

CHAPTER 7

The Bishops' Wars: Coercion, Pacification and Building Bridges

In the last chapter we saw the failure of Hamilton's quest for a settlement which would satisfy the king's honour and create a royalist party in Scotland. Inevitably, therefore, the period covered in this chapter follows the two military campaigns by Charles I to impose his will on his Scottish subjects by utilising his resources as king of England and Ireland. This period for Hamilton represented yet another confrontation with the political reality of the mushrooming crisis. By contrast, the king had still failed to grasp the difference between dictating and bargaining. Furthermore, it also became apparent that the longer it took the king to accept a compromise settlement, the less the Covenanters were willing to trust their king and the more they looked for a peace treaty to be ingrained in the institution of parliament, both Scottish and English. Through all this, Hamilton walked on a political tightrope. He continued to be the king's chief counsellor on Scotland and friend, but was racked with doubt that the military option was unsound, or at best a hazardous exercise. In his personal life too, he experienced instability and heartache: his wife had died in May 1638 delaying his trip to Scotland as royal commissioner, and his son and heir, Charles, was buried in Westminster Abbey on 30 April 1640.

If Hamilton had been a reluctant royal commissioner in 1638, he was an even more unenthusiastic military commander in 1639–40. Furthermore, we can also contrast Hamilton's unbridled zeal for military honours in Germany in 1631–2 with his military disinclination of 1639–40. Over-exposed and a target for recrimination at the end of the First Bishops' War, Hamilton opted to withdraw from his prominent role and re-discover his friends amongst the Covenanters.

The four sections in this chapter follow a chronological structure with the Berwick peace negotiations of June–July 1639 constituting the hinge on which the whole chapter swings. Section one outlines the marquis's role in the First Bishops' War, and focuses on his command of a naval expeditionary force sent to the west of Scotland. Here we shall see Hamilton's deep reservations about the campaign emerging, characterised by an unwillingness to initiate the military contest. Section two reconstructs Hamilton's behaviour at the Berwick peace talks and his subsequent

How to cite this book chapter:

Scally, J. 2024. *The Polar Star: James, First Duke of Hamilton (1606–1649)*. Pp. 161–182. London: Ubiquity Press. DOI: <https://doi.org/10.5334/bcx.h>. License: CC BY-NC 4.0

resignation as royal commissioner. It will be argued that this is clear evidence of Hamilton's growing disillusionment with royal policy. Moreover, it also signalled Hamilton's stark realisation that, in the eyes of the Covenanters, he had become synonymous with Charles's hard-line policy. Section three defines Hamilton's changed role following the key events at Berwick; where he initially operated as Charles's personal secretary away from the public gaze. The fourth and final section is concerned with the Second Bishops' War, the Covenanter's pre-emptive invasion of north England in August 1640 and the calling of the Long Parliament. Hamilton will be placed in these momentous events as someone who consistently tried to avert a second war by trying to keep negotiations alive. The examination of Hamilton's secret alliance with John Campbell, Lord Loudoun, in June 1640 will highlight the marquis's two main desires at this time of deepest crisis: the craving for a moderate negotiated settlement, counterpointed by a need to look to his own self-preservation. In sum, this chapter narrates the beginning of Hamilton's steady drift away from Charles I.

I

England in 1639 was a kingdom unprepared for war.¹ There was £200 in the Exchequer, a parliament was not to be called² (even though the war was to be fought against a neighbouring kingdom of which the king of England was king), the English Privy Council committee organising the war effort was divided over the policy and the rest of the court and the country had been told nothing.³ Certainty and unity should have characterised Charles's English kingdom when in fact rumour and uncertainty prevailed. Even worse, few Englishman had ever held a musket let alone fire it at Scotsmen covenanted with God and commanded by European veterans.⁴ The long years of peace in Britain had caused a steady de-militarisation, particularly in England, so that the largest of Charles's three kingdoms was the least able to mobilise quickly and efficiently.⁵ A letter written by the earl of Northumberland, the lord admiral of England, in January 1639, highlighted the mood of self-interest and internecine squabbling that marked the royalist mobilisation:

My Lord of Essex is removed from being General of the Horse to be Lieutenant-General of the Army, and Holland succeeds him in the charge of the Horse; with this change Essex is not at all pleased, and the Marshal [Arundel] is so much unsatisfied, as it is thought he will absolutely quit his Command. This alteration is said to be wrought by the Queen, and that Hamilton hath much assisted in it, whose Credit and Power with the King is thought to be much increased since his late Employments into Scotland; which I doubt will be of some Disadvantage to his Majesty's Affairs at this Time, when the world shall take Notice, that the Means how to secure this state from the Scots Invasion is chiefly consulted with one of that Nation.⁶

¹ The scene is admirably set by Woolrych, *Britain In Revolution 1625–1660* (Oxford, 2002), pp. 114–121.

² This was the first time since 1323 that England went to war without calling a parliament, Russell, *Causes of the English Civil War*, p.12.

³ Knowler, ed., *Strafford's Letters and Dispatches*, ii, 185–6 (Northumberland to Wentworth, 23 July 1638); NRS, GD 406/1/464 (Morton to Hamilton, 29 November 1638); Knowler, *Strafford Letters*, ii, 189–92 (Wentworth to Northumberland, 30 July 1638); *CSPD 1638–9*, 151–2 (Thomas Smith to Sir John Pennington, 6 December 1638).

⁴ Only 200 of the 5,000 troops in Hamilton's expeditionary force had held a musket, NRS, GD 406/1/10541 (Hamilton to Charles, 15 April 1639) also printed in Gardiner, *Hamilton Papers* (Camden Society, 1880), 72–73.

⁵ For a discussion of the absence of a military capacity in England, Conrad Russell, 'The Scottish Party in English Parliaments 1640–1642 or The Myth of The English Revolution', An Inaugural Lecture in the Department of History, King's College, London, 29 January 1991. Wentworth's efforts in Ireland to build up an Irish army meant that there was some military capability there, Knowler, *Strafford's Letters*, ii, *passim*.

⁶ Knowler, *Strafford Letters*, ii, 276 (Northumberland to Wentworth, 29 January 1638/9). For a letter to the king about the hazard of having inexperienced men as commanders and officers, and generally trying to illustrate the enormity

This was hardly the kind of thing one would have expected on the eve of war in the proverbial backyard, though Hamilton's alliance with the queen to advance the earl of Holland is compatible with the picture of court politics that was drawn in an earlier chapter.⁷

Hamilton's elevation on the back of the Scottish troubles was logical enough given that he was chief adviser on Scottish affairs and royal commissioner to settle the troubles, but it was also a tribute to the skilful political game that he had played the previous year. Yet, as with his appointment as royal commissioner in April 1638, his appointment as general of the king's forces in Scotland in April 1639, was bestowed by the king's 'absolute command'.⁸ Again, this is important as it puts some distance between the marquis and the king's policies, and casts him, if necessary, as the reluctant – yet loyal – Scottish servant carrying out the king's commands.⁹ As Hamilton's letter in June 1638 had shown, he possessed the vision to see that Charles's actions could put his '3 crownes' in peril. The generous area between the king's outright victory and the collapse of his triple monarchy was where most individuals – except perhaps Charles – set their sights. In that area lay settlement – as well as the apportioning of blame, the search for culprits, evil counsellors, incendiaries, traitors. Hamilton was too good a politician to overlook such hard political facts. Equally too, it must be stressed that, although Hamilton believed that Covenanter insolence had to be checked, he never fully embraced the wisdom, or indeed the viability, of a military solution. On that point, as on many others, Charles and Hamilton disagreed.

