238, 242, 578, 578, 587, 608, 629, 636, 646, 663, 667, 674, 681, 695. P.C. 2/51, pp.20, 25, 27, 43, 44, 68, 70, 72, 74, 101, 107, 157, 164, 184, 192, 215. 1640, P.C. 2/51, pp.225, 238, 244, 248, 251, 261, 264, 294, 311, 313, 316, 320, 349, 373, 373. P.C. 2/52, pp.421, 437, 448, 457, 462, 464, 469, 472, 474, 478, 480, 484, 494, 496, 500, 506, 507, 514, 519, 537, 550, 568, 570, 571, 609, 620, 624, 627, 633, 643, 652, 654, 665, 681. P.C. 2/53, pp.51, 53, 68. 1641, P.C. 2/53, pp.78, 78, 80, 82, 85, 99, 100, 100, 126, 177, 200, 203, 204. 1642, P.C. 2/53, pp.207, 207, 209.

[224] TNA, P.C. 2/43, p.178.

	1633	1634	1635	1636	1637	1638	1639	1640	1641	1642
Total meetings	88	93	96	108	161	164	173	133	37	5
Hamilton (total)	8	10	15	30	44	23	43	54	13	3
Attended with king	6	9	13	23	36	18	24	37	8	3
Total attended										
Lennox	6	8	23	35	35	38	25	43	16	4
Kellie	37	26	20	2	2	–	–	–	–	–
Morton	6	7	14	14	29	20	9	20	0	0
Carlisle	7	8	12	2	–	–	–	–	–	–
Stirling	4	7	3	10	5	4	4	–	–	–
Roxburgh	–	–	–	–	3	2	1	4	3	1
Traquair	–	–	–	3	2	0	2	4	3	0
Lanark	–	–	–	–	–	–	–	8	16	1

Table A.

or, more accurately, the two key members of the king's Scottish retinue attending the English king to council. The role of the Scots at court will be analysed at greater length in the next chapter; for now the focus will be on their attendance at the English council.

From 1633–42 the number of Scots who attended the English council hovered between six and seven. Of the older Jacobean members based in Scotland, Sir George Hay of Kinfauns, later 1st earl of Kinnoul (May 1633), lord chancellor of Scotland only attended three meetings from the date Hamilton became a councillor: on 22, 27 March and 3 April 1633. The earls of Haddington, Mar and Strathearn did not attend at all and, like Kinnoul who died in December 1634, are not included in Table A. James, 1st earl of Kellie, James, 1st earl of Carlisle and William, 6th earl of Morton were all based at court and had modest attendance records. The sparse attendance of William, Viscount Stirling, later earl of Stirling (June 1633), the secretary for Scotland at court, attests to the separation of English and Scottish affairs insisted upon by both James and Charles. Principally as a novelty, it is worth noting that on only one occasion was there a sederunt recorded where the Scots outnumbered the English. It was not a meeting of council, however, but an *ad hoc* sub-committee which sat on 31 March 1635 to discuss a dispute between the English Greenland fishing company and one Nathaniel Edwards of Scotland.[225]

More interesting for our purposes is the additions to the English council after March 1633. Only four Scots were added to the council after Hamilton and each one appears to have replaced an outgoing member. Lennox replaced the disgraced genealogist William, successively earl of Menteith, Airth and Strathearn, former president of the Scottish Privy Council and justice general of Scotland.[226] John, 1st earl of Traquair was made lord treasurer of Scotland in the Summer of 1636, and during the same visit to court was sworn of the English council on 18 May,[227] probably replacing the earl of Carlisle, groom of the stool, who died on 25 April.[228] Hamilton's friend, Robert, 1st earl of Roxburgh succeeded Hamilton's kinsman, Thomas, 1st earl of Haddington (James's 'old Tam

[225] TNA, P.C. 2/44, p.503–4. The Scots outnumbered the English six to five though three of them – the earls of Roxburgh and Linlithgow and Sir James Galloway – were not members of the English council. The other Scots were Lennox, Morton and Stirling.

[226] For more on the fall of Menteith, see chapter 5, section II.

[227] TNA, P.C. 2/46, p.176.

[228] G.E.C, *Complete Peerage*, iii, 32.

o' the Cowgate') as lord privy seal of Scotland and took his place on the English council on 22 October 1637.[229] Lastly, Hamilton's brother William, 1st earl of Lanark replaced the earl of Stirling as secretary for Scotland at court, subsequently filling Stirling's vacant place on the council on 10 June 1640.[230] In sum then, there was usually six Scottish members on the English Privy Council.[231]

If we take the Scots on the council as a group we can see a three-fold pattern emerging over the period 1633–42. The first stage, from 1633–34, was characterised by the Scots attending along with the king and occasionally signing council letters.[232] The exception to the case was the earl of Kellie who attended regularly between 1633–35 without the king or any of the other Scots. James's former groom of the stool was increasingly marginalised under Charles and his attendance at thirty-seven meetings (only two with the king) between March and December 1633 reflects a Bedchamber man, after losing office in the household, turning privy councillor to retain a toehold in government. The second stage, 1635–38, saw a more active council overseeing the assessment and collection of Ship Money. The Scots participated in the massive bureaucratic exercise probably because a strong show of government unity was required and, more importantly, because the corpus of English councillors who executed most council business required assistance with the flood of paperwork.[233] The first two years of the third stage, 1639–42, marked a period when for the first time Scottish affairs became a major concern of the Privy Council with a Council of War appointed and the council generally playing a key role in the organisation of the Bishops' Wars. From the outset Hamilton occupied a prominent position in firstly organising the war effort against the Covenanters and later acting as the broker for the bridge appointments that brought the English opposition into the council.[234]

A glance at the composition of the five main Privy Council standing committees – Foreign Affairs, Ireland, Trade, Plantations and Ordinance – confirms the general picture. Only two Scots were appointed to two of these committees in peacetime: the earl of Carlisle enjoyed a long stint on the Committee for Foreign Affairs between 1628–35, while the earl of Stirling was a member for some time after 1629, perhaps to 1636.[235] Stirling was also on the Committee for Foreign Plantations between 1636 and 1640,[236] which was more likely a reflection of his own interest in colonial matters rather than an attempt to have Scottish interests represented. For all his interest in European politics, Hamilton was never made a member of the Committee for Foreign Affairs. The most obvious explanation for this would be Hamilton's disagreement with government foreign policy. Another, less prosaic reason would be that he was not quite an important enough figure to sit on the council's most influential committee. Although we have already noted Hamilton's activities on the committee to reform the household,[237] it was ironically not until the troubles that

[229] TNA, P.C. 2/48, p.316.
[230] TNA, P.C. 2/52, p.544.
[231] The old earl of Mar was technically still a member of the Privy Council, but was effectively retired since the earl of Morton took over as treasurer on 8 July 1630. Mar, like his son the earl of Kellie, was eased out under Charles.
[232] For examples of the Scots attending with the king, TNA, P.C. 2/43, p.635; *Ibid*, 2/44, pp.138, 192.
[233] There are many examples of the Scots, especially Hamilton and Lennox, both attending meetings when Ship Money was top of the agenda and signing letters to mayors, sheriffs etc. concerning Ship Money. For Scots attendance at Privy Council meetings concerning Ship Money, see for example, TNA, P.C. 2/44, pp.317, 347, 385–6, 439, 513. P.C. 2/45, p.237. P.C. 2/46, pp.41, 77, 108 (all of which Hamilton attended). For examples of Scots signing Ship Money letters, P.C. 2/44, pp.332, 334, 350, 359, 366, 466. P.C. 2/45, pp.75, 106, 296. P.C. 2/46, pp.80–81. For examples of Hamilton signing ship money letters, P.C. 2/44, pp.297, 325, 326–8, 334, 339, 350, 359, 366, 393, 405, 466. P.C. 2/45, pp.75, 106, 114, 296. P.C. 2/46, pp.11, 41, 291, 474. P.C. 2/47, pp.37–42, 49, 74, 78–80, 425. P.C. 2/48, p.223.
[234] See below and chapter 7.
[235] For Carlisle, TNA, P.C. 2/39, p.11; *Ibid*, 2/44, p.3. Stirling's attendance period is less certain, P.C. 2/44, p.1, when it says he was 'since added' (1634/5) and his name disappears from the roll thereafter.
[236] TNA, P.C. 2/47, p.1; *Ibid*, 2/49, p.1; *Ibid*, 2/51, p.1.
[237] See above. Hamilton was also a member of the enormous committee to exercise ecclesiastical jurisdiction within England and Wales, appointed 17 December 1633, *CSPD 1633–34*, pp.326–7.

Signatures	1635	1637	1639
Category 1	8	13	0
Category 2	6	34	21
Category 3	39	31	19
Undated	2	10	11
Total	55	88	51

Table B.

he joined a main committee, the Council of War on 27 January 1640.[238] In sum then, the Scottish contingent in the council did not play a key role in its day to day business, nor did they play an active role in any of the main standing committees. In other words, they represented the Scottish wing of the king's retinue when he came to council rather than a coherent bloc exerting an influence or being encouraged to assimilate into English affairs. Nevertheless, that did not hinder them from promoting their own interests in the council.

By way of a case study to test these general trends we shall take a closer look at Hamilton's career in the English Privy Council. It is evident that Hamilton did not view being an English privy councillor as his most important office, useful and prestigious certainly, but not one he used as a focus of his power. In his first ten months as a councillor he attended eight meetings and signed only two letters at the board,[239] though that can be partly explained by his absence in Scotland for four of those ten months.[240] Taking a rough sample from three years – 1635, 1637 and 1639 – Hamilton's signing of Privy Council letters, passes and warrants fall into three categories. The first and smallest number are those signed on the same day as a council meeting he had not attended. Second and more frequent are those documents he signed on the same day he attended a meeting. Third and marginally the largest category are those Hamilton signed on the day there was no council meeting.

The first category shows that Hamilton chose not to attend some council meetings when he was at court, but could be persuaded by a sedulous secretary to sign letters. Obviously he had other things to do and such behaviour was not uncommon amongst ministers. The second category illustrates that Hamilton actually participated when he attended council meetings, at least by signing letters at the board. The third category throws up a number of points. It is clear that council business was not contained within formal council meetings, but overflowed into the daily life of the court and household. To expedite business the secretaries and clerks would use whatever councillors were around to sign documents. Council meetings on the other hand were driven by a small group of committed English bureaucrats: Archbishop Laud, the lord keeper, the lord privy seal, the chancellor of the Exchequer and the two secretaries. Hamilton was neither a bureaucrat nor English. Crucially, however, he was frequently around court and, with others like him, could be utilised to clear the workload or just keep business ticking along.

As suggested above, Hamilton was not the most assiduous attender at the council board. His power base lay elsewhere. But when it was necessary, he used the Privy Council to further his own ends as well as those of his clients and collaborators. In May 1636, for example, we find

[238] TNA, P.C. 2/51, p.2. Later in the same year, probably October, Hamilton was also a member of the committee 'for the Portugall busines', P.C. 2/53, p.4. In November 1639, Hamilton was a member of the Committee for Arms with Juxon, Northumberland, Wentworth, Cottington, Coke and Windebank, *Ibid*, P.C. 2/51, p.72.

[239] See Table A above, the two letters that Hamilton signed were both in the first week of his sitting on the council, TNA, P.C. 2/42, pp.497, 507.

[240] See chapter 5.

him signing passes for the queen of Bohemia's cupbearer and for army officers to return to their commands in the Low Countries.[241] Similarly, Hamilton probably sponsored the request of the Swedish agent, Michael Le Blom, to the council on 20 December 1640 for permission to export fifteen hydes.[242] Certainly, it was Hamilton who procured a pass in August 1637 for Lord Feilding's new chaplain to travel to Venice.[243] The range of Hamilton's activities in this context were not only restricted to one-off favours, but ranged to larger projects in which he had an interest. Three typical examples can be reconstructed in the Privy Council's action concerning hackney coaches, the Dovegang leadmine in Derbyshire and the Newcastle coal trade.

One of the many government initiatives Hamilton was involved in during the Personal Rule concerned the licensing of hackney coachmen. Various complaints had been made about the excessive numbers of hackney coaches in London and Westminster.[244] On 27 September 1635 Hamilton sat in council (without the king) when the transport problem was debated.[245] As a result, a new proclamation was published in January 1636 restricting the use of hackney coaches.[246] It was after the failure of these measures that Hamilton emerged as the architect of another plan.[247] The proposal was to form a company of fifty, later a hundred, licensed coaches charging set rates whose owners would be vetted and supervised by Hamilton.[248] In addition, the company was to be allotted specific working practices, wear a livery, pay a composition and work at preferential rates for the crown.[249] Hamilton's patent passed under the great seal on 14 July 1637 and four months later he presented his patent and rules for the company to the Privy Council.[250] Interestingly, some evidence suggests that Hamilton's collaborators in the scheme were Sir Henry Vane,[251] the marquis's associate from the German campaign, and Sir Edmund Verney, knight marshal of the household, who may have managed the company on Hamilton's behalf.[252] As we shall see, Verney and Hamilton were involved in another larger business enterprise.[253]

More interesting were Hamilton's proceedings respecting the Dovegang leadmine in collaboration with Sir Robert Heath. In 1629 Heath, then attorney-general, with his partner, the ubiquitous Sir Cornelius Vermuyden, obtained a 31 year lease from the crown (through the duchy court of Lancaster) of the enormous 'drowned and deserted' Dovegang leadmine in Derbyshire at an annual rent of £1,000.[254] By the spring of 1635 the project was taking shape. At the same time the

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241 TNA, P.C. 2/46, pp.108, 158, 169.
242 TNA, P.C. 2/53, p.68.
243 TNA, P.C. 2/49, p.171.
244 See for example, *CSPD 1634–5*, 8, 69–70.
245 TNA, P.C. 2/45, 121.
246 *CSPD 1635–6*, 168. Hackney coaches were to be used only if the passenger was travelling three miles outside London.
247 The origins of Hamilton's proposal can be found in a petition of the hackney coachmen to the king, TNA, SP 16/346/94 (11 February 1637).
248 NRS, GD 406/M9/35/8.
249 NRS, GD 406/M9/35/11(Orders for licensed hackney coachmen, [1637]); GD 406/2/M9/35/2, 10 (Petitions to Hamilton from 50 hackney coachmen, [1637]). For the Testimonials of prospective coachmen, petitions and lists, GD 406/M9/35/1, 3, 5, 6, 7, 9, 12. For the composition, Knowler, *Strafford's Letters*, ii, 181 (Garrard to Wentworth, 3 July, 1638).
250 TNA, P.C. 2/48, pp.359–60. The king had already passed Hamilton's plans on 12 October, and was not present at the meeting, *Ibid.*
251 Vane was petitioned by the coachmen as a potential patron probably in the months before Hamilton's patent was passed. I am uncertain as to the extent of his involvement, but he certainly passed the petition on to Hamilton, NRS, GD 406/2/M9/35/4.
252 The evidence for this is suggestive rather than conclusive, being a copy of an undated royal warrant in the Hamilton papers authorising Verney to modify the hackney coachmen's rules and rates, NRS, GD 406/2/M9/35/8.
253 See for example, NRS GD 406/1/7536 (Goring to Verney, 1 February 1637/8). For more see chapter 5, p.125.
254 TNA, P.C. 2/44, pp.614–17 (incorrect pagination should be, 624–7). The Dovegang lease was subsequently expanded to include a wider area to allow for the drainage system and supplies.

previous holders of the Dovegang lease, George Sayers, Sir Abraham Dawes and Henry Carey, 1st earl of Dover contested Heath's lease claiming a precedent right.[255]

The Dover group's move against the Dovegang lease illustrated how Hamilton served his clients. In the run up to the hearing of the case in council Heath wrote regularly to Hamilton outlining the Dover group's movements and attempts to have the hearing delayed.[256] Hamilton, for his part, discussed the case with the king and made sure that Charles, suitably primed, attended the hearing.[257] The Privy Council hearing was held on 3 June and, as promised, Hamilton brought the king.[258] On the day the Privy Council not only upheld Heath's lease, but approved the duchy court's decision to allow surrounding land to be added to the lease and likewise ruled against any attempts by local landowners or miners to hinder Heath's operations.[259] Two years later, in February 1637, the Dover group launched another attack and it was again defeated.[260]

In much the same way Hamilton promoted his interest in the Newcastle coal trade. In this instance it was in collaboration with Thomas Horth, a Yarmouth merchant, who sought to bring free trade to the supply and freight of Newcastle coal.[261] Horth presented his scheme to the king, Hamilton and the rest of the Privy Council on 4 April 1638.[262] The propositions were favourably received by Charles, though the current contractors were given until 2 May to answer. On the evening of 1 May 1638 the marquis informed secretary Windebank that:

> his Mattie heath commanded me to lett you knoe thatt the morou beeing the day appoynted for heeiring of the Coole busines that he will have itt in his oune presans and therfor your honour is to advertis the Lords ther of thatt accordingly the Counsall may sitte att Uhyhall.[263]

Next day, Hamilton and the king attended. After a debate Horth's scheme was approved and plans were put in motion to form a new corporation to control the Newcastle coal trade.[264]

The evidence suggests then that Hamilton recognised the worth of the Privy Council in government, even though it was not central to his political activities. Its day to day business was for others to execute, though he readily signed papers to clear a backlog and participated in the Ship Money workload. For Hamilton the council had a place in English government. In the first few months

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255 NRS, GD 406/1/311 (Heath to Hamilton, 15 May 1635); TNA, P.C. 2/44, p.614 (incorrect pagination should be, 624).

256 NRS, GD 406/1/310 (Heath to Hamilton, 27 May 1635). Windebank may have been working on the same side as Heath and Hamilton for it was he who alerted Heath that a move was afoot to have the date of the hearing changed, *Ibid.*

257 *Ibid.* NRS, GD 406/1/311 (Heath to Hamilton, 15 May 1635); GD 406/1/313 (Heath to Hamilton, 29 May 1635).

258 TNA, P.C. 2/44, p.614 (incorrect pagination, should be 624). Those who attended were the archbishops of Canterbury and York, lord keeper, lord privy seal, duke of Lennox, Hamilton, earl marshal, lord chamberlain, earl of Bridgewater, earl of Holland, Viscount Wimbledon, Viscount Cottington, secretaries Coke and Windebank.

259 TNA, P.C. 2/44, pp.618–20 (should be 628–30). It was also ordered that any further grievances against Heath were to be heard in duchy court. That was the only business which the Privy Council carried out that day. The Dover group mounted other challenges, but they were equally unsuccessful, Kopperman, *Heath*, p.267.

260 NRS, GD 406/1/10656 (Heath to Hamilton, 17 February, 1636/7). See also NRS, GD 406/1/386.

261 The mss in the Hamilton Papers relating to Hamilton's commercial interests are often difficult to analyse as most of the material is in the form of undated and unsigned petitions, information papers and working papers. Only occasionally is there also personal correspondence (for example from Sir Robert Heath) which allows us to make definite connections. Nevertheless, the surviving evidence suggests that Horth was involved with Hamilton in a number of commercial ventures: in the Newcastle coal trade; in the supply of oil to the Scottish soap manufacturers; and with Heath and Hamilton in the Newcastle salt trade. See for example, NRS, GD 406/1/616 (Thomas Horth, to Hamilton, 18 August 1638); GD 406/M9/32/1; GD 406/M9/32/5; GD 406/M1/271; GD 406/M1/28/11; GD 406/M1/28/12; GD 406/M1/28/13; GD 406/M1/28/9. Horth's activities in the salt trade may have upset the interests of some saltmasters in Scotland, GD 406/M9/28/23 (Patrick Wood to Traquair, [?1637–1638]).

262 TNA, P.C. 2/49, pp.72–3.

263 TNA, SP 16/389/3 (Hamilton to Windebank, 1 May 1638).

264 TNA, P.C. 2/49, pp.155–8.

of 1641 the marquis sponsored the bridge appointments (Bedford, Saye, Essex, Mandeville et al) to the Privy Council.[265] As part of a remedy to ease the crisis it was both prudent and conciliatory. Whether he would have supported their appointment to the king's Bedchamber is another matter, however.

In analysing Hamilton's domestic activities relating to England we see a symmetry with his activities in foreign policy discussed in the previous chapter. The marquis did not wholly support isolationism and the domestic application of 'Thorough' but nevertheless worked successfully within the government. It was not a precarious political balancing act, however. First, there was Hamilton's special relationship with the king. The political differences between the two were smoothed by Hamilton's assured ability as a courtier and politician, and, more importantly, by the key fact that "James" was the king's friend. The friendship between the two was fused by the blood-relation. Charles was a much better friend than he was a king. Second, Hamilton successfully extended his power base outside the king's bedchamber into the queen's circle and formed partnerships with people both in and out of government: Heath, Middlesex, Holland and Pembroke, for example. Third, it has been shown that there was a high degree of flexibility in court alliances where individuals of differing views could work together. Still, the survival at court of critics such as Hamilton, Vane, Holland and Pembroke, reminds us that a dissident group, mostly peers, held key posts within the government during the Personal Rule in England. Men unhappy with some, not all, aspects of policy. It would be going too far to see them as a cohesive political force but, along with the later additions of the earls of Arundel and Northumberland, they constituted an alternative voice in particular areas of policy. Fourth, despite differences with some of the principal members of government and the king, Hamilton's position was secure. The marquis was thirty-two in 1638 and had been at court for eighteen years apart from two interludes between 1627 and 1628, and between 1631 and 1632. Only under intense pressure could one imagine him being dislodged from the king's side.

[265] For Hamilton's part see chapter 8. For the appointments to the council, TNA, P.C. 2/53, pp.100–1.

CHAPTER 5

Scotland and Ireland, 1632–1640

Despite Hamilton's marriage into an English family in 1620, despite his hereditary English peerage as earl of Cambridge (normally associated with princes of the blood)[1] and despite his permanent residence in London between 1628 and 1642, he remained inextricably linked to Scotland. The popular myth that Hamilton disliked Scotland cannot be sustained before 1638 from the surviving evidence. While in Scotland in early 1628 and in 1634, Hamilton complained to the king that he would rather be at court, yet the comment was couched in terms of a servant's desire to be with his master.[2] Certainly in 1638 Hamilton declared his native country a 'miserabill place' and he was rumoured to have considered selling up and moving all his interests to England.[3] At the same time he asked the king that in the event of his death at the hands of the Covenanters his children should be married in England.[4] Ten years later, after his failed invasion of England, he asked the executors of his estate to do the exact opposite.[5] In both instances Hamilton was faced with a situation over which he no longer had control.

[1] In the current Hanover royal family, Prince William, the next in line to the throne after his father King Charles III, is duke of Cambridge.

[2] For 1628 see chapter 1 and for 1634 see below. But for an example NRS GD 406/1/97 (Hamilton to Charles I, 29 March 1628).

[3] S.R. Gardiner, ed., *The Hamilton Papers* (Camden Soc., 1880), 60 (Hamilton to Charles I, 27 November 1638); NRS GD 406/1/1023 (Lauderdale to Hamilton, 31 October 1639); Oxford, Bodleian Library, MSS Rawlinson D. 857, fos.37r–38v, unfol. ([Newsletter? written by an Englishman in Edinburgh?] 'The Severall passages at the Assembly at Edenborough 18 August 1639').

[4] NRS GD 406/1/326/1-2 (Hamilton to Charles I, 27 November 1638). In this letter Hamilton also declared 'nixt hell I heate this place', but it was in the context of putting himself forward as a Scottish lord deputy. Hamilton had to be very careful how he phrased suggestions like this to the king, given his proximity to the Scottish crown.

[5] In his Will, Hamilton instructed his executors to ensure that his eldest daughter Anne was married to James, Lord Paisley, the earl of Abercorn's eldest son, Lennoxlove, Hamilton MSS, TD 91/109/M14/3/4 (12 June 1648).

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A more accurate picture can be found between these two melodramatic extremes. Although Hamilton competed with the elite of the English nobility he did it as 3rd marquis of Hamilton, the king's cousin, one of the ancient Scottish peerage and potential claimant to the Scottish throne. There was no attempt to sever any of the ancient Hamilton kinship connections in Scotland in favour of a stake in England. He was the only member of his family to marry into the English nobility.[6] Before 1638 Hamilton owned no land in England, but remained one of the biggest landowners in Scotland. By contrast, he was a commercial entrepreneur and monopolist in England. The limited evidence that has survived about his household suggests that it was predominantly staffed by Scots and Hamiltons in particular.[7] His personal counsel, attendants and men of business retain anonymity precisely because they were normally all called Hamilton. We have for example Sir John Hamilton of Broomhill, one of the marquis's right hand men who acted as confidential secretary and negotiator, and who was married to the 2nd marquis's 'natural' daughter.[8] Equally important was Sir James Hamilton, one of his colonels in Germany, who supervised Hamilton's affairs while he was away from court.[9] We also have a John Hamilton, procuring payments for horses at the sign manual and signet office in 1632.[10] This was probably the same man, styled 'of Hampton Court' in a bond of 1637,[11] whom Hamilton entrusted with the great seal of Scotland in 1641.[12] At court in 1638 a Thomas Hamilton shuttled the marquis's letters from Edinburgh between the earl of Stirling and Archbishop Laud.[13] Above all, the key man of business in Hamilton's public and private interests in Scotland was Sir John Hamilton of Orbiston, clerk register, collector-general depute of the 1633 taxations and justice-clerk from 1636.[14]

This chapter will argue that Hamilton's continued use of a mainly Scottish household, servants and men of business was mirrored in his active involvement in many (but not all) matters relating to Scotland. The main objective will be to gauge the degree of that involvement and to identify the

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[6] Hamilton had one brother William and four sisters Anna, Margaret, Mary and Margaret who was 'natural'. William married Elizabeth Maxwell, daughter of James, later earl of Dirleton; Anna married Hugh, Lord Montgomery (later 7th earl of Eglington); Margaret married John, 10th Lord Lindsay of the Byres (later 1st earl of Lindsay, 1633–42 and earl of Crawford-Lindsay, 1642–78); Mary married James, Master of Drumlanrig (later 2nd earl of Queensberry); and Margaret married Sir John Hamilton of Broomhill (later 1st Lord Belhaven).

[7] One undated list of 28 household men, probably drawn up after 1643, records almost all Scots surnames with nineteen Hamiltons. However, this may have been Hamilton's household between late 1646–1648, when he was almost permanently in Scotland and therefore more likely to have a Scottish household, Lennoxlove, Hamilton MSS, TD/100/3/M2/109.

[8] See chapters 2 and 4; NRS GD 406/1/318 (Stirling to Hamilton, 4 December [1635]). For Broomhill at court, T. Thompson, ed., *Diary of Sir Thomas Hope of Craighall, 1632–1645*. (Bannatyne Club, Edinburgh 1843), p.40. Broomhill was finally raised to the peerage on 18 December 1647 as Lord Belhaven. He was at first styled of Broomhill, but later became known as of Biel. His father was one of the many bastards of James, 1st Lord Hamilton. Later, as Lord Belhaven, he faked his own death on 31 July 1652 and reappeared again in January 1659, G.E.C[ockayne], *Complete Peerage*, ii, 93. As a result he has caused considerable confusion: see for example, D. Mathew, *Scotland Under Charles I* (London, 1955), p.235 note 1, quoting Scotstarvet.

[9] NRS GD 406/1/318 (Stirling to Hamilton, 4 December [1635]). In 1631 Sir James, along with George Melville, received a commission to seize all falsely dyed silks in England, Wales and Ireland with all the benefits, procured at the sign manual and signet office by Hamilton, TNA, SO 3/10 April 1631. Sir James accompanied Hamilton on the 1639 expedition against the Covenanters and acted as his secretary, Gardiner, *Hamilton Papers*, 80–83. He was probably also one of his colonels in Germany, chapter 2, pp.25–26.

[10] TNA, SO 3/10 unfol, July 1632.

[11] Lennoxlove, Hamilton MSS, TD 90/73/F1/80 (Bond between Hamilton and John Hamilton of Hampton Court with David Moorhead, October 1637).

[12] Gardiner, *History of England*, x, 5 and notes. It was probably this Hamilton who in May 1636 received £500 for the king's special service and an annual pension for the same amount, *CSPD 1635–36*, 403 ([Copy] Docquet).

[13] NRS GD 406/1/592 (Stirling to Hamilton, 8 June 1638).

[14] Orbiston was involved in every aspect of Hamilton's affairs in Scotland: estates, the national taxation granted in 1633 and worked regularly with Hamilton's supporters and business acquaintances, see for example NRS GD 406/1/285, 282. For the justice-clerk's appointment, Thompson, *Diary of Hope*, p.48.

other Scots at court and in Edinburgh with whom the marquis interacted. An attempt will also be made to grasp the thistle and suggest answers to a few questions of some importance. How was Scottish policy formulated at court and what influence did Hamilton have? Was Burnet's assertion that Hamilton was 'the great patron of all Scotsmen at court' yet another exaggeration? We shall also present a case study of Hamilton's activities as collector general of the taxations granted to Charles I in the Scottish parliament of 1633. As a further balance to Hamilton's activities in England discussed in the previous chapter, we shall take a brief look at his attempt to build up an interest in Ireland, the third of Charles's three kingdoms.

I

From St Martin's Lane in London on 16 April 1632 the Scottish master of requests, Sir James Galloway, wrote a long letter to Hamilton in Germany lamenting his inability to get business done in the marquis's absence. Yet although Galloway wrote under a cloud that would only lift on Hamilton's return, he acknowledged the marquis's efforts from afar:

> I am told by Sr James Ramsay that your L. hes been lately pleased to descend to the remembrance of my business to his Matie & the honering of me forder by some lynes of your Lps. It was not a single but a manifold favor to pull up so meane a servant & his petty business to the memory & considera[ti]on of so great a Prince, bot inspeciall att such a distance & in the greatest throng of your owne & his Maties State & forrayne affaires.[15]

Even if he had not surrounded himself with Scots in Germany, Hamilton would have been unlikely to forget his countrymen.[16] Research by Keith Brown and Neil Cuddy removes the necessity of providing a sketch of all the Scots at court, but some contextualisation and comments are necessary.[17] Although Hamilton had clients and ambitions throughout the court, it was the king's Bedchamber that he perceived as the cockpit of government.[18] While in Germany, for example, his correspondence was aimed primarily at the earl of Carlisle, groom of the stool, and Will Murray, groom of the Bedchamber.[19] That both men were fellow Scotsmen and political associates demands equal emphasis. The most important Scots in the peacetime Bedchamber were Hamilton, Lennox, Carlisle, Will Murray and Patrick Maule of Panmure. The other Scots, such as Robert, 1st earl of Ancram, John, 1st earl of Annandale and James Maxwell, exerted limited political muscle but were nevertheless useful patrons and enjoyed considerable financial benefits.[20] James Maxwell, for

[15] Galloway's pension was £1,000 in arrears and his problems seem to have been compounded by Viscount Stirling, NRS GD 406/1/270 (Galloway to Hamilton, 16 April 1632). Things looked up, however, when Hamilton returned as Galloway received £500 from the 1633 taxation, see below. He was also made a gentleman of the privy chamber on 5 October 1634, TNA, L.C., 5/134, p.19.

[16] See chapter 2, *passim*.

[17] K.M. Brown, 'Courtiers and Cavaliers: service, anglicization and loyalty among the royalist nobility', in John Morrill, ed., *The Scottish National Covenant in its British Context*. (Edinburgh, 1990), pp.155–192; Brown, 'Aristocratic Finances and the Origins of the Scottish Revolution', *English Historical Review*, civ, (January 1989), pp.46–87. For Neil Cuddy, 'The king's chambers, the Bedchamber of James I in Administration and Politics, 1603–1625' (University of Oxford D.Phil 1987); 'The Revival of the entourage: the Bedchamber of James I, 1603–1625' pp.173–225 in Starkey ed., *The English Court* (London 1987); 'Anglo-Scottish Union and the court of James I, 1603–1625' in *Transactions of the Royal Historical Society*, January 1990, pp.107–124.

[18] David Ramsay and Sir Alexander Hamilton were both gentlemen of the privy chamber, see chapter 1. For Hamilton's efforts to build a broader power base outside the Bedchamber, chapter 4 pp.77–79.

[19] Chapter 2, pp.41–42.

[20] Ancram and Annandale were slightly older, the former, as Sir Robert Ker, came from prince Charles's Bedchamber, while the latter was a pre-1603 groom of the privy chamber. At court under James, ironically as plain John Murray, Annandale had a great deal of influence in Scots affairs and had land in all three kingdoms, J. Haig, ed., *The Historical Works of Sir James Balfour* (4 vols. Edinburgh, 1825), i, 227–228. Ancram's influence appears to have been at

instance, was a particularly successful entrepreneur and had strong links with Hamilton. Hamilton's father had secured Maxwell's place for him in the Bedchamber in 1620,[21] and Hamilton's brother, Lord William Hamilton, later 1st earl of Lanark, married Maxwell's daughter, Elizabeth, in 1638.[22] Outside the Bedchamber, two important Scots in Hamilton's network were James, 1st earl of Roxburgh, and William, 6th earl of Morton, lord treasurer between 1630 and 1636. Like Carlisle and Will Murray, Morton and Roxburgh supported Hamilton while he was in Germany and the connection endured at least until 1641.[23]

The closest parallel Scot with Hamilton at court and the most frequently underrated,[24] though clearly a rising star, was James, 4th duke of Lennox and 2nd earl of March.[25] Lennox and Hamilton were princes of the blood and thus occupied that rarefied place around the king. The Van Dyck portrait of Lennox, seated with his hunting dog, contrasts with the active and more statesmanlike portraits of Hamilton and Wentworth by the same artist. The projected image is of indolence, of 'the archetypal Caroline courtier.'[26] Yet this is misleading, for although Lennox was never as powerful a political figure as Hamilton or Wentworth, he did not sit around all day patting a dog. He was six years younger than Hamilton, and twelve years younger than Charles, and he became a gentleman of the Bedchamber in 1625 at the age of fourteen. Even at that early age he began building up a clientele and to that end formed an alliance with another rising star, Sir John Stewart of Traquair. Stewart and his father-in-law David, Lord Carnegie, later earl of Southesk, were two of the overseers of the duke's Scottish estate.[27] Lennox made them and the earl of Linlithgow his Scottish counsel in 1633.[28] From court in early 1625 the future lord treasurer of Scotland revealingly described his and the naive young duke's ambitions:

> I have, evir since my cumming hear, ha[u]ntid my lord Duik of Lennox much, and finds him soe kynd and foruard in any thing concernes myself, that no[t] only hes he undertakin to doe my busines, but hes bein verie earnest uith me that no man sould be a speaker to His Majestie in anything concernes me but he only; and is so confident to get all done, that he hes protestid both particularlie to my self, as alsoe to Sir Robert Ker (quhom I use in all my busines), that in cais His Majestie sall not give uay to this his first suite for me, he sall nevir troubill him uith any thing concernes himself. I have desyred not only to be made a barron but alsoe a commissioner for the borders.[29]

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its height principally before, and a few years after, Charles became king, see Laing, *Correspondence of Ancrum and Lothian* (2 vols, Edinburgh 1875), i, *passim*, esp. 8–9.

[21] Brown, 'Courtiers and Cavaliers', p.166.

[22] Maxwell was a particularly successful entrepreneur and it was probably the promise of a substantial dowry which clinched the marriage deal, G.E.C., *Complete Peerage*, iv, 386–387.

[23] Roxburgh, along with Haddington and Buccleuch, were cited by Ochiltree as the prime movers along with Hamilton of the plot of 1631, *State Trials*, iii, 435–436.

[24] See Brown, 'Courtiers and Cavaliers', pp.158–160. Lennox was born and educated in England, but was clearly recognised as being a Scot by origin and was labelled as such, which Clarendon, predictably enough, viewed as a 'disadvantage,' Clarendon, *History of the Rebellion*, ii, 161.

[25] Earl of March was the English title. He inherited another English title, that of baron Clifton, on 21 August 1637 on the death of his mother, G.E.C., *Complete Peerage*, vii, 609.

[26] Brown, 'Courtiers and Cavaliers', p.159.

[27] W. Fraser, *History of the Carnegies, Earls of Southesk and of their kindred* (2 vols. Edinburgh 1867), i, 86–90 (Stewart to Carnegie, [March] 1624/25); Innerleithen, Traquair MSS, 12 /7 (Traquair to Lennox, [1635]). The earl of Angus and Lord Cochrane were also administrators of the Lennox estate, *Ibid.*

[28] Innerleithen, Traquair MSS, 7/1 (Lennox to Linlithgow, Southesk and Traquair, 9 October 1633).

[29] Fraser, *Carnegies*, i, 87–90 (Stewart to Carnegie, [March] 1624/25). Stewart reported the day before Lennox had 'fullie settlid uith my lord marquis' (the 2nd marquis) and as a result appeared to have been in a buoyant mood. The 2nd marquis was appointed lord steward of the household in 1624, a place vacated by the death of Lennox's father and the arrangement between Lennox and Hamilton may well have concerned that.

Between 1625 and 1636 the alliance strengthened, and Traquair's regular trips to court normally included a private meeting with the duke.[30] Significantly, in January 1637 Robert Baillie commented on the 'great credit' Traquair had with Lennox.[31] More to the point, it was to Lennox that Traquair repeatedly turned between 1637 and 1642 for support as he was dragged down by the Covenanters.[32] Furthermore, Traquair continued to manage the duke's Scottish estates at least until 1655.[33]

Meanwhile, up to 1642, Lennox consolidated his position at court and built up a powerful economic base in England. He was made a grandee of Spain in 1632, a privy councillor in Scotland and England and a knight of the Garter in 1633.[34] In 1641 he was created duke of Richmond and lord steward of the household.[35] Underpinning these honours was a steady stream of royal grants of manors and pensions in England,[36] ambitions in Ireland[37] and a lucrative marriage to the duke of Buckingham's widowed daughter on 3 August 1637. Lennox was also active in politics. In contrast to Hamilton, he appears to have been pro-Spanish and allied to Lord Treasurer Portland.[38] In May 1634 he successfully defended Portland from a powerful attack headed by Laud and Lord Keeper Coventry.[39] Shortly before he died Portland recommended first Lennox, then his son Lord Weston (who was married to Lennox's sister),[40] to the king's care.[41] This evidence helps to explain Lennox's support for Bishop Williams of Lincoln in July 1637 when the latter defied Laud's religious policy. It would be difficult to explain the duke's support for Williams in terms of

[30] Innerleithen, Traquair MSS, 7/2 (Lennox to Traquair, 8 January 1633/4); *Ibid*, 7/3 (Thomas Webb to Traquair, 8 January 1633/4); *Ibid*, 7/4 (Webb to Traquair, 9 January 1633/4); *Ibid*, 7/5 (Lennox to Traquair, 10 January 1633/4); *Ibid*, 7/7 (Lennox to Linlithgow, Southesk and Traquair, 7 March 1633/4); *Ibid*, 7/8 (Lenox to Traquair, 18 March 1633/4); *Ibid*, 7/9 (Webb to Traquair, 18 March 1633/4); *Ibid*, 7/10 (Instructions for the duke's Scottish affairs [in Traquair's hand, signed by Lennox] [n.d. 1634]); NRS GD 406/1/777 (Traquair to Hamilton, 31 May [1633]). See also below. Thomas Webb was Lennox's secretary.

[31] D. Laing, ed., *Letters and Journals of Robert Baillie, 1637–62* (3 vols. Edinburgh, 1841–42), i, 11 (29 January 1636/7). At the time of this letter it was rumoured that Traquair had been called to court to help persaude Lennox to marry the duke of Buckingham's daughter recently widowed following the death of Pembroke's son, *Ibid*. See below.

[32] See chapter 6, but for a few examples, Innerleithen, Traquair MSS, 12/19 (Traquair to Charles, 25 September, 1637); *Ibid*, 7/11 (Lennox to Traquair, 2 April 1639); *Ibid*, 12/38 (Traquair to Lennox, 17 July 1641). The friendship and favours between the two also continued, *Ibid*, 7/13 (Webb to Traquair, [27 April 1643]). But from late 1643 the contact dried up, however, Webb wrote to Traquair in 1646 to inform him that Lennox had recently contracted a strong friendship with the marquis of Argyll, *Ibid*, 7/14 (Webb to Traquair, 1 August 1646).

[33] Innerleithen, Traquair MSS, 12/7 (Traquair to Lennox, [1635?]); *Ibid*, 12/45 (Traquair to Mr [Hayhor?], 16 February 1655/6).

[34] He was sworn of the English council on 28 July 1633, TNA, P.C., 2/43, 178. The Scottish council in the summer of 1633, *RPCS 2nd Series 1633–35*, p.vi; knight of the Garter, nominated 18 April, installed 6 November, G.E.C., *Complete Peerage*, vii, 609.

[35] G.E.C., *Complete Peerage*, vii, 609.

[36] In November 1637, a number of accumulated rents in several English counties amounting to £1,497 was passed from the crown to Lennox. When added to similar lands previously passed the total came to £3,000 per annum. A tenure in socage of east Greenwich was also mentioned, *CSPD 1637*, 595–596 (Accumulated Rents, 30 November 1637). The marriage portion was worth £20,000, G.E.C., *Complete Peerage*, vii, 609. For the wedding, *CSPD 1637*, 535.

[37] In 1634, Lennox was pressing to have a large part, if not the whole, of Connaught granted to him, much to Wentworth's annoyance, S.C.L., W.W., Strafford MSS, vol.3/ fol.63 (Wentworth to Portland, 14 March 1633/4).

[38] Conway mocked both Lennox's Scottish origins and his pro-Spanish tendencies, Knowler, *Strafford's Letters*, ii, 47 (Conway to Wentworth, 22 January 1636/7). Lennox was described as the chief patron of Henry Percy, the earl of Northumberland's brother, *Ibid*, ii, 363 (Conway to Wentworth, 20 January 1634/5).

[39] Lennox was assisted by his future mother-in-law the duchess of Buckingham, *CSPV 1632–36*, 223. It was rumoured that Holland, Carlisle and Dorset lined up behind Laud and Coventry.

[40] *CSPV 1632–36*. Jerome, Lord Weston had been involved in the French letter affair in opposition to Holland and Goring which is consistent with the above, see chapter 4, p.79.

[41] Knowler, *Strafford's Letters*, ii, 389 (Garrard to Wentworth, 17 March 1634/5).

religious rapport as both Lennox's political connections and his marriage suggest Catholic sympathies, therefore we should perhaps view it as another example of his opposition to Laud.[42]

The Portland link partly explains why no correspondence between Hamilton and Lennox has survived between 1632 and 1637 and the fact that they were almost always together in the king's bedchamber.[43] But it is also clear that they operated within conflicting political networks in this period.[44] Lennox's marriage into the Villiers family in 1637, however, brought him closer to the marquis. Indeed, Hamilton told Traquair a few days after the wedding that he was now 'tyed in a neirer degree to be his Lo[rdshi]p['s] servant then formerly, the uhich I shall really be'.[45] Nevertheless, the duke and the marquis were never close friends, though they occasionally collaborated on Scottish matters, for example, over securing the appointment of James, Lord Almond, later earl of Callander, to the Privy Council in 1638.[46] Notwithstanding all this, both men enjoyed certain similarities in character, for as Hamilton had been described by the earl of Ancrum as 'very frendly and constant where he takes', so the earl of Carlisle had described Lennox as 'a dragon friend to him he loves'.[47]

Above all, the man who became Hamilton's main ally and political collaborator in the later 1630s was his brother and protege, Lord William Hamilton. Born on 14 December 1616, the same year his father took up residence at court, Lord William had a different upbringing from his brother James, ten years his senior. For he followed a more traditional path for the Scottish nobility, being educated at the University of Glasgow and from thence, in March 1633, he travelled to France to complete his education.[48] Interestingly, the accounts reveal that the two year stay in France was paid for by what appears to be the sale of armaments, including over 1,000 pistols, by Hamilton clients.[49] Lord William left France in May 1635 and, though he spent some time in Scotland, he eventually settled into a life at court with his brother.[50] Lord William had chambers at Wallingford

[42] Lennox apparently begged the king on his knees five times to show clemency to Williams, TNA, SP 16/363/119 (Rossingham newsletter, 13 July 1637). The entry in the CSPD mistakes Hamilton for Lennox, in fact the original clearly shows it to be the 'lord duke', *CSPD 1637*, 311. For the widespread rumours of the duke's popish inclinations reaching Scotland, Baillie, *Letters*, i, 74–5.

[43] For an example of Lennox and Hamilton together in the bedchamber with Charles, G. Albion, *Charles I and the Court of Rome* (Louvain 1933), p.240.

[44] Knowler, *Strafford's Letters*, i, 478–479 (Conway to Wentworth, 14 November 1635). In which is described a collaboration between Hamilton and Holland against Lennox 'their common enemy', prompted it seems by Lennox's amorous intentions towards the countess of Carlisle.

[45] Innerleithen, Traquair MSS, 8/2 (Hamilton to Traquair, 6 August 1637). This letter should perhaps be contrasted with Hamilton's letter to Lord Feilding the morning after the wedding, where he is clearly irritated that the celebrations went on for so long, thus denying Hamilton the opportunity to present Feilding's letter to the king: 'and this morning he [Charles] is lykly to lye so long a bed as I dou belive ther will be no tyme for him to dou anie busines sines he gooes to richmount to denner', W.R.O., Feilding of Newhnam Paddox MSS, CR 2017/C1/86 (Hamilton to Feilding, 4/14 August [1637]).

[46] Typically, Lennox had at first refused to back Hamilton's promotion of Almond, but eventually relented, NRS GD 406/1/420 (Lennox to Hamilton, 20 June 1638). They also came together to block the bishop of Ross's ambitions for lay office, see below.

[47] Innerleithen, Traquair MSS, 7/14 (Webb to Traquair, 1 August 1646). This was obviously said in retrospect by Lennox's secretary. For Ancrum's comment on Hamilton, chapter 4, p.73.

[48] G.E.C., *Complete Peerage*, vi, 263. Lord William, aged 16, was accompanied by his governor Mr Henry Maule [of Melgum ?], Lennoxlove, Hamilton MSS, TD 90/73/F1/56/1 (Account book of expenditure by Lord William Hamilton, France 10 March 1633–8 May 1635 [unfol.]). In 1634, Lord William was staying in Paris with one Benjamin Janniques, *HMC, Hamilton Supplementary*, 36–7 (Janniques to Hamilton, 17 April 1634).

[49] Lennoxlove, Hamilton MSS, TD 90/73/F1/56/1 (Account book of expenditure by Lord William Hamilton, France 10 March 1633–8 May 1635). Broomhill contributed 235 Spanish pistols, Sir John Setone, lieutenant of the French guards gave 600 pistols plus £2,721, Colonel Gunne gave £3,000 and Colonel Alexander Hamilton £300. This constituted the bulk of the charge of £13,074 which was subsequently spent during the two year stay. Some of the pistols may have come from Hamilton's former army.

[50] Lennoxlove, Hamilton MSS, TD 90/93/ F1/56/2 (Account book of expenditure by Lord William Hamilton, 28 July 1635–12 April 1636). Places mentioned in the accounts include Bagshot, Royston, Edinburgh and Haddington.

House (the marquis's London residence), his own coach, servants and, like his brother, spent a large amount of his income on clothes.[51] Hamilton applied to his mother to contribute towards Lord William's fortune and must have been disappointed when she offered only £20,000 Scots.[52]

An opening at court came in early 1637 on the establishment of young Prince Charles's household, and Lord William was made master of the horse.[53] In the absence of a secure fortune, he was married on 26 May 1638 to a rich heiress, Elizabeth Maxwell, daughter of James Maxwell (later earl of Dirleton), gentleman of the king's Bedchamber.[54] A royal pension of 4,000 merks a year followed a month later.[55] After nearly being made earl of Roseberrie in 1638 (Charles signed the patent, then tore it in disgust, at the dowager marchioness's Covenanting activities),[56] Lord William was created on 31 March 1639, earl of Lanark, Lord Machanshire and Polmont.[57] A year later, on the death of the earl of Stirling, Lanark was made secretary of state for Scotland at court,[58] sat in the Short Parliament as MP for Portsmouth and was made an English privy councillor.[59] Hamilton's guiding hand is evident throughout Lanark's rise,[60] and, as secretary of state, Lanark probably continued to live with his brother at Wallingford House.[61]

At the opposite end of the Island, Hamilton's contacts in the administration in Edinburgh, that is, the Privy Council and Exchequer, were, in order of importance: Sir John Hamilton of Orbiston; Thomas, 1st earl of Haddington, lord privy seal until 1637; Robert, earl of Roxburgh, lord privy seal from 1637; William, 6th earl of Morton lord treasurer (1630–36); John, 1st earl of Traquair, deputy treasurer and lord treasurer from 1636; David, 1st earl of Southesk; John, 1st earl of Lauderdale; Sir James Galloway, master of requests; and Sir Thomas Hope, lord advocate. There are problems in placing some individuals either in London or Edinburgh, for some, such as Morton, Roxburgh and perhaps even Traquair, split their time between the two places. Yet the fact that we can list those who worked with Hamilton does not mean that relations were never strained. The gradient

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See also, NRS GD 406/1/9660; GD 406/1/408 (Anna Cunningham, dowager duchess of Hamilton to Hamilton, [n.d., 1636–37?]).

51 Lennoxlove, Hamilton MSS, TD 90/93/ F1/56/2 (Account book of expenditure by Lord William Hamilton, 17 September 1637–30 September 1638). Lord William spent a particularly large amount of money on masking suites. Most of Lord William's income came from Hamilton's merchants, chamberlains of the Scottish estates and other Hamiltonian men of business.

52 NRS GD 406/1/408 (Anna Cunningham, dowager duchess of Hamilton to Hamilton, [n.d., 1636–37?]). The duchess offered many excuses for the low amount. Lord William appears to have been short of money, GD 406/1/8338 (Lord William to 'Master [Patrick] Wood', 26 May 1636) in which he asks for a loan of £25. Wood was a prominent Scottish merchant.

53 Knowler, *Strafford Letters*, ii, 148 (Garrard to Wentworth, 7 February 1637).

54 See above, note 6.

55 NRS GD 406/M9/50 (Letter of grant, 26 June 1638).

56 Apparently Charles was so angry that the dowager marchioness of Hamilton had mobilised the Hamilton estates in support of the Covenanters that when the patent was passed to him he signed it then tore it, Baillie, *Letters*, i, 98. The patent survives and has a six inch tear running through the king's signature towards the middle of the letter, NRS GD 406/1/6598 (letter patent creating Lord William, earl of Roseberrie, [n.d., 1639]).

57 G.E.C., *Complete Peerage*, vi, 263.

58 NRS GD 406/L2/153 (Letter under great seal, 15 March 1639/40). There is also an undated warrant, probably from 1640, appointing Lanark sole secretary, GD 406/M 9/318. Lanark's former governor, Harry Maule, became keeper of the king's signet under Lanark, NRS GD 406/M9/28/11. Lanark's secretary was John Squire, Thompson, *Diary of Hope*, p.156.

59 G.E.C., *Complete Peerage*, vi, 263. See also chapter 4, p.71.

60 For example, in April 1639, Charles wrote to Hamilton 'for your Brother, certainelie if you had forgotten him, I should not, but have remembred my oweld engagements', NRS GD 406/1/10531 (Charles to Hamilton, 2 April 1639).

61 On 24 October 1637, letters from Scotland were brought to Lord William to his chamber at Wallingford House. On 26 June 1638 Lord William had 'matting ' and 'hangings' put into his chamber, suggesting permanence, Lennoxlove, Hamilton MSS, TD 90/93/F1/56/3 (Account book by Henry Maule for Lord William Hamilton, 17 September 1637–30 September 1638). James Maxwell began contributing money to Lord William about the beginning of 1639, Hamilton MSS, Lennoxlove, TD 90/93/F1/56/4, 5, 6 (Account books by Henry Maule for Lord William Hamilton, 1638–1640).

of personal affinity is something which must be particularly emphasised in Scottish politics. The kinship/client relationship between Orbiston and Hamilton was on the opposite end of the scale to that between Hope and Hamilton. Pressure could break both, but much more would be needed to break the former than the latter.

Hamilton's relationship with Traquair is a case in point. The bulk of the surviving evidence allows us to build up a strong case for seeing these two key men working closely together on numerous projects, including the redrafting of Hamilton's taxation contract in 1633–34,[62] the civil disorder problem in Aberdeen in 1635–36,[63] and the English breaches of the Anglo-Scottish salt agreement in 1637.[64] The Hamilton/Traquair pipeline between 1633 and 1637 was a key element in the operation of Scottish government.[65] We shall see also that they formed a formidable double-act between 1638 and 1639 when, pursuing a policy of damage limitation to the Scottish crown, they stopped the troubles spinning more out of control than they did.[66] Above all, this supports a neat package of alliance between the two most pragmatic, business-like politicians in Charles's Scottish government. And to a large degree, most of the Hamilton/Traquair correspondence points in that direction.[67] Yet when we turn to other evidence we hit a brick wall. Lennox and, as a back-up, Ancram, were probably Traquair's main Scottish patrons at court. Laud was also favourably disposed to Traquair, and though it is easier to view the Scottish episcopate as the sole agents of Laud's involvement north of the Tweed, he also interfered via Traquair.[68]

Let us muddy the water even further. Hamilton appears not to have been particularly close to Laud, Weston nor Lennox but he worked closely with Traquair and relied on Will Murray. However, a lot of people relied on Murray, and Traquair seems to have been another, as the following letter from Murray to Traquair in January 1637 illustrates:

> Some few dayes after your departure hence I moved the Marquis upon a fayre oportunity to second some generalls in your behalf wch he not only refused but told me playnly your carriage in my L[ord] Murrays busines had beene suche to him ase obliged him rather to the contrary, this hath forced me since to take my owne times wch I dare say have beene so seasonable you shall neede no greate mans assistance towards the attaining any reasonable demaund, My Lord Amount [Almond] hath desired my recommendation to you wch being a man of honour & so muche my friend I could not deny.[69]

Perhaps Lennox was not at court on this occasion and Hamilton was asked to fill the gap. Or perhaps Lennox and Traquair had fallen out over some unknown business similar to that which had temporarily driven a wedge between Hamilton and Traquair. Shuffle the cards again and a year later we have Hamilton, Murray and Lennox all pushing to have Almond appointed to the Scottish

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[62] See below.

[63] NRS GD 406/1/984 (Traquair to Hamilton, 13 August 1635); GD 406/1/345 (Privy Council [Scotland] to Charles I, 2 December 1636) and below.

[64] NRS GD 406/1/357 (Traquair to Hamilton, 3 January 1636/7).

[65] See for example, NRS GD 406/1/777 (Traquair to Hamilton, 31 May [1633]) and below.

[66] See chapter 6, *passim*.

[67] For one of the best examples of this case where each of the key issues in Scottish government are discussed showing a high degree of collaboration, NRS GD 406/1/1012 (Traquair to Hamilton, [July (before 23 of) 1637]). For the possible reply, Innerleithen, Traquair MSS, 8/2 (Hamilton to Traquair, 6 August 1637).

[68] See for example, Innerleithen, Traquair MSS, 12/5 (Laud to Traquair, 6 April 1634) in which Laud gives Traquair 'hearty thankes for ye Bishops, and some other grave divines that are made Justices of the Peace'. In another letter, Laud comments on the Balmerino case, the disorders in the highlands, the earl of Antrim's ambitions in Kintyre and lastly, he thanks Traquair for assisting the bishop and deane of Edinburgh 'wth theire Houses', *Ibid*, 11/18 (Laud to Traquair, 14 March 1634[?5]); *Ibid*, 12/9 (Laud to Traquair, [? January 1636]).

[69] Innerleithen, Traquair MSS, 12/8 (Murray to Traquair, 18 January 1636[/7?]). The most recent case the earl of Murray was involved in was a dispute between him and James Home, *Ibid*, 11/22 (Morton to Traquair, [?] January 1636[/7?]).

Privy Council.[70] Therefore it is with these pitfalls in mind that we discuss the relationship between individuals in Scottish affairs, relationships which were strained further by absentee monarchy, hereditary feuds and the general cut and thrust of Scottish politics. And this was before the new prayer book had arrived in Edinburgh.

II

When Hamilton returned from Germany in November 1632 a political scandal was brewing in Scotland, which would see Charles's chief minister in Edinburgh toppled. It was one of the marquis's first political acts on returning from Germany to acquiesce in the fall of Menteith. It remains unclear why William Graham, 7th earl of Menteith, president of the Privy Council and justice general of Scotland, started rummaging around in his charter chest, though it was a common preoccupation in the wake of the revocation scheme. As a result, between 1630 and 1631, he persuaded the king to change his title from Menteith to Strathearn in recognition of his descent from Euphemia Ross, Robert II's second wife.[71] The problem was that the children of Elizabeth Mure, Robert II's first wife, from whom Charles I was descended, were born out of wedlock, though legitimised by the pope and parliament. Needless to say, the succession through Elizabeth Mure was secure, but it was a delicate matter and Menteith's motives were open to misinterpretation. Unable to resist the temptation, a phalanx of ill-wishers emerged including Sir John Scot of Scotstarvet, director of Chancery, Archibald Acheson, secretary of state in Edinburgh, and Sir James Skene of Curriehall, president of the College of Justice. Crucially, Traquair eventually joined this group and permission was secured in May 1633 for a committee to be set up to investigate allegations that Menteith boasted he had a right to the Scottish crown. Hamilton has never been convincingly linked with Menteith's demise, though given his proximity to the crown, it would have been in his own interest to uphold the Stuart line.[72]

Hamilton's part in Menteith's fall illustrates the essence of his political craft. It was others that forwarded the charges and investigated the treasonous allegations, while Hamilton passed the information to the king.[73] The committee considered the case at the same time the king was on his slow progress to Edinburgh for his coronation.[74] The earl of Morton was Hamilton's main contact in the committee in Edinburgh. Morton became convinced of Menteith's guilt[75] and while Hamilton was

[70] See above and for Murray's involvement, NRS GD 406/1/421 (Murray to Hamilton, 21 June 1638).

[71] The genealogical origins are outlined in M. Lee jr, *The Road to Revolution: Scotland under Charles I, 1625–37* (Urbana 1985), pp.119–121. See also, *Complete Peerage*, viii, 659–675, esp. 673–675. Charles I was descended from the children of Robert II's first marriage. The rough narrative on which this paragraph is based is drawn from Lee, *Road to Revolution*, pp.119–125; A. I. MacInnes, *Charles I and the Making of the Covenanting Movement* (Edinburgh 1991), pp.82–84.

[72] A few hostile contemporary accounts later linked Hamilton with it just as they linked him with every other political intrigue. A hostile English pamphleteer in 1641 implicated Hamilton, Gardiner, *Hamilton Papers*, 257. A footnote in Lee, *Road to Revolution*, p.144 note 6 mentions Peter Heylin's claim that Hamilton was involved in Menteith's fall, Peter Heylin, *Cyprianus Anglicus* (London 1671), pp.347–51.

[73] NRS GD 406/1/777 (Traquair to Hamilton, 31 May [1633]). This is another excellent example of the Hamilton/Traquair pipeline which operated during the thirties. Hamilton's mother, the dowager marchioness, was apparently to be called as a witness, but Traquair thought that she would be reluctant to give evidence. However Traquair's father-in-law David, Lord Carnegie (later earl of Southesk) had already deponed that he clearly heard Menteith speaking the words. I would hope at some point in the future to do something on Menteith's fall.

[74] The king's letter and commission to investigate the affair was dated 1 May and the committeee sent the depositions to court on 21 May, Innerleithen, Traquair MSS, 11/15 (Dupplin, Morton, archbishop of Glasgow, Haddington, Lauderdail, Viscount Ayr and Sir John Hay to Charles I, 21 May 1633). For more detail on the case, Innerleithen, Traquair MSS, 29/11–31.

[75] NLS, Morton Papers MS 79/24 (Morton to Hamilton, 13 May 1633); *Ibid*, 79/20 (Morton to Hamilton, 21 May 1633); *Ibid*, 79/21 (Morton to Hamilton, 31 May 1633). Sir James Skene was called to give evidence before the committee and sent an account to Hamilton, NRS GD 406/1/253 (30 May 1633).

more circumspect than his friend, he nevertheless allowed the minister to fall.[76] The marquis cautioned Morton not to get carried away, however, and suggested, 'I think pardouns is most estmed (or att leaist ought tou be) efter legall conviktioun.'[77] Menteith was confined to his house during the king's visit and in October was found guilty as charged, consequently being stripped of his offices and pension a month later.[78] Hamilton later procured and administered £4,000 of a £10,000 grant to repay the expenses which Mentieth had incurred while in royal service.[79] Throughout the 1630s Menteith, by then earl of Airth, considered Hamilton one of his greatest friends in the Scottish administration.[80] Three points are worthy of note from all this. First, Hamilton did not lift a finger to help Menteith until after he was removed from office; second, the vacuum left by Menteith was filled by Hamilton and Traquair; third, Hamilton largely worked behind the scenes in the whole affair and although he let Menteith fall he retained his goodwill.

As Charles approached Edinburgh in the summer of 1633, Hamilton was in a secure position, liaising with the Menteith committee and, in consultation with Traquair, brokering the scramble for honours anticipated during the visit.[81] Inevitably, Hamilton was prominent throughout the king's time in Edinburgh. In the state entry into Edinburgh on 15 June 1633, Hamilton, emblematically, rode just behind the king, with the Scottish contingent in front of them and the English behind.[82] That was the pattern for the rest of the visit although he played no formal role in the coronation ceremony on 18 June.[83] Hamilton's position as the most important Scot at court was underlined when the king named him as one of the lords of articles and as collector general of the taxations granted in parliament. For Hamilton this meant a guarantee of financial security and a prominent part in the administration of the Exchequer.[84] What it led to indirectly was a series of complicated political manoeuvrings which culminated in the eclipse of George Hay, 1st earl of Kinnoul, lord chancellor.

The key to unlocking this affair is the former crown lawyer William Haig. He is best remembered as the man who penned the Supplication (which was never presented) to the king by the discontented element in parliament in 1633 against the methods used to have legislation passed en bloc without consultation.[85] However, we are more interested in Haig as the expert on Scottish

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[76] NLS, Morton Papers MS 79/20 (Morton to Hamilton, 21 May 1633).

[77] NLS, Morton Papers MS 79/87 (Hamilton to Morton, 25 May 1633). In July Charles assured Airth of his 'lyf and fofaitour' if he made a satisfactory confession, Innerleithen, Traquair MSS, 29/30 (Statement by Charles I [in Traquair's hand, signed by the king], 14 July 1633).

[78] C. Rogers, ed., *The Earl of Stirling's Register of Royal Letters Relative to the Affairs of Scotland and Nova Scotia from 1615–1635* (2 vols, Edinburgh 1885), ii, 680–681 (Charles I to Chancellor Kinnoul, 6 October 1633); Innerleithen, Traquair MSS, 29/15 (Traquair to Charles I, [23 October 1633]). At the Privy Council meeting on 8 November Menteith was stripped of all offices, pensions and honours and confined to his house, *RPCS, 2nd series, 1633–35*, 139–141. Hamilton was in Edinburgh, but did not attend the meeting, though he was present the day before when he presented the letter for his kinsman, Lord Binning, to be admitted to the council, *Ibid*, 137–139.

[79] NRS GD 406/1/281 (Airth to Hamilton, 6 February 1633/4); GD 406/1/391 (Airth to Hamilton, 6 October 1637). The total royal grant of £10,000 to Airth is outlined in NRS GD 406/F1/118/3 (Precept for earl of Airth, 4 July 1635).

[80] *Ibid*; NRS GD 406/1/413 (Airth to Hamilton, 19 January 1637/8). As well as dolling money out to Airth, Hamilton also had the confinement order lifted, probably in late 1637.

[81] NLS, Morton Papers MS 79/20 (Morton to Hamilton, 21 May 1633); *Ibid*, 79/87 (Hamilton to Morton, 25 May 1633); *Ibid*, 79/88 (Hamilton to Morton, 26 May 1633).

[82] Balfour, *Historical Works*, iv, 354–356.

[83] For the articles, *Ibid*, 381–382. For an interesting discussion of the wider political implications of the coronation see, J. Morrill, 'The National Covenant in Its British Context' in Morrill, ed., *The Scottish National Covenant*, pp.2–4. For a detailed narrative of the coronation, John, 3rd marquess of Bute, *Scottish Coronations* (London, 1902), pp.63–189. As master of the horse, Hamilton was prominent in the procession to Holyrood, but, unlike Charles's coronation in England when he carried the sword, he performed no role in the ceremony.

[84] See section III of this chapter for a study of Hamilton's efforts as a tax collector.

[85] For a discussion of the Supplication see, MacInnes, *Covenanting Movement*, pp.135–138.

fiscal matters, desperate to have Hamilton make him clerk of the taxation.[86] Through a number of intermediaries, Haig tried to entice Hamilton with a veiled promise that he could increase the tax revenue by a third,[87] and with revelations that Haig's enemy, chancellor Kinnoul, the collector for the taxation of 1630, had stopped Hamilton's commission for the new taxation at the great seal.[88] On 16 December 1633, after receiving permission from the king, Hamilton called Haig before the Privy Council to reveal his proposal for the taxation. In the end, Haig's scheme, that the sheriffs should gather in the taxes, was rejected as wholly impractical.[89] Thus Haig was discredited long before it became known in the spring of 1634 that he penned the aforementioned Supplication against the king's parliamentary tactics.[90] Nevertheless, his suggestions on 'tempeiring' the chancellor's power were probably employed by the marquis.[91]

Kinnoul's opposition affords us a clear view of those who supported Hamilton in the Scottish administration. Hamilton's main backers were a mixture of the old and new: the earls of Traquair, Haddington, Southesk, Sir Patrick Hepburne, Sir John Hamilton of Orbiston, Sir Thomas Hope and Sir Lewis Stewart.[92] The tactics used were simple. First, in late 1633 a commission was set up to investigate the chancellor's taxation accounts, and second, in April 1634 a new commission for Hamilton's extraordinary taxation was drawn up.[93] Both actions were a threat to the chancellor's authority, and in desperation he travelled to court in late 1634 to present his own accounts and his version of events to the king.[94] The reception this 'ald cankered gootishe man' got at court is not recorded but it is perhaps significant that he died of apoplexy in London on 16 December 1634.[95] However, Kinnoul's demise benefited the clergy not the laity, as Charles quickly confirmed John Spottiswood, archbishop of St. Andrews, as the new lord chancellor.[96] Thus, within eighteen months the two most important figures in the Scottish government were replaced by a layman and a cleric.

Throughout his career at court Hamilton received a steady stream of requests for intercession with the absentee king. For example in July 1629 the Scottish bishops asked him to assist the commissioner they had sent to secure the king's approval of the acts of their convention.[97] In late 1633 and 1634 Hamilton was petitioned by his mother, the dowager marchioness, the earl of Wemyss and Alexander Bruce to oppose the increased levy on coal exported from the Forth.[98] In

[86] NRS GD 406/1/256 (Haig to Hamilton, 15 July, 1633). As a crown lawyer, Haig had been commissioned to investigate abuses in tax collection though his findings were eventually shelved by the Privy Council under pressure from Chancellor Hay (Kinnoul), MacInnes, *Covenanting Movement*, p.150, note 24.

[87] NRS GD 406/2/F1/53/15 ('Noate of sum particulars to be considdered by my lo. marquis in the matter of taxations', [July 1633]); GD 406/2/F1/53/17 (endorsed 'hages ansuers', [July 1633 ?]).

[88] Haig used Hamilton's kinsman the 1st Lord Binning, later 2nd earl of Haddington, and Sir Alexander Gibson of Durie, NRS GD 406/1/255 (Haig to Hamilton, 23 July 1633). See also NRS GD 406/1/256 (Haig to Hamilton, 15 July 1633).

[89] NRS GD 406/F1/53/20 ('Nott of that quhilk wee doune toutching Master haig 16 december 1633'); NRS GD 406/1/723 (Hamilton's Journal, 6 November-16 January [1633–1634]), p.12, entry for 16 December.

[90] *HMC, 9th Report*, (Traquair), 262, no.288(1) Deposition by Lord Balmerino, 9 June 1634; MacInnes, *Covenanting Movement*, p.137.

[91] NRS GD 406/1/255; NRS GD 406/1/258 (Haig to Hamilton, 26 August 1633).

[92] NRS GD 406/1/285 (Hepburne to Hamilton, 4 April 1634); NRS GD 406/1/998.

[93] NRS GD 406/1/998 (Traquair to Hamilton, 21 November 1633); NRS GD 406/1/285.

[94] NRS GD 406/1/998.

[95] *DNB*, xxv, 260. The king had called Kinnoul an 'ald cankered gootishe man' on his recent visit to Scotland.

[96] Lee, *Road to Revolution*, p.154–155. Spottiswood had been after the chancellorship for a number of years, *Ibid*, p.32.

[97] NRS GD 406/1/240 (archbishop of St Andrews and seven bishops to Hamilton, 28 July 1629). The bishops prefaced the request thus, 'Wee have understood by the Bishop of Rosse the forward and constant affection yor l[ordshi]p hath shewed for the treuth of God and the maintaining of the same against the adversaries.' Perhaps significantly, no further requests of this type from the Scottish episcopate, either as a group or individually, have survived in the Hamilton papers prior to the troubles.

[98] The levy was to be increased from one to six shillings per chalder. Interestingly, Charles did not consult the Privy Council on how much the levy should be raised by, but only instructed them to execute it. The petitioners also reminded Hamilton that he had a personal interest therein, NRS GD 406/1/11139 (Wemyss to Hamilton, 6 March

the same year both the lords of Session and the provost and baillies of Edinburgh asked Hamilton to smooth the way for their commissioners at court.[99] The marquis of Huntly solicited Hamilton's aid in March 1635 following his revenge against the Crichtons over the death of his son John, Lord Melgum, in the burning of Frendraught.[100] And there were the perennial requests for Hamilton to secure payment of pensions or fees owed by the Scottish king. The Calvinist lord advocate, Sir Thomas Hope of Craighall, and the Catholic lord high constable of Scotland (and justice-general at Balmerino's trial) William, 10th earl of Erroll, were two amongst the many who tried to get payment through Hamilton's mediation.[101]

In other ways too Hamilton was perceived as one of the main conduits at court through which royal patronage could flow. Sir Thomas Hope's aspirations were not untypical. As well as using Hamilton to help secure his pension arrears, Hope sought help to promote his family and protect his position in the Scottish administration. Of equal significance was the fact that Hope not only targeted Hamilton, but most of the other Scots at court.[102] Naturally, there was a pecking order. In February 1634, for example, Hope sent a breviate of the proceedings in the justice court against Lord Balmerino to the king via Patrick Maule of Panmure who was also instructed to show the papers to Hamilton, Roxburgh and Stirling.[103] Panmure, a gentleman of the Bedchamber, was Hope's main supporter at court, but for the bigger things it seemed that Hamilton had to be involved.[104] One of Hope's fondest ambitions was to have one of his sons, Alexander, employed at court.[105] The campaign began on 31 December 1633 when Hamilton, in Edinburgh, permitted Alexander to carry some taxation letters to court and present them to the king.[106] For the next year the advocate's son got his face known around court by delivering letters while Hamilton waited for an opening.[107] In early December 1634, Alexander was sworn in as an extraordinary carver.[108] The move to have him made an ordinary carver took another two years and there was competition from the lord chamberlain, the earl of Pembroke, who backed Mungo Murray. In the end Alexander got the place[109] through a combination of Hamilton's influence and a payment of £150 to Pembroke's secretary who then persuaded his master to drop the Murray suit.[110]

1633/4); GD 406/1/11138 (Bruce to Hamilton, 6 March 1633/4). The request from his mother was referred to in another letter asking him to oppose the levy, NRS GD 406/1/278 (Alexander [Bruce] to Hamilton, 11 November [1633?]).

99 NRS GD 406/1/284 (earl of Haddington to Hamilton, 12 March 1633/4); GD 406/1/286 (provost and baillies of Edinburgh to Hamilton, 1 April 1634).

100 NRS GD 406/1/324 (Huntly to Hamilton, 7 March 1634/5). The investigation into the Frendraught affair can be followed in *RPCS, 2nd series, 1630–32, Ibid, 1633–35 passim*. See also *DNB*, xii, 189.

101 NRS GD 406/1/262 (Hope to Hamilton, 31 December 1633); GD 406/1/295 (Hope to Hamilton, 29 August 1634); Thompson, *Diary of Hope*, p.15. The earl of Erroll petitioned Hamilton from his deathbed, GD 406/1/346 (Erroll to Hamilton, 15 December 1636), and the earl's wife kept up the pressure after Erroll died. GD 406/1/362 (Anna Lyone, countess of Erroll to Hamilton, 8 February 1636/7). For similar requests from others see above note 15 (Galloway) and GD 406/1/281 (earl of Airth to Hamilton, 6 February 1633/4).

102 Thompson, *Diary of Hope*, p.14.

103 Thompson, *Diary of Hope*, p.17. For another example, *Ibid*, 13.

104 Hope quite literally involved Panmure in just about every communication he made to the court, Thompson, *Diary of Hope*, *passim*.

105 This can be followed through, Thompson, *Diary of Hope*, *passim* and below.

106 NRS GD 406/1/262 (Hope to [Hamilton], 31 December 1633). A letter of the same date from Hope to Charles praised Hamilton's skill as a tax collector and asked that Alexander be taken into royal service, GD 406/1/261.

107 NRS GD 406/1/295 (Hope to Hamilton, 29 August 1634); Thompson, *Diary of Hope*, *passim*. See also, GD 406/1/294 (Hope to Hamilton, 24 August 1634).

108 Thompson, *Diary of Hope*, p. 16, 'Item, that my sone at Windsor wes sworn be his maiestie in extraordinar carver'.

109 Diary entry, 23 September 1636, 'Memo-This day, at Windsor, my sone sworne ordiner carver to his sacred Maj, in place of Mr. John Cokburn.', Thompson, *Diary of Hope*, p.47.

110 NRS GD 406/1/344 (Hope to Hamilton, 3 September 1636); Thompson, *Diary of Hope*, pp.45–46, 49. Alexander went on to a pension of £200, a knighthood and a marriage to Anna Bell, *Ibid*, pp.143, 155, 181.

On a different tack, Hamilton also helped to apply ointment to the abrasive wranglings within the Scottish administration in Edinburgh. A feature of Scottish politics during the 1630s was the frostiness between the laity and the prelates. Yet there were also divisions within the laity, seen most clearly in the long running antagonism between the lord treasurer and the lord advocate.[111] The lord advocate's diary is littered with pithy comments concerning clashes with Traquair over pension arrears and cases in the Privy Council.[112] On 1 August 1636 Hamilton and Panmure arrived in Edinburgh, and that night Panmure brought Traquair and Hope together and the differences were settled.[113] It did not last, however, for by the end of the year Hope petitioned Hamilton, Roxburgh and Panmure to look into rumours that Traquair had asked the king to have him replaced.[114] In his letter to Hamilton, the advocate enclosed a note, presumably containing some dirt on Traquair, for which he begged 'silente and secretie for to reseit … of this kynd is nott a cryme not espiabill'.[115] Hamilton was involved to an even greater degree in another long running, though less acrimonious, dispute between Thomas, 2nd earl of Haddington, and the earl of Roxburgh, concerning the fate of the incumbent writers to the privy seal following Roxburgh's succession to the office on the death of Haddington's father.[116]

So far this examination of Hamilton's Scottish dimension has highlighted some important points. First, the marquis was willing to listen to and to aid individuals across the political spectrum. John Campbell, Lord Loudoun, thanked Hamilton in May 1633 as 'the first and only procurer' of Loudoun's patent to be an earl.[117] As a cautioner for the earl of Airth's estate, Loudoun was also able to secure Hamilton's aid to have the legal protection on the estate lifted so as to enable Loudoun and Airth's other debtors to receive satisfaction.[118] As usual, Hamilton tried to strike a balance, and it is in this context that we should view his procuring of £4,000 for Airth, thereby allowing Loudoun, and probably another cautioner (Lord Lorne),[119] to get some payment without ruining Airth's estate. Hamilton was also friendly enough with Lorne to sell him his lands in Kintyre in December 1633 for 50,000 merks.[120] Second, Hamilton worked with subtlety, as with the fall of Menteith. He put a distance between himself and those filing the charges, but nevertheless allowed it to happen. Yet if someone proved an obvious enemy – such as the ageing earl of Kinnoul – Hamilton could adopt a defiant pose and marshal his supporters. In general, then, we have a picture of Hamilton as someone who, as Lord Feilding's chaplain observed, carried himself 'evenly'.[121]

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[111] In October 1634, Charles insisted that Hope confer with Traquair in Session, Council and Exchequer before sending papers to court, Innerleithen, Traquair MSS, 3/45 (Charles to Hope, [ ] October 1634). For a similar order a few years later, Innerleithen, Traquair MSS, 4/78 (Charles to Hope, 17 May 1637).

[112] See for example, Thompson, *Diary of Hope*, pp.11–13, 17–18, 23, 26–27 and below.

[113] *Ibid*, 45–46. Panmure brought the two parties together but Hamilton was certainly aware of the animosity and Panmure may have been working to Hamilton's brief, though it is difficult to prove. The earl of Southesk was also involved, *Ibid*.

[114] Thompson, *Diary of Hope*, pp.51–52.

[115] NRS GD 406/1/348 (Hope to Hamilton, 27 December 1636). Hope described Hamilton as his 'anchor in tyme of stormes'. Chancellor Spottiswood intervened in January 1637 after another clash in council, in a desire to keep it from the king, Innerleithen, Traquair MSS, 11/34 (Chancellor to Traquair, 27 January 1636/7). The acrimony continued, however, and Southesk and Sir James Carmichael (treasurer depute) supervised another meeting between the two on 3 April 1637, Thompson, *Diary of Hope*, pp.54–58.

[116] NRS GD 406/1/732 (Charles to Hamilton, 25 May 1638).

[117] NRS GD 406/1/252 (Loudoun to Hamilton, 27 May 1633). It was a delayed patent, however, and, because of Loudoun's support of Rothes and the discontented group in parliament, he did not become a full earl until 1641.

[118] NRS GD 406/1/305 (Loudoun to Hamilton, 13 March 1634/5); NRS GD 406/1/302 (Loudoun to Hamilton, 31 January 1635/6).

[119] NRS GD 406/1/302. It was Lorne who was on his way to court to press Loudoun's (a Campbell kinsman), and probably Lorne's, case to have the protection lifted.

[120] NRS GD 406/1/723 (Hamilton's Journal, 6 November-16 January [1633–1634]), p.13.

[121] See chapter 4, p.73.

The decision of the covenanter leadership to address letters to Lennox, Hamilton and Morton, 'being the most eminent of this nation, and by whose mediation as true Patriots we expect much good', after the Privy Council in Edinburgh had failed to meet their needs, illustrated whom the political nation perceived to occupy the top tier in the Scottish king's counsels at court.[122] The final sentence of a similar letter of April 1638 encapsulated the tensions inherent in absentee monarchy: 'Being confident that your L[ordshi]ps will be no less then your interests to share in all these goodes so heartlie wished to you by us'.[123] Yet though the Covenanters hit the mark when they targeted this trio, they simplified the arrangement at court in relation to the formulation and execution of Scottish policy – and it is to an examination of that puzzle that we must now turn.

III

On 10 July 1638 the lord deputy of Ireland wrote to the lord admiral of England expressing his views on the troubles in Scotland. To Wentworth 'the gallant Gospellers' in Edinburgh highlighted the dangerous consequences of the method of Stuart rule towards Scotland:

> Again it is more dangerous, because it falls upon us unexpected, which hath been in great Part occasioned by that unhappy Principle of State, practised as well by his Majesty as by his blessed Father, of keeping secret and distinct all the Affairs and constitution of that Crown from the Privity and knowledge of the Council of England, in so much as no Man was intrusted or knew anything, but those of their own Nation, which was in effect to continue them two kingdoms still.[124]

Ten years earlier Hamilton had written from Scotland to his father-in-law, the earl of Denbigh, in England telling of a conversation held with the earl of Morton that afternoon:

> he tould me that at tibouls my Lo: Duck [duke] tould him that the king that is with god meant to heave ane parlament in Scotland and ment to mak him his visroy.[125]

It seems clear that Hamilton did not mean that Buckingham would be a viceroy on the Elizabethan Irish model, but that James intended him to be his commissioner in the projected Scottish parliament.[126] Either way, Wentworth would have approved, yet whether Hamilton or indeed Charles would have been as enthusiastic is highly unlikely. When looked at separately the above statements are misleading; when put together they sum up early Stuart policy towards Scotland. Wentworth was wrong to say that no Englishmen had a say in Scottish affairs for clearly Buckingham and later Laud did. But these were only two, and Laud was concerned primarily with ecclesiastical matters, at least until 1638.

The English Privy Council, as Wentworth rightly pointed out, had no remit to discuss Scottish affairs; it had about six Scottish members who we have seen formed a marginal group and, like

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[122] NLS, Morton MSS 80/80 (Covenanter Lords to Lennox, Hamilton and Morton, 13 March 1637/8).

[123] NRS GD 406/1/522 (Montrose, Rothes and Cassilis to Lennox, Hamilton and Morton, 28 April 1638). Has ever so much been said in so few words?

[124] Knowler, *Strafford's Letters*, ii, 190 (Wentworth to Northumberland, 30 July 1638).

[125] W.R.O., Feilding of Newnham Paddox MSS, CR 2017/C1/55 (Hamilton to Denbigh, [late 1627 or early 1628]). It is difficult to tell from the letter whether Hamilton approved or disapproved.

[126] *Ibid.* This letter is ambiguous, because Hamilton continues the letter, 'with all he [Buckingham] said that he woold be willing to doue This king all the searvis that he could bot he wood [sheurlie] be for he shuld be imploit to geat monie to me by that meins for he kneu tou weill hou much he [afirt ?] my father had gottin by that meins'. This suggests that James intended Buckingham to be his commissioner, like Hamilton's father had been in 1621, rather than viceroy.

the nine Englishmen on the Scottish Privy Council, were merely 'British' window dressing.[127] The Scots at court certainly took a greater part in English affairs than the English did in Scottish affairs. Crucially however, after Buckingham's death the area where an Englishman did meddle, domestic religion, was the area where the Scots regarded themselves as having a purer product compared with their larger southern neighbour. David Calderwood spoke for many when he positioned his country's Reformed religion in a global context:

> Scotland was never comparable in wealth and worldly honours to many other Nations. The Evangel was the Crown of her glorie, & set this Realme above all the Nations and Kingdoms of the Earth … [128]

Laud could joke to Wentworth about the amount of time he spent in ordering ecclesiastical affairs north of the Tweed, but it was something the Scots did not find amusing.[129] Laud aside, the burden of Scottish affairs during Charles's reign fell on the shoulders of Scotsmen based at court and in Edinburgh.

What most obviously strikes one is the fact that Charles, king of Scotland, lived in England and only visited his northern kingdom twice during his reign, in 1633 and 1641, and in between visits he twice tried to invade it. Just as there was some tension in this record, so there was in the system of rule favoured by Charles I. Following the union of the crowns there was very little institutional change to the Scottish system of government to deal with the added strain of absentee monarchy. The Privy Council remained in Edinburgh where an inner core, the cabinet council, may have steered policy.[130] By contrast, the Scottish court became a wing of the British king's retinue, only partly integrated into the larger household and even less into the institutions of English government.

The formulation of Scottish policy at court lacked an institutional base or a formal record. We cannot even say with certainty where meetings on Scottish affairs were held and who attended them. On 13 April 1633, at short notice, the king decided to hear an acrimonious case between the earl of Holland and Jerome, Lord Weston, in the English Privy Council. Because there was no prior warning, some interested parties were caught off guard and arrived at the meeting late. Hamilton was one of the latecomers and, revealingly, arrived with the earls of Morton and Strathearn.[131] At that time Morton (lord treasurer) and Strathearn (president of the Privy Council) were the two most important laymen in Scottish affairs. Similarly, later in the 1630s there are examples of Hamilton, Morton and, by this time, Traquair, signing the same English Privy Council letters and attending the same meetings.[132] With more certainty, we can say that Laud and the Scottish

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[127] For the Scots on the English Council, see chapter 4, p.90. The nine Englishmen were sworn of the Scots counsel during the king's visit in 1633. They were the earls of Portland, Arundel, Pembroke, Salisbury, Holland, Suffolk; and Laud, Sir Henry Vane and Sir John Coke, *RPCS, 2nd series, 1633–35*, p.vi.

[128] David Calderwood, *The True History of the Church of Scotland* (Edinburgh, 1678), p.534. For the Covenanter's confirmation of the elite state of the kirk, in conversation with Hamilton, Conrad Russell, 'The British Problem and the English Civil War,' *History*, vol.72, 1987, p.405.

[129] 'I was fain to write nine letters yesterday into Scotland. I think you have a Plot to see, whether I will be Universalis Episcopus, that you and your Brethren may take occasion to call me Anti-Christ.' Knowler, *Strafford's Letters*, i, 271 (Laud to Wentworth, 3 July 1634).

[130] In 1621, Calderwood talked of a group of councillors who met to formulate policy before each parliament day, 'The Cabinet Council met daily in the Abbey, by six in the morning, and sat until nine, to dresse matters, that were to be treated among the Lords of the Articles', *The True History*, p.776. Sir Thomas Hope mentions 'the Cabinet Counsell' of which he was not a member, despite being king's advocate and a privy councillor. The cabinet counsel does not appear to have been one of the committees of the Privy Council, like for example, the Committee of the North, Thompson, *Diary of Hope*, pp.34–35.

[131] TNA, PC 2/42, p.565. Wimbledon, Falkland, Newburgh and the vice chamberlain of the household also arrived late, though the three Scots are recorded together.

