

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 beginning 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 ‘partial jealousies’ 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 Nicolson 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

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 councillors 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 shewing that his Matie dothe abhoer all superstitione of poperie and Violatione of the Laws of this kingdome (which wee never doubted) hath confirmed that ass[u]red confidente wee ever hade of his Matie ... And hath michtilie encouraged all thes who doth oppose the service booke and uther unlawfull Innovations 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 'indivdyable 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

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 treason' 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[at]iounes'. The convocations and meetings were to disperse 'under the pane of treason'; 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 'which 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 these band beinge not sub[s]cribed by royall Leave and authoratye (as was that in our deare fathers tyme) must needs be both null in itt self and uerye prejudtiall to the antient and Laudable government 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 swaere & 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 troubles 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 conceived. 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[rds]hip to represent to his Matei ye h[e]ight of evils are laik to fall upon us if he s[h]all not be pleased to frei ye subjects of ye fears yey have conceived

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 theirow but be freing them of yt Service book and book of Canons ... but except sumying of this kynd be granted I know 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

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 estabolisthing 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 seramonesē.' 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 Cathedral. How thatt cam[e about] and by uhatt uarrant I under stud not, bot his Matti acknowledge[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 pooer, 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 injoynd to undertak[e] this jounay 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 assemb-oleis' 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 unveiollatted 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 employ 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 concerning my imployment and hou he uould 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 dispersed, 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

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 asterisk 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 drection and resolutioun, 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 executioun of all which, or what 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

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/F 1/47/54 (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 reseed heire be trew, ther[e] is no hoope to effectt anie thing, (bot by foors) that can give your Mattie satisfioun ...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

⁷⁴ NRS, GD 406/1/552 (Hamilton to Laud, 4 June 1638); GD 406/1/325 (Hamilton to Charles, 4 June 1638).

⁷⁵ [Balcanquhal], *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 which uould 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 conference⁸⁶ 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

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 post-script 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 'uould 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 uould 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 traturers 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 condensend 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, uich 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 condensend 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 engaged', 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 obediances'.⁹⁷ He assured the king that a declaration would be published but that he would 'perhaps chaynge and enlarge it (in that 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 uould I have cached att ani thing thatt tended to the quyett ending of this busines so itt uer uith your Matties honoure.¹⁰²

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 uould no dout indickt a general assemblie, and thereafter 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 uich 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 prejuditall 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 holoroudhouse 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 with all to exept of ther explanatioun, which uould be to this effectk thatt they had not the leist thought 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

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 Rhee 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 balked at the prospect in store:

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 the Clerk 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 Monarchie and it can not stand together, 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 theirow 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.

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 bouldie non wha trewlie loves him can otherways 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 unreasonabill 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 eviles 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

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 agut'); 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 agut'). 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 undertaiking, 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 himself¹³⁷ 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

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 shoue my gratitude to my gracious 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 uould be plesed fullie and uith out doutfu[ll]e expressiounes to decayre himselfe in thes particulers'. If Charles saw the paper he would surely have noticed the implied criticism. Hamilton also endorsed the paper 'memorandum uhatt uould be doune be his Matti to worke deuisioun'. 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 secular' 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 bishop of ros had a long audience with the king and altho I kno not what past betuix them yet the bischops jouiall countinace 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.

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] episcopacie'.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

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, railed at in the streettis, exclaymed aga[i]nst in the pulpits, and that in no other termes then that faggots is alreddie prepared 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

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 condescend nor agree that the episcopal government, 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

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 England'. The commissioner then proceeded to apportion 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 Articles¹⁸⁸ 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 himselff lyke himselffe 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.