For all the underlying caution, however, Hamilton had a substantial role in the mobilisation, chiefly in organising the household onto a war footing and recruiting Scots officers in London for the land army and for his naval expeditionary force, which was initially intended for north Scotland.¹⁰ Naturally, he was also a member of both the English Privy Council Committee for the North and the Council of War.¹¹ Hamilton continued to support the earl of Antrim's planned assault on the west of Scotland, though mainly as the recipient of the earl's hopelessly ambitious letters from Ireland.¹² Antrim could not deliver what he had promised on paper when Hamilton gave him the go-ahead on 6 March.¹³ It was probably just as well since he had hoped to employ Owen Roe O'Neile (c1580–1649), a Gaelic Irish soldier in the employ of Spain,¹⁴ as his commander and was widely ridiculed for his outlandish claims.¹⁵

of the task of mobilising an army of 30,000 to 40,000, NRS, GD 406/1/8300 ([Copy, unsigned and undated] to Charles I).

⁷ Chapter 4, especially sections II & III.

⁸ Burnet, *Lives of the Hamiltons* (Oxford, 1673, repr. 1852), p.155 (Charles to Hamilton, 18 April 1639). For the various commissions, NRS, GD 406/L1/150 (Commission appointing Hamilton General of his Majesty's army in Scotland, 4 April 1639); GD 406/M9/96 (Instructions & commission empowering Hamilton to sail to Scotland and make war, 7 April 1639); GD 406/L1/151 (Commission appointing Hamilton General of the army in Scotland).

⁹ The king having to command Hamilton to be General could be held up later to show that he was not behind the counsel for a military campaign.

¹⁰ NRS, GD 406/M9/23/53 (Hamilton's notes of a meeting of household officers, 7 February 1638/9); *HMC, Cowper*, ii, 210–211 (Sir John Coke's notes at the Council of War, 22 January to 7 February, 1638/9); *CSPD 1638–39*, 321, 339–40 and other references. For Hamilton's commission, *HMC Hamilton*, 47 (98) (7 April 1639); British Library, Additional Mss, 5754 fos.39–50 (Docs. on royal army levied against the Covenanters, 1639); NRS, GD 406/M9/23/11, 33, 40, 41, 48, 49, 57 (Names of Scots Officers).

¹¹ NRS, GD 406/M9/23/53 (Hamilton's notes of a meeting of household officers, 7 February 1638/9); *HMC, Cowper*, ii, 210–211 (Sir John Coke's notes at the Council of War, 22 January to 7 February, 1638/9); *CSPD 1638–39*, 321, 339–40.

¹² There was a meeting between Hamilton, Antrim and Vane where a plan was devised and later presented to the king, NRS, GD 406/1/1190 (Vane to Hamilton, 12 April 1639). It is very difficult to assess the extent to which Hamilton backed the earl's invasion. For an example of Antrim's letters to Hamilton, NRS, GD 406/1/1154 (Antrim to Hamilton, 17 March 1638/9).

¹³ NRS, GD 406/1/1154; Knowler, *Strafford's Letters*, ii, 318 (Charles to Wentworth, 11 April 1639).

¹⁴ 'Owen Roe O'Neill', Dictionary of Irish Biography, Accessed 16.08.2022, <https://doi.org/10.3318/dib.006936.v1>.

¹⁵ For O'Neile, NRS, GD 406/1/1150 ([Copy] Antrim to Wentworth, 26 February 1638/9). For Antrim's claim that he would feed his men shamrocks if victuals proved difficult to procure, Knowler, *Strafford's Letters*, ii, 302–7

Even with two of his three kingdoms at his disposal, it became clear that Charles's grand mobilisation involving a multi-pronged invasion of Scotland was, like Antrim's plans, over-ambitious and the Covenanters' modest vision of a single, well equipped army commanded by the veteran Sir Alexander Leslie proved more successful.¹⁶ The difficulties encountered in organising Hamilton's naval expedition were not untypical of the royalist war effort. Most of the force of five thousand men recruited from Suffolk, Kent, Essex and Cambridgeshire were inexperienced and arrived at Yarmouth docks with no officers.¹⁷ Of the 5,000 only 200 had ever held a musket, and most of the muskets to be used were defective anyway.¹⁸ There were neither the officers nor the time to train the men and at least one month of training would be required before the force could be hazarded in a confrontation. That is why in mid-April Hamilton suggested to Charles (who had arrived at York on 1 April to receive the feudal host from the nobility of his kingdoms) that he would be best employed harrying the east coast of Scotland and riding in the Firth of Forth at Leith, rather than landing in the north or elsewhere with 'unexperimented men.'¹⁹ Hamilton also experienced numerous problems with the naval flotilla which he listed in his almanack in March, though he subsequently heaped praise on the earl of Northumberland, lord admiral, for supplying the defects.²⁰

In practice, therefore, the resort to arms had as many holes in it as the attempt at a negotiated settlement the previous year; and the gap between cold reality and what the king's honour and religious conviction demanded was just as wide. Hamilton's warning to Charles in June the previous year that England (and Ireland) would follow him reluctantly into war, and that there was some sympathy in England for the Scots, proved to be well founded.²¹ Rumours of pro-Scots sentiment in England was frequently reported and occasionally reports that some Englishmen were 'intelligencers' with the Scots bubbled to the surface.²² Although the depth of this is difficult to gauge,

(Wentworth to Windebank, 20 March 1638/9), especially 302. For Antrim's plans and mobilisation, see for example, NRS, GD 406/1/652 (Antrim to Hamilton, 14 January 1638/9); GD 406/1/1153 ([Copy] Antrim's demands to Wentworth, 12 March 1638/9); GD 406/1/1154 (Antrim to Hamilton, 17 March 1638/9); GD 406/1/1162 ([Copy] Wentworth's despatch, 14 May 1639). Wentworth continually poured scorn on Antrim's efforts, believing that the earl had promised to go against Argyll only to ingratiate himself with the king, never expecting that Charles would accept his offer, Knowler, *Strafford's Letters*, ii, 335–6 (Wentworth to Laud, 10 May 1639); *Ibid*, ii, 325 (Wentworth to Vane, 16 April 1639). See also, Aidan Clarke, 'The Earl of Antrim and the First Bishops' War,' *Irish Sword*, 6 (1963), pp.108–15.

¹⁶ Burnet, *Lives*, pp.143–145. It should also be said that Argyll was recruiting to repel an Irish invasion of the west of Scotland and Montrose was marching on the loyalist north, Stevenson, *Revolution*, pp.128–140.

¹⁷ Some of them were from the trained bands of these counties, NRS, GD 406/1/938/1 (Sir James Hamilton to Hamilton, 12 April 1639); GD 406/1/10541 ([Copy or draft] Hamilton to Charles, 15 April 1639) also printed in Gardiner, *Hamilton Papers*, 72–3; *Ibid*, 73–6 (Hamilton to Charles, 18 April 1639). The exception was the men who came out of Suffolk commanded by Colonel Byron who were 'both well arm[e]d and cloth[e]d', GD 406/1/939 (Hamilton to Windebank, 23 April 1639). Kent was the worst, GD 406/1/938/1.

¹⁸ NRS, GD 406/1/10541; Gardiner, *Hamilton Papers*, 74; NRS, GD 406/1/938/1. Obviously, strenuous efforts were made to rectify the problem of defective muskets, but Hamilton was still complaining about them on 29 April when his fleet was riding before Berwick, NRS, GD 406/1/1203 (Hamilton to Vane, 29 April 1639).

¹⁹ Gardiner, *Hamilton Papers*, 73–6 (Hamilton to Charles, 18 April 1639). Hamilton also told the king that he could land most of the men at Holy Island to be subsequently put in Berwick and he would sail up the east coast with 1,000 or 500 hand-picked men to 'vex' the Covenanters. This advice was not accepted and Hamilton arrived in the Forth with his 5,000 men. For Charles's answers to most of Hamilton's letters in these weeks, see, Burnet, *Lives*, pp.151–156.