[132] For meetings, TNA, PC 2/47, p.330 and other refs. For letters signed not normally on the day of council meetings, TNA, PC 2/47, p.327 (21 April 1637), PC 2/47, p.425 (18 May, 1637), PC 2/49, p.126 (25 April 1638) and other refs.

episcopate primarily dealt with ecclesiastical matters while lay matters were conducted by both the laity and the bishops in their increasingly civil employments.[133]

Charles had the reputation of being a stickler for formality so we can presume that he tabled ordinary Scottish business into his week, probably with the Scottish secretary when he was at court presenting business at set audiences.[134] Equally, however, there would have been flexibility and anyone who had the king's ear, Hamilton and Will Murray for example, could initiate Scottish matters anytime, anywhere. Thus a gradient of counsel and audience would have operated where Scottish business was discussed in the formality of the presence or withdrawing chamber, or in the more informal environment of the bedchamber.[135] Scottish ecclesiastical matters could have been conducted anywhere from the king's bedchamber to Lambeth palace. Fundamentally, the formulation of policy had an ad hoc element to it. On 12 February 1628, Charles informed Hamilton of the latest developments in the revocation, namely that he had devised 'a forme of submission, by advice of some noblemen and others interested tharein, whoe wer present at our Court for the time'.[136] The advisers in this case appear to have been the strange mix of the earl of Nithsdale, Sir James Fullarton, gentleman of the Bedchamber, Sir George Elphinstone, justice-clerk, Sir Robert MacLellan of Bombie and later Lord Ochiltree, Mr Robert Johnstone and the earl of Menteith.[137]

Historians have accorded Hamilton a prominent role in the formulation of Scottish policy at court. Clarendon recalled that Charles, from early in the Personal Rule, was 'absolutely advised' on all Scottish affairs 'by the sole counsel of the marquis of Hamilton', and Clarendon has been followed by Gardiner and others.[138] This view needs some readjustment, even from what has already been presented. Just as it is difficult to reconstruct how Scottish business was conducted at court before 1638, so it is misleading to accord Hamilton such a monopoly. The troubles catapulted Hamilton and Scotland to prominence in the politics of the three kingdoms, but we should be wary of giving that same weight to Hamilton in Scottish affairs before 1638 largely on the jaundiced, retrospective ruminations of Clarendon. A pecking order existed, and Hamilton may well have been at the top of it, but he was not the sole counsel.[139] Scottish ecclesiastical affairs were certainly outwith his counsel, and much more besides. By his own choice, he had little to do with the revocation scheme and the Commission for Surrenders and Teinds, or at least as little to do with it that would not anger the king.[140] It took him until 1636 to make his final surrender, a surrender that left him with the lucrative superiority of the lands and barony of Lesmahagow in

[133] By 1637 ten out of the fourteen Scottish bishops were on the Privy Council, *RPCS 2nd Series, 1635–37*, pp.vi–vii. For their steadily rising influence from the beginning of Charles's reign, *Ibid*, *1625–27*, pp.v–ccii, esp.pp.li–lv; *Ibid*, *1627–1628*, pp.v–viii; *Ibid*, 1630–32, p.vii; *Ibid*, *1632–35*, pp.vi–vii.

[134] The Scottish secretary at court, William, earl of Stirling was not at court all the time, but came when he had business to transact with the king. During the troubles he told Hamilton that he would exceptionally 'waite constantlie at court', NRS GD 406/1/593 (Stirling to Hamilton, 12 June 1638). See also, NRS GD 406/1/376 (Stirling to Hamilton, 14 June [1638]).

[135] See Donald, *Uncounselled*, p.16, for meetings on the revocation held in the withdrawing chamber at Whitehall.

[136] Rogers, *Stirling's Register*, i, 252 (Charles to Hamilton, 12 February 1627/8).

[137] Donald, *Uncounselled*, p.18. For Menteith, S.R.O, GD 406/1/93 (Charles I to Hamilton, 11 February 1627/8). For a detailed discussion of the revocation scheme see MacInnes, *Covenanting Movement*, pp.49–101; MacInnes, 'Organisation' (PhD Glasgow), i, chapters 4–6. Charles was more generous about the breadth of the counsel that he took on the revocation scheme in his public pronouncement after 1638, Charles I [W. Balcanqual], *A Large Declaration concerning the Late Tumults in Scotland* (London 1639), p.6.

[138] Clarendon, *History of the Rebellion*, i, 107; Gardiner, *England*, vii, 297; MacInnes, *Covenanting Movement*, pp.40, 89–90.

[139] For Traquair using Patrick Maule to deliver letters to the king and Hamilton's presence at their delivery and central role in formulation of a reply, Innerleithen, Traquair MSS, 11/9 (Patrick Maule to Traquair, 19 March 1634); *Ibid*, (Traquair to Charles I, [4 September 1634]). Although there is quite a lot of material relating to Scotland before 1638 in the Hamilton Papers there is not enough to sustain Clarendon's statement, especially given the mushrooming of the archive in 1638. In saying that, however, it is clear that the Hamilton archive has probably been sifted and some correspondence has not survived for other reasons.

[140] See chapter 1, pp.17–18.

return for giving up the equally valuable feu duty and lordship of the abbacy of Arbroath.[141] It was a compromise in which the king and Hamilton had conceded something, though it took nearly ten years to thrash out.

Just as Lennox was Hamilton's parallel figure at court, so was Traquair his parallel figure in Edinburgh. Like Lennox, Traquair requires revision. The most important point is that Traquair, from an early stage, realised that mastery of the court was a necessary prelude to realising his ambitions in Edinburgh. At the beginning of 1637 Baillie described Traquair as 'a great courteour' and there is little reason to doubt him.[142] We have already seen that Traquair sought English and Scottish supporters at court and was a member of the English Privy Council. A lot has been said about Scottish affairs worsening after 1633 because there was no heir to the Anglo-Scottish shuttle diplomacy epitomised by the earls of Dunbar and Menteith.[143] This is one of the larger stretches on the road to the Covenanting movement's revolution. What has not been said is that Traquair was probably just as well known at court as Dunbar and Menteith, and was likewise an assiduous traveller – normally twice a year – between Edinburgh and Whitehall. For example, during April-June and October-November 1635 Traquair resided at court.[144]

The problem was less that Traquair was not at court enough, but that the bishop of Ross was probably just as well known, and as well connected at court as Traquair.[145] When Laud secured the appointment of William Juxon, bishop of London, as treasurer of England in 1636, Ross hoped that Morton's demission of the same post in Scotland would tempt the archbishop to back Ross for a clerical double. Significantly, it was Lennox and Hamilton, rarely collaborators, who had blocked the move and sponsored Traquair for the treasurership who thereafter became 'a thorn' in the Scottish episcopacy's 'side'.[146] Ross hated Traquair and boasted in the summer of 1636 that he and the other bishops intended reducing the lord treasurer to the status of the earl of Airth, formerly Menteith.[147] The concentration on absentee monarchy creating a political gulf exacerbated by the fall of commuter Menteith, has caused us to neglect the fact that the 1630s in Scotland also featured a battle between the laity and the bishops. The dispute, pure and simple, was over the latter's encroachment into temporal spheres backed by the king, Laud and the revocation scheme. A blend of all these elements came together over the Lindores abbey grant that flared up in 1635, the year before Ross eyed the treasurership.

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[141] Grantham Lincs., Tollemache MSS, 5258 (Petition of Anne, duchess of Hamilton to Charles II, [post 1660]). Resignation proceedings started in the summer before, British Library., Additional MSS, 23,112 fol.10r (Charles to Sir Thomas Hope, 27 July 1635); Innerleithen, Traquair MSS, 11/31 (Roxburgh to Traquair, 11 Decenber 1636). I am grateful to Allan MacInnes for a discussion of Lesmahagow.

[142] Baillie, *Letters*, i, 11 (29 January 1636/7). For another view see Brown, 'Courtiers and Cavaliers', p.172.

[143] Macinnes, *Covenanting Movement*, p.86. And with more emphasis, Lee, *Road to Revolution*, p.126, 150.

[144] Thompson, *Diary of Hope*, p. 22, diary entry records Traquair leaving for court on 31 March 1635 and he may have been back in Edinburgh by 3 June, p.24. On 7 October, Traquair went to court, p.29 and arrived back in Edinburgh on 19 November, pp.31–32. Even when reconstructing Traquair's movements from one source, Hope's diary, we find him at court regularly. 1634, Traquair at court 8 February-13 June, pp. 7, 11. And went to court again on 27 December, p.18. 1636, Traquair at court 14 March-23 May, 17 September-4 November, pp.40, 43, 47, 49. 1637, Traquair at court 8 (?) April-27 May, pp.59, 61. 1638, Traquair at court 17 January-14 February, 29 March-15 May, pp.70, 72. When he was not at court himself Traquair regularly sent his servants and other bearers, for example, *Ibid*, pp. 11, 16, 34, 52, 64. In addition, Hope regularly sent letters and dispatches to Traquair at court, *Ibid*, pp.8, 23, 24, 30, 31, 40, 42, 48.

[145] Hope seemed less interested in recording when the bishops went to court, than his sparring partner Traquair, though see for example, *Diary of Hope*, pp.22–23, 46; Baillie, *Letters*, i, 4. For Brechin going to court, *Diary of Hope*, p.37.

[146] Baillie, *Letters*, i, 7.

[147] Innerleithen, Traquair MSS, 12/14 (Henriette Stuart, marchioness of Huntly to Traquair, 7 August 1636). To others Ross, in the same spirit, said 'that gif all projectis held good thaer wald be greate alteratiounes in the state and governement within sex moneths', *Ibid*, 12/16 (Sir Alexander Gibson of Durie to Traquair, 12 April 1637); *Ibid*, 12/17 (Sir Lewis Stuart to Traquair, 13 April 1637). See also below.

The Lindores affair was a dry run for what happened a few years later with the attempted introduction of the prayer book.[148] The furore was caused by Charles passing under his own hand a grant of the erected temporal lordship of the abbacy of Lindores to the minister of Liberton, Andrew Learmonth, entitling him to reduce and annul all agreements made by the previous secular lord with the vassals or heritors.[149] By this grant Learmonth would be created an abbot with temporal power, vassals and (most importantly) he could claim by precedent a place in parliament and a voice in the Court of Session. This was something completely different from Charles's professed policy in the revocation scheme of endowing a few bishoprics, augmenting ministers' stipends and negotiating the vassal arrangement away from the erected temporal lord to the king. Writing to Hamilton from Edinburgh, the ageing earl of Roxburgh refused to believe that the king had passed the grant 'with oppin eyis', saying it had created an unprecedented panic 'that every abacie shall have abot and every abot woot [vote] in parleament and of theis abotis aucht [eight] shall be set in the sestionne so the heagh court of parleament and the judecatorie shall be roullit be our claergis.'[150] On 17 June 1635 the earl of Haddington barely concealed his rage that such a grant could have got through, for it ridiculed the revocation and the efforts of the Commission for Surrenders, contradicted what the king had promised in the parliament of 1633 and threatened 'all heritors holding lands and teinds of any erection'.[151] The hypocrisy, and the popery, of the grant was not lost on the old lawyer who broadened the horizons of such a policy at the close of his diatribe to Hamilton:

> His majesties comissio[n]ors determination and acts of the last parlement are printed. Englishmen can reade them and understand Scots. If they heare and see what wes pretended and promised and heare by publick report how things now are like they may perchance think more-mor they will speake.[152]

On 21 June, Traquair bluntly told Hamilton that the grant was illegal and would overthrow the revocation scheme.[153] He went on to stress that no-one in the administration supported the grant 'except the Bishops' who confidently pointed to it as a forerunner of radical change:

> Sume of ye greatest & most understanding amongst ye Bishopes hes not spaired to say yt in despyt of all yt will say the contrarie yey sall be master of ye haill teyndes and Church Landes in Scotland befor tuo yeares pas: and yt they sall have eight Abbotes sitting in Session. Only I will beg your Lops favor to say, yt if our master resolve to mak yis gud to them he will goe near to mak yem master of ye best half of Scotland.[154]

It was no coincidence that three days after the date on Traquair's letter Charles, perhaps with Hamilton waving these three letters under his nose, assented to Traquair's stopping of the Lindores' grant in the Scottish Exchequer.[155] The Lindores grant affair has received little attention,

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[148] This reconstruction of the Learmonth presentation has been taken from, Grantham, Lincs, Tollemache MSS, 5264 ([Petition of privy council to Charles I, [1635]); *Ibid*, 5265 (Petition for new grant to Lord Lindores (?), [1635?]); NRS GD 406/1/315 (Haddington to Hamilton, 17 June 1635); GD 406/1/354 (Roxburgh to Hamilton, [before 24 June 1635]); GD 406/1/8217 (Traquair to Hamilton, 21 June [1635]).

[149] Traquair observed that 'the signator was without ayer dait or dokat', NRS GD 406/1/8217.

[150] NRS GD 406/1/354 (Roxburgh to Hamilton, [before 24 June 1635]). The clergy used to have eight of the fifteen seats on Session, an overall majority.

[151] NRS GD 406/1/315 (Haddington to Hamilton, 17 June 1635).

[152] *Ibid*. Only after reading this long letter about five times is one struck by the fury which it conveys.

[153] NRS GD 406/1/8217.

[154] NRS GD 406/1/8217.

[155] A few days after the grant was halted, the marquis assured Traquair that Charles would thank him with his own letter and 'simed weri will plesead with your prosidings, and trust me, itt is our fa[u]lts if the B[isho]p[s] eayis be not

but it is a crucial event containing many of the elements that help to explain the reception of the equally ill-advised prayer book a few years later.

In a general sense, then, we must re-assess Hamilton's contribution to the formulation of Scottish policy at court prior to the troubles. Most importantly, and contrary to previous opinion, Hamilton did not enjoy a free hand in giving Scottish counsel at court, though in lay matters he played a key role. The Lindores abbey grant bears the stamp of Charles I, but not of Hamilton, and when Hamilton was informed of its reception in Scotland he steered the king away from it. It is also clear that he knew nothing about the grant until the barrage of letters from Edinburgh.[156] Hamilton worked with laymen on lay matters according to the king's brief. If he interfered in ecclesiastical matters it was to stem the encroachment of the Scottish episcopate into civil office, seen most vividly in his alliance with Lennox to block the bishop of Ross's move for the treasurership.

It is now time to turn to a case study of Hamilton's position as collector general of the taxations granted in the parliament of 1633. In thus sharpening the focus in this final section on Scotland we can analyse in depth how government worked in Edinburgh and how effectively Hamilton influenced it.

IV

As well as being a sign of royal favour, Hamilton's nomination as collector general of the 1633 taxations represented a means to have the sixteen year wine tack bestowed upon him in 1631 returned to the crown.[157] Traquair and Hamilton hammered out a deal[158] in which the marquis agreed to surrender the wine tack (estimated to be worth £60,000 when it was granted in 1631)[159] for £40,000, which would be paid out of the taxations. As well as the £40,000 for the wine tack, the contract between the king and Hamilton revealed that other payments were to be made from the taxations.[160] First, a crown debt of 300,000 merks to William Dick was to be honoured;[161] second, 52,000 merks per annum was to be paid to the earl of Morton in compensation for his temporary loss of the tack of Orkney and Shetland;[162] third, the Scottish master of requests, Sir James Galloway, was to receive a one-off gift of £500.[163] Until these obligations had been fulfilled Hamilton was granted all of the taxations. In the event of his death before the taxes were fully collected, Hamilton nominated the earl of Southesk and Sir John Hamilton of Orbiston to execute the contract.[164]

opened', Innerleithen, Traquair MSS, 8/13 (Hamilton to Traquair, 28 June [1635]). Charles gave his approval to the grant being stopped in Exchequer on 24 June, MacInnes, *Covenanting Movement*, p.91.

156 Hamilton's reply to Traquair's letter bears this out, Innerleithen, Traquair MSS, 8/13 (Hamilton to Traquair, 28 June [1635]).

157 Grantham, Lincs., Tollemache Papers, 3747 ('Reasons why the excyse should be brought to the Ex[cheque]r'). This paper gives a few general reasons why Hamilton was made collector-general.

158 Innerleithen, Traquair MSS, 29/15 ([Copy] Traquair to Charles I, [23 October] 1633); NRS GD 406/1/723 (Hamilton's Journal, 6 November 1633–16 January 1633/4), p.5 [Hamilton's pagination]. It was the earl of Southesk who suggested the figure of £40,000, *Ibid*, p.7. Traquair had initially offered £30,000, but Hamilton wanted £40,000 and so Southesk must have backed Hamilton, Innerleithen, Traquair MSS, 41/5 (Memorandum by Traquair, [1634?]).

159 Innerleithen, Traquair MSS, 5/9 ('Instructions ... anent the marq of hamilton', [1633]).

160 NRS GD 406/2/M9/29 (Contract between Charles I and Hamilton for 1633 taxations, 12 July 1633). This contract is about five foot long and one foot wide. It is printed in *RPCS, 2nd series, 1633–35*, pp.305–316. See also, NRS GD 406/2/M9/30 (letter of Gift to Hamilton, 18 December 1634).

161 NRS GD 406/F1/53/1 (Contract between Charles I and Hamilton, [?July 1634]).

162 The pension to Morton was to be paid from 1635 from the taxation and was compensation for his loss of the tack of the earldom of Orkney and lordship of Shetland to William and John Dick on 3rd November 1629 for eight years, *RPCS, 2nd series, 1633–35*, p.310.

163 *Ibid*, p.311. Galloway received the gift as reward for devising the 2 of 10 tax, NRS GD 406/F1/53/2.

164 *RPCS, 2nd series, 1633–35*, 314.

Unfortunately, the burdens on the taxation did not remain static, as Charles continued to approve further payments. For example, about a year after the contract was signed, the king added a £4,000 payment to the earl of Airth.[165] Sir Hugh Wallace of Craigie was one of the first to make a submission in October 1629 under the terms of the Revocation scheme by surrendering his heritable offices to the crown for £20,000 Scots.[166] Yet even in the face of the king's persistent demands the Exchequer never paid out. In 1637 it was left to Hamilton to honour the sum from the tax revenues.[167] Therefore, despite the legal assurance of the contract of July 1634, Hamilton was in command of a leaky boat.[168] What one immediately notices is that the clerical estate benefited more than any other by the king's bounty through gifts and exemptions.[169] Sometime after 1634 Hamilton drew up a schedule of fees and payments which showed that the burdens on the taxation had increased considerably.[170] The king had borrowed £16,516, the earl of Stirling and the bishop of Dunblane were to be paid £600, the archbishop of St Andrews £750, poor ministers were to receive £1,800 and so on. The total burdens, including administrative fees for tax officials, was calculated by the marquis at £90,117.[171] As a balance to the schedule of burdens Hamilton also drew up a schedule estimating that the taxations were worth £98,890.[172] So, even with the leakages, Hamilton's tax administration managed to keep afloat.

Three main forms of taxation had been granted: an ordinary, an extraordinary and a 2 of 10 (2% to the crown on all loans transacted in Scotland). Of the three, the ordinary taxation was the largest and, along with the less lucrative extraordinary taxation, ran for six terms from Martinmas 1634 to Martinmas 1639. It was imposed on all landholders from dukes to freeholders and with the same hierarchical scale on the spiritual estate and the burghs.[173] Although Hamilton threw himself into his role as collector general[174] and remained in Scotland between November 1633 and early January 1634 to execute his duties, it was apparent that once the project was up and running he would return to court.[175] As with the re-writing of the commission for the extraordinary taxation in the wake of Chancellor Kinnoul's opposition, Hamilton had to rely heavily on collaborators and deputies to protect his interests. As noted above, the two most important men were Sir John Hamilton of Orbiston, who was made general collector depute,[176] and the earl of Southesk, privy councillor, commissioner of the Exchequer[177] and father-in-law to the earl of Traquair. Behind

[165] NRS GD 406/F2/118/3 (Precept for earl of Airth, 4 July 1635). Charles had decided to pay Airth a total of £10,000 for his outlays while in royal service.

[166] NRS GD 406/1/289 (Charles to Morton and Traquair, 2 May 1634); NRS GD 406/1/292 (Commissioners of the Exchequer to Charles, 26 August 1634); NRS GD 406/1/299 (Charles to Morton and Traquair, 24 November 1634).

[167] NRS GD 406/F1/64/1, fol.24 v (Compt. of the Ordinary taxation, 1633: 2, 3, 4, terms).

[168] Sir Thomas Hope was also trying to get a £2,000 gift from 1630 paid out of the 2 of 10, Innerleithen, 41/14 ('forme of ane warrand' addressed to Hamilton, [1633–34]); *Ibid*, 24/8 ([Hope ?] to Charles I, [1633–34]).

[169] For the exemption of the bishop of Dunblane, dean of the chapel royal, NRS GD 406/F1/53/21 ([Copy] Charles to Sir Thomas Hope, 15 October 1633), and see below.

[170] NRS GD 406/F1/53/2 ('Particulars uher with this Taxsatioune is bourdened', [n.d]).

[171] *Ibid*. Top of Hamilton's list was the £40,000 he was due for surrendering the wine tack. Hamilton's own fee as collector-general was 10,000 merks yearly or for the whole six years, £3,500.

[172] Hamilton broke the taxations down thus: £50,000 for the ordinary taxation, £10,000 for the extraordinary, £8,890 for the 'superplus of the ordinari taxsatioun' and £30,000 for the 2 of 10. He also added marginalia to the effect that it was highly unlikely that all of this sum would be collected, NRS GD 406/F1/53/13 ('the Charge of the Taxation', [n.d.]). See next paragraph for more on the different taxes.

[173] The ordinary taxation payment was to be thirty shillings for 'everie pound land of old extent', NRS GD 406/F1/59/25 (Proclamation about the taxation, 8 June 1633).

[174] The Hamilton papers contain numerous taxation papers some of which are in Hamilton's hand or have been annotated or signed by him, see for example, NRS GD 406/F1/53/2, 13; GD 406/F1/66.

[175] NRS GD 406/1/10090 (Charles I to Hamilton, 31 July 1633).

[176] NRS GD 406/F1/53/16.

[177] A list of the commissioners of the Exchequer can be found at, NRS GD 406/F1/53/6. It was almost certainly Hamilton who had Southesk sworn onto the Exchequer on 16 November, NRS GD 406/1/723 (Hamilton's Journal, 6 November-3 January [1633–1634]), p.4.

these two came the formidable trio of Traquair, Morton and Roxburgh who all strongly backed Hamilton.[178] Those directly on the Hamilton payroll included Orbiston, Adam Hepburne, clerk of the taxation and nine collector-deputes with additionally Sir John Hay, clerk register acting as collector-depute for the five Scottish burghs.[179] As well as these, numerous payments were due to sundry minor officials in the Scottish administration such as William Butter, clerk of the Exchequer, James Prymrose, clerk to the Privy Council, and Alexander Kinneir, keeper of the register of hornings.[180] Such was the scale of the network that Hamilton became head of a fiscal administration grafted onto the main instruments of government.

Similarly, as collector-general with power to administer the revenue as he liked, Hamilton was in the enviable position of being in charge of a large reserve of cash outwith the empty Scottish Exchequer. For example, Charles authorised Hamilton to use the 2 of 10 tax without it going into the Exchequer.[181] Although Charles continued to authorise payments out of the tax revenues, a lot of these were bestowed upon people of whom Hamilton approved. Thus friends like Morton, Sir John Hamilton of Orbiston, Sir James Galloway and the ubiquitous David Ramsay received money directly from Hamilton's tax reserves.[182] As collector-general, Hamilton received a yearly fee of 10,000 merks.[183] Furthermore, he also seemed to have regularly used his stake in the taxations to pay interest on loans, as collateral for further loans, and for making personal payments to friends and clients.[184]

Hamilton had been in the king's coach when Charles made his speedy exit from Scotland after the coronation and parliament, but he was obliged to return a few months later to negotiate the compositions for the taxations.[185] He kept a journal of his visit to Edinburgh between 6 November 1633 and 6 January 1634, and from that we can reconstruct his movements with unusual accuracy.[186] The journal is a closely written 8,000 word daily diary of the marquis's meetings with various parties who compounded for the taxes, as well as an account of other engagements with friends and collaborators.[187] The journal throws into sharp relief that Traquair was emerging as the most important minister in Scotland and that Hamilton worked happily with him,

[178] Innerleithen, Traquair MSS, 29/15 (Traquair to Charles I, [23 October 1633]) and below.

[179] The collector-deputes were Alexander Brody, Walter Robertson, George Monorgan [sic], John Hamilton, Robert Barclay, John [Yair], Alexander Ogilvie and James Esplin, NRS GD 406/F1/53/7 (List of collector-deputes). These were the same men apart from John Hamilton who were collector-deputes for the last taxations in 1630, NRS GD 406/F1/53/10 (List of collector-deputes, 1630).

[180] For a detailed list of those to be paid, NRS GD 406/F1/64/1, fol.21r–v. (Compt. of the Ordinary taxation, 1633: 2,3,4, terms); NRS GD 406/F1/64/2, fol.17r–v. (Compt. of the Extraordinary taxation, 1633).

[181] NRS GD 406/1/10470 (Charles to Hamilton, 28 October 1633). This was allowed as long as the sums taken were deducted from the composition for the wine tack.

[182] In 1635 Orbiston was granted £250 sterling p.a. for the next 3 years, NRS GD 406/F1/53/16 ('Copie of the warrants signed by the king ...). NRS GD 406/F1/64/1 fol.24 v, payment to David Ramsay of £14,880 Scots owed by the king to his deceased brother Sir James Ramsay.

[183] NRS GD 406/F1/53/16 ('Copie of the warrants signed by the king ...').

[184] See for example, NRS GD 406/F1/69/1-11; NRS GD 406/F1/80/2-6. It is difficult to be absolutely certain about this as it is often not clear whether Orbiston used money from the Hamilton estate or the taxation. The evidence suggests that when Hamilton did use the taxation resources it was normally from his own yearly fee of 10,000 merks, yet again it is difficult to tell. A large detailed account by Orbiston covering 1634–36 appears to conflate taxation business with personal business, NRS GD 406/F1/66 ('Compt. between Hamilton and John Hamilton of Orbestoun, 8 August 1636'[unfol.]).

[185] Balfour, *Historical Works*, iv, 380; *CSPV, 1632–36*, p.132. Hamilton, Lennox 'and three other great lords, no more, attended on his Maj. on this very hurried and almost flying journey.' Apparently the journey was done by relays of coaches so that Charles could surprise the queen.

[186] NRS GD 406/1/723 (Hamilton's Journal, 6 November-6 January [1633–1634]).

[187] NRS GD 406/1/723 (Hamilton's Journal, 6 November-3 January [1633–1634], endorsed on the back 'my jurnall wils I was in Scotland'). The main part of the journal is composed on four large unbound sheets, and is easily followed by Hamilton's own pagination. There is another sheet, GD 406/1/723/5x, which appears to be a part of a larger journal which Hamilton composed on his return to Scotland in June 1634. The rest of the June/July journal does not appear to have survived.

hand-in-glove. Hamilton showed his court dispatches to Traquair, dined with him and they had frequent private meetings at each others lodgings.[188] Hamilton also consulted Traquair before conferring some of the taxation places that fell within his gift.[189] On 31 December Hamilton began his journey back to court, staying overnight at Lauderdale's then at Roxburgh's residences, and he was accompanied on the way by Traquair.[190] From the journal we can reconstruct a clear pattern of political collaboration with Hamilton and Traquair at the centre and Morton, Haddington, Orbiston, Southesk, Roxburgh and Lauderdale orbiting them.[191] Nowhere in the journal is there any mention of the bishops.

Hamilton's conduct during the tax negotiations is also revealing. For although Charles had issued a brief enabling him to negotiate the 2 of 10 compositions on his own, Hamilton opted to engage the advice of the Exchequer,[192] as the task was 'to[o] greatt a bourding for me to beir a lone'.[193] Initially then, Hamilton sought a broad consensus for negotiating the compositions despite Chancellor Kinnoul dragging his feet; so, as Hamilton and Southesk received the compositions, they put them before the Exchequer for discussion. The journal shows that Hamilton had done his homework on the compositions that the various groups (the towns, burghs, court of session, college of Justice etc.) had to pay and unilaterally rejected many offers for being too low.[194] Eventually, with the help of Southesk and Traquair, he wrung out offers which were acceptable to both the Exchequer and the king, but not before a good deal of arm-twisting.

In the collector-general's first letter to the king, a week after his arrival in Edinburgh, he complained of the low compositions being offered. With considerable dexterity Hamilton presented himself as the loyal servant incurring censure while carrying out royal service. Speaking of the compounders as a whole Hamilton concluded:

> I dare be bould to affirme to youre Matie that thir was never more studie or more concurred in wone particulare then in this to defra[u]de your Matie of that w[h]ich is justly yours … neither is ther any thing left unthocht of and practisied to make your Maties servand imployed in this obnoxious and odious to youre subjectes.[195]

Charles had clearly been affronted at the discontented voices in parliament earlier in the year,[196] and Hamilton's summary of the political nation's unwillingness to provide funds would not have softened the king's attitude.[197] Although it is true that many of the first offers were low, the negotiators were testing Hamilton's mettle and the second offers were higher with most promising to pay in advance.[198] Yet Hamilton chose to draw a gloomy picture lit by only a single shaft of light, himself. Significantly, it was Hamilton the courtier who wielded the pen in this and most of his other

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188 *Ibid*, pp.2, 3, 5, 6, 7, 8, 9, 10, 12, 13.
189 *Ibid*, p.13.
190 *Ibid*, p.13.
191 *Ibid, passim.*
192 *Ibid*, p.3; NRS GD 406/1/10090 (Charles to Hamilton, 31 July 1633).
193 NRS GD 406/1/723 (Hamilton's Journal, 6 November-3 January [1633–1634], p.3. Those who were called to the first meeting were Kinnoul, Traquair, Lauderdale, Haddington, Sir John Hay and Sir Thomas Hope.
194 NRS GD 406/1/723 (Hamilton's Journal, 6 November-3 January [1633–1634]), pp.3, 5, 6, 8, 11. For Hamilton's homework on previous taxations and Exchequer affairs see, NRS GD 406/F1/53/1-23, *passim*; but especially F1/3, 5, 6, 15, 18, 23.
195 NRS GD 406/1/10471 (Hamilton to [Charles], 13 November 1633).
196 NRS GD 406/1/723 (Hamilton's Journal, 6 November-3 January [1633–1634]), p.13.
197 Hamilton appears to have adopted the same stance in hounding those who tried to ante-date bonds to avoid paying the 2 in 10, NRS GD 406/1/261 (Hope to Charles, 31 December 1633); GD 406/1/262 (Hope to [Hamilton], 31 December 1633); NLS., Ch. (Charters and other formal documents), 15151, (Decreit, 18 December 1633).
198 For example Glasgow firstly offered £5,000 Scots p.a. for the three years of the 2 in 10, but eventually agreed on £20,000 Scots for the three years to be submitted at the next term, NRS GD 406/1/723 (Hamilton's Journal, 6 November-3 January [1633–1634]) p.6, 11. The other negotiations can be followed through, *Ibid*, p.6, 7, 9, 10, 11.

letters to the king. This is an important point that comes up time and again when weighing the tone and content of Hamilton's letters to the king. Of course, it is also the case that Hamilton knew the king very well, and understood the language, emphasis and diplomacy – or not – required to achieve his desired outcome. This finely-tuned skill would be tested to the limit from 1638.

Hamilton went about his role as collector-general with vigour and intended to contrast his efficient tax gathering administration with his predecessor chancellor Kinnoul's shoddy efforts. He took a lead role in the commission set up in 1634 'for rectifying abuses in the exchequer.'[199] Traquair's manifest dislike for Kinnoul meant that he and Hamilton were, once again, pushing in the same direction.[200] Hamilton's efforts in the commission were applauded by Morton, Sir Thomas Hope, Traquair and the king, yet as the investigation dragged on through the summer Hamilton appears to have been keen to return to court.[201] And there was the rub, for there was a tension between Hamilton as the efficient minister in Scottish affairs if it meant that he had also to play the role of absentee courtier. Charles felt it too; and, for example, during Hamilton's earlier stint in Edinburgh negotiating the tax returns, the king ordered him quickly 'home' once the compositions were agreed.[202]

One way around the problem was for Hamilton to visit Scotland during the king's summer progress when most of the court had dispersed. Hamilton chose this option for the Exchequer commission in 1634 and for the audit of the taxations in 1636.[203] The composition of the audit commission illustrated how members of the clerical estate were increasingly being appointed to lay offices. Of the 21 auditors chosen by the king on 21 June 1636, seven were clerics: the lord chancellor, John, archbishop of St Andrews, Patrick, archbishop of Glasgow and five bishops.[204] Analysis of these bewildering accounts show that the discharge or burdens to be met, including fees, non-payment and gifts, exceeded the charge by £669,235 Scots[205] which, when balanced to the former account of £545,053 Scots left £124,181 Scots owing to Hamilton.[206] These figures are not as important as the reaction from the auditors who found that by Hamilton's:

> care and exact diligence greater founds are brought in and more tymelie payment made of the saidis taxat[i]ons then hes bein at any tyme heretofore.[207]

Hamilton's tax administration continued to collect until 1639 when the Covenanters took control of government. By that time the marquis had received most of his £40,000 for the wine tack,

[199] The commission had ten members: Kinnoul, St Andrews, Morton, Haddington, Hamilton, Stirling, Traquair, Roxburgh, bishop of Ross, Sir John Hay and Sir Thomas Hope, NRS GD 406/1/291. It was Hamilton who brought the commission's remit to Edinburgh and who was to report the commission's findings to the king, NRS GD 406/F1/53/4 ('The Artickllles concerning the in taiking of the accomptis of o[u]r bypast lait taxaouns gevin under o[u] r hand to James Marquis of hamilton'); NRS GD 406/1/10476 (Charles to Hamilton, 30 June 1634). Traquair did not start the commission until Hamilton and the bishop of Ross, who were both at court, had arrived in Edinburgh, Innerleithen, Traquair MSS, 29/2 (Traquair to Charles I, [?] June [1634]).

[200] NRS GD 406/1/723 (Hamilton's Journal, 6 November-6 January [1633–1634]), p.6, entry for 23 November.

[201] NRS GD 406/1/10476 (Charles to Hamilton, 30 June 1634); GD 406/1/10802 (Charles to Commissioners of the Exchequer, 20 July 1634); GD 406/1/293 (Hope to Charles, 26 August 1634).

[202] NRS GD 406/1/10474 (Charles to Hamilton, 5 December 1633).

[203] W.R.O., Feilding of Newnham Paddox MSS, CR 2017/C1/62 (Hamilton to Feilding, 17 July 1636).

[204] NRS Exchequer Accounts, E. 65/16 (Account of the collector of Taxation (ordinary) granted in 1633), fol.1r. The bishops were, David of Edinburgh, Thomas of Galloway, John of Ross, Adam of Aberdeen and Walter of Brechin. The lay auditors were the earls of Traquair (lord treasurer), Haddington (privy seal), Wintoun, Roxburgh, Lauderdale, Stirling, Southesk, Lords Lorne and Alexander, Sir John Hay of Barro (clerk register), Sir Thomas Hope (advocate), Sir Robert Spottiswood of Dunipace (president of the session), Sir William Elphinstone (justice general), Sir James McGill of Cranston Riddel and Sir James Lermonth.

[205] *Ibid*, fol.38r.

[206] *Ibid*, fol.38v–39r. The account for the 2 of 10 can be found at NRS Exchequer Accounts, E. 65/17 (Compt. of the 2 of 10).

[207] NRS GD 406/1/10092 (Commissioners for the audit to Charles I, 3 August 1636).

though a considerable amount of revenue remained uncollected.[208] In Hamilton's pocket almanac for 1639, he inserted a note in the page reserved for January as follows:

> Ther uill be auing me by his Ma[jes]t[ie] 89,000 and sume oodes and by the Contrie to his Ma[jes]t[ie] 910,000 and sume odes. Tou yeire taxsatiounes yett remaines, uich uill a mont unto 200,000 pound besydes the extraordinare, uhich uill not att most exseid 10,000 pound by the yeir.[209]

As usual with Hamilton it is almost impossible to detect any emotion, whether hope or despondency, but evidently the fate of his tax administration was prominent in his mind as he began to prepare the first war effort against the Covenanters. Indeed, long after Hamilton's death his family continued to try and recover the £124,181 Scots still owed to him from the taxation.[210]

The conclusions we can draw from this case study are essentially five. First, Hamilton's position as collector-general allowed him to control the flow of a substantial financial reserve separate from the beleaguered Scottish Exchequer. Second, it strengthened his position with key ministers in Edinburgh and allowed him to install his own friends and collaborators in some positions of influence. Third, he displayed a tendency to delegate responsibility, to draw ministers into the decision making process even though Charles, characteristically, supplied him with a remit to operate unilaterally. Fourth, the audit of the accounts at mid-term showed Hamilton to be a competent collector general, perhaps not as 'thorough' as Laud and Wentworth, but efficient nevertheless. Fifth, there was tangible tension and discontent in Scotland across a range of issues from the revocation, the rise of the Bishops into civil affairs, to taxation and the putative changes in religious practice. In the years up to the Prayer Book launch Hamilton was in Scotland regularly and would have been no stranger to the growing discontent. Even so, he chose to present those he encountered during the tax negotiations in a poor light to the king, possibly increasing his monarch's view that many of his subjects across his three kingdoms were disrespectful and disobedient.

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The third of Charles's kingdoms, Ireland, was the one most open to colonisation/exploitation by natives of his other two kingdoms.[211] This came under various guises: civilisation, religious Reformation and the need to keep a popish backdoor to England closed.[212] Elements of these economic,

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[208] For the wine tack see, NRS Exchequer Accounts, E. 65/16 (Account of the collector of Taxation (ordinary) granted in 1633), fol.30v.

[209] Lennoxlove, Hamilton MSS, TD 91/109/M3/1 (Hamilton's almanac, 1639). Obviously these numbers are all pounds Scots.

[210] NRS GD 406/F2/118/27 (Petition of William, 3rd duke of Hamilton to Charles II, [post 1660]); NRS GD 406/F2/118/28 (Information for duke of Hamilton about the taxation 1633, [post 1660]); GD 406/F2/118/29 (Proclamation about taxation 1633, 24 March 1674), allowing the collection of taxes until the 3rd duke received the aforementioned sum; GD 406/F2/118/30 ('Advocates opinion concerning my interest on the Taxations 1633 discharged by proclamation 1674', [n.d]); GD 406/F2/118/33 (Account of sums remaining due to 3rd duke from the taxation of 1633, [post 1663]). The rent calculated between 1639–1663 brought the sum to £243,217 Scots, of which the 3rd duke had received £77,716, therefore £165,500 remained outstanding.

[211] T.W. Moody, F.X. Martin, F.J. Byrne, eds., *A New History of Ireland, vol.III 1534–1691* (Oxford, 1976), pp.1–287 esp. pp.187–269; T.W. Moody, *The Londonderry Plantation, 1609–41. The City of London and the Plantation in Ulster* (Belfast, 1939); M. Perceval-Maxwell, 'Ireland and Scotland, 1638 to 1648' in John Morrill ed., *The Scottish National Covenant in its British Context 1638–41* (Edinburgh, 1990). One of the most spectacular cases is recounted in T. O. Ranger, 'Richard Boyle and the making of an Irish fortune, 1588–1614', *Irish Historical Studies*, vol.x, no.39 (March 1957), pp.257–297.

[212] These are common themes in Irish historical studies, see for example, A. Clarke, *The Old English in Ireland, 1625–42* (London, 1966), p.26; Moody et al, *New History*, p. 233; W. E. H. Lecky, *A History of Ireland in the Eighteenth Century* (5 vols. London 1892), i, pp.1–39, esp. pp.10–13; K. S. Bottigheimer, *English Money and Irish Land, the 'Adventurers'*

religious and political factors may have motivated Hamilton to seek a stake in Ireland, but the main factor was self-interest: a desire to have a stake in Ireland commensurate with that which he already enjoyed in Scotland and England. It was Hamilton's misfortune that Thomas, Viscount Wentworth was lord deputy when he turned his attention to Ireland in 1635.[213] Wentworth was rabidly anti-Scottish, believing that the Ulster Scots in particular, because of their numbers and religion, were a threat to English hegemony in Ireland.[214] Thus, throughout the 1630s, Wentworth tried to block the further encroachment of Scots into Ireland whilst falsely casting himself as the guardian of the public good against private interest.[215]

From 1635 those who found themselves on the wrong side of the lord deputy would find themselves on the right side of Hamilton.[216] Yet given our analysis of Hamilton's activities in England and Scotland, it seemed to be that the antagonism with Wentworth conformed to established political groupings at court. Wentworth's main supporters at court, Laud and Cottington, were never close to Hamilton. Equally, Hamilton's friendship with the earl of Holland and Will Murray predates their collusion against the lord deputy. On the other hand, Randal MacDonnell, viscount Dunluce and later 2nd earl of Antrim, can be linked to Hamilton from February 1635[217] and with more certainty through Dunluce's marriage to the duchess of Buckingham in April of the same year.[218] A year later, the 1st earl of Antrim, Dunluce's father, and one of the largest landowners in

in the Cromwellian Settlement of Ireland (Oxford, 1971), pp.1–29; M. Perceval-Maxwell, 'Ireland and the Monarchy in the Early Stuart Multiple Kingdom' *The Historical Journal*, 34, 2 (1991), pp.279–295, esp.p.283.

213 We can link Hamilton with Ireland prior to 1635. In 1629 lord deputy Falkland thanked Hamilton for protecting him at court, NRS GD 406/1/239 (Falkland to Hamilton, 3 June 1629). Five days later, Falkland asked Hamilton to confirm whether he owned a 'great ship and her Pinnace' manned by Scotsmen who claimed they had a commission from Hamilton to clear the coast of pirates, NRS GD 406/1/238. Hamilton had spent most of his self-imposed exile on Arran in 1628 fitting out privateers to be used against the French, see chapter 1, p.18.

214 C.V. Wedgwood, *Thomas Wentworth, first earl of Strafford 1593–1641. A Revaluation* (London, 1961), pp.248–249; M. Perceval-Maxwell, 'Strafford, the Ulster-Scots and the covenanters,' *Irish Historical Studies*, xviii, (September 1973), pp.524–551. There are numerous examples of Wentworth's attitude to the Scots which comes across forcibly in both the Strafford MSS and Knowler, see for example, S. C. L., W.W., Strafford MSS, vol.3/fol.63 (Wentworth to Portland, 14 March 1633/4) where he likens the enquiries of the earls of Kinnoul, Morton, Mar and the duke of Lennox about the proposed plantations of Connaught and Ormond as 'prostituted to all mens pretences'. Nevertheless, he did occasionally help the duke of Lennox and the earl of Carlisle, J. P. Cooper, 'The Fortune of Thomas Wentworth, Earl of Strafford' in G. Aylmer and J. Morrill eds. *Land, Men and Beliefs* (London, 1983), pp.166–7.

215 For Wentworth blocking the earl of Ancram, Knowler, *Strafford's Letters*, ii, 183 (Ancram to Wentworth, 10 July 1638) and downright prejudice against the earl of Annandale, *Ibid*, ii, 196 (Wentworth to Laud, 7 August 1638). For his blocking a grant of lands in Ormond to Carlisle, *Calendar of State Papers Ireland. 1625–32*, 531, 536. I owe the last reference to Billy Kelly. For Wentworth's own commercial and landed gains in Ireland, see H. F. Kearney, *Strafford in Ireland, 1633–41* (Manchester, 1959 repr. Cambridge 1989), pp.171–184; Cooper, 'Fortune of Strafford', pp.165–175. For Hamilton casting himself in a similar role during the taxation negotiations in Scotland, see above p.118.

216 Hamilton also crossed swords with Wentworth in England over the latter's lease of the lucrative alum farm. Hamilton's client, William Richardson, claimed that Wentworth was defrauding the crown over the lease, and was backed by Philip Burlamachi, Cooper, 'Fortune of Strafford', pp.162–5.

217 At that date the 1st earl of Antrim informed Hamilton that he had recently purchased some land for his son, Lord Dunluce, from the lord of Kintyre (Lorne's half brother). Lorne was going to court to oppose the purchase and Antrim asked Hamilton to assist his son against Lorne, NRS GD 406/1/283 (Antrim to Hamilton, 10 February 1634/5). Ironically, Hamilton had sold most of his lands in Kintyre to Lorne in December 1633 for 50,000 merks, NRS GD 406/1/723 (Hamilton's Journal), p.13. It is not known whether Hamilton supported the MacDonald purchase against Lorne, but the deal did not go through, Jane Ohlmeyer, 'A Seventeenth-Century Survivor: the Political Career of Randal Macdonnell, first Marquis and second Earl of Antrim' (unpublished Trinity College, Dublin 1990), p.89 note 13.

218 Hamilton's wife was the duchess's niece. For the marriage, Knowler, *Strafford's Letters*, i, 413 (Garrard to Wentworth, 14 April 1635). Charles was not amused at this turn of events, *Ibid*, i, 413, but eventually thawed, *Ibid*, i, 427. When assessing Hamilton's relationship with Dunluce following his marriage to Buckingham's widow, we must consider it initially in terms of Hamilton aiding the duchess and protecting the duke's heirs. Laud was similarly motivated, Knowler, *Strafford's Letters*, ii, 169 (Laud to Wentworth, 14 May 1638), as was the king.

Ulster, petitioned Hamilton to take his son under his wing at court.[219] How far Hamilton heeded the 1st earl's request is difficult to recover, but certainly by 1638 the marquis was renting Wallingford House from the duchess and Dunluce, now 2nd earl of Antrim.[220] As a man who laid great emphasis on familial relations, Hamilton patronised Antrim[221] in the years before the Scottish troubles, but also as a way into Ireland in the face of the lord deputy's dogged opposition.

Hamilton's first route into Ireland followed a conventional path which led to enquiries regarding the projected 120,000 acre plantation of Connaught.[222] In his first letter to the lord deputy, carried by Sir George Hamilton, the 1st earl of Abercorn's son,[223] Hamilton attempted to kill two birds with one stone by pre-empting Wentworth's conditions on absenteeism and finding a niche for his sibling protege:[224]

> [I am] desirous that a Brother of mine should live and labour under your Government. To effect this I have become a suitor to his Majesty for some Proportion of land in the Plantation of Connaght … But before I proceed further in it … let me know if I should obtain a greater Proportion than the fifteen hundred acres contained in the conditions (of which I make no doubt) if that would prove not prejudicial to his Majesty's service.[225]

If Hamilton intended that Lord William should live in Ireland then he was following in the footsteps of the Catholic earls of Abercorn, a cadet branch of the Hamiltons, who had successfully established an estate in Strabane, County Tyrone under James I.[226] It is a fair indication of the relationship between Charles's lord deputy and master of the horse that it took Wentworth over six months to reply to Hamilton's enquiry.[227] In his letter the lord deputy stressed that the plantation would 'not answeare expectation' as the aim was to secure 'a constant good revenew to the crowne' to help 'this kingdome to defray itself.' Roughly speaking, Hamilton represented personal profit and Wentworth public good.[228]

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[219] NRS GD 406/1/333 (Antrim to Hamilton, 22 April 1636). For the land ownership, Jane Ohlmeyer, 'Strafford, the "The Londonderry Business' and the new 'British History'", in J.F. Merritt, ed., *The Political World of Thomas Wentworth, Earl of Strafford, 1621–1641* (Cambridge, 1996), p.214.

[220] Lennoxlove, Hamilton MSS TD/90/93/F1/47/20 (Account book entry for six months rental of £75, 14 December 1638). Also *Ibid*, F1/47/38, six months rent paid on 6 September, 1639.

[221] In an undated letter from York House, Antrim thanked Hamilton for his favour in a recent letter which prompted the earl to reply with typical hyperbole, 'My lord give me leave to tell you (out of my affection) that I value more your frendship then if you could place me in the former possessions of my Ancestors.' NRS GD 406/1/1376 (Antrim to Hamilton, 7 July [1637?]). In their later correspondence Antrim often described himself as Hamilton's 'creature', See for example, NRS GD 406/1/1154 (Antrim to Hamilton, 17 March 1639/40).

[222] For the projected size of the plantation, S. C. L., W.W., Strafford MSS, vol.3/197r (Wentworth to Charles I, 9 May 1635).

[223] Sir George Hamilton was also looking for a portion in Connaught and was supported by Hamilton, S. C. L., W.W., Strafford MSS, vol.9/part II/305 (Coke to Wentworth, 30 September 1635). Sir George Hamilton was also the earl of Ormond's brother-in-law and would therefore have enjoyed the deputy's support. I am grateful to Billy Kelly for this point.

[224] NRS GD 406/M1/38 ('Conditions … for the plantation of Cannough[t],' [1634–35]); S. C. L., W.W., Strafford MSS, vol.3/95r. (Wentworth to Charles I, 26 May 1634) in answer to the king's concerning suits for the plantations of Connaught and Ormond, *Ibid*, 3/94 v.

[225] Knowler, *Strafford's Letters*., i, 472 (Hamilton to Wentworth, 7 October 1635). Hamilton's draft of this letter can be found at, NRS GD 406/1/246, written at 'Sibolds' ie. Theobalds.

[226] The lands were the middle portion of the land of Shean and the great proportion of the land of Downealong. Sir Thomas Boyd was the Abercorn undertaker. The 1st earl of Abercorn died in 1618 and in 1624–5 the Irish lands were put in trust for his sons Claud, Lord Strabane and Sir George Hamilton. Claude got all the lands except Downealong which went to Sir George, S. C. L., W.W., Strafford MSS vol.4/94–5 (Charles I to Wentworth, 5 June 1637) and *Ibid*, vol.4/95 (Petition of Claud and Sir George Hamilton). Portland supported the earl of Abercorn in the thirties, *Ibid*, vol.3/137v. (Portland to Wentworth, [October 1634]).

[227] NRS GD 406/1/350 (Wentworth to Hamilton, 10 April 1636). Wentworth lamely claimed that he had received the letter 'in thes very few dayes'.

[228] Hamilton and the other Scots' intentions did not accord with Wentworth's plan that the plantations would only succeed if the grantees lived on the property and, furthermore, that future ventures in Ireland would accord with

A year after the lord deputy's tardy reply, Hamilton opened a second front by procuring a direct grant of 'certain surrounded and deserted lands' and royal fishings around the bays of Killelagh and Strangford in County Down near the big Scottish plantations.[229] This time the problem was not that the grant would prove unprofitable, but that it was already granted to Thomas, 4th Lord Cromwell and viscount Lecale, one of Wentworth's political collaborators in the Irish parliament of 1634 and whose signature was second on the death warrant of Viscount Mountnorris, the vice-treasurer, in December 1635.[230] At first Hamilton traded letters with both Wentworth and Cromwell, arguing that his grant was passed on 4 March 1637 and Cromwell's on 7 May 1637.[231] In fact, Cromwell's grant had not only been passed in May 1636 but was a confirmation of an identical grant of 7 August 1618.[232] Hamilton did not have a leg to stand on, yet he refused to give way. Undeterred, he then unsuccessfully tried to acquire a grant of those lands which Cromwell told him were undrainable, despite the fact that he would be surrounded on all sides by Cromwell's property![233] With partial justification, Hamilton blamed the lord deputy for these setbacks as a letter from Conway to Wentworth illustrates:

> I believe that my Lord of Holland is no more your friend than he was; for I heard, that he said, that you writ to my Lord Marquis the basest and most submiss Letters that ever he saw: And this advice will not only serve you for my Lord of Holland, but for my Lord Marquis, who is not a man to be trusted further than it will be for his Profit.[234]

Hamilton's third and most ambitious attempt to gain a substantial interest in Ireland developed alongside these failures.[235] He was aware that Wentworth had a quarter share in the Irish customs farm, and so any attempt to acquire an interest there would cause a collision with the

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the policy of 'thorough' and pay their way, Kearney, *Strafford*, pp. 168, 178. I am grateful to Billy Kelly for discussions on this. Wentworth gave a similar, but less dismissive, reply to the earl of Mar perhaps with some justification since he asked for 20,000 acres, *HMC, Mar and Kellie*, 193–4 (Wentworth to Mar, 13 March 1634/5). Hamilton's treatment may be contrasted with Lord Cottington's enquiry about Connaught on behalf of chief justice Finch's brother, S. C. L., W.W., Strafford MSS, vol.3//214 (Wentworth to Cottington, 18 July 1635).

229 TNA, SO 3/11, unfol., March 1636/7; *CSP Ire., 1633–47*, 152 (Charles I to lord deputy, 4 March 1636/7). For the proximity to the big Scottish plantations, Knowler, *Strafford's Letters*, ii, 254 (Wentworth to Charles I, 5 December 1638).

230 For supporting the lord deputy in the parliament of 1634, Cromwell was rewarded with a trip to court in 1635 to kiss the king's hand and have an unspecified suit passed, S. C. L., W.W., Strafford MSS, vol.9/part II/267 (Coke to Wentworth, 16 February 1634/5); *Ibid*, vol.9/part II/283 (Coke to Wentworth, 25 May 1635). Hamilton had his own copy of Mountnorris's death warrant, NRS GD 406/M1/30.

231 Hamilton's was clearly registered in the signet office in March 1637, see note 237 below, Cromwell's was registered in May 1636, TNA, SO3/11 unfol., May 1636. See also *CSP Ire., 1633–47*, 128 (Charles to lord deputy, 7 May 1636); NRS GD 406/1/377 (Wentworth and commissioners for his majestie's revenue, 31 July 1637); GD 406/1/10086 (Hamilton to Wentworth, 30 August 1637).

232 *CSP Ire., 1633–47*, 128 (Charles to lord deputy, 7 May 1636). Hamilton's grant included the bay of Killelagh, Cromwell's did not, but Hamilton or his agents did not fasten onto this.

233 Cromwell told Hamilton that he intended to drain 400 acres of the area saying the rest could not be drained by 'al the kings of Europ[e]', NRS GD 406/1/384 (Cromwell to Hamilton, 3 August 1637); GD 406/1/387 (Hamilton to Cromwell, 2 September 1637); GD 406/1/8381 (Hamilton to Wentworth and the commissioners for his majesties revenue, [after 3 August 1637]); GD 406/1/8377 ([Draft] Hamilton to Cromwell, [after 3 August 1637]). One of Hamilton's agents in Ireland, Edward Kendall, sent information and mobilised support, NRS GD 406/1/381, 383 (Kendall to Hamilton, both dated 28 July 1637). This may have been the man of the same surname who worked on behalf of the earl of Arundel in Ireland, and therefore had already fallen foul of Wentworth in his dispute with Arundel, Knowler, *Strafford's Letters*, ii, 29–30 (Wentworth to Arundel, August 1636). I owe the last point and reference to Billy Kelly.

234 Knowler, *Strafford's Letters*, ii, 125 (Conway to Wentworth, [n.d. 1637]). By describing Hamilton as one who was only out for personal profit, Conway reiterated Wentworth's own feelings about the marquis's reasons for intervention in Ireland.

235 Hamilton also had his eye on acquiring land in the projected plantations of Tipperary, Ormond, Sligo, Monaghan and Roscommon, NRS GD 406/1/512 (Memorandum of counties in Ireland to be planted, [n.d. 1637?]).

lord deputy.[236] As a judge in the Star Chamber trial in 1635 against the city of London's mismanagement of the Londonderry plantation, Hamilton had acquired first hand knowledge of the area's commercial potential.[237] Consequently, in 1637 he led a consortium to bid for the lands and customs of Londonderry taken from the London corporation.[238] The bid was compiled in some secrecy probably to avoid an early confrontation with the lord deputy.[239]

The core of the group was essentially an anti-Wentworth clique in the king's Bedchamber comprising Hamilton, Will Murray and probably the earl of Holland.[240] Holland cannot be directly connected to the venture but his hatred of Wentworth, along with his close political and commercial collaboration with Hamilton, suggests that he may have been a player, or at least a strong supporter.[241] Outside the Bedchamber the 2nd earl of Antrim, James Hamilton, Viscount Clandeboye and Robert Barr of Malon were involved on the ground. One memorandum in the Hamilton papers suggested that Antrim and Clandeboye were willing as 'two that have the best meanes in the province of Ulster' to stand sureties for part of the venture.[242] Certainly, Antrim had recently tried to procure land in the Derry area,[243] and the consortium used his agent Archibald Stewart in the later stages of the deal.[244]

The most interesting figure in this affair, however, was Robert Barr of Malon,[245] one of Hamilton's agents in Ireland.[246] Barr was a Scottish presbyterian planter with land in Ulster. He was also an ambitious customs entrepreneur and religious conventicler.[247] Barr was very well connected at court and his earlier schemes for increasing the Irish customs revenue were supported by

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[236] Kearney, *Strafford*, p.165, 159–168.

[237] T. W. Moody, *The Londonderry Plantation, 1609–41: the City of London and the Plantation of Ulster* (Belfast, 1939), pp.357–369, esp. pp.357–358. Equally, by voting to revoke the Londoners patent Hamilton helped promote the area's availability.

[238] For a detailed analysis of the 'Londonderry Business', Jane Ohlmeyer, 'Strafford, the "The Londonderry Business' and the new 'British History'", in J.F. Merritt, ed., *The Political World of Thomas Wentworth, Earl of Strafford, 1621–1641* (Cambridge, 1996), pp.209–229.

[239] This may be why much of the material in the Hamilton Archive relating to the bid is unsigned, undated and rarely mentions specific names, see for example, memoranda sent to Hamilton, NRS GD 406/M1/324, 33.

[240] For Will Murray's involvement, NRS GD 406/1/421 (Murray to Hamilton, 21 June 1638) and for an example of his and Holland's poor relations with Wentworth, Knowler, *Strafford's Letters*, ii, 189 (Wentworth to Charles, 28 July 1638).

[241] In October 1637, Hamilton, Pembroke and Sir David Kirke procured a grant of Newfoundland, TNA, SO3/11 (October 1637).

[242] Clandeboye appears, along with Antrim, to have offered their bonds as sureties for some of the purchase, NRS GD 406/M1/324 ('A memorandum for the most noble lord Marquis of hambleton.' [n.d. 1637]). Interestingly, Clandeboye had previously owned the fishings of the Bann and Lough Foyle, George Hill, *An Historical Account of the Plantation in Ulster, 1608–1620* (Belfast, 1877), pp.100, 171, 177.

[243] The Macdonalds had previously owned land in the Derry area. Before his death in December 1636, the 1st earl of Antrim had tried unsuccessfully to get Hamilton to have the 3,000 acres around the town of Cultram [Culmore?] (worth £1,500) which he had surrendered to the Londoners restored to him, NRS GD 406/2/M1/277 ('Reasons that may induce his Matie to take the Earle of Antrim's Peticon into his gratious Consideration,' [before December 1636]). This paper also mentions viscount Dunluce's abortive attempt to buy land in Kintyre, which was thwarted by Lorne. See also, Ohlmeyer, 'Strafford and the "Londonderry Business"', pp.214–215.

[244] See below. For his part, Antrim may have been promised a portion of the lands that the Macdonalds had formerly owned around Culmore or a stake in the customs farm. See above. Antrim was disappointed when the Derry offer collapsed: 'The losse of London Derrie shall never trouble me, onlie I shall want an occasion daylie to serve you', S.R.O, GD 406/1/652 (Antrim to Hamilton, 14 January 1638/9).

[245] Knowler, *Strafford's Letters*, ii, 227 (Henry, Bishop Lesley of Down to Wentworth, 18 October 1638). The writer talks of a non-conformist Robert Barr of Malone.

[246] *CSP Ire., 1633–47*, 181–182 (John Bramhall, bishop of Derry to Laud, 23 February 1637/8); Wedgwood, *Strafford*, pp.248–249; Perceval-Maxwell, 'Strafford, the Ulster-Scots', p.530; M. Perceval-Maxwell, 'Ireland and Scotland, 1638–1648' in Morrill, ed., *The Scottish National Covenant*, p.195.

[247] Knowler, *Strafford's Letters*, ii, 227 (Henry Dunensis, Bishop Lesley to Wentworth, 18 October 1638); S. C. L., W.W., Strafford MSS, vol.3/part I/fol.193r. (Wentworth to Cottington, 10 April 1635); *CSP Ire., 1633–47*, 181–182 (John Bramhall, bishop of Derry to Laud, 23 February 1637/8). His land was in Co. Downe.

Lord Treasurer Portland.[248] Sometime before Portland's death in March 1635, Barr moved into Hamilton's circle and worked closely with Will Murray.[249] At court, Barr promoted his proposals on Irish customs reform, petitioned against the lord deputy,[250] met the king twice and secured royal authority to travel freely between Ireland and England.[251] If Hamilton's bid was successful, it seems that Barr was to be made keeper of Culmore Castle, which overlooks the entrance to the river Foyle, and run the Londonderry customs farm.[252] Furthermore, it appears that Barr also submitted at least one offer for part of the Scottish customs farm and was supported by Patrick Maule of Panmure.[253]

From the evidence it is clear that Hamilton was engaged in a campaign to overthrow the lord deputy's Irish customs farm, with Londonderry the immediate goal. Anyone with a scheme to wrest the customs farm from Wentworth's grasp would find patrons in Hamilton, Holland and Will Murray. Hamilton was interested in any aspect of the excise that posed a potential threat to the lord deputy. For example, around 1635–6 he was behind an unsuccessful attempt to purchase the Irish tobacco farm.[254] At around the same time he and Holland lent support to Wilmot and Mountnorris's schemes for the management of the Irish customs, as well as shielding one of the Galway agents, Patrick Darcy, from Wentworth's displeasure.[255] A few years later, in early 1638, his friend Lord Goring offered Hamilton a quarter share (£2,000) and leadership of a company he was organising with Sir Edmund Verney and Sir Ralph Clare to run the English tobacco farm.[256] Such was the marquis's growing interest in Ireland that he even planned a trip there, probably in 1638, but he was forced to travel to Scotland instead.[257]

Not surprisingly, Wentworth did not take this lying down. A stream of letters to Laud, Cottington and the king lambasted the Derry consortium for its smear tactics, epitomised by Barr.[258] Wentworth poured most of his scalding anti-Scottish invective upon Barr, probably because he

[248] S. C. L., W.W., Strafford MSS, vol.3/part I/fol.193r. (Wentworth to Cottington, 10 April 1635).

[249] Knowler, *Strafford's Letters*, ii, 136–7. Wentworth was furious that Murray was part of 'this Inquisition' as he had earlier – around 1633 – paid him £800 to pass from a suit for the remembrancers office in Ireland for which the lord deputy received no thanks, *Ibid*.

[250] S. C. L., W.W., Strafford MSS, vol.3/part I/fol.193r. (Wentworth to Cottington, 10 April 1635). See also, *Ibid*, vol. 9/ii/143.

[251] Knowler, *Strafford's Letters*, ii, 107 (Wentworth to Laud, 27 September 1637); *Ibid*, ii, 126 (Laud to Wentworth, 24 October 1637).

[252] Hamilton was advised to include the patronage of Culmore castle on the river of Lough Foyle in the offer where the traffic from Derry port could be monitored, NRS GD 406/M9/37 ('What yor Lop is to desier of his Matie when yor Lops pattent is to be passed', [n.d. 1637]). Barr petitioned the king to be keeper of Culmore Castle, *CSP Ire., Add. 1625–60*, p.321 ([n.d.]); *CSP Ire., 1633–47*, p.181–182 (John Bramhall, bishop of Derry to Laud, 23 February 1637/8).

[253] Innerleithen, Traquair MSS, 11/11 (Morton to [Traquair], 2 March [?1636–38]). Morton was surprised that Traquair was not involved, given his strong friendship with Barr.

[254] Cooper, 'Fortune of Strafford', p.169–70. Strafford had a major interest in the Irish tobacco farm and retained it, despite Hamilton's efforts, *Ibid.* At the same time Hamilton and Holland may have been behind another group including Robert Barr, Mountnorris, Sir James Galloway, Will Murray and Patrick Darcy who were putting together an offer for the entire Irish customs farm, Lady Burghclere, *Strafford* (2 vols. London 1931), i, 34–35.

[255] Moody et al, *New History*, pp.254–256. Darcy was, significantly, also involved in proposals for customs reform in Ireland while he was at court, Kearney, *Strafford*, p.94. For more on Darcy being on the wrong side of Wentworth, *Ibid*, pp.92–94, 193, 212.

[256] The company initially had the Irish tobacco farm included in their lease, but it was withdrawn. Even if Hamilton did not want to put down the £2,000 stake, it would be done for him and he would still get the same benefit. It is not known whether Hamilton accepted the offer, NRS GD 406/1/7536 (Goring to Verney, 1 February 1637/8 {with an attached paper detailing the quarter share}). Others were involved with Goring, Knowler, *Strafford's Letters*, ii, 141 (Garrard to Wentworth, 16 December 1637). Goring's patent was cancelled sometime in 1638, *Ibid*, ii, 181 (Garrard to Wentworth, [n.d. 1638]).

[257] NRS, GD 406/1/652 (Antrim to Hamilton, 14 January 1638/9).

[258] See for example, S. C. L., W.W., Strafford MSS, vol.3/part I/fol.193r. (Wentworth to Cottington, 10 April 1635); *Ibid*, vol.3/part I/195v–197v (Wentworth to Charles I, 9 May 1635); *Ibid*, vol.3/part I/fol.239v (Wentworth to Charles I, 10 January 1635/6); Knowler, *Srafford's Letters*, ii, 107, (Wentworth to Laud, 27 September 1637).

knew the nationality of the majority behind the scheme.[259] But in the face of the influence of Hamilton, Will Murray and Holland there was only a limited amount that Wentworth could do. Moreover, such was Wentworth's ability to raise hackles that individuals outside the consortium, such as Lord Wilmot, Viscount Mountnorris, and Sir Piers Crosby, joined in the cacophony against him.[260]

Pursuing this broad strategy, Hamilton sifted the incoming reports on Londonderry and prepared his offer. Hamilton had to weigh the advice carefully as some of it varied considerably. One paper suggested that, if Charles demurred on Coleraine and surrounding lands, Hamilton should double the existing rent from £500 to £1,000 to secure it.[261] A later paper, in the hand of Antrim's agent, Archibald Stewart, written after Hamilton had submitted his first offer, suggested that the total Londonderry package was worth £18,000 a year.[262] By contrast, in an earlier paper Hamilton put his own estimates in the margin and came to a total figure of £5,200 a year as opposed to the £10,200 suggested by the compiler of that particular report.[263] Hamilton's own figure was clearly too low, and, when he had composed a formal offer, he upped the ante to £9,200.[264] It is certain that he had to further increase that figure for in December 1637 Charles boasted to Wentworth that he had been offered £12,000 yearly plus a £10,000 entry fine from two or three different companies of undertakers.[265]

It seems beyond doubt that Hamilton was behind one of these companies and their offer was being taken very seriously by the king. In the first place, Wentworth was convinced the offer came from a Scottish consortium, warning Charles that acceptance would mean the total control of Ulster by the Scots and the virtual collapse of the Derry customs farm.[266] In his reply, Charles ignored Wentworth's anti-Scottish utterings and informed him that the 'proposers', now a single company, had offered to leave out the Derry customs which they valued at £3,000, consequently reducing their offer to £9,000.[267] Hamilton had been advised in two separate reports to ask for a reduction of £3,000 on the lease if the customs were left out which links the lead bid

[259] Wentworth rarely named names, instead, he angrily boasted that he knew the identity of the consortium leaders, see for example, S. C. L., W.W., Strafford MSS, vol.3/part I/fol.248; *Ibid*, fol.193r. (Wentworth to Cottington, 10 April 1635). Barr was, for example, a 'Scottish Pedler,' a 'petty chapman.' Wentworth tempered his anti-Scottish comments when writing to the king.

[260] Interestingly, Aidan Clarke has suggested that in 1635, Sir Piers Crosby and Viscount Mountnorris had links with the anti-Wentworth group at court, and that was the reason 'the ringleader, Lord Mountnorris, was court-martialled in December 1635,' A. Clarke, 'Sir Piers Crosby, 1590–1646: Wentworth's 'tawney ribbon,' *Irish Historical Studies*, xxvi, no.102 (November 1988), p.144. For Wilmot supporting Barr's petition against Wentworth, S. C. L., W.W., Strafford MSS, vol.3/part I/fol.197r (Wentworth to Cottington, 9 May 1635).

[261] NRS GD 406/M1/324 (Memorandum for ... hambleton, [n.d.]).

[262] NRS GD 406/1/359 (Stewart to Hamilton, 1 February 1637/8). This advice must have been sent to Hamilton after Charles had received the first offers for the Londonderry lease, see below. Stewart made no mention of the impact on customs revenue if relations with Spain deteriorated. Stewart's estimate for the customs was corroborated in another paper, though it suggested that Hamilton should request this figure if the Derry customs were separated from the Londonderry package and joined to the General customs farm, NRS GD 406/M1/295. Stewart's yearly figure for the customs should be compared with Wentworth's average £1,365, S. C. L., W.W., Strafford MSS, vol.3/part I/321 (Wentworth to Charles, [?] May 1638).

[263] It is accepted that these were probably the figures Hamilton considered offering for the different parts of Londonderry rather than what they were worth. Hamilton put the customs at £1,000, NRS GD 406/1/501 (Instructions for ... Hamilton concerning the farming of Londonderry).

[264] NRS GD 406/M1/33 ('My offer unto yor Matie for the County of Londonderry ...', [Copy] [n.d.]).

[265] S. C. L., W.W., Strafford MSS, vol.3/part I/307v–309r (Charles I to Wentworth, 29 January 1637/8?). The offer is at fol.309r dated December 1637.

[266] *Ibid*, vol.3/part I/310–311 (Wentworth to Charles, 27 February 1637/8). Wentworth's argument was that the English were law abiding, loyal subjects, unlike the Scots. He also said that the Londonderry customs would be virtually ruined.

[267] *Ibid*, vol.3/part I/319r (Charles to Wentworth, 31 April 1638), the proposers had also offered to farm the customs out for £3,500! Archibald Stewart's advice may have been sought after the initial offer went in and Wentworth complained about the effect on the Derry customs, NRS GD 406/1/359 (Stewart to Hamilton, 1 February 1637/8).

to him.[268] The timing of the reduced offer aligns with Hamilton's movements, for it was made a few weeks before he went to Scotland as royal commissioner. Once he left for Edinburgh the consortium lost momentum and slowly fizzled out.[269] In fact, Charles rejected all the bids in November 1638 and put the Londonderry business into a commission for settling it to the crown's 'best advantage'.[270]

Thus Hamilton's repeated attempts to gain an interest in Ireland between 1635 and 1638 failed. It was in large part due to the lord deputy's Anglophile policy. In the case of the Cromwell dispute, Hamilton must take most of the blame for excessive stubbornness when he was boxed in, literally. The Londonderry business was a more even contest with Hamilton and Murray, with Antrim's support, versus Wentworth. What tilted the balance the deputy's way was the Scottish troubles. Wentworth scared Charles with warnings of Scots in Ulster mirroring the attitudes of their co-religionists at home.[271] Robert Barr's visits to Edinburgh and enthusiastic promotion of the Covenant in Ulster was grist to the deputy's mill.[272] Meanwhile Hamilton, ironically, was forced to turn his attention from Londonderry to Edinburgh armed with a near impossible brief.

Going into the Scottish troubles, Charles I had a royal commissioner for Scotland who deeply resented the lord deputy of Ireland.[273] And the feeling of hostility was mutual. Not only that, but the Scots at home and in Ulster were equally bitter towards the lord deputy, long before Charles recalled him in late 1639 for the second mobilisation against the Covenanters.[274] From the second half of 1639 Hamilton and Wentworth were forced to work together and both attempted to bury the hatchet. For example, Hamilton, along with Northumberland, supported Wentworth during his investiture as earl of Strafford in January 1640.[275] Yet one had only to scratch the surface and the antipathy re-appeared. However, faced with the collapse of the second mobilisation and a Scots army forcing the calling of an English parliament, Strafford looked to soothe former enemies, amongst them the marquis of Hamilton. In a remarkable volte face, he tried to find him

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[268] See above. The reports are NRS GD 406/1/359 and GD 406/2/M1/295.

[269] Writing from York house, Antrim lamented, 'By your absence I find a slow advancement in londonderrie busines and if you doe not spure Wil Morray our hopes of it may faile,' NRS GD 406/1/1156 (Antrim to Hamilton, 11 June 1638). Will Murray seemed a little more hopeful; writing ten days later he commented, 'For London Derry it receives some delay by reason of my Lord Cottingtons newnes in the busines who must be satisfied but I hope all shall go well'. NRS GD 406/1/421. Cottington, under Charles's orders, was probably examining the viability of the consortium's offer. Later in the year, Antrim claimed that Wentworth was not assisting the opposers of the consortium's bid which contradicts most of the other evidence and, once again, lays the earl's political judgement open to question, NRS GD 406/1/653/1-2 (Antrim to Hamilton, 13 October 1638).

[270] For more detail on the four bids and Charles's decision, see Ohlmeyer, 'Strafford [and] "The Londonderry Business"' in Merritt, ed., *The Political World of Thomas Wentworth* (1996), pp.216–223, and table of bids in appendix at p.229.

[271] J. Bliss, ed., *The Works of the Most Reverend Father in God William Laud* (8 vols. Oxford, 1860), vii, 439 (Laud to Wentworth, 30 May 1638). The archbishop agreed with Wentworth in this as in many other things.

[272] Knowler, *Strafford's Letters*, ii, 227 (Lesley, bishop of Downe to Wentworth, 18 October 1638); *Ibid*, 229 (Wentworth to Charles I, 1 November 1638), for a MSS copy of this letter, S. C. L., W.W., Strafford MSS, vol.3/part II/12. Some evidence suggests that Barr in Edinburgh and Clotworthy in London were employed to work the deputy's ruin, T.D. Whitaker, ed., *The Life and Original Correspondence of Sir George Radcliffe, the friend of the Earl of Strafford* (London, 1810), p.228 (Deciphered account of a conspiracy to ruin the lord deputy). Wentworth eventually caught up with Barr in May 1639: Barr, characteristically perhaps, acknowledged his fault, asked pardon, and was released! Knowler, *Strafford's Letters*, ii, 341 (Wentworth to Coke, 18 May 1639).

[273] See for example, Knowler, *Strafford's Letters*, ii, 250 (Wentworth to Laud, 27 November 1638).

[274] For the Scots hatred of Wentworth before his recall, *Ibid*, ii, 195–6 (Wentworth to Laud, 7 August 1638). In a letter to Windebank, Wentworth revealed that his spy in Edinburgh, Mr Willoughby (an ensign in the Irish army), told him that the Scots 'universally hates me most extremely, and threaten some personal Mischief unto me,' *Ibid*, ii, 269 (Wentworth to Windebank, 6 January 1638/9). For Willoughby, *Ibid*, ii, 271 (Wentworth to Laud, 12 January 1638/9). On a lighter note, the Ulster Scots had even tried to get Wentworth's chaplain to sign the Covenant, S. C. L., W. W., Strafford MSS, vol.3/part I/339 (Wentworth to Charles I, 28 July 1638).

[275] *CSPD, Add. 1625–49*, 616 (Order of Ceremonial, 12 January 1639/40); Loomie, ed., *Ceremonies of Charles I*, p.271.

a choice grant in Ireland.[276] After a few failures,[277] he anxiously wrote to Sir George Radcliffe on 5 November, two days after the opening of the Long Parliament, 'If that for my L[or]d Marquesse do not take, I desire you to look out some other thinge for him, and use diligence therein.'[278] Charles I was not the only one persuaded to change his mind by the Scottish army's presence in England.

[276] In April 1640, Hamilton was still working through others to get into Ireland, though Strafford was no longer an obstacle, Whitaker, *Correspondence of Radcliffe*, 198–199 (Strafford to Radcliffe, 7 April 1640).

[277] *Ibid*, 210–213 (Radcliffe to Strafford, 28 October 1640). It seems that Radcliffe was trying to get Hamilton land in Bermingham's countrie, and perhaps Galway (which was opposed by Clanrickard). In despair Radcliffe exclaimed, 'What shall we now doe for the Marquis?' *Ibid*.

[278] *Ibid*, 204–206 (Strafford to Radcliffe, 5 November 1640).

PART 2

CHAPTER 6

The Scottish Troubles, July 1637–December 1638

As the Scottish troubles developed from the riots against the service book in July 1637 via the Supplication of October 1637 to the National Covenant of February 1638 Hamilton, despite attempting to stay out of the conflict, was nevertheless inexorably drawn in. He had not been consulted on either the formulation or the imposition of the service book. Perhaps because of this he was a somewhat reluctant royal commissioner, being sent into a situation where the chance of success was slim. With some justification Hamilton could claim that the religious aspect was not his problem, but the civil disorders and challenge to royal authority were. He was in Scotland enough in the 1630s to have seen first-hand the growing uneasiness and discontent in civil and religious matters. In fact, he shared some of the concerns, especially about the revocation, the growing power of the bishops and the lack of tangible support for the Palatine cause. Therefore, Hamilton could understand some of the reasons for the discontent and to some degree was probably sympathetic. If in any doubt, he only needed to ask his mother, who from early on was a warm supporter of the Covenanters.

As we have come to expect with Charles I, Hamilton's brief as commissioner was brittle and uncompromising. It amounted to Covenanter obedience before any of their demands would be considered. The threat of force was omnipresent, inevitable even. Hamilton employed that threat, but also made a determined effort to find a settlement. Unfortunately, by the time he arrived in Edinburgh in June 1638, almost a year after the service book riots, he faced a determined resistance movement just as committed to what they would not accept as their king was at the other end of the island. By December 1638, frustrated at the rigid posturing on both sides, Hamilton reluctantly threw himself into the mobilisation against the Covenanters.

A close reading of Hamilton's correspondence with the king shows quite plainly that Hamilton consistently told Charles that what he wanted – mainly the surrender of the Covenants – was unrealistic and could only be done by force, perhaps even by outright conquest of Scotland. Yet Hamilton never advised force. On the contrary, he advised the king to reconsider, to give some

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ground, and to make a settlement with the Covenanters. Furthermore, he also counselled this because the king's position in his other two kingdoms was so poor that he could not rely on support from England and Ireland to hammer the Scots. A counsellor could not tell a king, especially a king like Charles I, that what he wanted was unfeasible, unrealistic or even ridiculous. A counsellor could only illustrate the impossibility of the king's demand, as Hamilton did, by telling the king what would be required to effect it. In this case, it grew very quickly from force to conquest of Scotland and, by June 1638, to the hazarding of the king's three kingdoms. The king chose to ignore his commissioner's advice and the warning of June 1638 was to become a worryingly accurate prophecy.

Each time Hamilton wrote to the king, he normally sent a similar letter to Archbishop Laud. In terms of tone and content there were some differences between these parallel letters, yet it was never significant and if only one set had survived our account would not be very different. On the whole, Laud often received more detailed information than the king and in a blunter form. Hamilton also pressed the archbishop to get the king more involved in the negotiations and to send clearer directions. But Hamilton was also candid with the king and particularly in his letter of 20 June 1638, where he clearly delineated the difficulties inherent in Charles's rigid stance. Hamilton was probably writing to Laud by order of the king, though it gave the commissioner an opportunity to press Charles on two fronts to face the reality of the growing crisis.

This chapter comprises five main sections. The first section examines Hamilton's response to events in Scotland from the service book riots on 23 July 1637 to his appointment as royal commissioner in April 1638. The main argument here will be that Hamilton was unwilling to get involved in the contest and only after considerable pressure was he fully drawn in. The second section is a brief comment on two advice papers that could have played a part in framing the marquis's commission as well as a short analysis of Hamilton's constrained remit as royal commissioner. Section three, evaluates the royal commissioner's first period in Scotland between June and July and his return to court. Section four, examines Hamilton's second crucial trip to court in early September to persuade the king to adopt a more open policy in order to gain a royalist party in Scotland. One of the main aims here will be to show that shortly after returning to Edinburgh, Hamilton discovered the Covenanter's radical programme to abolish episcopacy in the forthcoming general assembly. In response, he formulated the Broxmouth advice and returned to court to press for the adoption of his policy in an eleventh hour attempt to save episcopacy. Finally, section five charts the application of the new crown policy and shows how it nearly succeeded in dividing the Covenanter movement.

I

As the previous chapters have shown, Hamilton was involved in a plethora of activities on top of his Scottish commitments. That his interests were 'British' or spanned the Stuart three kingdoms in scope is beyond doubt. As the troubles heightened, Hamilton was forced to delegate his other British concerns and apply himself to Scottish affairs. Laymen were excluded from any part in the formulation of the Scottish service book and approved its introduction in council without seeing a copy.[1] However, the subsequent civil disorders on 23 July and inability of the clergy to have the

[1] Innerleithen, Traquair mss, 14/2 ('Instructions from the council to Traquair and Roxburgh' [March 1638]) which gives a clear account of what the lay councillors had done since the book was brought to Edinburgh. The absence of lay involvement in the whole affair is illustrated by one of Traquair's standard letters to Hamilton at the begining of July 1637 in which he baldly declared 'the clergie are to meat heir in Ed[inbu]r[gh] ye 20 of this instant anent the establishing of ye service book', NRS, GD 406/1/1012 (Traquair to Hamilton, July [before 20] 1637). There was widespread belief in Scotland and England that the new Scottish service book was the English service book with a Scottish title-page, W. Knowler, ed., *The Earl of Strafford's Letters and Dispatches* (2 vols. Dublin, 1740), ii, 114

book established burst the clerical bubble and brought the laymen of the Privy Council in to try and reassert order.[2] As a result, this brought the troubles nearer Hamilton.

Five days after the famous riots in and around the St Giles and Greyfriars kirks the earl of Roxburgh conveyed the 'evill newes' to the marquis.[3] Above all, Roxburgh blamed the unilateral action of the bishops for the tumults and stressed that it could have been avoided had the lay members of the council been consulted. The veiled criticism of Charles's method of introducing the book was loud and clear. On top of this, the lord privy seal emphasised the 'partiall jealousys' provoked by the affair and advocated swift action to remedy the situation. The letter clearly conveyed the impression of an administration suffering from low morale and divided within itself. In a surprisingly candid letter to the king shortly after the July riots, the lord treasurer picked up where the lord privy seal had left off and told Charles that the bishops had neither the ability as politicians nor the respect of the country to introduce the new liturgy on their own.[4] Inevitably therefore, the bishops had created 'many groundles & unnecessary feares in the hearts of the people' enabling the 'puritanicallie affected' to take advantage of the situation. If Charles was astute enough to notice, there was again criticism of the inflation of the episcopal role in government. Hamilton's reply to a similar letter from Traquair was equally revealing, but for different reasons:

> His Matti is no uays satisfied uith our Clargie['s] prosidings and itt is [intimatt] to them by my Lo[rd] of Cantt[erbury]: that ther staying att home uill be as exseptabill as ther cuming uill be att this tyme.[5]

The rest of the letter went on to discuss in far greater detail the appointment of sheriffs for the coming year and other lay matters. Either Hamilton did not want to be drawn into the dispute, or, far more likely, Charles and Laud were dealing with the situation without lay councillors. Perhaps it was a mixture of both, but certainly at this stage Hamilton viewed the problem as an outsider.

In the following months, however, as the opposition to the book became more organised, the pressure on Hamilton to take a more active part increased.[6] Even in October, however, Hamilton may have still been dragging his feet, for when the council sent up the Supplicants' petitions, it was Lennox who delivered the council's letter to the king with only Laud and Secretary Stirling present.[7] The initial furore was over the canons and service book but other grievances – High Commission, the Five Articles of Perth, ministerial oaths and ultimately the

(Garrard to Wentworth, 9 October 1637). Even Traquair and other lay councillors thought it was the English book which was being introduced, Innerleithen, Traquair mss, 26/unfol. (Traquair's account of his actions). Obviously, Traquair's account was written as the Covenanters were preparing to impeach him, but I am still inclined to believe his story. Charles claimed that the book was the same as the one James had intended introducing, though a few changes had been made, and that it differed only slightly from the English book, Charles I [Walter Balcanqual], *A Large Declaration concerning the Late Tumults in Scotland* (London, 1639), pp.16–18.

[2] These events are discussed fully in, Gardiner, *History of England*; Stevenson, *Scottish Revolution*; Walter Makey, *Church of the Covenant*; A. I. MacInnes, *Charles I and the Making of the Covenanting Movement*; Donald, *An Uncounselled King*; Russell, *Causes of the English Civil War*; Russell, *Fall of the British Monarchies*; Laura Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland, 1637–1651* (Oxford, 2016). See also Leonie James, *The Great Firebrand: Laud and Scotland* (Woodbridge, 2017).

[3] NRS, GD 406/1/382 (Roxburgh to Hamilton, 28 July 1637). Roxburgh claimed that the bishop of Edinburgh was stopped reading the service book 'before ever it was opened or word read or spoken'. It should perhaps be noted that on 21 July, two days before the attempted reading of the book, two of the king's Bedchamber men, Patrick Maule of Panmure and James Maxwell, arrived in Edinburgh, T. Thompson, ed., *Diary of Sir Thomas Hope of Craighall*, p.64.

[4] Innerleithen, Traquair mss, 12/18 ([Copy] Traquair to Charles, [July 1637]) partly printed in *HMC, 9th Report*, p.258 (266).

[5] Innerleithen, Traquair mss, 8/2 (Hamilton to Traquair, 6 August 1637). Interestingly, in a postscript Hamilton appears to side with Traquair against Chancellor Spottiswood in the nomination of a sheriff.

[6] See for example Traquair's letter to Hamilton on 27 August where he again blames the bishops or at least the more 'violent and forward' of them for the situation, NRS, GD 406/1/530.

[7] Innerleithen, Traquair mss, 9/2 (Stirling to Traquair, [4 or 9] October 1637).

legality of bishops – were to be dragged on board.[8] The troubles escalated because Charles failed to act decisively and because the lay councillors and the bishops seemed incapable of working together effectively.[9] By contrast, the protest movement appeared united, more so perhaps than it actually was.

The king's lack of touch was clearly seen in the proclamation of 7 December 1637 in which he attempted to quell fears of innovation in religion by stressing his abhorrence of all popery and superstition. Ironically, as Lord Loudoun related to Hamilton, this spurred the Supplicants to keep up the pressure, as popery and superstition was precisely what the bishops had tried to introduce on 23 July.[10] Charles's lack of basic knowledge of what he could legally do in Scotland prompted him to address eight questions to the three top Scottish lawyers, Sir Thomas Hope, Sir Thomas Nicolsone and Sir Lewis Stewart.[11] The questions ranged over topics such as whether groups could meet, take oaths or correspond with people outside Scotland without royal warrant and, probably most remarkably, whether a law or statute was in force saying that the king could not introduce a set form of religious service. The answers from the lawyers did not give Charles the legal rod that he had evidently hoped for, but he pressed on regardless.[12] The king never fully accepted that if individuals or groups opposed him, or even petitioned against controversial policies, then they were not automatically acting illegally.

In the months either side of the signing of the National Covenant, lobbying at court was intense from the three main groups: the bishops, the Supplicants and the lay members of the Privy Council.[13] The latter two successfully used Hamilton, Lennox and Morton as a way to the king.[14] Traquair's account of his visit to court in January 1638 illustrated the limits of counsel under Charles I.[15] In this instance, Hamilton, Traquair and Sir John Hamilton of Orbiston, the justice clerk, were unable to persuade the king to issue a conciliatory proclamation. Despite the trio offering the king numerous redrafts, Hamilton despairingly informed Traquair and Orbiston that 'the

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[8] Donald, *Uncounselled*, chapter 2; Stevenson, *Revolution*, chapter 2.

[9] Different interest groups in Scotland were competing for the king's ear: Sir Robert Spottiswood, president of the court of Session, went to court in late 1637 with an episcopal brief; Sir John Hamilton of Orbiston followed with the lay coucillors version of events, NRS, GD 406/1/394 (Loudoun to Hamilton, 25 December 1637). Traquair was trying his best and seemed to have got the bishops of Edinburgh, Galloway and Dumblane to co-operate at least temporarily, Innerleithen, Traquair mss, 12/19 ([Copy] Traquair to Charles I, 25 September 1637). For Traquair's sheer desperation at the escalation of the troubles and the king's inaction, Hardwicke, *State Papers, from 1501 to 1726* (2 vols, 1778), ii, 95–7 (Traquair to Hamilton, 19 October [1637]); *Ibid*, 104–6 (Traquair to Hamilton, [January-February, 1638]).

[10] NRS, GD 406/1/394 (Loudoun to Hamilton, 25 December 1637), 'The declaratione which the earle of Roxbrughe brought down schowing that his Matie dothe abhoer all superstitione of poperie and Violatione of the Laws of this kingdome (which wee never doubted) hathe confirmed that ass[u]red confidente wee ever hade of his Matie … And hath michtilie incouraged all thes who doth oppose the service booke and uther unlawfull Innovationes to Supplicate against the same.' For Hamilton's own copy of the proclamation, NRS, GD 406/M1/32. The proclamation was made at Linlithgow, [Balcanqual], *Large Declaration*, p.46. Rothes recalled James's axiome at the time of the Gunpowder plot that if the state was in danger everyone should rise as an 'indivydable lump', Rothes, *Relation of the Proceedings*, p.25; Donald, *Uncounselled*, p.57.

[11] The questions are written out in Traquair's hand and the two papers are signed and initialed by the king. At the bottom right hand corner of the first paper Charles has written, 'Verte', Innerleithen, Traquair mss, 4/95.

[12] Innerleithen, Traquair mss, 14/3 ([Copy] Answers from Nicolson, Hope and Stewart); Laing, ed., *Letters and Journals of Robert Baillie*, i, 64–65. Traquair did not think very much of the advocates' answers, Hardwicke, *State Papers*, ii, 103–4 (Traquair to Hamilton, [January-February, 1638]); *Ibid*, 104–6 (Traquair to Hamilton, [January-February, 1638]) also, NRS, GD 406/1/974 (Traquair to Hamilton, [January-February, 1638]). The questions and answers are discussed in more detail in Donald, *Uncounselled*, pp.63–64.

[13] See for example, Innerleithen, Traquair mss, 12/31 ([Copy] Traquair and Roxburgh to Charles, 26 December 1637).

[14] For the Supplicants see chapter 5, p.110 and Rothes, *Relation of Proceedings*, pp.81, 83–4. For the council, see below. The 2nd earl of Haddington was also being used by the Supplicants, for whom he had some sympathy, Baillie, *Letters*, i, 47.

[15] Traquair was called to court around the beginning of January, Innerleithen, Traquair mss, 12/20 (Traquair to Charles I, 6 January [1637/8]).

king wo[u]ld not alter one word in it'.[16] Instead, in the proclamation that Traquair and Roxburgh made at Stirling on 19 February, the king took responsibility for the prayer book himself, condemned the petitions against the book, as well as the Supplication of 18 October and the various meetings held since the troubles began. Henceforward, all 'convocatiouns and meetings' would be accounted treasonable.[17] Therefore, it was Charles I, acting contrary to official counsel, who turned the Supplicants into the Covenanters.

The National Covenant of 28 February – the old Negative Confession of 1580 with an updated band – was a direct response to the king's proclamation of 19 February. Like iron filings to a magnet, the Covenant gave discontented Scotland shape, and it provided a precedent for opposition in the face of the ultimate sanction from the magistrate. Yet by subscribing the National Covenant, the Scots were not engaged in an act of rebellion.[18] Instead, they were illustrating to the king of Scotland their fears for Scottish religion. However, in the band attached to the Negative Confession, the signatories bound themselves to 'mutual defence and assistance' to safeguard the true religion and this touched a raw nerve with Charles I.[19] It was that, and the fact that the band was subscribed without royal permission, which appeared to infuriate the king.[20] Apart from these controversial aspects of the band, the Covenant was a traditional Scottish document articulating Scottish fears with due respect to the Scottish king.[21] Unfortunately, Charles may have responded to the Covenant as king of England, not as king of Scotland.[22]

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[16] Innerleithen, Traquair mss, 26/unfol.(Traquair's account, [1641?]). Albeit there is a problem taking Traquair's account on trust given that he was in a perilous position in 1641 when this was written, yet I see no reason to doubt him. One strategy was to try and get Charles to allow 'under highest paine' instead of 'under the paine of treasone' if the meetings did not disperse following the proclamation. They were unsuccessful, but as Traquair admitted himself they meant the same thing. See note below.

[17] NRS, GD 406/M9/40 ([Copy] proclamation, 19 February 1637/8), this copy is endorsed 'Copie of the proclamatione against unlawfull convoc[ati]ounes'. The convocations and meetings were to disperse 'under the pane of treasone'; the provosts, baillies and magistrates were thereafter to enforce the proclamation 'under all highest paine'. For Traquair and Roxburgh's account of how they got the proclamation read, Innerleithen, Traquair mss, 12/21 ([Copy] Traquair and Roxburgh to Charles, [20] February 1637/8); NRS, GD 406/1/994 ([Privy Council] to [Hamilton], 17 February 1637/8). The proclamation and protestation to it by Lindsey and Home are printed in [Balcanqual], *Large Declaration*, pp.48–52. It was read in Edinburgh on 22 February and was followed by a protestation, Rothes, *Relation of Proceedings*, 86–89.

[18] The 1585 Act Anent Bands, prohibiting bands and associations without the king's approval, was the main legal stumbling block here, but just about every lawyer in Scotland was willing to argue that the Covenant, perhaps because it sought to defend the true religion, was not illegal. Loyalty to the king was also a central part of the National Covenant. For the 1585 Act, Russell, *Fall*, p.56.

[19] NRS, GD 406/1/327/2 (Hamilton to Charles, 20 June 1638). The passage where Hamilton tries to explain that part of the band 'uhich tyeis them mutuallie in defens one of ane other' is quoted below.

[20] NRS, GD 406/1/10781 (Charles to commissioner and Privy Council, 30 July 1638). In this letter, written in Hamilton's hand, Charles makes clear where he disagrees with the Covenant or at least the band attached to the Negative Confession, 'bot thise band beinge not sub[s]cribed by royall Leave and authoratye (as uas that in our deare fathers tyme) must needs be both null in itt self and uerye prejudtiall to the antient and Laudable governament of both kirk and Comonuealth'. Charles regularly raged at the Covenant and his famous statement that 'so long as this Covenant is in force (whither it bee with, or without an explanation) I have no more power in Scotland, then as a Duke of Venice; wch I will rather Dey then suffer' is just one amongst many of his angry statements concerning it, GD 406/1/10492 (Charles to Hamilton, 25 June 1638). See also, Baillie, *Letters*, i, 86.

[21] In its historical context, the February Covenant is another rejection of popery and superstition in the Scottish church as had been done at the Reformation, then by the Confession of Faith in 1580/81 and again in 1590 and once again in 1638. There is a clear line from 1560 to 1638 and that is exactly what the February Covenant is trying to establish in its first ten lines. In ideological terms, it was restrained and fudged certain issues in order to bring as many people on board as possible. For a copy of the Covenant, G. Donaldson, ed., *Scottish Historical Documents* (Edinburgh and London, 1970), pp.194–201, 150–153.

[22] Though it is almost impossible to prove, Charles may have felt that the band confirmed the suspicions he held of his northern subjects disloyalty recently expressed in his over reaction to the Balmerino Supplication in 1633. Much later, in the spring of 1643, when trying to stop the Scots allying with the English parliament, Charles took a totally different view of the Covenant, reminding the Scots 'of yor Covenant wherein you are zealous of o[u]r greatness & authority & wch standeth in that sence wherein you did sweare & subscribe it', NRS, GD 406/1/10774/22.

Two days before the signing of the Covenant, Traquair wrote to Hamilton in terms that illustrated that he was reaching the end of his tether. In the draft of the letter he addressed Hamilton as one 'whois wordes will weigh w[i]t[h] his Matei.'[23]

> Ye Service book quhiche they conceave be this proclama[ti]one & ye kingis taking ye same upon himself, to be in effect of new ratified, is that quhiche troubiles them most. And trewlie in my judgement it sall be as easie to establishe the Missal in this kingdome as this service book as it is conceaved. The not urging of ye present practice therof dois no wayes satisfie them. Because they conceave yat it is done in ye delaying therof, is but only to prepair thinges ye better for ye urging of ye same at a more convenient tyme. And believe me as yit I sei not a probabilitie of power w[i]t[h]in this kingdome to force them. And quho ever hes informed the kings Matei uther wayes ayer [either] of ye book it self or of ye dispo[siti]one of ye subjects to obey his mateis commandments it is highe tym every man be put to mak[e] gud his awn part.[24]

Hamilton was evidently being pressed to take a more active part in countering those who appeared to be giving Charles false impressions of what was possible. Moreover, the king's proclamation as well as uniting the Supplicants around a Covenant had irrevocably divided the Privy Council. As with Charles's proclamation of 7 December the previous year, the result fell wildly short of royal expectation.

In what appears to have been a last ditch attempt to show a united front, the lay councillors asked the lord chancellor and the bishops to attend special meetings of the council from 1 March at Stirling to formulate advice for the king. The chancellor and the bishops did not turn up and the lay councillors were forced to frame the advice without them.[25] However, considerable effort was later made to get the bishops remaining in Scotland to approve the advice before it went to court.[26] Once again, the recommendation was simple enough: the king should dispel fears for religion by withdrawing the canons, prayer book and High Commission until they were legally tried, thereby satisfying the majority and isolating the minority who 'ki[c]ked against authoritie' for other reasons.[27] Quite deliberately, the council aimed to use Hamilton to force Charles to confront the reality of the situation by addressing a covering letter to the marquis and sending his client and man of business, Sir John Hamilton of Orbiston, the justice-clerk, as the bearer.[28] Just in case Hamilton missed the point, Traquair enclosed his own admonition for the marquis to put his hands to the pump:

> It is now highe tym for your Lo[rdshi]p to represent to his Matei ye h[e]ight of evils are leik to fall upon us if he s[h]all not be pleased to frei ye subjects of ye fears yey have conceaved

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[23] Innerleithen, Traquair mss, 28/15 ([Draft] Traquair to Hamilton, 26 February 1637/8).

[24] NRS, GD 406/1/982 (Traquair to Hamilton, 26 February 1637/8). Traquair's draft of this letter additionally stated those who advised about the prayer book or of any success in imposing it were going 'upon false grunds and suche as will not hold water'.

[25] NRS, GD 406/1/519 (Lay privy councillors to Hamilton, 5 March 1637/8).

[26] NRS, GD 406/M9/43 (Instructions from the council to the lord justice clerk, [March 1638]).

[27] NRS, GD 406/1/520 (Traquair and Roxburgh to Charles, 5 March 1637/8). In this letter High Commission was not mentioned, though it was in the council instructions to Orbiston. Innerleithen, Traquair mss, 41/8 ('Copie heirof sent to his Ma: be Traquair and Roxbrut', 5 March 1637/8); GD 406/M9/43 (Instructions from the council to the lord justice clerk, [March 1638]). The lay councillors sent the advice to the bishops to be signed by them also and five signed: archbishop Spottiswood, bishops of Edinburgh, Dumblane, Galloway and Brechin, Burnet, *Lives of the Hamiltons* (Oxford, 1673, repr. 1852), pp.44–46. A few days after the meetings in Stirling, archbishop Spottiswood, in a letter to Traquair, endorsed the advice sent to court, Innerleithen, Traquair mss, 37/9 (Spottiswood to Traquair, 7 March 1637/8). For a fuller discussion of the advice to the king, Donald, *Uncounselled*, p.68.

[28] NRS, GD 406/1/519 (Lay privy councillors to Hamilton, 5 March 1637/8); NRS, GD 406/M9/43 (Instructions from the council to the lord justice clerk, [March 1638]).

> of innova[ti]one of religione … and in my judgement no assurance can be given them theirof but be freing them of yt Service book and book of Canons … but except sumying of this kynd be granted I knaw not qt farder can be done yen to oppose force to force, qrin quho evir gayne his Matei s[h]all be a loser.[29]

The Scottish administration was on the verge of collapse, yet decisive action was not taken, and the Covenanters only grew bolder as the king prevaricated.[30] Meanwhile, Orbiston left court with a scolding letter to the council for suggesting that the king should 'overthrow church government' established by his father, and with permission for Traquair and Roxburgh to travel south to justify the council's actions.[31] Archibald Campbell, Lord Lorne accompanied the treasurer and privy seal to court with an increased set of demands and a request for a general assembly and parliament from the Covenanters.[32] More ominously, Robert Baillie reported that the bishops of Brechin and Ross had also been called south.[33] It was shortly after these disparate groups arrived at court that the decision was taken to appoint Hamilton royal commissioner, probably around mid-April.[34]

As we have seen in the previous chapter, very little evidence has survived on how a decision on Scottish affairs was taken at court and Hamilton's appointment as commissioner is no exception. Charles was very careful of his prerogative and kept a tight rein on Scottish policy, so the resort to a royal representative, and hence the channelling of some of his authority to another, illustrated the level of the crisis. In April, those at court who could have had a say in the initiative were Hamilton, Lennox, Laud, Stirling and of the visitors, Traquair, Roxburgh, Lorne, Orbiston, Sir Robert Spottiswood, Archbishop Spottiswood and the bishops of Ross, Brechin and Galloway.[35] Others like Nithsdale, Haddington, Kinnoul and the Bedchamber men Will Murray, Patrick Maule and James Maxwell may have been able to make their opinion known.[36] Yet as we have come to expect, only a very few would have had any real power to steer the king and Charles almost certainly made the final decision himself, alone. The choice of Hamilton would likewise have been made by the king. Certainly, we do know that Hamilton was commanded by Charles against his will to take the employment, and this conforms with the marquis's reluctance to get involved from the start.[37]

The only solid evidence that has survived is a paper in Hamilton's hand of a meeting in late April or early May attended by the king, Hamilton, Laud, Archbishop Spottiswood, and the bishops of Galloway, Brechin and Ross, at which 'his Mattie did first acquent the B[ishop]s he intend[ed] to

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[29] NRS, GD 406/1/981 (Traquair to Hamilton, 5 March 1637/8). Roxburgh did the same, GD 406/1/522a (Roxburgh to Hamilton, 14 March 1637/8).

[30] Baillie's description of the country at this time is revealing, Baillie, *Letters*, i, 64–65.

[31] Innerleithen, Traquair mss, 12/22 (privy council to Charles I, 24 March 1637/8); *Ibid,* 14/2 (Instructions from privy council to Roxburgh and Traquair, [early April 1638]). Perhaps losing patience, the council denied that their advice would tend to the overthrow of church government, and reminded Charles that his father had not brought anything into the kirk, but by general assembly and then parliament. In the interim, before Traquair and Roxburgh arrived at court, Traquair asked Hamilton to try and ensure that Charles did not 'hearken to private counsel, or trouble himself with new motions or propositions, until we be all together', Hardwicke, *State Papers*, ii, 102 (Traquair to Hamilton, 22 March [1637/8]).

[32] In March the Supplicants penned a paper, 'The least that can be asked to set[t]le this Church and Kingdome in a solid durable Peace' asking for the canons, prayer book and High Commission to be discharged, a free general assembly and parliament, the Five Articles of Perth to be made redundant, annual general assemblies and free entry of ministers without oaths, Rothes, *Relation*, 96–7; Donald, *Uncounselled*, pp.69–70; Stevenson, *Revolution*, pp.88–90.

[33] Baillie, *Letters*, i, 65.

[34] Donald, *Uncounselled*, p.72; Stevenson, *Revolution*, p.90.

[35] Baillie, *Letters*, i, 70. Most of these who went to court are noted by Baillie. He also recalled that Lorne was summoned by a privy missive rather than the letter to the Privy Council summoning Traquair and Roxburgh.

[36] In his public statement, Charles declared that he took advice on appointing Hamilton from Scottish privy councillors at court and some few English councillors, but this should be treated with some scepticism, [Balcanqual], *Large Declaration*, p.76.

[37] S.R. Gardiner, *The Hamilton Papers*, (Camden Society, 1880), 15–16 (Hamilton to Charles, 24 June 1638).

send me home att this tyme as Comissioner for the estabolising the peac[e] of the Co[u]ntrie and good of the Church'.[38] Archbishop Spottiswood quickly approved the choice, but the other bishops remained silent. Next, Archbishop Laud asked the king why he was called to attend and Charles replied' 'to heir and be[ar] uitnes uhatt past, and becaues he uas acquented with the prosidng of the busines hiderto, he should not be ignorant of uhatt past heirefter'.[39] Apart from announcing Hamilton's appointment, the main reason for the meeting, on the surface at least, was to thrash out how the commissioner should proceed in church matters and how the bishops could assist him. Clearly too, this was a confidence building exercise on both sides where little or no confidence had existed before.

After considerable dispute, four points were agreed. First, the bishops were to try and reclaim the ministers who had previously conformed and Hamilton was to deal with the 'silensed ministers'. Second, the bishops were eventually persuaded to return to their diocese. Third, a long debate ensued over who was the representative body of the church and it was concluded that nothing 'substantiall' was to be introduced by Hamilton except through a general assembly.[40] Fourth, after yet more debate, it was agreed that only oaths warrantable by law were to be given on the admission of ministers 'and the B[ishops were] requyred to be sparing and moderatt for the presant both in urging thatt and seramonese'. The sense of the paper, at least from Hamilton's point of view, was that he was trying to hem in the recent excesses of the bishops in church matters before embarking on his commissionership. Once at least during the meeting, there was genuine incredulity on Hamilton's part at what the king had allowed the bishops to do in Scotland:

> Roos informed [us] thatt this 3 yeires the inglis servis book uas yused in his Cathedrall. How thatt cam[e about] and by uhatt uarrant I under stud not, bot his Matti acknoledge[d] itt uas deune by his order.[41]

Revealingly also, Hamilton noted that, on the episcopal question, Charles had found it necessary before the meeting to get assurance from his commissioner 'thatt so far as lay in my poouer, I wo[u]ld stand betwixt them [bishops] and danger'. Before the king concluded the meeting, Hamilton insisted that a declaration was put out at court 'thatt I uas soore against my uill injoyned to undertak[e] this journay and [it was] far frome beeing shu[i]ted by me'.[42] Hamilton's profound dislike of the Scottish bishops is revealed, once again, by the tone and content of his account of the meeting. He was genuinely astonished that Charles had given permission to Ross to use the English service book in his cathedral for the past three years.

A few weeks later Hamilton sent a letter to his Calvinist mother, Anna Cunningham, the dowager marchioness, informing her that his wife had died and that he was returning to Scotland as royal commissioner. Hamilton's mother was a conventicler,[43] and became (if she was not already) an enthusiastic supporter of the Covenant and, though he was aiming at her support, the marquis's statement should not be entirely rejected as disingenuous:

> I must say that ocasioune will be given wher[e] by y[ou] may contriebutt in a heay degrei to make me the happie instremen[t] to saife that poure kingdome frome meserie, and yeitt

[38] NRS, GD 406/M9/42. There is a copy in Gardiner, *Hamilton Papers*, 1–2.

[39] For a detailed study of Laud's involvement in Scottish religious policy, see Leonie James, *'This Great Firebrand': William Laud and Scotland, 1617–1645* (Woodbridge, 2017), pp.1–4, 42–82, 68, 83–84, 86.

[40] Hamilton had initially wrote 'thatt nothing should be introdused in the Church, bot by the uay of generall assemboleis' and then added 'thatt uas substantiall' above 'introdused', NRS, GD 406/M9/42.

[41] *Ibid*, Hamilton put square brackets around these sentences. For the use of the Royal Chapel and university chapels as exemplars for the new royal policy, James, *Great Firebrand* (2017), pp.64–65.

[42] For Hamilton reminding the king that he had not wanted the employment, Gardiner, *Hamilton Papers*, 15–16 (Hamilton to Charles, 24 June 1638).

[43] W. Makey, *The Church of the Covenant 1637–51*, pp.72–73.

> by god[‘s] grace we keipe our religioun untented or poluted, and our Lawes unveiolatted which if we dou not we can not bot be most unhappie nor wo[u]ld I have ever meddelled in this busines for anie consideration.[44]

Robert Baillie’s opinion from Edinburgh is also worthy of comment. After dismissing Traquair as a likely commissioner because of his repeated clashes with the bishops, he also rejected Lennox,[45] and settled on Hamilton thus:

> The sharpness of the man … his Father’s throughing of the Perth Articles, which now was become a maine part of our questions; the want of any other made him the only man … The Marquesse, to the uttermost of his power declyned this charge, as a service wherein his feare was greater to losse allutterly at least implacably to offend these whom leist he would … either … his bountifull and gracious master, or his mother-countrie … Yet there was no remeid; yield he must to his Master’s peremptor command, who laid upon his back the commission, with a strange Memento, that he was informed … of his countrymen’s purpose to sett the Crowne of Scotland upon his head; yet such was his trust in his loyaltie, that he would imploy no other to represent his person, at this so dangerous a tyme.[46]

In sum then, Hamilton was unwilling to be the king’s commissioner and his hereditary link to the Perth Articles and the Scottish crown provided material for malicious tongues and pamphleteers on both sides. There were pitfalls in every direction. When writing to his mother Hamilton employed the language that the Covenanters had used to unite the country. Charles tried to do the same in his proclamation of 7 December and it backfired. Hamilton truly believed some of it, perhaps all of it, whereas Charles believed none of it. There were two sides to the coin and Hamilton happened to be on both. The evidence suggests that he disapproved of the bishops increased role in civil matters, perhaps also in church matters. The chronology of his involvement in the troubles also suggests that he disliked the method of introducing the canons and prayer book, or at the very least he saw it as not his problem. Hamilton clearly dragged his feet as long as was possible. His inability to get Charles to alter the 19 February proclamation illustrated how uncounsellable the king was when his authority was questioned, and when he had made up his mind. On the eve of Hamilton’s appointment, the Scottish Privy Council was a cipher and Charles’s fiats from court were doing more harm than good.

Although Charles could have chosen Traquair, Roxburgh, Lennox or indeed Lorne, Hamilton was the best of the bunch.[47] On the one hand, he was the king’s friend and companion, trusted and with a successful record in Scottish affairs.[48] On the other hand, he was also acceptable to the Covenanters. Above all, Hamilton was firm in religion. He had fought to restore the beloved Palatine family and was a patron of the Protestant cause. He had taken no part in the formulation or introduction of the canons and prayer book. In fact, the more he heard about its content, the more he disliked it. He had no record of collaboration with bishops in either Scotland, England or Ireland. From July 1637 to April 1638 he had played a mere supporting role in government policy and therefore could be viewed by both sides as a new way forward. The way forward, however,

[44] NRS, GD 406/1/409 (Hamilton to Mother, 21 May 1638).

[45] Baillie assessed Lennox thus, ‘the Duke is thought to have no such stuffe as a Commissioner for such business required; besyde that diverse does now speake of his inclination to poperie’, Baillie, *Letters*, i, 74–5.

[46] Baillie ended this sentence ‘wherein If I be the foole, yow must be the knave’. Baillie, *Letters*, i, 74–5. See also *CSPD 1637–8*, 534, 535 (G.T. [?] to [ ]), where it was rumoured, inter alia, that if Charles opted to use force in Scotland then the Scots would call in the prince Palatine to be their king.

[47] Professor David Stevenson perhaps makes too much of Lorne as a possible royal commissioner, but Charles would never have trusted someone whom he hardly knew and indeed who could defect at any time, *Revolution*, pp.89–90.

[48] Hamilton had been chief adviser on Scottish civil affairs at court from 1633. Hamilton was also a successful collector of taxation, see chapter 5, section iv.

came principally from the king, and it is to an examination of Hamilton's commission that we must now turn.

II

Four features should be stressed before examining Hamilton's commission and the advice that may have had a part in framing it. First, Charles was affronted by the opposition to his will in Scotland and was loathe to concede anything, unless he was pressed very hard to do so. An appropriate motif to hang on Charles was that he normally gave too little, too late. And by the time he did it, trust had all but eroded. Fewer and fewer people believed that he was truly genuine when concessions were slowly and painfully wrung out of him. Second, the Covenanters were very well organised and well informed about events at court and were not easily misled, fobbed off or divided. By May 1638, they were entrenched around the view that a general assembly and parliament was required to restore order to the country. Most important of all perhaps, the lawfulness of bishops in church and state was being mooted and hence the slide towards their abolition at the Glasgow Assembly in December had begun. In terms of his personal piety Hamilton would likely have agreed with the initiative. Third, the threat of force was omnipresent. Charles had initiated plans for a military option to enforce his will before Hamilton left for Scotland. The Covenanters knew this and were in turn arming to preserve religion and liberties. Neither the king, the Covenanters nor the commissioner were candid about the military build-up and it cast an ominous shadow over Hamilton's negotiations. Fourth, even before the detail of the commission was worked out, it was clear that the king was unwilling to advance any further than his promise only to impose the canons and prayer book in a fair and legal way. Most important of all, however, Charles wanted the Covenants, that is, the signed bands, surrendered to him – bands that he viewed at best as seditious, at worst as treasonous. That demand was completely unrealistic and counter-productive.

Two advice papers on how Hamilton should proceed as royal commissioner have survived, authored by very different individuals: the lord chancellor, John Spottiswood, archbishop of St Andrews, and Hamilton's client, Eleazor Borthwick. The chancellor's advice had been officially requested by the king, and it was addressed to him.[49] Implicit in the dozen or so recommendations was a desire to invest the commissioner with the power and status lost by the Privy Council and the king over the previous year. The commissioner was to have a 50 strong bodyguard and to have his friends and retainers escort him to Holyrood Palace on his arrival.[50] On all public occasions, the Privy Council and well affected nobles were to attend the commissioner and the commission was to be carried aloft in front of the procession.[51] Underpinning the spectacle of power, the commissioner was also to be allowed to imprison or deport subjects, assemble an army and to put Edinburgh Castle into safe hands. It was also suggested that the judicatories, which had been removed from Edinburgh earlier in the troubles, should be moved back to the capital via Leith. In negotiations, it was recommended that the Covenanter nobles were dealt with privately when they came to pay their respects to the king's commissioner. The chancellor also wisely advised that only after the crowds had dispersed and the leaders had retired to their homes was the king's declaration demanding the surrender of the Covenant to be published. In the event, there was little

[49] NRS, GD 406/M9/88/3 (St Andrews to Charles, [May 1638]). Hamilton obviously read the advice too and the copy is endorsed in his hand, 'The Bishop of St andras opinion conserning my imployment and hou he uoold have me proceed'.

[50] For Hamilton's respectful reception at Leith Links, see Laura Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland 1637–1651* (Oxford, 2016), p.54.

[51] Unfortunately, some of the nobles that the archbishop recommended to attend the commissioner were Catholic or suspected to be so: marquis of Huntly, the earls of Mar, Marshal, Nithsdale, Abercorn, Perth, Galloway, Athol, *Ibid.*

chance of either happening and Charles's demand for the Covenants would have had the same effect as his proclamations of 7 December and 19 February.[52]

Borthwick's advice is much more interesting because it comes from someone within the marquis's political circle. We have already seen that the Hamilton/Borthwick connection went back to the German campaign and that in the summer of 1637 the Scottish divine had led the secret deputation to Stockholm to carry the marquis's proposition for two marriage alliances, the most important being that between the prince elector, Charles Lewis, and Queen Christina of Sweden, daughter of Gustavus Adolphus.[53] Borthwick probably arrived back in London in the autumn, and Hamilton sent him to Scotland in early May of the following year to inform the Covenanters of his commissionership.[54] Furthermore, as with Borthwick's mission to Stockholm, this was almost certainly done behind the king's back.[55] After discussions with Balmerino, Rothes, Alexander Henderson, and others he sent Hamilton a frank summary of the state of play in Scotland.[56] Borthwick did not see a gulf between the king and Covenanters on religion and suggested that with candour and trust on both sides the differences could be resolved before the situation deteriorated any further. To retrieve his subjects, Charles had principally to give way on the matter of ceremonies which were 'not the substance of trew Relligion' and especially because Scotland had no tradition of such things. Similarly, the bishops' inflated role in church and state had added fuel to speculation that fundamental religious change was imminent. In sum, Borthwick advocated removing the fears over religion and pruning episcopacy.[57] The commissioner should therefore have an ample remit to guarantee these things and stabilise the state. In the longer term, an act of parliament would ensure that anything concerning religion would go through a general assembly and parliament.[58] It is difficult to find anything in the paper that Hamilton would have found disagreeable.

Not surprisingly, Charles adopted some of the chancellor's recommendations and none of Borthwick's. It must be emphasised too, that once again Hamilton and Charles did not agree on projected policy. Around the beginning of May, in an exercise reminiscent of the formulation of the 17 February proclamation, three versions of a declaration were composed by Traquair, Hamilton and chancellor Spottiswood. The first half of Traquair's and Hamilton's declarations were identical and emphasised that the canons and prayer book would only be introduced in a fair and legal way and that the High Commission would be reformed by the Privy Council. However, in the second half the declarations differed and so we must conjecture, therefore, that Traquair's version was dictated by the king and that Hamilton's version was his own.[59] Where Traquair's declaration demanded that the Covenants be disclaimed and surrendered within an unspecified time under

[52] The archbishop as good as said that unless the Covenanter organisation was dipersed, the king's declaration would encourage the Covenanters 'one another to endure the worst', *Ibid.*

[53] See chapter 3, pp.54–57.

[54] Robert Baillie, writing in November, recalled that Borthwick 'did encourage us to proceed with our Supplications' apparently on Hamilton's orders, Baillie, *Letters*, i, 98.

[55] This is evident from the tone of the advice paper, NRS, GD 406/M9/88/15 ('This present Question betwixt Our most Sacred Matei and his Subjects in the kingdome of Scotland ...', [May 1638]). Rothes said that Borthwick 'brought private directiones be tongue from the Marquise' but assumed Charles knew at least something about it, Rothes, *Relation*, p.103. Dr Donald has also noted that Borthwick's trip to Edinburgh was 'underhand', Donald, *Uncounselled*, p.80.

[56] NRS, GD 406/M9/88/15 ('This present Question betwixt Our most Sacred Matei and his Subjects in the kingdome of Scotland ...', [May 1638]). For an angled reading of this paper, Donald, *Uncounselled*, p.80–1.

[57] Borthwick suggested that the bishops as 'nobill patriotts' should 'sacreifeice ther fortun[e]s' for the sake of peace.

[58] It was also recommended that the king overlook the irregularities in recent petitioning by his Scottish subjects, the intention being not to 'mutinei' but preserve religion, though Borthwick did point out that some were in the protest movement because of discontent over state matters. In addition, an Oblivion should be given to all, NRS, GD 406/M9/88/15.

[59] Traquair often worked as an amanuensis when at court and his reservations about surrendering the Covenants makes it unlikely that he would have advocated it, NRS, GD 406/1/972 (Traquair to Hamilton, 17 May [1638]) printed in Hardwicke, *State Papers*, ii, 107–9. For the draft of this letter, Innerleithen, Traquair mss, 12/24.

pain of treason, Hamilton's remained silent on the subject, rather, pressing that if the people did not return to obedience then 'forcible means' would be used to restore royal authority.[60] Hamilton was uncomfortable with the king's insistence on having the Covenants surrendered and probably saw the impracticality of such a policy. But Charles wanted it his own way and seems to have persistently favoured Traquair's version, though he left the choice of which proclamation to publish to Hamilton.[61]

Shortly after the proclamations were composed, Hamilton submitted a set of thirty-three queries to the king intended to clarify some points as a prelude to composing the formal instructions.[62] Moreover, the queries constituted a guarantee in writing that Hamilton was acting under royal instruction.[63] The formal instructions written down by Hamilton a few days later and signed by the king would be a further security against possible recriminations. Ever the noble and courtier, the royal commissioner was well aware that a poor outcome in Scotland could put him in considerable peril. Hamilton was also keen, at least partly, to distance himself from royal policy. Charles's answers to the queries were conciliatory to a point, but these were overshadowed by harsher measures such as having those who protested at the declaration denounced as rebels.[64] The main set of Hamilton's instructions of 16 May 1638 grew out of the queries.[65] The twenty-nine instructions were a mixture of conciliation and crackdown, a policy of the steel fist and the velvet glove that was both unrealistic and impractical. The concessions offered little that was new and paled before the more lashing measures. For example, those privy councillors who would not sign the declaration on their oaths were to be discharged and the earlier instruction to denounce as rebels and arrest those who protested at the declaration was reiterated. Inevitably, Hamilton was also to declare that if there was not a return to obedience then 'pouer shall cume from Ingland', along with the king, to enforce it.[66]

Hamilton's remit therefore was uncompromising. It was also unrealistic. The delicate edifice of query, question and answer, and multiple instructions held together by the king's own sense of honour, his interpretation of Scottish law and his misconception about the Covenant perhaps seemed plausible four hundred miles from Edinburgh. It was much easier for the king of Scotland to say never in Whitehall than it would have been in Edinburgh. For all that, Charles was predictably single-minded and believed he was right. Hamilton, on the other hand, had serious

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[60] Burnet has printed the two declarations in a slightly ambiguous way: Traquair's is printed first and in full, but Hamilton's is only printed where it disagrees with Traquair's and an asterix is placed in the text of Traquair's to show the point at which they diverge, Burnet, *Lives*, pp.56–58. We have to take Burnet on trust as I have been unable to find the two declarations in the Hamilton Papers. The chancellor's declaration followed Hamilton's line, but was not used.

[61] Gardiner, *Hamilton Papers*, 2–3 (Charles I to Hamilton, 28 August 1638). See also Burnet, *Lives*, pp.60 (answer 15), 64 (instruction XXII). On 9 June Hamilton told Charles that the proclamation not requiring the surrender of the Covenants was the only one he could publish, Gardiner, *Hamilton Papers*, 8.

[62] Lennoxlove, Hamilton mss, TD 90/93/Bundle 889 ('quereis uher un to your Matties derectioun and resolutioune, is humble prayed, that accordingly, I may govern my self and be uarrented for my prosidings'). The queries are written out in Hamilton's hand and Charles has put his answers alongside. The queries are also printed in Burnet, *Lives*, pp.60–62, but I shall quote from the original.

[63] Hamilton made this point very plainly to the king at the end of the queries, 'In executioune of all uhich, or uhat eals your Matti shall think fitt to command, itt is most humblie desyred, that I may be so uarrented, that the labouring to put them in execution may not turne to my reuing, nor hasard the lousing of your Mattie favore deire[r] to me then lyfe', Lennoxlove, Hamilton mss, TD 90/93/Bundle 889.

[64] Hamilton was also expected to raise a force of men and arrest the protesters! *Ibid*, (answer 11). Interestingly, query 23 asked 'uhatt servis shall be yused in the chappel royall' and Charles answered, 'The English'.

[65] The instructions were written in the marquis's own hand and initialed by the king. I have opted to use the form of the original instructions in NRS, Hamilton Red Books, i, 64. They are also reproduced in a different order in Burnet, *Lives*, pp.62–65.

[66] Another five instructions were added next day mainly about the prayer book, High Commission and furnishing the royal castles with munition, but the aims were unrealistic, NRS, Hamilton Red Books, i, 65 (Additional Instructions, 17 May [1638]).

reservations. Yet how much could a counsellor or indeed a royal commissioner do in such a strait-jacket? The testing ground was not Whitehall but Edinburgh and an examination of Hamilton's seven month sojourn in Scotland should provide the answer.

III

Hamilton probably left court on 25 May. His departure was delayed by the death of his wife Mary on 10 May and she was buried in Westminster Abbey two days later. The marquis was left with five children: Charles, William, James, Anne and Susanna. Only the girls were to survive into adulthood and Hamilton's heir Charles died in 1640 aged 10.[67]

Hamilton arrived at Berwick on Sunday 3 June.[68] Three days later, after a series of tense encounters with the Covenanters that left his instructions in tatters, he arrived at Holyrood Palace. Before leaving the king, Hamilton insisted that all those Scots at court that could be spared were sent home.[69] On the surface this was to export the core of a royalist party, but equally it was to prevent 'misinformations' during his absence.[70] The king's commissioner had to watch his back and was even more vulnerable than when he was in Germany seven years before. In addition, anti-Scots feeling around Whitehall was simmering. It had already boiled over in late March when a member of Hamilton's household, a Scot named Carr,[71] was arrested in front of Wallingford House (Hamilton's London residence), apparently for non-payment of a fine.[72] Swords were drawn and all the Scots of Hamilton's household went to Carr's aid resulting in an Anglo-Scottish skirmish outside Whitehall Palace that left one English serjeant dead. Consequently, some members of Hamilton's household were imprisoned, but Carr and a few others escaped to Scotland. Incidents like this did not augur well for the future. Once again, Hamilton was caught in the middle.

As well as trying to protect his position at court, Hamilton, following Archbishop Spottiswood's earlier advice paper, wrote to 114 of his friends and vassals in Scotland to meet him at Dalkeith on 5 June. The letters were dispatched on 7 May to sixteen earls, eight lords and ninety gentlemen (including sixteen knights and twenty Hamiltons).[73] This was Hamilton's first trial of strength with

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[67] The commissioner's late departure from court after his appointment has excited comment from historians, see for example, Stevenson, *Revolution*, p.88. But it is explained by his wife's illness and subsequent death on 10 May which would have delayed the arrangements. She died at Wallingford House and was buried in Westminster Abbey on 12 May leaving five children: Charles, James, William, Anne and Susanna, *CSPD 1637–8*, 431; SP 16/390/59, 60. Only the girls survived to adulthood and Hamilton's eldest son Charles, earl of Arran was buried in Westminster Abbey on 30 April, 1640 aged 10, G.E.C, *Complete Peerage*, ii, 262; TD 90/93/F1/47/54 (Accounts-London, 1627–40).

[68] In a letter dated Whitehall 25 May, Hamilton said he was about to leave for Scotland in 'a feu oures', W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/100 (Hamilton to Feilding). For his arrival at Berwick, Baillie, *Letters*, i, 78.

[69] Baillie, *Letters*, i, 75.

[70] Amongst those lords sent home were the earls of Morton, Kellie, Mar, Kinnoul, Haddington, Lords Belhaven and Almond. The bishops also left court – St Andrews, Ross, Brechin, Edinburgh and Dunblane – but only came as far as Berwick. Baillie, *Letters*, i, 77–78. Baillie optimistically interpreted the homecoming of so many lords as evidence that a parliament was to be called.

[71] This spelling is probably a corruption of Ker, but more tantalisingly, it could be Barr. Thus, Robert Barr of Malone, Hamilton's Irish collaborator to wrest the Irish customs farm from Wentworth, see chapter 5, Section iv. Barr was both Scottish and Calvinist (or Puritan), not a very congenial mix around Whitehall in 1638. Yet in the absence of firm evidence this intriguing connection must remain unconfirmed.

[72] This account is reconstructed from, *CSPD 1637–8*, 333–334 (Information of Ralph Cox, one of the porters of Palace gate); *CSPV 1636–39*, 397–398 (Zonca to Doge, 16 April 1638); Knowler, *Strafford Letters*, ii, 165 (Garrard to Wentworth, 10 May 1638).

[73] NRS, GD 406/M1/36 ([Copy] [unfol.] Letters of Hamilton as Commissioner). The 24 noblemen included the earls of Glencairn, Cassillis, Abercorn, Lauderdale, Southesk, Rothes; Lords Loudoun, Lindsay and Balcarres. Amongst the gentlemen were Sir William Baillie of Lamington, Sir James Lockhart of Ley, Sir Walter Stewart of Minto, James Hamilton of Bothwellmuir, Sir James Hamilton of Broomhill, Sir John Dalmahoy and Sir Patrick Hamilton of Preston. Hamilton wrote four of the letters in his own hand to 'speciall gentlemen': Sir John Hamilton of Bargenie, Sir William Scott of Harden, the laird of Dundas and the laird of Aldbar.

the Covenanters. And he lost. Three people – Lauderdale, Roxburgh and Lindsay – met him at Berwick on 4 June, only to tell him that no-one would be meeting him at Dalkeith the next day.[74] The Tables in Edinburgh had forbidden anyone who had signed the Covenant from going and, in case that did not work, a rumour was put out of a plot to blow up everyone who assembled at Dalkeith.[75] Hamilton was stunned at the insult, even though earlier in his journey he had been warned that those to whom he wrote were ordered not to attend him.[76]

Moreover, his brother-in-law, Lord Lindsay, informed him of the new demands: 'the Five Articles of Perth abrogated or at least held as indifferent', the bishops' power limited to 'the baire tytle', and the immediate summoning of a general assembly and parliament, otherwise the Covenanters would do so themselves.[77] Hamilton had not reached Edinburgh and his commission was already crumbling. On the same day, 4 June, he wrote to the king:

> If the informatione which I have reseved heire be trew, ther[e] is no hoope to effeckt anie thing, (bot by foors) that can give your Mattie satisfactioun … [78]

This statement can be read two ways. First, Hamilton had given up any chance of a negotiated settlement; second, and more plausibly, that Charles's demands were unrealistic and should be reconsidered. Equally, however, in the same letter, Hamilton also advised Charles on more aggressive courses. These three themes of despair, compromise and conquest figure again and again in Hamilton's letters to the king. The dilemma was how to phrase advice that did not overtly suggest concession, but made it the only prudent way forward, while simultaneously puffing the future military solution favoured by the king. Obviously, however, it was how Charles reacted to the reports which was important and it is significant that when he read Hamilton's Berwick letter at Greenwich he chose not to reply. Uncharacteristically, the earl of Stirling pressed the king for an answer and he was instructed to reply 'that as he knew your Vigilancie there he was not sleeping here'.[79] When Charles did reply personally some days later, he was emphatic, 'I meane to stik to my grounds & that I expect not that anie thing can reduce that People to ther obedience, but onlie force.'[80] The military option remained uppermost in the king's mind, and the subtle attempt to suggest concessions went unheeded.

Hamilton, meanwhile, without the luxury of Charles's absenteeism, arrived at Dalkeith on 6 June still smarting from being outmanoeuvred at Berwick. His commission was read to the council assembled at Dalkeith Castle and, as he had requested, the earl of Rothes was waiting on him when the council rose.[81] Hamilton immediately took the Covenanter leader by the hand in front of the

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[74] NRS, GD 406/1/552 (Hamilton to Laud, 4 June 1638); GD 406/1/325 (Hamilton to Charles, 4 June 1638).

[75] [Balcanqual], *Large Declaration*, pp.81–84; Rothes, *Relation*, pp.112–114; Baillie, *Letters*, i, 79. As Hamilton approached Dalkeith, Traquair tried to get ammunition into Edinburgh Castle but was turned back by the Covenanter watch, and alternatively sent the stuff onto Dalkeith. The Covenanter propaganda of a popish plot to blow up the assembled godly exposed the folly of trying to arm Edinburgh Castle just as the king's commissioner stepped onto Scottish soil. Hamilton's integrity was also undermined.

[76] NRS, GD 406/1/552 (Hamilton to Laud, 4 June 1638).

[77] *Ibid*, Lindsay argued that the Covenanters had 'lawe and president' for calling an assembly and parliament without the king's consent.

[78] NRS, GD 406/1/325 (Hamilton to Charles, 4 June 1638). Hamilton's justification of his counsel to Charles written six months later clarifies the meaning of the above statement, 'your Matt may be pleased to remember thatt I have oft tould you I had lytill hoope of uoorking of thatt by treatie uhich uoold be exseptabill to you: and thatt my aduyce uas you should gooe another uay to uoork uith them', NRS, GD 406/1/10510 (Hamilton to Charles, 15 October 1638) printed in Gardiner, *Hamilton Papers*, 42–46.

[79] NRS, GD 406/1/592 (Stirling to Hamilton, 8 June 1638). Charles later apologised for not answering Hamilton's letter of 4 June and reiterated his stand that no assembly and parliament be granted 'untill the Covenant be disavowed & given up'. The overall tone of the letter was uncompromising, 'I will rather Dey then yeald to those impertinent & damnable demands', GD 406/1/10484 (Charles to Hamilton, 11 June 1638).

[80] NRS, GD 406/1/10484 (Charles to Hamilton, 11 June 1638).

[81] *RPCS, 2nd Series 1638–43*, 20–22.

dispersing council and led him into the dining-room. A little later, Orbiston called Rothes into the bedchamber to talk alone with Hamilton.[82] If Rothes's account of the meeting is to be believed, the exchange between the two was frank and to the point.[83] Hamilton firstly stressed his unwillingness to take on the job, though, now he had taken it, he was determined to do some good. He also emphasised how much he valued both liberty of religion and his native country. The commissioner laboured the last point, asserting that he had no land in England 'saveing a house and a few aikers' recently purchased to accommodate his children until they could be 'transported', presumably to Scotland.[84] Hamilton then moved onto the difficult part of persuading his listener that Charles would give enough to secure religion, and that the king could not be expected to do anything 'against standing laws'. If the Covenanters persisted along those lines then the king would come with an army of 40,000 out of England backed by the navy and an Irish army. Unperturbed, Rothes countered with the stock Covenanter reply about defending religion and liberty. Interestingly, Hamilton also dwelt on the rumours that he took the commission in the hope of being declared king of Scotland. The conversation then returned to the military option though Hamilton's threat was met by Rothes's counter-threat 'with laughing on both sides'.[85] The four hour conference[86] finally ended in a draw with Hamilton consenting to come to Edinburgh if the guard on the castle was removed.[87]

The commissioner had lost his sense of humour by the next day when he wrote in bleak terms to Laud and Charles. He lamented to Laud that Lindsay's demands at Berwick had been all too true and that, given the Covenanters' power, his commission was unfeasible:

> Yit I shall yeald to as little as I may and speak as bige as they can and expect to hear from his Maj[esty] how far I shall yeald in the[i]r particulars; concerning the giving upe of the covenant quiche they say they will never yeald bot in parleament.[88]

Hamilton's letter to the king combined his regular themes of despair, compromise and conquest with the military solution perhaps uppermost, but again with a curious ambivalence 'and of victorie make no dout; bot when itt is obtened itt is over your oune poure people' suggesting that Charles should 'uink at ther madnesis'.[89]

Hamilton entered Edinburgh a few days later, on 9 June, with sixty thousand people and over five hundred ministers lining the route from Leith to Holyrood Palace.[90] His main aims from

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[82] Hamilton probably felt very much at home conferring in the bedchamber of one of the king's most recently acquired Scottish residences. The only full account of this fascinating meeting is Rothes's own, *Relation*, pp.135–140. Revealingly perhaps, the crown version of events overlooked the meeting, [Balcanqual], *Large Declaration*, pp.82–86. Baillie mentions it in passing because by it Rothes was able to 'appease' and remove the commissioners' 'mistakings', Baillie, *Letters*, i, 79. Charles had purchased Dalkeith Castle from Morton in 1637, Fraser, *History of the Carnegies, Earls of Southesk, and of their kindred.* (2 vols. Edinburgh, 1867), i, 98–99.

[83] Rothes at this stage was the leader of the Covenanters and so we must assume that his account of the meeting with Hamilton is biased. But the way Rothes describes Hamilton's manners, as well as Hamilton's language and behaviour persuades me that the account is reliable.

[84] Rothes, *Relation*, p.136. Hamilton had recently been granted Chelsea House in socage from the king, see chapter 4, p.90. The point about transporting his children is probably spurious though his wife had just died and he may have considered sending them to Hamilton.

[85] Rothes, *Relation*, p.136.

[86] Rothes said it lasted two hours, Hamilton said four. I am taking Hamilton's word because his letter is dated the next day, NRS, GD 406/1/701 (Hamilton to archbishop/chancellor Spottiswood, 7 June 1638).

[87] Rothes, *Relation*, pp. 139–140. Next day, 7 June, Haddington, Southesk and Lorne offered themselves as security for removal of the Castle Watch, *Ibid*, 140–141; Baillie, *Letters*, i, 80–82; Fraser, *History of Southesk*, i, 99.

[88] NRS, GD 406/1/553 ([Copy] Hamilton to Laud, 7 June 1638).

[89] Gardiner, *Hamilton Papers*, 3–7 (Hamilton to Charles, 7 June 1638) original is NRS, GD 406/1/10485. In the postscript the marquis added a final statement that 'uhat I can not dou by strenth I dou by cunning'.

[90] The numbers are Hamilton's, NRS, GD 406/1/10486 (Hamilton to Charles, 9 June 1638) also printed in Gardiner, *Hamilton Papers*, 7–9. For a copy or draft of this letter, GD 406/1/10817. See also, Baillie, *Letters*, i, 83; [Balcanqual],

then until his trip back to court in July were threefold. First and foremost, he sought to prevent a complete breakdown in royal authority; second, he tried to force the king to relax his instructions; and third, he also tried to form a royalist party and to sow disunity in the Covenanter ranks. Obviously these aims were interconnected, but for most of this phase of Hamilton's sojourn the focus was principally on the first two. The third aim only became realistic between September and November when Charles was forced to concede some ground. Holyrood Palace was used as a base and, for the months following, it was under siege from the Covenanters pressing hard for an assembly and parliament. The Privy Council also met at Holyrood from 12 June, yet despite recent attempts to bolster it with new 'royalist' members it could not be relied upon to toe the government line.[91] That Hamilton attended only twenty-six out of forty-eight meetings between June to December confirms that he opted, or rather that he was compelled, to steer policy with the aid of a few trusted collaborators: Traquair, Roxburgh, Southesk, Lauderdale, Kinnoul and Sir John Hamilton of Orbiston.[92]

Hamilton's letters to court on the evening he arrived at the palace reveal once again his misgivings about aspects of royal policy. Archbishop Laud was told that the crowds were dispersing, but if the declaration demanding the surrender of the Covenants was used it would have caused an immediate rupture and the Covenanters 'uoold have med yuse of the advantag[e] they had, and eather forsed all to have suscryved the Covenatt or med an end of us, if they could have re[a]ched us, our heiles uoold have proven o[u]r best defens, for parti could ue have med note'.[93] More to the point, every lawyer that Hamilton had consulted affirmed the legality of the Covenant, and thus the archbishop was to press the king 'to tak[e] seriouslie in consideratioun uhatt to dou if ther can be no lau found against itt or for the declaring them traturs thatt adheere to itt.'[94] The same points were addressed in Hamilton's letter to the king, and the commissioner again returned to the most uncomfortable of topics:

> uher as in my last I aduysed to prepare presentlie for forse, if your Matie resolved not to condesend to all thatt was demanded, I dou nou humblie intrett to delay the taking of that cours till you be again aduertised, for if ones ther be the leist noyeis of shipes or men to cum heire ther is no hoope att all ever to dou anie thing bot by a totall conquest of this countrie, uhich uill be a taske of danger and sume difficultie: rather therfore suffer a tyme and lett us begine the uoorke amongst our selves.[95]

Large Declaration, pp.84–87; Stevenson, *Revolution*, p.96; Stewart, *Rethinking the Scottish Revolution*, p.54. Hamilton told St Andrews that he had to go to Edinburgh to try and have the crowds dispersed, NRS, GD 406/1/702 ([Hamilton] to St Andrews, 8 June 1638).

91 Sir James Hamilton, George, 2nd earl of Kinnoul, Robert, Lord Dalzell, and James, Lord Livingston, were all admitted in this period and Hamilton probably had a hand in them all, *RPCS, 2nd series, 1638–43*, pp.v–vii. For Almond's appointment, see chapter 5, p.104. See also Donald, *Uncounselled*, pp.86, 99; Stevenson, *Revolution*, pp.97–98.

92 These figures are compiled from the first meeting at Dalkeith on 6 June, when he presented his commission, to 18 December, when he produced the proclamation annulling all acts of the Glasgow Assembly. The dates and places were Dalkeith, 6 and 8 June; Holyrood Palace, 12, 28 (2 sessions), 30 June; 2, 4, 5 (2 sessions), 6 July; 14 (2 sessions), 24 August; 22, 24 (3 sessions) September; 31 October; 1, 13 (2 sessions), 14 (2nd session) November; Glasgow 20, 28 November; Holyrood Palace 12, 18 December. There were four dates at which no sederunt was recorded, 7 July, 17 August (2 sessions), 20 August, *RPCS, 2nd Series, 638–43*, 20–102.

93 NRS, GD 406/1/554 ([Copy] Hamilton to Laud, 9 June 1638).

94 *Ibid.*

95 Gardiner, *Hamilton Papers*, 8 (Hamilton to Charles, 9 June 1638). There is a draft or copy of this letter in Hamilton's hand which may have been the one Gardiner transcribed, but the draft does not contain the phrase 'if your Matie resolved not to condesend to all thatt was demanded' so there may be another copy or the original which I have not found. I shall stick with Gardiner because his transcriptions are accurate and the missing part follows Hamilton's idiosyncratic spelling. It also agrees with what I am trying to argue, NRS, GD 406/1/10817. Charles agreed to stop arming publicly but would continue 'in [a] silent way' and insisted that the advocates and sessioners be pressed to declare that 'the Covenant is at least against Law, if not Treasonable', NRS, GD 406/1/10487 (Charles to Hamilton, 13 June 1638).

The gap between what the king would give and what the Covenanters wanted could only be filled by either compromise or war and Hamilton swung between both options, trying to find some common ground. A week later, he tentatively broached the first option to Laud and asked whether Charles would soften his stance on the Covenant if it was explained in terms of strict allegiance to sovereignty. In the same letter, Hamilton, evidently exasperated, desired that Charles would get 'on wheitt more ingaged', charging the archbishop to 'mou[the]' the king in everything.[96] On the same date, 15 June, Hamilton told Charles that though he was 'not out of hoope to quyett' the country 'by tretie', the military option was the only way 'to teach them obedianes'.[97] He assured the king that a declaration would be published but that he would 'perhaps chaynge and inlarge it (in thatt part I urytt) according as I find the tyme and ther yumers, bot nouayes to ingadge you farder'.[98] As expected Hamilton also turned to military matters, though in contrast to his letter of the previous week, when he assured Charles to make 'no dout' of victory, it was now a matter for God,

> You must expect thatt att the first breking you uill have the uoors, bot uhen your pouer Coumes, I hoope in god He will giue you victorie, bot, belife me, itt uill be a dificult woo[r] ke and blo[o]die.[99]

It was following shortly after this statement that Hamilton, apparently for the second time, recommended the services of the 2nd earl of Antrim to invade the western highlands from Ireland. If we accept that Hamilton was at least partly searching for a negotiated settlement, then this counsel was an aberration. It is even more startling when we consider that Hamilton, Sir Henry Vane and perhaps Antrim may have worked out an invasion plan before the marquis left court.[100] Although Hamilton had already threatened Rothes with an army from Ireland, the prospect of the exiled Catholic McDonalds invading the western Highlands in the name of the king would not have crossed Rothes's mind. Not only would such a move have united further the Covenanters and confirmed fears of popish plots, recently expressed at Dalkeith, but it would have driven the Protestant Campbell chief, Lord Lorne, into the Covenanter ranks. Advising such a course may indeed exhibit a lack of political sagacity in Hamilton or it may have been due to pressure from the Antrim/Hamilton family connection or indeed endorsing a course so outrageous that the opposition would have to make concessions to avoid it.[101] The postscript to the letter recommending Antrim perhaps offers a further clue:

> I am sorie for what I urytt in my last, for by itt my uaknes and credulatie appeires, bot yeit itt is pardonabill, for faine uoold I have cached att ani thing thatt tended to the quyett ending of this busines so itt uer uith your Matties honoure.[102]

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[96] NRS, GD 406/1/555 ([Copy] Hamilton to Laud, 15 June 1638).

[97] Gardiner, *Hamilton Papers*, 9–13 (Hamilton to Charles, 15 June 1638).

[98] *Ibid*, Hamilton warned the king that the Covenanters would read a protestation and that there were precedents for it, most recently in the protestation after the proclamation of the Five Articles of Perth. I have taken the quote from the original letter, NRS, GD 406/1/10488.

[99] Gardiner, *Hamilton Papers*, 12.

[100] Before leaving court, Vane and Hamilton had discussed the building of ten or twelve troop carrying boats with oars which were the same 'rouing friggates' that Hamilton talked to Charles about in relation to Antrim's invasion, NRS, GD 406/1/7543 (Vane to Hamilton, 31 May 1638); Gardiner, *Hamilton Papers*, 9–13 (Hamilton to Charles, 15 June 1638). On 11 June, Antrim offered his service to Charles and found that Hamilton had already recommended him, NRS, GD 406/1/1156 (Antrim to Hamilton, 11 June 1638). In his letter of 15 June Hamilton was therefore recommending Antrim to the king for the second time at least. See also Knowler, *Strafford Letters*, ii, 325 (Wentworth to Vane, 16 April 1639).

[101] Antrim was married to the duchess of Buckingham and Hamilton was married to her niece, until she died shortly before he left for Edinburgh. The last point about an outrageous course of action has been argued by Conrad Russell in relation to the 1st Army plot, *Fall*, p.293.

[102] Gardiner, *Hamilton Papers*, 9–13 (Hamilton to Charles, 15 June 1638), p.13.

Hamilton may have considered that his previous advice to cease arming took him too far from Charles's priorities and the renewed aggressive approach, particularly the Antrim plan, would redress the balance. The dilemma remained that Hamilton was the link between the king and the Covenanters, he occupied the unstable ground between compromise and conquest; if he went too far one way, then he would alienate the king, if he went too far the other way, then a 'rupture' would ensue and royal authority would collapse. Both Covenanter and king could stand their ground, but the commissioner could not.

On 16 June, the day following the Antrim advice, the Covenanters presented a petition demanding the immediate calling of a free general assembly and parliament.[103] Hamilton consulted the Privy Council and found that they concurred with the petition.[104] He was on his own again. As Hamilton related to the king in a remarkable letter of 20 June, he had told Rothes, Montrose and the others 'privatlie' that if the crowds were dispersed 'and all maters redused to that forme as they uer in before thir disorders begane thatt then your Matti uoold no dout indickt a general assemblie, and therefter a parl[iament]'.[105] Amazingly, Hamilton, after another hot debate, fobbed the Covenanters off, though he was painfully aware that it would not last and urged the king:

> I doue nou assure your Matti the difficultie is greatt to keipe them from the indictking of ane assemblie, and loong they uill not be keipped from itt, bot if your Matties preparatiounes Can not be quickly redie your Matti must inlarge your derectiouns to me, or otheruayes they uill uerie quicklie have a formed bodie of ane armie to gidder, I shall dou uhat I can keipping your Matteis grounds thatt ar La[i]d to me, onlie all thatt is tarte [hard], I most humblie Crave leife to forbeir, for ther is no remeid[y] you must suffer for a tyme.[106]

In other words, face reality and give some ground or lose all religious and civil authority in Scotland.

The sheer pressure of trying to hold the king's ground against the Covenanters showed clearly in the second part of Hamilton's striking letter of 20 June.[107] Above all, the sticking point was the king's refusal to accept the National Covenant. If Charles could be brought to understand that the Covenant did not threaten royal authority then everything else would fall into place. Hamilton's attempt to bring Charles round to this way of thinking is so vital to understanding subsequent events the section deserves to be quoted in full. The passage also vividly illustrates the quality of counsel which Hamilton offered the king:

> This busines doueth so neirly Conserne your Matti as I uill presume on your patiens and treulie sett doune hou I find the hartes of all inclyned to this most unhappie Covenatt. All uho heath sined itt (in the opinioun of thoes thatt ar best affected to your servis) uill never be broght to disclame itt and so mani as I have spooke uith, sueires they uill as soune renouns ther babtisem, as itt. Most of your Counsall if nott all thatt nou is heire thinks itt standes uith the laues of the Countrie, your Mattie royall outhoratie not uronged by itt, if ther uer ane explanation of thatt part ther of uhich tyeis them mutuallie in defens one of ane other, most of the Sessioun, and in a maner all the Laueires, mainteines itt is not against laue, nor prejuditiall in ani kynd to your Matti and everi one pressis me to represent this to

[103] NRS, GD 406/M9/88/14 ('the first supplication presented att holiroudhouse the 16 jun 1638').

[104] Hamilton had a contradictory vote, so he could overrule the council, but he prudently chose not to put the issue to a vote as it would have given the Covenanters great encouragement to know that the council officially concurred with their petition, NRS, GD 406/1/327/1.

[105] NRS, GD 406/1/327/1 (Hamilton to Charles, [20 June 1638]). The letter is in two parts, that is, written on two separate double sheets of paper. The second part is probably the most important letter Hamilton ever wrote. The letter is dated at Holyrood House 20 June at 2pm. A copy of the first part of the letter survives in Hamilton's secretary's hand, and a draft or copy of the second part survives in Hamilton's hand, GD 406/1/10816/1-2.

[106] *Ibid.*

[107] NRS, GD 406/1/327/2.

> your Matti and pray uith all to exsept of ther explanatioun, uhich uoold be to this effectk thatt they had not the leist thoght to urong royall outhorattie, thatt they uill lay dou[n]e ther lyfes in defens ther of, and thatt they ar hertelie sorie thatt they have offendid your Matti. This might be gotten much in Larged, bott itt is so fare Contrari to my instructiouns, thatt I onlie give eire to itt to keipe them frome present insolenseis, and to make them rest in the more securatie, tho I dare bouldlie affirme to your Matti ther ar feu thatt doueth not Conseave this the best and safest uay, bot itt shall never be my advyse if your Matti Can Cleirlie sea hou ye can effectk your end uith out the haserdding of your 3 Crounes.[108]

By this passage, Hamilton brought Charles, king of Scotland, face to face with the Scottish people, face to face with the Scottish council and session and face to face with the Scottish National Covenant. Not only that, Hamilton also predicted the long term hazard to Charles's rule in his three kingdoms if he refused to accept what was legal in Scotland.[109]

To strengthen the argument, Hamilton warned Charles that his other kingdoms could not be relied upon to assist against the Scots. England 'uill not be so fourduart in this as they ooght, nay thatt they ar so manie malitious spereites amongst them thatt no sounner uill your bake be turned, bot they uill be redie to dou as ue have doun heire'. 'Iyrland uantes not itt is oune discontents, and I feire much help they can not give'. Neither could Charles rely on help from abroad, in fact the king could depend on France and Spain fanning the Covenanter flames, given Britain's recent foreign policy position – of which Hamilton was only too well aware.[110] After going so far from what Charles wanted to hear, Hamilton inevitably concluded his treatise with advice on a naval blockade of Scotland and other elements of military strategy, though it sounded very hollow compared to what had been said before. On 20 June 1638, Hamilton told Charles I to make a U-turn: accept the explanation of the Covenant and settle the religious issues through an assembly and parliament. Otherwise, the fire would spread to his other kingdoms. There was an implicit observation that Charles's rule in his three kingdoms had not been a success prior to the troubles, and therefore the king was in no position to dictate now. This was Hamilton's counsel.

Predictably, Charles refused to budge, instructing Hamilton to flatter Covenanter hopes, but not to exceed his instructions. The king's mind was set on mobilisation and he ignored Hamilton's warnings as well as refusing to accept any 'explanation of their damnable Covenant'.[111] Charles's rejection of Hamilton's counsel of 20 June was the single most important event in 1638, not only because of the timing, but because what was conceded later was too little, too late. June 1638 was the point at which the Scottish troubles could have been defused. From then on, crown policy consistently fell short of what was required to wrest the initiative away from the Covenanters. In June 1638 something had to give, and it is significant that it was the commissioner – who decided to go to court.

It may even have been on 20 June, shortly after Hamilton wrote his letter to the king, that the commissioner's equivocal stance collapsed and he was forced to tell the Covenanters that a general assembly would not be granted until the Covenants were surrendered.[112] To avoid open, armed rebellion he offered to return to court and counsel the king to 'a nother coou[r]s[e]' and carry a

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[108] *Ibid.*

[109] See also, NRS, GD 406/1/10525 (Hamilton to Charles, 1 December 1638) printed in Gardiner, *Hamilton Papers*, 62–64.

[110] Hamilton reminded Charles that the French had not forgotten the Isle of Rhees or Rochelle and that the French probably had their own intelligencers in Scotland. The Spanish agent's recent insult to Charles was well known in Edinburgh, NRS, GD 406/1/327/2. For Hamilton's involvement in Foreign policy see chapters 2 and 3, *passim*.

[111] Burnet, *Lives*, pp.75–77 (Charles to Hamilton, 20 June 1638); NRS, GD 406/1/10492 (Charles to Hamilton, 25 June, 1638). Charles's furious rejection 'of their damnable Covenant' 'with or without an explanation' was a regular feature in his letters.

[112] Gardiner, *Hamilton Papers*, 14–17 (Hamilton to Charles, 24 June 1638). I am relying on Rothes for the date of the meeting, but his sense of chronology is sometimes faulty, *Relation*, p.122. The meeting could also have taken place

new explanation of the Covenant. Hamilton tried to sweeten the pill for Charles by giving the most detailed advice to date on military strategy and suggesting that the proclamation of 4 July abrogating the canons and service book and discharging the High Commission would render royal suppression more justifiable given that some demands were met.[113] Hamilton also offered the six canon that he had recently received from Sweden for his past service.[114]

The commissioner left Edinburgh after publishing the 4 July proclamation which the Privy Council ultimately refused to ratify.[115] Royal authority was now absent in just about every sense. First and foremost, Hamilton had failed to persuade the king to accept the National Covenant as a legitimate protest by his Scottish subjects. Second, Hamilton had failed to make the king realise that what he wanted, at least in the short term and with the resources available, was impractical. Third, and not surprisingly, Hamilton was unable to cause any splits in the Covenanter ranks. The king's rigid stance ensured that not only the Covenanters remained united, but that the majority of the Privy Council and Court of Session sympathised with their demands, some openly. Fourth, Hamilton's achievement as he left Edinburgh was that the Covenanters were not sitting in a general assembly contrary to royal authority. Remarkably, this would take another six months. Robert Baillie's assessment as Hamilton set off for court provides an appropriate end to this section,

> My Lord Commissioner hes so caryed himself from his coming to his going, that he hes made us all suspend our judgment of his inclination, whether it be towards us or our opposits: yet the warriest and most obscure breasts will be opened by tyme.[116]

IV

What little evidence that has survived of Hamilton's three weeks at court confirms the general trends of the previous section. On 1 July the English Privy Council had been informed of the troubles, though not in great detail, and a small committee for Scotland was set up. Mobilisation strategy and finance were top of the agenda; some members, however, notably Hamilton's friend Sir Henry Vane, preferred a peaceful solution.[117] The dependable trio of Traquair, Roxburgh and Lauderdale kept the commissioner informed of the steadily deteriorating situation at home, each in turn hoping for peace.[118] Meanwhile, Hamilton waited on the king's resolution and fretted over the worsening situation. In a letter of 20 July from Theobalds, he unburdened his worries to Roxburgh. The rumours circulating court that the Scots intended invading England had further hardened the king's attitude and Hamilton baulked at the prospect in store:

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between 21–23 June or indeed it could have taken place before Hamilton wrote to Charles on 20th, but chose not to tell the king about the meeting.

[113] Gardiner, *Hamilton Papers*, 18–20 (Hamilton to Charles, 29 June 1638) and (Hamilton to Charles, 29 June 1638).

[114] *Ibid*, 16 (Hamilton to Charles, 24 June 1638). For the king's reply, NRS, GD 406/1/10493 (Charles to Hamilton, 29 June 1638).

[115] At first Hamilton got the Declaration approved in council, but shortly afterwards the Tables persuaded the councillors to retract and Hamilton was forced to tear up the act before it was registered to avoid the whole council signing the Covenant, NRS, GD 406/M9/67/11 (Hamilton's account of 4 July incident). This is a well-known incident, Burnet, *Lives*, p.81; Stevenson, *Revolution*, pp.97–98; Donald, *Uncounselled*, pp.86–87 Gardiner, *Hamilton Papers*, 21–22 (Hamilton to Charles, 4 July 1638); NRS, GD 406/1/558 ([Copy] Hamilton to Laud, 4 July 1638).

[116] Baillie, *Letters*, i, 92.

[117] Donald, *Uncounselled*, pp.87–89.

[118] NRS, GD 406/1/2360 (Traquair to Hamilton, 13 July [1638]); GD 406/1/966 (Traquair to Hamilton, 20 July 1638); GD 406/1/612 (Traquair to Hamilton, 26 July 1638); GD 406/1/628 (Lauderdale to Hamilton, 11 July 1638); GD 406/1/687 (Roxburgh to Hamilton, 26 July 1638). Lauderdale also reminded Hamilton to suggest Orbiston for thecClerk register's place if old Sir John Hay was retired.

> god of his mercie direct his [Charles] heart aright, for I see nothing threatning bot confusione and ruinge, I must tell you I find nothing sticke with his Matie so muche as the Covenant, he haveing drunk in this opinione that Monarchee and it can not stand togither, and knowing the impossibilitie of haveing it randerit upp, yow may easilie conjecture wh[a]te will ensew if the king continue but a few dayes more of that mynd nor is he any wayes satisfied with their explanatione theirof conceaving it no wayes advantagious to him, I have no more to say to you for the present, but if I was wearied in Scotland my heart is brok[e] heir.[119]

An alternative royal Covenant emerged a week later in Hamilton's instructions of 27 July and we can see the seed of the idea in this letter.[120] By contrast, this Covenant was based on the milder, apolitical 1567 Confession with a new band.[121] Obviously, the main intention was to undermine the February Covenant, but it may also have been an attempt to force the king to embrace the notion of banding. The 1567 Confession did not get far but, as we shall see, when Hamilton returned to court in late August, subscription to the 1580 Negative Confession (the core of the February Covenant) with a royally approved band formed part of the Broxmouth advice.[122] The rest of the 27 July instructions permitted the indicting of a free general assembly and even a parliament but the king allowed all these concessions only to give him time to get his forces ready.[123] A first draft of Hamilton's instructions dictated by the king at Denmark House show that Charles favoured putting an assembly off to sometime in 1639 while a parliament was not even mentioned.[124] Therefore, permission to call an assembly from November 1638 with the possibility of a parliament in the 27 July instructions was belatedly conceded by the king, undoubtedly under pressure. Again, although Charles viewed it all as a time saving exercise Hamilton and his circle hoped that a peaceful settlement could be achieved at the eleventh hour.

As with Hamilton's instructions in May, there was a considerable amount of constraints mostly concerning the future assembly, particularly in order to limit the amount of damage to the civil and ecclesiastical position of bishops.[125] If the plan to have the bishops return to their dioceses in May had been unrealistic, then the July instruction to have a bishop as a moderator of the projected assembly was absurd. The delicacy of the whole edifice was once more revealed and, moreover, the increasing amount of double-talk that Hamilton had to indulge in to gain time left him open to future charges as an evil councillor. On 14 August, for example, he told the Privy Council in Holyrood that Charles had abandoned the military option in favour of an assembly and parliament.[126] In fact, the opposite was the case.

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[119] NRS, GD 406/1/718 (Hamilton to Roxburgh, [20] July 1638). Roxburgh's reply is GD 406/1/687 (Roxburgh to Hamilton, 26 July 1638). Roxburgh's reservations about the military option were eloquently expressed thus, 'It is the wisdome als well as the goudnes of ane king to reclame and gane his peopill and not to destroy theme. I dar[e] affirm it bouldlie non wha trewlie loves him can otherwayis adwyse him'.

[120] NRS, GD 406/M9/65/4 (Instructions, 27 July 1638). This paper is in Hamilton's hand, and signed and dated with corrections in the king's hand.

[121] The introduction to the Confession and the band is in Hamilton's hand and signed by the king, NRS, GD 406/M9/72.

[122] See below.

[123] The last few lines of the instructions clearly show the king's intention 'you ar by no meaines to permitt a present rupture to happen, bot is to yeild to anie thing tho unrasonabill rather then nou to breake', NRS, GD 406/M9/65/4. For the clarification of conditions attached to the general assembly and parliament, GD 406/M9/65/1 (27 July); GD 406/M9/65/2 (31 July).

[124] NRS, GD 406/M9/65/3 (endorsed in Hamilton's hand, 'The first Drafe of my instructiounes dictatt by his Matti att Denmark hous').

[125] NRS, GD 406/M9/65/4; GD 406/M9/67/9 (Instructions in Hamilton's hand, annotated by the king, [July 1638]). Other aspects of the instructions are discussed fully in Donald, *Uncounselled*, p.90.

[126] NRS, GD 406/M9/314 ([Draft, in his hand] Hamilton's speech to council, 14 August 1638), for a fair copy, GD 406/M9/67/8.

The commissioner clashed with the Covenanters over the king's conditions for calling an assembly, but he dropped them all save two: that lay elders would have no part in elections and that things settled by act of parliament, mainly the Perth Articles, would not be discussed at the assembly.[127] Even then the Covenanters refused to give way, mainly because once again they were convinced that they had the law on their side. The negotiations had reached an impasse and officially that was why Hamilton negotiated a second return to court.[128] But equally, and unofficially, Hamilton had found out that if he indicted an assembly, then the Covenanters' most radical programme would have been passed with little opposition: episcopacy declared against the word of god and abolished, elected ministers to replace the episcopal estate in the next parliament, annual general assemblies, and subscription of the February Covenant as a test for civil and ecclesiastical office.[129] Hamilton told Laud that 'remedies' to this radical agenda that would satisfy the king's honour were beyond his capacity 'yett eiviles the leist is to be choysed'.[130] For that reason, Hamilton stopped off at Broxmouth, the earl of Roxburgh's residence, and along with Traquair, Southesk and Roxburgh, signed an advice paper to the king aimed at securing a royalist party in Scotland. Therefore, the Broxmouth advice was drawn up to derail the radical Covenanter programme.

The Broxmouth advice was unambiguous and realistic and should be viewed as the vision of Hamilton and a moderate group who had all worked happily together for most of the thirties.[131] The canons and service book were to be 'absolutly and fullie' discharged; the High Commission 'discharged' until it could be tried by law; the Five Articles of Perth were to be 'forborne' until they were judged in an assembly and parliament; the bishops' powers were to be restricted by an assembly and a pardon 'upon the word of a king' was to be offered to everyone for all that had past. In addition, another attempt was made to hijack the February Covenant, this time with the same 1580 Negative Confession that formed its core but with a royally approved band.[132] Outwardly, this was presented as a collaborative work between the four but the initiative was clearly Hamilton's.[133]

Unfortunately, when Hamilton tendered the advice on Monday 3 September at Oatlands, Charles flatly refused, saying that 'the remedie was worse then the disease'.[134] Unbelievably, Charles still wanted the Covenants delivered up and could not see beyond that. He declared angrily that he would only agree to concessions if Hamilton promised to get him the Covenants, otherwise he commanded his commissioner 'to speake no more of it'. Charles shunted responsibility for the Broxmouth policy, or a future version of it, onto his commissioner rendering Hamilton's position

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[127] Hamilton opened discussions with the Covenanters on 15 August, NRS, GD 406/M9/67/7 ('Memor. of uhatt I sade to the supplicantes the 15 of august'); Donald, *Uncounselled*, pp.90–91; Stevenson, *Revolution*, pp.103–104.

[128] Baillie, *Letters*, i, 98–101. Lorne, Southesk and Rothes were instrumental in getting the Tables to approve Hamilton's second trip to court. It should also be stressed that Hamilton's decision to return to court was taken at very short notice, NRS, GD 406/1/436 ([Copy] Hamilton to Huntly, 29 August 1638). See also next note.

[129] NRS, GD 406/1/560 (Hamilton to Laud, [24 ? August 1638]). Hamilton started writing this letter at Holyrood, but was forced to leave it unfinished and repair to court via Broxmouth, GD 406/1/559 ([Draft] Hamilton to Laud, [early September 1638]). See also, GD 406/1/719 (Hamilton to Traquair, 5 September 1638); GD 406/M9/82/1 ('Memorandum of inconvenianties … the last of augut'); Lennoxlove, Hamilton mss, TD 90/93/Bundle 1412/9 ('delivered at Oatlands the [ ] of ').

[130] NRS, GD 406/1/560.

[131] See chapter 5, *passim*. The only notable absentee is the earl of Lauderdale. The notion of Southesk as a royalist, legal constitutionalist, could perhaps be applied to the others in varying degrees, Fraser, *History of Southesk*, i, 99–101.

[132] NRS, GD 406/M9/73 (Broxmouth advice [in Traquairs hand], [late August 1638]).

[133] Hamilton and Balcanqual and Laud added to the original Broxmouth advice between 3–9 September, NRS, GD 406/1/719 ([Copy] Hamilton to Traquair, 5 September 1638) and below.

[134] NRS, GD 406/1/719 ([Copy] Hamilton to Traquair, 5 September 1638). Hamilton had already presented two papers to Charles in the days before 3 September outlining the radical Covenanter programme, Lennoxlove, Hamilton mss, TD 90/93/Bundle 1412/9 ('delivered at Oatlands the [ ] of '); GD 406/M9/82/1 ('Memorandum of inconvenianties … the last of augut'). See also Walter Balcanqual's 'My Propositions to his Majestie, at Oatlands' printed in Baillie, *Letters*, i, 467–468.

invidious. If it was adopted then it would be Hamilton's not Charles's preferred route and it could bring 'certaine ruinge' to the commissioner. As Hamilton told Traquair on 5 September:

> You knowe the dainger of undertaikinge, and how far I have ever been from it, my part hitherto haveing been to walke as I was comanded. But my propositiones now beinge so opposite, that those that ar[e] made by others, and to his Maties owne intentiones as I shall be forsade eather to engadge my self over head & ears or leave that Cuntrie to the [blank] of his just indignatione.[135]

Such a statement indicates not only how far Hamilton had been drawn in to the troubles, but how difficult it was to serve a king of Scotland who could avoid the reality of domestic crisis by absenteeism and resorting to his position as king of England and Ireland.[136] Four days after this letter, Hamilton, presumably by engaging himself as the king had demanded, got Charles's assent to a policy based on a conflation of the Broxmouth advice and additional measures drafted at court by himself[137] and Balcanqual and approved by Laud.[138] The eighteen instructions swept away the religious innovations, re-confirmed the indicting of an assembly and parliament and commanded subscription to the 1580 Negative Confession and the general band of 1589 – the so called King's Covenant.[139] Of greater consequence for Hamilton was the draft declaration of the new policy corrected and signed by the king. In the first part, Charles amended the text to say that he was pleased 'to declare by me', that is Hamilton, that the canons, service book and High Commission were discharged.[140] Evidently, the king was keen to put his commissioner between him and the new policy and this left Hamilton, the cautious courtier-politician prior to Broxmouth, distinctly vulnerable. And yet this programme, although watered down by the king, was the first attempt to attract a royalist party that had some chance of success. To secure it, Hamilton ran the risk of losing royal favour, yet, had Charles allowed such a programme in May, the story may have been different. As it turned out, the initiative collapsed despite the commissioner putting his full weight behind this last push for settlement. Nevertheless, a brief examination of the measures deployed illustrates how close Hamilton came to fracturing the Covenanter movement.

V

For the first time since becoming royal commissioner Hamilton left court with instructions that were acceptable to his political circle and could realistically be used to sow division within the

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[135] NRS, GD 406/1/719.

[136] Hamilton listed the reasons for engaging himself in such a hazardous way as his love of his country, his confidence in Traquair and the others he left at Broxmouth and, albeit later in the letter, 'to showe my gratitude to my gratious Matie who in dispyte of malis Is still pleased to thinke me one honest and loyall subject: and to blott out of memorie the staine of rebellion that wold remeine to posteritie …', *Ibid.*

[137] NRS, GD 406/M9/67/6. The title of this draft paper in Hamilton's hand is suggestive in itself, 'thatt his Matti uoold be plesed fullie and uith out doutfu[l]e expressiounes to declayre himselfe in thes particulers'. If Charles saw the paper he would surely have noticed the implied criticism. Hamilton also endorsed the paper 'memorandum uhatt uoold be doune be his Matti to worke devision'. The two most important proposals that were not on the Broxmouth paper were that the assembly and parliament should be allowed to 'trye, punish and Censure anie … subjectes uhath so ever uhidder ecclesiasticall or seculare' and if a privy councillor refused to sign the King's Covenant and acquiesce in the new policy then 'he may be discharged the Consall and reputed disafectionatt'. (The second proposal would certainly have been the king's).

[138] Hamilton sent Laud a draft of the instructions and most of the other papers, NRS, GD 406/1/561 (Hamilton to Laud, 5 September [1638]); GD 406/1/546 (Laud to Hamilton, 6 September 1638). For Balcanqual, GD 406/M9/61; Donald, *Uncounselled*, p.93, n.73.

[139] NRS, GD 406/M9/65/5 (Instructions, 9 September 1638) also printed in Burnet, *Lives*, pp.92–95.

[140] NRS, GD 406/M9/65/7 (Draft declaration, [3–9 September, 1638]).

Covenanter ranks and gain the king a party. On his way back to Edinburgh, Hamilton discussed the new measures with Archbishop Spottiswood and some of the other exiled Scottish bishops at Newark.[141] Naturally enough, they were deeply troubled that an assembly was to be called and feared for their survival. They refused to return to Scotland to prepare for the assembly and Hamilton suspected that Ross, their spokesman, would instead go to court and try to dissuade the king from allowing the assembly.[142] Nonetheless, Hamilton managed to extract a promise that they would attend the assembly and persuaded the archbishop to demit the chancellorship in return for compensation of £2,500.[143] Furthermore, Hamilton was to retain the great seal until he nominated a successor.[144] Episcopal influence in Scotland had now been marginalized and Hamilton, rather disingenuously perhaps, lamented to Laud that the bishops would probably blame him for it.[145] Ironically, bishops and Covenanters were now the commissioner's opponents.

Hamilton was back in Holyrood Palace by Monday 17 September.[146] For the next few days he prepared the ground for the new strategy with Traquair, Roxburgh and Southesk.[147] On Friday the Privy Council were told of the new measures and the commissioner, apparently in complete control, allowed the members to sleep on the new policy before they made a final decision.[148] Next day, on 22 September, despite frantic attempts by the Covenanters to delay the council's deliberations, Hamilton got all the council to approve the proclamations announcing the new concessions and each councillor signed the King's Covenant. The proclamations were immediately read indicting a general assembly at Glasgow on 21 November,[149] a parliament on 15 May the year after, and commanding universal subscription to the King's Covenant.[150] The combination of the new concessions and the council acting in concert sent shock waves through the Covenanter ranks from Robert Baillie to Archibald Johnston of Wariston.[151] At first, the Covenanters displayed an uncharacteristic uncertainty after having held the initiative for so long. Hamilton, on the other hand, had two months before the assembly sat to make the desired breakthrough and followed a three pronged campaign: first to press subscription to the King's Covenant; second, to contest the elections to the forthcoming assembly; third, to exploit the loyalism in the north-east by engaging the marquis of Huntly's support and employing the Aberdeen doctors – a group of ministers

[141] Knowler, *Strafford's Letters*, ii, (Sir Edward Stanhope to Wentworth, 13 November 1638). The bishops are not named but from the letters below we know that Spottiswood, Ross and Brechin were at Newark.

[142] NRS, GD 406/1/562 (Hamilton to Laud, 12 September 1638); GD 406/1/564 (Hamilton to Laud, 24 September). Hamilton drew up a letter stating that St Andrews could come to court alone, that is, without Ross and Brechin, but that he would not dissuade the king from what he had determined. It also specifically stated that Ross and Brechin were to follow the marquis's new instructions. However, Charles would not sign the letter as the draft is endorsed, 'this his Matti did not think fitt to sing[e]', GD 406/M9/67/5. On 18 October, Morton told Hamilton from court 'yesterday the bischop of ros had a long audience with the king and altho I kno not what past betuix them yet the bischops jouiall countinance at his cuming out maks me effrayed that it tends litill to the quyetnes of that grait busines you ar about', NRS, GD 406/1/8369 (Morton to Hamilton, 18 October 1638).

[143] NRS, GD 406/1/562 (Hamilton to Laud, 12 September 1638).