²⁰ Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton's almanack, 1639); Gardiner, *Hamilton Papers*, 76; NRS, GD 406/1/940 (Hamilton to Windebank, 15 April [1639]). Hamilton's praise of Northumberland to the king was relayed to the lord admiral by Sir Henry Vane who assured the marquis that he would 'have returnes', NRS, GD 406/1/1207 (Vane to Hamilton, 23 April 1639). For more on Northumberland, see Adamson, *Noble Revolt*, passim; *Oxford DNB*, <https://doi.org/10.1093/ref:odnb/21923>.

²¹ See chapter 6, pp.148–9.

²² *CSPD 1639*, p.51 (Rossingham to Conway, 16 April 1639); *CSPD Add 1625–49*, p.586 (Paper by Henry de Vic, [July ?] 1638); *CSPD 1637–8*, p.593 (Windebank to Hamilton, 10 August 1638). For Viscount Saye and Sele and Lord Brooke's refusal to serve against the Scots and to take the military oath, Thompson, ed., *Diary of Sir Thomas Hope*,

there was something going on which was well organised and effective. In fact, as early as February 1639 Traquair warned Hamilton,

[The Covenanters] beleive yat all quhiche the kings matie hes gained upon ye inglishe for procuring any assistance ayer of men or money for yis expedi[ti]one is be making yem beleive (as they te[r]me it) yt they are to cum upon ingland, qlk if yey sall be able to remove, they exspect ye subjects of ingland will prove slow enimies unto, or against yem.

They have sume new project in head for informing ye inglishe qwither it be, be way of peti[ti]one or remonstrance I knaw not, but it seames yey have a correspondence w[i]t[h] sume in ingland ...²³

There was a crack in English opinion over the war and the Scots intended driving a wedge into it. In other words, the king continued to rule England and Ireland, but he was not going to have it all his own way.²⁴ Charles had brought his other kingdoms into the quarrel and so the Scots had to state their case and seek support in the wider arena.

On the royalist military front, it was taking much longer to get the formed body of an army to the borders than had been expected. Of equal importance was the fact that by mid-April, the Covenanters had almost total control of Scotland: Huntly, the lieutenant for the north, had disbanded his forces while Traquair and Roxburgh, the two lowland lieutenants, had fled over the border.²⁵ Therefore, the plan that Hamilton's forces would bolster an indigenous royalist party evaporated. So the king would now have to invade and conquer his northern kingdom. Consequently, Hamilton was to head for the Forth rather than Aberdeen and the proclamation which he was to publish on his arrival was twice altered, or watered down, to take account of the changed circumstances.²⁶ For example, Charles was persuaded not to put prices on the declared rebels heads. Hamilton was at pains to ensure that the full eight days was allowed for compliance to the proclamation after its

p.93–4; NRS, GD 406/1/1207 (Vane to Hamilton, 23 April 1639). Hamilton's comment on Saye and Brooke is typical, 'The disposicon of Saye and Brouck was well yenuogh knowne before, I doubt not but his Matie will remember them in his owne time', NRS, GD 406/1/1203 (Hamilton to Vane, 29 April 1639). The Anglo-Scottish links between 1639–40 are thoroughly worked through in Adamson, *Noble Revolt*, pp.36–52. For more on these fascinating and interlinked subjects, Russell, *Fall of the British Monarchies*, chapter 3; Donald, *Uncounselled king*, chapter 5.

²³ NRS, GD 406/1/985 (Traquair to Hamilton, 29 February 1638/9).

²⁴ The Covenanters kept a tight hold on information passing out of Scotland. For evidence of this and their attack on the brothers George and John Stirling whose letter to England was intercepted which said that the Covenanters were 'lifting' money to finance an invasion of England, NRS, GD 406/1/796 (privy council to Hamilton, 1 March 1638/9); GD 406/1/ 997 (Traquair to Hamilton, 21 February 1638/9); GD 406/1/985 (Traquair to Hamilton, 29 February 1638/9); GD 406/1/769 (Southesk to Traquair, 28 January 1638/9).

²⁵ Vane's letters to Hamilton provide a full account of the changes, NRS, GD 406/1/1212 (Vane to Hamilton, 19 April 1639); GD 406/1/1207 (Vane to Hamilton, 23 April 1639). For Charles's letters to Hamilton of 2, 3, 5, 7, 16, 23 and 25 April, Burnet, *Lives*, pp.151–156, though there are some deliberate mistranscriptions. Traquair was committed to his chamber when he arrived at York for leaving Dalkeith 'without striking one stroke' and leaving the Scottish regalia behind, which infuriated Charles, NRS, GD 406/1/10531 (Charles to Hamilton, 2 April 1639); GD 406/1/90 ('A brief naracon of his Mats progress from London to Berwick & back again 1639).

²⁶ On 5 April, a few days after the fall of Aberdeen, Charles told Hamilton that he had agreed, under pressure from Sir Lewis Stewart and Hamilton of Orbiston, not to set prices on the declared rebels heads, NRS, GD 406/1/10533 (Charles to Hamilton, 5 April 1639). Two days later he sent Hamilton the proclamation, GD 406/1/10537 (Charles to Hamilton, 7 April 1639). On 19 April, Vane told Hamilton of two further changes to the proclamation: first, that rather than naming specific Covenanters who would not be pardoned, everyone would be offered a free pardon if they complied with the proclamation; second, that condemnation of the renewing of the Covenant (after the Glasgow Assembly) and abjuring of the Glasgow Assembly itself would now be omitted. A parliament was also to be called and ten days, rather than the previous eight days, were given to comply after publication of the proclamation, NRS, GD 406/1/1212 (Vane to Hamilton, 19 April 1639). However, the ten day rule for compliance was never adopted, NRS, GD 406/1/1203 (Hamilton to Vane, 29 April 1639).

publication in each area of Scotland.²⁷ Even Charles was beginning to realise that the nearer he got to the border, the more even the contest looked.²⁸

Hamilton left Yarmouth Road on 23 April and was off the coast of Berwick five days later; he sailed up the Forth on 1 May and anchored before Leith the next day.²⁹ Charles was expected at the border between 10 and 15 May and, in the interim, Hamilton was to have the proclamation published, wait the required eight days for compliance, and then commence hostilities.³⁰ So far, so good. In practice, however, things were not as straightforward. The main problem was that Hamilton's presence in the Forth, especially if he started acts of warfare, could cause the Covenanters to invade England and come upon the king unprepared.³¹ A defeat in the field, especially with the king present, had to be avoided at all costs.

The tone of professional efficiency that had characterised Hamilton's letters during the mobilisation collapsed after a week on the Forth. Hamilton, like Charles, had underestimated the Covenanter's military power and the lack of the normal restraint in the marquis's letter to the king is just as significant as what he wrote:

Your Maties affaires ar in ane desperatt Condition, the intraged people heir runes in to the height of Rebellion and ... resolved they ar rather to deay then to embrace or except of your profered grace in your Last most gracious proclamatioun: you uill find itt a uoorke of greatt difficultie to Curb them by force ther pouer being greater and ther combinatione stronger then Can be imagened and ... if you do not find your self in that post[u]r[e] which is requised you may think of some uay of paching itt up, and this I suffer my selfe to write becaus they seime to offer all sivill obediens.³²

In his reply, Charles acknowledged that he would, according to his proclamation, 'rest quyet for the tyme, upon ther yielding mee Sivill Obedience', however the Covenanters had also to crave pardon 'for there by past disobedience' and surrender 'what they unjustlie possess of myne & others'.³³ Even though Charles agreed that he was now in no position to conquer the kingdom, he still hoped 'to force them to Obedience (in tyme) what by stopping of there Trade, & other Courses; the wch, rather then not doe, I shall first sell my self to my Shirt; therfor goe on, for this is [my]

²⁷ NRS, GD 406/1/1203 (Hamilton to Vane, 29 April 1639).