[144] NRS, GD 406/1/594 (Stirling to Hamilton, 17 September 1638); GD 406/1/733 (Charles to Hamilton, 16 September 1638).

[145] *Ibid.*

[146] Gardiner, *Hamilton Papers*, 26–32 (Hamilton to Charles, 24 September 1638). The following paragraph is largely based on this letter. Hamilton also wrote a long account of events to Laud on the same day, covering the same ground and adding a few other points about attacks on Hamilton and the threat to episcopacy, but the intention here is only to sketch in the general detail, NRS, GD 406/1/564 (Hamilton to Laud, 24 September [1638]).

[147] *Ibid*, 26.

[148] Hamilton's kinsman, the 2nd earl of Haddington, was also coming over to the king's side, Gardiner, *Hamilton Papers*, 24–25 (Hamilton to Charles I, 17 September 1638).

[149] An earlier paper containing eight points of projected policy written by Hamilton and annotated by the king has point 2 on the place of assembly written in Charles's hand 'Glesco if may be', NRS, GD 406/M9/67/9.

[150] Gardiner, *Hamilton Papers*, 26–32 (Hamilton to Charles, 24 September 1638); *RPCS, 2nd series, 1638–43*, 64–78; Stevenson, *Revolution*, pp. 108–109.

[151] Baillie, *Letters and Journals*, i, 104–108; G.M. Paul, ed., *Diary of Sir Archibald Johnston of Wariston, 1632–1639* (Edinburgh 1911), p.391.

and clerical intellectuals – to challenge the Covenanters at the printing press,[152] and to bring the doctors to the Glasgow Assembly.[153]

Just as the February Covenant had cemented together the disparate elements of the protest movement, it was hoped that the introduction of another Covenant would undermine that unanimity. Hamilton divided the kingdom up and appointed a privy councillor to canvass subscription to the King's Covenant in each area.[154] For example, Huntly was allocated the north-east, Southesk worked in Angus, Kinnoul in Perth, Traquair, Nithsdale and Roxburgh in the borders and Hamilton, Lorne and others in the west. The response on the ground, however, was patchy and the gamble to involve Covenanter sympathisers such as Lorne and the other lukewarm councillors never really paid off.[155] The provost, baillies and ministers of Glasgow 'applauded' the proclamations posted by Orbiston and appeared set to sign the new Covenant, had not Robert Baillie and some others badgered them out of it.[156] The Glasgow experience was replicated elsewhere as the Covenanters resumed the initiative, putting all their influence behind a counter-campaign to oppose the new subscription.[157] The king's commissioner led from the front and pressed subscription in his own area of Clydesdale and Hamilton, and he dismissed Covenanter complaints that people were being forced to subscribe.[158] Nevertheless, the overall response was disappointing.

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[152] The principal Aberdeen doctors were John Forbes of Corse (doctor and professor of Divinity in Aberdeen University), M. Barrow (doctor and professor of Divinity and minister at Aberdeen), Alexander Ross (doctor of Divinity and minister at Aberdeen), James Sibbald (doctor of Divinity and minister at Aberdeen), M. Gillespie (doctor of Divinity and principal of King's College), Alexander Scrogie (doctor of Divinity, regent of King's College and minister at old Aberdeen), NRS, GD 406/M9/54. Adam Bellenden, bishop of Aberdeen, often signed letters and papers along with the doctors.

[153] Two lists in the Hamilton Papers probably date from around this time. The first, in an unknown hand, is of 46 noblemen who were not outright Covenanters, though some had signed the Covenant, some of whom would be targeted in the following months. The second, in Hamilton's hand, is of the Covenanter leaders: noblemen, barons, burghs and lawyers. It was probably drawn up around 27 November to be sent with Hamilton's final report before he dissolved the Glasgow Assembly, see below. For more on the lists, Donald, *Uncounselled*, p.99; Russell, *Fall*, p.58; John Morrill, 'The National Covenant in Its British Context', in Morrill ed., *The National Covenant in Its British Context, 1638–51* (Edinburgh 1990), p.15.

[154] Gardiner, *Hamilton Papers*, 31 (Hamilton to Charles I, 24 September 1638); Fraser, *History of Southesk*, i, 100. Charles was shocked that Hamilton had 'mingled the Protesters with my good Servants as Commissioners in most of all the Shires' and demanded an explanation, NRS, GD 406/1/10508 (Charles to Hamilton, 9 October 1638). For Hamilton's clever answer, GD 406/1/10510 (Hamilton to Charles, 15 October 1638) printed in Gardiner, *Hamilton Papers*, 42–46.

[155] Gardiner, *Hamilton Papers*, 40 (Hamilton to Charles, 14 October 1638); NRS, GD 406/1/10515 (Hamilton to Charles, 2 November 1638) printed in Gardiner, *Hamilton Papers*, 49–55. For Lorne, NRS, GD 406/1/454 (Lorne to Hamilton, [10 October ? 1638]). Stevenson, *Revolution*, pp.110–112 is rather too hard on Hamilton over the King's Covenant in seeing it as an unmitigated disaster. See also, Donald, *Uncounselled*, pp.102–103.

[156] Baillie, *Letters*, i, 104–106; Gardiner, *Hamilton Papers*, 33–34 (Hamilton to Charles, 27 September 1638); NRS, GD 406/M1/36 ([Copy] [unfol.] Letters of Hamilton as Commissioner), fol.14r ([Copy] Hamilton to Provost, baillies & Council of Glasgow, 22 September 1638); *Ibid*, fol.26r (Hamilton to presbytery of Glasgow, [October 1638); GD 406/1/442 (Provost, Baillies and Magistrates of Glasgow to Hamilton, 24 September 1638); GD 406/1/445 (Presbytery of Glasgow to Hamilton, 24 September 1638).

[157] Various reasons were employed to dissuade subscription mostly hinging on the divisive nature of the exercise. For example, Baillie told the Glaswegians that it was divisive and traitorous to the cause; Henry Rollock preached in Edinburgh that it was a dangerous and wicked plot to sow division, Baillie, *Letters*, i, 105–106. For Rollock, NRS, GD 406/1/564 (Hamilton to Laud, 24 September [1638]). For the Covenanters nationwide campaign against subscription see for example, GD 406/1/647, 646; Gardiner, *Hamilton Papers*, 36 (Hamilton to Charles, 5 October 1638).

[158] NRS, GD 406/1/565 (Hamilton to Laud, 27 September 1638); GD 406/1/444/1 (Hamilton to Huntly, 26 September 1638); GD 406/1/10503 (Hamilton to Charles, 27 September 1638); GD 406/1/566 (Hamilton to Laud, 5 October 1638); GD 406/1/567 (Hamilton to Laud, 14 October, 1638); GD 406/1/10515 (Hamilton to Charles, 2 November 1638) printed in Gardiner, *Hamilton Papers*, 49–55. For the complaints about the strong arm tactics to secure signatures, NRS, GD 406/1/646 (Covenanters to Hamilton, 3 October 1638) and Hamilton's reply, GD 406/M1/36 ([Copy] Letters of Hamilton as Commissioner), fol.23r–v (5 October). The Covenanters also complained that violence was being used against those who had signed the February Covenant, GD 406/1/646 (3 October). See also Donald, *Uncounselled*, pp.102–103.

Yet it was a more positive approach than the siege mentality that had existed at Holyrood Palace between June and August. The commissioner and his men were at least making some effort to win hearts and minds – and it clearly worried the Covenanters.

Interpretations of what the King's Covenant bound subscribers to caused immediate problems, however. Furthermore, the controversy suggests that Hamilton initiated the policy after only half digesting the theological and political implications of the 1580 Confession.[159] From the start, the Covenanters asserted that subscribers abjured discipline and ceremonies as popery.[160] At a council meeting on 24 September, Hamilton side-stepped that issue by not mentioning discipline and ceremonies in the act of council for subscribing the Covenant. However, and more seriously, the debate had shown the commissioner that 'toe manie' of the council 'inclynes in there hartis the puritannicall waye and totallie for the abolishing of Episcopacie'.[161] Sir Thomas Hope, the king's Calvinist lord advocate, wore his heart on his sleeve for he told Hamilton on 29 October that subscription to the King's Covenant 'exclud[ed] epicopacie'.[162] This was a serious point even though it was a tortuous argument to say that the 1580 Confession abjured episcopacy, yet it was easier to argue that it condemned religious innovations since then, such as the Perth Articles.[163] Even the Aberdeen doctors appended seven caveats upholding, inter alia, episcopacy and the Perth Articles, before signing.[164]

Contesting the elections to the Glasgow Assembly ran parallel to the campaign for subscriptions to the King's Covenant and many of the same problems were encountered. Moreover, as soon as Hamilton had left Edinburgh for his final trip to court in late August, the Tables had sent out directions for their representatives to be chosen for the forthcoming assembly.[165] Thus when Hamilton entered the contest in late September most of the presbyteries had a fairly good idea who they would elect, and only in a few cases, such as in the presbytery of Hamilton, was the commissioner, by his personal presence and hereditary patronage, able to overturn the Tables' nominees.[166] Dr Walter Balcanqual, the commissioner's adviser on ecclesiastical affairs, also appears to have sown division amongst the Covenanter clergy by stirring up animosity over the election of lay elders to the assembly.[167] Again, however, the royalist push was largely outmanoeuvred by superior Covenanter organisation and guile.

The only real chink in the Covenanters' armour was the royalist support in the north fostered by the crypto-Catholic, 2nd marquis of Huntly in the east and the various anti-Campbell clans in the western highlands. Hamilton worked hard to keep the area well affected especially between July and November, and this is witnessed by the survival of over sixty letters in the main Hamilton catalogue dated in these months and relating to the Aberdeen area alone.[168] Huntly was particularly

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[159] The other signatories of the Broxmouth advice should also be held responsible for not seeing these future complications.

[160] NRS, GD 406/1/565 (Hamilton to Laud, 27 September 1638).

[161] *Ibid.* Hamilton told Charles the exact same thing in a letter of the same date, Gardiner, *Hamilton Papers*, 33.

[162] Thompson, *Diary of Sir Thomas Hope*, p.78. Hamilton, seething at the advocate's stance, eventually described him as a 'bad and most uicked instrument … then anie Covenanter', NRS, GD 406/1/10515 (Hamilton to Charles, 2 November 1638) printed in Gardiner, *Hamilton Papers*, 49–55.

[163] These points are well argued by Prof. Stevenson, *Revolution*, pp.110–113.

[164] NRS, GD 406/1/M9/54 (King's Covenant signed by the bishop, professors and ministers of Aberdeen, 5 October 1638). For the names of the Aberdeen doctors and their other activities, see below.

[165] Baillie, *Letters*, i, 103–105. For a few of the many examples in the Hamilton papers, NRS, GD 406/1/659 (John Guthrie, bishop of Moray to Hamilton, 3 October 1638); GD 406/1/439 (Huntly to [Hamilton], 17 September [1638]). For more on the elections to the Glasgow Assembly, Makey, *Church of the Covenant*, pp.38–47.

[166] NRS, GD 406/1/567 (Hamilton to Laud, 14 October 1638).

[167] NRS, GD 406/1/567 (Hamilton to Laud, 14 October 1638); GD 406/1/566 (Hamilton to Laud, 5 October 1638); Baillie, *Letters*, i, 99–101.

[168] This is a rough count from my own condensed version of the main Hamilton catalogue, and does not include the Supplementary catalogue or the undated correspondence. In August, Hamilton upset the Covenanters when they intercepted a letter which he had written to the town of Aberdeen, accompanying one from the king, commending

active: he published most of the king's declarations and apparently he managed to secure twelve thousand signatures to the King's Covenant.[169] Not only was the Hamilton-Huntly pipeline important to ensure that in at least one part of the country royal concessions were being successfully applied and supported – and thus could be used to justify policy to a sceptical king – but the area was equally vital for a future military assault.[170]

Furthermore, the validity of the Covenanters' conduct had not been effectively challenged in print and Hamilton wooed the Aberdeen doctors first to take up their pens in defence of royal policy and second to attend the forthcoming assembly at Glasgow. The paper output from the doctors was sparse and slow and although it was enough to stir up debate it fell short of a pamphlet war.[171] It was probably just as important that the doctors attended the Glasgow Assembly to put up at least a token theological resistance to the Covenanter divines. Hamilton desperately wanted them to attend and it looked as if at least some of them were willing to make the trip,[172] however a week before the assembly convened they finally declined the commissioner's entreaties pleading ill health, poor weather conditions and claiming that their presence would have achieved little.[173]

Despite all these setbacks Hamilton pressed on, though it was a case of one step forward and two steps back, and the strain took its toll from early on. On 27 September, for example, barely a few days into the royalist drive, he dejectedly told Laud:

> Joy I have lytill heere, for lytill confort can I have in being abhorred be my frends and kin[d]red, haitted by my Natione in generall, railled at in the streettis, exclaymed aga[i]nst in the pulpits, and that in no other termes then that faggots is alreddie prepaired in hell for me.[174]

Hamilton's job was undoubtedly a difficult one, and by November he appeared to have accepted that the uphill battle which he started in September had been lost. The king did not have a substantial party and the Broxmouth concessions, wrung so hard out of the king, had failed to produce the mass defections needed to solve the troubles without recourse to English, and possibly Irish, arms. The Covenanter uncertainty of mid-September had quickly evaporated to be replaced

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their refusal to sign the February Covenant and telling them to hinder all attempts to have it subscribed. The letters are printed in Rothes, *Relation*, pp.184–186; Baillie, *Letters*, i, 101–102. See also, NRS, GD 406/1/694 ([In Balcanqual's hand, corrected by Hamilton] Hamilton to Profs. and ministers of Aberdeen, 7 August 1638); GD 406/1/698 ([Copy] Hamilton to provost, bailies and council of Aberdeen, 10 August 1638); GD 406/1/697 (Hamilton to Aberdeen Drs., 10 August 1638).

169 For example, Huntly got the July declaration, which had not been passed by the Privy Council, published on 16th of the month, NRS, GD 406/1/763 (Huntly to [Hamilton], 24 July [1638]); Burnet, *Lives*, p.110. Burnet gives a total of 28,000 signatures for the whole of Scotland. See also Stevenson, *Revolution*, pp.110–111; Donald, *Uncounselled*, pp.102–103.

170 The following is some of the Hamilton/Huntly correspondence or related material, NRS, GD 406/1/436, 428, 429, 434, 435, 669, 8172, 765, 533, 531, 437, 439, 449, 450, 455, 456, 462, 463, 766, 466, 8224. For the King's Covenant and Glasgow Assembly, GD 406/1/441, 443, 473, 459, 460, 461. For the king's letters of support, some of which went to Covenanters., GD 406/1/747, 438, 725, 1127.

171 NRS, GD 406/664, 667, 567, 471, 724. Some of the doctors' pamphlets had appeared before Hamilton arrived in Scotland, most notably John Forbes's 'A Peaceable Warning' of 4 May 1638, GD 406/1/433 (Forbes to Huntly, 7 August 1638); *CSPD 1625–49*, 583–5 ('General Demands, [20 July] 1638); Donald, *Uncounselled*, p.82. The doctors' writings had first to be approved by Hamilton before going to the press, GD 406/1/668 (Doctors to Hamilton, 13 November 1638). Some of the doctors – Barron and Sibbald – were still writing in early 1639, NRS, GD 406/1/412 (Huntly to Hamilton, 18 January [1638/9]).

172 After all pleading for an exemption in early October, Drs Forbes, Barron and Sibbald agreed to attend later in the month, NRS, GD 406/1/446 (Supplication of Aberdeen Drs. to Huntly, 5 October 1638); GD 406/1/665 (Aberdeen Drs. to Hamilton, 26 October 1638).

173 There was a considerable amount of uncertainty amongst the doctors, like most academics, about what to do, making the whole affair rather like a 'will they, won't they' pantomime, NRS, GD 406/1/446, 665, 457, 666, 668.

174 NRS, GD 406/1/565 (Hamilton to Laud, 27 September 1638). See also, NLS, Morton Papers, Ms 79/78 (Hamilton to Morton, 5 October 1638).

by confident denunciation of the King's Covenant and a near landslide victory in the assembly elections. Threats of violence and intimidation were probably just as important as persuasive theological and political argument for the Covenanters' remarkable success. Hamilton followed a similar pattern, but he had neither the support nor the resources to mount a campaign on the scale of his opponents.

The Glasgow Assembly was therefore a foregone conclusion before it even started. It had been common knowledge for some months that, after a short trial, whether the bishops were there or not,[175] the assembly would abolish episcopacy as contrary to the word of God. In response to the rumours, Hamilton, following the king's instruction, declared in the Privy Council on 31 October 'that his Matie would never condiscend nor agree that the episcopal governement, alreddie established w[i]th in this kingdome s[h]all be abrogat dischargit or tane away'.[176] After all the attempts to avoid a collision, the assembly would be the point at which the irresistible force would meet the immovable object. On 5 November, a few weeks before the assembly convened, Hamilton advised the king to fortify Berwick and Carlisle 'for ther[e] is nothing to be expected in this assemblie but madness in the heyegist degree'.[177] Moreover, the Covenanters were confident that the king had neither the force nor the backing of his English kingdom to stop them.[178]

What Hamilton planned to do in the assembly was therefore circumscribed by the inevitable Covenanter domination of proceedings and the king's complete commitment to a military solution. The main aim in the weeks before was to marshal as many reasons as possible to prove the nullities or illegality of the assembly: for example, it would be contended that the elections were rigged and novelties such as lay elders introduced; also that some of the ministers elected had been deposed from the Scottish and Irish churches; and that bishops were barred from sitting, and only summoned to be condemned.[179] How Hamilton would actually proceed in the assembly had been worked out by late October without the advice of Ross and St Andrews who had not yet arrived in Scotland.[180] Quite simply, Hamilton would deliver his speech, read the king's propositions, contest the legality of the elections, then move to declare the nullities and finally discharge and dissolve the assembly under pain of treason. From the first to the last of these stages, Hamilton intended to protest at every point, making it easier to overturn the decisions in a future assembly dominated by the crown.[181]

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[175] NRS, GD 406/1/650/1 (Rothes to Hamilton, 6 October 1638).

[176] NRS, GD 406/1/714 (Hamilton's statement, 31 October 1638).

[177] Gardiner, *Hamilton Papers*, 55 (Hamilton to Charles, 5 November 1638). Huntly was given the same gloomy forecast, NRS, GD 406/M1/36 ([Copy] [unfol.] Letters of Hamilton as Commissioner) 79r (11 November). The English Privy Council was getting more involved, the trained were being mustered, lists of men between 16–60 able to bear arms were being drawn up and commissioners were appointed for the northern parts, (the main commissioner was Hamilton's old serjeant major general in Germany, Sir Jacob Astley), NRS, GD 406/1/10794 (Vane to Hamilton, 18 November 1638).

[178] These two themes were common, NRS, GD 406/1/569 (Hamilton to Laud, 22 October 1638); GD 406/1/10794 (Vane to Hamilton, 18 November 1638); GD 406/1/713 (Hamilton to Vane, 26 November 1638).

[179] NRS, GD 406/M9/66/1 ('Reasons for ye nullitie of ye indicted assembly'); GD 406/M9/66/2 (Reasons for the indicted assembly being 'illegal and informal'), this is a very interesting paper which amongst other things suggests that the king 'call a Generall Councell of his Maties thrie kingdomes' to resolve the troubles. Hamilton also submitted a series of detailed questions to Sir Thomas Hope, the king's advocate, on 27 October concerning these and other points. The answers were certainly not to Hamilton's liking as Hope even said that the king did not have a negative voice in the assembly (answer 11), GD 406/M9/56/1 ([Copy] Questions to king's advocate, 27 October 1638); GD 406/M9/56/3 (Answers to Hamilton's questions by advocate, 1 November 1638); GD 406/M9/56/2 ('Information concerning questions given in to the advocate').

[180] NRS, GD 406/1/569 ([Draft, corrected in Hamilton's hand] Hamilton to Laud, 22 October 1638). The bishop of Ross eventually arrived at Holyrood Palace with some papers from court, GD 406/M9/65/6 ('His Majesties observation upon the declinator' 19 October 1638).

[181] *Ibid.* NRS, GD 406/1/10524 (Hamilton to Charles, 27 November 1638) printed in Gardiner *Hamilton Papers*, 60–61.

That was in sum what happened at the Glasgow Assembly during its first week between 21 and 28 November.[182] Alexander Henderson was made moderator, Archibald Johnstone of Wariston was made clerk and Hamilton's five assessors, or advisers, Traquair, Roxburgh, Lorne (now Argyll), Lauderdale and Sir Lewis Stewart were not allowed to vote on any business.[183] The radicals within the Covenanting movement were visibly in control. On 27 November Hamilton decided that the dissolution which he had planned weeks before should take place next day. More interesting for our purposes, however, is the letter that Hamilton wrote to the king on the eve of the dissolution.[184] The letter, in the form of a valediction,[185] was an admission that the policy of September had failed to gain the king a considerable enough party to 'curbe' the Covenanters 'with out assistance from Ingland'. The commissioner then proceeded to aportion blame for the troubles. Top of the list were the bishops who had started it all by not introducing the recent religious measures 'in the ordinarie and legall uay', their actions being 'not justifiabill by the laues of this kingdome'. If they had followed past form, then the measures could have been brought in without difficulty. The bishops were also arrogant, proud, dissolute and tended to simony.

Hamilton was less harsh in his assessment of the council and most of those he mentioned in detail were from his own political circle: Traquair, Roxburgh, Southesk, Haddington, Lauderdale, Kinnoul, Dalziel and Orbiston. Southesk, in particular, was singled out as a future lord chancellor after the troubles were settled. Of the other councillors, Sir Thomas Hope was roundly condemned and Sir Lewis Stewart recommended in his place. There was a certain ambivalence attached to the description of Argyll as a 'true patriate', yet he was denounced as one totally against episcopacy who could 'proufe the dangerousest man in this state'. The Covenanters received only cursory comments except Montrose who was described as the most 'va[i]nlie fulish' of them all. More significantly, Hamilton, perhaps speaking with his masters voice, ascribed the Covenanters' opposition to 'sumuhatt eales' than religion which had served as 'a clooke to rebellion'.[186] As we have come to expect, Hamilton concluded his discourse with a detailed military plan as well as a longer term suggestion that a deputy be employed to govern in Scotland above the Privy Council.

Next day, the king's commissioner dissolved the assembly and soon after issued a proclamation condemning its continued sitting.[187] Between Hamilton's departure and the assembly's voluntary dissolution on 20 December, the Scottish church was reformed following the blueprint which had forced Hamilton to rush back to court in late August with the Broxmouth advice. The canons, prayer book, High Commission and Perth Articles[188] were condemned, episcopacy was abjured and removed and all fourteen Scottish bishops were deposed and eight of them were excommunicated. Church government was also restructured at a lower level and annual general assemblies were re-affirmed.[189] Meanwhile, on 2 December, Hamilton floated the idea to Laud that he could

[182] The official record of the assembly is in A. Peterkin, *Records of the Kirk of Scotland* (Edinburgh 1838), pp.128–93; Baillie's account was written at least six months after the assembly, *Letters*, i, 118–169. The assembly has been covered in Stevenson, *Revolution*, pp.116–126; Makey, *Church of Covenants*, pp.47–55; Donald, *Uncounselled*, pp.109–112.

[183] Baillie, *Letters*, i, 27; Fraser, *History of Southesk*, i, 102.

[184] NRS, GD 406/1/326/1-2 (Hamilton to Charles, 27 November 1638). The date 27 November is written in a heavy pen covering another date underneath, possibly a 26 or indeed a 28. The letter is also printed in Hardwicke, *State Papers*, ii, 113–121, but all references are to the original.

[185] With his usual sense of melodrama, though in this case with some justification, Hamilton believed that he would be murdered following the dissolution of the assembly, NRS, GD 406/1/326/1–2 (Hamilton to Charles, 27 November 1638).

[186] *Ibid.*

[187] NRS, GD 406/M1/43 ([Draft]proclamation in Traquair's hand); GD 406/1/10525 (Hamilton to Charles, 1 December 1638) printed in Gardiner, *Hamilton Papers*, 62–4; Donald, *Uncounselled*, pp.110–112.

[188] The Perth Articles were actually abjured and removed, Stevenson, *Revolution*, p.124.

[189] NRS, GD 406/1/580 (Hamilton to Laud, 17 December 1638); Stevenson, *Revolution*, pp.123–25; Burnet, *Lives*, pp.139–40. The kirk had the power to call annual general assemblies in 1581.

better serve the king by returning to court.[190] Just as in the wake of the disappointing campaign in Germany in 1632, Hamilton realised that he would be safer at the king's side, so in Scotland in late 1638, he followed the same line of thought.[191] Hamilton's friends were likewise advising an immediate return to court.[192] Negotiating his return from Edinburgh was easier than it had been from war torn Germany, but before he left, Hamilton had to ensure that the small party he had gained would remain loyal to the king.[193] That achieved, the commissioner was back at court for the New Year apparently committed to the mobilisation for the First Bishops' War.[194]

It could be argued that Hamilton's Broxmouth advice was nothing more than a delaying tactic to prevent an open rupture until the king completed his preparations for an Anglo-Irish invasion of Scotland. That might have been the way that Charles I viewed it but, as usual, Hamilton viewed it differently. Between September to November Hamilton and his circle tried hard to create a large enough royalist party that would have forced the Covenanters to make a compromise settlement. It was a long shot, however, and its failure was due more to a lack of time and intransigence from Charles I and the Covenanters than from any glaring failure in the Hamilton group. On a more personal level, Hamilton, by the new year of 1639, was now an important influence in the formation of royalist policy to deal with the deepening crisis. After struggling for so long during the thirties to press for a more defiant pose in the European crisis, the king's commitment to the conquest of his native subjects, and Hamilton's elevated role, must have appeared to the marquis profoundly ironic.

[190] NRS, GD 406/1/549 (Laud to Hamilton, 7 December 1638).

[191] Gardiner, *Hamilton Papers*, 65–66 (Hamilton to Charles, 11 December 1638) original NRS, GD 406/1/10528.

[192] NRS, GD 406/1/464 (Morton to Hamilton, 29 November 1638); GD 406/1/543 (Goring to Hamilton, 4 December 1638).

[193] NRS, GD 406/1/549 (Laud to Hamilton, 7 December 1638); Gardiner, *Hamilton Papers*, 65–66 (Hamilton to Charles, 11 December 1638); *Ibid*, 66–68 (Hamilton to Charles, 17 December 1638); GD 406/1/614 (Traquair to Hamilton, 28 December 1638); GD 406/1/471 ([Copy] [Hamilton to Huntly], 26 December 1638). Hamilton also issued a further declaration against the Glasgow Assembly on 17 December.

[194] Hamilton's opinion to Laud on the forthcoming war was nicely double-edged, 'I trust in god that whensoever his Matie shoes himsellff lyke himsellffe that thir mad people will find there owne weaknes', NRS, GD 406/1/581 (Hamilton to Laud, 26 December 1638). See also, GD 406/1/578 ([Copy] Hamilton to Laud, 1 December 1638). Laud and Hamilton may have developed some respect for each other during 1638, but there was still friction and distrust, NRS, GD 406/1/547 (Laud to Hamilton, 22 November 1638); GD 406/1/550 (Laud To Hamilton, 8 January 1638/9). Hamilton was at Newcastle on 30 December, NRS, GD 406/1/610.

CHAPTER 7

The Bishops' Wars: Coercion, Pacification and Building Bridges

In the last chapter we saw the failure of Hamilton's quest for a settlement which would satisfy the king's honour and create a royalist party in Scotland. Inevitably, therefore, the period covered in this chapter follows the two military campaigns by Charles I to impose his will on his Scottish subjects by utilising his resources as king of England and Ireland. This period for Hamilton represented yet another confrontation with the political reality of the mushrooming crisis. By contrast, the king had still failed to grasp the difference between dictating and bargaining. Furthermore, it also became apparent that the longer it took the king to accept a compromise settlement, the less the Covenanters were willing to trust their king and the more they looked for a peace treaty to be ingrained in the institution of parliament, both Scottish and English. Through all this, Hamilton walked on a political tightrope. He continued to be the king's chief counsellor on Scotland and friend, but was racked with doubt that the military option was unsound, or at best a hazardous exercise. In his personal life too, he experienced instability and heartache: his wife had died in May 1638 delaying his trip to Scotland as royal commissioner, and his son and heir, Charles, was buried in Westminster Abbey on 30 April 1640.

If Hamilton had been a reluctant royal commissioner in 1638, he was an even more unenthusiastic military commander in 1639–40. Furthermore, we can also contrast Hamilton's unbridled zeal for military honours in Germany in 1631–2 with his military disinclination of 1639–40. Overexposed and a target for recrimination at the end of the First Bishops' War, Hamilton opted to withdraw from his prominent role and re-discover his friends amongst the Covenanters.

The four sections in this chapter follow a chronological structure with the Berwick peace negotiations of June-July 1639 constituting the hinge on which the whole chapter swings. Section one outlines the marquis's role in the First Bishops' War, and focuses on his command of a naval expeditionary force sent to the west of Scotland. Here we shall see Hamilton's deep reservations about the campaign emerging, characterised by an unwillingness to initiate the military contest. Section two reconstructs Hamilton's behaviour at the Berwick peace talks and his subsequent

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resignation as royal commissioner. It will be argued that this is clear evidence of Hamilton's growing disillusionment with royal policy. Moreover, it also signalled Hamilton's stark realisation that, in the eyes of the Covenanters, he had become synonymous with Charles's hard-line policy. Section three defines Hamilton's changed role following the key events at Berwick; where he initially operated as Charles's personal secretary away from the public gaze. The fourth and final section is concerned with the Second Bishops' War, the Covenanter's pre-emptive invasion of north England in August 1640 and the calling of the Long Parliament. Hamilton will be placed in these momentous events as someone who consistently tried to avert a second war by trying to keep negotiations alive. The examination of Hamilton's secret alliance with John Campbell, Lord Loudoun, in June 1640 will highlight the marquis's two main desires at this time of deepest crisis: the craving for a moderate negotiated settlement, counterpointed by a need to look to his own self-preservation. In sum, this chapter narrates the beginning of Hamilton's steady drift away from Charles I.

I

England in 1639 was a kingdom unprepared for war.[1] There was £200 in the Exchequer, a parliament was not to be called[2] (even though the war was to be fought against a neighbouring kingdom of which the king of England was king), the English Privy Council committee organising the war effort was divided over the policy and the rest of the court and the country had been told nothing.[3] Certainty and unity should have characterised Charles's English kingdom when in fact rumour and uncertainty prevailed. Even worse, few Englishman had ever held a musket let alone fire it at Scotsmen covenanted with God and commanded by European veterans.[4] The long years of peace in Britain had caused a steady de-militarisation, particularly in England, so that the largest of Charles's three kingdoms was the least able to mobilise quickly and efficiently.[5] A letter written by the earl of Northumberland, the lord admiral of England, in January 1639, highlighted the mood of self-interest and internecine squabbling that marked the royalist mobilisation:

> My Lord of Essex is removed from being General of the Horse to be Lieutenant-General of the Army, and Holland succeeds him in the charge of the Horse; with this change Essex is not at all pleased, and the Marshal [Arundel] is so much unsatisfied, as it is thought he will absolutely quit his Command. This alteration is said to be wrought by the Queen, and that Hamilton hath much assisted in it, whose Credit and Power with the King is thought to be much increased since his late Employments into Scotland; which I doubt will be of some Disadvantage to his Majesty's Affairs at this Time, when the world shall take Notice, that the Means how to secure this state from the Scots Invasion is chiefly consulted with one of that Nation.[6]

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[1] The scene is admirably set by Woolrych, *Britain In Revolution 1625–1660* (Oxford, 2002), pp. 114–121.

[2] This was the first time since 1323 that England went to war without calling a parliament, Russell, *Causes of the English Civil War*, p.12.

[3] Knowler, ed., *Strafford's Letters and Dispatches*, ii, 185–6 (Northumberland to Wentworth, 23 July 1638); NRS, GD 406/1/464 (Morton to Hamilton, 29 November 1638); Knowler, *Strafford Letters*, ii, 189–92 (Wentworth to Northumberland, 30 July 1638); *CSPD 1638–9*, 151–2 (Thomas Smith to Sir John Pennington, 6 December 1638).

[4] Only 200 of the 5,000 troops in Hamilton's expeditionary force had held a musket, NRS, GD 406/1/10541 (Hamilton to Charles, 15 April 1639) also printed in Gardiner, *Hamilton Papers* (Camden Society, 1880), 72–73.

[5] For a discussion of the absence of a military capacity in England, Conrad Russell, 'The Scottish Party in English Parliaments 1640–1642 or The Myth of The English Revolution', An Inaugural Lecture in the Department of History, King's College, London, 29 January 1991. Wentworth's efforts in Ireland to build up an Irish army meant that there was some military capability there, Knowler, *Strafford's Letters*, ii, *passim*.

[6] Knowler, *Strafford Letters*, ii, 276 (Northumberland to Wentworth, 29 January 1638/9). For a letter to the king about the hazard of having inexperienced men as commanders and officers, and generally trying to illustrate the enormity

This was hardly the kind of thing one would have expected on the eve of war in the proverbial backyard, though Hamilton's alliance with the queen to advance the earl of Holland is compatible with the picture of court politics that was drawn in an earlier chapter.[7]

Hamilton's elevation on the back of the Scottish troubles was logical enough given that he was chief adviser on Scottish affairs and royal commissioner to settle the troubles, but it was also a tribute to the skilful political game that he had played the previous year. Yet, as with his appointment as royal commissioner in April 1638, his appointment as general of the king's forces in Scotland in April 1639, was bestowed by the king's 'absolute command'.[8] Again, this is important as it puts some distance between the marquis and the king's policies, and casts him, if necessary, as the reluctant – yet loyal – Scottish servant carrying out the king's commands.[9] As Hamilton's letter in June 1638 had shown, he possessed the vision to see that Charles's actions could put his '3 crounes' in peril. The generous area between the king's outright victory and the collapse of his triple monarchy was where most individuals – except perhaps Charles – set their sights. In that area lay settlement – as well as the apportioning of blame, the search for culprits, evil counsellors, incendiaries, traitors. Hamilton was too good a politician to overlook such hard political facts. Equally too, it must be stressed that, although Hamilton believed that Covenanter insolence had to be checked, he never fully embraced the wisdom, or indeed the viability, of a military solution. On that point, as on many others, Charles and Hamilton disagreed.

For all the underlying caution, however, Hamilton had a substantial role in the mobilisation, chiefly in organising the household onto a war footing and recruiting Scots officers in London for the land army and for his naval expeditionary force, which was initially intended for north Scotland.[10] Naturally, he was also a member of both the English Privy Council Committee for the North and the Council of War.[11] Hamilton continued to support the earl of Antrim's planned assault on the west of Scotland, though mainly as the recipient of the earl's hopelessly ambitious letters from Ireland.[12] Antrim could not deliver what he had promised on paper when Hamilton gave him the go-ahead on 6 March.[13] It was probably just as well since he had hoped to employ Owen Roe O'Neile (c1580–1649), a Gaelic Irish soldier in the employ of Spain,[14] as his commander and was widely ridiculed for his outlandish claims.[15]

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of the task of mobilising an army of 30,000 to 40,000, NRS, GD 406/1/8300 ([Copy, unsigned and undated] to Charles I).

7 Chapter 4, especially sections II & III.

8 Burnet, *Lives of the Hamiltons* (Oxford, 1673, repr. 1852), p.155 (Charles to Hamilton, 18 April 1639). For the various commissions, NRS, GD 406/L1/150 (Commission appointing Hamilton General of his Majesty's army in Scotland, 4 April 1639); GD 406/M9/96 (Instructions & commission empowering Hamilton to sail to Scotland and make war, 7 April 1639); GD 406/L1/151 (Commission appointing Hamilton General of the army in Scotland).

9 The king having to command Hamilton to be General could be held up later to show that he was not behind the counsel for a military campaign.

10 NRS, GD 406/M9/23/53 (Hamilton's notes of a meeting of household officers, 7 February 1638/9); *HMC, Cowper*, ii, 210–211 (Sir John Coke's notes at the Council of War, 22 January to 7 February, 1638/9); *CSPD 1638–39*, 321, 339–40 and other references. For Hamilton's commission, *HMC Hamilton*, 47 (98) (7 April 1639); British Library, Additional Mss, 5754 fos.39–50 (Docs. on royal army levied against the Covenanters, 1639); NRS, GD 406/M9/23/11, 33, 40, 41, 48, 49, 57 (Names of Scots Officers).

11 NRS, GD 406/M9/23/53 (Hamilton's notes of a meeting of household officers, 7 February 1638/9); *HMC, Cowper*, ii, 210–211 (Sir John Coke's notes at the Council of War, 22 January to 7 February, 1638/9); *CSPD 1638–39*, 321, 339–40.

12 There was a meeting between Hamilton, Antrim and Vane where a plan was devised and later presented to the king, NRS, GD 406/1/1190 (Vane to Hamilton, 12 April 1639). It is very difficult to assess the extent to which Hamilton backed the earl's invasion. For an example of Antrim's letters to Hamilton, NRS, GD 406/1/1154 (Antrim to Hamilton, 17 March 1638/9).

13 NRS, GD 406/1/1154; Knowler, *Strafford's Letters*, ii, 318 (Charles to Wentworth, 11 April 1639).

14 'Owen Roe O'Neill', Dictionary of Irish Biography, Accessed 16.08.2022, https://doi.org/10.3318/dib.006936.v1.

15 For O'Neile, NRS, GD 406/1/1150 ([Copy] Antrim to Wentworth, 26 February 1638/9). For Antrim's claim that he would feed his men shamrocks if victuals proved difficult to procure, Knowler, *Strafford's Letters*, ii, 302–7

Even with two of his three kingdoms at his disposal, it became clear that Charles's grand mobilisation involving a multi-pronged invasion of Scotland was, like Antrim's plans, over-ambitious and the Covenanters' modest vision of a single, well equipped army commanded by the veteran Sir Alexander Leslie proved more successful.[16] The difficulties encountered in organising Hamilton's naval expedition were not untypical of the royalist war effort. Most of the force of five thousand men recruited from Suffolk, Kent, Essex and Cambridgeshire were inexperienced and arrived at Yarmouth docks with no officers.[17] Of the 5,000 only 200 had ever held a musket, and most of the muskets to be used were defective anyway.[18] There were neither the officers nor the time to train the men and at least one month of training would be required before the force could be hazarded in a confrontation. That is why in mid-April Hamilton suggested to Charles (who had arrived at York on 1 April to receive the feudal host from the nobility of his kingdoms) that he would be best employed harrying the east coast of Scotland and riding in the Firth of Forth at Leith, rather than landing in the north or elsewhere with 'unexperimented men'.[19] Hamilton also experienced numerous problems with the naval flotilla which he listed in his almanack in March, though he subsequently heaped praise on the earl of Northumberland, lord admiral, for supplying the defects.[20]

In practice, therefore, the resort to arms had as many holes in it as the attempt at a negotiated settlement the previous year; and the gap between cold reality and what the king's honour and religious conviction demanded was just as wide. Hamilton's warning to Charles in June the previous year that England (and Ireland) would follow him reluctantly into war, and that there was some sympathy in England for the Scots, proved to be well founded.[21] Rumours of pro-Scots sentiment in England was frequently reported and occasionally reports that some Englishmen were 'intelligencers' with the Scots bubbled to the surface.[22] Although the depth of this is difficult to gauge,

(Wentworth to Windebank, 20 March 1638/9), especially 302. For Antrim's plans and mobilisation, see for example, NRS, GD 406/1/652 (Antrim to Hamilton, 14 January 1638/9); GD 406/1/1153 ([Copy] Antrim's demands to Wentworth, 12 March 1638/9); GD 406/1/1154 (Antrim to Hamilton, 17 March 1638/9); GD 406/1/1162 ([Copy] Wentworth's despatch, 14 May 1639). Wentworth continually poured scorn on Antrim's efforts, believing that the earl had promised to go against Argyll only to ingratiate himself with the king, never expecting that Charles would accept his offer, Knowler, *Strafford's Letters*, ii, 335–6 (Wentworth to Laud, 10 May 1639); *Ibid*, ii, 325 (Wentworth to Vane, 16 April 1639). See also, Aidan Clarke, 'The Earl of Antrim and the First Bishops' War,' *Irish Sword*, 6 (1963), pp.108–15.

[16] Burnet, *Lives*, pp.143–145. It should also be said that Argyll was recruiting to repel an Irish invasion of the west of Scotland and Montrose was marching on the loyalist north, Stevenson, *Revolution*, pp.128–140.

[17] Some of them were from the trained bands of these counties, NRS, GD 406/1/938/1 (Sir James Hamilton to Hamilton, 12 April 1639); GD 406/1/10541 ([Copy or draft] Hamilton to Charles, 15 April 1639) also printed in Gardiner, *Hamilton Papers*, 72–3; *Ibid*, 73–6 (Hamilton to Charles, 18 April 1639). The exception was the men who came out of Suffolk commanded by Colonel Byron who were 'both well arm[e]d and cloth[e]d', GD 406/1/939 (Hamilton to Windebank, 23 April 1639). Kent was the worst, GD 406/1/938/1.

[18] NRS, GD 406/1/10541; Gardiner, *Hamilton Papers*, 74; NRS, GD 406/1/938/1. Obviously, strenuous efforts were made to rectify the problem of defective muskets, but Hamilton was still complaining about them on 29 April when his fleet was riding before Berwick, NRS, GD 406/1/1203 (Hamilton to Vane, 29 April 1639).

[19] Gardiner, *Hamilton Papers*, 73–6 (Hamilton to Charles, 18 April 1639). Hamilton also told the king that he could land most of the men at Holy Island to be subsequently put in Berwick and he would sail up the east coast with 1,000 or 500 hand-picked men to 'vex' the Covenanters. This advice was not accepted and Hamilton arrived in the Forth with his 5,000 men. For Charles's answers to most of Hamilton's letters in these weeks, see, Burnet, *Lives*, pp.151–156.

[20] Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton's almanack, 1639); Gardiner, *Hamilton Papers*, 76; NRS, GD 406/1/940 (Hamilton to Windebank, 15 April [1639]). Hamilton's praise of Northumberland to the king was relayed to the lord admiral by Sir Henry Vane who assured the marquis that he would 'have returnes', NRS, GD 406/1/1207 (Vane to Hamilton, 23 April 1639). For more on Northumberland, see Adamson, *Noble Revolt*, passim; *Oxford DNB*, https://doi.org/10.1093/ref:odnb/21923.

[21] See chapter 6, pp.148–9.

[22] *CSPD 1639*, p.51 (Rossingham to Conway, 16 April 1639); *CSPD Add 1625–49*, p.586 (Paper by Henry de Vic, [July ?] 1638); *CSPD 1637–8*, p.593 (Windebank to Hamilton, 10 August 1638). For Viscount Saye and Sele and Lord Brooke's refusal to serve against the Scots and to take the military oath, Thompson, ed., *Diary of Sir Thomas Hope*,

there was something going on which was well organised and effective. In fact, as early as February 1639 Traquair warned Hamilton,

> [The Covenanters] beleive yat all quhiche the kings matie hes gained upon ye inglishe for procuring any assistance ayer of men or money for yis expedi[ti]one is be making yem beleive (as they te[r]me it) yt they are to cum upon ingland, qlk if yey sall be able to remove, they exspect ye subjects of ingland will prove slow enimies unto, or against yem.
>
> They have sume new project in head for informing ye inglishe qwither it be, be way of peti[ti]ione or remonstrance I knaw not, but it seames yey have a correspondence w[i]t[h] sume in ingland … [23]

There was a crack in English opinion over the war and the Scots intended driving a wedge into it. In other words, the king continued to rule England and Ireland, but he was not going to have it all his own way.[24] Charles had brought his other kingdoms into the quarrel and so the Scots had to state their case and seek support in the wider arena.

On the royalist military front, it was taking much longer to get the formed body of an army to the borders than had been expected. Of equal importance was the fact that by mid-April, the Covenanters had almost total control of Scotland: Huntly, the lieutenant for the north, had disbanded his forces while Traquair and Roxburgh, the two lowland lieutenants, had fled over the border.[25] Therefore, the plan that Hamilton's forces would bolster an indigenous royalist party evaporated. So the king would now have to invade and conquer his northern kingdom. Consequently, Hamilton was to head for the Forth rather than Aberdeen and the proclamation which he was to publish on his arrival was twice altered, or watered down, to take account of the changed circumstances.[26] For example, Charles was persuaded not to put prices on the declared rebels heads. Hamilton was at pains to ensure that the full eight days was allowed for compliance to the proclamation after its

p.93–4; NRS, GD 406/1/1207 (Vane to Hamilton, 23 April 1639). Hamilton's comment on Saye and Brooke is typical, 'The disposicon of Saye and Brouck was well yenough knowne before, I doubt not but his Matie will remember them in his owne time', NRS, GD 406/1/1203 (Hamilton to Vane, 29 April 1639). The Anglo-Scottish links between 1639–40 are thoroughly worked through in Adamson, *Noble Revolt*, pp.36–52. For more on these fascinating and interlinked subjects, Russell, *Fall of the British Monarchies*, chapter 3; Donald, *Uncounselled king*, chapter 5.

[23] NRS, GD 406/1/985 (Traquair to Hamilton, 29 February 1638/9).

[24] The Covenanters kept a tight hold on information passing out of Scotland. For evidence of this and their attack on the brothers George and John Stirling whose letter to England was intercepted which said that the Covenanters were 'lifting' money to finance an invasion of England, NRS, GD 406/1/796 (privy council to Hamilton, 1 March 1638/9); GD 406/1/ 997 (Traquair to Hamilton, 21 February 1638/9); GD 406/1/985 (Traquair to Hamilton, 29 February 1638/9); GD 406/1/769 (Southesk to Traquair, 28 January 1638/9).

[25] Vane's letters to Hamilton provide a full account of the changes, NRS, GD 406/1/1212 (Vane to Hamilton, 19 April 1639); GD 406/1/1207 (Vane to Hamilton, 23 April 1639). For Charles's letters to Hamilton of 2, 3, 5, 7, 16, 23 and 25 April, Burnet, *Lives*, pp.151–156, though there are some deliberate mistranscriptions. Traquair was committed to his chamber when he arrived at York for leaving Dalkeith 'without striking one stroke' and leaving the Scottish regalia behind, which infuriated Charles, NRS, GD 406/1/10531 (Charles to Hamilton, 2 April 1639); GD 406/M1/90 ('A breef naracon of his Mats progress from London to Berwick & back again 1639).

[26] On 5 April, a few days after the fall of Aberdeen, Charles told Hamilton that he had agreed, under pressure from Sir Lewis Stewart and Hamilton of Orbiston, not to set prices on the declared rebels heads, NRS, GD 406/1/10533 (Charles to Hamilton, 5 April 1639). Two days later he sent Hamilton the proclamation, GD 406/1/10537 (Charles to Hamilton, 7 April 1639). On 19 April, Vane told Hamilton of two further changes to the proclamation: first, that rather than naming specific Covenanters who would not be pardoned, everyone would be offered a free pardon if they complied with the proclamation; second, that condemnation of the renewing of the Covenant (after the Glasgow Assembly) and abjuring of the Glasgow Assembly itself would now be omitted. A parliament was also to be called and ten days, rather than the previous eight days, were given to comply after publication of the proclamation, NRS, GD 406/1/1212 (Vane to Hamilton, 19 April 1639). However, the ten day rule for compliance was never adopted, NRS, GD 406/1/1203 (Hamilton to Vane, 29 April 1639).

publication in each area of Scotland.[27] Even Charles was beginning to realise that the nearer he got to the border, the more even the contest looked.[28]

Hamilton left Yarmouth Road on 23 April and was off the coast of Berwick five days later; he sailed up the Forth on 1 May and anchored before Leith the next day.[29] Charles was expected at the border between 10 and 15 May and, in the interim, Hamilton was to have the proclamation published, wait the required eight days for compliance, and then commence hostilities.[30] So far, so good. In practice, however, things were not as straightforward. The main problem was that Hamilton's presence in the Forth, especially if he started acts of warfare, could cause the Covenanters to invade England and come upon the king unprepared.[31] A defeat in the field, especially with the king present, had to be avoided at all costs.

The tone of professional efficiency that had characterised Hamilton's letters during the mobilisation collapsed after a week on the Forth. Hamilton, like Charles, had underestimated the Covenanter's military power and the lack of the normal restraint in the marquis's letter to the king is just as significant as what he wrote:

> Your Maties affaires ar in ane desperatt Conditioun, the inraged people heir runes in to the height of Rebellion and … resolved they ar rather to deay then to embrace or except of your profered grace in your Last most gratious proclamatioun: you uill find itt a uoorke of greatt difficultie to Curb them by force ther pouer being greatter and ther combinatione stronger then Can be imagened and … if you do not find your self in that post[u]r[e] uhich is requised you may think of sume uay of paching itt up, and this I suffer my selfe to write becaus they seime to offer all sivill obediens.[32]

In his reply, Charles acknowledged that he would, according to his proclamation, 'rest quyet for the tyme, upon ther yelding mee Sivill Obedience', however the Covenanters had also to crave pardon 'for there by past disobedience' and surrender 'what they unjustlie possess of myne & others'.[33] Even though Charles agreed that he was now in no position to conquer the kingdom, he still hoped 'to force them to Obedience (in tyme) what by stopping of there Trade, & other Courses; the wch, rather then not doe, I shall first sell my self to my Shirt; therfor goe on, for this is [my]

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[27] NRS, GD 406/1/1203 (Hamilton to Vane, 29 April 1639).

[28] Charles summarised the points made by Vane about the proclamation in a letter to Hamilton the day after. This letter is interesting for it shows that the king had lowered his sights: 'if for the present I could get Civil Obedience, & my fortes restored, I might then talke of the other things upon better terms', NRS, GD 406/1/10544 (Charles to Hamilton, 20 April 1639). Hamilton received the letter on 29 April, probably at Berwick.

[29] Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton's almanack, 1639); NRS, GD 406/1/939 (Hamilton to Vane, 23 April 1639); NRS, GD 406/1/1203 (Hamilton to Windebank, 29 April 1639); Gardiner, *Hamilton Papers*, 76–8; *CSPD 1639*, 126 (Henry de Vic to Windebank, 7 May 1639). The fleet was delayed and forced into Scarborough because of high winds.

[30] On 19 April, Vane estimated that the king would be at the border on 10 May, by 23 April he estimated the middle of May. On 23 April, Charles estimated between 12–15 May, NRS, GD 406/1/1212, 1207; Burnet, *Lives*, p.156; Gardiner, *Hamilton Papers*, 77 (Hamilton to Charles, 18 April 1639). Hamilton was very careful to make his own notes from Vane's letters, which was typical of his scrupulous nature, see for example, GD 406/M1/52 ('Prinsipall heades in Sir hanrie Vaynes last dispach').

[31] This was a very real fear at least from early May, Burnet, *Lives*, p.154 (Charles to Hamilton, 10 April 1639); GD 406/1/1190 (Vane to Hamilton, 12 April 1639); *CSPD 1639*, 166, 226, 233 (letters from Henry deVic to Windebank, 14, 24, 26 May 1639). De Vic was appointed by the king to be Hamilton's secretary during the naval expedition, *CSPD 1639*, 67 (De Vic to Windebank, 21 April 1639).

[32] NRS, GD 406/1/10548 ([Draft] Hamilton to Charles, 7 May 1639) printed with some minor differences in Gardiner, *Hamilton Papers*, 78–80. It appears that Hamilton had received a letter from the Covenanters offering civil obedience which he sent with his letter to the king. Both Hamilton and the king had problems getting the proclamation published, *CSPD 1639*, 103–4, 126–28, 225–27.

[33] NRS, GD 406/1/10550 (Charles to Hamilton, 10 May 1639). The king's letter is dated from Newcastle.

resolution'.[34] Charles and his shirt aside, there was the possibility of a compromise settlement in the air and Hamilton was one of the many who hoped for it – if the right terms could be found. On 14 May, however, Hamilton told Charles that the Covenanters would indeed give civil obedience 'yet it is with this damnabill "but", that your Matie m[u]st condiscend to the abolashing of bishops, or at the leiste thus fare to heire in Parlament … whay they should not be in this kingdome'.[35] On these terms, peaceful settlement was remote.

Meanwhile, Hamilton fretted on the Forth. Eleazor Borthwick berated his former patron for turning against God and his native kingdom, warning him that he would be made an outcast, a pariah.[36] Hamilton's mother, before going to the borders at the head of her own troop of horse, arrived at Leith carrying pistols loaded with silver bullets to use on her son if he landed on Scottish soil.[37] Despite these humiliating incidents and the episcopal sticking point, Hamilton kept channels of communication open throughout May and early June in the hope that a breakthrough could be made.[38] He even had his taxation accounts brought aboard on 17 May.[39] More seriously, Hamilton had a further meeting with the Covenanters (Lords Durie and Napier)[40] on 1 June during which he was pressed to go to the king on the borders to mediate. What the Covenanters wanted to know was the 'extent' to which Charles would condescend to their 'desires in points of conscience, namely touching Bishops & the acts of the lait generall assembly'. If they could only be satisfied in these things then 'they wolde cast att his Mats feete their bodies & fortunes'.[41] In reply, Hamilton had his secretary read the recent proclamation and added himself the points Charles wanted met concerning castles and civil obedience. At this stage, Hamilton knew exactly how much Charles was willing to give and it did not tally with the Covenanters' minimum demands. Thus it was all to no avail, as Hamilton's entry in his diary for 4 June noted, 'bortu[i]ck came

[34] *Ibid.*

[35] Gardiner, *Hamilton Papers*, 80–83 (Hamilton to Charles, 14 May 1639). Hamilton also sent a list of seven points on which a settlement could be based which arrived at the court at Newcastle, but Charles, typically, saw it as another exercise in time wasting until he could get to the borders, NRS, GD 406/M1/54 (Grounds for a treaty, [received at court 15 May, sent back with holograph by Charles 16 May]); GD 406/M1/79 ([Draft or Copy of M1/54]).

[36] NRS, GD 406/1/1101 (Borthwick to Hamilton, 9 May 1639). Hamilton replied to Borthwick that he could not be made to believe that the king was not in the right, GD 406/1/922 ([Copy] Hamilton to Borthwick, 23 May 1639). The delay in Hamilton's reply suggests that Borthwick had sent further letters to Hamilton, one of which he may have been answering here, which have not 'survived'.

[37] *CSPD 1639*, 282 (Edward Norgate to Robert Reade, 5 June 1639); *CSPD 1639*, 331. News of the dowager marchioness's exploits quickly spread to the king's camp at Berwick, and to Ireland, *CSPD 1639*, 282; Knowler, *Strafford's Letters*, ii, 350. For more on the marchioness's troop of horse, E. M. Furgol, *A Regimental History of the Covenanting Armies, 1639–1651* (Edinburgh, 1990), p.26.

[38] There was a steady correspondence between Hamilton and those onshore, NRS, GD 406/1/836 (Rothes to Hamilton, 15 May 1639); GD 406/1/926 (Hamilton to Rothes, 3 June 1639); GD 406/M1/53/1 (Petition of Covenanters to Hamilton, 16 May 1639); GD 406/M9/317 (Petition of the Covenanters, [May 1639]); GD 406/1/923 ([Copy] Hamilton to Lindsay, 20 May 1639); GD 406/1/853 (Hamilton to lord of Durie, 3 June 1639); GD 406/1/1101, 922. Much more representative, however, are the diary entries in Hamilton's almanack which record more numerous contacts: for example, on 10 May Hamilton received a letter from the Covenanters; on 11 May a letter was sent to Hamilton from the Privy Council and Session; Borthwick came aboard on 13 May, as did the earl of Southesk and Lord Innerpeffer; on 15 May the earl of Kinnoul came aboard; on 17 May Hamilton sent a letter to the earl of Rothes along with a pass for the earl of Lindsay; on 18 May the earl of Lindsay came aboard and delivered a petition from the Covenanters; on 20 May Hamilton sent an answer to the Covenanters' petition and sent a letter to Borthwick; on 23 May Hamilton received another letter from Lindsay; on 1 June, Lords Napier and Durie came aboard and delivered a letter from the Covenanters; on 3 June, Hamilton sent his reply to the Covenanters' letter; on 4 June, Borthwick came aboard again, Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton's almanack, 1639), for entries under these dates: May and June have entries under the printed part of the diary for that month and on a blank page opposite with entries as well as dates in Hamilton's hand.

[39] Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton's almanack, 1639), entry for 17 May.

[40] G.M. Paul ed., *Fragment of the Diary of Sir Archibald Johnstone Lord Wariston, May 21 – June 25 1639* (Edinburgh, 1896), p.59.

[41] NRS, GD 406/M1/84 (Memorandum of conference by Henry de Vic, 1 June 1639).

a bourd uith neu but ould propositiounes'.[42] The Covenanters on the borders appealed to the Protestant English noblemen around the king to effect the same thing; approaches which Hamilton viewed with suspicion, advising Charles to have the letters sent back. He ended with the admonition to 'Remember Say and Brooke', the two peers, Viscount Saye & Sele and Lord Brooke, who refused to pledge allegiance to Charles's cause at York.[43]

What is surprising about the events of June is that a settlement was reached before a battle rather than after one.[44] This was in large part due to a general reluctance to risk a military confrontation rather than any cave-in on demands by either side.[45] No-one had backed down, although each side thought that the other had, and that is one reason why the Pacification of Berwick was not worth the paper that it was written on. As usual, the king's perception of how this all came about was crucial. He believed that he had been betrayed by those around him and the evidence for that lies in the timing of Hamilton's summons to the king's camp. The letter was written on 4 June by Sir Henry Vane, the day after the earl of Holland's humiliating retreat from his foray over the border, and on the same day that Lesley's army moved towards the hill at Duns Law overlooking the king's camp.[46] Thus, as Vane told the marquis after describing the manoeuvres leading up to the anticipated Scots military check-mate,

> His ma[jes]ty doth now clearly see and is fully satisfied in his owne judgment that what passed in the Gallerie betwixt his ma[jes]ty yr lords[hip] and my selfe hath been but too much verified on this occasion; and therfore his ma[jes]ty would not have you to beginn w[i]th them but to settle things w[i]th you safe, and in a good posture, and y[ou]r selfe to come heither in person to consult of what counsells are fittest to bee taken as the affayres now stand.[47]

What Hamilton had told Charles in the gallery at Whitehall was the same thing that he had told him in June 1638: that the English would reluctantly follow the king into an offensive war against the Scots.[48] Even worse, channels of communication between the Covenanters and those in England, both inside and outside the court, were actively operating.[49] In this light, Charles's statement in April 1639 that he trusted only Vane, Hamilton and Arundel becomes clearer.[50] So too does the

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[42] Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton's almanack, 1639), entry for 4 June.

[43] Gardiner, *Hamilton Papers*, 80–83 (Hamilton to Charles, 14 May 1639), the letter was written out by Sir James Hamilton and the comment about Saye and Brooke was added by Hamilton in his own hand, see *Ibid*, p.83, note a; Baillie, *Letters*, i, 203–4. For a copy of one of the letters endorsed in Hamilton's hand, 'the Covenanters letter to the Inglish nobilmen', NRS, GD 406/1/1087 (Covenanters to [Pembroke?, June 1639]). For Saye and Brooke at York, Woolrych, *Britain in Revolution* (2004), pp.120–121.

[44] The drift towards pacification can be followed through, NRS, GD 406/1/10554, 1183, 10561, 1195, 1194, 844/1 and especially, GD 406/1/M1/90 ('A breef naracon of his Mats progress from London to Berwick & back again 1639). See also Donald, *Uncounselled*, pp.144–153; Russell, *Fall*, pp.78–90.

[45] The Covenanters would have preferred to avoid a battle, but their resources were very stretched and they had to bring the contest to a head, NRS, GD 406/1/10554 (Hamilton to Charles, 21 May [1639]); Baillie, *Letters*, i, 207; Johnstone, *1639 Diary*, pp.56–59, 61–62.

[46] NRS, GD 406/M1/90 ('A breef naracon of his Mats progress from London to Berwick & back again 1639); Johnstone, *1639 Diary*, p.61; Baillie, *Letters*, i, 209–210; Gardiner's description of the military manoeuvres has never been bettered, *England, 1603–42*. ix, 20–57.

[47] NRS, GD 406/1/1179 (Vane to Hamilton, 4 June 1639). In a postscript Charles wrote, 'Having no tyme my selfe to wryte so much, I was forced to use his Pen, therfor I shall onlie say that what is heere written, I have directed, seene, & approved, CR.' Hamilton received the letter on 6 June at 8a.m. There were frequent rumours about contacts between the Covenanters and people in the king's camp. For example, Lord Feilding, who had been sent by Hamilton from the fleet to the king's camp, reported on 1 June a growing suspicion that Lesley had 'communication' with 'some in this Court', especially since the Scots general appeared to anticipate all the royalist military plans, GD 406/1/844/1 (Feilding to Hamilton, 1 June 1639).

[48] Burnet, *Lives*, p.175–176; chapter 6, p.243.

[49] Adamson, *Noble Revolt*, pp.35–50 and other refs; Woolrych, *Britain In Revolution*, pp.118–122.

[50] NRS, GD 406/1/10543 (Charles to Hamilton, 18 April 1639) also printed in Burnet, *Lives*, p.155.

marquis's deep suspicion of the Covenanters' approaches to the English noblemen in the weeks before Lesley's encampment on Duns Law. Could it also be the case that Hamilton held off commencing hostilities from mid-May onwards not only because of his reluctance to begin the war, but to enable Charles to test whether his English army would engage in battle with the Scots?[51] For Charles at least, treason was in the air. Seen in this light, the atmosphere of mutual distrust and suspicion at the peace negotiations makes more sense. And it is to an examination of the crucial events at Berwick in June and July that we must now turn.

II

Hamilton arrived at Berwick on 7 June at two in the afternoon and went straight to the king's camp at Birks.[52] The Scots army, about five or six miles away on Duns Law, was within sight of the camp. After an initial niggle over passes for the Scots delegation,[53] the peace talks got underway in Lord General Arundel's tent on Tuesday 11 June: with Rothes, Loudoun, Dunfermline and Sir William Douglas of Cavers (sheriff of Teviotdale) on one side and Arundel, Essex, Holland, Salisbury, Berkshire, Sir Henry Vane and Sir John Coke on the other.[54] Before the talks could begin, however, Charles arrived unannounced and thereafter dominated the proceedings right to the final meeting on 17 June.[55] If we accept that Charles was suspicious of the motives of those on both sides of the table, then his unexpected attendance is less surprising. As usual, the king trusted only a few. At the second meeting, on Thursday 13 June, Archibald Johnston of Wariston and Alexander Henderson joined the Covenanter side and Hamilton accompanied the king.[56] Before being called to Berwick, Hamilton had expressed a reluctance to be involved in treaty negotiations, yet Charles may have insisted when the marquis arrived at the camp. As royal commissioner and general of the king's Scottish forces it is difficult to see how he could have remained on the sidelines.[57] After all, the negotiations at Berwick were in many ways a continuation of the attempts at settlement of the previous year. Even then, however, he attended only two of the four meetings.[58] It is an important point that Hamilton continued to be uneasy about his high profile.

For both sides, the Berwick negotiations was like swimming in treacle. The Covenanters wanted the acts of the Glasgow Assembly ratified in the ensuing parliament, and, more generally, insisted that frequent general assemblies and parliaments should decide ecclesiastical and civil matters respectively. More ominously, justice against incendiaries was also desired.[59] Charles, by all accounts, argued gamely against these demands as well as pressing hard for his negative voice in assemblies, which was nevertheless denied.[60] Above all, the key issue was the fate of episcopacy;

[51] NRS, GD 406/1/1183 (Hamilton to Vane, 26 May 1639). Hamilton's justification for not being 'more hostill' is open to conjecture. He told Vane that he knew 'the trew reasons of my prceadinge.'

[52] Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton's almanack, 1639), entry for 7 June.

[53] Johnstone, *1639 Diary*, pp.69–70; Stevenson, *Revolution*, p.152.

[54] NRS, GD 406/M1/90 ('A breef naracon of his Mats progress from London to Berwick & back again 1639); *CSPD 1639*, 304 (Sir John Borough to Windebank, 12 June 1639). Detail will be eschewed as these negotiations have been adequately covered, Donald, *Uncounselled*, pp.153–163; Stevenson, *Revolution*, pp.151–157; Russell, *Fall*, pp.63–67.

[55] Johnstone, *1639 Diary*, p.71; *CSPD 1639*, 304; Hardwicke, *State Papers*, ii, 130–141.

[56] *CSPD 1639*, 312 (Journal of events, 6–14 June 1639); Hardwicke, *State Papers*, ii, 141.

[57] NRS, GD 406/1/10561 (Hamilton to Charles, 29 May [1639]); GD 406/1/1195 (Vane to Hamilton, 29 May 1639). It should be noted that Hamilton and Lennox may have attended Charles to the first meeting on 11 June only to be dismissed with Lennox and others by the king, Hardwicke, *State Papers*, ii, 132.

[58] As well as the first meeting, Hamilton seems not to have attended the third meeting on Saturday 15 June, *CSPD 1639*, 320 ([Sir Henry Mildmay] to [Northumberland], [16] June 1639).

[59] Johnstone, *1639 Diary*, pp.65–95; Baillie, *Lettters*, i, 216–221; Stevenson, *Revolution*, pp.152–161; Donald, *Uncounselled*, pp.153–171.

[60] Johnstone, *1639 Diary*, pp.80–81; Baillie, *Lettters*, i, 217–218.

a lasting settlement was impossible without Charles's assent to the abolition of bishops.[61] Remarkably, however, agreement was reached whereby the contentious issues, principally the episcopal question, were referred to an assembly and parliament to be held at Edinburgh on 6 and 20 August respectively.[62] Hamilton contributed to the debate at the two meetings he attended particularly when the Glasgow Assembly was discussed at the second meeting.[63] Yet he performed more industriously – and more comfortably – behind the scenes, providing advice papers for Charles and drafting the king's declaration that was presented at the third meeting on 15 June (which Hamilton did not attend).[64]

More interesting for our purposes are the events following the signing of the articles of peace on 17 June.[65] The period from 17 June to 29 July marks the life span of the Pacification.[66] Charles's abrupt return to London on 29 July, rather than his promised trip to Edinburgh to attend the parliament represented an unequivocal rejection of a peace process which he had only ever half embraced. Things started going wrong as early as 20 June, when the king's proclamation of the articles of peace was read out in the Scots camp and a protestation was made maintaining adherence to the Glasgow Assembly and countering Charles's description of the assembly as 'pretended'.[67] Thereafter both sides assiduously compiled lists of breaches in the pacification and argued over the verbal assurances that Charles had given at Birks.[68]

Hamilton left the camp on 18 June, the day after the articles of peace were signed, and went to Leith to organise the removal of the fleet.[69] On 22 June he went to Edinburgh to liberate the castle and on the way there was shouted down and abused in the street: bishops were denounced and Hamilton was exhorted to 'stand by Jesus Christ!'[70] The situation at Berwick was equally tense when he returned on 26 June, and his inconsistent behaviour continued to puzzle Robert Baillie. On the one hand, Hamilton persuaded the king to let the Covenanters protest when it became known that the bishops would be included in the indiction of the forthcoming assembly, yet, on the other hand, he and Morton were also involved in 'bitter contests' with the Covenanter nobles in the king's presence.[71] And so Baillie, an assiduous watcher of Hamilton, mused, 'the Marqueis's wayes was yet so ambiguous, that no man understood him, onlie his absolute power with the King

[61] At the third meeting on Saturday 15 June, the Scots commissioners begged Charles on their knees to give way to the abolition of episcopacy, Johnstone, *1639 Diary*, pp.85; Baillie, *Lettters*, i, 217.

[62] Donald, *Uncounselled*, pp.153–171; Stevenson, *Scottish*, pp.151–158.

[63] Johnstone, *1639 Diary*, pp.78–79.

[64] NRS, GD 406/M1/55 (Declaration, endorsed 13 June). Hamilton may also have drafted the answer to the Covenanters' paper of 11 June, which was read out at the meeting on 13 June, though it is part of Hamilton's notes of what was said that day, GD 406/M1/56/1-2. In another, more ambiguous paper Hamilton proposed a series of meetings to discuss the forthcoming assembly with all sides represented (Covenanters, ministers, councillors and even bishops) and hinted, in the nicest possible terms, that Charles's interests would be best served if he did not attend personally, GD 406/M1/81. For more on this paper, Donald, *Uncounselled*, p.159.

[65] For the king's declaration and articles of peace, Innerleithen, Traquair mss, 14/7 ('Some Conditions of his Maties treatie with his subjects in Scotland before the Inglishe nobilitie and set doune heir for remembrance', [June 1639]); and another copy, *Ibid*, 28/i/2.

[66] I have taken the timescale from, NRS, GD 406/M1/90 ('A breef naracon of his Mats progress from London to Berwick & back again 1639).

[67] NRS, GD 406/M1/90; Baillie, *Letters*, i, 219–220; Stevenson, *Revolution*, pp.156–157.

[68] Innerleithen, Traquair mss, 27/unfol. ('Propositions or Queries made be his Matei to Rothes, Montrois, Lothiane, Dunfermline, Sir Wm Douglas, Edward Edgar and Mr Archb. Johnstone' July 1639 [covering two days]); *Ibid*, 27/unfol. ('The Severall braches of the Articles of Pacification' [Written in Hamilton's secretary's hand, and corrected by Charles and Hamilton]). See also, Donald, *Uncounselled*, pp.159–171; Stevenson, *Revolution*, pp.154–161; Russell, *Fall*, pp.63–68, 79–90.

[69] For Hamilton's movements between 18–25 June, Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton's almanack, 1639).

[70] *CSPD 1639*, 355 (Edward Norgate to Robert Read, 30 June 1639); Burnet, *Lives*, p.181.

[71] Baillie, *Letters*, i, 220.

was oft there clearlie seen'.[72] It is appropriate therefore to examine what Hamilton's intentions were at Berwick and to do this three important pieces of evidence will be used.

Two papers that Hamilton submitted to the king on 5 and 8 July and a subsequent agreement made between the king and Hamilton on 17 July mark an enormous shift in his political stance. If taken together, they constitute not only a brilliant manoeuvre to resign the commissionership and avoid being sent back to Edinburgh with an impossible brief, but also a means to retain the king's confidence whilst simultaneously courting the goodwill of the Covenanters. The lack of ambiguity in the advice paper that Hamilton presented to Charles on 5 July would have pleased Robert Baillie, but the question posed – whether or not the assembly and parliament allowed in the peace articles should sit – would not.[73] If the assembly and parliament sat, advised Hamilton, then the assembly would mirror its counterpart at Glasgow and abrogate episcopacy and the parliament would subsequently ratify the same. Charles also risked losing his negative voice in parliament if he used it to save episcopacy. If Charles did not allow the assembly and parliament to sit, they would sit anyway and follow the same pattern. Evidently, the second option was worse, for by it Charles would lose all civil authority and consequently have to re-establish it by force or desert the kingdom. So, if Charles took the first option and allowed the assembly and parliament to sit, then should he be present? If not, who should be sent as commissioner? If he took the second option, then how could money be found to conquer Scotland without calling a parliament in England? Finally, Hamilton boiled the options down even further,

> uhidder to permitt the abolasing of Episs[copacy], the lesning of kingly pouer in exclesiastick eaffares, the estabelising of Civill authorati in shuch maner as the iniquity of the tymes uill suffer … or to call a parll[iament] in ingland and leive the event ther of to hasard and ther discretiouns, and in the interime, Scott[land] to the governament of the covenanters.[74]

This was good counsel. It was realistic. It was telling the king what was within reach. It was the same counsel that Hamilton had offered the year before, but with different parameters. The previous year Hamilton had advised Charles to sacrifice the canons, prayer book and Perth Articles (which Hamilton's father had guided through the Scottish parliament in 1621) to gather a royalist party and save episcopacy. Now, it was to sacrifice episcopacy to save civil authority and retain some ecclesiastical influence. In both cases, Charles was advised to concede ground immediately or lose more later. This was consistent with Hamilton's policy of damage limitation to the Scottish crown. With this advice, he told the king things that he did not want to hear.

Three days later, on 8 July, Hamilton presented another longer paper to the king which aimed at three things.[75] First, and ostensibly, it was a clever resignation letter as royal commissioner, containing arguments so compelling that it could not be refused. Second, it was a subtle critique of Charles's policy since Hamilton had been made royal commissioner in April 1638, highlighting how the executors of the king's policy, rather than the king himself, were put in an invidious position. Third, and most importantly, it was confirmation of Hamilton's desire to distance himself from Charles's policy. As Charles lost power to the Covenanters, it was a matter of self-preservation as well as political expediency for him to unshackle himself from the king and build a bridge to the Covenanters. It was also a way of keeping the process of settlement alive.

This elegantly composed paper offered ten points to the king, each building on the previous point to illustrate the consequences of royal policy on a royal servant, cumulatively justifying why

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[72] *Ibid*; see also, Johnstone, *1639 Diary*, pp.87–88.

[73] NRS, GD 406/M1/60 (Memorandum, 5 July 1639).

[74] *Ibid.* For another paper by Hamilton with assent to the abolition of episcopacy as a means to wrest the initiative away from the Covenanters, NRS, GD 406/M9/88/4 (Memorandum, [July ? 1639] [badly damaged]).

[75] NRS, GD 406/1/948 (Hamilton to Charles I, 8 July 1639). The first few lines of the address suggest that Charles had not yet decided against going to Edinburgh.

Hamilton could no longer continue as commissioner. Hamilton was now hated by his nation.[76] He was also discredited as a royal commissioner and threatened with violence if he returned to Scotland in that capacity.[77] The main reason that he was now so obnoxious was that what he had 'so often suoorne and said your Matti uoold never condechend to uill nou be granted'. As a result, it was widely believed that Hamilton had always had the power to grant more, but held back hoping to endear himself to the king by negotiating a settlement below what Charles had been willing to give. He was also 'thoght to have beine a pryme instrument in mouving your Matti to resent ther cariage in shuch a sort as you have doune'.[78] Put simply, the above points (1–8) followed the Covenanters description of an incendiary and predated the English parliament's description of an evil counsellor. At present, Hamilton was both.

The ninth point shifted the emphasis away from the Covenanters' opprobrium and anticipated what would happen to a royal commissioner who would touch with the sceptre the bill abolishing episcopacy:

> This uoork uill make me, I feaire, eiven louse your Matties favore for I knoe itt is so odiouse to you, as I have cause to aprehend that you uill not lyke the actore, or tho your goodnes uill permitt you to looke upone him becaues uhatt he did uas by your comand, yett itt may be imagened that your honoure uill oblidge you not to seeme to cayre for him. Sheure I am of this thatt uher as I ame nou perfytly hated by all your subjectes uho heath uith stoud your Matti (if itt shall please you to lay this imployment on me) I shall heire efter be by all uho uisshis prosperaty to your affaires in both kingdoumes, and uher or hou I may be called to ane account for this undertaking I knoe not … seing itt is ane act so derogatife to kingly outhoraty.[79]

As well as currently being a pariah in Scotland, Hamilton would also be abandoned by 'your Matties court and kingdoume of Ingland'. Despite the courtly melodrama of the address, Hamilton's views were those of a politician who had reached a cross-roads in his career and, like the good politician that he was, he had opted for self-preservation. Less tangible, but equally powerful, was the suggestion throughout the address that Charles could no longer protect his servants from his political opponents or from the baying crowds in Edinburgh. This was a lesson that the archbishop of Canterbury and the lord deputy of Ireland would learn too late.

The final piece in the jigsaw was a secret agreement written out in Hamilton's hand and signed, addressed and dated by the king on 17 July, nine days after Hamilton's resignation as royal commissioner:

> We doe by thes presentes not only authoreis, but requyres you, to use all the meaines you can, uith shuch of the Covenanters as cumes to beruick to learne uhich way they intend the estatt of Bisshopes shall be suplyed in parlament, uhatt our pouer shall be in exclesiastick affaires, and uhatt farther ther intentiounes ar, for uhich end you uill be nesessitat to speake thatt language uhich if you uer called to ane account for by us you might suffer for itt. Thes ar therfore to assure you, and if neid be heirefter to testafie to others, thatt uhatt soever you shall say to them, to discover ther intentiouns in thes particulars, you shall neather be called in questioun for the same, nor yett itt proufe anie uayes prejuditiall to you, nay tho you should be accused by anie ther upone.[80]

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[76] Hamilton's experiences at Leith with the fleet and his denunciation by the crowds in Edinburgh on 22 June surely contributed to this feeling.

[77] Implicit too, was the suggestion that Charles could no longer protect his Scottish servants.

[78] NRS, GD 406/1/948.

[79] *Ibid.*

[80] NRS, GD 406/1/809 (Charles to Hamilton, 17 July 1639).

By this remarkable contract, ostensibly a licence for deceit, Hamilton was able not only to bolt himself closer to the king after resigning as royal commissioner, but with royal approval was allowed to confer with the Covenanters as a sympathiser. This was a dream ticket, allowing him to make friends with the king's opponents while still being the king's confidant. It also, arguably, demonstrated how convinced the king and Hamilton were that the crown's opponents in England and Scotland were conferring and planning together. Deceit and double-dealing would be met with the same. To further emphasise the close relationship between king and favourite, Hamilton slept every night in the king's chamber at Berwick.[81]

The royal announcement that the king would not go to Edinburgh was probably made a few days before Charles left Berwick on 29 July, yet it had been under consideration between Hamilton and the king since the beginning of the month. On 8 July, the same day that he had resigned as royal commissioner, Charles summoned Loudoun and the other nineteen Covenanter leaders to Berwick to discuss the deteriorating situation.[82] The Covenanters suspected a plot, but, after a discordant meeting in Edinburgh which showed clear rifts in the movement, they sent six of their number on 16 July.[83] After four days of acrimonious talks, during which time the explosive topic of the Scots promoting the overthrow of episcopacy in England and Ireland was discussed, the six Covenanters were sent away and told to return with the other fourteen who had not come.[84] Instead, only Loudoun and Hamilton's brother-in-law, Lindsay, came back.[85] Trust, if ever it had existed, was now lost. Yet even before these events, Hamilton had been unhappy about Charles going to Edinburgh, at least from 5 July, and told Laud on 14 July that he hoped the king would not go.[86] Perhaps the single most important indicator of Charles's estrangement from peaceful settlement was his invitation to lord deputy Wentworth on 23 July to come over from Ireland.[87]

Traquair's nomination as royal commissioner was a visible sign to many, including Rothes and Lindsay, that the king had turned his back on what would be settled in the forthcoming assembly and parliament.[88] On 27 July, Hamilton, in his new reduced – and safer – role, obligingly wrote out the new commissioner's instructions for the assembly.[89] The instructions represented a mixture of dogged, and often unrealistic, determination and bitter consent. Bishops would not attend. If episcopacy was abolished, then it was stressed that this was allowed only to settle the present disorders and satisfy the people. The king should have the nomination of fourteen ministers to replace the bishops in parliament. As the assembly drew to a close, a protest was to be made stating that because the king could not be present, he had a right to future redress if he felt that his commissioner had agreed to anything which was prejudicial to his service. As usual, Charles was fighting every inch of the way.

Unfortunately, Traquair's reaction to his appointment as royal commissioner has not survived. Around this time however, he collected a number of statements apparently made by Hamilton in

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[81] *CSPD 1639*, 408 (Henry de Vic to Windebank, [21 July] 1639).

[82] Stevenson, *Revolution*, pp.158–160; Donald, *Uncounselled*, pp.166–168.

[83] Those who went were, Rothes, Montrose, Loudoun, Lothian, Dunfermline and Archibald Johnstone, *CSPD 1639*, 399 The Covenanters' caution and division over the call to Berwick can be followed through, Gardiner, *Hamilton Papers*, 92–98. Two waverers, Montrose and Lothian, were apparently restrained from immediately obeying the king's call to Berwick.

[84] NRS, GD 406/1/1093 (Rothes to Will. Murray, 12 August 1639).

[85] Stevenson, *Revolution*, pp.159–161; *CSPD 1639*, 399–400, 408–409.

[86] NRS, GD 406/M1/60 (Memorandum, 5 July 1639); GD 406/1/905 (Hamilton to Laud, 14 July 1639).

[87] Donald, *Uncounselled*, p.163; C. V. Wedgewood, *Thomas Wentworth, First Earl of Strafford, 1593–1641. A Revaluation* (London, 1961), pp.259, 265–267. The letter was carried by the Scot, John Leslie, bishop of Raphoe.

[88] NRS, GD 406/1/1093 (Rothes to Will. Murray, 12 August 1639) printed in Gardiner, *Hamilton Papers*, 99–101; Gardiner, *Hamilton Papers*, 101–102 (Lindsay to Hamilton, 16 August 1639); NRS, GD 406/1/937 (Hamilton to Lindsay, 6 August [1639]). It was Hamilton who wrote to Traquair to come to Berwick on 14 July, NRS, GD 406/1/865.

[89] The instructions are printed in Burnet, *Lives*, pp.189–192. The originals are GD 406/M1/75, 61. It is perhaps significant that in the original instructions Charles only initialled the paper and made no corrections.

the last few days at Berwick. One statement recalled the answer that Hamilton gave when asked by 'some of his friends' why he had allowed Traquair to be made commissioner:

> Ar you such fooles, as to beleeve I wald have sufferred him to have had that honor, or the honor of perfyting those thinges, if I had not knowne that no such thing was intendit, or that it was never intendit that it should take effect.[90]

This accords with the evidence presented about Hamilton's realignment at Berwick. It is also a sign of cracks appearing in the Hamilton/Traquair alliance. Traquair, probably correctly, believed that Hamilton had handed him a poisoned chalice. In the same paper, Traquair also noted a warning that Hamilton had apparently given a 'noble man', 'that the Scotes had reasone to stick close togither: for if the king got his will, he would prove the most bloodie man that ever was knowne'.[91] The First Bishops' War and the fragile peace of Berwick had indeed ushered in a more noxious political atmosphere.

III

The high profile that had been forced upon Hamilton between April 1638 and July 1639 was now at an end. For the coming months, we see him back in the more familiar role of counsellor, confidant and royal favourite, operating out from the Bedchamber rather than at a distance from the king. Hamilton's fine piece of political escapology at Berwick came at a political cost, because it widened the trust-gap between the king and the Covenanters. Yet it would be harsh to condemn him for stepping out of the firing line. However, his alleged comments recorded by Traquair show an arrogance and ruthlessness that would be seen again. As we shall see, Traquair's subsequent indictment as an incendiary, and persecution by the Covenanters perhaps justified the marquis's decision.[92] Inevitably, a degree of double-talk was required by Hamilton. On 6 August, from the safety of Whitehall, he sent contrasting letters north confirming his resignation as commissioner. In the letter to his Covenanter brother-in-law, Lord Lindsay, which Hamilton read to Charles before sending, he lied that the king had given Traquair 'such instructions as if you bee not worse then devills you will blessed god [sic] and thank the king'.[93] Perhaps in a similar vein, Hamilton assured the bishop of Ross that he resigned the commissionership because neither his 'conscience nor honor' could permit him 'to bee an instrum[en]t in this worke'.[94] To his friend, the earl of Lauderdale, he confided, with a little more honesty, that, 'heirefter I intend to meddill les in affaires of thatt kingdom as having smarted for thatt suficiant alreder'.[95] Thus Hamilton had withdrawn from an exposed role in Scotland; both his position and ambitions in England and Ireland had suffered since April 1638, but perhaps that could be reversed? The future was uncertain, however, and this

[90] Innerleithen, Traquair mss, 28/i/13 ('Words Spoken' [1639]). This is a single sheet written in a hand which I do not recognise, but which is endorsed on the back in Traquair's hand 'Words Spoken'. It seems clear that these were words allegedly spoken by Hamilton in the last few days at Berwick or shortly after. The few other passages are more of the same; basically that Charles had no intention of honouring the Berwick peace. These alleged comments made by Hamilton form the basis of Article V of the charges made against him at Oxford in December 1643, the articles are printed in Burnet, *Lives*, pp.324–346, for Article V, pp.333–334.

[91] Innerleithen, Traquair mss, 28/i/13.

[92] See chapter 8, p.188.

[93] NRS, GD 406/1/937 (Hamilton to Lindsay, 6 August [1639]).

[94] NRS, GD 406/1/944 ([Copy] Hamilton to Ross, 6 August 1639). He also stressed that he would continue to be a 'most faithfull frind' to Laud.

[95] NRS, GD 406/1/936. By the last word in the quote Hamilton clearly meant, 'already'. Revealingly, in the draft of the letter he wrote that in future he would not meddle in affairs of 'statt' but changed it to 'thatt kingdom'. He also assured Lauderdale that he would still serve him at court.

was underlined by rumours in Scotland that the marquis was either going abroad after Christmas or that he intended selling up all his interest in Scotland and moving permanently to England.[96]

Undoubtedly, Hamilton was dispirited by the recent turn of events.[97] Over seventeen months of groping towards a settlement had led nowhere. The negotiation phase of Hamilton's commissionership between May and December 1638 had been as unsuccessful as the subsequent military phase between January and June 1639. The fractious settlement at Berwick was little more than an armistice until the following spring. In 1638 it had been hoped that a royal commissioner would have been sufficient to disperse the protest movement in Scotland; in 1639 it had been hoped that the king at the head of an army would have achieved the same end. In both years the pivotal expectation of a royalist party in Scotland was disappointed. By degrees it had come to outright conquest and the exponent of that particular policy arrived at court from Ireland at the end of September.[98]

It would be difficult to imagine two such contrasting figures as Wentworth and Hamilton, each with a hand on the tiller of state. Quite apart from their famous enmity towards each other, Hamilton had never fully endorsed such a policy, and he had started to step aside at Berwick to make way for Wentworth. However, just as with Weston in 1632 and Laud in 1638, Hamilton found it expedient to work with Strafford in 1640 – the statesman in whom Charles had bestowed the most trust. It should come as no surprise, therefore, when we read Strafford's letter to Hamilton dated 7 March 1640, in which he thanked the marquis for the loan of his coaches and 'the great favoures and asseurances I have had from your goodnesse since my last arrival in this kingdome'.[99] The consummate courtier aided the principal statesman, but whether Hamilton countenanced the ideological implications of the new policy – English hegemony in Scotland – is another thing entirely. At this stage it is perhaps easier to see Hamilton being dragged along by events, while still looking for the breakthrough that would lead to settlement. Crucially too, self-preservation increasingly guided his behaviour.

From now on, neither Hamilton's political profile nor the material in the Hamilton archive could sustain the detailed analysis conducted since the beginning of the troubles in July 1637. Nevertheless, between August 1639 and the Scottish invasion of north England in August 1640 two areas where Hamilton had an important role to play can be identified. First, he was prominent in the military preparations for the second mobilisation against the Covenanters. He was a member of the twelve-man Council of War, the organisational hub of the military effort,[100] and in the field, he was to command a regiment with its own train of artillery.[101] The military problems of 1638–9 were similar to those of 1639–40, only greater, and the fact that Hamilton's mutinous regiment had to be disbanded in some confusion about a week before the Scottish invasion was emblematic of the English military malaise.[102]

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[96] NRS, GD 406/1/1023 (Lauderdale to Hamilton, 31 October 1639); Oxford, Bodleian Library, mss Rawlinson D. 857, fos.37r–38v, unfol. ([Newsletter? written by an Englishman in Edinburgh?] 'The Severall passages at the Assembly at Edenborough 18 August 1639').

[97] NRS, GD 406/1/871 (Hamilton to Orbiston, 27 August 1639) and he continued to be dispirited, Innerleithen, Traquair mss, 12/26 ([Copy] Hamilton to Traquair, 8 November 1639).

[98] Wentworth arrived about 21 September, Wedgewood, *Strafford*, p.267.

[99] NRS, GD 406/1/804 (Strafford to Hamilton, 7 March 1639/40). See also Strafford's detailed report to Hamilton about the Irish parliament and the military preparations, GD 406/1/803 (Strafford to Hamilton, 24 March 1639/40). For more on Hamilton's relationship with Wentworth at this time, chapter 5, section v.

[100] *CSPD 1639–40*, 188 (list of the Council of War, 30 December 1639); *Ibid*, 295–296, 369, 381–382, 458, 482–483, 552–553; *CSPD 1640*, 292, 318.

[101] *CSPD 1640*, 292 (Notes by Nicholas of Council of War, 13 June 1640), 365–366 (Sir Jacob Astley to Northumberland, 30 June 1640), 461–462 (Astley to Conway, 9 July 1640), 514–515.

[102] *CSPD 1640*, 609–10; Gardiner, *England*, ix, 188.

Second, and more important, Hamilton took over from Sir Henry Vane (and Laud before that) as Charles's confidential secretary in the more sensitive Scottish matters.[103] One consequence of this was that Hamilton prepared the way for his brother, the earl of Lanark, to take over as secretary of state for Scotland at court when the earl of Stirling died in February 1640.[104] In the meantime, Hamilton's main concern, of course, was to guide Traquair through the assembly (12–30 August) and parliament (31 August–14 November) in Edinburgh. It is clear from Hamilton's first letter to Traquair after the return to London in early August that the new commissioner was to ape Hamilton's tactics at the Glasgow Assembly. Traquair was to note the illegality of elections, submit protestations and generally waste as much time and give as little ground as possible. Initially at least, it was all more half-hearted this time round and Hamilton even had to ask for a copy of Traquair's instructions, but there was perhaps more to be read between the lines here than a simple request for a paper that should have been copied at Berwick,

> I ame hartily sorie thatt I uant your instructioune[s] for alredie his Matties memorie and myne douth not a gree in sume things but I hoope shortly you uill send them and then thatt uill be remeded.[105]

Once over this hiccup, the two men kept up a regular correspondence until Traquair arrived at court in the last week of November.[106] It was less surprising that Traquair, in his letter to Hamilton two days before the assembly convened, was still unsure of the exact form in which Charles had agreed to the abolition of episcopacy, than that he concluded his discussion of the Covenanters' programme and pre-assembly tactics with this statement:

> And this fomented from our english intelligence [sic] qrin advertisement lykwayes is given of the Lord Says soune his being heir.[107]

The presence of Nathaniel Fiennes in Edinburgh suggests that Viscount Saye and Sele and the other members of the Providence Island group's interest in Scottish events may have gone beyond passing sympathy with the plight of co-religionists living under the same king.[108] Certainly, Hamilton would have read something like that into it, given his warning to Charles a few months earlier to 'remember Saye and Brooke'.[109]

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[103] The earl of Stirling, a tired old bureaucrat rarely at court, continued to operate as official secretary but deferred to Hamilton on important matters, see for example, Innerleithen, Traquair mss, 9/8 (Stirling to Traquair, 23 September 1639). Hamilton eased himself into this role at Berwick, NRS, GD 406/1/1106.

[104] For Lanark's early career, see chapter 5, pp.102–3.

[105] Innerleithen, Traquair mss, 7/10A (Hamilton to Traquair, [4–5 August 1639]).

[106] Traquair kept notes and a precis of the letters which he sent to Hamilton and Charles. These shall be used for this short reconstruction and detailed reference will be eschewed, Innerleithen, Traquair mss, 28/iii/41 ('Copy of me letter[s] to his Ma. and the Marquis in Agust', [10–30 August 1639]); *Ibid*, 12/35 ('Letters in Septemb', 1–27 September 1639); *Ibid*, 12/28 ([Memorandum of Hamilton and Charles's letters, September/October 1639]); *Ibid*, 28/iii/43 ([Copy letters, 6 October–5 November 1639]).

[107] The full copy of the letter in Traquair's hand is set out thus, 'By my letter to my lord Marq: of ye date ye 10 of yis instant it is advertised yt nothing will satisfie except ye acts of ye late Generall Assembly be ratified in termius and if I gaine yis point it is by giving way yt Episcopacy be abjured as contrare to ye Confession of fath & constituons of yis kirke and ye most I looke for is yt ye narrative of ye act be so conceived and in ye de[c]retory words it be only condemned as unlawfull & contrary to ye constituons of yis kirke etc [paragraph gap] And how my declaraone tooke at first bot yrefter ye leading men made yem strike more rigidely and yt nothing will satisfie except Covenant and every thing be doen qth in ye frie Assembly promised to yem by his Maj shall by thought Upon And this fomented from our english intelligence qrin advertisement lykwayes is given of the Lord Says soune his being heir', Innerleithen, Traquair mss, 28/iii/41 ('Copy of me letter[s] to his Ma. and the Marquis in Agust', [10–30 August 1639]).

[108] Adamson, *Noble Revolt*, pp.45–50; Donald, *Uncounselled*, pp.218–219 and chapter 5, *passim*; Donald, 'New light on the Anglo-Scottish Contacts of 1640', *Historical Research*, vol.62, no.148 (June 1989), pp.221–229; Russell, *Causes*, p.28; Russell, *Fall*, p.99.

[109] See above.

The assembly predictably abolished episcopacy, but 'as unlawful in this kirk',[110] which was not the way Charles had wanted it done, for it implied that if the king abolished episcopacy as unlawful in one kingdom then it could be argued that it was unlawful in his other two kingdoms.[111] Charles was livid that Traquair had allowed episcopacy to be abolished as 'unlawful' and commanded his commissioner that the act of assembly should not be ratified in parliament in such a form. Rather, he screamed from Whitehall on 1 October that episcopacy was to be abolished 'as contrarie to the constitution of that kirk & that wee ratifie this act meerlie for the peace of ye land, though otherwyse in our own judgement wee nather hold it convenient nor fitting'.[112] Neither would Charles agree to rescind the acts of parliament made in favour of episcopacy. Faced with these hurdles, the commissioner weaved a perilous path, often exceeding his instructions and only just keeping royal favour.[113]

The king's anger increased when news arrived that Traquair had allowed the subscription of the Covenant in the assembly and parliament, and that the Covenanters dominated the articles. Inevitably, therefore, the commissioner was instructed, on 22 October, to prorogue the parliament to the following June.[114] Naturally, Traquair was terrified that the parliament would sit on after it was prorogued. He hesitated therefore and sent the earl of Kinnoul to court with letters and a paper outlining the possible consequences.[115] At the same time, the Covenanters, or rather the parliament, sent Loudoun and Dunfermline to court. However, Kinnoul was seen, but Loudoun and Dunfermline were refused access and, after trying again through Hamilton, the two lords went home without seeing the king.[116] In response to all this, Charles sent a blistering letter to Traquair to prorogue the parliament as he had been instructed and to make his way to London.[117] To the surprise of many, the Covenanters allowed the parliament to be prorogued on 14 November until 2 June. Instead, a committee of parliament was appointed ostensibly to receive the king's answer to a remonstrance, though its true purpose was to be a central administration in the spirit of the disbanded Tables.[118] In Scotland, the ways of assemblies, half-heartedly agreed to by Charles at Berwick, had now been abandoned. In England, a parliament had not been held since 1629 and it was to that institution that Charles reluctantly turned in 1640 for the support and obedience he craved.

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[110] Stevenson, *Revolution*, pp.163–165; Donald, *Uncounselled*, pp.201–205.

[111] This is exactly the point that Charles made in a furious letter to Traquair on 1 October, Innerleithen, Traquair mss, 4/122 (Charles to Traquair, 1 October 1639). Charles wanted episcopacy abolished 'as contrarie to the constitutiones of ye kirk', *Ibid.*

[112] Innerleithen, Traquair mss, 4/122 (Charles to Traquair, 1 October 1639). See also, *Ibid*, 12/28 ([Memorandum of Hamilton and Charles's letters, September/October 1639]).

[113] See for example, Innerleithen, Traquair mss, 12/28 ([Memorandum of Hamilton and Charles's letters, September/October 1639]). For a more detailed analysis, Stevenson, *Revolution*, pp.165–176; Donald, *Uncounselled*, pp.207–217. For some positive views on Traquair's efforts, NRS, GD 406/1/1022 (Lauderdale to Hamilton, 2 September 1639); Oxford, Bodleian Library, mss Rawlinson D. 857 fos.37r–38v, unfol. ([Newsletter? written by an Englishman in Edinburgh?] 'The Severall passages at the Assembly at Edenborough 18 August 1639').

[114] Innerleithen, Traquair mss, 12/30 ([Draft in Thomas Webb's hand, corrected by Hamilton and Charles, 19 October 1639]); *Ibid*, 12/28 ([Memorandum of Hamilton and Charles's letters, September/October 1639]).

[115] The paper was called 'Some necessarie condicons wthout wch the prorogation of ye pliamt ought not to bee yeelded unto', Innerleithen, Traquair mss, 12/29 (Charles to Traquair, 8 November [1639]).

[116] They were refused access ostensibly because they had no warrant from the commissioner for their journey, though Argyll had tried to secure one from Traquair on 1 November, the day that the two men had been commissioned by parliament to go to the king, Innerleithen, Traquair mss, 28/iii/43 ([Copy letters, 6 October–5 November 1639]); NRS, GD 406/1/1092 (Dunfermline and Loudoun to Hamilton, 10 November 1639); GD 406/1/929 (Hamilton to Dunfermline, 10 November 1639); GD 406/1/1806 (Dunfermline and Loudoun to Hamilton, [10–11 November 1639]). Hamilton took Loudoun and Dunfermline's letter to the king, but Charles would not budge. See also, Innerleithen, Traquair mss, 9/10, 11, 12.

[117] Innerleithen, Traquair mss, 12/29 (Charles to Traquair, 8 November [1639]). Hamilton emphasised the king's order and his anger., *Ibid*, 12/26 (Hamilton to Traquair, 8 November [1639]).

[118] Stevenson, *Revolution*, pp.176–177; Donald, *Uncounselled*, pp.216–217.

IV

England in 1640 was a kingdom even less prepared for war than it had been in 1639. The single most important piece of evidence to support that statement was the fact that Charles I was persuaded to call a parliament in England in the early spring.[119] Conrad Russell noted that many of the king's advisers who had been averse to calling a parliament in England changed their minds in the first few months of 1640 after considering the poverty of means to finance a second war.[120] Whether Hamilton was amongst that group has not been recovered. What we do know, however, is that, shortly after returning to London from Berwick in early August 1639, Hamilton was incensed that the Scottish bishops at Berwick and some 'counselares and otheres' at court pressed the king hard to prorogue the Scottish assembly and parliament before they had convened.[121] In an uncharacteristic outburst the marquis exclaimed, 'this is doune by the romane Catholick for uone end and by diveres otheres, for necessitating of his Matti to ane parll[iament] heire'.[122] Evidently then, Hamilton wanted the assembly and parliament to go ahead in Scotland, but was strongly opposed to a parliament being called in England. At one level, this suggests that he harboured hopes that settlement could be reached through the assemblies in Scotland, and that calling a parliament in England constituted a second declaration of war. If Charles had a successful parliament in England that would mean supply, perhaps enough to conquer Scotland.[123] Conquest and compromise were strange bedfellows, and Hamilton consistently preferred the latter. This is a persuasive hypothesis indeed and accords with most of the evidence that has been presented. Hamilton's fear of possible censure in an English parliament, possibly as an evil counsellor, or at least as a convenient Scottish scapegoat, and certainly as an English monopolist, also guided his behaviour.[124]

For all these reasons, Hamilton was apprehensive about calling a parliament in England after eleven years. That aside, he sat in the House of Lords as 2nd earl of Cambridge and, through his position as keeper of Portsmouth, placed his brother, the earl of Lanark, now secretary of state for Scotland at court, in the House of Commons as first burgess for the town.[125] Hamilton attended sixteen of the eighteen days that the parliament sat (13 April-5 May),[126] and probably toed the simple government line, which was for an immediate grant of supply for a Scottish war and later in the year parliament would be reconvened where grievances could be aired.[127] Not surprisingly, the Commons opted to discuss grievances before supply and eventually, on 4 May, Sir Henry Vane brought a final offer from the king to give up Ship Money for a grant of twelve subsidies.[128] This was rejected and next day the parliament was dissolved. That Hamilton drafted the king's dissolution speech perhaps tells us more about his attitude to the parliament than his impressive attendance record.[129] Indeed, it could be argued that he was relieved to see the English parliament

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[119] Russell, *Fall*, pp.90–134; Adamson, *Noble Revolt*, pp.3–25, 38–43.

[120] Russell, *Fall*, p.92, quoting Northumberland.

[121] Innerleithen, Traquair mss, 7/10A (Hamilton to Traquair, [2–4 August 1639]). Hamilton does not reveal whether it was English or Scottish 'counselares', but the context of the previous paragraph would suggest that they were English.

[122] *Ibid.*

[123] For a clever development of this hypothesis, Russell, *Fall*, pp.96–102.

[124] For Hamilton as a monopolist see chapter 4, p.74.

[125] NRS, GD 406/1/798 ([Draft] Hamilton to the Burgesses of the town of Portsmouth, [?] March 1639).

[126] *L. J.*, iv, 45–80. Hamilton attended on 13, 15, 16, 18, 20, 22, 23, 24, 25, 27, 28, 29, 30 April and 1, 2, 5 May. He did not attend on 21 April and 4 May.

[127] Russell, *Fall*, pp.102–103.

[128] NRS, GD 406/1/8253 ([parliamentary notes?]). Conrad Russell calculates that the 12 subsidies would have been worth between £660,000 and £840,000 depending on the yield which was less than the million pounds estimated for the war, *Fall*, p.119.

[129] NRS, GD 406/1/1805 ([Draft] Dissolution Speech, 5 May 1640). The speech is in Hamilton's hand with a few corrections by the king. I have checked it with the speech in the Lords Journals and find a few differences, mostly

dissolved, not only because he had avoided possible attack as an evil counsellor and monopolist, but because the king would find it much more difficult to mount a second campaign against the Scots. Might Charles now be forced to turn again to those who advocated peaceful settlement?

When the Short Parliament convened, the king's main tactic was immediately to turn the parliament against the Scots and stampede them into voting supply. This was to be done by revealing a letter that the Covenanters had allegedly sent to Louis XIII of France requesting his help and mediation.[130] That Charles's scare tactic fell on deaf ears illustrated, once again, how badly the king could judge the mood of a parliament. One of the signatories of the letter, which was never sent and should have been annulled by the pacification and oblivion act anyway, was the earl of Loudoun.[131] He was in London as part of a four man delegation from the Covenanters and was thrown in the Tower on 11 April, two days before the parliament assembled. One account suggests that Charles had apparently ordered Loudoun's execution, but the warrant was withdrawn on the intercession of Hamilton and Sir William Balfour, lieutenant of the Tower.[132] There is clearer evidence, however, that Hamilton secured Loudoun's release towards the end of June.[133] A private meeting was also arranged with Charles, Hamilton and Loudoun in the gallery at Whitehall in which Loudoun agreed to carry new proposals to the Covenanters offering a new settlement based on the articles of pacification.[134] Obviously, this was another attempt to avert a second descent into armed conflict and accords with the hopes that Hamilton may have harboured on the dissolution of the Short Parliament.

If anything, this was a less significant measure of the marquis's political temperature than the secret agreement simultaneously concluded between Hamilton and Loudoun on 26 June.[135] By a mutual bond of 'trust, fidelitie and secrecie' the two men aimed at the 'establishing of a happie peace, and preventing of warres, and wee ar to advyse and Resolve upon such wayes and meanes as may best conduce for thes ends'. If, in the short term, these endeavours failed and war ensued, then both men would reconsider and resolve on 'what is fitt to be done in cais of such ane extremitie for attaining to a wished peace and to condiscend what cours wee shall take for keiping of

clarifications of Hamilton's grammar and Scots, *L. J.*, iv, 81. Hamilton did not attend the Lords on the day before the dissolution, at which time he was probably writing the dissolution speech.

130 Much was made of the fact that the Scots addressed the letter 'au Roy', i.e. to the king, which Charles believed showed that the Scots recognised Louis as their king. The origins of the letter are described at length in, Stevenson, *Revolution*, pp.180–187. For the letter, *CSPD 1639–40*, 610; John Rushworth, *Historical Collections of private passages of State* (8 vols., London, 1680–1701), iii, 1037; Oxford, Bodleian Library, mss Rawlinson D, 317, fol.182. The other signatories of the letter – Rothes, Montrose, Mar, Montgomery, Forrester and Alexander Leslie – as well as Balmerino and Argyll were called to court, *Ibid*, 610–611. For its reading in the parliament, *L. J.*, iv, 48. For the deposition of the proposed carrier of the letter, James Colville who was in the Tower at the time, NRS, GD 406/M1/86. The letter was brought to court by Traquair who may have given it to Hamilton, Innerleithen, Traquair mss, 26/unfol. (Morton's deposition).

131 NRS, GD 406/M1/298 (Memorandum for the lord loudoun, [May–June 1640]). It should be noted, however, that Charles had still to give the royal assent to the pacification and oblivion.

132 J. Oldmixon, *The History of England, during the Reigns of the Royal House of Stuart* (London 1730), p.140. This is a very colourful account describing how Hamilton and Balfour got Charles out of bed in order to plead for Loudoun's life. Although the story should be treated with caution, the peremptory order bears the hallmark of the king. Oldmixon is generally not to be relied upon, unless his account is corroborated by other sources. Perhaps equally unreliable was the testimony of one Crichton, a servant of the bishop of Ross, who recounted a similar story about the close contacts between Hamilton and Loudoun to a physician who was treating him for a sexually transmitted disease., *CSPD 1640–41*, 9–10 (Information of Andrew Kipping, a physician, 3 September 1640).

133 NRS, GD 406/M1/298 (Memorandum for the lord loudoun, [May–June 1640]); Burnet, *Lives*, pp.215–216 Donald, *Uncounselled*, pp.240–241.

134 This also included sending a new commissioner and holding a new session of parliament. The four points are printed in, Burnet, *Lives*, pp.216–217; TNA, SP 16/459/61 (Ele[azor] Duncon to [Windebank], 9 July 1640). Loudoun may have also carried the king's agreement to the abolition of episcopacy, TNA, SP 16/459/61.

135 NRS, GD 406/1/1248 ('Memorandn of what past betwixt the marquis of hamiltoun and me' 26 June [1640]).

correspondence'.[136] That 'extremitie' appeared all too quickly and the two men exchanged codes for safe correspondence shortly after the 26 June agreement.[137] Probably on 20 August – the day that the Scottish army crossed the Tweed – Loudoun sent Hamilton a further set of code words to enable them to correspond 'in a secreit way' where Hamilton was to sign himself 'James Inglis' and Loudoun would be 'Robert Scott'.[138] The Scottish, English and Irish armies were given less humorous appellations, but they would clearly form the basis of the new correspondence.[139] Whether Hamilton used the codes has, unfortunately, not been established, but that he was involved in such secret correspondence is significant enough.[140]

The gallant attempt at an eleventh hour settlement by Loudoun and Hamilton failed and the Covenanters invaded England on 20 August.[141] They defeated an English force at the battle of Newburn on 28 August and occupied Newcastle at the end of the month.[142] The Scots set up their leaguer at Newcastle and petitioned the king for a settlement approved by an English parliament;[143] the famous twelve peers' petition to the king calling for an English parliament arrived about the same time.[144] The suspicion that this was a concerted strategy rather than a mere coincidence has been strengthened by the work of Peter Donald and Conrad Russell, albeit standing on the shoulders of S. R. Gardiner.[145] It seems certain that the Scots had been seeking support from 'friends' in England since 1638 and that a letter of invitation to invade England, whether penned by Oliver St John or forged at the last minute by Lord Saville or not, provided the fillip for the Scots army to cross the Tweed in August 1640.[146] The evidence assembled in Oldmixon's history, whether apocryphal or not, is an essential starting point to a study of the cross-border collaboration.[147] I have found no substantial evidence to connect the Loudoun/Hamilton alliance with the Scottish invasion, but the Montrose and Traquair charges against Hamilton in 1641 may have included

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[136] *Ibid*. It was also agreed that Hamilton would intercede with the king to recompense Loudoun for his efforts if they should prove useful to the king and kingdom.

[137] I am basing this on the fact that in an additional set of codes, sent by Loudoun, he referred to cyphers which he had already sent, NRS, GD 406/1/1293 (Loudoun to Hamilton, [20 August ? 1640]).

[138] NRS, GD 406/1/1293 (Loudoun to Hamilton, [20 August ? 1640]); NRS, GD 406/1/1218 (Loudoun to Hamilton, 20 August 1640). The note of the codes is undated, but since the sense of Loudoun's letter to Hamilton of 20 August is for a correspondence between them and at the time he was in the Scots army and Hamilton was at York with the English army, I conjecture that the codes were sent with the letter. However, the codes could have been passed on earlier, as indeed another set clearly had.

[139] NRS, GD 406/1/1293 (Loudoun to Hamilton, [20 August ?] 1640]).

[140] Later, at York, Hamilton refused an invitation from an unnamed lord at Ripon, perhaps Loudoun, for a private correspondence, NRS, GD 406/1/1284 ([Copy] Hamilton to 'My Lord', 11 September 1640).

[141] For the Covenanters' rejection, NRS, GD 406/1/1300 (Lindesay, Balmerino, Burghly, Napier and others to Hamilton, 7 July 1640). And Loudoun's claim that he arrived back too late, GD 406/1/1218 (Loudoun to Hamilton, 20 August 1640).

[142] Gardiner, *England*, ix, 193–197; Adamson, *Noble Revolt*, pp.51–52; Russell, *Fall*, pp.143–147; Donald, *Uncounselled*, pp.251, 255, 257–258; Stevenson, *Revolution*, pp.205–210.

[143] The answer to the Covenanters first petition appears to have been answered by Hamilton, NRS, GD 406/1/8328 ([Draft] Hamilton to Covenanters, [early September 1640]). The necessity of an English parliament to settle a peace was made forcefully by Loudoun, NRS, GD 406/1/1216 (Loudoun to Hamilton, 8 September, 1640).

[144] Donald, *Uncounselled*, pp.251–252. There is a contemporary copy (Will Murray's ?) of the Peers' petition at, Grantham, Lincs., Tollemache mss, 3749. One of the endorsements on the manuscript is 'Scots'.

[145] Gardiner, *England*, ix, 177–205; Adamson, *Noble Revolt*, pp.44–50; Donald, *Uncounselled*, pp.244–255; Russell, *Fall*, pp.149–157; Donald, 'New light on the Anglo-Scottish Contacts of 1640', *Historical Research*, vol.62, no.148 (June 1989), pp.221–229; Russell, 'Why did Charles I call the Long Parliament?', *History*, vol.69, (1984), pp.31–34. See also, Stevenson, *Revolution*, pp.205–207.

[146] The term 'friends' was the label Baillie ascribed to the Covenanters' supporters in England, Baillie, *Letters*, i, 257, 260–261, 262 and other references.

[147] Oldmixon, *History*, pp.141–145. See also Gardiner's shrewd use of this evidence, Gardiner, *England*, ix, 177–205. For Clarendon's consistently low view of Hamilton, though even he does not accuse Hamilton of being privy to the Scots invasions, *History of the Rebellion*, i, 103, 199–202, 251–252.

something on this (the actual charges have not survived).[148] In 1652, Sir Lewis Dives related a story that Charles could easily have beaten the Scots in 1640 had it not been for Hamilton betraying the king's 'designs and counsels' 'who copied Montrose's letters from time to time when his Majesty was asleep'.[149] Far more evidence than this would be needed, however, to make a case for Hamilton's complicity in the Scots invasion of 1640.

When news of the invasion came, Charles, characteristically, talked of repelling the invader. Devoid of means and under pressure from all sides, he consented to negotiate. Initially the king summoned a Great Council of Peers which met on 24 September at York, only to tell them that he had indicted an English parliament for 3 November. The peers continued to meet for a month and treaty negotiations with the Scots commenced on 2 October at Ripon.[150] It was agreed on 17 October that the Scottish army would be paid £850 a day until the negotiations were concluded.[151] Five days later, all sides agreed to transfer the negotiations to the impending parliament in London.[152]

Apart from Hamilton's typically moderate comments in the Great Council of Peers, he took little formal part in the treaty negotiations.[153] Instead, he stood behind his brother, Lanark, the Scottish secretary,[154] and occasionally corresponded, often despairingly, with Loudoun.[155] Hamilton was put in an even more perilous position with the turn of events. The negotiations at Ripon had turned to the prosecution of incendiaries and evil counsellors and his name may have come up, perhaps even alongside those of Laud and Strafford. According to at least one source, Hamilton was assured in Great Council by Lord Savile that the Scots did not mean him when they spoke of incendiaries.[156] Just as he did at Berwick, he had to build bridges to the opposition and press home his function as an honest broker. A degree of subterfuge may have been required once again, but there was growing sincerity given the alliance with Loudoun.[157] It may well be the case that talks around a settlement was easier with Charles's opponents. In fact, that hypothesis shall constitute one of the main themes of the next chapter.

If we take Hamilton's behaviour as commissioner in 1638, and his personal retreat at Berwick in 1639 and add to it the Hamilton/Loudoun alliance of 1640 we are seeing an exponent of conciliation and political realism moving away from Charles I and building bridges to the opposition. At

[148] See chapter 8, pp.188–9. The charges made by Montrose and his circle at Oxford against Hamilton in December 1643 survive and do not accuse him of complicity in the invasion of 1640, the charges and Hamilton's answers are printed in Burnet, *Lives*, pp.324–346.

[149] W. Bray, ed., *The Diary and Correspondence of John Evelyn* (4 vols, 1850–2), i, 272–273.

[150] Hardwicke, *State Papers*, ii, 208–296; J. Bruce, ed., *Notes on the Treaty Carried on at Ripon between King Charles I and the Covenanters of Scotland, A.D. 1640, Taken by Sir John Borough* (Camden Society, 1869); Gardiner, *England*, ix, 206–217; Donald, *Uncounselled*, pp.259–276; Russell, *Fall*, pp.154–164.

[151] Hardwicke, *State Papers*, i, 284.

[152] *Ibid.*

[153] Hardwicke, *State Papers*, ii, 217, 220, 223, 224–226, 233, 236–239, 252, 284, 296.

[154] Lanark increasingly took over the burden of corresponding with the Covenanters and the other Scots from his brother, see for example, NRS, GD 406/1/1305 ([Copy] Lanark letter book, 1640–1641). From March 1640, there are two sources in the Hamilton Papers: Hamilton's correspondence and the correspondence of his brother as secretary for Scotland. While following a lot of Lanark's papers, I have concentrated my efforts on Hamilton's correspondence down to 1643.

[155] NRS, GD 406/1/1278 (Hamilton to Loudoun, 5 September 1640); GD 406/1/1219 (Loudoun to Hamilton, 2 September 1640). On 8 September, Loudoun advised Hamilton that 'matters will daylie grow wors and wors' the longer Charles took to settle things, GD 406/1/1216. Hamilton may also have had second thoughts about the secret correspondence with Loudoun, NRS, GD 406/1/1284 ([Copy] Hamilton to 'My Lord', 11 September 1640).

[156] During a debate in the Great Council, Hamilton, who advertised his willingness to be tried for anything that he had done, was interrupted by Lord Savile who claimed that the Scots did not mean Hamilton when they talked of incendiaries, Hardwicke, *State Papers*, ii, 235–236. Given that Savile allegedly wrote the letter of invitation to invade England to the Scots, his support for Hamilton in the immediate aftermath is perhaps more significant than I am willing to concede without further evidence.

[157] Clarendon's story about Hamilton striking another deal with the king to consort with the Covenanters and betray their secrets may be partly true, but he has taken it to a ridiculous extreme, Clarendon, *History of the Rebellion*, i, 199–202; Gardiner, *England*, ix, 206–207.

one level, this can be read as an attempt to keep alive the prospect of a negotiated settlement. At another level, it was surely borne of frustration and disillusionment at the king's blinkered trajectory. At yet another level, it was also simply a case of horses for courses. Charles no longer controlled every lever of power in his kingdoms – and none in Scotland – and it was a matter of survival to form friendships with those who had wrested power from the king. Not only was this a matter of self-preservation, but a way to continue to work the ground that could lead to settlement. It was also extremely hazardous. And so it is to Hamilton's role in the altered political landscape brought about by the Scottish invasion and the summoning of another parliament in England that is our next concern.

CHAPTER 8

Parliaments, Pacts, Plots and Imprisonment, November 1640–December 1643

The assembly of the English parliament on 3 November 1640 was a pivotal event in the steady shift of power away from Charles I. This Stuart parliament was less fragile than any of its predecessors for it was guaranteed against dissolution by the Scottish army.[1] Robert Baillie's comment in mid-December illustrates the point perfectly, "no fear yet of raiseing the Parliament, so long as the lads about Newcastle sitts still."[2] Power on the British mainland was now located (though not equally) in five areas: the English parliament, the king in Whitehall, the Covenanters and their commissioners in London, and the Scottish and English armies in the north. It was a potentially explosive mix, even without the Irish dimension, the sixth, albeit unused, ingredient. The story from November 1640 to the end of 1643 is fundamentally one of a power struggle between these groups and their successors to influence projected settlements, win over the king and ultimately to be the victor in the civil wars. This chapter does not seek to tell that story, however.[3]

The aim is rather more modest: to chart Hamiltons's political fortunes from the calling of the Long Parliament to his imprisonment by the royalists at Oxford in December 1643. Again, as in previous chapters, the compass will be the Hamilton papers and again it should be stressed that the archive was probably sifted for incriminating material and therefore does not tell the

[1] Baillie, *Letters and Journals*, ed., D. Laing, (3 vols, Edinburgh 1841–2), i, 283.

[2] With England in the grip of winter, the Scots at Newcastle also controlled the supply of coal to London.

[3] This period is well researched, but the starting point must, and probably always will be, Gardiner, *History of England.* vols. ix and x; Gardiner, *History of The Great Civil War*, vol. i; Clarendon, *History of the Rebellion and Civil War*, ed., W. D. Macray, (6 vols., Oxford 1888); Austin Woolrych, *Britain in Revolution* (Oxford, 2004); John Adamson, *The Noble Revolt: the overthrow of Charles I* (London, 2007); Russell, *Fall of the British Monarchies*; Russell, *Causes of the English Civil War*; Russell, *Unrevolutionary England, 1603–42*; Stevenson, *Scottish Revolution*; Donald, *Uncounselled King*; Keith Brown, *Noble Society in Scotland: wealth, family and culture from Reformation to Revolution* (Edinburgh, 2019); Laura Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland, 1637–1651* (Oxford, 2016); A. J. Fletcher, *The Outbreak of the English Civil War* (London, 1981); A. I. MacInnes, *Making of the Covenanting Movement*; John S. Morrill, *Revolt of the Provinces*, chapter 1.

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whole story. Yet enough has survived to put forward a forceful argument that Hamilton's steady drift away from the king, witnessed in the previous chapter, continued until June 1642 when he returned to Scotland to avoid taking sides in the English Civil War. However, during the second half of 1642, he had reluctantly become the leader of a royalist party in Scotland promoting an agenda of non-alignment in England based on assurances that the Presbyterian settlement of 1641 was safe in Charles I's hands. Key events here will be Hamilton's role in the English parliament in 1640–1; his alliance with the earl of Argyll in Scotland and the subsequent 'Incident' in October 1641; his reluctance to follow the king out of London after the attempt on the Five Members in January 1642; his inability to take sides in the impending English Civil War and his subsequent retreat to Scotland where the failure of his attempt to keep Scotland non-aligned eventually led to a dramatic shift of royal policy in Scotland and Hamilton's incarceration by order of the king, albeit under the guiding hand of Montrose, at the end of 1643. In all this the marquis was pushed forward by the triple forces of the need to find an acceptable settlement, while himself retaining political influence and the king's goodwill. By the end of 1643, he had failed on all three counts.

I

It has been argued that Hamilton's power base was located in the king's Bedchamber which, during the Personal Rule in England and because of the unofficial nature of policy formulation towards Scotland, was a potent nexus of power. That situation began to change as a result of events from 1638 in Scotland and from 1640 in England and indeed from 1641 in Ireland. Hamilton's principal aim from 1638 was to settle the crisis before it got worse and spread outside Scotland. His warning to Charles in June 1638 about "hou ye can effectk your end [in Scotland], uith out the haserdding of your 3 Crounes" proved to be deeply insightful, and it was becoming more likely with each passing month.

Despite the redistribution of power away from the Bedchamber and indeed the king, both institutions remained of fundamental importance. Apart from vague murmurings about deposing the king in Scotland, the vast majority of the political nation in the three kingdoms craved settlement with Charles as an integral part, albeit hemmed in by constitutional constraints.[4] For most of the period described here, Hamilton made himself indispensable to the power groups that mattered. Quite simply, Hamilton, both as honest broker and as the king's friend, made himself available as an agent of settlement. As the first half of this study has shown, he was firm in religion, anti-Spanish, a veteran of the German Wars, a patron of the Protestant cause and a politician willing to talk, and indeed to listen to, the language of compromise and settlement. Indeed, he had spent most of the 1630s in a regime with which he had little sympathy. Ideologically then, Hamilton was acceptable to the king's opponents, unlike most of the royal servants who crowded around Charles, and he was therefore an ideal pipeline to the king, his friend and cousin.

The new institution that Hamilton, or rather the earl of Cambridge, had to master was the powerful new English parliament. He had sat in the parliaments of 1625–6, 1629 and the Short Parliament of 1640, so he was not an unfamiliar face in the upper house.[5] Yet this time, he was much more active than he had been in previous parliaments, especially after the turn of the year.[6] In the first session (3 November 1640–9 September 1641) he was voted onto over a dozen

[4] Innerleithen, Traquair mss, 28/20; and below.

[5] Hamilton attended 74 out of 112 meetings between 18 June 1625–15 June 1626, *L. J.*, iii, 435–682. He was in Scotland, 17 March-26 June 1628 when parliament sat. He attended 15 out of 23 meetings between 20 January–10 March 1629, *L. J*, iv, 5–43. He attended 16 out of 18 meetings between 13 April-5 May 1640, *L. J*, iv, 45–80. For the Short Parliament, see chapter 7, pp.178–9.

[6] In the previous three parliaments Hamilton had neither been appointed to a committee nor to examine anyone nor to go to the king as part of a delegation, *L. J.*, iii, 435 – *L. J.*, iv, 80. There was no daily sederunt recorded in the Long

committees, nine of which were of considerable importance.[7] For example, on 9 February 1641, he was appointed to the committee to investigate the judgement in Hampden's case; on 8 May, he was appointed to a committee to consider the defence of the kingdom; on 7 August, he was added to the committee for the act of the Treaty of Pacification before its final readings. Important committees of both houses that Hamilton was appointed to included the committee for disbanding the armies in the north (20 May) and the committee to consider appointing a *Custos Regni* while the king was in Scotland (4 August).[8] More frequent, and perhaps more significant than these, however, was Hamilton's appointment, on at least fourteen occasions, to delegations of the upper house to the king.[9] For example, he was one of the lords sent to inform the king of the arrest of Strafford on a charge of high treason (12 November); to get the royal assent to the bill for triennial parliaments (16 February); to desire the king to sequester Laud's ecclesiastical offices (26 February); to have the earl of Essex appointed lord lieutenant of Yorkshire (19 and 20 May);[10] and to get the king's approval for the disbanding of the English army (22 June).[11]

By the end of the first session, then, Hamilton had carved out a place in the upper house, by providing a link to the king and avoided the censure visited upon Strafford, Laud and Traquair.[12] Hamilton also sponsored the bridge appointments to the English Privy Council, secured Oliver St John's appointment as solicitor-general and contemplated marriage to the earl of Bedford's daughter.[13] The marquis's English correspondents down to November 1641 confirm this picture. Viscount Mandeville wrote regularly to Hamilton as both a friend and collaborator and kept him informed of developments in the upper house after he left for Edinburgh with the king in early August.[14] Mandeville assured Hamilton that the committee of parliament that followed the king to Scotland would 'attend your favour', especially John Hampden and Lord Howard of Escrick.[15] Later, Mandeville was disturbed by reports, which Hamilton subsequently confirmed, that he was contemplating remaining in Scotland after the king's visit. Lord Mandeville stressed that such a move would be 'of great disadvantage' and cause 'greate trouble' to Hamilton's friends in England.[16] Viscount Saye and Sele wrote in equally glowing terms to Hamilton 'as well affected to the publick' and assuring him in another letter, 'that you shall not fynde a more intyre and faythfull hart to you then his whome you have made your servant'.[17] Saye also asked Hamilton to protect his son,

Parliament, but the occasional roll call of lords suggests that Hamilton attended regularly, and asked leave of the house when he could not attend, *L. J.*, iv, 88, 236, 279, 337.

7 *L. J.*, iv, 136, 156–157, 167–168, 240, 243, 243, 247, 254, 332, 341, 343, 351, 353.

8 *L. J.*, iv, 156–157, 240, 343, 254, 341.

9 *L. J.*, iv, 89, 157, 163–164, 167–168, 172–173, 240, 244–246, 254, 254, 281, 287, 288, 311, 321. And for Hamilton's part in the lords' negotiation with the queen for her to defer going abroad in mid to late July, *L. J.*, iv, 314, 323.

10 Hamilton also reported the king's assent to Essex's appointment as lieutenant of Yorkshire, *L. J.*, iv, 254.

11 *L. J.*, iv, 89, 163–164, 172–173, 254, 287.

12 Hamilton was not on the Scottish list of incendiaries of 1641, *RPCS, 2nd Series, 1638–43*, 510–512; and may have been struck off in February 1641, Donald, *Uncounselled*, p.289. Baillie noted on 2 December 1640, that Hamilton and Traquair 'doe us all the good they can, and would amend bygones by fair play now, to eschew the storme of incendiaries, if it were possible'. However, on 12 December, Baillie discussed the third article of the treaty concerning incendiaries, but does not include Hamilton in his list, Baillie, *Letters*, i, 277, 283.

13 Clarendon, *History of the Rebellion*, i, 258–259; Baillie, *Letters*, i, 292, 305; NRS, GD 406/1/1657 (St. John to Hamilton, 20 June 1642). For the marriage to Bedford's daughter, Donald, *Uncounselled*, p.289.

14 NRS, GD 406/1/1412 (Mandeville to Hamilton, 20 August [1641]); GD 406/1/1417 (Mandeville to Hamilton, 28 August [1641]); GD 406/1/1427 (Mandeville to Hamilton, 10 September [1641]); GD 406/1/1432 (Mandeville to Hamilton, 21 September [1641]). Mandeville also acknowledged receiving letters from Hamilton.

15 NRS, GD 406/1/1412 (Mandeville to Hamilton, 20 August [1641]). The full committee was the earl of Bedford, Lord Howard of Escrick, Nathaniel Fiennes, Sir William Armine, Sir Philip Stapleton and John Hampden, *L. J.*, iv, 370.

16 NRS, GD 406/1/1412 (Mandeville to Hamilton, 20 August [1641]); GD 406/1/1432 (Mandeville to Hamilton, 21 September [1641]).

17 NRS, GD 406/1/1509 (Saye to Hamilton, [mid to late August 1641]); GD 406/1/1506 (Saye to Hamilton, 2 September 1641); GD 406/1/1510 (Saye to Hamilton, 17 September 1641). From these letters it can deduced that Hamilton wrote to Saye on 19 and 23 August, sometime between 2 and 17 September and probably more.

Nathaniel Fiennes, during the Scottish visit.[18] Perhaps more publicly significant, was the fact that another lord in the upper house asked Saye for a letter of recommendation to Hamilton.[19] The earl of Essex was familiar enough with Hamilton to relate a humorous story about Saye's 'choller' at the sparse attendance in the upper house before the recess; and, more seriously, the earl of Warwick requested Hamilton's assistance for a suit concerning the letter office.[20] Of those in the lower house, Sir John Culpepper wrote on 26 July on such topics as the revision of the book of rates, the need for a powerful lord treasurer and the future of English episcopacy.[21] The Calvinist, Sir Henry Mildmay, writing a month later, was more direct and entreated Hamilton to sponsor his candidature for the treasurer's staff.[22] In the weeks after the beginning of the second session, Edward Hyde, the future earl of Clarendon, was preparing to denounce Hamilton as a monopolist and evil counsellor, but was forced to desist by John Pym.[23]

This is not to suggest, however, that Hamilton was no longer a Bedchamber man, no longer the king's companion and no longer an influential figure in the royal household. Charles had trusted Hamilton enough to make him a colonel of the Royal Guard in the week before the Long Parliament convened.[24] Yet the cracks that had began to appear at Berwick were widening. The intimacy and trust between Hamilton and the king had probably diminished further during the first session of the English parliament. Hamilton had trod very carefully in public during the trial of Strafford; he had made himself available as a messenger between the king and the earl, and retained till the end Strafford's newly found "respect" for him.[25] But some contemporaries believed that he and Sir Henry Vane had privately assisted the earl's end.[26] In the last few months of the parliamentary session, Hamilton was more active in the upper house than hitherto, but that did not necessarily signal a drift away from the court.[27] The view of Edward Nicholas, clerk of the council, in July 1641, captures the right note of balance and caution:

> Marquis Hamilton is (for aught I can understand) in great esteem both in the house of Comons & wth the L[or]ds of the upper house; he is doubtlesse a wise & an able man, & exceeding gracyous & powerfull wth the King.[28]

At the end of the first session of the Long Parliament, then, Hamilton had one foot in each of the two remaining centres of power in England.[29] He had worked the middle ground and brought settlement nearer, yet his motives were open to misinterpretation and there was the omnipresent

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[18] NRS, GD 406/1/1506 (Saye to Hamilton, 2 September 1641).

[19] NRS, GD 406/1/1509 (Saye to Hamilton, [mid to late August 1641]). The lord was apparently going to Edinburgh. He was not named and was the bearer of the letter.

[20] NRS, GD 406/1/1419 (Essex to Hamilton, 30 August 1641); GD 406/1/1810 (Warwick to Hamilton, [?August–October 1641]). For another letter from Essex, GD 406/1/1424 (7 September 1641). For Essex and Hamilton writing testimonials for the same soldiers verifying their military service for Poor Knights Places provided by the knights of the Garter, Bodleian Library, mss Ashmolean, 1132, fols.274, 282. See also, GD 406/1/1405 (Essex to Hamilton, 11 August 1641).

[21] NRS, GD 406/1/1397 (Culpeper to Hamilton, 26 July 1641).

[22] NRS, GD 406/1/1411 (Mildmay to Hamilton, 20 August 1641).

[23] NRS, GD 406/1/1507 (Saye to Hamilton, 13 November 1641); Clarendon, *History of the Rebellion*, i, 361–362.

[24] NRS, GD 406/1/1251 (Commission of Charles I, 27 October [1640]).

[25] NRS, GD 406/M9/82/2 (Hamilton's notes of his answers in Strafford's trial); *L. J.*, 88, 96, 107; NRS, GD 406/1/1335/1 (Strafford to Hamilton, 24 April 1641), this was also a plea for help; Baillie, *Letters*, i, 273, 342. See also, *HMC, Buccleuch*, iii, 396–397.

[26] T. D. Whitaker, ed., *Life and Original Correspondence of Sir George Radcliffe* (London, 1810), pp.228–233 (Deciphered account of a conspiracy to ruin the lord deputy).

[27] Lennox was also a regular attender in the upper house and was voted onto just as many, if not more, committees than Hamilton.

[28] SP 16/482/50 (Edward Nicholas to Sir John Pennington, 15 July 1641).

[29] Holland kept Hamilton informed of the disbanding of the English army, NRS, GD 406/1/1425 (Holland to Hamilton, 3 September 1641); GD 406/1/1387 (Holland to Hamilton, 16 September 1641).

danger of being caught between two stools. In Scotland, much was expected from the king's trip and Hamilton's role was just as significant as it had lately been in England. Indeed, some of the problems posed here would be resolved in Scotland between August and November 1641.

II

Suspicion of Hamilton's motives was more acute amongst his own countrymen. Montrose's Cumbernauld band of August 1640 – an anti-Argyll polemic rather than a coherent political agenda – signalled a split in the Covenanter ranks when it was revealed in November 1640.[30] It was apparently a reaction to the alleged treason spoken by Argyll in June 1640 in which he confirmed that a king could be deposed if found guilty of certain crimes.[31] The band proved to be a damp squib nevertheless, but it did lead to the formation of another group headed by Montrose at the end of the year (with Lord Napier, Sir George Stirling of Keir and Sir Archibald Stewart of Blackhall) who forged contacts at court with Traquair and Lennox and offered to serve the king in Scotland if religion and liberties were secured by the king in parliament.[32] It was also rumoured that Montrose intended to accuse Hamilton and Argyll, presumably of treason, 'in the face of Parliament'.[33] The king therefore had the makings of a royalist party prior to his trip to Scotland, a group with connections at court, a charismatic leader in Montrose, and a moderate, and able, polemicist in Napier.[34] However, some of their potential was lost from June onwards following the forced retirement of Traquair from court and the imprisonment of the Montrose group in Edinburgh.[35]

Hamilton fits into all this through his growing connection with Argyll, his inveterate dislike of the 'va[i]nlie foolish' Montrose and his steady drift away from the king.[36] Even English newsletters in June 1641 were commenting on the incipient campaign by Traquair and Montrose, perhaps with royal blessing, against Hamilton and Argyll.[37] Hamilton's proximity to the Scottish crown

[30] The signatories were, Marischal, Montrose, Wigton, Kinghorne, Home, Athol, Mar, Perth, Boyd, Galloway, Stormonth, Seaforth, Erskine, Kirkudbright, Almond, Drummond, Johnstone, Lour, D. Carnegy master of Lour, M. Napier, *Memorials of Montrose and his Times* (2 vols, Maitland Club, Edinburgh 1848–51), i, 254–255. The secret band was revealed by Lord Boyd on his deathbed.

[31] The three things were: 'invasio, desertio, [?ambitio or venditio]', Grantham Lincs., Tollemache mss, 3748 (Deposition of Walter Stewart, 5 June 1641). For this, and lots more, Innerleithen, Traquair mss, 28/iii/20 (Information against Argyll and Rothes [n.d.]). See also, NRS, GD 406/1/1382 (Loudoun to Hamilton, 13 July 1641). The actual story by John Stewart of Ladywell is quoted in Russell, *Fall*, p.310.

[32] Grantham Lincs., Tollemache mss, 3748 (Deposition of Walter Stewart, 5 June 1641). See also, Russell, *Fall*, pp.311–315; Donald, *Uncounselled*, pp.292–295; Adamson, *Noble Revolt*, 314–20, 347–8; Stevenson, *Revolution*, pp.224–227.

[33] Baillie, *Letters*, i, 391.

[34] For Napier, Stevenson, *Revolution*, pp.225–227; Stevenson, 'The "Letter on Sovereign Power" and the influence of Jean Bodin on political thought in Scotland', *Scottish Historical Review*, vol.61 no.171 (April, 1982), pp.25–43.

[35] Stevenson, *Revolution*, p.228; Adamson, *Noble Revolt*, 347–8. Traquair's retirement from court probably coincided with the Montrose group's incarceration in Edinburgh, both caused by the seizure of lieutenant colonel Walter Stewart's letters in June. However, Traquair continued to advise Charles on Scottish affairs and on his trial as an incendiary, Innerleithen, Traquair mss, 12/37 (Traquair to Charles I, 23 June 1641); *Ibid*, 37/15 ([Copy] Traquair to Charles I, 26 June 1641); *Ibid*, 37/16 ([Copy] Traquair to Charles, 3 July 1641); *Ibid*, 12/38 ([Draft] Traquair to Charles, 17 July 1641); *Ibid*, 12/39 ([Copy] Traquair to Charles I, 24 July [1641]).

[36] The Hamilton/Montrose animus could go back as far as 1636. In 1638 Hamilton described Montrose as the most 'va[i]nlie fulish' of all the Covenanters, chapter 6, p.261. Hamilton may have stopped an attempt by Montrose via Lauderdale to contact the king in September 1638, NRS, GD 406/1/8170 (Lauderdale to Hamilton, 3 September 1638). In August 1639, Hamilton admitted to Traquair that Montrose had some 'nobill partes' but this was relating a discussion with the king about Montrose coming over to the king, but it should be taken with a pinch of salt, Innerleithen, Traquair mss, 7/10A (Traquair to Hamilton, [4–5 August 1639]).

[37] Bedfordshire Record Office, St John of Bletsoe mss, J1384 (Thomas Jenyson to Sir Roland St John, 17 June 1641). The news became public after the interception of letters from the king and Traquair. See also, Baillie, *Letters*, i, 388. I am grateful to David Smith for the first reference and for lending me his photocopy of the mss.

added a further dimension to the Argyll/Hamilton friendship, fuelled over the summer visit not only by the memory of Argyll's talk of deposing the king, but by negotiations for a marriage between Argyll's son and Hamilton's eldest daughter in the second half of the year.[38] The king's reaction to these manoeuvres can best be measured by his candid comment to Lanark that he thought his brother 'had bein verie active in his owne preservation'.[39]

The political situation in Scotland was therefore highly combustible, quite apart from the difficult parliamentary negotiations over the Scottish settlement that was ostensibly the purpose of the royal visit.[40] Charles's main aim when he arrived in Edinburgh on 14 August was to settle Scotland, dissolve the parliament and return to England and do the same.[41] Instead, when he left three months later on 17 November, the Covenanters had virtually been handed control of the country and the Irish rebellion, which began on 22 October, gave the English parliament a new *raison d'etre*. How the former came about and Hamilton's part in it will be the main objective in this discussion of Charles's second and final visit to Scotland.

The full parliament had been sitting since 15 July preparing business for the king's arrival.[42] Charles came to parliament on 17 August and thereafter things jogged along, but little was actually concluded. Albeit the Treaty of London was ratified on 26 August, the other vexed issues of the incendiaries, the Montrose group and the appointment of officers of state dragged on to the beginning of October.[43] Charles eventually agreed to appoint officers of state with the advice and approval of parliament on 16 September which signalled the start of a bruising contest largely with Charles nominating candidates and Argyll's circle rejecting them, marked by a particularly acrimonious exchange over the appointment of a chancellor.[44] As Baillie succinctly put it, 'upon these jarres whole moneths were mispent'.[45]

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[38] *HMC Hamilton*, 55 (117) (Contract of marriage [n.d]); *National Register of Archives (Scotland)*,1209, Argyll Muniments, p.31 (bundle 61) (Antenuptial contract of marriage, 10 January, 22 April 1642); NRS, GD 406/1/1459 (Loudoun to Hamilton, 22 November 1641); GD 406/1/1472 (Loudoun to Hamilton, 9 December 1641). Both of them were under age.

[39] NRS, GD 406/1/1440 (A Relation of the Incident by Lanark, 22 October 1641) printed in Hardwicke, *State Papers*, i, 299–303. It is difficult to put a date to when Charles made this comment. It was probably made early in the Scottish trip, but Charles could have been referring to Hamilton's behaviour since the calling of the Long Parliament.

[40] Woolrych, *Britain in Revolution*, pp.189–191; Adamson, *Noble Revolt*, pp.395–405; Russell, *Fall*, chapter 8, *passim*. See also, Stevenson, *Revolution*, pp.233–242; Donald, *Uncounselled*, pp.299–319. As usual, Gardiner is not to be overlooked, *England*, x, 3–80.

[41] The Elector Palatine (whose cause was supported by the Scots and Hamilton) accompanied the king on his Edinburgh visit and was in the royal coach when it entered Edinburgh on 14 August. For this and an absorbing description of Edinburgh at the time of the king's visit, Adamson, *Noble Revolt* (2007), pp.346–350 and for the broader plans for a more active foreign policy support of the Elector's cause, *Ibid*, pp.361–368.

[42] The parliament had been prorogued a number of times, Thompson, *Diary of Sir Thomas Hope*, p.148; NRS, GD 406/1/1386 (Loudoun and Dunfermline to Charles I, 16 July 1641). Most of the time was spent preparing evidence against the incendiaries (Traquair, Sir John Hay, Sir Robert Spottiswood, Walter Balcanqual and the bishop of Ross) and the Montrose group or the Plotters (Montrose, Napier, Keir and Blackhall), Stevenson, *Revolution*, p.230. By the 29 August, over 90 depositions had been taken in Traquair's case alone, Innerleithen, Traquair mss, 37/18 (Sir John Veitch of Dawich to Traquair, 25 and 29 August 1641). Veitch cited Argyll, Lothian and especially Johnstone of Wariston as the most enthusiastic investigators in Traquair's case. Traquair told Charles on 24 July 'my charge is made up of hudge volumnes' and that he was 'singled out and so made as it wer ane atonement for all', Innerleithen, Traquair mss, 11/47.

[43] I am unsure about the emphasis that Professor Russell has put on the issue of Charles's desire to ensure that the Scots stayed out of English affairs. Part of the act of oblivion and pacification stated that commissioners or conservators from the two kingdoms would be appointed to preserve the peace in between sessions of parliament. That meant that Charles had approved future contact between the kingdoms as early as 25 August when the act was ratified, Russell, *Fall*, pp.321–322; *APS*, v, 342–344. See also, Stevenson, *Revolution*, p.235.

[44] The Covenanter nominees were Argyll for chancellor and Loudoun for treasurer. Charles put forward Morton for chancellor and Loudoun for treasurer, but Argyll vigorously opposed Morton even though he was his father-in-law. Then Charles proposed Loudoun as chancellor and Almond as treasurer, but Almond was rejected. Loudoun was eventually appointed chancellor at the end of September.

[45] Baillie, *Letters*, i, 391. Appointment of officers of state was a very important issue, see NRS, GD 406/1/1396 ([Members of the Estates, inc. Argyll, Sutherland, Mar & 10 others] to Charles I, 24 July 1641).

On his arrival in Edinburgh, Hamilton signed the current version of the Covenant to be allowed to sit in parliament and proceeded to cement his political alliance with Argyll.[46] The earl and the marquis constituted the most powerful force in the parliamentary negotiations, especially since Montrose languished in the castle. If Argyll's growing dominance and alleged talk of deposing the king in 1640 had split the Covenanter movement, Hamilton's alliance with Argyll in 1641 enraged the royalists in Scotland. This was reflected in the vengeful atmosphere against the two noblemen that developed at court towards late September. On 29 September, Traquair suggested to Charles that Hamilton could be brought to heel by threatening him with charges that Traquair could prove against him.[47] Montrose wrote to Charles three times in the week before 11 October and offered, at least once, to accuse Hamilton and Argyll of high treason.[48] From this familiar miasma around the king emerged the plot against Hamilton and Argyll known as the Incident.[49]

The first sign of trouble came from Lord Ker on 29 September, the same day that Traquair had recommended bringing Hamilton to heel. Ker, the excitable and drunken son of Hamilton's old friend, the earl of Roxburgh, sent the Catholic earl of Crawford with a challenge accusing the marquis of being a traitor to king and country.[50] The king may have been present when the challenge was delivered, and next day parliament summoned the dehydrated Ker.[51] The behaviour of such 'drunken fooles' provided Hamilton with an unmissable opportunity to have his part in the troubles to date vindicated in parliament, but not before over six hundred armed royalists had to be forbidden by proclamation from accompanying Ker to parliament.[52] These events prefaced the Incident by just under a fortnight and are important for two reasons. First, Hamilton was now protected by an act of parliament from any future charges of treason, which would consequently put his enemies to harder courses to bring him down.[53] Second, Charles now saw that a body of armed royalists appeared willing to defend his honour and perhaps overawe the parliament.

The Incident therefore was a plot waiting to happen. The way it happened leaves little doubt that Charles allowed it to go ahead, or did nothing to stop it, sometime after the Ker/Crawford episode.[54] What finally made it happen is not easy to recover, even with a record of the points under negotiation for 6, 7 and 8 October and Charles's hand written comments on the points raised in

[46] Oxford, Bodleian Ms Carte i, fols.456–466, esp. fols.465–66 (Sir Patrick Wemyss to Ormond, [early October] 1641); NRS, GD 406/1/1430 (Henry Percy to Hamilton, 20 September [1641]); *The Nicholas Papers: Correspondence of Sir Edward Nicholas, 1641–1652* (Camden Society, vol. I, NS 40, 1886), 12–13 (Vane to Nicholas, 17 August 1641); Clarendon, *History of the Rebellion*, i, 389, note; Stevenson, *Revolution*, p.237; Donald, *Uncounselled*, pp.310–311. I am grateful to Billy Kelly for the Carte references and providing me with a transcript.

[47] Innerleithen, Traquair mss, 12/40 (Traquair to Charles, 29 September [1641]); for the possible charges, Traquair mss, 28/i/13 ('Words Spoken' [1639]).

[48] *HMC 4th Report*, 167 (Will Murray's deposition, 25 October 1641), two of the letters were on 9 and 11 October and the other was a few days earlier; *Ibid*, 1163–170; Clarendon, *History of the Rebellion*, i, 389, note. Traquair only mentioned Hamilton as being accused by Montrose in his letter to his father in law, the earl of Southesk, Innerleithen, Traquair mss, 27/unfol. ('Copy of a letter to Southaske', 3 October 1641).

[49] See for example, Conrad Russell, 'The First Army Plot of 1641', *Unrevolutionary England*, pp.281–302.

[50] Baillie, *Letters*, i, 391; *HMC, Salisbury*, xxii, 368; Oxford, Bodleian Ms Carte i, fols.465–66 (Sir Patrick Wemyss to Ormond, [early October] 1641).

[51] Baillie says that the challenge was delivered in the presence chamber, apparently with Hamilton 'at his Majestie's elbow', Baillie, *Letters*, i, 391.

[52] Baillie, *Letters*, i, 391; Oxford, Bodleian Ms Carte i, fols.465–66.

[53] *APS*, v, 366 (30 September). Hamilton would also have been protected by the act of pacification and oblivion, and the parliament would have been extremely unlikely to listen to any formal accusations against Hamilton following the Ker incident.

[54] It will never be proved that Charles consented to the Incident, but he had been approached by Montrose and others offering to deal with Hamilton and Argyll.

the first two of those days.[55] They tell us that 6 October was devoted to the thorny topic of the nomination of officers of state. Charles was coming round to the idea of having the Treasury put into a four-man commission, but was not budging on his right to nominate officers, with parliament then showing why his candidates were unsuitable. That projected candidates had been signatories of the Cumbernauld band would not be accepted as a reason for rejection, and here Charles meant his choice for treasurer, Lord Almond.[56] A great deal more issues were put to the king on 7 October, such as ratifying acts drawn up prior to Charles's arrival; destroying the fortifications of Edinburgh, Stirling and Dumbarton Castles so that they would henceforth only 'be preserved for habitation, keeping of prisoners & registers'; yearly musters; the need for Scottish attendants for the royal family; and the appointment of commissioners of both kingdoms to conclude the remainder of the treaty.[57] Charles's comments on the thirteen points of 7 October that were not negative could at best be described as fudge.[58] The business of 8 October concerned incendiaries, notably that the parliament would cease its rigorous pursuit of them if Charles agreed not to allow them access to his person or to hold office.[59] There are no comments on the king's paper for 8 October and it is difficult to say whether these points were ever discussed.

If anything, these two papers show that there was still a lot of unresolved issues between the king and the Covenanters and it is therefore difficult to isolate one issue that made Charles countenance a plot. Yet the one that stuck in the king's throat more than any other, was the nomination of officers of state and this was the decisive issue.[60] Charles had lost his Scottish bishops as his instruments in both church and state, and he would therefore have been very reluctant to lose control of his lay officers of state as well. Moreover, as we shall see, the broad membership of those associated with the Incident constituted an alternative group of officers of state that could take control after the fall of Hamilton and Argyll. Of course, the impact of Charles losing control of the appointment of officers of state in Scotland would very likely result in a similar demand in England.[61]

A few days after the negotiations of 6–8 October, the plot was near completion. The plan was to arrest Hamilton, Argyll and Lanark in the withdrawing chamber at Holyrood and carry them to one of the king's ships at Leith, where they would be either brought to a legal trial or murdered. The movers and shakers in the plot were Will Murray, Montrose, imprisoned in the castle but active and writing regularly to the king, the earl of Crawford, Colonel John Cochrane, Lieutenant Colonel Alexander Stewart and Captain William Stewart.[62] As well as being the link between Charles and Montrose, Will Murray was instrumental in harnessing the ill-feeling against Hamilton and Argyll that brought the army officers and noblemen into the plot. That Murray went to Almond's house the night before the plot with a message from the king saying that Charles could not secure Almond the treasurer's staff, gives prominence to the issue of the appointment of

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[55] Grantham, Lincs, Tollemache mss, 4109 (Points for Negotiation, 6, 7 & 8 October 1641); *Ibid*, 4110 (king's comments on points of 6 & 7 October 1641 addressed to Loudoun). I missed both these papers when I visited Buckminster Park. I am therefore very grateful to David Smith for getting me copies of them when he visited the archive subsequently. I am also grateful to Conrad Russell and John Adamson for telling me about the Tollemache mss and discussing what it held.

[56] Grantham, Lincs, Tollemache mss, 4110 (king's comments on points of 6 and 7 October 1641 addressed to Loudoun). Almond was a signatory of the Cumbernauld band. Charles also nominated Sir Alexander Gibson of Durie the younger as clerk register.

[57] One key issue still to be resolved was that the king should get the consent of both parliaments before undertaking foreign treaties or war, either at home or abroad.

[58] Grantham, Lincs, Tollemache mss, 4110.

[59] This was basically an act of classes.

[60] Conrad Russell has suggested that control of royal castles was the primary issue, whereas I would suggest that it was the appointment of officers of state. Russell, *Fall*, pp.324–325. Peter Donald opted for the issue of incendiaries, *Uncounselled*, p.312.

[61] These Anglo-Scottish connections are well argued in Adamson, *Noble Revolt*, pp.395–405.

[62] The story can be reconstructed from the subsequent depositions which are printed, *HMC 4th Report*, 163–170. The rest of this paragraph is largely based on the depositions. See also, *HMC Egmont*, i, 146–147.

officers of state as the decisive factor in precipitating the attempted coup.[63] Colonel Cochrane, who commanded a regiment billeted at Musselburgh (outside Edinburgh), had various meetings with Murray and vowed to act against those – Hamilton and Argyll – who hindered the peace after the king had secured religion and liberties. Almond also had considerable credibility with the remainder of the Scottish army since he had served as lieutenant general in 1640. The two Stewart officers – Captain William and Lieutenant Colonel Alexander – had an added reason to desire Hamilton's fall, the former being the nephew of James Stewart, Lord Ochiltree, who had accused Hamilton of coveting the Scottish crown in 1631.[64] Other hoped for recruits, or those mentioned in the depositions as having been at meetings with the plotters, were the earls of Home, Roxburghe, Airth, Mar, Lords Gray, Ogilvy, Kilpont, Ker, Almond and lastly, William Drummond.[65] At the most speculative, we could view this group as an alternative government waiting in the wings, and at the very least a royalist party with military backing able to overthrow the Hamilton-Argyll alliance.

The trap was set for the evening of Monday 11 October, but was sprung earlier in the day by Lieutenant Colonel Hurry,[66] who took the story to General Leslie and the two noblemen were subsequently warned around midday.[67] It is an important point that the three noblemen were told that they were to be murdered, not brought to trial.[68] Ever the courtier, Hamilton then went to Holyrood to tell the king that he could not attend him that evening as he suspected a plot against his life, and spent the night at the house of his brother in law, the earl of Lindsay.[69] Next day, Charles foolishly, though characteristically, went to parliament escorted by a royalist force amongst whom were many of the men who had been implicated in the plot.[70] That action, or confirmation, prompted Hamilton, Argyll and Lanark to leave for Hamilton's house at Kinneil, a few miles outside Edinburgh.[71] (The attempt on the Five Members in the English parliament a few months later was a similar tactic).

While Charles took it as a personal slur on his honour that the noblemen had fled the capital, Lord Almond mobilised his vassals and tenants in Linlithgowshire.[72] What is most important

[63] *Ibid*, 167. For Almond elsewhere in the depositions, *HMC 4th Report*, pp.163, 165, 166. For his mobilisation of a military force, see below.

[64] A few days before the plot, Captain William, in conversation with Lieutenant Colonel Alexander, was pondering whether to petition the king for his Uncle's release, but was put off by Hamilton's 'power', *HMC 4th Report*, 164. Captain William appears to have pulled out at the last minute and confirmed Hurry's story to Leslie, Hamilton and Argyll, NRS, GD 406/1/1440 (A Relation of the Incident by Lanark, 22 October 1641) printed in Hardwicke, *State Papers*, i, 300.

[65] *HMC 4th Report*, 163–170, esp. p.167, the meeting in Airth's house on the night before the plot.

[66] Hurry's story was confirmed later the same day by Captain William Stewart (Ochiltree's nephew), NRS, GD 406/1/1567. Interestingly, Hamilton paid Hurry £600 Scots and Stewart £1,200, twice that amount, for their efforts, Lennoxlove, Hamilton mss, TD 90/93/F1/79 (Accounts 1636–1644, entries around November 1641).

[67] Hamilton was a gentleman of the Bedchamber and Argyll was master of the Scottish household, so both men would be expected at court after the end of parliament. For Argyll's post, Thompson, *Diary of Hope*, p.145; NRS, GD 406/M9/31/2 (Supplication of king's servants and furnishers to lords of privy council and green cloth, 7 June 1641).

[68] NRS, GD 406/1/1567 ([Copy] Hamilton to Will Murray, 21 October 1641); NRS, GD 406/1/1440 (A Relation of the Incident by Lanark, 22 October 1641).

[69] NRS, GD 406/1/1438 (Hamilton to Charles, 12 October 1641); NRS, GD 406/1/1440 (A Relation of the Incident by Lanark, 22 October 1641) printed in Hardwicke, *State Papers*, i, 301. For Hamilton's version of his movements around the time of the plot, GD 406/1/1567 ([Copy] Hamilton to Will Murray, 21 October 1641); GD 406/1/1441 (Hamilton to Charles, 22 October 1641). Hamilton told Charles in 'the garden', presumably the privy garden at Holyrood, that he could not attend him that evening, *Ibid*.

[70] Hardwicke, *State Papers*, i, 302.

[71] NRS, GD 406/1/1573 (Hamilton to Charles, 13 October 1641); GD 406/1/1441 (Hamilton to Charles, 22 October 1641); *HMC 4th Report*, 164. One of the main points here was that Hamilton and Argyll had a large body of armed supporters who would have accompanied them to the parliament and an altercation may have resulted; that is the reason Hamilton gave Charles for going out of town.

[72] On 16 October Lanark told Lindsay that he had received word that Almond had moblised his tenants in Linlithgowshire for Monday 18 October, NRS, GD 406/1/1544 (Lanark to Lindsay, 16 October 1641); GD 406/1/1554 (Lanark to Lindsay, [shortly after 16 October 1641]). On 23 October Hamilton commented to Murray on the influx

here is that Hamilton believed the king to be implicated in the plot.[73] Will Murray's pivotal role between the king and the plotters is evidence enough of Charles's complicity. Hamilton's remark to Murray from his house in Kinneil, after more armed royalist poured into Edinburgh is revealing: 'Will, that is not ye way to doe his Mats busines'. The master of the horse knew that with the punctilious king's former whipping-boy and groom of the bedchamber so heavily involved, then Charles was behind the coup. Perhaps as a result, the negotiations to bring the three noblemen back to Edinburgh were long and tortuous. Just as Will Murray had been the link between the king and the plotters, so he became the link between the king and the intended victims to effect a reconciliation.[74] A private parliamentary committee commenced investigations into the plot on 21 October and the three noblemen returned to Edinburgh on 1 November under the protection of parliament.[75] Hamilton and Lanark resumed their posts beside the king and the final stages of the Scottish settlement were quickly concluded.[76] Will Murray slipped out of Edinburgh and was on his way to London before the Hamilton brothers returned to court.[77]

The Incident was viewed in England as another popish plot and guards were immediately put around the parliament when it reassembled on 20 October.[78] A proper popish plot came along about ten days later when news of the Irish rebellion reached London.[79] News of the rebellion, which had broken out on 22–23 October, had reached Edinburgh on or before 27 October. On that day, Hamilton, still in exile at his house in Kinneill with Argyll and Lanark, told Vane Snr that the rebellion would produce ill consequences in England.[80] Meanwhile Charles, on being

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of armed royalists into Edinburgh warning him, 'Will, that is not ye way to doe his Mats busines noo good encouragemt to make us confidently entrust or selves amongst or enemyes', NRS, GD 406/1/1569 (Hamilton to Will Murray, 23 October 1641).

[73] Hamilton tried to assure Charles that this was not the case, but it is hard to argue that he did not actually think that the king knew of the plot, NRS, GD 406/1/1572 (Hamilton to Charles, 18 October 1641); GD 406/1/1567 ([Copy] Hamilton to Will Murray, 21 October 1641); GD 406/1/1441 (Hamilton to Charles, 22 October 1641); GD 406/1/1445 (Hamilton to Charles, 23 October 1641). Hamilton did not write to the Feildings in England until the matter was resolved, as he conceived it 'a poynt of respect to his Matti not to wrytt to anie of particulares which I have observed' and later in the same letter stressed 'I shall only ade that as a disloyall thoght never entered in my hart so nothing his Matti can doe to me will make me other then his fathfull servant'. This is at best ambiguous about the king's complicity in the plot, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/104 (Hamilton to Denbigh, 4 November [1641]); *Ibid*, CR 2017/C1/103 (Hamilton to Feilding, 4 November 1641). The marquis also sent his relations copies of part of the official depositions, in particular the 'contradiccons' between the various deponers, *Ibid*, CR 2017/ R6. Feilding assured Hamilton that he had a lot of support in the House of Lords, NRS, GD 406/1/1442 (22 October 1641). For Mandeville, GD 406/1/1443 (Mandeville to Hamilton, 22 October [1641]). See also Russell, *Fall*, p.326–327.

[74] NRS, GD 406/1/1569 (Hamilton to Will Murray, 23 October 1641); GD 406/1/1493 (Murray to Hamilton, [mid October 1641]); GD 406/1/1568 ([Copy] Hamilton to Murray, 16 November 1641).

[75] *APS*, v, 373–375, 378; NRS, GD 406/1/1542/1–2 (Draft addresses to parliament); GD 406/M1/284 ([Copies] Order of parliament, President of Parliament (Balmerino) to Hamilton, Argyll and Lanark, Charles I to Hamilton, Argyll and Lanark, 1 November 1641); GD 406/1/1562 (Lauderdale to Hamilton, 1 November 1641); GD 406/1/1564 (Charles I to Hamilton, Argyll and Lanark, 1 November 1641); GD 406/1/1449 (Loudoun to Hamilton, 1 November 1641). For Baillie's account of the Incident, *Letters*, i, 391–395. For Montrose's Supplication to the parliament, NRS, GD 406/M1/284.

[76] The Treasury went into a five man commission including Argyll and Hamilton's cousin Glencairn and brother in law Lindsay; the younger Gibson of Durie was made Clerk Register and honours were bestowed on Leslie, Almond, Wariston and Argyll, Baillie, *Letters*, i, 396–397; Stevenson, *Revolution*, pp.239–242; Russell, *Fall*, pp.327–329.

[77] Will Murray left Edinburgh for London before Hamilton, Argyll and Lanark returned to Edinburgh, Bray, ed., *Diary and Correspondence of John Evelyn*, iv, 110 (Nicholas to Charles, 3 November 1641).

[78] *L. J*, iv, 396. The parliament appears to have heard of the Incident by a letter from Lord Howard dated, 14 October. Bray, *Correspondence of Evelyn*, iv, 91, 93, 97, 98, 104, 107, 112. See also, Adamson, *Noble Revolt*, pp.404–405; Woolrych, *Britain in Revolution*, pp.191–2.

[79] *L. J.*, iv, 412–418; Bray, *Correspondence of Evelyn*, iv, 107–109.

[80] NRS, GD 406/1/1447 (Vane to Hamilton, 27 October 1641).

told of the Irish rebellion, decided to go for a round of golf.[81] In Scotland, the rebellion and the Incident helped to force the king and the Covenanters to reconcile their differences and conclude the constitutional settlement.[82] Charles effectively handed the main instruments of government over to the Covenanters.

After some entirely justified hesitation, Hamilton decided to return to England with the king.[83] Why he remained at the king's side is hard to fathom, unless he hoped still to aid the process of settlement or perhaps that was where he and his friends in Scotland and England thought that he still belonged.[84] Whatever the reason, the relationship between Hamilton and Charles was seriously damaged. Now Hamilton's main fear was not of censure by the Covenanters or the English parliament, but of another attempt to topple him or murder him by the hard-line royalists increasingly in the ascendent around Charles I.

III

The Incident and the Irish rebellion and the suspicion that Charles had a hand in both undoubtedly diminished the widespread confidence in England that amicable settlement between the king and the English parliament could be reached.[85] In the face of these upheavals, the Scots, by contrast, had snatched from the king the desired political and religious settlement. Yet despite this victory, they could not sit back and blithely ignore events in the other two kingdoms. The pressing need for a joint Anglo-Scottish effort to crush the Irish rebellion,[86] along with a growing desire in Scotland to see a political and religious settlement on the Scottish model over the border, meant that the Covenanters continued to have a vested interest in England.[87] In this light, Charles's hope that his parliaments could be dissolved leaving him as the point of contact in his three kingdoms was as far off in November 1641 as it had been a year earlier.

Reconstructing Hamilton's movements in England between November 1641 and his return to Scotland in July 1642 provides a complex picture. Increasingly, the Hamilton archive from November 1641 constitutes Hamilton's papers and the correspondence of his brother, the earl of Lanark, as secretary of state. There is generally more of the latter, but how much emphasis do we give this material in our story of Hamilton? Blindly viewing all the Lanark material as germane would skew the picture and perhaps give the marquis a higher political profile than he deserves, or than he intended. Yet clearly there was a close relationship between the two brothers and this is evidenced not only by both of them having been targets by the perpetrators of the Incident, but by suitors recognizing them as a political double-act. So in December 1641, the earl of Southesk

[81] NRS, GD 406/1/1447 (Vane to Hamilton, 27 October 1641).

[82] Baillie, *Letters*, i, 396.

[83] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/104 (Hamilton to Denbigh, 4 November [1641]).

[84] For an interesting speech printed in London supposedly delivered by Hamilton in the Scottish parliament on 4 November, that John Pym would have been proud of, British Library, Thomason Tracts, E 199(22). For Charles's frosty reaction to the speech when Nicholas sent him a copy, Bray, *Correspondence of Evelyn*, iv, 121; NRS, GD 406/1/1507 (Saye to Hamilton, 13 November 1641).

[85] Stevenson, *Revolution*, pp.239, 242–243; Russell, *Fall*, pp.328–329, 398–399.

[86] NRS, GD 406/1/1459 (Loudoun to Hamilton, 22 November 1641); GD 406/1/875 (Argyll to Hamilton, 22 November [1641]). Pym's agent, John Pickering, arrived in Edinburgh the day after the king departed with the English parliament's request for Scottish assistance to suppress the Irish rebellion. The earls of Lothian and Lindsay were then sent to London to treat for the Irish expedition.

[87] It had been agreed that Scottish commissioners would be sent to London in November 1641 to conclude the 1641 treaty, but they became more concerned with negotiating the joint Anglo-Scottish war effort in Ireland. They also tried to mediate between the king and the English parliament as the political situation deteriorated, Stevenson, *Revolution*, pp.243–247. There was the matter of *conservators pacis* who were designed to keep the peace between parliaments.

wrote to Hamilton and Lanark about a matter of ecclesiastical patronage concerning his brother, Sir Alexander Carnegie.[88]

It would perhaps be more helpful to enumerate Hamilton's main political contacts down to Charles's infamous attempts to arrest the Five Members of the English parliament between 3 and 5 January 1642. In England, the list contains Saye, Mandeville, Essex, Wharton, Holland, Oliver St. John and John Pym; and in Scotland Argyll, Loudoun, Lindsay, Leven, Johnstone of Wariston and Eleazor Borthwick.[89] As a group these individuals constitute the main opposition to the king and royalists in both kingdoms. An appropriate symbol of all this was the rapid progress made towards the end of 1641 in cementing the Hamilton/Argyll alliance by plans for a marriage between Hamilton's daughter and Argyll's son.[90] It could be argued that here is a blueprint for a loose tripartite system of government for mainland Britain with Hamilton and Lanark at court, the Englishmen in parliament and Privy Council and the Scotsmen in parliament, committee of estates and Privy Council. As usual however, any settlement had to have royal blessing and of course Hamilton, to play his British role effectively, had to have the king's trust. Unfortunately, neither of these appears to have been much in evidence at the close of 1641. What can be said, however, is that Hamilton continued to attend the House of Lords regularly and may have been excluded from the inner counsels at court.[91] In essence, this was a continuation of Hamilton's political behaviour before the Scottish visit, but the fact that Charles had recently countenanced a plot which may have resulted in Hamilton's murder signalled a growing rift between the king and his principal Scottish courtier.

Much like Charles's drastic change of policy in Scotland epitomised by the Incident, the attempt to arrest some of his English parliamentary adversaries on a charge of high treason was equally misguided. Both events were strikingly similar in that the aim was to wrest the initiative from his opponents by a half-baked coup d'etat dressed up as a legal process. Some of the charges were also similar, especially the one relating to complicity in the Scottish invasion of 1640, the same charge with which Montrose may have intended to accuse Hamilton and Argyll a few months before.[92] Those to be accused this time were Holles, Haselrigg, Pym, Hampden, Strode and apparently Mandeville who was added at the eleventh hour.[93] Like the Incident, the intended victims were warned just in time and Charles, reminiscent of his armed march to the Scottish parliament on 12 October the day after the Incident was revealed, marched to his English parliament on 4 January to arrest the members.[94] However, the members had fled into the city and the next day Charles

[88] NRS, GD 406/1/1479 (Southesk to Hamilton, 10 December 1641). Hamilton had procured Southesk the precinct of Arbroath and some teinds from a newly erected kirk at Carrestoun which Southesk had passed onto his brother, Sir Alexander Carnegie, NRS, GD 406/1/1465 (Southesk to Lanark, 9 December 1641). For a similar approach by the earl of Abercorn, GD 406/1/1491 (Abercorn to Hamilton, 2 December 1641).

[89] For Wharton, NRS, GD 406/1/1655 (Feilding to Hamilton with postscript by Wharton, 1 June [1642]). For Wariston, NRS, GD 406/1/1618 (Wariston to Hamilton, 27 April 1642). For the rest see above.

[90] Borthwick, a longtime associate of Hamilton, and Wariston, one of Argyll's main allies, were to negotiate the Hamilton/Argyll marriage alliance while they were in London, NRS, GD 406/1/1464 (Loudoun to Hamilton, 30 November 1641). However, Wariston may have taken a lead role, GD 406/1/1771 (Argyll to Hamilton, 3 December [1641]). See also, GD 406/1/1476 (Loudoun to Hamilton, 5 December 1641); GD 406/1/1472 (Loudoun to Hamilton, 9 December 1641); GD 406/1/1769 (Argyll to Hamilton, 20 December 1641); GD 406/1/1759 (Argyll to Hamilton, 25 April 1642). Also see above.

[91] Hamilton continued to be voted onto influential committees and sent as part of parliamentary delegations to the king. For December 1641, see, *L. J.*, iv, 477, 479.

[92] For the seven charges, *L. J.*, iv, 500–501.

[93] The attempted arrest of the Five Members is covered in some detail in, Woolrych, *Britain in Revolution*, pp.210–215; Adamson, *Noble Revolt*, pp.492–499; Russell, *Fall*, pp.447–453; Fletcher, *Outbreak*, pp.180–184; Gardiner, *England*, x, 138–42.

[94] The Attorney General had delivered the charges to the House of Lords on 3 January, but the members were not given up, *L. J.*, iv, 500–501. Both Essex and Will Murray have been suggested as possible culprits who forewarned the members, Gardiner, *England*, x, 137, 135.

followed them there, but was still unable to have them handed over.[95] Hamilton, Essex, Holland and Newport were in the king's coach when Charles went to the Guildhall to try to arrest the Five Members on 5 January, though it would be impossible to argue that by going with the king they approved of his action. Instead, Gardiner's proposition that Charles took the noblemen along with him 'perhaps with the idea of sheltering himself under their popularity' is the only plausible explanation.[96]

The attempt on the Five Members was far more calamitous than the Incident for by it Charles lost control of the city of London to parliament and exacerbated the situation by hastily leaving Whitehall on 10 January, going first to Hampton Court then to Windsor.[97] This physical separation of king and parliament marked the beginning of the long slide into civil war in England. Charles did not return to London until he was brought there nearly seven years later for his trial. For Hamilton, who had resolutely tried to bring about amicable settlement in Scotland from 1638 and in England from 1640, the king's abandonment of the capital was a disastrous move. As Hamilton had seen at close hand in Scotland, Charles's absence from Edinburgh during the Scottish troubles had led to the Bishops' Wars and there was little reason to doubt that Charles's absence from London would have a similar effect in England. The king had consistently proved himself a very poor absentee monarch. Consequently, Charles's master of the horse, gentleman of the Bedchamber, erstwhile favourite and blood relation was one of the king's many servants who felt unable to follow him out of the capital.[98]

At first Hamilton continued to attend the upper house, yet from early February he began to submit excuses for non-attendance and from 2 April he pleaded sickness.[99] Although Loudoun pressed Hamilton to help bring the English crisis to a peaceful resolution, the Scottish chancellor was alert to the danger involved: 'I cannot deny it is so ticklisch a bussines to medle into as none can walke so streightly betwixt them [king and parliament] but may be obnoxious to the danger of misconstruction'.[100] Hamilton dutifully shuttled between the king and London until he fell ill around 16 March,[101] but the purpose of the journeys is difficult to recover.[102] In April, he furiously denied rumours that he and Will Murray had promised parliament that they would get Charles

[95] Russell, *Fall*, pp.450–451.

[96] Gardiner, *England*, x, 142. Hamilton as master of the horse and Holland as groom of the stool were the only two of the four noblemen who were allowed to travel in the king's coach.

[97] Fletcher, *Outbreak*, pp.184–185.

[98] Charles abandoned Whitehall on 10 January in great haste and with very few servants. Essex, the lord chamberlain and Holland, the groom of the stool, who had been in the king's coach when Charles went to arrest the Five Members on 5 January, both refused to follow the king out of London, Russell, *Fall*, p.451; Fletcher, *Outbreak*, pp.184–185. For the Scottish commissioners' attempt to intercede, NRS, GD 406/1/1703 (Lothian, Lindsay, Balmerino, Wariston and others to Charles I, 15 January 1641/2). For Charles's strong requests that the Scots stay out of the English dispute, Gilbert Burnet, *Lives*, pp.241–244. Argyll also pressed Hamilton to work for the restoration of harmony in England, GD 406/1/8276 (Argyll to Hamilton, 20 January [1642]). See also, GD 406/1/1748 (Argyll to Lanark, 13 January 1641/2).

[99] *L. J.*, iv, 517–518, 523, 526, 529, 567, 571, 574, 634, 693, 718–719; *L. J.*, v, 8. For the dwindling attendance in the upper house at this time see Fletcher, *Outbreak*, pp.243–244; Russell, *Fall*, pp.466–468, 470–472

[100] NRS, GD 406/1/1587 (Loudoun to Hamilton, 28 January 1641/2).