²⁸ Charles summarised the points made by Vane about the proclamation in a letter to Hamilton the day after. This letter is interesting for it shows that the king had lowered his sights: 'if for the present I could get Civil Obedience, & my fortes restored, I might then talke of the other things upon better terms', NRS, GD 406/1/10544 (Charles to Hamilton, 20 April 1639). Hamilton received the letter on 29 April, probably at Berwick.

²⁹ Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton's almanack, 1639); NRS, GD 406/1/939 (Hamilton to Vane, 23 April 1639); NRS, GD 406/1/1203 (Hamilton to Windebank, 29 April 1639); Gardiner, *Hamilton Papers*, 76–8; *CSPD 1639*, 126 (Henry de Vic to Windebank, 7 May 1639). The fleet was delayed and forced into Scarborough because of high winds.

³⁰ On 19 April, Vane estimated that the king would be at the border on 10 May, by 23 April he estimated the middle of May. On 23 April, Charles estimated between 12–15 May, NRS, GD 406/1/1212, 1207; Burnet, *Lives*, p.156; Gardiner, *Hamilton Papers*, 77 (Hamilton to Charles, 18 April 1639). Hamilton was very careful to make his own notes from Vane's letters, which was typical of his scrupulous nature, see for example, GD 406/M1/52 ('Prinsipall heades in Sir hanrie Vaynes last dispatch').

³¹ This was a very real fear at least from early May, Burnet, *Lives*, p.154 (Charles to Hamilton, 10 April 1639); GD 406/1/1190 (Vane to Hamilton, 12 April 1639); *CSPD 1639*, 166, 226, 233 (letters from Henry de Vic to Windebank, 14, 24, 26 May 1639). De Vic was appointed by the king to be Hamilton's secretary during the naval expedition, *CSPD 1639*, 67 (De Vic to Windebank, 21 April 1639).

³² NRS, GD 406/1/10548 ([Draft] Hamilton to Charles, 7 May 1639) printed with some minor differences in Gardiner, *Hamilton Papers*, 78–80. It appears that Hamilton had received a letter from the Covenanters offering civil obedience which he sent with his letter to the king. Both Hamilton and the king had problems getting the proclamation published, *CSPD 1639*, 103–4, 126–28, 225–27.

³³ NRS, GD 406/1/10550 (Charles to Hamilton, 10 May 1639). The king's letter is dated from Newcastle.

resolution.³⁴ Charles and his shirt aside, there was the possibility of a compromise settlement in the air and Hamilton was one of the many who hoped for it – if the right terms could be found. On 14 May, however, Hamilton told Charles that the Covenanters would indeed give civil obedience ‘yet it is with this damnabill “but”, that your Matie m[u]st condescend to the abolashing of bishops, or at the leiste thus fare to heire in Parliament ... whay they should not be in this kingdome.’³⁵ On these terms, peaceful settlement was remote.

Meanwhile, Hamilton fretted on the Forth. Eleazor Borthwick berated his former patron for turning against God and his native kingdom, warning him that he would be made an outcast, a pariah.³⁶ Hamilton’s mother, before going to the borders at the head of her own troop of horse, arrived at Leith carrying pistols loaded with silver bullets to use on her son if he landed on Scottish soil.³⁷ Despite these humiliating incidents and the episcopal sticking point, Hamilton kept channels of communication open throughout May and early June in the hope that a breakthrough could be made.³⁸ He even had his taxation accounts brought aboard on 17 May.³⁹ More seriously, Hamilton had a further meeting with the Covenanters (Lords Durie and Napier)⁴⁰ on 1 June during which he was pressed to go to the king on the borders to mediate. What the Covenanters wanted to know was the ‘extent’ to which Charles would condescend to their ‘desires in points of conscience, namely touching Bishops & the acts of the lait generall assembly’. If they could only be satisfied in these things then ‘they wolde cast att his Mats feete their bodies & fortunes.’⁴¹ In reply, Hamilton had his secretary read the recent proclamation and added himself the points Charles wanted met concerning castles and civil obedience. At this stage, Hamilton knew exactly how much Charles was willing to give and it did not tally with the Covenanters’ minimum demands. Thus it was all to no avail, as Hamilton’s entry in his diary for 4 June noted, ‘bortu[i]ck came

³⁴ *Ibid.*

³⁵ Gardiner, *Hamilton Papers*, 80–83 (Hamilton to Charles, 14 May 1639). Hamilton also sent a list of seven points on which a settlement could be based which arrived at the court at Newcastle, but Charles, typically, saw it as another exercise in time wasting until he could get to the borders, NRS, GD 406/M1/54 (Grounds for a treaty, [received at court 15 May, sent back with holograph by Charles 16 May]); GD 406/M1/79 ([Draft or Copy of M1/54]).

³⁶ NRS, GD 406/1/1101 (Borthwick to Hamilton, 9 May 1639). Hamilton replied to Borthwick that he could not be made to believe that the king was not in the right, GD 406/1/922 ([Copy] Hamilton to Borthwick, 23 May 1639). The delay in Hamilton’s reply suggests that Borthwick had sent further letters to Hamilton, one of which he may have been answering here, which have not ‘survived’.

³⁷ *CSPD 1639*, 282 (Edward Norgate to Robert Reade, 5 June 1639); *CSPD 1639*, 331. News of the dowager marchioness’s exploits quickly spread to the king’s camp at Berwick, and to Ireland, *CSPD 1639*, 282; Knowler, *Strafford’s Letters*, ii, 350. For more on the marchioness’s troop of horse, E. M. Furgol, *A Regimental History of the Covenanting Armies, 1639–1651* (Edinburgh, 1990), p.26.

³⁸ There was a steady correspondence between Hamilton and those onshore, NRS, GD 406/1/836 (Rothes to Hamilton, 15 May 1639); GD 406/1/926 (Hamilton to Rothes, 3 June 1639); GD 406/M1/53/1 (Petition of Covenanters to Hamilton, 16 May 1639); GD 406/M9/317 (Petition of the Covenanters, [May 1639]); GD 406/1/923 ([Copy] Hamilton to Lindsay, 20 May 1639); GD 406/1/853 (Hamilton to lord of Durie, 3 June 1639); GD 406/1/1101, 922. Much more representative, however, are the diary entries in Hamilton’s almanack which record more numerous contacts: for example, on 10 May Hamilton received a letter from the Covenanters; on 11 May a letter was sent to Hamilton from the Privy Council and Session; Borthwick came aboard on 13 May, as did the earl of Southesk and Lord Innerpeffer; on 15 May the earl of Kinnoul came aboard; on 17 May Hamilton sent a letter to the earl of Rothes along with a pass for the earl of Lindsay; on 18 May the earl of Lindsay came aboard and delivered a petition from the Covenanters; on 20 May Hamilton sent an answer to the Covenanters’ petition and sent a letter to Borthwick; on 23 May Hamilton received another letter from Lindsay; on 1 June, Lords Napier and Durie came aboard and delivered a letter from the Covenanters; on 3 June, Hamilton sent his reply to the Covenanters’ letter; on 4 June, Borthwick came aboard again, Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton’s almanack, 1639), for entries under these dates: May and June have entries under the printed part of the diary for that month and on a blank page opposite with entries as well as dates in Hamilton’s hand.

³⁹ Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton’s almanack, 1639), entry for 17 May.