[101] Hamilton may have gone to the king on 2 and 8 February (at Windsor) and 8 March (at Newmarket), NRS, GD 406/1/164/1 (Charles to Hamilton, 1 February 1642); GD 406/1/1321 (Nicholas to Hamilton, 7 February 1641/2); *L. J.*, iv, 634 (8 March 1642) 'Earl of Cambridge hath leave to go to Newmarket to attend the king'. He may have stayed at Windsor for some time during February as Sir Philip Stapleton, writing from London on 21 February, asked him to secure access for a gentleman to present a petition from the County of York to the king, GD 406/1/1327 (Stapleton to Hamilton, 21 February 1641/2). However, Hamilton was not with the king at Dover on 22 February for he was sent a warrant to swear a Thomas Withins an equerry in ordinary to the prince, GD 406/1/1328 (Charles to Hamilton, 22 February 1641/2). Hamilton told Argyll that he had been ill 'these 8 daies the most part whereof I have [been] in bed', NRS, GD 406/1/1755 ([Copy] Hamilton to Argyll, 24 March 1641/2).

[102] Hamilton told Will Murray that he had been employed by the king, but did not specify for what purpose, NRS, GD 406/1/1608 (Hamilton to Will Murray, 7 April 1642).

to accept parliamentary control of the militia and persuade the king to return to London.[103] Just as it is difficult to say whether there was any truth in these reports, it is not easy to determine whether Hamilton's illness was partly diplomatic. That he fell ill around the time in mid-March when Charles summoned all of his knights of the Garter (including Hamilton) to attend the St George's Day feast at York may have been a mere coincidence,[104] but the fact that Charles's second command to repair to York caused Hamilton to have a relapse in his illness is more suspicious.[105] In the absence of conclusive evidence, it could be posited that Hamilton, in the manner of the illness which afflicted him after he left the Glasgow Assembly in November 1638, took to his bed when his political momentum come to a juddering halt.[106] That is not to say, however, that he was not physically unwell.

Quite simply, he was caught between a rock and a hard place. The middle ground that Hamilton had worked for so long, no longer existed. As king and parliament started to look to their military strength, there was a corresponding decline in negotiation and individuals like Hamilton were paralysed by the need to make a choice between king and parliament. He was deeply distressed at the prospect of choosing a side in the military contest. If Hamilton had been an Englishman, then he may well have stayed at Westminster with most of his English friends for longer than he did.[107] Luckily, he was able to avoid choosing sides and opted for neutrality by returning to Scotland. Hamilton left London on Thursday 19 May and stayed at York for over a month on his way to Scotland.[108] Apparently, he was still very ill and did not venture from his lodging at York for two weeks.[109] On 1 June, his brother in law, Lord Feilding, writing from the parliament house, asked Hamilton to support the stringent nineteen propositions that were being sent to the king by both houses.[110] Two days later, Hamilton weakly replied that he had neither seen the king nor did he know of any propositions,[111] and on 17 June he told Feilding:

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[103] NRS, GD 406/1/8205 (Will Murray to Hamilton, [2] April [1642]); GD 406/1/1608 (Hamilton to Will Murray, 7 April 1642).

[104] Hamilton took a long time to reply to the summons to the St George's Day Feast, Bodleian Library, mss Ashmolean, 1132, fol.41 (Hamilton to Sir John Palmer, 12 April 1642); NRS, GD 406/1/9026 (Hamilton to Lanark, 11 April 1642). Most of the other lords gave the House of Lords' order of 22 March forbidding them to attend the feast as their excuse, Bodleian Library, mss Ashmolean(Catalogue), 1111, items 22–30. The Lords' order is at *Ibid*, item 21. See also. *L. J.*, iv, 649, 669. The other lords were Northumberland, Salisbury, Pembroke, Danby, Holland and Berkshire.

[105] NRS, GD 406/1/1835 (Hamilton to Charles I, [undated April–May 1642]). Through Will Murray, Charles, as late as 6 May, assured Hamilton that he would be welcome at York 'when your disease could permitt', GD 406/1/8206 (Murray to Hamilton, 6 May [1642]), but the king was very irritated at Hamilton's absence, GD 406/1/8204 (Murray to Hamilton, 2 May [1642]). Hamilton's illness can be followed through, NRS, GD 406/1/1835, 755, 1604, 1608, 9026, 1758, 1646, 1760.

[106] For Hamilton's period in bed between 10–17 December 1638 and probably longer, NRS, GD 406/1/580 (Hamilton to Laud, 17 December 1638).

[107] It should be noted that, amongst other things, Hamilton was very upset that Charles would not agree to sign over the royal parks of Grafton and Pury [sic] in Northamptonshire as part payment of £16,300 the king owed him, NRS, GD 406/1/1608 (Hamilton to Murray, 7 April 1642). It was Hamilton's friends Saye, Mandeville and Culpeper who worked out the parks deal, which was worth about £10,000, NRS, GD 406/1/1332 (lords of the Treasury to Charles I, 21 March 1641/2). See also, GD 406/1/1331 (Charles I to lords of the Treasury, 14 March 1641/2).

[108] *HMC Cowper*, ii, 316 (John Coke the younger to Sir John Coke, 24 May 1642). Hamilton apparently made some promises to his parliamentary friends before leaving London, that, if he could not assist a reconciliation between king and parliament, he would retire to Scotland. Whatever Hamilton had told them, they were all delighted to hear that he had left York for Scotland at the end of the month, NRS, GD 406/1/1671 (Mandeville to Hamilton, 2 July 1642); GD 406/1/1670 (Feilding to Hamilton, 2 July 1642). See below.

[109] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/106 (Hamilton to Feilding, 3 June [1642]).

[110] NRS, GD 406/1/1655 (Feilding to Hamilton with a postscript by Lord Wharton, 1 June [1642]). Saye, following Feilding, reiterated that parliament was ready to defend itself against the king's 'Cavilleers there' if the nineteen propositions were rejected, GD 406/1/1658 (Saye to Hamilton, 3 June 1642). For a full discussion of the propositions, which basically curtailed most of the king's prerogative see Russell, *Fall*, pp.514–518. For the rest of Feilding's letters to Hamilton while the marquis was at York, NRS, GD 406/1/1659 (4 June), 1660 (7 June), 1665 (15 June).

[111] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/106 (Hamilton to Feilding, 3 June [1642]).

> Treuly I must confes my soul is so greved to sea the distempers of the tymes and my feares is so great that they will be yett woars that I ame became frome beinge seik in body to be so in mynd, I lykwys find my self of lytill use heare, and so unabill to contribut anie thing to the good of his Matties servis; or of a better understanding betuixt his Matti and parll: as if I had health, I belive I should shortly make use of the favore that I reseved from Our house and goe in to Scotland.[112]

Hamilton left York about ten days later after assuring Feilding, and through him the English parliament, that he was returning to Scotland to 'satill my oune privatt affaires'.[113]

To a large degree, Hamilton's disconsolate replies to Feilding's letters while he was at York were for public consumption at Westminster, and tell only part of the story. Since January the Scots had offered to mediate in England, especially Loudoun and Argyll in Edinburgh and the Scottish commissioners in London, though they had received a cordial but lukewarm response.[114] As civil war in England drew nearer however, the need to cultivate Scottish opinion or at least ensure that the Scots did not take sides became a key political issue in England.[115] Following a polite but firm statement by the Scottish council on 2 June that they would not take his side in England, Charles returned to his limited objective of ensuring that his northern kingdom remained non-aligned.[116] The English parliament on the other hand, were more willing to see a continuation of the 'brotherly affecon and nearer union betwix the two Nationes' and Sir Philip Stapleton, a member of the House of Commons, initiated moves in April to continue that course.[117] Furthermore, the need to crush the rebellion in Ireland put an added strain on the triangular relationship between London, Edinburgh and the court. While the Scots and English negotiated a joint military expedition to Ireland, Charles tried to remove the threat of the Scots backing parliament by pressing them to send their remaining troops and best commanders to Ulster.[118]

If Hamilton and Charles held discussions at York, and we cannot be certain that they did, then they probably talked about Scottish issues rather than the ill-fated nineteen propositions. Unfortunately we can only speculate, but Hamilton may have given Charles some assurance that the

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[112] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/107 (Hamilton to Feilding, 17 June [1642]).

[113] W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/108 (Hamilton to Feilding, 27 June [1642]).

[114] Three days after Charles left London after the attempt on the Five Members, he wrote to the Scottish commissioners in London warning them not to meddle in the English quarrel and reminding them not only of the favourable settlement granted to them during the recent Scottish visit, but of their Covenant which bound them to 'maintaine us in or Royall power & authority', NRS, GD 406/1/10774/23 ([Copy] Charles I to Scottish Commissioners, 13 January 1641/2). For Loudoun and Argyll, NRS, GD 406/1/1587 (Loudoun to Hamilton, 28 January 1641/2); GD 406/1/1726 (Loudoun to Charles I, 10 February 1641/2); GD 406/1/1735 (Loudoun to Hamilton, 6 May 1642); Grantham Lincs., Tollemache mss, 3750 (Lanark Royal letter book, 1641–47), fols.3r–4r; NRS, GD 406/1/1762 (Argyll to Hamilton, 18 June 1642).

[115] Grantham Lincs., Tollemache mss, 3750 (Lanark Royal letter book, 1641–47), fols.7r–v (Declaration by Parliament of England to Council of Scotland, 8 April 1642); *Ibid*, fol.7v (Charles I to Scottish Council, 9 May 1642); *Ibid*, 7v–8r (Instructions to Chancellor Loudoun, 9 May 1642); NRS, GD 406/1/10774/26 ([Copy] Charles to Chancellor Loudoun, 16 April 1642). For the political situation in Scotland see, Stevenson, *Revolution*, pp.248–249.

[116] NRS, GD 406/1/10774/23 ([Copy] Charles I to Scottish Commissioners, 13 January 1641/2); Stevenson, *Revolution*, p.249; Gardiner, *England*, x, 203.

[117] This sentence is based on Charles's angry letter to Loudoun describing Stapleton's initiative, NRS, GD 406/1/10774/26 ([Copy] Charles to Chancellor Loudoun, 16 April 1642). For a slightly different copy of this letter with a different date, Grantham Lincs., Tollemache mss, 3750 ([Copy] Lanark letter book, 1641–47), fol.5r–v (11 April). See also, Thompson, *Diary of Hope*, p.164; Russell, *Fall*, pp.489–495.

[118] Grantham Lincs., Tollemache mss, 3750 ([Copy] Lanark letter book, 1641–47), fol.3r (Charles to Scottish Council, 20 February 1641/2); *Ibid*, fol.4 v (Charles to Scottish Council, 2 March 1641/2); *Ibid*, fol.4v–5r (Charles to Chancellor Loudoun, 8 April 1642). Charles's threat in mid-April to go to Ireland himself was designed to stampede the Scots into sending their forces and commanders to Ireland, NRS, GD 406/1/10774/26 ([Copy] Charles to Scottish Council, 12 April 1642). For another copy, Grantham Lincs., Tollemache mss, 3750 ([Copy] Lanark letter book, 1641–47), fol.5v–6r. For some other reasons for this policy, Russell, *Fall*, pp.488–491.

Scots, at least in the short term, would remain non-aligned in the event of civil war in England.[119] As an inducement, Charles may have dangled the carrot of a dukedom if Hamilton served him in Scotland.[120] But the lack of evidence makes it impossible to be sure, though we can be reasonably confident that Hamilton did not commit himself to undertake anything.[121] With more certainty, we know that Hamilton's friends in London and Edinburgh were disturbed by reports of his proceedings at York.[122] On 21 June, the marquis of Argyll craved confirmation from Hamilton about 'your lop subscryving ane declaration thair and your lairg expressions and undertaking both for your self and in name of this kingdome'.[123] Argyll's letter was to 'My Nobll Lord and Dear Brother', an address initiated by Hamilton and used by both men since March, but part of the affable tone had been replaced by a tension that was to increase over the next twelve months.[124] Suspicion must have been further aroused by Hamilton's voluntary subscription to maintain sixty horse for the king's forces before he left York.[125] Yet to understand this further we must follow Hamilton into Scotland and examine the events that led to the Solemn League and Covenant and the subsequent re-alignment of royal policy, characterized by Hamilton's imprisonment by the king and his replacement by the earl of Montrose as the chief agent of royal policy towards Scotland.

IV

> When the Marqueis Hamiltoun had left, first the Parliament, and then the King, we thought he had come to us with some instructions from the one or both; bot it seemes he had nothing from either: bot to eschew drowning, had choosed to leave both for a tyme, since both could not be keeped, and to both his obligations were exceeding great.[126]

It is difficult to disagree with Robert Baillie's wry observation on Hamilton's return to Scotland. None the less, an attempt may have been made at York to patch up the differences between Hamilton and Charles, though this did not extend to him sponsoring a new phase of crown policy in Scotland. Anyway, royalists in Scotland were justified in being suspicious of the marquis's motives at least since the Incident, and so his effectiveness as a rallying point was doubtful.[127] Charles had considered going to Scotland himself and calling a parliament, just as he had contemplated going to Ireland, and he may also have listened to alternative suggestions for Scotland from Montrose

[119] Burnet, *Lives*, p.248. Edward Hyde, not the most reliable source where Hamilton is concerned, stated that the marquis gave Charles such an assurance, Clarendon, *History of the Rebellion*, ii, 383–384; the passage is quoted in Stevenson, *Revolution*, p.249.

[120] Rumours had even reached Ireland that Hamilton had been or was about to be made a duke, NRS, GD 406/1/1674 (Antrim to Hamilton, 16 July 1642). See also, GD 406/1/166/1 (Charles to Hamilton, 17 October 1642).

[121] See below, the discussion of Hamilton's memorandum, NRS, GD 406/1/M9/82/4.

[122] NRS, GD 406/1/1670 (Feilding to Hamilton, 2 July 1642). For Scotland see below.

[123] NRS, GD 406/1/1764 (Argyll to Hamilton, 21 June 1642).

[124] NRS, GD 406/1/1753 (Argyll to Hamilton, 10 March 1641/2). The 'Dear Brother' was obviously in anticipation of the marriage between Hamilton and Argyll's children.

[125] *CSPD 1641–43*, 344 (List of Lords and Officials, 22 June 1642); NRS, GD 406/1/1668 (Sir Peter [Welsh] to Hamilton, 30 June 1642). Hamilton does not appear to have made any payments, citing 'the miserabill condition of my fortoune' as his excuse, GD 406/M9/82/4 (7 Point Memorandum to Charles I, [July–August 1642]). For a discussion of this memorandum, see below and note 139.

[126] Baillie, *Letters*, ii, 44.

[127] Traquair found it necessary to justify himself to the king after agreeing to a meeting with the marquis shortly after Hamilton got back to Scotland, Innerleithen, Traquair mss, 12/43 ([Draft] Traquair to Charles I, 7 August 1642). Also see below. Morton, Kinnoul, Southesk and Traquair in Edinburgh and Will Murray, Roxburgh and Lanark at court appear to have been the most influential royalists.

and Lord Ogilvie, who had been at York a few weeks before Hamilton.[128] To be sure, the balance of power in mainland Britain from the summer of 1642 was extremely delicate and Charles had to treat Scotland with a sensitivity that he had hitherto lacked. Above all, the king had to ensure that he did not stampede the Argyll circle and the Scottish ministry into allying with parliament to safeguard the settlement of 1638–41 and as a way of exporting Presbyterianism. At the same time, the king had to encourage royalists of all shades and degrees of commitment to support at least a policy of non-alignment and limited mediation in England. As we shall see, Charles's failure, once again, to allay the fears of his Scottish subjects had serious consequences for him in his other kingdoms.

Hamilton arrived in Edinburgh on 1 July and, after calling a meeting with Traquair, Morton and Southesk at which he appeared to offer 'apologies for qt had past' and little else,[129] he spent most of the summer at his principal residence outside Hamilton or at Inverarry with the marquis of Argyll.[130] More to the point, he did not attend the general assembly at St Andrews (27 July to 6 August) despite being nominated by Charles as one of the assistants and assessors to the earl of Dunfermline, the king's commissioner.[131] Sure enough, the opposing groups in England sent different declarations to the assembly.[132] In their declaration, the English parliament solicited further reformation and closer union between the two kingdoms.[133] By contrast Charles, in his declaration, stressed that he was 'a king over diverse kingdomes' and all that he wanted to do was 'to governe them by there owne lawes and ye kirkes in them by there owne Canons and Constitucons'. On the important issue of further reformation, the king prevaricated in a style all too familiar to the Scots since the start of the troubles.[134] Not surprisingly, the parliament's declaration was preferred at St Andrews and Loudoun told Hamilton that it would lead the assembly 'to Renew the desyr of this kirk for unitie of Religione and Uniformitie of Churche governement'.[135] Before it dissolved, the assembly elected a commission of the kirk with power, inter alia, to prosecute relevant ecclesiastical matters with the civil authorities.[136] In other words, religious unity in Britain was working its way to the top of the agenda in Edinburgh and London.[137] During the assembly,

[128] NRS, GD 406/1/1618 (Johnstone of Wariston to Hamilton, 27 April 1642); NRS, GD 406/1/10774/26 ([Copy] Charles I to Scottish Council, 12 April 1642); Russell, *Fall*, pp.489–491; Stevenson, *Revolution*, p.248.

[129] Innerleithen, Traquair mss, 12/43 ([Draft] Traquair to Charles I, 7 August 1642). Hamilton's arrival in Edinburgh was noted by Sir Thomas Hope, *Diary*, p.171. In March, the earls of Leven and Morton had pressed Argyll to reconcile with Traquair. Argyll would do nothing until Hamilton gave his approval, which Hamilton quickly gave on 24 March, saying he would like to do the same himself, NRS GD 406/1/1754 (Argyll to Hamilton, 16 March [1641/2]); GD 406/1/1755 ([Copy] Hamilton to Argyll, 24 March 1641/2).

[130] Hamilton was at Holyroodhouse on 3 July, NRS, GD 406/1/1671. He was at Hamilton by 11 July, GD 406/1/1699, 1676, 1677, 1765, 10780. For Hamilton in Argyll, GD 406/1/1781 (Will Murray to Lanark, 10 September [1642]). The visit to Inverarry was the occasion of the first meeting between Hamilton's daughter and Argyll's son, *CSPD 1641–43*, 356 (Sir John Danvers to [Sir Thomas Roe], 18 July 1642); GD 406/1/1769 (Argyll to Hamilton, 16 August [1642]).

[131] NRS, GD 406/1/10780 (Charles I to Hamilton, 23 July 1642); GD 406/1/1751 (Argyll to Hamilton with a postscript by Cassilis, 28 July 1642). For Baillie's account of the assembly, Baillie, *Letters*, ii, 45–55.

[132] Baillie, *Letters*, ii, 45.

[133] NRS, GD 406/1/1741 (Loudoun to Hamilton, 30 July 1642); Stevenson, *Revolution*, p.250; Russell, *Fall*, pp.519–521; Burnet, *Lives*, p.251.

[134] NRS, GD 406/1/10774/14 ([Copy] Charles I to General Assembly, 23 July 1642). For another copy, GD 406/1/10774/16.

[135] NRS, GD 406/1/1741 (Loudoun to Hamilton, 30 July 1642). Loudoun also told Hamilton that the king could not blame the assembly for renewing their desire for unity of religion 'since they ar invited to it by the Parl: of England, and that his Matie knowes it was and still is the unanimous desyr of this kirk and kingdome'. Loudoun was correct, GD 406/1/10774/15 ([Copy] Commissioners of the General Assembly to [English parliament], 5 August 1642); GD 406/1/10774/17 (Commissioners of the General Assembly to [Scottish Council ?], 5 August 1642).

[136] Stevenson, *Revolution*, pp.251–252.

[137] For the progress of the initiatives concerning unity in religion and uniformity of church government to the end of 1642, *RPCS 2nd Series, 1641–43*, 316–318, 328–329, 330–332, 336, 341. Charles tried to derail the initiative while outwardly approving of it, NRS, GD 406/1/1688 ([Draft in Lanark's hand with corrections by the king] Charles

Dunfermline exerted negligible influence and perhaps in frustration let it be known that he would lay the blame for everything on his assessors, of whom Hamilton and Loudoun were the most notable absentees.[138]

Our inability to say accurately what occurred between the king and Hamilton at York is partly resolved by an undated seven point memorandum which Hamilton probably instructed his brother, Lanark, to submit to the king sometime in August.[139] In sum, Hamilton warned of Scottish fears that Charles would reverse what he had already granted in Scotland by force when the opportunity arose, and this was drawing 'sume actife men' into becoming more involved in the events in England.[140] More revealingly, the sixth point illustrated the limit to which Hamilton appeared willing to commit himself for the king:

> tho I can be of no great use to his Matti anie uheare yett I conceave more heare then att Yorke; for albeiett I still say I can undertake for nothing, yett I may posabilly be abill to prevent eivill if I can doe no good.[141]

Reading between the lines, Hamilton recommended that royal policy in Scotland should be limited to ensuring that the Scots did not take parliament's side in England and the first step in that direction was for the king to demonstrate his commitment to the Scottish settlement.[142] The relationship between the king and Hamilton is probably better illustrated by Charles's terse letter of 27 August, written five days after the raising of the royal standard at Nottingham:

> Hamilton/I have not tyme to wryte particulars, & to perswade you to serve me, or belive this bearer, I suppose that I have lesse neede then tyme; therfore, in a worde, this is a tyme to show you what you ar, assuring you that, at all tymes, I will show you that I am your most asseured constant frend.[143]

Despite stating that he could 'undertake for nothing' in his memorandum to the king, Hamilton had initiated a remarkable scheme to procure an invitation from the Scottish nation to Queen Henrietta Maria, who had been abroad since February, to return and mediate a peace in England between the king and parliament.[144] Lanark, Loudoun and Argyll were skilfully recruited to the project and when the conservators of the peace met on 23 September, they were quickly won over.[145] Consequently, the conservators drew up a letter of invitation to the queen guaranteeing her personal security as well as the free exercise of her religion and nominated Hamilton to travel to

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to Scottish Council, 26 August 1642); for another copy, GD 406/1/10774/12; GD 406/1/1781 (Will Murray to [Lanark], 10 September [1642]).

138 *Ibid.*

139 The paper is undated though internal evidence suggests that it was composed at this time, NRS, GD 406/1/M9/82/4. He may also have used one of his close servants to take it to York, Burnet, *Lives*, pp.249–50.

140 I am taking this from a reading of points 2 and 3.

141 NRS, GD 406/M9/82/4.

142 For such and assurance by the king addressed to Lanark, NRS, GD 406/1/1926 ([August/September 1642]).

143 NRS, GD 406/1/165 (Charles I to Hamilton, 27 August 1642). The bearer was Will Murray sent with new instructions to the king's supporters before the meeting of the commissioners for conserving the peace, GD 406/1/1690/2 (Charles to Hamilton, 28 August 1642).

144 NRS, GD 406/M9/82/4 (Memorandum, Hamilton to Charles, [August ? 1642]), point 5; GD 406/1/1743 (Loudoun to Hamilton, 15 August 1642); GD 406/M9/67/2. For the queen's flight abroad with a war chest, Fletcher, *Outbreak*, pp.228–229. The queen was a strong advocate of confrontation with parliament and Hamilton's identification of her as the key to settlement in England is significant.

145 They were also known as the conservators of the articles of the peace treaty, consisting of Scots and English nominees, who were to meet and ensure peace between the kingdoms during intermissions of parliaments. It was the commissioners of the general assembly who asked the Privy Council on 20 August to convene the conservators, *RPCS 2nd Series, 1638–43*, 316. The English parliament did not send its conservators, Stevenson, *Revolution*, p.252.

Holland and escort the queen home.[146] Presbyterian Scotland working with a Catholic queen was perhaps slightly incongruous, even if it had an unfortunate antecedent in Charles's grandmother, Queen Mary. Yet with Hamilton as the initiator it was entirely compatible with his political mentality. As we have so often seen, shared political or religious views was not an essential prerequisite in the marquis's political world. Sadly, Hamilton's inventive attempt at mediation fizzled out in October amidst squabbles over safe conducts, an unwillingness by some of the conservators to give offence to the English parliament and Charles's reluctance to trust the queen's safety to the Scots.[147]

Despite this failure, however, there was a discernible thaw in the relations between Hamilton and Charles in the last few months of the year and a corresponding frost in the friendship between Hamilton and Argyll. Hamilton's attendance at the Privy Council increased from 20 September which coincided with the commencement of the council's exchanges with the English parliament concerning 'unity in religion and uniformitie in church government in his Majesties three kingdomes'.[148] Although he probably tried to dampen enthusiasm for the declarations requesting religious unity, he still appeared reluctant to put his whole weight behind the king. On 3 November, for example, Hamilton did not attend the morning meeting of the council when Charles's letter responding to the calls for religious unity was read out, though he did attend the afternoon meeting and submitted a complaint against two of his corrupt tax collectors.[149] Nevertheless, on 2 December when Charles sent Lanark to bolster royalist support in Scotland, he told Hamilton 'you have given me just cause to give you better thankes then I will offer in words'.[150] Not only that, but Charles trusted Hamilton enough to make an extraordinary declaration of his intention in the civil wars:

> I have sett up my rest upon the justice of my cause, being resolved that no extreamitie or misfortune shall make me yeald; for I will eather bee a glorious king or a patient Martir; & as yet not being the first, nor, at this present aprehending the other, I thinke it now no unfitt tyme to express this my resolution unto you; one thing more (wch, but for the messenger, wer too much [to] trurst (*sic*) to Paper) the failing to one frend, hes, indeed gone very neere mee; wherefor I am resolved that no consideration whatsoever shall ever make mee doe the lyke; upon this ground I am certaine that God hes eather so totally forgiven me that he will still blesse this good cause in my hands or that all my punishment shall bee in this World … [and] my concience will make me sticke to my frends.[151]

The important Privy Council meetings of 20 December 1642 and 10 January 1643 were essentially a two round contest between Hamilton and Argyll which signalled the end of their partnership. Hamilton won the first round, but Argyll won the second and an enormous advantage for the rest of 1643. On 20 December, parliament's declaration of 7 November requesting military assistance from the Scots and Charles's letter of reply to parliament's declaration were debated.[152]

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[146] Burnet, *Lives*, p.257; NRS, GD 406/M9/67/2 (Memorandum to Charles I, [August–October, 1642); GD 406/1/1781 (Murray to [Lanark], 10 September [1642]); GD 406/1/1747 (Loudoun to Lanark, 1 October 1642).

[147] NRS, GD 406/1/1747 (Loudoun to Lanark, 1 October, 1642); Burnet, *Lives*, pp.257–258.

[148] *RPCS 2nd Series, 1638–43*, 317–331; NRS, GD 406/1/166/1 (Charles I to Hamilton, 17 October 1642). An improvement can be discerned from this letter. It should be noted that the Privy Council met irregularly at this time.

[149] *RPCS 2nd Series, 1638–43*, 331–334. The corrupt tax collectors were Richard Foullerton and James Thom.

[150] NRS, GD 406/1/167/1 (Charles to Hamilton, 2 December 1642).

[151] *Ibid.* That friend was very likely the earl of Strafford, executed on 12 May 1641, via a bill of attainder passed by both Houses with the death warrant signed by Charles.

[152] *RPCS 2nd Series, 1638–43*, 359–363. The debate can be reconstructed from *HMC Hamilton Supplementary*, 61–65 (John Pickering to John Pym, 25, 26, 28 December 1642 and 9 January 1642/3) which are good transcriptions of the originals, NRS, GD 406/1/1692/1-3; Baillie, *Letters*, ii, 57–58. Traquair's little known hand written account of the period from December 1642 to the signing of the Solemn League and Covenant is also very useful, Innerleithen,

After many acrimonious exchanges, Hamilton, Lanark and Southesk managed to force through an order by a vote of eleven to nine that only the king's letter was to be printed. This was an amazing victory for the royalists in Scotland and Charles heaped praise on Hamilton and Lanark for pulling it off.[153] But it caused a reaction unforeseen by Hamilton; in Baillie's words, 'this was a trumpet that wakened us all out of our deep sleep' the major fear being that at a subsequent council meeting Hamilton and Lanark would try 'by all the power they had, to gett through a warrrand for a leavie to the King'.[154]

Faction politics headed by Hamilton and Argyll characterised the period down to the next important Privy Council meeting on 10 January and beyond.[155] On the one side, Lanark began to publish royalist propaganda while Hamilton and Traquair renewed their old partnership and penned the Cross Petition, a paper essentially intended to 'cross' the growing number of petitions to the conservators of the peace tacitly supporting parliament's cause in England.[156] On the other side, Argyll, Wariston and the commissioners of the kirk were behind the pro-parliamentary petitions and pressed that parliament's declaration requesting military assistance be printed.[157] The Privy Council debated all these issues on 10 January and this time voted to print the English parliament's declaration of 7 November.[158] Argyll's faction had won the day and the second round. Next day, the conservators of the peace decided to supplicate the king that all papists in arms in England be disbanded and to ask Charles to call a parliament in Scotland. In addition, the king and the English parliament were to be pressed for the removal of episcopacy as a precursor to religious unity.[159] On 18 January, Loudoun, Lindsay, Wariston, Robert Barclay and Alexander Henderson (a later addition) were commissioned to go to the king and the English parliament with the religious demands and to request a Scottish parliament from Charles.[160]

Meanwhile, Hamilton continued to fight the king's corner in the Privy Council in Edinburgh after Lanark followed the commissioners to Oxford.[161] As well as the Cross Petition, Hamilton masterminded another petition in February; this time the petition was to the king asking him to dispense with the annuity of the tithes which would relieve his subjects of a financial burden and make them look more favourably on the king.[162] It would also bind the many beneficiaries to

Traquair mss, 14/26 ('Relation Concerning sume passagis of business in Scotland'). See also, Stevenson, *Revolution*, pp.256–258.

153 NRS, GD 406/1/168/1 (Charles to Hamilton, 29 December 1642). Hamilton and Lanark were clearly working as a powerful double act, but see GD 406/1/1772.

154 Baillie, *Letters*, ii, 58. Pickering used the same analogy to Pym, 'the printing of the Kings letter hath awakened those that have bene asleepe ever since the pacificatione', *HMC Hamilton Supplementary*, 65.

155 Baillie talks of 'faction' and Burnet talked of contemporary labels, 'Argyle's party' and 'Hamilton party', Baillie, *Letters*, ii, 59; Burnet, *Lives*, p.262.

156 Innerleithen, Traquair mss, 14/26 ('Relation Concerning sume passagis of business in Scotland'); Baillie, *Letters*, ii, 59–61. The Cross Petition is printed in Burnet, *Lives*, pp.263–267. It cleverly embraces the thinking of the National Covenant, then widens the net to talk of 'we British subjects' while endorsing unity of religion with due caution for the different traditions in the two kingdoms. It also talks of Charles's 'unparalleled lineal descents of an hundred and seven kings' and the 'dutiful obedience which as Scottish men we owe to our Scottish king'. For Lanark publishing royalist papers and the Argyll faction's successful move to have the publications stopped, *RPCS 2nd Series, 1638–43*, 370–372.

157 Innerleithen, Traquair mss, 14/26 ('Relation Concerning sume passagis of business in Scotland')

158 *RPCS 2nd Series, 1638–43*, 372–374.

159 NRS, GD 406/1/M9/28/8 (Minutes of the commissioners for conserving the articles of the treaty, 11–18 January, 1643). Hamilton opposed the move to have papists disbanded declaring 'he thought not this demand fitting at this tyme'. See also, *RPCS 2nd Series, 1638–43*, 376.

160 NRS, GD 406/1/M9/28/8 (Minutes of the commissioners for conserving the articles of the treaty, 11–18 January, 1643); Stevenson, *Revolution*, pp.259–261. There was also a request for a council of divines. Wariston eventually stayed behind as Charles refused to extend him a safe conduct.

161 *RPCS 2nd Series, 1638–43*, 374–404; NRS, GD 406/1/1821 ([Draft] Hamilton to Charles I, 16 January 1642/3); GD 406/1/1822 ([Draft] [Hamilton] to Charles, 23 January 1642/3).

162 The petition is printed in Burnet, *Lives*, p.270 (16 February 1643); Innerleithen, Traquair mss, 14/26 ('Relation Concerning sume passagis of business in Scotland'); Burnet, *Lives*, p.269–271.

Hamilton's faction. Not surprisingly, the petition had wide popular appeal and was subscribed in many parts of the country.[163] Typically, however, Hamilton also had an underlying motive. Loudoun had purchased the annuity of the tithes from the king and so if they were discharged, then the chancellor would suffer.[164] Evidently, this was an attempt by Hamilton to bring Loudoun to heel and the petition encountered fierce opposition in the Privy Council, making it yet another trial of strength between Hamilton and Argyll.[165] But the matter was never fully resolved as Charles chose to delay giving his answer and so the threat to Loudoun remained.[166]

There is little doubt that Hamilton's royalist agenda had rankled Argyll, Loudoun, Wariston and the commissioners of the kirk and shook them out of their complacency. Hamilton had made some novel attempts to improve the image of royalism in Scotland, not least by the invitation to Henrietta Maria and the petition for the discharge of the annuity of the tithes. Yet this was not done with the overblown confidence for which Hamilton has been condemned by historians from Gardiner to Stevenson.[167] On the contrary, he regularly reminded the king that he could undertake nothing, that he could be of little use, that he could only try and prevent evil.[168] Hamilton had many faults, but a lack of political foresight was not amongst them. Above all, he was trying to keep the political agenda open; he was trying to keep the political nation pre-occupied so that the slide towards alliance with the English parliament was probable rather than inevitable. To further these ends Hamilton and Traquair set out for the court at Oxford on Friday 3 March, shortly after news reached Edinburgh that the queen had arrived back in England.[169]

V

The widespread belief that the English Civil War would be decided by a single military engagement was disappointed on 23 October 1642 when the battle of Edgehill was drawn.[170] Only for the duration of the battle was the English Civil War a contest between an English king and an English parliament. In the aftermath, the British dimension crowded in once again. On 7 November, as we have seen, the English parliament requested military assistance from Scotland and Charles countered through Hamilton and Lanark while Montrose hovered in the background. In the first quarter of 1643, Charles instructed the marquis of Ormond to treat with the Catholic confederates for a twelve month cessation in Ireland, and immediately this was agreed Ormond was to 'bring over the Irish army to Chester'.[171] Quite apart from fears that Charles would force a reversal of the Scottish settlement if he was victorious in England, Hamilton's efforts in Scotland would have been completely undermined if news that Charles was treating with Irish Catholic rebels became public.[172] That Charles was also considering ceding Orkney and Shetland to the king of Denmark for military assistance in England suggests that his dealings with Irish Catholics was no mere diplomatic abnormality.[173]

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163 Baillie, *Letters*, ii, 60.
164 Baillie, *Letters*, ii, 59–60.
165 Baillie, *Letters*, ii, 63–64.
166 *RPCS 2nd Series, 1638–43*, 394 (16 February), 404 (1 March); Burnet, *Lives*, p.269, 271; Innerleithen, Traquair mss, 14/26.
167 For example, Stevenson, *Revolution*, p.249; Gardiner, *History of The Great Civil War*, i, 125.
168 See above and NRS, GD 406/1/1821, 1822.
169 Thompson, *Diary of Hope*, p.186; Baillie, *Letters*, ii, 64.
170 Woolrych, *Britain In Revolution*, pp.238–240.
171 Gardiner, *Civil War*, i, 110–125, esp.125. The words are the king's to Ormond quoted by Gardiner.
172 This came out when Antrim was captured by the Scots in Ireland for a second time in May 1643, and was made use of in the convention of estates in June/July 1643, *APS*, vi,i, 7–9.
173 M. A. E. Green, ed., *Letters of Henrietta Maria*, pp.209–210 (Henrietta Maria to Charles, 27 May 1643).

It is unlikely that Hamilton knew much about the negotiations in Ireland and Denmark.[174] Instead, the main obstacle to following his policy of peaceful resistance in Scotland came from a group of militant Scottish royalists headed by the earls of Montrose, Nithsdale and Lord Aboyne. In effect, Charles had two policy options to follow in Scotland in the spring of 1643. He could either back Hamilton's attempts to recruit moderate Covenanters into a Scottish royalist party following a policy of non-alignment in England peppered by assurances that the Presbyterian settlement was safe in Charles's hands. Or he could allow the Montrose band to pre-empt an alliance between Scotland and the English parliament by initiating a royalist rising in Scotland, supported by an invasion of west Scotland from Ireland by the earl of Antrim, leader of the exiled MacDonald clan.[175] Montrose had worked hard at York to convince Henrietta Maria that a pre-emptive rising was the only viable policy, yet Hamilton persuaded both the king at Oxford and the queen at York to support his way. Once again, he had outmanoeuvred Montrose and the verdict amongst the Scots at York is worth recording: 'Montrose … is a generous spirit, but hes not so good an head-piece as Hamilton'.[176] A further endorsement of Hamilton's position as chief agent of royalist policy in Scotland came on 12 April when Charles created him duke of Hamilton, marquis of Clydesdale, earl of Arran and Cambridge, Lord Aven and Innerdale.[177] But for unknown reasons the elevation was not made public until November.[178]

The importance of Henrietta Maria in the king's counsels was underlined not only by the fact that Hamilton and Montrose competed at York to win her approval for their rival policies, but that on his return to Edinburgh in late March Hamilton directed most of his correspondence to her, not the king.[179] Indeed, in collaboration with the queen, he tried to win Argyll over to the royalist cause and to get an assurance from General Leven that the Scottish army in Ulster would not be used against the king in England.[180] In April 1643, as in May 1638, Hamilton requested that all his countrymen at court be sent home to bolster the royalist party in Scotland.[181] Montrose, Angus, Montgomery and Ogilvy had already returned from York about the same time as the marquis, though Montrose absolutely refused to work with Hamilton. However, around mid-May, a more congenial band of royalists left Oxford for Edinburgh amongst them Morton, Roxburgh, Lanark, Annandale, Kinnoul, Carnwath and Dunfermline.[182] In addition, the commissioners sent in February to the king by the conservators of the peace arrived back in Edinburgh just in front

[174] He probably had a vague idea that the queen was making approaches for foreign aid, NRS, GD 406/1/9601 (Henrietta Maria to Hamilton, 27 May [1643]).

[175] Bodleian Library, Oxford, Carte mss, v, 366–367 ([Sir Robert Poyntz] to Ormond, 1 June 1643); Baillie, *Letters*, ii, 60, 67; Burnet, *Lives*, pp.271–272; Gardiner, *Civil War*, i, 125–127; Stevenson, *Revolution*, pp.264–265. I am very grateful to Billy Kelly for providing me with a transcript of the Poyntz letter.

[176] Bodleian Library, Oxford, Carte mss, v, 366–367. Poyntz was telling Ormond what the Scots at York had told him.

[177] G. E.C, *Complete Peerage*, ii, 260.

[178] The creation does not appear to have been made common knowledge as Sir Thomas Hope only heard of it on 1 November, the day before the patent was enrolled, Thompson, *Diary of Hope*, p.198; *RPCS 2nd Series, 1644–1660*, 10 (2 November). Charles's instructions to the royalists in Scotland carried by Lanark and dated 21 April addressed Hamilton as 'marquis', Burnet, *Lives*, pp.281–282. Hamilton was also registered at the convention of estates as a marquis, *APS*, vi, i, 3. On 28 September, Charles addressed a letter to 'marquis Hamilton', NRS, GD 406/1/169/1. Hamilton confessed to Morton that he put the patent forward on 2 November to the privy council 'not without sume scruples', NLS, Morton Papers, 79/82 (4 November [1643]). Charles may have regretted making Hamilton a duke, NRS, GD 406/1/175. For the drafts of Hamilton's letters of gratitude to Charles, GD 406/1/11141A, 11140A.

[179] See for example, NRS, GD 406/1/1838 ([Drafts] Hamilton to Henrietta Maria, 3 & 4 April [1643]); GD 406/1/1823 ([Copy] Hamilton to Henrietta Maria, 21 April 1643); GD 406/1/9599 (Henrietta Maria to Hamilton, 17 May [1643]); GD 406/1/9603 (Henrietta Maria to Hamilton, [mid April ? 1643]).

[180] NRS, GD 406/1/1838, 1823, 1828, 9603.

[181] NRS, GD 406/1/1823 ([Copy] Hamilton to Henrietta Maria, 21 April 1643).

[182] Baillie, *Letters*, ii, 67–68. I am dating the Oxford royalists return from NRS, GD 406/1/1846 ([Copy Lanark with additions by Hamilton to Charles] 18 May 1643).

of the Oxford royalists.[183] The commissioners had received a cold welcome at Oxford and were shamelessly delayed for three months before they were recalled by the conservators of the peace.[184] Their offer of mediation in England as well as their request for a Scottish parliament had been firmly refused.[185]

The commissioners' report of their poor treatment at Oxford prompted Argyll to call a joint meeting of privy councillors and conservators of the peace and commissioners for common burdens which met on 12 May.[186] Unfortunately, some of the Oxford royalists were not back in time to attend the meeting, nor did Lanark arrive until 15 May with the king's instructions.[187] So the meeting was a one sided affair and, despite protests from Hamilton and the lord advocate, Sir Thomas Hope, it was unanimously agreed to summon a convention of estates to meet on 22 June without the king's consent.[188] The Argyll faction had now gained the initiative through skilful exploitation of fears of papists in arms in England, the consequent danger to domestic religion and liberty, and the omnipresent dangers in Ireland.[189] Yet Hamilton and Lanark fought back and dominated the Privy Council meeting of 1 June. At that meeting it was agreed to publish the king's declaration (which Lanark had not arrived in time to present to the joint meeting on 12 May) condemning the English parliament's attempts to draw Scotland into the war in England.[190] The instructions which Lanark carried to Edinburgh on 15 May were aimed at peaceful resistance to Scottish intervention in England and, similar to the policy of 1638, the royalists were to string things out for as long as possible before hazarding a rupture.[191] They were not to be the first to break the treaty of 1641.[192]

Hamilton's delicate, perhaps over cautious, royalist policy was dealt a serious blow in early June by revelations of Catholic plots to effect a royalist rising in Scotland. Antrim, Nithsdale and Aboyne were the main protagonists though Henrietta Maria, Huntly and Montrose were also involved.[193] These revelations corroborated the fears in the previous months of the likely consequences of papists in arms in England and of the designs of the rebels in Ireland. To some, it was further proof that the papist was on the march in the three kingdoms. As a result, Hamilton's and Lanark's vocal support for the king's many assurances that religion and liberties were secure rang hollow on the eve of the convention of estates. Furthermore, the request by the English parliament to have the Oxford royalists – Morton, Roxburgh, Annandale, Kinnoul, Lanark and Carnwath – charged

[183] NRS, GD 406/1/9603, 1823. The commissioners were Loudoun, Lindsay, Robert Barclay and Alexander Henderson. Lindsay went to London to continue his efforts to get funds and supplies for the Scots army in Ireland, Stevenson, *Revolution*, p.262.

[184] They were recalled on 31 March, NRS, GD 406/1/10774/33 ([Conservators of the Peace] to commissioners at Oxford, 31 March 1643). It was widely feared in Scotland that the commissioners were being detained as prisoners at Oxford and were in physical danger, GD 406/1/1823 ([Copy] Hamilton to Henrietta Maria, 21 April 1643); Baillie, *Letters*, ii, 65–67. See also, Stevenson, *Revolution*, pp.261–263.

[185] Charles's final and very clever answer to the commissioners before they left Oxford is printed in Burnet, *Lives*, pp.272–275 (19 April). And for another declaration promising security of the Presbyterian settlement, NRS, GD 406/1/1876 (21 April).

[186] Baillie, *Letters*, ii, 68–69; *RPCS 2nd Series, 1638–43*, 426–428. For Lanark's and Hamilton's version of events, NRS, GD 406/1/1846 ([Copy Lanark with additions by Hamilton] to Charles I, 18 May 1643). For Traquair's version, Innerleithen, Traquair mss, 14/26 ('Relation Concerning sume passagis of business in Scotland').

[187] NRS, GD 406/1/1846 ([Copy] [Lanark with additions by Hamilton] to Charles I, 18 May 1643).

[188] *Ibid.* Hamilton was immediately reminded to attend the convention 'all excuse set asyde', NRS, GD 406/1/10787 (Loudoun, Cassilis, Balmerino & three others to Hamilton, 13 May 1643).

[189] For the letter informing Charles of the decision and his response, Burnet, *Lives*, p.280 (Councillors and Conservators to Charles I, 2 May 1643); *RPCS 2nd Series, 1638–43*, 429–434.

[190] *RPCS 2nd Series, 1638–43*, 429–434.

[191] The instructions are printed in Burnet, *Lives*, pp.281–282.

[192] That the Scots had broken the treaty was something that Charles constantly emphasised in the wake of the Solemn League and Covenant, NRS, GD 406/1/10774/29 (Charles to [Conservators of the Peace?] 26 September 1643).

[193] *RPCS 2nd Series, 1638–43*, 436–438; Baillie, *Letters*, ii, 72–75; Stevenson, *Revolution*, pp.270–275.

as incendiaries was discussed at the Privy Council on 20 June and hit a royalist movement which was already on its knees.[194]

With the royalists softened up beforehand, the convention of estates was a less even contest than it might have been. Yet it was still the case, as it had been since at least the beginning of the year, that members had initially to fall in behind either Hamilton or Argyll. At the first meeting, the king's letter was read out restricting the convention to discussions of how to maintain the Scots army in Ireland and how to get repayment of the brotherly assistance from the English parliament. Above all, the convention was not to 'medle with the affaires of England'.[195] As Professor Stevenson has demonstrated, the profile of the convention was clearly shown on 24 June by the membership of the committee to draw up an act of constitution defining the convention's powers.[196] Put simply, the committee would decide whether the convention should obey the king's restrictions or not. The membership of the committee showed that Hamilton had most of the nobility behind him, but Argyll had the overwhelming support of the other two estates, the lairds and the burgesses.[197] And so on 26 June, the committee concluded that the convention had power 'to treate, consult and determine in all matters that shall be proposed unto them'.[198] This effectively handed control of the convention to Argyll and from that day Hamilton never returned to the house.[199] Technically, once the convention had ignored the king's limits on its remit then, like the nullities of the Glasgow Assembly in 1638, those who accepted the king's power to constitute assemblies could not sit on any longer. But this meant that the king did not have his most effective politician present, leaving his potential supporters leaderless. By trying to restrict the convention's remit so absolutely, Hamilton, and Charles, had foolishly manoeuvred themselves into a corner and out of the parliament house.

The convention of estates sat on without Hamilton and the other royalists who had chosen not to participate. In their absence it busied itself with Antrim's plot, in preparing for the trial of Traquair and Carnwath and in liaising with the general assembly concerning the dangers to religion.[200] A fair head of Presbyterian steam had been generated by the time the long-awaited commissioners from the English parliament arrived in early August requesting 'mutuall defence against the papists and prelaticall factioun and their adherents in both kingdoms'.[201] In just over a week, the Solemn League and Covenant was drawn up – a military alliance to satisfy the English and a coalition for uniformity of church government in Britain to satisfy the Scots.[202] Around the same time, the country was put onto a war footing and a national tax to assist the Scots army in Ireland was levied. By the end of August the plan to levy and finance a Scots army to march into England was also well underway.[203]

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194 *RPCS 2nd Series, 1638–43*, 450–452; Baillie, *Letters*, ii, 77–78. The Oxford royalists had apparently sent a letter to the queen advising on military strategy in England. The rapidly crumbling state of the royalist movement in Scotland was described by Lanark, NRS, GD 406/1/1840 ([Draft] Lanark to Henrietta Maria, [15–17 June ? 1643]) and Hamilton, GD 406/1/1848 ([Copy] [Hamilton to Will Murray] 5 June 1643).

195 Baillie, *Letters*, ii, 76–77; Innerleithen, Traquair mss, 14/26 ('Relation Concerning sume passagis of business in Scotland').

196 Stevenson, *Revolution*, pp.276–278.

197 *APS*, vi, i, 5–6; Stevenson, *Revolution*, p.277. The committee was made up of eight from each estate and the nobles voted for Hamilton, Argyll, Morton, Roxburgh, Lauderdale, Southesk, Lanark, Calendar and Balmerino.

198 *APS*, vi, i, 6.

199 Baillie, *Letters*, ii, 77. On 4 July, Chancellor Loudoun requested Hamilton's attendance at the convention on the tenth, NRS, GD 406/1/1893 (Loudoun to Hamilton, 4 July 1643).

200 *APS*, vi, i, 6–23. Other royalists such as Huntly, Herries, Ogilvy and Banff were issued with citations.

201 The English commissioners were the earl of Rutland, Sir William Armyn, Sir Henry Vane younger, Thomas Hatcher and Henry Darley, *APS*, vi, i, 23–24. They were accompanied by two English ministers Stephen Marshall and Philip Nye.

202 *APS*, vi, i, 6–23, 23–43. The Covenant is at 41–43. Quite simply, both sides got what they wanted: the English got their military alliance and the Scots got their religious coalition.

203 *APS*, vi, i, 43–59; Innerleithen, Traquair mss, 14/26 ('Relation Concerning sume passagis of business in Scotland'). For Baillie's version, *Letters*, ii, 76–101. For a detailed narrative, Stevenson, *Revolution*, pp.284–291.

When Hamilton walked out of the convention of estates on 26 June 1643, his political career was virtually over until his release from prison in June 1646. On 10 July, he lamely told the queen 'that tho the stat of affaires heare be far otheruayes then I could uish, yett I was nevir so hoopfull as att this present that no forsis uill cume frome hence this sumer in to Ingland to disturb his Maties affaires'.[204] With characteristic caution, Hamilton added that arrangements should be made nevertheless just in case he was wrong. Hamilton and Lanark had often promised that they would oppose a military expedition against the king by force, but always stressed that they had neither the men nor the ammunition.[205] At most, he had undertaken that no Scots forces would enter England in 1643 and nothing else.[206]

From August to November Hamilton appeared almost totally devoid of ideas, just as he had been after he left the Glasgow Assembly in 1638, after the Scottish invasion of 1640 and after the Incident of 1641. His political momentum had ran into the sand once again. On 6 October he wrote to the earl of Morton in terms that echoed his dilemma on the eve of the civil war in England:

> Nou seaing the resolutiounes so posatife that ar taken a gainst us nesessatie emforsis eather a going out of the Countrie, or giving obediance (uhich my contience uill not suffer me to doe) or resisting uhich I sea not posabilly ue can. Housoever I have resolved to goe for kelso to speake uith thoes thatt uill be ther, ther efter for oght I yett knoes [I] uill not stay loong in this kingdome if I can not be permitted to live uithout joyning in this Covenat. I meane yett to trye itt tho I have small hoopes to obten itt.[207]

In early November, a royalist force of around a thousand assembled at Kelso using lady Roxburgh's funeral as a pretext (to which Hamilton referred above).[208] Yet though they could perhaps have taken Berwick and linked up with the earl of Newcastle, they dispersed in some confusion.[209] Hamilton must take part of the blame for being so unenthusiastic about making even a token gesture on behalf of the king. As we have seen so often since 1638, he did not have the stomach for the military contest in mainland Britain. Mainly this was because he was unable to choose which side to fight for, but it was also because he was a politician, a conciliator – someone who tried within the limits of the possible to find settlement. When the fighting started Hamilton had failed.

Like the National Covenant, the Solemn League and Covenant was to be subscribed by the political nation and Hamilton and the other royalists were ordered to subscribe.[210] After repeatedly refusing to sign, Hamilton, Lanark, and the others were declared enemies of the state in mid-November and were ordered to be arrested and their estates sequestered.[211] With nowhere else to go, Hamilton and Lanark left for court at the end of November and were arrested around

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[204] NRS, GD 406/1/1827 ([Draft] Hamilton to Henrietta Maria, 10 July [1643]). This letter is wrongly dated a month earlier by Burnet, probably deliberately, *Lives*, pp.293–294.

[205] See for example, NRS, GD 406/1/1840, 1848, 1827, 1828; NLS, Morton Papers, 79/89 (Hamilton to Morton, 6 October [1643]); Burnet, *Lives*, pp.318–319.

[206] Hamilton stressed this when answering the charges against him at Oxford, Burnet, *Lives*, pp.340, 343 (Answer to Article vii). See also, NRS, GD 406/1/1828.

[207] NLS, Morton Papers, 79/89 (Hamitlon to Morton, 6 October [1643]).

[208] NRS, GD 406/1/945 (Hamilton to [?], 29 October 1643); Burnet, *Lives*, p.320; Stevenson, *Revolution*, p.292. Lady Roxburgh was a Catholic.

[209] Philip Warwick, *Memoires of the Reigne of King Charles I* (London 1701), pp.266–268.

[210] *RPCS 2nd Series, 1644–60*, 6, 10. Those councillors who had not already done so subscribed the Covenant on the morning of 2 November. In the afternoon Hamilton's patent to be a duke was presented to the council. On 13 October, the Committee of the Convention of Estates and the Committee of the General Assembly signed the Covenant in St Giles Kirk. Robert Douglas preached on 2 Chron. xv.12 and Stephen Marshall preached 'to that samyn end' after him, Thompson, *Diary of Hope*, p.197.

[211] NRS, GD 406/M9/28/11 (Order of Committee of Estates, 17 November 1643); Stevenson, *Revolution*, p.291. The main refusers still in Scotland were Hamilton, Roxburgh, Morton, Kinnoul, Southesk and Lanark. By 16 November only Southesk had signed.

16 December outside Oxford by order of the king.[212] The decision to arrest them may have been taken late on, for on 28 September Charles still assured Hamilton 'that no ill offices hes had the power to lessen my confidence in you or my estimation of you'.[213] But there was clearly pressure to have Hamilton removed and it should come as no surprise that the charges of treason against him were submitted by Montrose, Nithsdale, Ogilvy and Aboyne – the proponents of a royalist rising in Scotland.[214] At that level, therefore, Hamilton's incarceration symbolised a change of crown policy towards Scotland from constitutional opposition to fire and sword, to military uprising. The ways of Montrose had now won over the king and queen, yet only when it was clear that Scotland would not stay out of the English Civil War. And, moreover, when it was clear that the king would not defeat the English parliament in 1643.[215]

The eight articles that made up the charge of treason submitted against Hamilton included the same old accusations stretching back to 1631.[216] It was claimed that he had betrayed the king from the beginning of the troubles and that he had fomented the unrest to forward his right to the Scottish crown.[217] Given the accusers, the charges were a mixture of malicious hearsay and vindictiveness most of which could never legally be proved and Hamilton's answers to them demolished each in turn. But there was no real intention to put him to a trial.[218] He was imprisoned in Pendennis Castle in Cornwall between December 1643 and June 1646 not only because his ways were no longer acceptable to the hard-nosed royalists around the king, but above all because Montrose demanded it as a pre-requisite to his assault on Scotland. The two noblemen detested each other, so if one was ascendent in the king's affections then the other must suffer. Yet it was perhaps fitting that Hamilton, a politician down to his finger-tips should spend the bloodiest period of the British Civil Wars in prison. That the prince Palatine's brother, Rupert of the Rhine, replaced Hamilton as master of the horse was as ironic as it was pleasingly appropriate.

[212] They were at Newcastle on 4 December, NRS, GD 406/1/1923 (earl of Newcastle to Hamilton, 4 December 1643); W.R.O., Feilding of Newnham Paddox mss, CR 2017/R9 (Petition to Oxford parliament, [1644]); Burnet, *Lives*, p.322.

[213] NRS, GD 406/1/169/1 (Charles I to Hamilton, 28 September 1643). The letter is in Charles's hand and is addressed to 'marquis Hamilton'. See also, GD 406/1/1907 (Murray to Hamilton, 19 September [1643]); GD 406/1/1824 ([Copy] Hamilton to Charles I, 10 October 1643); GD 406/1/1839 (Hamilton, Southesk and Morton to Charles I, [October 1643]).

[214] *CSPD 1641–43*, 510 (George, Lord Digby to duke of Lennox and Richmond, [30] December 1643). See below.

[215] A quick conclusion to the contest in England was the basis of Hamilton and Lanark's policy of keeping Scotland non-aligned in 1643, NRS, GD 406/1/1840 ([Draft] Lanark to Hentietta Maria, [June 1643]).

[216] The articles and Hamilton's answers to them are printed in Burnet, *Lives*, pp.324–346.

[217] It was rumoured that the king had written to Ochiltree, who was still imprisoned in Blackness Castle for accusing Hamilton of treason in 1631, to further Hamilton's 'destruction', Baillie, *Letters*, ii, 138.

[218] Hamilton constantly requested a legal trial. See for example, NRS, GD 406/1/1924 (Hamilton to Lord Digby, 23 December 1643); GD 406/1/1841 ([Draft] Hamilton to Digby, 28 January 1643/4); Gd 406/1/1870 (Digby to Hamilton, 13 February 1643/4); W.R.O., Feilding of Newnham Paddox mss, CR 2017/R9 (Petition to Oxford parliament, [1644]). See also, GD 406/1/1819, 1872, 1930, 1931, 11144A.

PART 3

CHAPTER 9

An Uncovenanted King, 1644–1647

I

Hamilton's own account of his arrest at Oxford is a poignant tale of his final, desperate attempts to gain access to Charles I in order to counter the accusations of the Montrose circle.[1] This episode would not be like the Ochiltree affair in the summer of 1631, when he arrived at Court from Scotland with allegations of a plot thick in the air. On that occasion he spent the night alone with the king in the bedchamber, a striking display of absolute trust from Charles. By contrast, there was confusion from the moment that Hamilton's extensive retinue arrived at the gates of Oxford on Saturday 16 December. A final decision had not been taken over what was to be done with the duke and his brother.[2] It seems that he was to be arrested at the gates of the town, but the guards believed he was travelling in the coach in the middle of the train, when, in fact, he was on horseback at the front and was allowed to pass into the town. A bedraggled group of guards eventually caught up with him at Sir James Hamilton's lodgings. Secretary Edward Nicholas and Sir Arthur Aston, the governor of Oxford, interviewed him in the early evening, and shortly after midnight a guard was put around his lodging with instructions that no one was to speak to him.

Like the proverbial bad penny, Will Murray appeared the next morning and carried Hamilton's account of the Solemn League and Covenant negotiations in Scotland back to the king. Remarkably, Murray returned in the evening with a rough copy of the charges against Hamilton, even before they had been drawn into a legal document.[3] Earlier the same day, Susan, countess of Denbigh, Hamilton's mother-in-law, and his cousin the earl of Abercorn visited, but they were

[1] NRS, GD 406/2/M9/125.

[2] A deposition taken after Hamilton's death claimed that he was to be arrested at York, which may account for some of the confusion when he arrived at Oxford, M. A. E. Green, *Calendar of the Proceedings of the Committee for Compounding, 1643–1660* 5 vols (London, 1889–1892), IV, 2425.

[3] Burnet, *Lives of the Hamiltons* (1852), p.323.

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only allowed to speak to him in the presence of Aston. It was not until Wednesday 20 December that Hamilton was separated from his numerous servants, formally arrested and made a close prisoner. Over those five days, therefore, a decision was made to imprison the duke and he was removed from Oxford to Pendennis Castle, Cornwall, without ever seeing or speaking to the king. The fact that he had already summoned legal counsel and was constructing his defence to the charges when he was taken out of Oxford was typical of the workaholic duke.[4]

Lanark fared better than his brother, since he was viewed as a willing accomplice rather than the wellspring of the Hamilton faction's machinations. This impression was, perhaps, reinforced by his heartfelt plea to the queen that he be imprisoned with his elder brother.[5] Nonetheless his request fell on deaf ears, and on the night before he was to be sent a prisoner to Ludlow Castle in Wales, Lanark, with the aid of his page, Robert Kennedy, escaped from Oxford and made his way to Windsor. He sought out Hamilton's old friend, the earl of Essex and was conveyed by him to the English parliament and the Scots commissioners in London.[6] Within a few months, Lanark was back in Scotland, had taken the Solemn League and Covenant and was quickly drawn into the inner circle of the Scottish regime.[7] Robert Baillie even gave up his chamber and bed to the repentant young earl when he first arrived in Edinburgh.[8]

Lanark's escape weakened the duke's case for leniency and the guard around him tightened like a vice.[9] He was initially refused pen and paper, save to petition the king; he was not allowed daily exercise and he had all of his servants taken from him. After numerous petitions to Charles, the restrictions on his confinement were eased and he was allowed occasionally to let servants travel to London and Oxford on the understanding that they would conduct his private business only.[10] On all occasions, he was to speak to servants not resident with him in the presence of the governor of Pendennis Castle. The only contact with Charles was through George, Baron Digby, with whom he conducted a frustrating, and somewhat risible, correspondence.[11] Hamilton's main aim was to be brought to a trial, or failing that to have the restrictions on his confinement eased; whilst Digby, who was in awe of Montrose's spectacular successes in Scotland and rather fancied himself an expert on the affairs of Charles's Northern Kingdom, tried to persuade the duke to use his influence to further Montrose's ends. If that was not insult enough, Digby opened a second front suggesting that Hamilton could make his 'powerfull friends and dependents' in the Scottish army in England reconsider their positions.[12] Even whilst imprisoned in a remote castle perched above Falmouth harbour, Hamilton, ever the gentleman, politely declined Digby's ridiculous proposals.[13]

Digby was not the only one to kick a man when he was down. On 22 June 1644, John, earl of Crawford-Lindsay, lord treasurer of Scotland, who had just left the earl of Essex's army following the siege of Lyme, and who was now at 'our leaguer before York', scolded his brother-in-law telling him that he had ended up where he was 'because your desyr was moir to serve the king than

[4] *Ibid*, p.347.
[5] NRS, GD 406/1/1842 (Lanark to [Digby?], 7 January, 1644).
[6] Meikle, Henry *Correspondence of the Scots Commissioners in London 1644–1646* (Edinburgh, 1917), p.6.
[7] NRS, GD 406/2/M1/155 (16 April, 1644. Extract copy of the Act of the Estates); APS, VI, I, 88–9, and *passim*.
[8] Baillie, *Letters and Journals*, ii, 138.
[9] NRS, GD 406/1/1870 (Digby to Hamilton, 13 February, 1644).
[10] NRS, GD 406/1/1872 (Digby to Hamilton, 10 March 1644); GD 406/1/1933 (Digby to Hamilton, 5 April 1645); GD 406/1/1934 (Digby to Hamilton, 13 June 1645); GD 406/1/1929 (Digby to Hamilton, 23 September 1645).
[11] For example, NRS, GD 406/1/1924 (Digby to Hamilton, 23 December 1643); GD 406/1/1841(Hamilton to Digby, 28 January 1644); GD 406/1/11144A (Hamilton to Digby, 14 August 1644); GD 406/1/1928 (Digby to Hamilton, 17 August 1644); GD 406/1/1929 (Digby to Hamilton, 23 September 1644); GD 406/1/1930 (Digby to Hamilton, 4 April 1644); GD 406/1/1931 (Digby to Hamilton, 19 May, 1644).
[12] NRS, GD 406/1/1932 (20 Jan 1645); GD 406/1/1933 (5 April, 1645).
[13] NRS, GD 406/1/1934 (13 June 1645).

god'.[14] It is unclear whether the patronising suggestions of the upstart Digby or the godly barbs of a brother-in-law intoxicated by the military manoeuvres with Essex crushed Hamilton's spirit further, but it is clear that his incarceration wrought significant changes in his attitude over a range of issues, both personal and political.

Hamilton busied himself with a number of activities whilst in prison, including compiling a listing of his beloved pictures, working with his old tutor Dr James Baillie and his Secretary Lewis Lewis on his deplorable handwriting, and more significantly he devoted himself to reading the Bible.[15] Returning to the 'rock of ages', as Burnet called it, was bound up with Hamilton's reassessment of his past predilection for the dazzling charms of the court and the pursuit of wealth and power. It was this desire that had led to the present nadir in his fortunes. Word even reached Edinburgh about the duke's renewed commitment to scripture and it was the first thing that Lanark commented upon when Hamilton got out of prison.[16] After his treatment at the hands of the king and his hard-line associates, such as Montrose and Digby, it is hardly surprising that Hamilton's reconsideration of his trajectory in life included a more cynical view of Charles and a deep ennui with the political process in general.

Irrefutable evidence for these changes was to be found in Hamilton's first actions following his release from prison. His liberation was occasioned by the surrender of the castle of St Michael's Mount to the forces of the victorious parliamentary general, Sir Thomas Fairfax, on 15 April 1646.[17] Hamilton had probably been moved there a few months before to accommodate Charles, prince of Wales, who took refuge in Pendennis Castle before fleeing to the Scilly Isles. Like his brother before him, Hamilton made his way towards London and was at Hampton Court, of which he was steward, on 12 May, where he was reunited with his youngest daughter, Susanna.[18] His first two letters as a free man, which were both written on 20 May, are revealing. The first was to his eldest daughter Anna, who was in Scotland and whom he addressed by her nickname:

> Nane,[19]
> God hath not only delivereded me from preson & the hands of my enimis but given me the hapines of manie of my friend[s] heare and your sister sun [Susanna]. I hope eare long to sea you.
> Your louing father.[20]

The second was to Edward Montague, earl of Manchester, speaker of the House of Lords, which was read in the upper house on the day it arrived:

> My Lord
> After a tedious imprisonment of two years and four months, and the unjust oppressions of many enemies, I am arrived here; and next under God must acknowledge my Liberty to the arms and great success of the Parliament of England. This benefit of freedom, besides the being taken out of the hands of my enemies (who sought after my life and destruction), is of that great value and concernment to me, and lays such an obligation upon me, as I shall study all occasions to express my gratitude for the same; which I intreat your lordship

[14] NRS, GD 406/1/1940. For the movements of Essex's army at this time, S.R. Gardiner, *Great Civil War*, I, 354–9.
[15] Burnet, *Lives of the Hamiltons* (1852), p.348; NRS, GD 406/1/1843 for the pictures. For examples of Hamilton's vastly improved handwriting, see NRS, GD 406/1/2103, 2108.
[16] NRS, GD 406/1/1966 (Lanark to Hamilton, 26 May 1646).
[17] Gardiner, *Great Civil War*, iii, 66–69, 92.
[18] Meikle, *Scots Commissioners in London*, p.183. The commissioners noted 'The Duke of Hamiltone comes this night to Hampton Court, and wee shall remember your lordships directions.'
[19] As in 'there is nane [ie none] like you'. Alexander Warrack, *The Scots Dialect Dictionary* (Edinburgh, 1988), p.373.
[20] NRS, GD 406/1/5935.

> to be pleased to represent to the Honourable House of Peers from me, and to desire this further favour from their Lordships, that, in regard of much indisposition, contracted by a long detention and wearisome journey, I may for the present apply myself for the recovery of my health, whereby your lordships will add to the former obligations of your Lordships most humble servant. Cambridge.[21]

Aside from the fact that in each letter Hamilton credits the intercession of the Almighty for his release, which was not a device he employed in his letters before his incarceration, he also unambiguously describes his royalist captors as his enemies. The impression given here was deepened by Hamilton's request on 5 June to be allowed to take not only the Solemn League and Covenant, but also the Negative Oath by which he bound himself never to bear arms against the English parliament.[22] The earls of Northumberland and Essex, one Independent, the other Presbyterian, were instructed by the House of Lords to tender the oaths to him. Whilst Hamilton's integrity could hardly be questioned in his first public actions in London, there is the suspicion of an underlying motive given his application to the House of Commons in late May to have his sequestered goods, currently held by his brother-in-law Basil Feilding, 2nd earl of Denbigh, returned to him.[23] That his extensive art collection was part of the haul may partly explain Hamilton's willingness to take the oaths when he did.

The touching letter to Anna, his daughter, demonstrated another element to the duke's reconfiguration of his life following his release. From now on, his children played a bigger part in his plans than before, as did his ageing mother, Anna, the dowager marchioness, who had so publicly humiliated him by her antics in supporting the Covenanters in 1639, with her pistols and silver bullets intended for her wayward son.[24] The final element, and the most striking, emerged in the first exchange of letters between Hamilton and his brother, Lanark. Responding to an earlier communication from Hamilton in which he declared his intention to pursue a retired life away from the cut and thrust of politics, his younger brother rejected the suggestion out of hand:

> I can no ways approve of your resolution to spend your days in a more privatt or retyred place then that you cam from, bot that you should make use of yr freedome & those naturall gifts wch God hath bestowed upon you for his service. The distracted condition of these kingdomes calls for help from everie honest heart & your particular friends looks for countenance from you at this tyme of ther publick calamities, so certainly conscience, honour and nature will chase those thoughts from you.[25]

It was understandable that Hamilton no longer felt able to immerse himself anew in a situation that had left three kingdoms broken and bleeding. The king's refusal to accept the Covenant and his fomenting of bloody civil wars irrevocably fractured the close relationship between Charles and his favourite. To Hamilton, the supreme exponent of the politics of the possible, such a stance was beyond reason and could only lead, inevitably, to the king's deposition or destruction. He had spent nearly ten years trying to steer the king towards a lasting settlement. During that time, he had attracted opprobrium from all sides, he had been shouted down in the streets of Edinburgh, and he had survived an assassination attempt in 1641. His estates were now crippled by a £23,000

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[21] *Lords Journal*, viii, 321. The House of Lords replied with congratulations to Cambridge on his release and 'leaves it to him to choose what place he please to make use of for recovery of his health'.

[22] *LJ*, viii, 358; NRS, GD 406/2/M9/133. By taking the Negative Oath, Hamilton inserted a clause that this did not 'bring him under the notion of delinquency'. For the text of the oath, Gardiner, ed., *The Constitutional Documents of the Puritan Revolution* Third edition, revised (Oxford, 1889, 1947), pp.289–90.

[23] *LJ*, viii, 336, 373.

[24] See chapter 7, p.167.

[25] NRS, GD 406/1/1966 (Lanark to Hamilton, 26 May 1646).

sterling loan given to Charles to pursue his war of conscience.[26] Above all perhaps, his liberty had been removed on the whim of his detested rival and intellectual inferior, the marquis of Montrose. It is not difficult to see, therefore, why Hamilton had lost the will to continue. The attraction of tending to his doting daughters, motherless since 1638, indulging his renewed passion for gardening, and recovering his art collection as alternatives to the bear pit of British politics are all too easy to imagine.

Yet for all the sympathy that may be felt for Hamilton's wish to turn his face from the final twists and turns of the wars of the three kingdoms, there was another important element in this initial exchange between the two brothers. It was the assertive statements of the younger brother chiding his elder sibling to have a mind to his responsibilities that makes this exchange such a watershed in the duke's final years. The younger brother now pushed, cajoled, chivvied, organised, counselled and supported his elder sibling. When Hamilton's famous hand wringing black moods descended, it was Lanark who pulled him out of them and pushed the duke ever forward, with his formidable faction in tow. The final, and spectacular, phase of the duke of Hamilton's life was no less than a formidable double act, where Lanark's central, organisational role combined with Hamilton's leadership, public oratory and political skills in the Scottish parliament, turned Scotland on its head in the spring and summer of 1648.

II

While Hamilton made his way from Cornwall to London, Charles slipped out of a besieged Oxford and, after wandering aimlessly for eight days, sought the protection of the Scottish army in the north of England.[27] On the slenderest of assurances from the meddlesome French Agent, Jean de Montereul that he would be welcomed with honour, freedom and security, Charles chose the best of the few options that he had left.[28] Even so, that option meant entrusting his fate to a phalanx of Covenanted presbyterians resolutely opposed to Charles's views on episcopacy, covenant and kingship. Rather than being free to do as he pleased, Charles was a prisoner from the moment he gave himself up to the Scots officers at Southwell, just outside Newark, and this was confirmed when he arrived with David Leslie's army at their military stronghold in Newcastle on 13 May, the day after Hamilton had reached the safety of Hampton Court. In a delectable irony that probably went unnoticed by both men, within days of Hamilton's captivity ending, Charles's had only just begun.

Even with no servants to attend him, Ashburnham and Hudson having been ejected by the Scots at Newark, Charles, by his mere presence, exposed the growing weaknesses in the alliance between the Scottish and English parliaments. The barely concealed contempt for the Scots held by the Independent majority in the House of Commons had deepened over the period of the two-year alliance. To some in the lower house, the Scots were callow, interfering, avaricious, military failures and a drain on the English parliament's resources.[29] The alliance was further damaged as

[26] The figure was £22,853 including interest, NRS, GD 406/2/F1/138.

[27] The following few paragraphs are drawn from a number of sources, including, Gardiner, *Great Civil War*, iii, 72–112; Burnet, *Lives of the Hamiltons* (1852), pp.350–353; Stevenson, *Revolution and Counter Revolution* (1977), pp.52–66; Wedgwood, *The King's War* (London, 1974 edition), pp.519–571; J. G. Fotheringham ed., *The diplomatic correspondence of Jean De Montereul and the Brothers De Bellievre French Ambassadors in England and Scotland*, 1645–48 2 vols (Edinburgh: Scottish History Society, 1898); J. Bruce, ed., *Charles I in 1646* (London: Camden Society, 1856), *passim*; Baillie, *Letters and Journals*, ii, 360–383.

[28] Bruce, *Charles I in 1646* (1856), p.38; William Bray, ed., *Diary and Correspondence of John Evelyn, to which is subjoined the private correspondence between King Charles I and Sir Edward Nicholas* 4 vols (London, 1854), vi, 183. For only one version, in the king's hand, of his overblown expectations concerning his 'going to ye Scotts'.

[29] For the payments made to the Scots, M. A. E. Green, *Calendar of the Proceedings of the Committee for Compounding, 1643–1660* 5 vols (London, 1889–1892), I, introduction.

a result of rumours of the Scots' secret dealings to bring Charles into their army, with the attendant, and hideous, prospect of them negotiating a separate peace with the duplicitous monarch that they both shared.[30] If that was not enough, Dr Michael Hudson, who guided Charles to the Scots camp, told the houses that the Scots were contemplating an alliance with France in order to destroy the Independents in England.[31] The anti-Scots feeling was less pronounced in the House of Lords since the earl of Essex's Presbyterian party had recently acquired the slimmest of majorities that, inter alia, favoured the Scots.[32] For their part, the Scots had also tired of the perpetual prevarication of their English allies over the establishment of true Presbyterianism in England, the pursuit of closer union, and their scant reward, both in terms of money and public recognition, for their military efforts in the three kingdoms.[33] As in 1640, a Scottish army occupied the north of England, but unlike then it was not the only army in the field. But the Scots army had the king. So at this juncture of affairs, and while they still had a hand to play, might even the slipperiest of monarchs be more likely to consent to their keenest desires? Needless to say, it was the most natural thing in his world for Charles to seek to widen these fissures to his own advantage.

When news reached the committee of estates in Edinburgh that the king was with their army and heading north, a small delegation was sent to Newcastle to meet him. William Hamilton, first earl of Lanark, secretary of state for Scotland, erstwhile absconder from Oxford, was at their head.[34] From the outset, Lanark and his fellow commissioners placed great emphasis on the king having 'reall inclinationis' to come to terms with his opponents and he was told bluntly that nothing could make the Scots 'suerve' from their 'Covenant and treaties with oure Brethrene in England'.[35] Immediately on his arrival at Newcastle, therefore, and indeed until the very moment of his departure nine months later, Charles was pressed to allow the Covenant and Presbyterianism in his kingdoms. To the Scots this was an essential prerequisite to all other matters, while to Charles it was a never ending sequence of audiences where he was 'barbarously baited' and 'barbarously threatened' to concede.[36] In public, Charles professed himself willing to be persuaded by his Scottish captors that he could embrace Covenant and Presbyterianism without compromising his conscience, but in private he had no such intention.[37]

Beneath this depressingly familiar impasse there lay hitherto unnoticed attempts by Charles to gather support in Scotland. The king's reconciliation with Lanark was swift and within a few days the Scottish secretary was dispatching letters at the king's behest.[38] One of the first was a request to the houses of parliament and the Scottish commissioners in London to send north propositions for peace.[39] As well as drafting correspondence and papers over the ensuing months, Lanark supervised the large-scale distribution of gifts and honours to the Scottish political nation.[40] The earls of Callander, Crawford-Lindsay, Glencairn, Balcarres, Morton, Roxburgh, Eglington, Dunfermline, Findlater, Murray, Sir Archibald Johnstone of Wariston, Sir James Lockhart of Lee, Sir Thomas Hope of Kerse, Sir Alexander Gibson of Durie comprise a few of the names that were

[30] Baillie, *Letters and Journals*, ii, 374–377.
[31] Gardiner, *Great Civil War*, iii, 115; Baillie, *Letters and Journals*, ii, 374–377.
[32] Gardiner, *Great Civil War*, iii, 97–102; Bruce, ed., *Charles I in 1646*, xiv–xxii.
[33] *Oxford DNB*, 'Alexander Leslie, first earl of Leven', https://doi.org/10.1093/ref:odnb/16482.
[34] Burnet, *Lives of the Hamiltons* (1852), p.351.
[35] NRS, GD 406/1/1961 (Committee of Estates to Charles I, 13 May 1646).]
[36] Bruce, ed, *Charles I in 1646*, pp.45, 56–7.
[37] The most striking contrast between the public and private Charles can be followed through his correspondence with the queen, Bruce, ed., *Charles I in 1646*, xiv–xxii, 34–37, 40–41 44–45, 46–49, 84–85.
[38] Fotheringham ed., *Montereul Correspondence* (1898), I, 202–203; Burnet, *Memoirs of the Hamiltons* (1852), 352.
[39] Grantham, Lincs, Tollemache MSS, 3750, fol.10r (Charles I to the two Houses of the Parliament of England and Commissioners for the Kingdom of Scotland at London, 18 May 1646); Fotheringham ed., *Montereul Correspondence* (1898), I, 202–203.
[40] Tollemache MSS, 3750, fols.5v–40r. See also John Scally, 'Constitutional Revolution, Party and Faction in the Scottish Parliaments of Charles I' in Clyve Jones, ed., *The Scots and Parliament* (Edinburgh, 1996), p.68.

diligently entered in Lanark's book for pensions, offices, honours and sheriffdoms.[41] Even though the committee of estates in Edinburgh complained bitterly that they now had to be consulted on all such matters, the king's bounty poured forth nevertheless. Notwithstanding the insoluble problem of the Covenant, the beginning of a thaw in the relationship between Charles and his Scottish subjects had begun.[42] It was at the inception of this process, as we have seen, that Lanark wrote to his elder brother in London urging him to return to the fray.[43]

Trying in vain to get the anti-Scots House of Commons to release his pictures was not the only activity that occupied Hamilton while he was recuperating in London. The marquis of Argyll arrived in town to strengthen the weakened alliance between the two parliaments, and, in a rightly famous speech to both houses of parliament on 26 June, he generously waved aside all scruples the Scots had about the propositions to be presented to the king.[44] Uniformity in church government in the kingdoms had been fudged, control of the militia was too harsh, but, as Argyll reminded his English allies, the Scots wanted settlement and they had taken a mere four weeks to deliberate on the propositions before sending them back to London. Argyll also stressed the deep affection the Scots had for their Stewart kings, Charles included, and 'whereby they wish he may bee rather reformed than ruined' and that the institution of monarchy 'may bee rather regulated then destroyed'.[45]

Hamilton did not attend the upper house on the day of Argyll's important speech, but on the same day another of the Scots commissioners, Robert Baillie, commented, 'I am glad every other day to see Duke Hamilton and the Marquis of Argyll at our table: long may these two gree weell.'[46] Hamilton also appears to have been involved with Argyll, Lauderdale and the other Scots commissioners in their discussions on the propositions with a committee of the English parliament.[47] Argyll left London on 15 July, a day or so after the English commissioners commenced their journey to Newcastle with the eponymous propositions.[48] The week before, on 8 July, Hamilton had applied to the House of Lords for a pass to go into Scotland.[49] Following the persuasions of Lanark, Argyll, and apparently a personal request from the king himself, Hamilton suspended his plan to live in retirement, and followed the commissioners and Argyll north to urge Charles to accept the Newcastle propositions.[50]

Needless to say, not everyone in London was pleased to see the duke thus employed. A meeting was arranged at the house of his English brother-in-law the earl of Denbigh, who was now a lord lieutenant and general of the parliamentary forces in three counties, with Hamilton's old ally William Fiennes, Viscount Saye and Sele, the leading light amongst the Independent faction in the House of Lords.[51] Most of what was discussed at the meeting between Denbigh, Saye and Hamilton can only be guessed at, but Hamilton seems to have given them some assurance concerning his role in ensuring continued peace and the pursuit of closer union between the two

[41] Tollemache MSS, 3750, fols.5v–40r.

[42] NRS, GD 406/1/1965 (Committee of Estates to Charles I, 18 May 1646). For Charles's clever answer, GD 406/1/2027.

[43] NRS, GD 406/1/1966 (Lanark to Hamilton, 26 May 1646), and above.

[44] *LJ*, viii, 392–394. The House of Lords immediately ordered that Argyll's speech be printed, *ibid*, 392.

[45] *Lords Journal*, viii, 393.

[46] Baillie, *Letters and Journals*, ii, 378.

[47] *Memoirs of Henry Guthry* (1747), pp.223–4.

[48] Baillie, *Letters and Journals*, ii, 383 note; *Lords Journals*, viii, 433, 462.

[49] *Lords Journals*, viii, 421–2. The pass was for Hamilton, his daughter Susanna, and his servants, suggesting that he did not intend quickly to return.

[50] Baillie, *Letters and Journals*, ii, 383; for the king, see Fotheringham ed., *Montereul Correspondence* (1898), I, 203.

[51] NRS, GD 406/1/1953 (Denbigh to Hamilton, 28 January 1647). Where Denbigh reminded Hamilton of the meeting and what was promised. For Denbigh's earlier career, see above and *Oxford DNB*, 'Basil Feilding, second earl of Denbigh', https://doi.org/10.1093/ref:odnb/9249; for Saye, John Adamson, 'The Vindiciae Veritatis and the Political Creed of Viscount Saye and Sele' in *Historical Research*, Vol. 60 (1987), pp.45–63; *Oxford DNB* 'William Fiennes, first Viscount Saye & Sele', https://doi.org/10.1093/ref:odnb/9415; Adamson, *The Noble Revolt*, index.

kingdoms. Speculating for a moment, it may also be that Saye, 'a constant frend and servant' since at least 1641, desired some guarantee from Hamilton that he would abide by the Negative Oath, so recently taken, to desist from any conflict with the English parliament. If 'Old Subtelty', as Saye was widely known, had indeed sought such a pledge from the duke, it would doubtless have been promptly given.

III

> The naturall respect I have to all great families, and the great love and reverence that I ever carried to the King's person, makes me grieve and fear much at this time. When I look upon the disposition of all men I know, I see nothing bot ruine for poor Scotland, except the God of Heaven help yow there to save that poor Prince from destroying of himself and his posteritie, against whom he had but invocat too oft the name of God. Though he should swear it, no man will believe it, that he sticks upon Episcopacie for any conscience.[52]

So wrote Robert Baillie to his fellow churchman, Alexander Henderson, who was at Newcastle conducting a desultory debate on church government with the king that was to last a life-sapping seven weeks.[53] As well as capturing the state of affairs perfectly, Baillie revealed that the commissioners were on their way with the Newcastle propositions and that the duke of Lennox and Richmond, marquis of Argyll and the duke of Hamilton followed closely behind. The propositions that made their way to Newcastle carrying such a huge burden of expectation had been raised from the ashes of their failed predecessor at Uxbridge a few years earlier. And like Uxbridge they were a joint effort by the two kingdoms, the prescient Baillie being one of the Scottish delegates at Uxbridge. But with the king defeated they had, at least in the term concerning the militia, a sharper edge that was alluded to by Argyll in his speech before the two houses.[54] The cornerstones of the terms were that Charles accept the Covenant, abolish Episcopacy, introduce stringent laws against Roman Catholics, and consent to a religious settlement that the two parliaments would, in due course, agree upon. In secular areas, he was to surrender the militia for England, Ireland and Wales into the English parliament's hands for twenty years (i.e. his lifetime, and not the seven years proposed at Uxbridge), and the same was to be done in Scotland should the estates deem it fit. All titles created before May 1642 were to be scratched, and, carrying the same sting in the tail as the Uxbridge terms, a long list of those excluded from a general pardon was included that, in all but name, constituted the king's supporters in the three kingdoms. In sum, the terms barely disguised the differing priorities of the king's two opponents; one wanted to control his religion and the other his ability to wage war. Both wanted to take control of the situation in Ireland out of his hands and bring it to a bloody, and decisive, conclusion. Baillie would no doubt have disagreed, but what stood in the way of this delicately crafted compromise was, as always, the king's conscience. Or, as Baillie and numerous others would have put it, Charles's insatiable appetite for creating divisions, encouraging one party against another and raising false hopes.

When Hamilton arrived at Newcastle on 28 July, five days after the propositions had been put before Charles, the first waves of pressure on the king to give way had already subsided. The meeting between the two old friends was justifiably awkward. Hamilton kissed the king's hand,

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[52] Baillie, *Letters and Journals*, ii, 383. For an explanation of Baillie's views on Charles's conscience, *Ibid*, 401.

[53] Thomas McCrie, *The life of Mr Robert Blair* (1848), 185–186, 188. Henderson died on 19 August, and was succeeded as Charles' chaplain in Scotland by Robert Blair.