⁴⁰ G.M. Paul ed., *Fragment of the Diary of Sir Archibald Johnstone Lord Wariston, May 21 – June 25 1639* (Edinburgh, 1896), p.59.

⁴¹ NRS, GD 406/M1/84 (Memorandum of conference by Henry de Vic, 1 June 1639).

a bound uith neu but ould propositiones.⁴² The Covenanters on the borders appealed to the Protestant English noblemen around the king to effect the same thing; approaches which Hamilton viewed with suspicion, advising Charles to have the letters sent back. He ended with the admonition to ‘Remember Say and Brooke’, the two peers, Viscount Saye & Sele and Lord Brooke, who refused to pledge allegiance to Charles’s cause at York.⁴³

What is surprising about the events of June is that a settlement was reached before a battle rather than after one.⁴⁴ This was in large part due to a general reluctance to risk a military confrontation rather than any cave-in on demands by either side.⁴⁵ No-one had backed down, although each side thought that the other had, and that is one reason why the Pacification of Berwick was not worth the paper that it was written on. As usual, the king’s perception of how this all came about was crucial. He believed that he had been betrayed by those around him and the evidence for that lies in the timing of Hamilton’s summons to the king’s camp. The letter was written on 4 June by Sir Henry Vane, the day after the earl of Holland’s humiliating retreat from his foray over the border, and on the same day that Lesley’s army moved towards the hill at Duns Law overlooking the king’s camp.⁴⁶ Thus, as Vane told the marquis after describing the manoeuvres leading up to the anticipated Scots military check-mate,

His ma[jes]ty doth now clearly see and is fully satisfied in his owne judgment that what passed in the Gallerie betwixt his ma[jes]ty yr lords[hip] and my selfe hath been but too much verified on this occasion; and therefore his ma[jes]ty would not have you to beginn w[i]th them but to settle things w[i]th you safe, and in a good posture, and y[ou]r selfe to come heither in person to consult of what counsell are fittest to bee taken as the affayres now stand.⁴⁷

What Hamilton had told Charles in the gallery at Whitehall was the same thing that he had told him in June 1638: that the English would reluctantly follow the king into an offensive war against the Scots.⁴⁸ Even worse, channels of communication between the Covenanters and those in England, both inside and outside the court, were actively operating.⁴⁹ In this light, Charles’s statement in April 1639 that he trusted only Vane, Hamilton and Arundel becomes clearer.⁵⁰ So too does the

⁴² Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton’s almanack, 1639), entry for 4 June.

⁴³ Gardiner, *Hamilton Papers*, 80–83 (Hamilton to Charles, 14 May 1639), the letter was written out by Sir James Hamilton and the comment about Saye and Brooke was added by Hamilton in his own hand, see *Ibid.*, p.83, note a; Baillie, *Letters*, i, 203–4. For a copy of one of the letters endorsed in Hamilton’s hand, ‘the Covenanters letter to the English nobilmen’, NRS, GD 406/1/1087 (Covenanters to [Pembroke?, June 1639]). For Saye and Brooke at York, Woolrych, *Britain in Revolution* (2004), pp.120–121.

⁴⁴ The drift towards pacification can be followed through, NRS, GD 406/1/10554, 1183, 10561, 1195, 1194, 844/1 and especially, GD 406/1/M1/90 (‘A breef naracon of his Mats progress from London to Berwick & back again 1639’). See also Donald, *Uncounselled*, pp.144–153; Russell, *Fall*, pp.78–90.

⁴⁵ The Covenanters would have preferred to avoid a battle, but their resources were very stretched and they had to bring the contest to a head, NRS, GD 406/1/10554 (Hamilton to Charles, 21 May [1639]); Baillie, *Letters*, i, 207; Johnstone, *1639 Diary*, pp.56–59, 61–62.

⁴⁶ NRS, GD 406/M1/90 (‘A breef naracon of his Mats progress from London to Berwick & back again 1639’); Johnstone, *1639 Diary*, p.61; Baillie, *Letters*, i, 209–210; Gardiner’s description of the military manoeuvres has never been bettered, *England, 1603–42*. ix, 20–57.

⁴⁷ NRS, GD 406/1/1179 (Vane to Hamilton, 4 June 1639). In a postscript Charles wrote, ‘Having no tyme my selfe to wryte so much, I was forced to use his Pen, therfor I shall onlie say that what is heere written, I have directed, seene, & approved, CR.’ Hamilton received the letter on 6 June at 8 a.m. There were frequent rumours about contacts between the Covenanters and people in the king’s camp. For example, Lord Feilding, who had been sent by Hamilton from the fleet to the king’s camp, reported on 1 June a growing suspicion that Lesley had ‘communication’ with ‘some in this Court’, especially since the Scots general appeared to anticipate all the royalist military plans, GD 406/1/844/1 (Feilding to Hamilton, 1 June 1639).

⁴⁸ Burnet, *Lives*, p.175–176; chapter 6, p.243.

⁴⁹ Adamson, *Noble Revolt*, pp.35–50 and other refs; Woolrych, *Britain In Revolution*, pp.118–122.

⁵⁰ NRS, GD 406/1/10543 (Charles to Hamilton, 18 April 1639) also printed in Burnet, *Lives*, p.155.

marquis's deep suspicion of the Covenanters' approaches to the English noblemen in the weeks before Lesley's encampment on Duns Law. Could it also be the case that Hamilton held off commencing hostilities from mid-May onwards not only because of his reluctance to begin the war, but to enable Charles to test whether his English army would engage in battle with the Scots?⁵¹ For Charles at least, treason was in the air. Seen in this light, the atmosphere of mutual distrust and suspicion at the peace negotiations makes more sense. And it is to an examination of the crucial events at Berwick in June and July that we must now turn.

II

Hamilton arrived at Berwick on 7 June at two in the afternoon and went straight to the king's camp at Birks.⁵² The Scots army, about five or six miles away on Duns Law, was within sight of the camp. After an initial niggles over passes for the Scots delegation,⁵³ the peace talks got underway in Lord General Arundel's tent on Tuesday 11 June: with Rothes, Loudoun, Dunfermline and Sir William Douglas of Cavers (sheriff of Teviotdale) on one side and Arundel, Essex, Holland, Salisbury, Berkshire, Sir Henry Vane and Sir John Coke on the other.⁵⁴ Before the talks could begin, however, Charles arrived unannounced and thereafter dominated the proceedings right to the final meeting on 17 June.⁵⁵ If we accept that Charles was suspicious of the motives of those on both sides of the table, then his unexpected attendance is less surprising. As usual, the king trusted only a few. At the second meeting, on Thursday 13 June, Archibald Johnston of Wariston and Alexander Henderson joined the Covenanter side and Hamilton accompanied the king.⁵⁶ Before being called to Berwick, Hamilton had expressed a reluctance to be involved in treaty negotiations, yet Charles may have insisted when the marquis arrived at the camp. As royal commissioner and general of the king's Scottish forces it is difficult to see how he could have remained on the sidelines.⁵⁷ After all, the negotiations at Berwick were in many ways a continuation of the attempts at settlement of the previous year. Even then, however, he attended only two of the four meetings.⁵⁸ It is an important point that Hamilton continued to be uneasy about his high profile.

For both sides, the Berwick negotiations was like swimming in treacle. The Covenanters wanted the acts of the Glasgow Assembly ratified in the ensuing parliament, and, more generally, insisted that frequent general assemblies and parliaments should decide ecclesiastical and civil matters respectively. More ominously, justice against incendiaries was also desired.⁵⁹ Charles, by all accounts, argued gamely against these demands as well as pressing hard for his negative voice in assemblies, which was nevertheless denied.⁶⁰ Above all, the key issue was the fate of episcopacy;

⁵¹ NRS, GD 406/1/1183 (Hamilton to Vane, 26 May 1639). Hamilton's justification for not being 'more hostile' is open to conjecture. He told Vane that he knew 'the trew reasons of my pceedinge.'

⁵² Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton's almanack, 1639), entry for 7 June.

⁵³ Johnstone, *1639 Diary*, pp.69–70; Stevenson, *Revolution*, p.152.

⁵⁴ NRS, GD 406/M1/90 ('A breef naracon of his Mats progress from London to Berwick & back again 1639'); *CSPD 1639*, 304 (Sir John Borough to Windebank, 12 June 1639). Detail will be eschewed as these negotiations have been adequately covered, Donald, *Uncounselled*, pp.153–163; Stevenson, *Revolution*, pp.151–157; Russell, *Fall*, pp.63–67.

⁵⁵ Johnstone, *1639 Diary*, p.71; *CSPD 1639*, 304; Hardwicke, *State Papers*, ii, 130–141.

⁵⁶ *CSPD 1639*, 312 (Journal of events, 6–14 June 1639); Hardwicke, *State Papers*, ii, 141.

⁵⁷ NRS, GD 406/1/10561 (Hamilton to Charles, 29 May [1639]); GD 406/1/1195 (Vane to Hamilton, 29 May 1639). It should be noted that Hamilton and Lennox may have attended Charles to the first meeting on 11 June only to be dismissed with Lennox and others by the king, Hardwicke, *State Papers*, ii, 132.

⁵⁸ As well as the first meeting, Hamilton seems not to have attended the third meeting on Saturday 15 June, *CSPD 1639*, 320 ([Sir Henry Mildmay] to [Northumberland], [16] June 1639).

⁵⁹ Johnstone, *1639 Diary*, pp.65–95; Baillie, *Letters*, i, 216–221; Stevenson, *Revolution*, pp.152–161; Donald, *Uncounselled*, pp.153–171.

⁶⁰ Johnstone, *1639 Diary*, pp.80–81; Baillie, *Letters*, i, 217–218.

a lasting settlement was impossible without Charles's assent to the abolition of bishops.⁶¹ Remarkably, however, agreement was reached whereby the contentious issues, principally the episcopal question, were referred to an assembly and parliament to be held at Edinburgh on 6 and 20 August respectively.⁶² Hamilton contributed to the debate at the two meetings he attended particularly when the Glasgow Assembly was discussed at the second meeting.⁶³ Yet he performed more industriously – and more comfortably – behind the scenes, providing advice papers for Charles and drafting the king's declaration that was presented at the third meeting on 15 June (which Hamilton did not attend).⁶⁴

More interesting for our purposes are the events following the signing of the articles of peace on 17 June.⁶⁵ The period from 17 June to 29 July marks the life span of the Pacification.⁶⁶ Charles's abrupt return to London on 29 July, rather than his promised trip to Edinburgh to attend the parliament represented an unequivocal rejection of a peace process which he had only ever half embraced. Things started going wrong as early as 20 June, when the king's proclamation of the articles of peace was read out in the Scots camp and a protestation was made maintaining adherence to the Glasgow Assembly and countering Charles's description of the assembly as 'pretended'.⁶⁷ Thereafter both sides assiduously compiled lists of breaches in the pacification and argued over the verbal assurances that Charles had given at Birks.⁶⁸

Hamilton left the camp on 18 June, the day after the articles of peace were signed, and went to Leith to organise the removal of the fleet.⁶⁹ On 22 June he went to Edinburgh to liberate the castle and on the way there was shouted down and abused in the street: bishops were denounced and Hamilton was exhorted to 'stand by Jesus Christ!'⁷⁰ The situation at Berwick was equally tense when he returned on 26 June, and his inconsistent behaviour continued to puzzle Robert Baillie. On the one hand, Hamilton persuaded the king to let the Covenanters protest when it became known that the bishops would be included in the indiction of the forthcoming assembly, yet, on the other hand, he and Morton were also involved in 'bitter contests' with the Covenanter nobles in the king's presence.⁷¹ And so Baillie, an assiduous watcher of Hamilton, mused, 'the Marquais's ways was yet so ambiguous, that no man understood him, onlie his absolute power with the King

⁶¹ At the third meeting on Saturday 15 June, the Scots commissioners begged Charles on their knees to give way to the abolition of episcopacy, Johnstone, *1639 Diary*, pp.85; Baillie, *Letters*, i, 217.

⁶² Donald, *Uncounselled*, pp.153–171; Stevenson, *Scottish*, pp.151–158.

⁶³ Johnstone, *1639 Diary*, pp.78–79.

⁶⁴ NRS, GD 406/M1/55 (Declaration, endorsed 13 June). Hamilton may also have drafted the answer to the Covenanters' paper of 11 June, which was read out at the meeting on 13 June, though it is part of Hamilton's notes of what was said that day, GD 406/M1/56/1-2. In another, more ambiguous paper Hamilton proposed a series of meetings to discuss the forthcoming assembly with all sides represented (Covenanters, ministers, councillors and even bishops) and hinted, in the nicest possible terms, that Charles's interests would be best served if he did not attend personally, GD 406/M1/81. For more on this paper, Donald, *Uncounselled*, p.159.

⁶⁵ For the king's declaration and articles of peace, Innerleithen, Traquair mss, 14/7 ('Some Conditions of his Maties treatie with his subjects in Scotland before the Inglishe nobilitie and set doune heir for remembrance', [June 1639]); and another copy, *Ibid*, 28/i/2.

⁶⁶ I have taken the timescale from, NRS, GD 406/M1/90 ('A brief naracon of his Mats progress from London to Berwick & back again 1639).

⁶⁷ NRS, GD 406/M1/90; Baillie, *Letters*, i, 219–220; Stevenson, *Revolution*, pp.156–157.

⁶⁸ Innerleithen, Traquair mss, 27/unfol. ('Propositions or Queries made be his Matei to Rothes, Montrois, Lothiane, Dunfermline, Sir Wm Douglas, Edward Edgar and Mr Archb. Johnstone' July 1639 [covering two days]); *Ibid*, 27/unfol. ('The Severall braches of the Articles of Pacification' [Written in Hamilton's secretary's hand, and corrected by Charles and Hamilton]). See also, Donald, *Uncounselled*, pp.159–171; Stevenson, *Revolution*, pp.154–161; Russell, *Fall*, pp.63–68, 79–90.

⁶⁹ For Hamilton's movements between 18–25 June, Lennoxlove, Hamilton mss, TD 91/109/M3/1 (Hamilton's almanack, 1639).

⁷⁰ *CSPD 1639*, 355 (Edward Norgate to Robert Read, 30 June 1639); Burnet, *Lives*, p.181.

⁷¹ Baillie, *Letters*, i, 220.

was oft there clearlie seen.⁷² It is appropriate therefore to examine what Hamilton's intentions were at Berwick and to do this three important pieces of evidence will be used.