[54] Gardiner, ed., *The Constitutional Documents of the Puritan Revolution* Third edition, revised (Oxford, 1889, 1947), 290–306.

the two men blushed, and he withdrew into the crowd, only to be called back by Charles.[55] The ice broken, the two men engaged in a long conversation that went some way to repairing their broken friendship. Charles said that on the morning of the duke's arrival at Oxford in December 1643, his whole court had threatened to desert him if he had refused to order the arrest of the Hamilton brothers. Hamilton, whilst encouraged by this news, nevertheless reiterated his desire to retire abroad. Charles saw this as evidence of Hamilton's continued resentment and asked, echoing Lanark, how the duke could abandon him when his affairs were in such a dire condition. Silenced, and for the moment, the matter of the duke's retirement was dropped. Then Hamilton added his voice to the deafening chorus urging Charles to accept the propositions tendered by the two parliaments. He told Charles that he had to agree to the religious demands to win over the Scots and secure the support of the City of London, the two key components vital to his deliverance. Having done that, Hamilton assured the king that something might be done to moderate the secular terms, such as those touching the militia and delinquents. Hamilton's agenda, even at this stage, was clearly a Scottish one. In concluding, Hamilton, as he had done nearly a decade before, asked Charles if he was willing to hazard the loss of his crowns for a form of church government. The king's answer, so stunning in its simplicity, was that his conscience was dearer to him than his crowns.[56]

Even given the extraordinary circumstances that prevailed at Newcastle, the resumption of Hamilton's amity with Charles, however fragile, was cemented by the king's bounty. Within days of their first meeting, Hamilton received a gift of the heritable keepership of Holyroodhouse, Palace, Gardens, Orchards and Bowling Greens.[57] Hamilton's old tutor, and companion during his long months of imprisonment, Dr James Baillie, received a pension of 3,000 merks and was made keeper of the King's Library at Holyroodhouse.[58] The duke's client and attendant, Sir James Hamilton of Priestfield was made keeper of the park of Holyroodhouse.[59] John, earl of Crawford-Lindsay, who had chided his brother-in-law during his imprisonment for not putting God above the king, had earlier been confirmed as treasurer of Scotland and received a pension.[60] The king's bounty to Hamilton continued thereafter and in October he received the office of the sheriffdom of Lanark.[61] In a final attempt to secure his former favourite's support, on 29 January 1647, the day before the English commissioners took possession of the king from the Scots, Charles signed an audited account of his debt to Hamilton and wrote a note in his own hand along the left margin, 'Hamilton, the within written sume with interest amounting to 22,853 pounds sterling having beene by you lent in reall monies I engage my Royall word to cause repay to you when God shall enable me.'[62]

After his first meeting with the king, Hamilton stayed at Newcastle for about ten days and in that short period he also renewed his acquaintance with his brother Lanark, quickly re-establishing their close bond of mutual trust and support, but now with the younger sibling playing an increasingly assertive role. The platform for their success over the ensuing two to three years was created at Newcastle. Hamilton also formed a close alliance with Sir Robert Moray, lieutenant colonel of the Scots Guard in France, a member, with Montereul and Bellièvre, of the influential French

[55] Burnet, *Lives of the Hamiltons* (1852), 359–360.
[56] Burnet, *Lives of the Hamiltons* (1852), 361–362.
[57] Grantham, Lincs, Tollemache MSS, 3750, fol.10r. (8 August)
[58] Grantham, Lincs, Tollemache MSS, 3750, fol.8v.
[59] Grantham, Lincs, Tollemache MSS, 3750, fol.11v.
[60] Grantham, Lincs, Tollemache MSS, 3750, fols.6v, 8r.
[61] Grantham, Lincs, Tollemache MSS, 3750, fol.20r.
[62] NRS, GD 406/2/F1/138 (Audited Account by Justinian Pouey). The account is mounted on a card, which has an additional manuscript note mounted on the verso that reads 'this is the stated account of the mony oueing by the late King Charles 1st in England under the Royall hand whereof only was payed 15000 ster'. For the timing of the handover, see Gardiner, ed., *The Hamilton Papers* (London: Camden Society, 1880), 147 (Moray to Hamilton, 24 January, 1647); Gardiner, *Great Civil War*, iii, 188.

delegation at Newcastle, and one of the few men in the Scots camp that Charles trusted.[63] The duke's Francophile leanings, so evident during his foreign policy involvement during the Personal Rule, came strongly to the fore once again.[64] One of his last acts before leaving Newcastle was to accompany Mon. de Bellièvre to his first audience with the king.[65] With his dual channel of communication established at Newcastle, the duke set out for Edinburgh to reinvigorate the moderate Covenanters who had lacked a leader for so long. Accompanied by four hundred of his friends, supporters and attendants on horseback, Hamilton's entry into Edinburgh on 11 August, after an absence of nearly three years, announced in a very public way his return to the political scene in Scotland.[66]

The correspondence between Moray at Newcastle and Hamilton in Edinburgh between 8 August 1646 and 24 January 1647 is an invaluable aid to comprehending the insuperable problems that Charles's intransigence visited upon those who sought to serve him.[67] The parallel between Hamilton's correspondence from Edinburgh back to court in 1638 while he tried to navigate through the first storm of the civil wars with a set of impossible instructions is apt. In both cases, and for the Scots at least, the principal sticking point was the same – Charles's steadfast refusal to embrace the Covenant. Eight years on, however, it also disabled the Scottish nation from owning his quarrel with the English parliament. As in 1638, this issue was couched between the lines of every letter that Hamilton wrote to Moray. Of course, other issues had been thrown into the mix since 1638, such as the Scots desire for Pan-British Presbyterianism and, more recently, the urgent need for Charles to accept the Newcastle propositions. Another factor, which for a time offered Charles an alternative, was the rising power and influence of the Independent party's bicameral faction in the London parliament and their strong support in the English army.[68]

As usual, Hamilton was keenly aware of the complex interrelationships between the kingdoms at this stage in the crisis and, as ever, his role was not clear-cut. His full support for the king was now conditional on Charles giving way, at least on the Covenant, though preferably also on the Newcastle propositions. Neither he, nor Charles, saw his place being at the king's side. As far as can be ascertained, his court offices of master of the horse and gentleman of the Bedchamber were not restored to him when he was at Newcastle.[69] Yet his initial behaviour at least suggests that he was willing to serve the king. In fact, surprising as it may seem, it was Hamilton, following an earnest request from Charles, who helped finalise the treaty with Montrose that allowed him to escape abroad.[70] Astonishing though this behaviour was, Hamilton probably knew that if the Covenanters dealt harshly with Montrose, the slender possibility of Charles giving way on the Scots' desires would have vanished. Hamilton was also behind the attempt in August to get the committee of estates and privy council to agree to keep the Scots army in England until a full peace settlement had been agreed, and his supporters were able to keep this issue rumbling on

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[63] See Fotheringham ed., *Montereul Correspondence* (1898), ii, pp.565–568, both volumes of correspondence, *passim*. Moray was also the cousin of Will Murray.

[64] See for example, NRS GD 406/1/2100, 2101.

[65] Fotheringham ed., *Montereul Correspondence* (1898), I, 238.

[66] *The memoirs of Henry Guthrie, late Bishop of Dunkeld: containing an impartial relation of the affairs of Scotland from the year 1637 to the death of King Charles I,* 2nd edition (Glasgow, 1747), p.229.

[67] Gardiner, S.R. ed., *The Hamilton Papers* (London: Camden Society, 1880), pp.106–147.

[68] Woolrych, *Britain in Revolution*, pp.340–343.

[69] There is no evidence in the Hamilton Papers or the Lanark Letter Book that any of these offices were restored to the duke.

[70] Burnet, *Lives of the Hamiltons* (1852), pp.359–361. Burnet avows that both General Middleton and Colonel Lockhart subsequently told him that it was Hamilton and Lanark who helped preserve Montrose; PA 7/4/11 [Draft Minute of Estates allowing Montrose safe conduct beyond the sea]. See also Stevenson, *Counter Revolution*, p.52.

until mid-September when at last the argument was lost and the Scots army was instructed to leave England as soon as it had been paid.[71]

But the duke's efforts in August and September reveal not only weaknesses in his commitment, but the renewal of his tendency towards duplicitous behaviour on behalf of the king. As a result of the deadlock in the debate about the Scots army, it was agreed on 26 August that a delegation should go to Charles to implore him to accept the Newcastle propositions.[72] Hamilton, Crawford-Lindsay and Cassillis, who were accompanied by the clerk register and five commissioners from the barons and burghs, led the group. Before setting off, Hamilton was again received into the Covenant by Mr Andrew Ramsay.[73] The delegation arrived at Newcastle at the beginning of September and proceeded to discharge their remit, which was to the point and uncompromising: failing to agree to the propositions would lead to the ruin of Charles and his 'posteritie'.[74] The king's assent was demanded immediately, or they would join with England and settle the government of the kingdoms without him.[75] Charles's response to this increasingly frank form of diplomacy from his Scottish subjects was to present them with a paper that cleverly evaded giving an answer, suggesting instead that the way forward was for a fuller debate of the issues. He warned that if he assented to their request, 'a peace might be slubbered up; yet it is impossible that it should be durable', and recommended that they 'take things as they are, since neither you nor I can have them as we would: wherefore let us make the best of every thing.'[76]

What makes this response so significant, however, is that it survives in two states. The first is a good copy in the hand of Lanark, the Scottish secretary, which was obviously a straight copy of the one passed to the Scots delegation, together with supporting papers.[77] The second one is undated, miscatalogued in the Hamilton Papers, and in the duke's hand, with corrections by the king.[78] It is evidently the original draft of the king's response. The only plausible explanation is that Hamilton, the leader of the delegation from the committee of estates and Privy Council, put all his weight behind urging the assent to the propositions, then he drafted, or helped to draft, the king's reply.

IV

Apart from a passing word at Windsor on 21 December 1648, Hamilton never saw the king again after the wretched failure of the Scottish delegation.[79] The king and he parted on bad terms. Charles was angry not only that Hamilton had been unable to stop the delegation coming from Edinburgh in the first place, but that he had arrived at the head of it.[80] Hamilton had been aggravated by the king's political myopia and stubborn refusal to budge, even when faced with such

[71] Stevenson, *Counter Revolution*, pp.73–75; Burnet, *Memoirs*, pp.366–377.

[72] NRS, GD 406/1/2017 (Committees of Estates & Privy Council to Charles I, 26 August 1646). The Privy Council had been pressed into service for these debates not, as Professor Stevenson has argued, to add weight to the deliberations but to allow Hamilton to participate since he was in prison when the committee of estates was chosen and so was not a member, Stevenson, *Counter Revolution*, p.74.

[73] Thomas McCrie, *The life of Mr Robert Blair, minister of St Andrews, containing his autobiography from 1593–1636, with a supplement to 1680* (Edinburgh: Wodrow Society, 1848), p.188. Ramsay, one of the leading Covenanter divines, is notable for refusing to preach against the Engagement.

[74] NRS, GD 406/1/2017.

[75] NRS, GD 406/2/M1/164 (Instructions, signed by Committee of Estates & Privy Council); Baillie, *Letters and Journals*, ii, 400.

[76] NRS, GD 406/2/M1/309; Charles's answer and the accompanying papers are printed in full, and accurately in Burnet, *Lives of the Hamiltons*, pp.367–368.

[77] NRS, GD 406/2/M1/309. These are the papers Burnet used, see *Lives of the Hamiltons*, pp.367–370.

[78] NRS, GD 406/1/2026.

[79] Burnet, *Lives of the Hamiltons* (1852), p.482.

[80] Gardiner, *Hamilton Papers* (1880), 112 (Moray to Hamilton, 28 August 1646).

hideous consequences.[81] The dangerous double-dealing over the composition of the king's reply to the delegation may also have played a part, recalling, as it did, his perilous behaviour in Edinburgh in 1638, at Berwick in 1639, and in London in 1640 and 1641. At their final meeting at Newcastle in September, therefore, he extracted permission from Charles to retire abroad; as it was clear that there was nothing further he could do to aid the royalist cause. He refused to be a witness to the king's destruction.[82]

There is, however, another reason that contributed to the renewed desire to go abroad and it was the sudden death of Hamilton's friend and collaborator, Robert, earl of Essex on 16 September. This was a severe blow and Hamilton would have agreed with Robert Baillie's appraisal from London, 'he [Essex] wes the head of our partie here, keeped all together, who now are like by that alone to fall in pieces: the House of Lords absolutely, the City very much, and many of the shyres, depended upon him'.[83] Hamilton was still at Newcastle when the news arrived from London and there can be little doubt that it confirmed his decision to retire abroad.[84] The king's complete lack of comprehension that Essex's death was a potentially fatal blow to his own cause underlined the gulf between Charles and Hamilton.[85] Within a few days of the death of the Scots' talisman in London, the Independents had contacted Charles with new propositions that were to lead to their claim that he could 'satisfy England with litle of Religion, and without Couenant'.[86] The attempt to severely restrict Charles's options to either accepting the propositions or being deposed was failing.[87]

For all his understandable weariness with the destructive processes at work in the three kingdoms and, moreover, the hair-tearing frustration at Charles's persistent failure to grasp the opportunities presented to him, Hamilton was never likely to be allowed to exit this final phase in his and the king's life.[88] His despair lasted about a month. Significantly, it was Lanark who worked on his brother after the initial wave of gloom had subsided, and it was Lanark who oversaw the Hamilton party supporters in his brother's absence. Working with Moray in Newcastle, Lauderdale in London, the Hamiltonian supporters in Edinburgh and even the queen in France, Lanark gradually broke down his brother's resolution.[89] In a remarkable letter to Robin Lesley, who was with the king at Newcastle, Lanark revealed all of this and his central role in the organisation and management of the Hamilton party:

> I have seen all those letters you sent my brother & me, the copies of those from London I have sent to our friends in Lothian and Fyfe, wher they are all nowe scattered at ther harvests, and chooseing our ledgeslators for the ensuing Parliament [for 3 November]. There will [be] no meitting of the Comittees before the 13 of the next month, against which tyme wee both expect ane account of our last instructions to our Commissrs at London & hope that his Matie by satisfying our pious & just desyres will put this Kingdom in a Capacitie of serveing him, for it is a sad thing that so manie Gallant men must be disbanded

[81] NRS, GD 406/1/2268 ([Copy] Hamilton to Charles, [6 October 1646]); GD 406/1/2024 (Lanark to Robin Lesley, 29 September 1646); GD 406/1/2060 (Moray to Hamilton, 25 September 1646).

[82] NRS, GD 406/1/2024 (Lanark to Robin Lesley, 29 September 1646); Gardiner, *Hamilton Papers* (1880), 115–118; Burnet, *Lives of the Hamiltons* (1852), pp.370–371.

[83] Baillie, *Letters and Journals*, ii, 401.

[84] Gardiner, *Hamilton Papers* (1880), 118 (Moray to Hamilton, 19 September 1646).

[85] NRS GD 406/1/1939 (Will Murray to Hamilton, 19 September 1646).

[86] Gardiner, *Hamilton Papers* (1880), 115, 123–124.

[87] *Ibid*; NRS GD 406/1/1939 (Will Murray to Hamilton, 19 September 1646).

[88] Sir Robert Moray, his main correspondent at this time, refused to accept Hamilton's retiral and continued writing to him 'till you breake silence' NRS GD 406/1/2060 (Moray to Hamilton, 25 September 1646).

[89] Gardiner, *Hamilton Papers* (1880), 115–116 (Moray to Hamilton, 25 September 1646), 117–118 (Moray to Hamilton, 25 September 1646); Burnet, *Lives of the Hamiltons* (1852), pp.373–374 (Henrietta Maria to Hamilton, 22 September 1646).

> before gouernment either in Church or State be settled in England or Ireland, & that his Matie should thus abandon those two crowns without a possibilitie of a regresse to them, if he shall once return to Scotland, wher I doubt his entertainment will not be veri pleasant unto him, if all heaghtes hade [hold].
>
> Since my coming to this countrie, I have (with al the friends my brother hath) dayly assaulted him for changing his desperat resolution & gained so farr upon him as that he assisted (and I will say not uselesly for his Matie's service) at our last meiting in Edinbr, bot the letters you sent on Saturday hath prevailed much more with him & carried more forceble & persuasive reasons then wee could urge. He intended to have returned by this post ane answer to the letters you sent him, bot I have diverted [him] in hopes within two or thrie days to gaine an absolute victorie ouer his so unfitt resolution. All the arguments that is nowe left him unanswered is that he can not liue & see his Matie thus destroye himselfe & he made uncapable of preseruing or seruing him, for really besydes all tyes of dewety & obligations, his personall love to him is verie extraordinarie & I dare say unalterable. Expect within 3 or 4 days againe to heare from him and yr seruant.[90]

In the end, and as Lanark knew, it was Charles who made up Hamilton's mind to retire abroad and it was only Charles who was capable of altering it. In a letter that expertly described the personal danger that the king knew he would be in if he was left in England 'when this army retyres & thease Guarisons are rendred', that was clearly aimed at Hamilton's strong personal devotion, Charles at last moved to the main point:

> A discourse yesternight with Ro: Murray was the cause of this letter, having no such intention before; because I esteemed you a man no more of this part of the world, beliving your resolution to be lyke the lawes of the Med[e]s & Persians;[91] but howsoever he showed me such reasons that I found it fitt to doe what I am doing (for I confess one man's error is no just excuse for another's omission) wch is to stay your forraine jurney by perswasion: as for arguments; I refer you to Robin, only I will undertake to tell you some positive trueths, the cheefe whereof is that it is not fitt for you [to] goe, then it is less sham[e] to recant, th[a]n persist in an error; my last is by going you take away from me the meanes of showing my selfe your most asseured reall faithfull constant frend.[92]

It took Hamilton until 6 October to write back to Charles and withdraw his request to leave the king's dominions, 'because I would not be a witness of what I feared, yor Matie's fall, since (as I conceived) I could not be instrumentall to yor service or preservation, upon the grounds yor Matie went on'.[93] Yet again, Hamilton pressed the king to assent to the demands of the parliaments; otherwise no substantial ground could be made in his preservation. He also attempted to dispel any idea Charles had of coming to Scotland, after the army broke from Newcastle, as he would not be welcome. The tone Hamilton adopted was as significant as what he wrote. Gone was the tortuous discourse of the letters of 1638, to be replaced by simple, polite language describing unambiguously the state of Charles's affairs. He vowed to do the best that he could in Scotland, but reiterated the need for the king to give way.

It was at this stage that the correspondence between Charles and Hamilton all but dried up. Hamilton did not see the king again; he rarely wrote to him. Instead he worked through interme-

[90] NRS, GD 406/1/2024 (Lanark to Robin Lesley, 29 September 1646).
[91] Once decided, fixed and fast; unalterable.
[92] NRS, GD 406/1/170/1 (Charles to Hamilton, 26 September 1646).
[93] NRS, GD 406/1/2268 ([Copy] Hamilton to Charles, [6 October 1646]).

diaries, especially Lanark, whose role was correspondingly enhanced, and Lauderdale, who was an essential factor in the Hamilton party's seizure of power in 1648.[94] The painting of Lanark and Lauderdale by Cornelius Johnson, showing Lauderdale passing a commission (the Engagement, perhaps) to Lanark emphasises the key role of this pair in the Hamilton party.[95] Having been immersed in the Covenanter regime since 1644, Lanark was now an essential component in the Hamilton party.[96] In the hiatus of a month, when Lanark held the Hamilton supporters together while his brother wrestled with his conscience and examined his commitment, the younger brother's central role in the events of 1647 and 1648 was confirmed. At the same time, and probably in consultation with Lanark, Hamilton established what his place would be in the turbulent political scene. It was not with the king, nor was it at the court, or in London with the Scottish commissioners. Henceforward, his role was that of faction leader in Edinburgh, girding the wavering Covenanter royalists into action and articulating their policies in parliament and committee of estates. He was the grandee, the highest ranking noble in the Scottish parliament, the natural head of a party that had lacked a leader since 1644. When the nobles, barons and commissioners of the burghs assembled in parliament for the sixth and final session of the first triennial parliament on 3 November, the first name called out on the parliamentary roll was not the marquis of Argyll, but the duke of Hamilton.

V

The sixth session of the first triennial parliament lasted from 3 November 1646 to 20 March 1647. Two questions had to be decided by the end of the session: what to do with the Scottish army and what to do with the Scottish king. Both of these questions were bound up with the Scots' increasingly brittle relationship with the English parliament, with whom only a few short years ago they had embarked on a holy war to cleanse Charles's kingdoms of popery and evil counsel, only to find their backsliding allies, under the influence of the detested sectaries, reneging on cherished promises enshrined in the League and Covenant. Atrocious weather dampened the huge burden of expectation hanging over the parliament, as few members were able to attend the Parliament House on the first day, and those that made it were met with rumours of an immediate adjournment to be urged by the supporters of the king. However, Hamilton was unconvinced by the need for an adjournment and it was not proposed when the session got properly underway towards the end of the week.[97] In spite of the weather, this was the best-attended parliamentary session since 1641, when the king himself was present.[98] The total membership of 152 was divided almost equally between the three estates, but the rise in the noble estate, fifteen up on the previous session, was the most significant element.[99] The puzzling breach of parliamentary regulations whereby eight burghs sent two commissioners instead of one may be explained by the fact that these were located in the Hamiltonian strongholds of Lothian and Fife, and was, perhaps,

[94] For Hamilton preferring to send correspondence to Sir Robert Moray, the main intermediary until Charles left Newcastle in January 1647, Gardiner, *Hamilton Papers* (1880), 127.

[95] 'The earl of Lanark and earl of Lauderdale' by Cornelius Johnson (1593–1661), Mezzotint, National Portrait Gallery of Scotland: Toynbee 115.

[96] Lanark's activities in the period after his escape from Oxford are summarised in John Scally, 'William Hamilton, 1st earl of Lanark and 2nd duke of Hamilton (1661–1651)' *Oxford DNB*, https://doi.org/10.1093/ref:odnb/12134.

[97] NRS GD 406/1/2098 (Hamilton to Moray, 3 November 1646); GD 406/1/2099 (Hamilton to Moray, 10 November 1646).

[98] Although the Convention of Estates in 1643 had an equal number, see Young, John R. *The Scottish Parliament: A political and constitutional analysis, 1639–1660* (Edinburgh, 1996), p.163.

[99] For the numbers see, Young, *Scottish Parliament*, p.163.

an attempt to bolster support in that estate.[100] It may also be significant that no action was taken against these burghs for doubling up on their representation.

With the Duke back on the political scene, the customary factional division across the estates with Argyll and Hamilton as their leaders was restored.[101] The noble estate formed the core of the Hamilton party's support, and that estate's power and influence radiated through the two lesser estates. On most of the main issues Hamilton and Lanark could rely on an inner-ring of family collaborators such as the earl of Crawford-Lindsay, lord treasurer and president of parliament; the earl of Glencairn, justice general; the earl of Haddington; the laird of Bargany; Sir John Hamilton of Orbiston; Sir James Lockhart of Lee and Sir John Hamilton of Beil. On the outer-ring were the earls of Balcarres, Roxburgh, Tullibardine, Kinghorne and possibly the earl Marishall, along with a host of waverers distributed through the estates.[102] Argyll, accompanied by the nobles Balmerino, Loudoun and Cassillis, drew most of his support from the barons and burghal estates, with Archibald Johnston of Wariston, recently appointed king's advocate, playing a crucial role. In this session neither party haemorrhaged significant numbers of supporters to the other, mainly because the majority of the parliament firmly believed that Charles had to accept the Covenant before any substantial commitments could be made. Dwarfed by the two main parties was a faction led by the mercurial and overconfident earl of Callander, who had boasted to Charles at Newcastle that he held the balance of power between Hamilton and Argyll. Callander's supporters were mainly drawn from those who distrusted Argyll and especially Hamilton, so he relied on a ragbag of the disillusioned and cynical to be an occasional thorn in the two magnates' sides. He was also implicated in the Incident of 1641 that sought to dispose of Argyll and Hamilton. Even though the parliament was arranged along factional lines, there is no evidence of a bitter animus between Argyll and Hamilton and they discussed some issues in private during the session, which led some contemporaries to detect the odour of collusion between the two magnates.[103] For example, they were both involved in exploring the possibility of allowing a recruitment for Sir Robert Moray's regiment in France, and Hamilton, Lanark, Argyll and Balmerino discussed this delicate issue in private, and reached a consensus.[104] Like Hamilton, Argyll had also exerted himself in long, fruitless debates with Charles at Newcastle, but then again so had many of the others assembled in the chamber.[105]

Yet for all the parliamentary consensus on the uncovenanted king just over the border, and private meetings with Argyll, Hamilton was, within limits, pursuing a royalist agenda. From the very start he was providing and receiving instructions through Sir Robert Moray at Newcastle. Bi-weekly accounts of parliamentary proceedings were sent to Moray to be shown to the king, and Charles poured over these, even noticing small errors in the burghal complement on a committee.[106] With a renewed vigour and energy remarkable in someone who a few weeks previously had chosen to leave the political scene, Hamilton gathered information on all of the members appointed to committees and on all decisions taken. His correspondence with Moray illustrated that he was very well organised, thoroughly versed in parliamentary procedure and worked

[100] For the Hamiltons' strength in Lothian and Fife, NRS GD 406/1/2024 (Lanark to Robin Lesley, 29 September 1646). The burghs in breach were Dundee, Linlithgow, St Andrews, Haddington, Anstruther Easter, Dunbar, and Crail.

[101] John Scally, 'Constitutional Revolution, Party and Faction in the Scottish Parliaments of Charles I' in Clyve Jones ed., *The Scots and Parliament* (Edinburgh, 1996), pp.54–73, esp. pp.68–69. See also, McCrie, *The life of Mr Robert Blair* (1848), p.192; *Memoirs of Henry Guthry* (1747), pp.234–235; Bruce, *Charles I in 1646* (1856), pp.48, 73.

[102] Scally, 'Scottish Parliaments of Charles I' (1996), pp.68–69.

[103] Fotheringham ed., *Montereul Correspondence* (1898), ii, 51, 71–72, 82–83.

[104] Gardiner, *Hamilton Papers* (1880), 126 (Moray to Hamilton, 14 November 1646); GD 406/1/2101/2 (Hamilton to Moray, 21 November 1646); GD 406/1/2114 (Hamilton to Moray, 19 January 1647).

[105] Bruce, *Charles I in 1646* (1856), p.65. Charles's account of his meetings with Argyll is very odd.

[106] Granted this was the great committee, Gardiner, *Hamilton Papers* (1880), 127 (Moray to Hamilton, 15 November 1646).

until 4am on at least one occasion, though most nights he finished just before midnight.[107] The duke also displayed a quite exceptional ability to recall the intricate details of debates conducted in committee or chamber, perhaps suggesting that he kept detailed notes or a diary which has not survived.[108]

Although Argyll and Hamilton found much common ground in this parliamentary session, they openly disagreed on the two burning issues that faced the membership: the disbandment of the Scottish army and how far the Scottish nation should commit itself to saving the king from ruin, given his refusal to make concessions. Serious discussion of both of these issues had been postponed in the committee of estates in the late summer because Argyll was in London with Loudoun, Lauderdale, Wariston and Hew Kennedy negotiating the payment of the army's arrears and discussing what would become of the king after the Scottish army left Newcastle.[109] Yet the main priority in the first few days, as always, was to establish some of the main committees, chief amongst them the Committee for Burdens and Pressures of the Kingdom (the great or grand committee), which contained ten of each estate and considered the most pressing issues facing parliament.[110] Once constituted, Hamilton reported himself immensely satisfied with the membership of all of the committees.[111] It was also a telling indicator of the duke's political temperature that Wariston gave a report on the activities of the Scottish commissioners in London that Hamilton praised as being 'handsomely and fully expressed'.[112]

After ratifying the earlier treaty agreed with the Montrose rebels, a victory for Hamilton in the first trial of strength between the parties, the parliament moved to the issue of the Scottish army and the letter to be sent to the English parliament detailing what was to be done with the king.[113] Hamilton's position on these two defining issues was crystal clear. On the army, his view was that no matter the burdens to the kingdom of having a military force standing idle 'we should beare it till we see what is like to happen betwixt our brethren of England and us'.[114] Later in November, as the debates became more heated and the two issues melded into one, he clarified his position further:

> A firme peace is that which will ease us soonest, which cannot be without the King's intrest goe jointly alongst with what hath bene mentioned, for I say without we see how he can be preserued there can be no firme, or solid peace, nor is there reason that we should weaken our selues till we see clearlier how our brethren of england will perform to us.[115]

Another prong of this argument, pushed by the Hamiltons at the start of the debates with little success, was that the Scottish army should not be taken out of England until Presbyterianism was fully established there, but if it was removed then the king should be allowed to come home with it.[116] That was the Hamilton party's agenda in the parliament, but in private the duke was aware that keeping such large forces on foot was a massive burden on the ruined Scottish economy and

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[107] See for example, NRS, GD 406/1/2099 (10 November), 2100 (17 November), 2103 (24 November), 2110 (22 December). For 4am, see NRS GD 406/1/2109.

[108] See for example, NRS, GD 406/1/2110. Hamilton kept a detailed diary of the Engagement Parliament, see chapter 10.

[109] Bruce, *Charles I in 1646* (1856), p.48, 73; Meikle, *Scots Commissioners in London*, pp.204–5–205, 214, 217.

[110] *APS*, VI, I, 616. This is fully discussed in Scally 'Scottish Parliaments of Charles I' (1996), p.69.

[111] NRS, GD 406/1/2099 (Hamilton to Moray, 10 November 1646).

[112] *Ibid.*

[113] *Memoirs of Henry Guthry* (1747), p.234.

[114] NRS GD 406/1/2100 (Hamilton to Moray, 17 November 1646).

[115] NRS GD 406/1/2103 (Hamilton to Moray, 24 November 1646).

[116] McCrie, *The life of Mr Robert Blair* (1848), p.192.

that factor alone weakened his support.[117] Equally, there was insufficient appetite to break the treaty with England and provoke a war to defend an uncovenanted king.

In the face of these obstacles, however, Hamilton cleverly scalded the parliament's conscience about preserving the Scottish king, descended of a line of over a hundred, from a parcel of sectaries in England who looked to unking the Stewart monarch. The characterisation of the Independents in England as brutal and merciless was distilled in Hamilton's declaration that if Charles went amongst them they would 'destroy him and thereafter monarchie'.[118] As the debates moved to their first bitter conclusion, the bête noir of the duke's faction, the commission of the kirk, intervened to remind the overheating parliament that Charles could not be allowed to come amongst them unless he took the Covenant and secured the peace of the kingdoms, and, ominously for the Hamiltonians, a fast and day of prayer and preaching was organised.[119]

The great issue was debated on the 17 and 18 December.[120] On the first day, according to Lanark's own account, the grand committee and the whole parliament agreed to send a letter to the Scottish commissioners in London 'to press his majesty's coming to London with honour, safety, and freedom, and that we should declare our resolutions to maintain monarchical government in his majesty's person and posterity, and his just title to the crown of England'.[121] The victory was short-lived, however, as the very next day the resolution was overturned and replaced by a demand that Charles had to assent to all of the Newcastle propositions or government would be settled without him. Even if he was deposed in England, he would not be allowed to rule in Scotland, and even if he managed to find a way to get to Scotland, 'his regal function would be suspended' and he would be imprisoned and returned to England. As Lanark told Charles, with a hint of resentment at the king's suicidal intransigence, 'our best friends forsake us upon any motion, which may infer the least latitude about the covenant and religion'.[122] Hamilton, for his part, had vigorously opposed the resolution in the sequence of antagonistic debates and in the process admitted that he had 'cracked' his credit with the English parliament.[123]

It was another example of the remarkable pull that the king had on his Scottish subjects that on 24 December the Scottish parliament sent another delegation to Newcastle to make one last attempt to get Charles to agree to the propositions.[124] The king was to be told of the results of the recent debates and warned that assent to the propositions was the only way to ensure the continuance of 'monarchical government to him and his posteritie'. No one from the inner-ring of the Hamilton party joined the delegation for they knew already what Charles's answer would be, and they knew also the lame answer to the propositions that Charles had sent to London on 20 December. On 4 December, Charles had sent a long draft answer to the propositions that he had intended to send to London to Lanark to be shown to Hamilton and a few others. Their reaction was a mixture of incredulity, incomprehension and rage that Charles could even consider sending such an unsatisfactory answer. That the Covenant was not mentioned and Presbyterianism was to be allowed for a trial period of three years, but liberty of tender consciences was permitted,

[117] NRS GD 406/1/2103 (Hamilton to Moray, 24 November 1646).
[118] NRS GD 406/1/2102 (Hamilton to Moray, 24 November 1646).
[119] McCrie, *The life of Mr Robert Blair* (1848), p.193; NRS GD 406/1/2104. Baillie regarded the fasting and prayer as decisive, *Letters and Journals*, iii, 4–5
[120] Professor Stevenson and Dr Young claim these debates took place on 15 and 16 December, Stevenson, *Revolution and Counter Revolution*, p.77; Young, *Scottish Parliament*, pp.171–172. They have based these dates on an undated letter by Lanark. However, Hamilton is quite clear that these issues were discussed on 15 December at which point nothing was concluded and the parliament was adjourned until the Thursday (i.e. 17 December). See NRS GD 406/1/2108 (Hamilton to Moray, 15 December 1646); GD 406/1/2109 (Hamilton to Moray, 18 December 1646).
[121] Burnet, *Lives of the Hamiltons* (1852), p.389.
[122] Burnet, *Lives of the Hamiltons* (1852), p.393 (Lanark to Charles, 22 December 1646).
[123] NRS GD 406/1/2108 (Hamilton to Moray, 15 December 1646).
[124] *APS*, VI, I, 635.

were a few of the points that threw Lanark and Hamilton into despair.[125] Such was the wave of criticism that arrived at Newcastle, Charles decided against sending that draft and instead sent a short, anodyne message asking to come to London 'to be heard', a theme adopted by Hamilton in his draft reply to the Scottish delegation written for the king at Newcastle in September.[126] Even though Charles was persuaded not to send the draft answer to London, he professed himself dumbfounded by its reception from his supporters in Scotland and asked Lanark why they could not make the best of what they regarded as 'remediless'.[127]

Although the bitter debates of mid-December had effectively established what would be done with Charles, it was not until 16 January that a final, binding decision was taken.[128] And this after another delegation had tramped to Newcastle to plead with the king to give way.[129] If the actions of Hamilton's brother-in-law Crawford-Lindsay, president of parliament, are anything to go by it was a wretched finale to a rancorous series of confrontations in parliament. When the question was proposed that the king should be left at Newcastle to be disposed of by the consent of both kingdoms, Crawford-Lindsay proposed an alternative question:

> Whither or not his Matie who wes our Native King and had done so great things for the good of Scotland and throun himselff upon us for shelter should be delivered up to the Sectaries avowed enemies to his liffe & Government.[130]

The vote went through on the original question and Crawford-Lindsay was forced to sign it as president of parliament. So on the major issue of what to do with the king, the Hamilton party had failed. On the other hand, the declaration of 16 January, that was sent to the English parliament, included conditions stipulating that Charles would not be harmed, that his posterity would not be prejudiced, that there would be no change of government in England, and that all Scots officers of state, or those approved by the Scottish parliament or committee of estates, should have access to the king. It was a ring of clauses that ensured the Scottish nation's continued and heartfelt interest in the fate of their desperate monarch. The Hamiltons had snatched something from the jaws of defeat.

What is more, the conversion of Crawford-Lindsay, one of the chief Covenanters of the revolutionary decade, to the cause of the Scottish king was a sign that in the final session of the first triennial parliament Hamilton and Lanark had fractured the unity of the Covenanter regime. Hamilton's brother-in-law, the earl of Denbigh, was one of the commissioners from the English parliament that arrived at Newcastle to take the king to Holmby House. He wrote to the duke from Newcastle on 28 January warning him that his reputation had been 'much injurd' in England by reports of how he had conducted himself in the Scottish parliament.[131] James, duke of Hamilton and earl of Cambridge once again appeared to be the embodiment of the British problem. As his credit and reputation in Scotland rose, so it declined correspondingly in England.

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[125] This draft answer to the propositions that was never sent is at, NRS GD 406/2/M1/269/17. It is printed in Burnet, *Lives of the Hamiltons*, 382–385. Lanark's answer, speaking for the Hamilton party, is at, Burnet, *Lives of the Hamiltons*, 386–387. Hamilton's barely controlled rage is evident in, NRS GD 406/1/2105 (Hamilton to Moray, 7 December 1646).

[126] See above, and NRS GD 406/1/2026. For Charles's answer sent to London, Gardiner, *Constitutional Documents* Third Edition (1947), pp.308–309.

[127] Burnet, *Lives of the Hamiltons*, 387–388 (Charles to Lanark, 14 December 1646).

[128] *APS*, VI, I, 659–660.

[129] McCrie, *The life of Mr Robert Blair* (1848), p.193. The commissioners were Lothian, Balacarres, Frieland, Garthland, and William Glendinning. Loudoun joined them on his way back to Scotland from London.

[130] *APS*, VII, 32. Act in favour of John, earl of Crawford Lindsay 15 February 1661. Crawford Lindsay nursed the grievance for 15 years before having his version exonerating him from complicity passed in the Restoration Parliament.

[131] NRS GD 406/1/1953 (Denbigh to Hamilton, 28 January 1647).

CHAPTER 10

The Engagement, 1647–1648

The seeds of the Engagement, the remarkable alliance orchestrated by the Hamilton brothers to restore Charles I, were sown in Greyfriars Kirk on 23 February 1638, when the first signatures were scratched on the National Covenant. At the very core of the Covenant was the declaration that, 'we shall to the uttermost of our power, with our meanes and lives, stand to the defence of our dread Soveraigne, the King's Majesty, his Person, and Authority'.[1] The opening words of the Engagement document, signed nearly ten years later, recalled with bitter irony that very part, 'his majesty giving belief to the professions of those who have entered into the League and Covenant, and that their intentions are real for preservation of His Majesty's person and authority according to their allegiance, and no ways to diminish his just power and greatness.'[2] One of the most astute politicians in the Hamilton party, John, earl of Lauderdale reported on a debate in the House of Commons on Christmas Day 1646 concerning the king, commenting that Henry Marten had introduced a question that led to a motion that the king's person should be preserved 'according to the Covenant'.[3] Lauderdale gleefully leapt on this, observing that the Commons had now bound themselves to preserve and defend the king's person and authority. 'So still that Covenant must & will be his preservation,' he concluded. Exactly a year and a day later, Lauderdale put his signature to the Engagement document at Carisbrooke Castle on the Isle of Wight. Henry Marten, venomously anti-Scottish, took an entirely different course and went on to be one of the most famous judges in the trial of the king, but even so, Lauderdale's observation highlighted one of the reasons why the Hamilton brothers managed to drive a wedge through the centre of the Covenanting Movement. Within the document that established a Covenanted Scotland was the means to take it in an entirely different direction a decade later. The mocking voice of Charles in the opening

[1] Gardiner, *Constitutional Documents*, Third Edition (1947), p.133.
[2] Gardiner, *Constitutional Documents*, Third Edition (1947), p.347.
[3] NRS, GD 406/1/2047 (Lauderdale to Robin Leslie, 25 December 1646).

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statement of the Engagement document reflected his continued distaste for the Scots' beloved Covenant.

If the seeds had been sown in 1638, the shoots began to appear in 1646, and they bore fruit two years later. After the English commissioners left Newcastle with Charles, the Scottish parliament looked to fill the void that had been left following the end of their nine-month possession of the king. The bile that had issued forth during the vote of 16 January to leave the king at Newcastle was not easily forgotten and the factional division in Scotland deepened during the year. The kirk soothed the consciences of those who voted for the motion, while the Hamilton circle deployed an effective propaganda war to lash the conscience of even the most fervent Covenanter for abandoning their native king. By the time parliament adjourned in late March 1647, the tide had begun to turn in favour of the Hamiltons. The horrifying pantomime that was played out in England during 1647 with Cornet George Joyce, a former tailor, abducting the king in early June and taking him into the Sectarian army, which was moving menacingly towards London, was only one amongst a series of incidents that turned public opinion in Scotland. Royalism grew in Scotland in the face of plague, bad harvests, and disbanded troops roaming the countryside, and with ministers banging the pulpits in support of Argyll and his tottering regime.

The king would not take the Covenant, nor would he fully embrace Presbyterianism as a form of church government in the British Isles. Under extreme pressure, he had dipped his toe into Presbytery and offered to try it in his kingdoms for three years. That was not enough, but it was as far as Charles would go. The Hamilton brothers' efforts in 1647, therefore, had to concentrate on loosening the conditions placed on Charles by his Scottish subjects, and to widen the cracks that had begun to appear in the Covenanting regime. The main way they did this was to ignite the latent royalism that glowed at the heart of the movement by demonstrating the utter disregard that the regime in England had towards the Scottish king, the product of a continuous line of 107 Stewart monarchs.[4] The Covenant, the godly manifesto that had been framed by Wariston so that as many shades of opinion as possible could subscribe to it, now permitted a royalist revival. Saving the Scottish king from destruction at the hands of the Independents in England now stood alongside the Covenant as the twin priorities of the Scottish nation. Neither should it be overlooked that the issuing forth of pensions and other forms of royal patronage to the Scots while Charles was at Newcastle tugged at the consciences of the godly. Just over a year after the king was abandoned at Newcastle, the Covenanter royalists, epitomised by Hamilton, Lanark, Lauderdale and Crawford-Lindsay, swept into power and replaced the regime that had run Scotland for almost a decade. It was the crowning achievement of Hamilton's career.

Still, Hamilton did not begin 1647 in the best of health. He fell ill in the last days of 1646 and the sickness continued into the New Year.[5] It was probably the same physical and mental fatigue that had overcome him in late 1638, after the Glasgow Assembly, and in early 1642, a few days after Charles galloped out of London to commence his war against the English parliament. Neither was 1647 a healthy year for the survival of Hamilton's archive. In contrast to the previous year, where the rich stream of letters between Hamilton and Moray revealed the machinations being played out in Newcastle, Edinburgh and London, a mere trickle of personal letters and papers have survived for the last two years of the duke's life. One reason for this striking dearth has already been alluded to, for it is to Lanark's letters and papers that one has to turn to explain the progress of the Engagement. Here we find a veritable flood of correspondence that reaches to the farthest corners of Charles's kingdoms and includes the main protagonists in the Engagement. Lanark was the organisational mainstay of the Engagement. In his papers, we see the workings of an accomplished

[4] This figure is used in the set of instructions for Loudoun, Lauderdale and Lanark in August 1647, NRS, PA 11/5, fol.75r.

[5] NRS, GD 406/1/2112 (Hamilton to Moray, 29 December 1646); Gardiner, S.R. ed., *The Hamilton Papers* (London: Camden Society, 1880), 142–143 (Moray to Hamilton, 31 December 1646).

administrator, whose efforts were principally devoted to co-ordinating the material and physical aspects of the Engagement. Personal preference also played its part, for the duke's dislike of letter writing was well known, so having his brother, the Scottish secretary, available to deal with day-to-day correspondence was too great a temptation to resist.[6]

Hamilton's role lay elsewhere, in parliament and committee of estates primarily, leading the Engagement movement. It is significant that the lack of a rich vein of correspondence from the duke is partly compensated by a hitherto unknown personal diary of events that he kept of the first crucial six weeks of the Engagement parliament. It is this unique source that catapults our narrative to the centre of events with startling results. Nevertheless, and however we apportion the duties, it was the Hamilton brothers that toppled the Argyll Covenanters' regime in the spring of 1648. The third Scottish army in a decade that marched into England in July, carrying such high expectations, inadvertently hastened the end of the duke and his beloved king.

I

Even though the vote in the parliament on 16 January 1647 to leave the king at Newcastle was to the Hamiltons the 'blackest Saturday that Scotland ever saw,' the business of parliament continued nonetheless.[7] The argument on whether or not to disband the army had effectively been lost once it was agreed to leave Charles at Newcastle, but the final decision was not taken until the end of January. As the troops headed home from Newcastle, the parliament had to either choose Hamilton or Argyll's option. As we know, Hamilton wanted to keep the army until the situation in England between the king and the English parliament became clearer. This meant having the option to take the Scottish army into England to restore the king. Argyll, on the other hand, wanted to remove the possibility of the Scots rupturing the fragile Anglo-Scottish treaty in the name of the king by disbanding most of the Scottish forces, and keeping only a small complement on foot to crush the rebels in the north led by the marquis of Huntly. Not only was Argyll's option adopted, but the New Model force that was kept up, amounting to 1,200 horse and 6,000 foot, had officers appointed who were generally loyal to the Argyll Covenanters. Any officers suspected of sympathy to the king and the Hamiltons were excluded.[8] One royalist source viewed the New Model as 'a terror to those throughout the land that groaned for the king.'[9] By the end of January, therefore, the Hamiltons had lost the debate on the king and influence over the only military force in Scotland.

Perhaps to placate the duke, his case for reparation (due to the ruin of his Scottish estates) was sent to a parliamentary committee immediately after the decision to disband the army was taken.[10] Amidst a clamour of petitions and claims to get a slice of the £200,000 sterling paid by the English parliament, he received £5,000 sterling even before Johnston of Wariston got his share.[11] Despite the fact that Hamilton and Argyll and their supporters got their snouts deep into the brotherly assistance trough, the increasingly bitter factional rivalries flared up again in the last days of the parliament.[12] It was over money again. On the ninety-eighth day of the parliamentary session (26 March), an act was passed in favour of Argyll for payment of the arrears of his pension, granted

[6] S.R. Gardiner, ed., 'Hamilton Papers. Addenda.' in *Camden Miscellany* Vol IX (1893), p.38.
[7] The words are Lanark's said after the historic vote, Burnet, *Lives of the Hamiltons* (1852), p.397.
[8] *APS*, VI, I, 672–675; *Memoirs of Henry Guthry* (1747), 240–241; Stevenson, *Revolution and Counter Revolution* (1977), p.82.
[9] *Memoirs of Henry Guthry* (1747), p. 241.
[10] *APS*, VI, I, 675.
[11] *APS*, VI, I, 772–773. Wariston's was the next act after Hamilton, and he received £3,000 sterling for his unpaid expenses since the troubles began.
[12] *APS*, VI, I, 641–765. For Argyll, see *APS*, VI, I, 643–4.

by the king in 1641, 'before anie uther precept or pension'.[13] Lanark, followed by Hamilton, Loudoun, and Crawford-Lindsay all protested, demanding that the act would not prejudice their places in the queue for payment of their arrears of pensions. It was, perhaps, indicative of the melee that ensued that the secretary of parliament did not finish recording the details of Crawford-Lindsay's protest and that the earl of Dunfermline, a neutral between the two parties, attempted to defend Argyll from the onslaught.

At the same time as the brotherly assistance money was being argued over in parliament, it was decided to send a new set of commissioners to negotiate with the king and the English parliament. The fact that the Hamiltonian, Lauderdale, was reappointed to lead the commissioners, and was even sent ahead of his colleagues, marked an outright victory for the duke.[14] The new set of instructions for the commissioners also illustrated how quickly the Hamiltons had recovered from the ignominious defeat of 'Black Saturday', the day (16 January) parliament had voted to leave Charles at Newcastle.[15] For in front of all the tired old demands for closer union, pressing the propositions on Charles, payment of the army in Ireland, was the second instruction 'that his Matie may sweare and subscryve the solemn league and covenant [or] at least give his consent that it may be confirmed as a law.'[16] If this meant, as I would argue, that the king might not be pressed to take the Covenant himself, only accept it as a law, then the highest citadel of the Argyll party had been stormed within two months of 'Black Saturday'. It was on the cusp of this notable triumph that the last session of the first triennial parliament ended.

The remarkable recovery of the Hamilton party was confirmed in the membership of the committee of estates, appointed to sit until the convening of the second triennial parliament in March 1648. Whereas the vote of 16 January had left Hamilton and his brother isolated with only a few loyal supporters, the membership of the committee of estates showed that the balance of power was on a knife-edge.[17] On the same day that the selection was made, Hamilton and Lanark conferred with their supporters and believed they had secured more than half of the members of the committee.[18] It is, arguably, a telling indicator that John Stewart, earl of Traquair, who the Argyll Covenanters pursued mercilessly through the early part of the decade as an incendiary, was unanimously appointed to the committee.[19] More broadly, the nobles voted to the committee read like a roll call of Hamiltonians and Engagers: Hamilton, Lanark, Crawford-Lindsay, Glencairn, Morton, Roxburgh, Tullibardine, Findlater, and Bargany being the most noticeable.[20] The comprehensive seizure of the political initiative by the Hamiltons, both in the instructions to the Scots commissioners and in the composition of the committee of estates, was underlined by Hamilton having his own demands for the restitution of his pictures and goods held in England added to the list of instructions for Lauderdale and his fellow commissioners.[21]

Therefore, the pattern for 1647 was established in the bitter atmosphere of the last few months of the parliament that broke up in March. The epicentre of British politics had moved with Charles to England and events in Scotland were dependent on what happened there. A period of relative calm descended between April and June. Hamilton attended the first two meetings of the committee of

[13] *APS*, VI, I, 801–802.
[14] *APS*, VI, I, 731. The other commissioners were Sir Charles Erskine, Hew Kennedie and Robert Barclay.
[15] Even during the Restoration, 16 January, the day parliament voted to leave Charles at Newcastle, was known as 'Black Saturday', Burnet, *Lives of the Hamiltons* (1852), p.397.
[16] *APS*, VI, I, 764–765.
[17] Scally, 'Scottish Parliaments of Charles I' (1996), p.70; NRS, Parliamentary Papers, PA 11/5, fols.3r–5v; *APS*, VI, I, 766–767.
[18] Fotheringham ed., *Montereul Correspondence* (1898), II, 70–71.
[19] Fotheringham ed., *Montereul Correspondence* (1898), II, 71; *APS*, VI, I, 765; Stevenson, *Revolution and Counter Revolution* (1977), p.87.
[20] *APS*, VI, I, 766–777.
[21] *APS*, VI, I, 765.

estates in the last two days of March and did not attend another until 1 July.[22] His time was spent attending to his sick mother and fretting over his precious pictures that were snagged in England by the House of Commons.[23] Argyll spent the spring and summer up to his ankles in blood in Kintyre, using the army kept on foot to exterminate the MacDonalds and their collaborators.[24] While the two magnates were occupied in different ways elsewhere, the committee of estates dealt with routine matters such as the maintenance of the army, corresponding with the commissioners in England, and coping with the spread of plague, while trying to restore the blasted country.

Scotland was reignited by the abduction of the king by Coronet Joyce on 4 June, who took him to the Independent army that was marching ever closer to London.[25] The news that the Scottish king had been seized and was now a prisoner in the detested army of sectaries fanned the flames of royalism in Scotland. It was what the Hamiltons had warned would happen if the king was abandoned in England. It appeared that a golden opportunity to own the king's quarrel and intervene in England presented itself to the Hamiltons. However, the situation was far from straightforward and Hamilton had to tread carefully as the news broke in the early summer. The brothers advanced on two fronts. First, they renewed their efforts to have the Scots army loyal to Argyll disbanded, as it was a drain on resources and could not be relied upon to support the Hamiltons' agenda. In the wake of the king's abduction, Argyll's supporters argued for an increase in the army, since the situation in England seemed to be spinning out of control.[26] Whilst the machinations of the two magnates were quite murky at this time, it is clear that Hamilton was acting under instructions from Charles, who had no wish for a Scots army to interfere in England until he saw the results of his promising relationship with the Independent army.[27] Neither would it advance the king's cause if an army loyal to Argyll invaded England, since it would exact the fullest terms for the establishment of Covenant and Presbytery.[28] In effect, Charles would give up one imprisonment for another. In the summer of 1647, therefore, Hamilton argued against invading England to restore the king. The Hamiltons' report on their activities carried to Charles by Robin Lesley in August makes their position quite clear:

> You shall shew that if it had not been for his Majesty's commands to the moderate party here, a Scottish army had ere this time been in England; which so long as his Majesty is well used, they are hopeful to prevent, but if his reestablishing be delayed, a greater army than ever Scotland raised will own his quarrel.[29]

The issue of the army dragged on spasmodically through to the autumn and Hamilton appeared to have got disbandment through the committee on 8 September, but this was overturned by one vote on 15 October where it was agreed to keep the army up until the convening of parliament in March 1648.[30] Aside from the instruction from Charles not to interfere in England, and the fact that the Scottish commanders could not be relied on, this was a severe blow to the brothers since the army was draining the country and would make any subsequent levies more difficult and extremely unpopular.

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[22] NRS, PA 11/5, fols.5v–7r, 38v.

[23] Denbigh was pursuing the return of the duke's pictures in London, NRS, GD 406/1/1953 (Denbigh to Hamilton, 28 January 1647). See also, GD 406/1/10085 (Lewis Lewis to Hamilton, 25 May 1647).

[24] *Memoirs of Henry Guthry* (1747), p.243.

[25] Gardiner, *Great Civil War*, iii, 250–296.

[26] Fotheringham ed., *Montereul Correspondence* (1898), II, 193.

[27] Burnet, *Lives of the Hamiltons* (1852), pp.406–407 (Instructions for Robin Lesley [August 1647]); Fotheringham ed., *Montereul Correspondence* (1898), II, 188–189, 193–194, 198.

[28] Gardiner, *Great Civil War*, iii, 300.

[29] Burnet, *Lives of the Hamiltons* (1852), p.407 (Instructions for Robin Lesley [August 1647]), item v.

[30] NRS, PA 11/5, 92r–v, 93r–94v, 112r, 118v, 119r–120r (15 Oct.), 131v–134r.

The brothers enjoyed more success on the second front. The rapidly changing situation in England led Lauderdale and the other commissioners to require additional instructions from Edinburgh, and it is in these dispatches that we see the steady move towards an engagement with Charles at the end of the year.[31] The formulation of the instructions was conducted in a mood of growing fear that the English parliament would agree a separate peace with Charles, or that the Independent army's *Heads of the Proposals* would form the basis of a treaty or, equally obnoxious, that officers of the Independent army would be allowed to join in the negotiations with the Scots and the English parliament.[32] On 21 August, the committee in Edinburgh instructed Lauderdale to press for Charles to be brought out of the army and allowed to go to London in 'honour, freedom and safety'. The concern for the person and safety of the king suffused every despatch sent from Edinburgh.[33] More importantly, the commissioners were also to demand that Charles's answer of 12 May 1647 to the Newcastle propositions, in which he offered to allow Presbyterianism in his kingdoms for three years, surrender the militia in England for ten years, and deferred a decision on taking the Covenant, should form a platform for further negotiations. These proposals were essentially the same as the English Presbyterian peers had offered Charles in February, and he simply repeated them in his answer of 12 May.[34] In effect, therefore, the overlap between the policy conditions of the Hamiltons and their English allies of 1648 had been established by the summer of 1647.[35] The gnawing problem in the weaving of this delicate patchwork, however, was the need to have the Independent army disbanded and that was increasingly unlikely as their grievances grew over the summer.[36]

At the same time as the minimum conditions acceptable in Scotland and England were beginning to coalesce, it was agreed in late August that two more commissioners should be sent from Scotland to bolster the delegation headed by Lauderdale.[37] The two new commissioners represented both leading parties, Lanark for his brother, and Loudoun for his Campbell kinsman Argyll. However, this was mere window dressing since the appointments were an outright victory for Hamilton. In his political stance, Loudoun was of the stamp of Crawford-Lindsay, who had defected to Hamilton in the summer of 1646, and his commitment to his hard-line colleagues was wavering. On top of that, Loudoun was only to concern himself with issues relating to the English parliament and Lanark, by the same token, had a free hand to negotiate all matters with the king.[38] The third member of the noble triumvirate that clinched the Engagement, Lauderdale, was deep in collusion with the Hamilton brothers and was conducting secret negotiations with the king at their behest before July.[39] These were probably related to the discussions he had with the Presbyterian leaders in England in late May, where the preconditions for a Scots army to invade England were explored.[40] Again, amidst the multifarious movements of the various parties, the report to Charles carried by Robin Lesley in August is very instructive and shows that the Hamiltons had another motive for sending new instructions and additional commissioners to England:

> You shall shew what pains were taken by the moderate party here, to procure the sending of commissioners to his majesty and the parliament, thereby to procrastinate and delay all

[31] NRS, PA 11/5 (March 29 1647-February 28 1648).
[32] NRS, PA 11/5, 107v–108r (27 September, 1647). The *Heads of the Proposals Offered by the Army* were presented to Charles on 1 August, Gardiner, *Constitutional Documents*, Third Edition (1947), pp.316–326.
[33] NRS, PA 11/5, 72r, 74v, 108r.
[34] Gardiner, *Great Civil War*, iii, 212–215; Stevenson, *Revolution and Counter Revolution* (1977), p.88.
[35] Gardiner, *Great Civil War*, iii, 253. Of course, the alliance would also include royalists.
[36] Woolrych, *Britain in Revolution* (2004), pp.353–365, 366–385.
[37] Scally, 'Scottish Parliaments of Charles I' (1996), pp.70–71.
[38] NRS, PA 11/5, 76r (21 August), 77v, 97r, 107r, 109r–v.
[39] Scally, 'Scottish Parliaments of Charles I' (1996), pp.70–71. Robin Lesley, one of the Hamiltons' servants was involved with Lauderdale in these secret negotiations.
[40] Gardiner, *Great Civil War*, iii, 259.

> resolutions till their return, or a report from them; which will probably consume the rest of the summer, and for this year prevent a new war, except upon eminent advantage.[41]

So in the complex maze of political shifts following the abduction of the king, Hamilton, whether he liked it or not, was acting to a script dictated by the king. It is almost certain that he did not agree with Charles courting the Independent army, but he executed the holding policy quite brilliantly in the summer and autumn nevertheless. Whilst arguing for peace, Hamilton had managed to get extra commissioners sent to England, men that he favoured, with instructions that provided them with the leeway to negotiate an engagement with the king if the opportunity arose. The act sponsored by Argyll and Wariston, passed in the committee of estates on 21 August, which declared that the instructions sent to England did not 'infer ane ingadgment in a warr betwix the kingdomes' was a belated acknowledgement that the Hamilton brothers had outfoxed their opponents.[42] Robert Baillie spoke for many when he declared on 1 September, 'the proceedings of some are not only double and triple, but so manifold, that as no other, so, in my mind, themselves know not what they finally intend.'[43]

The sense of exasperation was felt no less in England. But it also came with deep suspicion of the motives of Lauderdale and Lanark, especially amongst the Independents in the House of Commons and in the English army. In August, Lauderdale was physically abused by the army at Woburn and refused access to the king.[44] He took almost a month to recover from the assault. A storm of protest issued forth from the committee in Edinburgh and it was claimed that this was tantamount to the Scottish nation being denied access to their king.[45] In much the same way, the request to the English parliament for a pass for Lanark to go to the king was vehemently opposed by Sir Arthur Haselrigg, Henry Marten and the other Independents in the House of Commons, and was only allowed after Sir Henry Vane senior intervened.[46] The profound mutual distrust and growing detestation between the Independents and the Hamiltonian Scots deepened in the final months of 1647.

As we have seen already, Charles's position during all of this was as slippery as ever. The duke's brother was the link between the king and the Hamiltons.[47] To a horrified Lanark, the ever-sanguine Charles announced himself pleased with his treatment at the hands of the English army and told his Scottish secretary that the discussions were 'more frank and satisfactory … than ever was offered by the presbyterians'.[48] Lanark expressed concern at how long the honeymoon would last, suggesting that the Independents' price for Charles's spiritual freedom would be 'your majesty's loss of all temporal power'. In this comment, Lanark anticipated exactly the constitutional restraints that would be placed on Charles by the English army's *Heads of the Proposals*. Lanark also reminded Charles that the offer of help from Scotland was still 'clogged with the Covenant'.[49] On 27 July, clearly indignant at Lanark's scepticism, Charles sent a terse warning:

> Whatsoeuer you resolue on you must not thinke to mention (as to England) eather Couenant or Presbiteriall Gouernement; for it will ruine you & doe no good to me, the experience of wch was clearly seene at Newcastell.[50]

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[41] Burnet, *Lives of the Hamiltons* (1852), p.407 (Instructions for Robin Lesley [August 1647]), item iii.
[42] NRS, PA 11/5, 75r.
[43] Baillie, *Letters and Journals*, iii, 18.
[44] NRS, GD 406/1/2252 (Lauderdale to Lanark, 22 September 1647). Lauderdale was very shaken with his experience and spent most of September recuperating at Tunbridge.
[45] NRS, PA 11/5,75v–76r (21 August).
[46] NRS, GD 406/1/2254 (Lauderdale to Lanark, 14 September 1647).
[47] All correspondence from Charles was addressed to Lanark, see for example, NRS, GD 406/1/2172/1, 2177, 2175.
[48] Burnet, *Lives of the Hamiltons* (1852), 402 (Charles to Lanark, 12 July 1647).
[49] Burnet, *Lives of the Hamiltons* (1852), 403–404 (Lanark to Charles, 21 July 1647). See also NRS, GD 406/1/9767 (Lanark to [?], 23 August 1647).
[50] NRS, GD 406/1/2172/1 (Charles to Lanark, 27 July 1647).

On receiving this worrying slap on the wrist, the Hamiltons sent Robin Lesley with a detailed account of their strategy, discussed above, the final aim of which was to bring an army into England to restore the king.[51] At this stage at least, however, it was made clear that 'the old rate of satisfaction in religion and covenant' was still a precondition.[52]

Therefore, when Lanark and Loudoun joined Lauderdale in London on 11 October there was still space between the minimum that they could accept and the maximum that Charles was inclined to give. The Hamiltons still pushed the Covenant and Presbyterianism on Charles and were quite clearly intent on exacting as much out of the king as possible. Charles's dalliance with the English army reached its high point just before the *Heads of the Proposals* were presented to him in late July, and slowly cooled in September and October.[53] Not surprisingly, the Hamiltons viewed Charles's fraternisation with the Independents with a mixture of horror and morbid fascination, and they pushed ahead on a more realistic front. The groundwork was started with the perceptible easing of the conditions on Charles, which started with the instructions in March that he may not be pressed to take the Covenant, and this was followed by greater flexibility for the Scottish commissioners to decide policy depending on circumstances 'upon the place'.[54] The growing royalism in Scotland in the summer of 1647, which Hamilton had successfully dampened, could, in changed circumstances, be harnessed by the Hamilton party if they secured a satisfactory alliance in England. A coalition with the English Presbyterians and royalists against the Independents, such as was being brokered by Lauderdale under the guidance of Hamilton, seemed a much more attractive proposition. The courtship between Charles and the English army would end in tears, and the brothers waited in the wings to pick up the pieces.

II

England was a nest of intrigue and intimidation in the last few months of 1647.[55] Rumours abounded that Charles was going to escape abroad, that he was to be assassinated by the Levellers, or that he would form an alliance with the Scots and start another civil war in England.[56] At the same time, the options upon which a settlement could be achieved were multiplying rather than reducing. The attempt to breathe new life into the Newcastle propositions faltered, and it was replaced by the simpler expedient of the *Four Bills*, which ignored Covenant and the Scots, and was more a final test of Charles's sincerity than a serious attempt to brook a settlement. The English army had produced the *Heads of the Proposals* that stripped Charles of most of his civil power, and radical knots within the army were touting the *Case of the Army* and the *Agreement of the People* where the discourse was of the 'paramount law' and manhood suffrage. It was into this nest of Independent vipers that the Presbyterian commissioners, Lanark and Loudoun, arrived with the intention of negotiating an engagement with Charles.[57] The Engagement proposals was only one of many documents that were being drafted and redrafted in the final weeks of 1647, though it

[51] Burnet, *Lives of the Hamiltons* (1852), pp.406–407 (Instructions for Robin Lesley [August 1647]).
[52] NRS, GD 406/1/9767 (23 August).
[53] Gardiner, *Great Civil War*, iii, pp.341–342, 353–354, 372–3.
[54] NRS, PA 11/5, 107v (27 September).
[55] This is a general overview, which takes as its starting point the first letter sent back to the committee of estates in Edinburgh by the commissioners, NRS, GD 406/1/2259.
[56] This statement is based on a reading of the pamphlet literature rattling off the presses, including: *The committeeman's complaint, and the Scots honest usage* ([London, 1647]) Wing C5564; *The Scots declaration, against the toleration of sects and sectaries, and the liberty of conscience* (London, 1647) Wing S2024A; *The Scots treacherous designes discovered: or, A result to the pamphlet, intituled, The Scots remonstrance* (London, 1647) Wing S2030; A.H., Scoto-Britan, *A bitte to stay the stomacks of good sugiects* ([London], 1647) Wing H1.
[57] The documents mentioned in this paragraph are reproduced in Gardiner, *Constitutional Documents*, Third Edition (1947), pp.290–371.

is safe to assume that most of the terms of the Engagement had been agreed by the Hamilton party before Lanark left Edinburgh. In fact, Hamilton's closest personal servant, Andrew Cole, travelled with Lanark and carried the sensitive correspondence between the king and Lanark.[58] Even so, the last minute concessions on religion that were agreed at Carisbrooke were almost certainly not countenanced by the duke. The dynamic between the three noblemen who negotiated the Engagement was a key factor over the ensuing weeks, and it seems quite clear that Hamilton's brother enjoyed a dominant role. Lanark had considerable power and influence over Lauderdale and these two combined to get Loudoun to follow their lead.[59] Lanark was also mandated by the committee of estates to handle matters relating to the king, and all correspondence between Charles and the commissioners went through the Scottish secretary.[60]

The objective of Loudoun, Lauderdale and Lanark was one of the worst kept secrets in Britain, and the guard around Charles was multiplied shortly after the two new commissioners arrived.[61] In the initial meetings between Charles and the commissioners, the king was offered a Scottish army to restore him in England if he gave satisfaction in religion. At the next meeting, while Charles was hunting at Nonsuch, Lauderdale and Lanark informed him of the Levellers' design to assassinate him and offered him a means of escape, but Charles refused saying he had given his parole to the army that he would not leave. Freeing himself from his bond not to escape, Charles called Lauderdale and Lanark to him a few days later, and a stratagem was agreed whereby the king would flee to Berwick.[62] Instead of following the noblemen's advice, however, Charles went not to Berwick on 11 November, but to the Isle of Wight. He left a letter at Hampton Court addressed to the English parliament that reiterated his refusal to relinquish episcopacy, while in the same breath he conceded Presbyterianism for three years, providing there was liberty for tender consciences.[63] It was surely the thought of the Scots religious demands, and the memory of the relentless hectoring he was subjected to at Newcastle, that made the king turn his back on the Berwick ploy.

In his first contact with Lanark after ignoring the advice of the Scottish commissioners, Charles tried to put an anodyne gloss on his paper left at Hampton Court, claiming that he had 'strouen to please all Interests, with all possible equality.' But Lanark held him to the point declaring that he had 'infinitely disabled us to serve you; for what you offer in matter of religion comes far short of your majesty's message of the 12th of May: besides, it grants a full toleration of heresy and schism for ever.'[64] If that was not enough, Charles dug himself into a deeper hole with his Scots commissioners on 26 November by trying to defend his methods of negotiation:

> Lanarke, albeit that letters can ill dispute at this distance, yet, I cannot but tell you, that many things may be fitly offerd to obtaine a Treaty, that may be altered when one comes to Treate; & there is a great difference between what I will insist on & what I will permitt for

[58] NRS GD 406/1/2178 (Charles to Lanark, 8 December 1647).

[59] Baillie, *Letters and Journals*, iv, 33. When speaking of the three commissioners, Baillie is clear that this was not only his opinion, but also a general view in Edinburgh, 'Lanark's power with Lauderdale, and both their workings on the Chancellour'. Lanark and Crawford-Lindsay had also stood surety for Lauderdale and his father's debts in 1644; the bond still stood in 1647, two years after Lauderdale had come to the titles, *APS*, VI, ii, 732–733.

[60] NRS, PA 11/5, fol.76r. For Lanark's dominance of the correspondence with the king see below and the letters reproduced in Burnet, *Lives of the Hamiltons* (1852), pp.410–423.

[61] NRS, GD 406/1/2259.

[62] Berwick was chosen because Charles could not be accused of abandoning England, as his son would do fifty odd years later, and he would be close to his supporters in Scotland.

[63] The account of the initial meetings and Charles's flight to the Isle of Wight is taken from Burnet, who was told it by Lauderdale, Burnet, *Lives of the Hamiltons* (1852), pp.411–413; Gardiner, *Constitutional Documents*, Third Edition (1947), pp.328–332. See also Gardiner, *Great Civil War*, iv, 1–16; Stevenson, *Revolution and Counter Revolution* (1977), pp.94–95.

[64] NRS, GD 406/1/2175 (Charles to Lanark, 19 November 1647); Burnet, *Lives of the Hamiltons* (1852), pp.413–414 (Lanark to Charles, 22 November 1647).

> the obtaining of a Peace; lykewais it is necessarie, in many respects, that I should seeke to satisfy (as far as I can with Conscience & Honor) all cheefe Interests.[65]

It is yet another striking example of the ingrained devotion to Charles and the monarchy, and, it must be said, a detestation of the Independents, that on receiving this justification from Charles the commissioners did not return to Scotland and leave the king to his fate. Yet push on they did. They had already lambasted the English parliament for having the temerity to gut the Newcastle propositions and produce the *Four Bills*, which ignored the Scots, the Covenant, and the Anglo-Scottish treaties and instead allowed a vast toleration.[66] The Scots' own papers, upon which an engagement could be agreed, had been presented to Charles before he fled to Carisbrooke from Hampton Court. But the king had scraped out a clause and it was this single omission that stymied the negotiations. On 13 December, the commissioners entreated Charles to reinsert what he had scraped out and sign the document:

> [We] earnestly beg that you wold not suffer us longer to walk in the dark, but to give us under your Royal hand an assurence that you will performe what is contained in that paper concerning religion [and] with all insert wch you scraped out which we gave your Matie at Hamptoncourt as we shall oblidge ourselves to endevour that Scotland shall engage themselves for yr restoration & civile interests as was expressed in those papers, without this assurence wee are absolutely unable to serve your Matie & although doctor Goff shewe us your unwillingly [sic] to allowe of that clause concerning the Couenant, yet wee should but abuse yr Matie if wee gave you the least hopes that Scotland wuld be engaged at ane easier rate.[67]

In February 1638, Charles was estranged from his Scottish kingdom, principally because of his refusal to allow the Covenant, and the situation was the same ten years later. With this single difference hanging between them, the three commissioners set off for the Isle of Wight, ostensibly to protest at the tendering of the *Four Bills* by the English parliament, but hoping to overcome the issue that prevented an engagement.[68] It was Hamilton's brother-in-law, the earl of Denbigh, who presented the *Four Bills* to Charles on 24 December, and it was Hamilton's brother, Lanark, who stood over the king as he signed the Engagement two days later.[69] Both of Hamilton's relations probably left Carisbrooke disappointed. Denbigh was sent away on 28 December carrying Charles's refusal to accept the *Four Bills*.[70] Lanark, and his fellow commissioners, left after wrapping the Engagement document in lead and burying it in the castle garden.[71]

Charles did not agree to take the Covenant, nor did he agree that others who objected to it should take it either.[72] He only agreed to confirm it in an act of parliament in both kingdoms. This was probably less than what was implied in Lauderdale's instructions of 11 March, 'that his Matie may sweare and subscryve the solemn league and covenant [or] at least give his consent that it may be confirmed as a law', since this implied that everyone, except Charles, would be expected

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[65] NRS, GD 406/1/2177 (Charles to Lanark, 26 November 1647).

[66] Gardiner, *Constitutional Documents*, Third Edition (1947), pp.335–347. For the toleration see 'First Qualification', item 14.

[67] NRS, GD 406/1/9773 ([Copies of letters in the hand of Lanark, 22 November–13 December 1647]), [fol.2r], (13 December 1647).

[68] Charles had sent a further draft of the conditions to the commissioners, but these were unsatisfactory. They were, it is safe to presume, not materially different from those tendered by the commissioners at Hampton Court, Burnet, *Lives of the Hamiltons* (1852), 421–422 (Charles to Commissioners, 15 December 1647).

[69] For Denbigh, Gardiner, *Great Civil War*, iv, 38.

[70] Gardiner, *Constitutional Documents*, Third Edition (1947), pp.353–356.

[71] Gardiner, *Great Civil War*, iv, 41.

[72] Gardiner, *Constitutional Documents*, Third Edition (1947), pp.347–353.

to take it.[73] However one views it, the commissioners gave more than the king on the single issue that separated them. Despite Lanark's cast iron declaration on 13 December, Charles had indeed engaged Scotland at an 'easier rate'. And it did not stop at the Covenant. Presbyterianism was to be confirmed in England for three years pending a conference of divines at Westminster (Charles being allowed to nominate twenty representatives), and thereafter the king and the English parliament would take a final decision on English church government. The Scots' influence would be restricted to having their complement of kirkmen at the assembly of divines. In the meantime, Charles and his household were to be allowed to exercise their devotions as before. An act of parliament was to be introduced to suppress non-conformist sects and other forms of heresy and schism. Charles also agreed to touch with the sceptre all the acts of the first triennial parliament in Scotland (1644–7). All debts due to Scotland from the English parliament would be honoured, and the king would support the pursuit of closer union and free trade between the kingdoms. Additional articles signed the next day stated that equal numbers of Scotsmen and Englishmen would be employed in 'foreign negotiations and treaties', which is something that Hamilton probably sponsored, given his frustrations during the Personal Rule. By the same token, a 'competent number' of Scotsmen would sit on the English Privy Council and *vice versa*. It was also agreed that of all the attendants and servants around the king, queen and their children, a third of them should be Scots 'in all time coming'. Finally, the king or the prince of Wales should reside in Scotland frequently so that 'their subjects of that kingdom may be known unto them'.

In return for the king's consent to these terms, the kingdom of Scotland would 'first in a peaceable way' press for Charles to go to London for a personal treaty with the English parliament and commissioners from Scotland and, in the meantime, all armies would be disbanded.[74] If this failed, then the Scots would emit a declaration 'against the unjust proceedings of the two Houses of Parliament towards His Majesty and the Kingdom of Scotland, wherein they shall assert the right which belongs to the Crown in the power of the militia, the Great Seal, bestowing of honours and offices of trust, choice of Privy Councillors, the right of the King's negative voice in Parliament; and that the Queen's Majesty, the Prince, and the rest of the royal issue, ought to remain where His Majesty shall think fit, in either of the kingdoms, with safety, honour and freedom'. At the same time that the declaration was presented to the English parliament, a Scottish army would march into England to restore the king, and all subjects of England and Ireland would be encouraged to rise up and support the liberating army.

In civil matters, the terms of the Engagement satisfied most of the desires of the Covenanters for closer union, free trade, representation in the royal households, royal residency in Scotland and full assent to the bills passed in the Covenanter parliament. By contrast, the civil issues that the English parliament held so dear in the Newcastle propositions, such as the militia, the great seal, and the bestowing of honours, were to be fully restored to Charles. During the period of the Anglo-Scottish treaty, their English allies had shown an aloof disregard for the cherished religious aims of the Covenanters, and this may have been a dramatic way of returning the compliment. For the Scottish nation, however, it was on the religious terms that the commissioners had given ground and they gave more the day after the articles had been agreed. In the declaration by the three commissioners appended to the articles of Engagement that was signed on 27 December, the king's position on Presbyterianism was clarified further:

> By the clause of confirming Presbyterian government by Act of Parliament, His Majesty hath declared to us that he is neither obliged to desire the settling of Presbyterian government, nor to present a bill for that effect; and we likewise understand that no person whatsoever suffer in his estate or corporal punishment for not submitting to Presbyterian

[73] *APS*, VI, I, 764–765.

[74] Gardiner, *Constitutional Documents*, Third Edition (1947), p.349.

> government. His Majesty understanding that this shall not extend to those that are mentioned in the clause against toleration.[75]

So Charles need not lift a finger to assist the establishment of Presbyterian church government in England and Ireland. In fact, he could hinder it if he wished. Equally, those whose conscience would not allow them to submit to that form of church government could desist and suffer no penalty, excepting Anti-Trinitarians, Anabaptists, Antinomians, Arminians, Familists and the other detested sects. Needless to say, this was not a watertight agreement on the religious clauses and only twenty-four hours after agreeing them, Charles compromised them further. It may be that Charles's recently expressed view on the mechanics of the negotiation process was ringing in Lanark's ears when the coda was allowed on 27 December, 'many things may be fitly offerd to obtaine a Treaty, that may be altered when one comes to Treate; & there is a great difference between what I will insist on & what I will permitt for the obtaining of a Peace'.[76]

III

No correspondence has survived between Hamilton and Lanark for the last months of 1647, so it is difficult to recover exactly what the duke thought of the extra concessions agreed to by his brother. In fact, Hamilton's last few letters written to his brother hours before his execution in March 1649 are the only vestiges of a sibling coalition that burned brightly in the duke's last year. Whatever Hamilton thought in private, he and his brother worked hand-in-hand over the Engagement. The base of operations was the abbey at Holyrood where both men dined together most evenings and where Lanark had established his secretariat.[77] Hamilton was dominant in the parliament and committees and took a leading role negotiating with the commission of the kirk. Lanark played a much more central, organisational and drafting role. He drew up, with others such as Loudoun, the declarations and papers that presented the argument for the Engagement.[78] Although the evidence is patchy, masked by a determination to show a united front, there was some disagreement between the brothers over the negotiations with the kirk and the Argyll party. Hamilton, throughout his political career, had sought consensus and he fought tooth and nail with the opponents of the Engagement to find common ground that would allow the Scottish nation to unite to save king and religion. He probably should have given up sooner than he did, and the mobilisation was delayed as a result. Lanark seemed to have realised earlier than his brother that the cause of unity between Engagers and kirk was a hopeless one.[79]

Whilst the Engagement was incubated in Scotland, the vision was a British one. Hamilton saw the Engagement as a Scottish-led but most definitely a British affair with risings and support in England, an army coming out of Ireland, with support and arms from the queen in France, and ideally with the prince of Wales at the head of the army as it crossed the Tweed. It was coordinated

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[75] Gardiner, *Constitutional Documents*, Third Edition (1947), p.352.

[76] See above, and NRS, GD 406/1/2177 (Charles to Lanark, 26 November 1647).

[77] Fotheringham ed., *Montereul Correspondence* (1898), II, 523.

[78] Lanark was widely regarded as the pen of the Engagers, Baillie, *Letters and Journals*, iii, 37, 46; Fotheringham ed., *Montereul Correspondence* (1898), II, 426. For drafts and copies of the main Engagement documents in Lanark's hand, or corrected by him, that went to the printing presses in 1648, NRS, GD 406/2/M9/119/21/1-2 'Grounds for a Declaration'; GD 406/2/M9/119/22/1-2; GD 406/2/M9/119/23, 24, 25. From these came the main printed documents, *A Declaration of the Parliament of Scotland to all his Majesties good subjects of this Kingdome concerning their resolutions for Religion, King, and Kingdoms, in pursuance of the ends of the Covenant* (Edinburgh [reprinted London,]1648); *A Declaration of the Committee of Estates of Parliament of Scotland, to the Honourable Houses of the Parliament, and to all their Brethren of England. Concerning the necessity, grounds and ends of their Ingagement, and of the returne of the Scots Army into England* (London, 1648) [21 July 1648].

[79] Burnet, *Lives of the Hamiltons* (1852), pp.432–436.

from Scotland, yet this was by no means a simple invasion of England. The Scots had supporters in England eager to rise for the king, and others in the English parliament and the City of London who were prepared to support their actions. Lanark's correspondence puts this beyond doubt, and he and Lauderdale had confirmed their English support before leaving for Scotland at the beginning of February.[80] There are some parallels with the Scottish invasion of 1640, which had a large measure of support from the English political nation that was enough to topple the Personal Rule without a large battle.[81] It was probably true that Hamilton cherished the hope that the threat of a massive Scottish army entering England would be enough to overthrow the Independents and the army and rush the Presbyterians into power in parliament, supported by the City of London and risings in the provinces and Wales.[82]

Yet the first step was to win over the committee of estates, and the reports by Loudoun and Lauderdale on 10 February resulted in the committee approving the treaty and commending the efforts of the three nobles and their colleagues.[83] Ominously, however, the commission of the kirk[84] petitioned the committee of estates on the 15 February requesting 'tymous and cleere correspondence' between them to ensure the proper 'prosequuting of the comon cause and covenant'.[85] A few days later, a committee of dangers was formed to 'consider the dangers threatning Religion, the Covenant, the King's Matie, Monarchical government and peace of the Kingdoms'.[86] No sooner was that done than Robert Douglas, on behalf of the commission of the kirk, requested a written summary of what Loudoun and Lauderdale had reported.[87] By the time that the parliament assembled on 2 March, therefore, the commission of the kirk and Argyll had begun to question the religious terms agreed at Carisbrooke. In response, Lanark and Lauderdale entreated the king to concede more in church matters to allow the Engagement to proceed on a united front.[88] Charles, still pleased at contracting the Scots at an 'easier rate', refused.

This issue was still unresolved when the first session of the second triennial parliament convened on 2 March. Yet it was clear that Hamilton had transferred, and even increased, the support he had enjoyed in the committee of estates into the new parliament. Robert Baillie, an ally of Argyll, conceded as much in his wry summary of the factional breakdown of the new parliament:

> Never so many noblemen present in any of our Parliaments; near fyftie Earls and Lords. Among whom were found but eight or nyne for our way; Argyle, Eglintone, Cassillis, Louthian, Arbuthnot, Torpichen, Rosse, Balmerino, Cowper, Burleigh, and sometimes the Chancellour and Balcarres. All the rest, with more than the halfe of the barrons, and almost the halfe of the burgesses, especiallie the greater tounes, Edinburgh, Perth, Dundee, Aberdeen, St. Andrews, Linlithgow, ran in a string after Duke Hamilton's vote. That partie, besides the advantage of the number of two at least to one, had lykewise the most of the ablest speakers. For us none did speak but Argyle and Warriston, and sometymes Cassillis and Balmerinoch; but they had the Duke, the Thesaurer, Lanark, Lauderdale, Traquair, Glencarne, Cochrane, Lee, all able spokesmen.[89]

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[80] 'Relation of Sir Philip Musgrave' in 'Narratives illustrating the Duke of Hamilton's Expedition to England in 1648' ed., C.H. Firth *Miscellany of the Scottish History Society* (Edinburgh, 1904), p.302.

[81] See chapter 7, pp.180–81.

[82] This was by no means a fanciful hope, as Gardiner's description of England shows, Gardiner, *Great Civil War*, iv, 94–98.

[83] NRS, PA 11/5, fols.199v, 209v–210v.

[84] This was the commission of the general assembly which sat alongside the parliament and committee of estates, but it was commonly known as the commission of the kirk.

[85] NRS, PA 11/5, fols.210v.

[86] NRS, PA 11/5, fol.212v.

[87] NRS, PA 11/5, fol.212r.

[88] Burnet, *Lives of the Hamiltons* (1852), p.430 (Charles to [Lanark & Lauderdale], 17 March 1648).

[89] Baillie, *Letters and Journals*, iii, 35.

That the earl of Loudoun, one of the most passionate Engagers at this stage, was elected president of parliament served only to confirm the Hamiltons possession of the house.[90] By contrast, Archibald Johnston of Wariston, Argyll's right-hand man, squeezed into the chamber by the skin of his teeth.[91] Even so, Argyll's party had held a considerable amount of their support, but it was the attendance of 56 nobles that swung the parliament decisively in Hamilton's favour, not just for the simple numerical advantage, which was put at 36, but because of the continued hierarchical nature of parliamentary politics.[92] So many nobles, crowded into the unicameral chamber, would have created awe in some of the commissioners from the other two estates. The social hierarchy, which had buckled slightly during the decade, was now being reasserted in the traditional alliance of crown and nobility. The series of duels that took place during the first weeks of the parliament also attested to the dominance of the nobles, as a zephyr of honour and chivalry blew through the chamber. Argyll and Crawford-Lindsay, Eglinton and Glencairn, and Lords Cranston and Kenmure, Engager and anti-Engager, all met at dawn in open places outside the capital.[93]

Hamilton, the highest-ranking noble in Scotland, sought to use his numerical majority to seize the initiative in the parliament from the outset. His attention to detail, and his commitment to dominating the parliament, is confirmed by the survival of a previously undiscovered 12,000 word diary that he kept of events from the commencement of the parliament proper on 9 March to the passing of the act for putting the kingdom in a posture of defence on 18 April, which effectively signalled the full mobilisation of the country and the end of serious parliamentary debate.[94] Not only does the diary cast new light on the way parliament functioned and how the estates interacted, it records just about every issue that the parliament or its main committee discussed, from sheep stealing in Stirlingshire to the selection of officers for the Engagement army.[95] The flood of English royalist soldiers into Scotland, and the moves to have the Scottish army in Ireland brought over, as well as the negotiations in The Hague to purchase arms and ammunition are all recorded. This little diary, measuring about 8 x 4 inches, shows that for this decisive six-week period Hamilton was in constant attendance in parliament or the Committee of 24, initiating, debating, presiding, and finally abandoning his attempt to win over Argyll and the kirk.

The selection of the primary committee of the parliament on 10 March with a remit to consider the dangers to religion, covenant, king and monarchical government underlined Hamilton's dominance of the noble estate and parliament. The nobles elected Hamilton, Argyll, Crawford-Lindsay, Lauderdale, Lanark and Callander, a ratio of five to one in favour of the duke.[96] The full Committee of 18, as it quickly became known, contained only five supporters of Argyll: one noble, one baron and three commissioners of the shires.[97] Conflicting versions of what happened over the next crucial few weeks with the Committee of 18 are available, but Hamilton's diary confirms

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[90] Fotheringham ed., *Montereul Correspondence* (1898), II, 419–420.

[91] Having lost his Edinburgh seat, Wariston, an urbanite and Lowlander to his gums, represented the shire of Argyll through the patronage of the marquis. Stevenson, *Revolution and Counter Revolution* (1977), p.100.

[92] For a more sustained presentation of this argument, see Scally, 'Scottish Parliaments of Charles I' (1996), *passim.* For the majority, Fotheringham ed., *Montereul Correspondence* (1898), II, 426.

[93] *APS*, VI, ii, 5; Baillie, *Letters and Journals*, iii, 35–36; Fotheringham ed., *Montereul Correspondence* (1898), II, 427–428; *The Historical Works of Sir James Balfour of Denmylne and Kinnaird* 4 vols (Edinburgh, 1824), III, 395–396. The duel between Argyll and Crawford-Lindsay disrupted parliamentary business, NLS, MSS 8482, fol.13r.