Two papers that Hamilton submitted to the king on 5 and 8 July and a subsequent agreement made between the king and Hamilton on 17 July mark an enormous shift in his political stance. If taken together, they constitute not only a brilliant manoeuvre to resign the commissionership and avoid being sent back to Edinburgh with an impossible brief, but also a means to retain the king's confidence whilst simultaneously courting the goodwill of the Covenanters. The lack of ambiguity in the advice paper that Hamilton presented to Charles on 5 July would have pleased Robert Baillie, but the question posed – whether or not the assembly and parliament allowed in the peace articles should sit – would not.⁷³ If the assembly and parliament sat, advised Hamilton, then the assembly would mirror its counterpart at Glasgow and abrogate episcopacy and the parliament would subsequently ratify the same. Charles also risked losing his negative voice in parliament if he used it to save episcopacy. If Charles did not allow the assembly and parliament to sit, they would sit anyway and follow the same pattern. Evidently, the second option was worse, for by it Charles would lose all civil authority and consequently have to re-establish it by force or desert the kingdom. So, if Charles took the first option and allowed the assembly and parliament to sit, then should he be present? If not, who should be sent as commissioner? If he took the second option, then how could money be found to conquer Scotland without calling a parliament in England? Finally, Hamilton boiled the options down even further,

uhidder to permitt the abolasing of Episs[copacy], the lesning of kingly pouer in exclesias-tick eaffares, the estabelising of Civill authorati in shuch maner as the iniquity of the tymes uill suffer ... or to call a parll[iament] in ingland and leive the event ther of to hasard and ther discretions, and in the interime, Scott[land] to the governament of the covenanters.⁷⁴

This was good counsel. It was realistic. It was telling the king what was within reach. It was the same counsel that Hamilton had offered the year before, but with different parameters. The previous year Hamilton had advised Charles to sacrifice the canons, prayer book and Perth Articles (which Hamilton's father had guided through the Scottish parliament in 1621) to gather a royalist party and save episcopacy. Now, it was to sacrifice episcopacy to save civil authority and retain some ecclesiastical influence. In both cases, Charles was advised to concede ground immediately or lose more later. This was consistent with Hamilton's policy of damage limitation to the Scottish crown. With this advice, he told the king things that he did not want to hear.

Three days later, on 8 July, Hamilton presented another longer paper to the king which aimed at three things.⁷⁵ First, and ostensibly, it was a clever resignation letter as royal commissioner, containing arguments so compelling that it could not be refused. Second, it was a subtle critique of Charles's policy since Hamilton had been made royal commissioner in April 1638, highlighting how the executors of the king's policy, rather than the king himself, were put in an invidious position. Third, and most importantly, it was confirmation of Hamilton's desire to distance himself from Charles's policy. As Charles lost power to the Covenanters, it was a matter of self-preservation as well as political expediency for him to unshackle himself from the king and build a bridge to the Covenanters. It was also a way of keeping the process of settlement alive.

This elegantly composed paper offered ten points to the king, each building on the previous point to illustrate the consequences of royal policy on a royal servant, cumulatively justifying why

⁷² *Ibid*; see also, Johnstone, *1639 Diary*, pp.87–88.

⁷³ NRS, GD 406/M1/60 (Memorandum, 5 July 1639).

⁷⁴ *Ibid*. For another paper by Hamilton with assent to the abolition of episcopacy as a means to wrest the initiative away from the Covenanters, NRS, GD 406/M9/88/4 (Memorandum, [July? 1639] [badly damaged]).

⁷⁵ NRS, GD 406/1/948 (Hamilton to Charles I, 8 July 1639). The first few lines of the address suggest that Charles had not yet decided against going to Edinburgh.

Hamilton could no longer continue as commissioner. Hamilton was now hated by his nation.⁷⁶ He was also discredited as a royal commissioner and threatened with violence if he returned to Scotland in that capacity.⁷⁷ The main reason that he was now so obnoxious was that what he had 'so often suoorne and said your Matti uould never condechend to uill nou be granted'. As a result, it was widely believed that Hamilton had always had the power to grant more, but held back hoping to endear himself to the king by negotiating a settlement below what Charles had been willing to give. He was also 'thought to have beine a pryme instrument in mouving your Matti to resent ther cariage in shuch a sort as you have dounē'.⁷⁸ Put simply, the above points (1–8) followed the Covenanters description of an incendiary and predated the English parliament's description of an evil counsellor. At present, Hamilton was both.

The ninth point shifted the emphasis away from the Covenanters' opprobrium and anticipated what would happen to a royal commissioner who would touch with the sceptre the bill abolishing episcopacy:

This uoork uill make me, I feaire, eiven louse your Matties favore for I knoe itt is so odiouse to you, as I have cause to aprehend that you uill not lyke the actore, or tho your goodnes uill permitt you to looke upone him becaues uhatt he did uas by your comand, yett itt may be imagened that your honoure uill oblidge you not to seeme to cayre for him. Sheure I am of this thatt uher as I ame nou perfyty hated by all your subjectes uho heath uith stoud your Matti (if itt shall please you to lay this imployment on me) I shall heire efter be by all uho uisshis prosperaty to your affaires in both kingdumes, and uher or hou I may be called to ane account for this undertaking I knoe not ... seing itt is ane act so derogatife to kingly outhoraty.⁷⁹

As well as currently being a pariah in Scotland, Hamilton would also be abandoned by 'your Matties court and kingdome of England'. Despite the courtly melodrama of the address, Hamilton's views were those of a politician who had reached a cross-roads in his career and, like the good politician that he was, he had opted for self-preservation. Less tangible, but equally powerful, was the suggestion throughout the address that Charles could no longer protect his servants from his political opponents or from the baying crowds in Edinburgh. This was a lesson that the archbishop of Canterbury and the lord deputy of Ireland would learn too late.

The final piece in the jigsaw was a secret agreement written out in Hamilton's hand and signed, addressed and dated by the king on 17 July, nine days after Hamilton's resignation as royal commissioner:

We doe by thes presentes not only authoreis, but quyres you, to use all the meaines you can, uith shuch of the Covenanters as cumes to beruick to learne which way they intend the estatt of Bisshopes shall be suplyed in parliament, uhatt our pouer shall be in exclesiastick affaires, and uhatt farther ther intentiones ar, for which end you uill be nesessitat to speake thatt language which if you uer called to ane account for by us you might suffer for itt. Thes ar therfore to assure you, and if neid be heirefter to testafie to others, thatt uhatt soever you shall say to them, to discover ther intentiones in thes particulars, you shall neather be called in questioun for the same, nor yett itt proufe anie uayes prejudittial to you, nay tho you should be accused by anie ther upone.⁸⁰

⁷⁶ Hamilton's experiences at Leith with the fleet and his denunciation by the crowds in Edinburgh on 22 June surely contributed to this feeling.

⁷⁷ Implicit too, was the suggestion that Charles could no longer protect his Scottish servants.

⁷⁸ NRS, GD 406/1/948.

⁷⁹ *Ibid.*

⁸⁰ NRS, GD 406/1/809 (Charles to Hamilton, 17 July 1639).

By this remarkable contract, ostensibly a licence for deceit, Hamilton was able not only to bolt himself closer to the king after resigning as royal commissioner, but with royal approval was allowed to confer with the Covenanters as a sympathiser. This was a dream ticket, allowing him to make friends with the king's opponents while still being the king's confidant. It also, arguably, demonstrated how convinced the king and Hamilton were that the crown's opponents in England and Scotland were conferring and planning together. Deceit and double-dealing would be met with the same. To further emphasise the close relationship between king and favourite, Hamilton slept every night in the king's chamber at Berwick.⁸¹

The royal announcement that the king would not go to Edinburgh was probably made a few days before Charles left Berwick on 29 July, yet it had been under consideration between Hamilton and the king since the beginning of the month. On 8 July, the same day that he had resigned as royal commissioner, Charles summoned Loudoun and the other nineteen Covenanter leaders to Berwick to discuss the deteriorating situation.⁸² The Covenanters suspected a plot, but, after a discordant meeting in Edinburgh which showed clear rifts in the movement, they sent six of their number on 16 July.⁸³ After four days of acrimonious talks, during which time the explosive topic of the Scots promoting the overthrow of episcopacy in England and Ireland was discussed, the six Covenanters were sent away and told to return with the other fourteen who had not come.⁸⁴ Instead, only Loudoun and Hamilton's brother-in-law, Lindsay, came back.⁸⁵ Trust, if ever it had existed, was now lost. Yet even before these events, Hamilton had been unhappy about Charles going to Edinburgh, at least from 5 July, and told Laud on 14 July that he hoped the king would not go.⁸⁶ Perhaps the single most important indicator of Charles's estrangement from peaceful settlement was his invitation to lord deputy Wentworth on 23 July to come over from Ireland.⁸⁷

Traquair's nomination as royal commissioner was a visible sign to many, including Rothes and Lindsay, that the king had turned his back on what would be settled in the forthcoming assembly and parliament.⁸⁸ On 27 July, Hamilton, in his new reduced – and safer – role, obligingly wrote out the new commissioner's instructions for the assembly.⁸⁹ The instructions represented a mixture of dogged, and often unrealistic, determination and bitter consent. Bishops would not attend. If episcopacy was abolished, then it was stressed that this was allowed only to settle the present disorders and satisfy the people. The king should have the nomination of fourteen ministers to replace the bishops in parliament. As the assembly drew to a close, a protest was to be made stating that because the king could not be present, he had a right to future redress if he felt that his commissioner had agreed to anything which was prejudicial to his service. As usual, Charles was fighting every inch of the way.