[94] NLS, MSS 8482 (v, 83, ii, 11(inverted) + blanks). This diary has rarely, if ever, been used and the identification of Hamilton as the author was not known until I viewed it for the first time in 1992. Any reference to the diary is based on a full transcript that I have done and intend to publish in due course.

[95] NLS, MSS 8482, fols.64r, 80r, 82r.

[96] NLS, MSS 8482, fol.5r.

[97] The list was compiled by Montereul and he put an asterix next to the supporters of Argyll. I have changed two of the names which were clearly mistranscribed, 'Ham, *Arg, Crawford, Lauderdale, Lanark, Callander, Innerpeffer, Lee, Humby, *Wariston, Collington, Arniston, Arch Sydserf (Edinburgh), Sir Alexander Wedderburne (Dundee), Patrick Leslie (Aberdeen), *George Porterfield (Glasgow), *William Glendinning (Kirkcudbright), *John Kennedy (Ayr)', Fotheringham ed., *Montereul Correspondence* (1898), II, 425–428.

that late in the afternoon of the 16 March, after a long and bitter debate, the parliament decided to invest new powers in a committee, in particular to secure Berwick and Carlisle from the 'mallignantes sectariess'.[98] This was, in actual fact, a new Committee of 18 with exactly the same nobles and barons as the old Committee of 18. The main change in personnel was that the three commissioners of the shires (Porterfield of Glasgow, Glendinning of Kirkcudbright and Kennedy of Ayr) that supported Argyll were replaced by Hamiltonians. This reduced Argyll's support in the main parliamentary committee to two: the marquis himself and Wariston. The outrage was immediate and dramatic. Argyll declared that the parliament had resurrected the lords of the articles in the face of the act of abolition of 1640 and that the projected garrisoning of Carlisle and Berwick had ruptured the Anglo-Scottish treaties of 1641 and 1643. Claims that the parliament was 'unsound' and that 'ane absolute power' had been raised echoed round the chamber, but fell on deaf ears. The great marquis, who had held Scotland in the palm of his hand for over a decade, stormed out of the chamber with 47 of his supporters.[99] When Hamilton had done the same thing in the summer of 1643 during the Solemn League and Covenant debates, Argyll had let him keep walking. Next day, Hamilton, a conciliator to his fingertips, persuaded the parliament to call back the dissenters and they were told to 'sitt doune in your plases'.[100] Perhaps even more remarkable than all this, was the fact that it was probably Hamilton who brokered a final change in the Committee of 18 a week later, when its membership was expanded to 24 and Porterfield, Glendinning and Kennedy were reinstated.[101]

Nowhere was Hamilton's attempt to achieve consensus more energetically pursued and more bitterly disappointed than in the negotiations with the commission of the kirk over the terms of the Engagement. Hamilton's diary affords a clear picture of his steely determination to harry the kirkmen into accepting his ever-increasing concessions. Having no part in the softening of the religious terms agreed at Carisbrooke, Hamilton hardened them as much as he could to satisfy his co-religionists in the commission of the kirk. Charles was even told by Lanark and Lauderdale that an engagement could not be secured on the terms agreed at Carisbrooke, but that they would get one on the best terms that they could.[102] Closer to home, the Hamiltons tried to raise a party of ministers to support the Engagement and when one of their number, Mr Andrew Ramsay, was censured by the commission of the kirk crowds led by two members of parliament, Lord Forster and Sir John Hamilton of Orbiston, disrupted the meetings of the commission.[103]

On 22 March, the commission of the kirk sent parliament their 'eight desires' that had to be satisfied before they would support an engagement, and Hamilton dutifully copied them out word for word into the back of his diary.[104] The first four required consensus between church and state before Scotland commenced any hostilities, that a declaration be emitted listing the breaches of the Covenant and treaties, that the projected union between the kingdoms and the Presbyterian party in England were unharmed, and that there would be no complicity with the popish, prelatical, malignant or sectarian party in pursuing the Engagement. The next two desires

[98] NLS, MSS 8482, fol.19r (16 March). See also, Stevenson, *Revolution and Counter Revolution* (1977), pp.101–102; Young, John R. *The Scottish Parliament: A political and constitutional analysis, 1639–1660* (Edinburgh, 1996), pp.198–200.

[99] NLS, MSS 8482, fols.18r (16 March), 19r (16 March), 20r (17 March); Baillie, *Letters and Journals*, III, 37–39; Fotheringham ed., *Montereul Correspondence* (1898), II, 434–435. See also, Stevenson, *Revolution and Counter Revolution* (1977), pp.101–102.

[100] NLS, MSS 8482, fol.21r (17 March).

[101] NLS, MSS 8482, fol.32r (22 March). Roxburgh and Traquair were added to the noble complement.

[102] Burnet, *Lives of the Hamiltons* (1852), 430–431. (Lauderdale and Lanark to Charles, 22 March 1648).

[103] NLS, MSS 8482, fol.56r–57r.; Mitchell, Alexander F. & Christie, James *The records of the Commissions of the General Assemblies of the Church of Scotland holden in Edinburgh in the years 1646 and 1647* (Edinburgh: SHS, 1892), pp. 409–10, 423–424, 427–429, 447, 455, 481; Baillie, *Letters and Journals*, III, 34–35.

[104] Mitchell & Christie *The records of the Commissions of the General Assemblies* (1892), pp.403–405; NLS, MSS 8482, fols.1r–5r.

related to Charles. The fifth asked the parliament to declare the king's concessions on religion 'unsatisfactorie', and the sixth announced that before Charles was restored to his royal power he had to 'consent and agree to Acts of Parliament enjoyning the League and Covenant, and fully establishing Presbyteriall Government, Directory of Worship, and Confession of Faith, in all his Majesties dominions, and that his Majestie shall never make opposition to any of these'. The last two desires concerned a purge and an oath: the seventh asked that only the godly and sound be used in the committees and armies, and the eighth wanted a solemn oath to be devised by the kirk and parliament like that used in the Solemn League and Covenant, 'the cause being the same'.

It was immediately following the debate on the 'eight desires' on 22 March that parliament reconstituted the Committee of 18 into that of 24 authorising it to conduct negotiations with the kirk on the 'desires'.[105] For the next two days the Committee of 24 and representatives from the commission of the kirk met in the High Tolbooth and argued over the 'eight desires' one by one. There was a surprising degree of consensus on most of the issues, and it was unanimously agreed to declare the king's religious concessions, according to the sixth desire, 'not to be satisfactorie'.[106] The main sticking point centred on the sixth desire, which wanted Charles barred from exercising royal power until he consented to the League and Covenant, Presbyterian government, Directory of Worship and Confession of Faith in all his dominions. This single article was argued over on the 24 March for four hours in the morning and another two hours in the afternoon, at which point negotiations broke off with no agreement. The Committee of 24 spent the rest of the day finalising its 'answers to the eight desires', which they presented to parliament the next day.[107] The strain of these negotiations comes through in the duke's diary, not least since a remarkable exchange was recorded between the diarist and his arch-rival, Argyll. On the page between Hamilton's entry for the two days of negotiations on 23 and 24 March was the record of a disagreement between Hamilton and Argyll, to which both men penned their views. This was clearly done to record exactly where both men stood after two days of dispute and was probably done towards the end of the discussions on the second day. It states quite categorically that Argyll would not support the Engagement unless articles six, seven and eight of the kirk's desires was satisfied. The words written in Hamilton's diary by Argyll's hand are in italics for clarity; Hamilton's are immediately below.

> *that the king be not restored to the*
> *exercise of his royall power till he*
> *grant in religion according to the 6*
> *article presented by the Churche*
> *that non shall be imployed against*
> *whom thair is caus of jealusie*
> *that the Church may have the sam*
> *interest in this ingagment as in the*
> *Covenant the caus being the sam*
> The opinion of Marquis Arguyll not of Hamilton which he
> will mainten that this is more nor sufficient
> secooritie---[108]

[105] NLS, MSS 8482, fols.31r–33r. Roxburgh and Traquair were added to the noble complement.
[106] NLS, MSS 8482, fols.42r (24 March).
[107] NLS, MSS 8482, fols.35r–45r (23–25 March). A full version of the parliament's answers to the kirk's eight desires can be found in, Mitchell & Christie *The records of the Commissions of the General Assemblies* (1892), pp.416–420.
[108] NLS, MSS 8482, fol.40r (Between entries for 23 and 24 March).

This evidence demonstrates, once again, the dominance of the two noble magnates, since both positions reveal, in a nutshell, the differences between the two main parties.[109] That they were both willing to record their positions in such a way is a striking example of the way politics was conducted by the nobility during this period.

Hamilton's diary recorded further conferences to try to overcome the disputed articles, but the commission became more inflexible and meetings proved difficult to arrange.[110] Without a doubt, Argyll's power in the commission of the kirk stiffened their resolve around articles six, seven and eight.[111] Even supporters of the marquis, conceded that it was he and one or two others that blocked an accommodation with the Engagers, despite very generous concessions from 'the Duke's friends'.[112] Argyll's unrestricted influence over the commission and general assembly was common knowledge.[113] In the face of such intransigence, the Committee of 24 presently occupied themselves with drawing up the declaration of the breaches to the Covenant and treaties by the English parliament.[114] The declaration was issued without waiting for the commission of the kirk's opinion on it.[115] On 4 April, following the failure of another conference with the commission of the kirk, the parliament authorised the Committee of 24 'to consider the dangers this kingdome is in and deuties to be doune'. Exactly two weeks later, on 18 April, as Hamilton records in the final entry of his diary, the act to put the kingdom in a posture of defence was read, debated and approved.[116] On the same day, the committees of war in the shires were activated. The conclusion of Hamilton's diary on 18 April signalled the end of parliamentary debate and the move to war.[117]

IV

'Scotland is to be the primum mobile from whence these orbes heere must receive their motion'.[118] So wrote John, Lord Byron, commander in chief of royalist forces in Cheshire, Lancashire, Shropshire and North Wales to Lanark on 18 March 1648. Over the next few months Lanark received word from royalists all over England that the country was ready to rise in support of the king. Lancashire, Cheshire, Wales, Surrey, Norfolk, Suffolk, Essex, Middlesex, Cornwall and Devon would declare against the parliament and army in England if the Scots crossed the Tweed.[119] Rumours that the English forces under Fairfax, Cromwell and Lambert were weak and close to mutiny encouraged the Engagers.[120] Hopes soared on the belief 'that the cursed army of sectaries should

[109] Baillie, *Letters and Journals*, iii, 28–31.

[110] NLS, MSS 8482, fols.47r, 50r, 55r, 56r, 58r, 60r, 68r. In early April a series of secret meetings were conducted between Argyll and Balmerino, and Lanark and Lauderdale but they similarly broke down, Fotheringham ed., *Montereul Correspondence* (1898), II, 446.

[111] Argyll used Wariston and through him Patrick Gillespie and James Guthrie in the commission of the kirk to resist any attempt at compromise on articles 6–8, Baillie, *Letters and Journals*, iii, 46.

[112] Baillie, *Letters and Journals*, iii, 38.

[113] Baillie, *Letters and Journals*, iii, 53. Baillie admitted as much when he said that before any general assembly sat down 'some few of us mett the night before the Assemblie in Warristone's chamber, with Argyle, the Chancellour, and some others of our wisest friends, to consider about the choising of the moderator, committees, and cheife points of the Assemblie.' For a similar view, which credits Argyll with absolute control of the kirk, NRS, GD 406/2/M9/139, p.1.

[114] NLS, MSS 8482, fol.63r, 64r, 65r, 66r, 69r–70r.

[115] Baillie, *Letters and Journals*, iii, 46. *A Declaration of the Parliament of Scotland to all his Majesties good subjects of this Kingdome concerning their resolutions for Religion, King, and Kingdoms, in pursuance of the ends of the Covenant* (Edinburgh, 1648) Wing S1224.

[116] NLS, MSS 8482, fol.82r.

[117] For a calendar of the committee of estates held in May that organised the levying of the army, David Stevenson, ed., *The Government of Scotland Under the Covenanters 1637–1651* (Edinburgh: SHS, 1982), pp.61–82.

[118] Gardiner, S.R. ed., *The Hamilton Papers* (London: Camden Society, 1880), 167–168 (Byron to Lanark, 18 March 1648).

[119] Gardiner, *Hamilton Papers* (1880), 166–167, 173–174, 177–178, 188, 192, 200–201, 204, 211–213, 217–218.

[120] Baillie, *Letters and Journals*, iii, 51.

evanish in smoke'.[121] News reached Edinburgh of a young man in Kent who impersonated the prince of Wales, and was swamped with gold and rich clothes by the crowds that flocked to see him.[122] The real prince of Wales seemed prepared to join the Engagement army the moment that it entered England. Lauderdale had been dispatched to secure assurances that Charles's heir would be a good Presbyterian while he was with the Scots. His court would be purged and he would be supplied with Scottish chaplains.[123] Confidence was high enough to approach the City of London for financial aid for the Scottish army.[124] Equally promising news came from Ireland that the marquis of Ormond was considering a return from exile to declare for the Engagement.[125] The Scots army in Ulster was to send over 1,500 foot and 300 horse under Sir George Monro that would strengthen the main Engagement army.[126] Whilst Lanark, with Hamilton's advice, co-ordinated the military strategy in the three kingdoms, their English correspondents urged two things above all else. First 'that all our litle plots and tumults are insignificant' without the Scots army, and second, that haste was a fundamental prerequisite to success.[127] As the risings in England prematurely sputtered into life, the need for the Scots to march became critically important.[128] Needless to say, the perceived delay in putting an army in the field prompted spiteful outbursts of anti-Scots sentiment amongst royalists in England and in the prince of Wales's court in Holland.[129]

On 4 May the Scottish parliament had ordered a levy of over 27,000 foot and nearly 3,000 horse, but the actual number that arrived at the rendezvous in Annan on 4 July was nowhere near those giddy numbers.[130] Although figures vary wildly, there may have been as little as 2,500 horse and 2,000 foot at Annan on the first day.[131] There can be little doubt that Hamilton marched into England on 8 July with a modest force that was reinforced over the next four weeks.[132] In fact, it may have been a matter of a week before the Battle of Preston on 18 August that enough forces had arrived from Scotland to bring the army to between the 10,000 and 13,000 that most historians believe left Annan with Hamilton on 8 August.[133] This is important, for it partly explains the weeks of dithering in the north of England, since until 10 August the Scots 'still wanted the main materials and sinews of the army (occasioned by our suddain and unready departure from Scotland).'[134] The levies that caught up with the army were raw and undisciplined 'the fifth man wherof had

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[121] *Ibid.*

[122] Gardiner, 'Hamilton Papers. Addenda.' in *Camden Miscellany* (1893), 37.

[123] Gardiner, *Hamilton Papers* (1880), 232–236 (Instructions from the Committee of Estates to Lauderdale, July 1648); 237–239 (Lauderdale to Lanark, 10 August 1648); 239–240 (Lauderdale to Prince of Wales, 16 August 1648); 240–243 (Declarations by the Prince of Wales, August 1648); 244–247 (Lauderdale to Lanark, 19 August 1648); 248–250 (Lauderdale to Lanark, 20 August 1648); 251 (Lauderdale to Hamilton, 20 August 1648); 252–253 (Lauderdale to Committee of Estates, 21 August 1648); 253 (Lauderdale to Lanark, 21 August 1648).

[124] NRS, GD 406/1/2400 (June 1648).

[125] Gardiner, 'Hamilton Papers. Addenda.' in *Camden Miscellany* (1893), 1, 12–13, 13–14, 22 (Ormond to Hamilton and Lanark, March 1648).

[126] Sir James Turner, *Memoirs of his own Life and Times* (Edinburgh: Bannatyne Club, 1819), p.68.

[127] Gardiner, *Hamilton Papers* (1880), 206 (June 1648).

[128] Gardiner, *Hamilton Papers* (1880), 166–167, 176, 177–178, 192, 194, 200–201, 217–218. NRS, GD 406/1/2348 (Sir Marmaduke Langdale & Sir Philip Musgrave to Lanark, 26 June 1648).

[129] See, for example, Gardiner, *Hamilton Papers* (1880), 228–229 (Sir William Bellenden to Lanark, 9 July 1648).

[130] Stevenson, *Revolution and Counter Revolution* (1977), p.105; *APS*, VI, ii, 53–56; Fotheringham ed., *Montereul Correspondence* (1898), II, 482–483; E. M. Furgol, *A regimental history of the Covenanting armies 1639–1651* (Edinburgh, 1990), pp.268–291.

[131] *A letter from Holland: being a true relation of all the proceedings of the Northern Armies under the command of Duke Hamilton* ([London,] 1648), p.1. This is an excellent account by an English royalist who was with the army, which squares with the detail given in other accounts, but lacks their obvious bias.

[132] *A letter from Holland* (1648), pp.1–4; Sir James Turner, *Memoirs of his own Life and Times* (1819), p.59. There is an excellent breakdown of the Scottish, royalist and parliamentarian forces in Stephen Bull & Mike Read, *Bloody Preston: The Battle of Preston, 1648* (Lancaster, 1998), Appendix 1.

[133] See, for example, Stevenson, *Revolution and Counter Revolution* (1977), p.111; Austin Woolrych, *Battles of the English Civil War* (London, 1961), p.158; Gardiner, *Great Civil War*, iv, 165.

[134] *A letter from Holland* (1648), p.3.

never seen either a pike or musket, and among the horse, very few knew the use of a pistoll'.[135] The army did not have a single artillery piece, since Sir Alexander Hamilton, the general of the artillery, was so senile that he forgot to make provision for some.[136] That was yet another deficit that it was hoped would be supplied after the first march.[137] Arms and ammunition were also low and there was a daily expectation of supplies from Holland.[138] So, after the precipitate march into England on 8 July, Hamilton spent much of his time looking over his shoulder for reinforcements and supplies.[139] Projected battle plans, intelligence gathering and the like surely suffered as a result.

There were uncomfortable parallels with the ill-trained army that Hamilton took to Germany over a decade and a half before. But the present enterprise was on a larger scale, and the stakes were certainly higher, than when the youthful earl, bursting to emulate Buckingham, had sailed to Germany with his hopeful army. At least the opprobrium of the kirk was something that Hamilton had not had to contend with in 1631. Once it became evident that their 'desires' would not be fully satisfied, the commission of the kirk mobilised the ministry against the 'unlawful' Engagement and condemned anyone who participated.[140] The personal attack on Hamilton was sustained and vicious, even suggesting that this was an elaborate scheme to establish him on the throne in place of Charles.[141] Unused to such behaviour from the clergy towards a premier nobleman, the French agent, Jean de Montereul, marvelled at 'the patience with which he endures the things that are said each day in the pulpits against him, in his presence, which must be not only painful to a generous-minded man, but which might be also very prejudicial to his interests.'[142] Even Robert Baillie wondered whether the kirk's compulsive meddling in civil matters was best for kingdom and king.[143]

The greatest weakness in the Engagement army, however, was the appointment of Hamilton as general and the earl of Callander as lieutenant general. Despite his reputation as a veteran of the German Wars, who served under the legendary Gustavus Adolphus, Hamilton was not a military commander.[144] In Germany, Sir Alexander Leslie, earl of Leven, had the final decision in military matters, and it was Leven, ironically, who had declined the command of the Engagement army. The two best Covenanter commanders Leven and David Leslie had been badgered by the kirk into declining the commission. Hamilton apparently resisted the attempts to have himself made general, but eventually accepted it to foil Callander's appointment. The royalist hotheads led by Callander were an irritating carbuncle on the side of Hamilton's party in parliament. Callander's incessant tantrums demanding immediate intervention in England had thwarted the efforts

[135] NRS GD 406/2/M9/139 'A relation of James Duke of Hamilton his expedition into England in the year 1648', p.11. This thirty-five page MSS is almost certainly by Sir James Turner, but it differs from the more commonly used printed version, Sir James Turner, *Memoirs of his own Life and Times* (1819).

[136] Turner, *Memoirs of his own Life and Times* (1819), p.59.

[137] *A letter from Holland* (1648), p.4.

[138] Gardiner, *Hamilton Papers* (1880), 228–229; Burnet, *Lives of the Hamiltons* (1852), p.446.

[139] Sir William Fleming arrived at Leith on a ship laden with military supplies around 18 July, and set off with them to the army, Fotheringham ed., *Montereul Correspondence* (1898), II, 529; *A letter from Holland* (1648), pp.2, 4. See also Stevenson, *Revolution and Counter Revolution* (1977), p.112.

[140] Mitchell & Christie *The records of the Commissions of the General Assemblies* (1892), pp.429–431, 452–455, 462–463, 463–471 (*A Declaration of the Parliament of Scotland to all his Majesties good subjects of this Kingdome concerning their resolutions for Religion, King, and Kingdoms, in pursuance of the ends of the Covenant* ([20 April]1648)) 475–480; 485–488 (Letter to Presbyteries, 27 April 1648); 489–512 (*Humble Representation of the Commission of the General Assembly to the honorable Estates of Parliament*, 28 April 1648). And other references. McCrie, Thomas, *The life of Mr Robert Blair, minister of St Andrews, containing his autobiography from 1593–1636, with a supplement to 1680* (Edinburgh: Wodrow Society, 1848), pp.202–203. For Baillie's clear exposition of the three issues that separated the Engagers and anti-Engagers, Baillie, *Letters and Journals*, iii, 28–31.

[141] Fotheringham ed., *Montereul Correspondence* (1898), II, 507.

[142] Fotheringham ed., *Montereul Correspondence* (1898), II, 523.

[143] Baillie, *Letters and Journals*, iii, 38. 'I am more and more in the mind, that it were for the good of the world, that Churchmen did meddle with Ecclesiastick affairs only … they are unhappie statesmen'.

[144] Most of the accounts that have survived say that Hamilton was not strict enough in disciplining the army, Turner, *Memoirs of his own Life and Times* (1819), p.70.

to unite the kirk to the Engagement.[145] To placate them, Hamilton agreed to have Callander as his second in command. This meant that Callander, a former ally of Montrose and a supporter of the Incident in 1641, was able to continue his vendetta against the duke in the Engagement army. Ever the polite conciliator, Hamilton allowed Callander too much influence in military decisions and was even upbraided in front of other officers by his overbearing lieutenant general.[146] The combination was quite simply disastrous. By contrast the two other senior officers were far better soldiers than their superiors. John Middleton was made lieutenant general of the horse and William Baillie of Letham, lieutenant general of the foot. Lanark was left in Scotland in charge of the committee of estates and with an eye to suppressing any further anti-Engager risings.[147]

Despite crossing into England with such an 'ill equipd and ill orderd armie,'[148] Hamilton's arrival near Carlisle suggests that he had lost none of his fondness for public spectacle:

> Duke Hamilton marched himself in the van of the Scots Army, with his trumpeters before him, all in scarlet cloaks full of silver lace, like a Prince in State. With the Duke did march a life-guard of Scotch-men, all very proper and well cloathed, with standards and equipage like a Prince.[149]

That may have been the only day during the whole campaign when it did not rain. By all accounts the weather was atrocious, with fierce winds and constant lashing rain that turned roads into muddy quagmires and soaked the powder in the soldiers' flasks.[150] After joining up with Sir Marmaduke Langdale's 3,000 foot and few hundred horse, the cavalry clashed with Major General John Lambert's modest force outside Penrith on 14 July and at Appleby a few days later, but failed to bring their wily and astute opponent to a decisive battle.[151] Lambert melted away in the night to Stainmore in Yorkshire, wisely refusing an open clash with the more numerous Engagers. He would await the arrival of Lieutenant General Cromwell with 3,000 foot and 1,200 horse, a combination of New Model veterans and the Lancashire militia.[152]

After these skirmishes the Engagement forces spent two weeks at Kirby Thore, mainly to receive the reinforcements from Scotland and to press horses and transport into service from the surrounding areas.[153] On 31 July Appleby Castle surrendered and Langdale moved on to Skipton Castle hoping for similar success. Hamilton had been at Kendal about a week when Sir George Monro arrived on 8 August bringing the welcome news that he had brought 1,500 foot and 300 horse from the Scots army in Ulster. The haughty Monro and the preening Callander quarrelled immediately. Monro refused to take orders from Callander or Baillie, while Callander absolutely refused to have Sir George as an independent commander. A good general would have stamped on such puffed-up nonsense, especially since it was imperative that Monro's seasoned veterans stiffened the raw recruits so recently arrived from Scotland. Instead, Hamilton ordered Monro to form a separate auxiliary army with Sir Phillip Musgrave and Sir Thomas Tyldesley and

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145 Fotheringham ed., *Montereul Correspondence* (1898), II, 438; Burnet, *Lives of the Hamiltons* (1852), p.336. Baillie is emphatic that Callander's party stymied an agreement between the kirk and the Engagers, Baillie, *Letters and Journals*, iii, 37–38.

146 Turner, *Memoirs of his own Life and Times* (1819), pp.71–72.

147 Stevenson, *Revolution and Counter Revolution* (1977), pp.107–113.

148 Turner, *Memoirs of his own Life and Times* (1819), p.61.

149 *A declaration from Scotland concerning the advance of the Scots Army: who are come into England* (London, 1648) [E.453.5], p.2.

150 Turner, *Memoirs of his own Life and Times* (1819), pp.59, 77; *A letter from Holland* (1648), p.2; Austin Woolrych, *Battles of the English Civil War* (London, 1961), pp.158–159.

151 *A letter from Holland* (1648), pp.2–3; Gardiner, *Great Civil War*, iv, 165; Woolrych, *Battles of the English Civil War*, pp.159–160, 163.

152 Woolrych, *Battles of the English Civil War*, p.159; Gardiner, *Great Civil War*, iv, 165.

153 NRS GD 406/2/M9/139, p.12.

quarter around Kirkby Lonsdale, over ten miles north of the main army, ostensibly to wait on the artillery expected out of Scotland.[154] S.R. Gardiner was surely right when he wrote that 'for all practical purposes Monro might as well have remained in Ireland'.[155] At a council of war at Hornby on 13 August, Hamilton displayed a rare piece of decisive generalship when he carried his will to take the army into Lancashire rather than Yorkshire.[156] He seems to have coveted Manchester and envisaged joining with Lord Byron's forces in North Wales.[157] Next day they struck out for Preston and on the 16 August, following an earlier council of war, Callander and Middleton set off with the cavalry towards Wigan, some sixteen miles further south of Preston, in search of better quarters.[158] Although Hamilton was against the separation of the infantry and cavalry, he nevertheless allowed his army to be split to allow his horsemen to find better food and shelter for themselves.[159] Angry, but fatally unassertive in the face of his cavalry commanders, he stayed with the infantry and arrived at Preston on the morning of the 17 August.[160] As dawn broke over Preston, Hamilton's cavalry was sixteen miles to the south of him while Monro and Musgrave were about the same distance to the north. The duke was blissfully unaware of the fact that his seasoned opponents were a great deal closer to him than either his cavalry or his auxiliaries.

While Hamilton was busily agreeing to the separation of his army, the forces of Cromwell and Lambert had conjoined on 13 August.[161] A forward march, followed by a hasty council of war at Hodder Bridge during which they decided to approach the Engagers from the north of the Ribble river, thus cutting them off from a route home and their auxiliaries, brought them to the north-west of Preston Moor, which was enclosed with hedges and had a number of lanes running through it, on the morning of the 17 August. This was the very morning that Hamilton had arrived on the same side of the Ribble, but further down the sodden and hedge-filled moor with his infantry. At the same time, Langdale's little army of 3,000 foot and 600 horse were in battle array further up facing 'more than double their number of the best soldiers in the world'.[162] There had been word enough the day before the battle that Cromwell was in the vicinity, yet none of these rumours and incidents reached General Hamilton's ears. The night before some of Langdale's foot were beaten up by some of Cromwell's advance guard, however this was not passed along the line. Even more shamefully, Callander had picked up a rumour that Cromwell was close at hand. Instead of bringing the cavalry back from Wigan, he inexplicably retraced his route alone to consult with Hamilton and Baillie. Langdale sent word the same night, 16 August, that he believed Cromwell was nearby, but this was countermanded by an 'eminent person', most certainly the recently arrived Callander.[163]

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154 *A letter from Holland* (1648), p.4; Woolrych, *Battles of the English Civil War,* pp.163–164; Gardiner, *Great Civil War*, iv, 181.

155 Gardiner, *Great Civil War*, iv, 181. Sir James Turner described this decision as 'against all reason of warre', Turner, *Memoirs of his own Life and Times* (1819), p.68.

156 Turner, *Memoirs of his own Life and Times* (1819), pp.61–62. Callander was 'indifferent', Middleton and Turner were for Yorkshire, and Baillie was for Lancashire. There is an atrociously biased fourteen page mss narrative of the campaign written by Thomas Dalmahoy, one of Hamilton's servants, which I have not used, but which claims that the duke was for Yorkshire. Though he was culpable many times, Callander is blamed for all and every failure, NRS GD 406/2/M9/136 'Dalmahoy's Narrative', p.5. Burnet, disappointingly, follows Dalmahoy knowing beyond doubt that he was lying, *Lives of the Hamiltons* (1852), p.452.

157 Turner, *Memoirs of his own Life and Times* (1819), p.62; Woolrych, *Battles of the English Civil War*, p.164.

158 *A letter from Holland* (1648), pp.3–4.

159 *A letter from Holland* (1648), p.4. Apparently this was done to avert 'discontent' amongst the cavalry.

160 *A letter from Holland* (1648), p.4.

161 W. C. Abbott, *The writings and speeches of Oliver Cromwell* 4 vols (Oxford, reissue 1988), I, 634–639. This excellent letter to Speaker Lenthall, written by Cromwell at Warrington on 20 August, gives the victor's version of events, albeit, naturally enough, with a hint of hyperbole.

162 Gardiner, *Great Civil War*, iv, 187.

163 *A letter from Holland* (1648), p.4; Woolrych, *Battles of the English Civil War,* p.166; Gardiner, *Great Civil War*, iv, 185.

Next morning it was too late as Langdale and Cromwell's forces collided on the moor. Hamilton and Baillie were further down arranging for the march of the infantry south over the Ribble Bridge. As soon as word reached Hamilton that Langdale was engaged, he sent word for Middleton to haste back with the cavalry and ordered Baillie to stay on the moor to support Langdale, if required. It was at this point that Callander intervened and urged the march of the infantry over the Ribble and off the moor, as they would be cut to pieces without the cavalry to support them. They could assemble somewhere on the other side and wait on Middleton; then, and only then, could the enemy be engaged safely. The swollen and fast flowing Ribble river would then be in front of them rather than behind. And anyway, argued Callander, the force facing Langdale could be a small forward detachment that could be put to flight. If it was the full flush of the enemy, then Langdale could easily retreat over the Ribble Bridge. Once again, Callander won the argument and Baillie's foot marched over the bridge.[164] Instead of following the retreating foot, however, Hamilton got a small body of horse together and, with his own life guard of 150, went up the moor to support Langdale.[165]

This was not Marston Moor or Naseby and the forces instead fought hedge by hedge, with a modest amount of horse being deployed in the lane running through the middle of both armies.[166] The acknowledged modern authority on the battle has observed that the terrain 'made normal cavalry tactics impossible.'[167] If part of the massive Scottish infantry had been deployed, it is highly likely that they would have made a difference to the outcome by lining the numerous ditches and hedges that made up Langdale's strong position. They could arguably have held out until Middleton arrived. With virtually no support from his Scottish allies, Langdale still held out for over four hours and then retreated into the town of Preston in disorder, chased by two regiments of horse that Cromwell had held in reserve. Hamilton bravely charged the Cromwellian horse three times to allow the bedraggled forces time to retreat.[168] Cromwell's forces then took possession of the Ribble Bridge after a fierce battle, and also the bridge over the Darwen, a tributary of the main river further down. The duke and his life guard, along with Langdale and Turner, made their escape by forcing their horses to swim the river.[169]

Personal courage does not necessarily make a great military commander and in Hamilton's case it reeked of desperation. Why he seemed willing to hazard his own life in support of Langdale, but not to deploy even part of his large infantry beggars belief. The contrast between Cromwell's single-minded impulse that 'to engage the enemy to fight was our business' and Hamilton's indecision was laid bare by the close of the first day.[170] That Cromwell was willing to order the execution of the 4,000 prisoners taken on the first day, should Monro attack from the north, stands in dramatic contrast to Hamilton's lack of ruthlessness and the weak discipline prevalent in his own army.[171] At the council of war that evening, held on horseback, Callander again carried the argument and the Engagers stole away to a drumless night march in foul weather, along mud filled lanes and, worst

[164] *A letter from Holland* (1648), pp.4–5.

[165] Gardiner, *Great Civil War*, iv, 186–88. The evidence that Scottish horse were operating up and down the lane is beyond doubt, Stephen Bull & Mike Read, *Bloody Preston: The Battle of Preston, 1648* (Lancaster, 1998), pp.67–68.

[166] Cromwell used this 'very deep and ill' lane to his advantage by deploying two of his best regiments of horse to operate up and down it, Abbott, *Writings and speeches of Cromwell* (1988), I, 635.

[167] Woolrych, *Battles of the English Civil War*, p.167.

[168] Turner, *Memoirs of his own Life and Times* (1819), pp.63–64.

[169] Turner, *Memoirs of his own Life and Times* (1819), p.64. Turner seems to suggest that they 'got into Preston toune, with intention to passe a foorde below it, thogh at that time not rideable', *Ibid*, p.63, and had to swim the river instead after thrice charging the parliamentarian horse.

[170] Abbott, *Writings and speeches of Cromwell* (1988), I, 634.

[171] This order was issued by Cromwell to Colonels Scroop and Ashton who were left with the prisoners at Preston, Abbott, *Writings and speeches of Cromwell* (1988), I, 637; for Hamilton, see Turner, *Memoirs of his own Life and Times* (1819), pp.62, 65, and esp. p.70.

of all, leaving all of their ammunition behind. Lieutenant General Baillie and Adjutant General Turner pleaded that they should stay and fight. Middleton would be there in the morning at the latest with the cavalry. The weather was abysmal and made conditions for a night march unfeasible. Most of the army had not fought yet. They would be cut down by Cromwell's powerful horse if they tried to retreat.[172] Compelling as they were, these arguments did not convince the general, and he sided with the bullying Callander.

The night march was a disaster, as the tired, sodden and hungry troopers lagged behind or deserted in droves. Only half of those that set out the night before appeared on Wigan Moor at dawn.[173] Miserable failure was mixed with terrible farce because there were two routes between Preston and Wigan, and while Baillie's infantry splashed down one in total darkness, Middleton's horse rode up the other. They passed each other in the night. Middleton's arrival probably alerted Cromwell to the fact that the Scots had fled, and poor Middleton's cavalry were harried all the way back to their exhausted infantry. After the horse and foot linked up at Wigan, they made a last stand north of Winwick. They chose a good position and strengthened it with defence works. Cromwell was held at bay for several hours, and even lost ground at one point, but the Scots broke and lost 1,000 men with another 2,000 being taken prisoner.[174] Apparently locals showed Cromwell a way to take the Scots in their flanks. Yet for all the bravery shown at Winwick, it was clear that once they turned their backs on Cromwell at Preston, the campaign was over. The sad remnants of Baillie's exhausted foot, about 2,400 men soaking wet and famished, surrendered at Warrington, while Hamilton and 3,500 horse agreed articles of surrender with Lambert at Uttoxeter on 22 August.[175] Baillie pleaded with his officers to put a bullet in his head to save him from the dishonour that had been visited upon him.[176] The day before Hamilton surrendered, Callander and Langdale slipped away, both eventually making it to the continent.

Towards the end of the campaign, Cromwell estimated that he had over 10,000 prisoners.[177] Langdale's 3,000 foot and 600 horse had been decimated on Preston Moor. The Scots actually killed in battle probably ran to a few thousand; most of them never even fired their musket or pointed their pike at the enemy. Hamilton's career as a military commander thus ended, arguably as it had begun, in humiliation and failure. His army had been destroyed by one less than half its size. His political control of Scotland disintegrated shortly thereafter with the Whiggamore Raid and an alliance between Argyll and Cromwell to purge the Scottish establishment of Engagers.[178] Similarly, the spasmodic royalist risings in England quickly fizzled out as the news of Hamilton's defeat spread. The Engagement army's captured colours were taken to Colchester and paraded in sight of the dispirited royalists under siege, and they surrendered within a few days.

The failure of the Engagement in the mud filled ditches and deep hedges at Preston was essentially a battle between two English forces. In spite of the spirited last stand at Winwick, the Scottish army of over 10,000 played no significant part in the contest. Monro's force from Ireland scarcely struck a blow and retired into Scotland on hearing news of the defeat at Preston. In fact, the biggest headache the Scots army caused to their erstwhile parliamentary allies was what to

[172] NRS GD 406/2/M9/139 'A relation of James Duke of Hamilton his expedition into England in the year 1648', pp.17–19.
[173] Turner, *Memoirs of his own Life and Times* (1819), p.65.
[174] Abbott, *Writings and speeches of Cromwell* (1988), I, 636–637; Woolrych, Austin *Battles of the English Civil War*, pp.175; Bull & Read *Bloody Preston* (Lancaster, 1998), pp.82–84.
[175] *Journals of the House of Commons*, V, 688.
[176] Turner, *Memoirs of his own Life and Times* (1819), pp.67–68.
[177] Abbott, *Writings and speeches of Cromwell* (1988), I, 639. 'We have killed we know not what, but a very great number, having done execution upon them at the least thirty miles together, besides what we killed in the two great fights.'
[178] *Journals of the House of Lords*, X, 515–520; Stevenson, *Revolution and Counter Revolution* (1977), pp.115–120.

do with all of the prisoners. Those who could show that they had been pressed into service were sent home on condition that they never again bore arms against the English parliament. Most of the other common soldiers were shipped to Virginia or the Caribbean to serve as slaves in the plantations.[179] A different fate awaited their general, and the king he had struggled for so long to serve.

[179] *Journals of the House of Commons*, VI, 5, 57. 'the Plantations may be first furnished and then the service of Venice.' In late October, Loudoun and Argyll wrote to the House of Lords requesting 2,000 of the prisoners for service abroad under Colonel Robert Montgomery, *Journals of the House of Lords*, X, 556.

CHAPTER 11

Scotsman or Englishman? Trial & Execution, 1649

I

From Uttoxeter, Hamilton was taken in stages to Derby, Loughborough, and Leicester and arrived at Ashby-de-la-Zouch on 28 August.[1] Shortly after his capture, the English parliament voted a sum of £100,000 sterling on him for ransom, but this was subsequently repealed.[2] Towards the end of September, a small delegation arrived from the Commons, accompanied by Hugh Peters, who had been present at the duke's surrender, and pressed Hamilton to reveal the names of his English collaborators in the Engagement. His brother-in-law, Denbigh, visited him a few weeks later, probably for the same reason, but with a similar lack of success. In the middle of November, the House of Lords ordered that an ordinance should be prepared for the banishment of the earl of Cambridge and another for the other ringleaders of the Second Civil War. Yet this got no further than a conference with the lower house.[3] Pride's Purge, on 6 December, almost certainly stopped the initiative in its tracks.[4] On 4 December, the duke was taken from Ashby-de-la-Zouch and arrived at Windsor Castle a week later. Charles was also taken to Windsor, from Carisbrooke Castle, towards the end of the same month and Bishop Burnet described a brief meeting between

[1] NRS, GD 406/2/M9/137 (Description of Hamilton's Imprisonment after the Battle of Preston, 1648–1649) unfol., fol [1]. The next paragraph is based on this manuscript, which was probably written by one of the six servants Hamilton was allowed in the articles of surrender.

[2] W. C. Cobbett, *Complete Collection of State Trials* 10 vols (London, [1809–1826]), vi, 1156, 1165.

[3] *Journal of the House of Lords*, x, 587–588, 594, 596. During the conference between the two houses, the Commons reminded the Lords that it was their house that moved the banishment in the first place. The issue was discussed in the upper house again on 18 November, but Cambridge was not included in the list, which suggests that he had been excepted after the initial debates.

[4] Woolrych, *Britain in Revolution* (2004), pp.419–433.

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the duke and the king. Hamilton was supposedly allowed by his captors to kiss the king's hand as he passed, and they exchanged a few brief words.[5]

It was probably around this time that Cromwell used Denbigh to carry a final overture to Charles at Windsor, knowing that the messenger would arouse little suspicion since most observers would assume Denbigh was visiting the duke.[6] It was the failure of Denbigh's mission that most likely brought Cromwell to Windsor. He offered Hamilton 'life, reward and service' in return for the names of the Englishmen that had colluded with him.[7] In Cromwell's eyes at least, Charles was an Englishman and it is almost certain that the hours spent questioning the duke were partly aimed at securing evidence, for use in a trial, of the king's complicity in the Engagement. Hamilton was unsettled enough by these interviews to smuggle a note to his brother, written with lemon juice, telling him that he had been 'oft examined, but nothing discovered' and warned his brother to beware in case he suffered a similar experience.[8] Cromwell's emissaries pursued Hamilton to the very steps of the scaffold in their attempt to extract 'discoveries'.[9]

After a fascinating trial, which lasted barely a week, and during which the presiding judge, John Bradshaw, wore a bulletproof hat, Charles was executed on a scaffold erected in front of his palace at Whitehall on Tuesday 30 January 1649.[10] On the Monday following, 5 February, the Scottish parliament proclaimed Prince Charles, king of Britain, France and Ireland.[11] The execution of Charles, king of Scotland, ushered in a new phase of the wars of the three kingdoms, but the effect on Hamilton was more immediate. Knowing that he was now certain to suffer a similar fate, his loyal servant Andrew Cole hatched an escape plan by which Hamilton successfully walked out of Windsor Castle in disguise.[12] Cole had instructed Hamilton not to approach a safe house he had arranged in London before 7am, as the night guards around the city were numerous, given the recent execution of the king. The duke foolishly ignored his servant's instructions and troopers, one of who grew suspicious when he heard the duke's Scottish accent, apprehended him in Southwark at around 4am.[13] It seems the troopers had spoken to a messenger who told them of the duke's escape and they literally walked around the corner to find Hamilton battering on the door of an inn. After this final farcical interlude, Hamilton was sent as a prisoner to St James's Palace, where his ally during the Personal Rule, Henry Rich, earl of Holland, and also George Goring, earl of Norwich (formerly Lord Goring), Arthur, Lord Capel, and Sir John Owen were being held.[14] Even worse, Hamilton's botched escape attempt provoked the purged House of Commons to bring the 'chief delinquents to a speedy trial' and an act was introduced to erect another High Court of Justice.[15]

It was perhaps fitting that Hamilton's month-long trial produced at its very heart arguments about the extent to which Scotland and England were separate nations, and what constituted

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[5] Burnet, *Lives of the Hamiltons* (1852), p.482. Burnet claims that Hamilton fell on his knees exclaiming 'My dear Master!' to which Charles replied, 'I have been so indeed to you.' This meeting excited a particularly notable, and highly amusing, emission of purple prose from Hamilton's previous biographer, H. L. Rubinstein, *Captain Luckless* (Edinburgh, 1976), pp.223–224.

[6] Gardiner, *Great Civil War*, iv, 285–286.

[7] NRS, GD 406/2/M9/137, fols.3–4. Abbott, *Writings and speeches of Cromwell* (1988), II, 26.

[8] The note is reproduced in Burnet, *Lives of the Hamiltons* (1852), p.483.

[9] *State Trials*, vi (1640–1649), 1191.

[10] C. V. Wedgwood, *The Trial of Charles I* (London, 1964); Gardiner, *Great Civil War*, iv, 293–330.

[11] Baillie, *Letters and Journals*, iii, 66.

[12] Hamilton was to go to London first, then take a carrier to Dover and thence to the Continent. He was dressed as a merchant, which probably makes him the first 17–18th century escapee not to avail himself of the opportunity to dress up as a woman.

[13] Bulstrode Whitelock, *Memorials of the English Affairs from the beginning of the reign of Charles I to the happy restoration of King Charles II* 4 vols (New Edition, Oxford, 1853), II, 487.

[14] Burnet, *Lives of the Hamiltons* (1852), p.487.

[15] Whitelock, *Memorials of the English Affairs* (1853), II, 517.

a native of each kingdom.[16] The main thrust of Hamilton's defence was that he was not an Englishman; that he was in fact an alien, and as a non-native could not be tried for treason in an English court. He was a Scotsman, he insisted on numerous occasions. He had been born there and had most of his land and wealth there. He maintained that he had been sent to England at the head of an army by the parliament of Scotland, to carry out the instructions framed in their *Declaration of the Parliament of Scotland*.[17] He was not acting as an individual, but as the servant of his native legislature. To disobey the commands of the Scottish parliament would have resulted in censure and perhaps even the loss of his estate. As a soldier, he was protected by articles of surrender, which guaranteed him his life, and so he could not be tried for treason because he was an enemy of the kingdom of England, not a traitor. Throughout the proceedings he was addressed as earl of Cambridge, never as duke of Hamilton, despite the accused insisting on numerous occasions that he was better known by another name. In short, the trial summarised many of the tensions in the subject's life. Was he a Scotsman or an Englishman? Duke of Hamilton or earl of Cambridge? Traitor or defeated general from another nation, his life protected by articles of surrender? The gossamer of his carefully woven identity as a nobleman of two kingdoms, with interests in all three, was blown aside in the pursuit of the principal actor in the Second English Civil War.

II

On 6 February, the president of the High Court of Justice, John Bradshaw, convened the court in Westminster Hall and the attorney-general, William Steel, exhibited the charge, 'that the Earl of Cambridge about the 19 July last traiterously invaded the nation in an hostile maner and leavyed warre for to assist the King against the Kingdome and people of England, and had committed sundry murders, rapines, wastes, and spoils, upon the said people.'[18] Hamilton's first words to the court was to tell them that he was better known by a name other than earl of Cambridge and he waived the answering of the charge, instead putting in a declinator or special plea. If the special plea was not sufficient, he would then answer the charge. The plea contained three heads. First, that he was employed by the parliament of the kingdom of Scotland, not to invade England, but for the ends they had set out in their *Declaration* sent to the parliament of England. He obeyed the supreme authority of the kingdom of Scotland for achieving ends that he perceived to be justifiable, though he had tried to resist being given such a prominent role in the effecting of the Scottish parliament's wishes. Second, 'that he is no Englishman, notwithstanding the naturalisation of his father'. Hamilton said that he was born before his father's naturalisation in England, and so he 'conceived himself an alien, and not tryable in England.' Third, he was 'a prisoner of warre rendred upon Articles with Major Gen: Lambert'.[19] These articles, argued Hamilton, assured him of life and the safety of his person and were agreed before he rendered up his forces and arms.

Significantly, perhaps, the only other thing that the counsel for the people did on the first day was to have the act of naturalisation of Hamilton's father read out and discussed.[20] The duke also

[16] The proceedings are conveniently reproduced in *State Trials*, vi (1640–1649), 1153–1188. A manuscript transcription of the proceedings has survived in the hand of Hamilton's secretary, Lewis Lewis, which contains additional matter and comments in the margin, NRS, GD 406/2/M1/190. I have used Lewis's version when it adds significantly to the account in *State Trials*. The exhaustive case by Mr William Steel for the Commonwealth was printed in its entirety, Mr. Steel, *Duke Hamilton, Earl of Cambridge. His case, spoken to, and argued on the behalf of the Commonwealth, before the High Court of Justice* (London, 1649) [Wing, S5395]. A useful summary of the proceedings are to be found in Whitelock, *Memorials of the English Affairs* (1853), II, 529–548.

[17] *A Declaration of the Parliament of Scotland to all his Majesties good subjects of this Kingdome concerning their resolutions for Religion, King, and Kingdoms, in pursuance of the ends of the Covenant* (Edinburgh, 1648) Wing S1224.

[18] *State Trials*, VI, 1155–1156.

[19] NRS, GD 406/2/M1/190, fol. [1].

[20] The act was passed on 8 April, 1624. *Journals of the House of Lords*, III, 295.

requested time to call witnesses and evidence from Scotland, citing by allusion the time given to the earl of Strafford to send for witnesses to Ireland, but this was denied.[21] The next two sessions of the court were spent selecting counsel for Hamilton, which was done with some difficulty as no lawyers could be found that would take the case. Following pressure exerted by the court, Hamilton eventually secured Mr. Heron, Mr Parsons, Mr Chute, and Mr Matthew Hale.[22] Hale was certainly a good choice by the duke, being a closet royalist who had represented Archbishop Laud (1643–44) and the Irish papist rebel Connor Maguire (1644).[23] In treason trials, however, counsel were only allowed to give their opinion in points of law; they were not permitted to state the case and present matters of fact, and Hamilton spoke to his own case in every session, except the final one on 26 February when his counsel had liberty to present their legal opinion in support of the plea.[24]

On Saturday 17 February, Hamilton began to present the parts of his plea. He produced a copy of his commission from the parliament and committee of estates to be general of the Engagement forces, he displayed the Engagement *Declaration* to the parliament of England, and finally tabled the original articles of capitulation. He was forced to use his two servants, Lewis Lewis and Andrew Cole, to attest to the veracity of the documents and to the time of his capitulation. All of the documents were read out in court and the *Declaration* in particular caused considerable offence, with its disparaging references to sectaries. At one point, the atmosphere was so hostile that Hamilton interrupted the reading and told the court that he had not been present at the passing of the document.[25] He chose, quite naturally, to lie. Hamilton spent the rest of the session trying to prove that the articles of capitulation secured him life from both the violence of the soldiers and from the civil authorities. He was absolutely convinced that he had full protection for his life and he pursued the point with substantial vigour. Thomas, Lord Grey of Groby, Hugh Peters and Colonel Robert Lilburne, who had all been at Uttoxeter on the morning that the articles were agreed, all gave evidence. Grey had apparently tried to take Hamilton prisoner with no articles of surrender, but Hamilton had refused to yield because he was agreeing terms with Lilburne, Major-General Lambert's representative. Lilburne then claimed that he had signed the articles on the understanding that Hamilton's life was to be protected from the common soldiers, but not 'from the justice of Parliament'. At this, Peters jumped up and denounced Lilburne's gloss, claiming that it was clear that Hamilton's life was protected from the soldiers and the parliament.[26]

The governor of Windsor, Colonel Christopher Whichcote, and the marshall of Windsor were examined about Hamilton's escape, this being done to prove that Hamilton had broken the articles of capitulation by escaping from Windsor Castle. Perhaps sensing this angle, Hamilton expressed resentment at the wound to his honour inflicted by the governor's claims that he had broken his promise to be a 'true prisoner' and said that if he were free he would challenge Whichcote to a duel. Hamilton was allowed to conclude the proceedings of the day by speaking to all three branches of his plea, though he spent most of his time emphasising 'how sacred articles of war were reputed in all places' and liberally sprinkled his discourse with examples from the Bible (Abner, Elisha, the Gideonites) and the First English Civil War (Prince Rupert and Lord Cottington) where combatants were protected by articles.[27] Over the next two sessions, on 19 and 21

[21] *State Trials*, vi (1640–1649), 1156.
[22] *State Trials*, vi (1640–1649), 1156, 1162. A Dr Walker, though nominated by Hamilton, refused to act for him.
[23] Alan Cromartie, *Sir Matthew Hale 1609–1676: law, religion and natural philosophy* (Cambridge, 1995), pp.2–3, 44–45.
[24] Whitelock, *Memorials of the English Affairs* (1853), II, 539; *State Trials*, vi (1640–1649), 1162–1165; Cromartie, *Sir Matthew Hale*, p.44.
[25] NRS, GD 406/2/M1/190, fol. [3].
[26] *State Trials*, vi (1640–1649), 1157–1158. Peters reacted angrily again on Monday 19 February at the examination of Colonel Wayte, who had claimed Hamilton was Grey's prisoner, *Ibid*, 1159.
[27] *State Trials*, vi (1640–1649), 1158–1159.

February, evidence could not be found to prove that Hamilton was *post natus*, that is born after James VI became King of England in 1603 (which he was, being born in 1606). Nor was it proved that Hamilton had actually joined with Langdale, thus rendering him guilty by association. The act repealing the duke's ransom for £100,000 was also read out, and Hamilton used this to show that he had not been viewed as a traitor, 'but as an enemy who had life granted him by Articles'.

Hamilton closed his evidence on 22 February. He again showed that he had been the prisoner of Lambert, not Grey of Groby, and that he had articles securing his life. If these were ignored it would be accounted 'a downright butchery' and set a hideous precedent should there be future conflicts between the nations. He produced an order of parliament stating that no quarter was to be given to the Irish in arms, which Hamilton argued implied that others would receive quarter.[28] The declaration issued by the English parliament on 14 July 1648 was cited, as it confirmed that all the Scots who entered England were enemies and all the English and Irish were traitors. Since Hamilton would not be allowed to speak again, he summarised his case for the final time, adding that when the Scots entered England in 1640 it was not accounted treason, and had his design prospered it would have been viewed in a similar light, the objective being the same. It had not been proved that he was *post natus*, nor did his father's naturalisation include his son. He also revealed that an act for his own naturalisation had been framed at the beginning of the present parliament, although it had not been passed. Nor did possession of an English earldom 'naturalise him, that being the king's single act, whereas naturalisation was only by act of parliament.'[29] Hamilton concluded with the emphatic statement 'that his Articles were sufficient, according to the laws of all nations, to preserve his life.'[30]

Hamilton's counsel, and Matthew Hale in particular, spoke to the three branches of the plea on Monday 26 February.[31] Since Hamilton was born a Scotsman, his tie of obligation to that kingdom was 'indispensable and indissoluble'. No man could be a subject of two kingdoms, so since Hamilton's stake in Scotland formed the majority of his interests and attachments, then he had to be accounted a Scottish subject. Therefore what he carried out on behalf of his native kingdom 'could not infer treason'.[32] It was argued that his father's naturalisation did not confer that status on his son, nor was the distinction of *post natus* (born before an event) or *ante natus* (born after an event) enough to lay a charge of treason on one from an independent kingdom. Many examples were cited, including that of Lord Fairfax, who was *post natus* and held his title in Scotland, and if he was tried for treason in Scotland for taking an army thither it would provoke outrage in England. Finally, it was claimed that articles for life were universally understood to be protection from both military and civil authority and such 'secret meanings' as were averred in this case, raised dangerous precedents.

Mr William Steel, the attorney general, summed up the Commonwealth's position in a legal presentation that lasted six hours and ran to around 18,000 words in its printed version.[33] Throughout his discourse, he referred to Hamilton under his English title of earl of Cambridge. For the first part of the plea, that Cambridge was acting under orders from the Scottish parliament, Steel argued that Cambridge should be judged a traitor, not an enemy, and cited the case of Empson and Dudley, where a commission had been used to mask complicity and enthusiasm for treasonous actions.[34] In fact, 'all the catalogue of former traitors, who have hatched their treasons and designs

[28] The denial of quarter to Irish in arms was the same in Scotland.

[29] *Ibid*, 1161.

[30] *Ibid*, 1160–1162.

[31] *Ibid*, 1162–1165.

[32] Apparently this was well-argued by Hale, though he admitted afterwards that though it was a universally received maxim, it was not founded on a common or statute law, *Ibid*, 1163.

[33] Whitelock, *Memorials of the English Affairs* (1853), II, 545; *Duke Hamilton, Earl of Cambridge. His case, spoken to, and argued on the behalf of the Commonwealth, before the High Court of Justice* (London, 1649).

[34] *State Trials*, vi, 1167–1170. The Empson and Dudley case is at, *State Trials*, i, 283.

against this state in foreign parts, and have ever had the Pope or foreign princes to put a stamp of authority and command upon them, must by this argument be in some measure justified.'[35] The second part of the plea, that Cambridge was not an Englishman, was argued at wearisome length by Steel. Although he admitted that conclusive evidence was not found that Cambridge was born after 1603, the whole basis of Steel's long discourse put Calvin's case at its root.[36] Put simply, as a *post natus*, Hamilton was the same as a 'natural born Englishman'.[37] In the haze of his long dissertation, Steel overstretched himself a number of times and at one point discarded the judgement of Calvin's case to argue that an ancient union had existed between the kingdoms, so the union of 1603 was merely a 'national remitter of the antient Union'.[38] Whether he was born before or after 1603, Cambridge was a subject of England and could be tried for treason. William Wallace and Mary, Queen of Scots had been tried for treason, and so could the earl of Cambridge, a peer of England besides, argued Steel.[39] The third branch of Cambridge's plea, that he was protected by articles, was dealt similarly by the attorney-general, but mercifully with more brevity. Whatever the articles of capitulation may have stated, it was not in the power of the military authority to pardon or discharge an individual who had committed treason. Even if this was the case, then Cambridge's escape from Windsor broke the articles and made him no longer a prisoner of war.

Steel attempted to conclude his six hour discourse on a note of levity. In answering Cambridge's claim, often repeated during the trial, that had he understood the articles of surrender would have permitted a charge of treason, then he would never have capitulated, preferring to die *in furore belli* (in the fury of war) and thus avoiding the consequences of attainder. Steel, presumably addressing the earl at the bar, asked 'is it no privilege above an immediate death by the sword, to have a fair judicial Proceeding by a Charge against him, putting his own Plea thereunto, the Matter of Fact by witnesses and other evidence proved on both sides, and counsel assigned him of his own choice to argue his own cause in point of law, and himself to be heard as much as he could speak in his own defence?'[40] Legal convention did not allow the defendant to reply.

On Tuesday 6 March, Hamilton was brought to the bar for the last time. The judges rejected his plea and Bradshaw embarked on a long discourse justifying Steel's arguments, in particular that Hamilton was certainly naturalised and that articles, no matter how explicit, could not protect someone who had committed treason. He was sentenced to have his head severed from his body on the Friday next, 9 March.[41]

III

Hamilton, Holland, Norwich (formerly Goring), Capel and Sir John Owen were all condemned on the same day, but the court remitted their sentences to parliament for clemency. At the same time, the bills to abolish kingship and the House of Lords had reached the committee stage, and the Commons took a break on 8 March to consider the petitions from 'the great delinquents'. Norwich was saved by the casting vote of Speaker Lenthall, and even though he expressed a

[35] *State Trials*, vi, 1168.
[36] *State Trials*, vi, 1171–1178. The judgement in Calvin's case was that Robert Calvin, son and heir of James, lord Calvin of Colcross, who was born three years after James came to the English crown, was adjudged a subject of England. One of the key questions was also whether allegiance was due to James VI & I or the state and law of the kingdom (England or Scotland). Robert Calvin was born in the same year as Hamilton, though Steel did not know this.
[37] *State Trials*, vi, 1172.
[38] *State Trials*, vi, 1175. This was a quote from the union negotiations shortly after James came to the throne, but I take it to have been conscious hyperbole, especially in the legal sense, by the promoters of the union.
[39] *State Trials*, vi, 1176–1177.
[40] *State Trials*, vi, 1186.
[41] *State Trials*, vi, 1188.

preference for 'being beheaded in such good company', Sir John Owen was also reprieved.[42] The earl of Warwick pleaded for his brother, and was backed by Fairfax, but a single vote sent Holland to the block.[43] Hamilton's petition excited no reaction and it was rejected without a division. He fared slightly better when the Army Council debated his case later the same day.[44] There was uneasiness amongst some of the score of members present, particularly Lieutenant Byfield, Major White, Sir Hardress Waller and Captains Merriman and Clarke, that the articles of capitulation had guaranteed Hamilton's life and that the army should stand by them.[45] A number of the officers agreed with Hamilton's argument that if the articles had not assured him of life, then it would have been more to his advantage 'to have fought it out to the death,' rather than allow himself to be 'tainted in his bloud and [have] his estate sequestered'.[46] However, the argument finally swung away from the duke and rested in favour of the 'godly men' who had judged the case. Even though they decided to do nothing to save Hamilton, it was agreed that the issues that the case raised should be discussed at a later date.[47]

Of course, Cromwell took a leading part in the disposal of 'the great delinquents' and his opinion influenced the Army Council and the House of Commons. He opposed debating the petitions from the condemned men in the house and voted against sparing any of them.[48] His mind had been made up by 20 November 1648, as this letter reveals:

> If I be not mistaken, the House of Commons did vote all those traitors that did adhere to, or bring in, the Scots in their late invading of this kingdom under Duke Hamilton, and not without very clear justice, this being a more prodigious Treason than any that had been perpetrated before; because the former quarrel on their part was that Englishmen might rule over one another; this to vassalise us to a foreign nation. And their fault who have appeared in this summer's business is certainly double to theirs who were in the first, because it is the repetition of the same offence against all the witnesses that God has borne, by making and abetting to a second war.[49]

This is a rightly famous, and frequently quoted, passage from Cromwell that explains the nature of the odious crime of those who were to go to the block.[50] However, Hamilton's place in this Anglocentric vision is unclear. Did Cromwell view Hamilton as a traitor, and therefore English, or one of the Scots? Or, as is probably the case, did he change his mind after Hamilton refused to reveal his Engagement collaborators? Nor is it certain that the Scots sought to 'vassalise' the English, unless the insistence on a Presbyterian settlement was viewed by Cromwell, as is likely, in those terms. The fact that Hamilton was a neutral in the First Civil War in England, and spent the war as a prisoner of the royalists, does not fit neatly into the sentiment of the second sentence, though one could 'witness' God's judgement in the First Civil War from prison. Here, as happened so often in his life, Hamilton occupied a grey area between what was identifiably Scots and what was identifiably English. The tension in this celebrated passage is that within weeks of Cromwell writing this letter, Hamilton's national identity was altered. Pride's Purge turned the duke of Hamilton into the earl of Cambridge. He went to the scaffold, in the eyes of his accusers, as more Englishman than Scotsman. He went to the scaffold as a Briton, that is one whose national identity

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[42] *Journal of the House of Commons*, VI, 159–160; Abbott, *Writings and speeches of Cromwell* (1988), II, 27–28.
[43] The division was 30 to 31.
[44] C.H. Firth, *The Clarke Papers* 4 vols ([London], 1891–1901), II, 194–198.
[45] Of those officers that debated the issue, Major Blackmore of Cromwell's regiment, Captain Spencer of Harrison's regiment and Captain Clarke were all witnesses in Hamilton's trial, *Ibid*, note.
[46] Firth, *Clarke Papers*, II, 196–197.
[47] *Ibid*, 198.
[48] Abbott, *Writings and speeches of Cromwell* (1988), II, 26–27.
[49] Abbott, *Writings and speeches of Cromwell* (1988), I, 691.
[50] See, for example, Woolrych, *Battles of the English Civil War* (London, 1961), p.182

had been reshaped by the interplay of the three kingdoms during his life. Elements of the English part, his English peerage title, his father's naturalisation and his enjoyment of some of the privileges of an Englishman were turned into a snare to send him to the scaffold.[51]

Hamilton's last letter[52] to his brother and heir, setting out his instructions for his estate and children, is also revealing:

> Since it heath [sic] pleased god so [to] dispose of me as I ame to be in this wordill [world] bot a feu houres you can not expect that I can say much to you, nor indeed is itt nesisarie for I know you will doe undesyred (what is in your pouer) what I nou brifly mention. first that you will be a father to my poure childring; and that they be not forsed to marie against ther willes, yet I hoope they will be found tractabill and will follou the aduyse of freinds, which I wish may be to them that they be married in Scotland; sumthing I mentioned in ane testament I left in Scotland with my Lo Belhaven; bot let not that be binding, bot doe ther in as you and freinds shall think fit.
>
> the debtes I oue ar great, and but feu freinds bound for them. the estat I leaue you [is] small, yet such as will satisffie what I owe and so frea my casioners from reuing and you ar just and so [I] douts not of your performens. I can not forget to recomend my fathfull seruants to you who hes never had anie thing frome me, in particular Coole, Lewis, and James Hamilton; I have giuene sume thing to them during ther lyfes which I hoope you will sea payed to them.
>
> I shall say no more bot this, the Lord of his Mersy preserfe you, and give you grace to aply your self aright to him, in whome ther is only fulnes of joy, dote not on the wordill for all is but vanity and vexation of sperreit; grife not for what hes befallen me; for it is by the apoyntment of him that reyules in Earth and hauen, thidder Lord Jesus be pleased to carie the sinfull soule of your most louing brother Hamilton March 8 1648.[53]

Even this last letter recalled the bitter pill of his own marriage to the daughter of a minor English nobleman, but his desire to have his daughters married in Scotland was driven by more than that. Especially after a decade of conflict, and his imminent execution by the Commonwealth regime in England, there is enough in Hamilton's wishes for his daughters to suggest that, in his view at least, the closer relationship between the British dominions after 1603 had been a disaster. In fact, the duke's will requested that his eldest daughter, Anna, should marry James Hamilton, lord Paisley, eldest son of the earl of Abercorn, which points to a twin desire to re-unite the two main Hamilton branches and to pursue the expansion of Hamilton influence in Scotland and Ireland, rather than England.[54] Hamilton's repositioning of his family's ambitions was certainly unpalatable to his first biographer, who laid down his pen in 1673. As well as anglicising the duke's anarchic Scots writing, as usual, Burnet suppressed the passage about Hamilton's desire to have his children

[51] Hale used the word 'snare' in his speech, when referring to naturalisation, and I have used it here in a similar, but slightly broader, context, *State Trials*, vi, 1163.

[52] Hamilton actually wrote a personal letter to his daughters on the day of his execution and a short note to his brother to remember his servant the bearer (unnamed, but unquestionably Andrew Cole), but the one reproduced in the text is what he would have regarded as his final, public letter. The letter to his daughters and the short note to his brother are reproduced in Burnet, *Lives of the Hamiltons* (1852), pp. 505–506, 509. The final note to Lanark about Cole has survived, NRS, GD 406/1/2123.

[53] NRS, GD 406/1/2369 (Hamilton to Lanark, 8 March 1649).

[54] Hamilton MSS, Lennoxlove, M14/3/4.

married in Scotland and ignored the Abercorn marriage proposal. It was a final attempt to smooth his subject's image for Restoration sensibilities.[55]

By all accounts, Hamilton went to his death with considerable composure and bravery on 9 March.[56] Before dawn, he confirmed with his dearest and most trusted servant, Andrew Cole, all matters that were to be passed to Lanark.[57] It was typical of the man that he fretted over whether his speech on the scaffold would be heard properly by the crowds, or that the soldiers would prevent him from speaking freely.[58] He therefore delivered his speech on the morning of his execution to the other condemned lords and his servants in the room in St James's Palace, where they had passed their last night.[59] Hamilton declared himself 'of the true reformed protestant religion, as is professed in the church of Scotland'. He insisted that Charles I had never countenanced popery, nor had he 'any intent to exercise any tyranny or absolute power over his subjects.' Speaking for his own ancestors, he stated that the Hamiltons had always been loyal subjects to the Stewart dynasty, and that Charles II was the rightful heir to his father's dominions. He also chose to speak about a few of the numerous 'calumnies and aspersions' that had been heaped on him during his lifetime. He had always had a faithful and loyal heart to the king and had never 'expressed disservice or dissoloyalty unto him.' Although he conceded that it was open to question whether it was a good or a bad thing, he did not persuade Charles to consent to 'the act of continuing this parliament' by which he probably meant the act against dissolving the Long Parliament without its consent in 1641.[60] Neither did he secure royal assent to the bill of attainder against the earl of Strafford. He also refuted the claim that he was responsible for the use of the great seal of Scotland to authorise those who rebelled in Ireland in 1641, nor was Charles 'in any case a causer or countenancer of those Irish troubles'.[61] Hamilton then moved to the present and confirmed that he had not revealed the names of any who had invited the Engagement army into England, despite repeated attempts by his captors to secure the information. The 'foul and senseless slander' that he betrayed the Engagement army was also untrue. He used all his power to preserve the army and was convinced of the cause for which he entered England, in particular to avert 'the fatal fall of my master'.[62] Hamilton ended his speech with a scathing attack on the 'lawless and arbitrary court' that convicted him, composed of 'men mechanic' that had even announced its verdict 'before ever the trial begun.' In concluding, he believed his death to be 'no less than murder,' abetted by powerful men who had long contrived his destruction.

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[55] Burnet, *Lives of the Hamiltons* (1852), p.505. The passage omitted by Burnet runs 'yet I hoope they will be found tractabill and will follou the aduyse of freinds, which I wish may be to them that they be married in Scotland; sumthing I mentioned in ane testament I left in Scotland with my Lo Belhaven; bot let not that be binding, bot doe ther in as you and freinds shall think fit.'

[56] Burnet, *Lives of the Hamiltons* (1852), pp.505–515; *The several speeches of Duke Hamilton Earl of Cambridge, Henry Earl of Holland, and Arthur, Lord Capel, spoken upon the scaffold immediately before their execution on Friday the ninth of March, 1649* ([London, 1649]), p.3; *The manner of the beheading of Duke Hambleton, the Earle of Holland, and the Lord Capell, in the pallace yard at Westminster, on Friday the 9th of March 1648 with the substance of their several speeches upon the scaffold, immediately before they were beheaded* (London, [1649]), pp.1–3; Whitelock, *Memorials of the English Affairs* (1853), II, 548.

[57] Burnet, *Lives of the Hamiltons* (1852), p.505. Burnet discussed Hamilton's final hours with Andrew Cole.

[58] Burnet, *Lives of the Hamiltons* (1852), pp.506, 509.

[59] Burnet, *Lives of the Hamiltons* (1852), p.506. He sent the speech to his brother to be published. The servants had spent the night in an adjacent room. I have used the speech reproduced in Burnet (*Ibid*, pp.506–509) but with some trepidation as the original has been lost, and a copy of the printed version, if in fact it was printed as Hamilton had instructed, has not survived either.

[60] The act is reproduced in Gardiner, *Constitutional Documents*, Third Edition (1947), pp.158–159. The English Triennial Act (1641) preceded the act against dissolution and Hamilton probably had a part in that too, Scally, 'Career of Hamilton', Cambridge PhD (1992), pp.301–2. Both acts provided a bulwark against the crown's right to call and dissolve parliaments.

[61] Burnet, *Lives of the Hamiltons* (1852), p.508.

[62] *Ibid.*

Shortly after 9am, Hamilton, Holland and Capel were taken in sedan chairs from St James's Palace to Sir Robert Cotton's house, close by the Palace Yard at Westminster where the scaffold had been erected. The whole area was teeming with soldiers and spectators. The House of Commons rose early because the attendance was so thin on account of the executions.[63] A contemporary pamphlet noted the scene:

> There was a great guard of souldiers both horse and foot, and many thousands of people. There were many scaffolds made about the Pallace Yard, and they were very full, insomuch that divers scaffolds broke, and some people fell down. The windows and tops of houses were all full.[64]

Hamilton went up the scaffold first, accompanied by Andrew Cole, Lewis Lewis, Sir James Hamilton and Dr Sibbald,[65] a Scottish minister who had administered to the duke during his stay at St James's Palace. Norwich and Sir John Owen, who had been reprieved the day before, also supported the duke on the scaffold.[66] He wore a black suite, with a silver star upon his cloak. Hamilton was on the scaffold for over an hour before he was executed. Much of the time was spent in taking leave of his devoted servants and in pious reflections with Sibbald, but at one point a great silence fell and Hamilton seemed rather surprised that a final speech was expected. He addressed himself to the sheriff of Westminster and covered many of the same points in his earlier speech at St James's, though there were some differences.[67] If the pamphlets are to be believed, he declared that he loved England equally with his own country.[68] Halfway through his speech, he noticed that a number of scribblers were taking down his every word. He stopped and asked them not to write anything to his disadvantage, which was again typical of the duke.[69] He ended with an expression of his personal religion which, though difficult to verify, has the ring of truth to it, saying that his was of the established religion of Scotland, but he 'was not of a rigid opinion'.[70] This was a final phrase that could be adopted as a motto for the subject's life.

Hamilton spent his final moments conveying the customary forgiveness to the executioner and arranging payment. His hair was arranged under a white satin cap. A large piece of red silk was spread over the block, on which the severed head was to be gathered. After questioning the executioner in some detail about how he would like him to lie, he lay flat on his stomach and put his head on the six inch block. He embraced the block in his arms and cried out, 'Lord Jesus receive my soul to thy mercy' and stretched out his right hand, the traditional sign to the executioner.[71] His head came off at one stroke. A coffin was brought on to the scaffold and the body was taken to Sir James Hamilton's house in the mews. A surgeon sewed the head back on later that day. The body was eventually conveyed by sea to Scotland and buried in Hamilton Parish church. He was 42.

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[63] Whitelock, *Memorials of the English Affairs* (1853), II, 548.

[64] *The manner of the beheading of Duke Hambleton, the Earle of Holland, and the Lord Capell* (London, [1649]), p.1.

[65] It is unlikely that this was the Aberdeen Doctor, Dr James Sibbald (c.1567–1647), since he seems to have died in Dublin a few years earlier, *Oxford DNB*, 'James Sibbald (c1595–1647)', https://doi.org/10.1093/ref:odnb/25494.

[66] *The manner of the beheading of Duke Hambleton, the Earle of Holland, and the Lord Capell* (London, [1649]), p.1.; Burnet, *Lives of the Hamiltons* (1852), p.508.

[67] I am presuming this was the sheriff of Westminster, who would have been responsible for making the arrangements for the executions and seeing them carried out.

[68] *The several speeches of Duke Hamilton Earl of Cambridge, Henry Earl of Holland, and Arthur, Lord Capel* ([London, 1649]), p.1.

[69] *Ibid*, p.2.

[70] *Ibid*, p.3.

[71] *The manner of the beheading of Duke Hambleton, the Earle of Holland, and the Lord Capell* (London, [1649]), p.3.

Conclusion

Hamilton the man comes across in many descriptions as a sophisticated nobleman, with impeccable manners, dressed in expensive clothes, and accompanied by servants and retainers. He was acutely aware of his role as the head of one of the ancient Scottish noble families and having a blood connection with the Stuart royal family. He fashioned himself around that genealogy. His entry into Stettin in Germany on 28 August 1631 in a coach pulled by six richly decorated horses, accompanied by personal servants in Hamilton liveries, nearly 250 halberdiers and 200 guards underlined his noble and blood royal credentials. Whether it was in Stettin, Edinburgh or London, Hamilton consciously projected his status and nobility.[1] Although he was unhappy about his arranged marriage in 1622 to the duke of Buckingham's niece, Mary Feilding, the marriage produced six children – three sons and three daughters, but only two daughters survived into adulthood. His wife died on 10 May 1638, while his only remaining son Charles followed on 30 April 1640 and thereafter he seems to have taken more responsibility for the two girls, making careful arrangements for their care and safety. His eldest daughter, Anne, succeeded to the family titles by special remainder in 1651.

During various stages of the three kingdom crisis he succumbed to emotional and physical breakdown, such as in 1638, 1646 and 1647 all of which appear genuine, rather than diplomatic illnesses. The extreme stress of those situations make these episodes understandable. A few times the surviving correspondence reveals a sense of humour and irony that comes across as characteristically Scottish.[2] It is a difficult task to see the human being through official records, formal correspondence and contemporary accounts and comments, but what little that has survived suggest that Hamilton was a conscientious father, committed friend and skilled communicator.

[1] Chapter 2, p.35.

[2] Chapter 4, p.89, the humour turns on the mention of a 'sperituall invention' in Edinburgh in 1638 being enough to make the few that have not lost their wits 'goe as mad as the rest'.

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From the beginning of this study, the labels used to describe Hamilton the public figure are 'moderate', 'conciliator', 'consummate courtier', 'negotiator', 'honest-broker' and 'politician to his fingertips', and it has been regularly stressed that our subject defies neat political and religious categorisation. The archive out of which Hamilton emerged helped shape the life as it is presented. The survival of numerous drafts and letter sequences in the Hamilton archive are the actions of someone with an eye to possible censure and to posterity. At times he has been the slipperiest of subjects. Hamilton has emerged as a skilled politician and courtier trying to navigate some of the most hazardous circumstances of the early modern period. Rather than being the unprincipled political equivocator described by historians from Clarendon to Gardiner, he was an example of a courtier politician in which harmony, honour, respect and the achievement of political balance were his guiding principles. He was less a political equivocator, and more a minister firmly grounded in the reality of a situation and willing to modify his aspirations or ideas to effect a solution.

Hamilton rarely refused to budge because his conscience would brook no compromise. He was not a Pym or a Wariston, nor was he an Argyll or a Saye. In fact, neither was he a Digby, a Montrose or a Rupert. That is not to say, however, that he did not have political and religious convictions, for clearly he did. Rather, he possessed a fluid political mentalité, where a minister's objective lay in maintaining harmony within the body politic and restoring it through negotiation and compromise when it became seriously unbalanced. And under Charles I the body politic was in a critical condition throughout the 1640s.

Hamilton's actions in the early part of this study show that he had a principled belief in the rights of the Palatine family and in the international Protestant cause. This found practical expression in his hopeful expedition to Germany in 1631–2 and his continued support of these defining issues throughout his career. (It may also have left him with stark memories of the devastation war could visit on a country.) Even though he differed with the king and most of his ministers on how to advance this cause, he remained at court and worked effectively within the government. Of course, he inched forward with his own agenda when an opportunity presented itself, but not too far that it created a rift with Charles. If, as was the case for most of the Personal Rule, Hamilton's views did not accord with the dominant political creed held by the king and his government, then he made progress where he could. Ever the courtier, he always had one eye on the king.

What Hamilton did was always governed by the politics of the possible: what was attainable given the set of circumstances at a particular time. This was something which he tried to teach his friend, Charles I, in 1638: concessions required to settle Scotland in June 1638 had little value six months later. When in August 1638, Hamilton told Laud about the Covenanters' radical agenda, which included the abolition of episcopacy, he admitted that he could think of no 'remedies' to counteract this which would satisfy the king's honour – 'yett eiviles the leist is to be choysed'.[3] Politics under the lumpy rule of Charles I was about making choices, about choosing the least of so many evils. In the transformed political landscape of 1638 and beyond, it was about conceding a little ground to avoid conceding a lot of ground. Once the National Covenant was first signed on 28 February 1638, a return to the status quo ante was no longer a negotiating position. Hamilton knew that, but the king unfortunately did not. He failed in 1638, and in later years, to make Charles face the political reality of each successive crisis as it came along; and what would be required to achieve settlement, to restore some kind of balance. Settlement depended just as much on the timing of the concessions, as it did on the concessions themselves: Charles always gave too little, too late.

Even worse, when Charles seemed ready to concede ground he was often actively plotting to undermine those with whom he was negotiating. In these circumstances, he was a very difficult

[3] NRS, GD 406/1/560.

and frustrating king for Hamilton to serve. As the crisis deepened, especially after the peace of Berwick in the summer of 1639, and more obviously following the assembly of the Long Parliament in England, Hamilton successfully built bridges to the king's opponents in Scotland and England, as a way of preserving himself from censure and as a means of keeping the process of settlement alive. As a consequence, Charles colluded in the plot known as the Incident in 1641 and in 1643 had Hamilton imprisoned for three years without trial.

But he was not the only one of Charles I's ministers to try and steer the king and his opponents towards compromise. Amongst the Scots there was Traquair, Loudoun and Lennox, and of the English advisers Dorset, Hyde, Hertford and Falkland, to name a few.[4] Labelling Hamilton as a moderate, even a moderate royalist, is useful, but describing him as a constitutional royalist requires some explanation. During the Personal Rule, Hamilton may have favoured calling a parliament in England to facilitate a more active foreign policy abroad and to open up the government at home. In the first session of the Long Parliament and in the Scottish parliament of 1641, he played a valuable role in moving negotiations nearer to a constitutional settlement. Likewise, he likely approved of the constitutional restraints imposed on the king over the first session of the Long Parliament. In that sense, then, he was a constitutional royalist, but unfortunately we have no record of him expressing approval of parliaments or endorsing the view that Charles I needed to be hemmed in by constitutional restraints. He was certainly a frequent attender of parliaments in England and Scotland and worked effectively in them. Yet his behaviour both in England and Scotland from November 1640 renders such a hypothesis highly probable. One suspects, however, that what we witness is Hamilton's growing realisation as the crisis unfolded that his friend Charles was untrustworthy and lacked sound judgement. That helps explain his commitment to settlement of the political crisis through cast iron agreements, rather than unflinching, or unthinking, loyalty to Charles I.

That is why he could not follow the king out of London following the attempt on the Five Members in January 1642. Neither could he choose sides in England in the summer of the same year. In vain he tried to keep the channels of communication open, but when the military conflict loomed he left king and parliament to their war. There was little question of him choosing sides in England, because most of his political exertions from 1637 had been guided by a commitment to avoiding war. In the same way, Hamilton's failure to keep Scotland out of the English Civil War left him with no-where to go. In desperation, he fled to the king at Oxford, and was imprisoned in late 1643 for the first phase of the military conflict. And that last roll of the dice, the Engagement, was a final attempt to save Charles from himself, resulting in both men being executed within a few weeks of each other in the first months of 1649.

There has been much debate and writing in the last four decades on the use of appropriate terminology for the mid-century conflicts which shaped Hamilton's life: English Civil Wars, British Civil Wars, Scottish Revolutions and Counter-Revolutions, Irish Rebellion, Wars of the Three Kingdoms, and various appellations around islands and archepelagos. With little discomfort, Hamilton fits neatly into any multi-kingdom or multiple-country category. His interests spanned Scotland, England, Ireland and Europe. In the first half of this study we saw how he aimed at developing political and commercial links in all three kingdoms, and competed with the elite of the English and Irish nobility for royal favour and influence. We saw also how Hamilton used his position as a court officer and as the king's blood relation to advance his many interests and those of his associates and clients. The British view, perhaps the European view, helps us to understand the scope of his interests and concerns. He was an Anglo-Scottish elite with a strong Scottish accent, phonetic Scottish handwriting and there is no evidence that he aimed to sever his contacts with Scotland in favour of a stake in England. The great-grandson of the duke of Chatelherault,

[4] For an interesting study of the moderate or constitutional royalist, see David Smith, ''The More Posed and Wise Advice': The Fourth Earl of Dorset and the English Civil Wars', *The Historical Journal*, 34, 4 (1991), pp.797–829.

of the royal blood in Scotland and one of the largest landowners in Scotland had too much to lose by turning his back on his native kingdom.

In the second half of this study we had a British nobleman's view of the mushrooming crisis. And this was both revealing and distinctive. For not only did Hamilton's story reveal the dilemma of those moderate counsellors around the king, but it highlighted the way in which the crisis in one kingdom created fissures in the other two kingdoms and led to a three kingdom crisis of calamitous proportions. Each kingdom was shackled to the other two kingdoms by Charles I, and so we must lay the largest portion of the responsibility for what happened at his feet. Charles's refusal to accept Hamilton's counsel of 20 June 1638, when the king was warned that continued intransigence could result in 'the haserdding of your 3 crounes', was significant and clearly shows that at least one of the king's ministers from the very outset saw the long-term consequences of a sustained clash between the king and his opponents.[5]

Hamilton succeeded to his titles on 2 March 1625, about three weeks before Charles became king: and he was executed on 9 March 1649, a handful of weeks after Charles was executed. Such similar trajectories invites comparison between the two men. Charles's pursuit of order and formality in both church and state inevitably meant that he would upset a system, or systems, of government which largely depended on consensus for their smooth-running.[6] The traditions of Elizabethan and Jacobean consensus were soon undermined. That Charles was an absentee king of Scotland put more strain on the system in his native kingdom, especially since he saw little need to cultivate the Scottish nobility – the traditional arbiters of law, order and kingship. The fundamental difference between the two men was that Hamilton was a skilled politician, that is, someone who was able to separate personal preferences from the politically possible. Charles viewed the Covenanters' opposition as a personal affront to his authority and honour, not as a national complaint against poorly conceived policies. He came to view his English adversaries in much the same way. Hamilton viewed the situation in terms of what would be needed to settle the crisis at each successive stage, in each successive kingdom. Charles was much more blinkered, never seeing that a particular line of action could throw up problems greater than the problem which the original policy was intended to address. Even worse, the king lacked integrity in negotiation and shamelessly played one group against the other, stringing out discussions in the hope that his fortunes would improve. In many ways, Charles reaped what he sowed.

It is perhaps appropriate that the Engagement, Hamilton's last public act was a political success and a military failure. His strength lay in his political and diplomatic skills. Yet whether through politics, diplomacy or war, he could not avert a decade of crisis that left three kingdoms broken and bleeding. The 1640s was a victory for those with a more radical purpose. Yet a system of rule based on consensus and hereditary monarchy in three kingdoms, and absentee monarchy in two of those kingdoms, was always prone to overheating when a king like Charles I came along. Hamilton and many other ministers and equally those opposing the king, did their best to find a workable settlement. But they had the king and a fragile system of government set against them.

[5] See chapter 6, *passim*.

[6] These points are discussed at greater length in Russell, *Causes*, pp.185–219; Reeve, *Rule*, *passim*, esp. pp.178, 292–296; Sharpe, *The Personal Rule of Charles I*, *passim*, esp. pp.922–954.

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The first duke of Hamilton played an important role in the politics and life of Britain in the first half of the seventeenth century. Born in 1606 into the Scottish ancient noble family of Hamilton, who enjoyed a blood connection with the royal Stuarts, he was well placed to take full advantage of the union of the crowns in 1603 which opened substantial opportunities in England and Ireland. The centre of that new world was the recently established Stuart court in London. Following his father, Hamilton entered that courtly world in 1620 aged fourteen and was executed on a scaffold outside Whitehall Palace in March 1649. During that period, he was involved in some of the most momentous events in British history, the wars of the three kingdoms and the collapse of the Stuart monarchy. His story casts a distinctive light on the period and allows a fresh account of the slowly unfolding crisis that saw an anointed king put on trial and publicly executed.

This biography of the first duke cuts a unique and distinctive path through one of the most heavily researched periods in the history of Britain. In a period of kingly personal rule, Hamilton stood at the shoulder of the king, cajoling, persuading and ultimately failing to steer him away from civil war in his kingdoms. The main source for this account is the Hamilton Papers brought into the public domain in the last few decades and used extensively for the first time.

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