Unfortunately, Traquair's reaction to his appointment as royal commissioner has not survived. Around this time however, he collected a number of statements apparently made by Hamilton in

⁸¹ *CSPD 1639*, 408 (Henry de Vic to Windebank, [21 July] 1639).

⁸² Stevenson, *Revolution*, pp.158–160; Donald, *Uncounselled*, pp.166–168.

⁸³ Those who went were, Rothes, Montrose, Loudoun, Lothian, Dunfermline and Archibald Johnstone, *CSPD 1639*, 399. The Covenanters' caution and division over the call to Berwick can be followed through, Gardiner, *Hamilton Papers*, 92–98. Two waverers, Montrose and Lothian, were apparently restrained from immediately obeying the king's call to Berwick.

⁸⁴ NRS, GD 406/1/1093 (Rothes to Will. Murray, 12 August 1639).

⁸⁵ Stevenson, *Revolution*, pp.159–161; *CSPD 1639*, 399–400, 408–409.

⁸⁶ NRS, GD 406/M1/60 (Memorandum, 5 July 1639); GD 406/1/905 (Hamilton to Laud, 14 July 1639).

⁸⁷ Donald, *Uncounselled*, p.163; C. V. Wedgwood, *Thomas Wentworth, First Earl of Strafford, 1593–1641. A Revaluation* (London, 1961), pp.259, 265–267. The letter was carried by the Scot, John Leslie, bishop of Raphoe.

⁸⁸ NRS, GD 406/1/1093 (Rothes to Will. Murray, 12 August 1639) printed in Gardiner, *Hamilton Papers*, 99–101; Gardiner, *Hamilton Papers*, 101–102 (Lindsay to Hamilton, 16 August 1639); NRS, GD 406/1/937 (Hamilton to Lindsay, 6 August [1639]). It was Hamilton who wrote to Traquair to come to Berwick on 14 July, NRS, GD 406/1/865.

⁸⁹ The instructions are printed in Burnet, *Lives*, pp.189–192. The originals are GD 406/M1/75, 61. It is perhaps significant that in the original instructions Charles only initialled the paper and made no corrections.

the last few days at Berwick. One statement recalled the answer that Hamilton gave when asked by 'some of his friends' why he had allowed Traquair to be made commissioner:

Ar you such fooles, as to beleeve I wald have suffered him to have had that honor, or the honor of perfyting those thinges, if I had not knowne that no such thing was intendit, or that it was never intendit that it should take effect.⁹⁰

This accords with the evidence presented about Hamilton's realignment at Berwick. It is also a sign of cracks appearing in the Hamilton/Traquair alliance. Traquair, probably correctly, believed that Hamilton had handed him a poisoned chalice. In the same paper, Traquair also noted a warning that Hamilton had apparently given a 'noble man', 'that the Scotese had reasone to stick close together: for if the king got his will, he would prove the most bloodie man that ever was knowne'.⁹¹ The First Bishops' War and the fragile peace of Berwick had indeed ushered in a more noxious political atmosphere.

III

The high profile that had been forced upon Hamilton between April 1638 and July 1639 was now at an end. For the coming months, we see him back in the more familiar role of counsellor, confidant and royal favourite, operating out from the Bedchamber rather than at a distance from the king. Hamilton's fine piece of political escapology at Berwick came at a political cost, because it widened the trust-gap between the king and the Covenanters. Yet it would be harsh to condemn him for stepping out of the firing line. However, his alleged comments recorded by Traquair show an arrogance and ruthlessness that would be seen again. As we shall see, Traquair's subsequent indictment as an incendiary, and persecution by the Covenanters perhaps justified the marquis's decision.⁹² Inevitably, a degree of double-talk was required by Hamilton. On 6 August, from the safety of Whitehall, he sent contrasting letters north confirming his resignation as commissioner. In the letter to his Covenanter brother-in-law, Lord Lindsay, which Hamilton read to Charles before sending, he lied that the king had given Traquair 'such instructions as if you bee not worse then devills you will blessed god [sic] and thank the king'.⁹³ Perhaps in a similar vein, Hamilton assured the bishop of Ross that he resigned the commissionership because neither his 'conscience nor honor' could permit him 'to bee an instrum[en]t in this worke'.⁹⁴ To his friend, the earl of Lauderdale, he confided, with a little more honesty, that, 'heirefter I intend to meddill les in affaires of thatt kingdom as having smarted for thatt suficiant alreder'.⁹⁵ Thus Hamilton had withdrawn from an exposed role in Scotland; both his position and ambitions in England and Ireland had suffered since April 1638, but perhaps that could be reversed? The future was uncertain, however, and this

⁹⁰ Innerleithen, Traquair mss, 28/i/13 ('Words Spoken' [1639]). This is a single sheet written in a hand which I do not recognise, but which is endorsed on the back in Traquair's hand 'Words Spoken'. It seems clear that these were words allegedly spoken by Hamilton in the last few days at Berwick or shortly after. The few other passages are more of the same; basically that Charles had no intention of honouring the Berwick peace. These alleged comments made by Hamilton form the basis of Article V of the charges made against him at Oxford in December 1643, the articles are printed in Burnet, *Lives*, pp.324–346, for Article V, pp.333–334.

⁹¹ Innerleithen, Traquair mss, 28/i/13.

⁹² See chapter 8, p.188.

⁹³ NRS, GD 406/1/937 (Hamilton to Lindsay, 6 August [1639]).

⁹⁴ NRS, GD 406/1/944 ([Copy] Hamilton to Ross, 6 August 1639). He also stressed that he would continue to be a 'most faithfull frind' to Laud.

⁹⁵ NRS, GD 406/1/936. By the last word in the quote Hamilton clearly meant, 'already'. Revealingly, in the draft of the letter he wrote that in future he would not meddle in affairs of 'statt' but changed it to 'thatt kingdom'. He also assured Lauderdale that he would still serve him at court.

was underlined by rumours in Scotland that the marquis was either going abroad after Christmas or that he intended selling up all his interest in Scotland and moving permanently to England.⁹⁶

Undoubtedly, Hamilton was dispirited by the recent turn of events.⁹⁷ Over seventeen months of groping towards a settlement had led nowhere. The negotiation phase of Hamilton's commissionership between May and December 1638 had been as unsuccessful as the subsequent military phase between January and June 1639. The fractious settlement at Berwick was little more than an armistice until the following spring. In 1638 it had been hoped that a royal commissioner would have been sufficient to disperse the protest movement in Scotland; in 1639 it had been hoped that the king at the head of an army would have achieved the same end. In both years the pivotal expectation of a royalist party in Scotland was disappointed. By degrees it had come to outright conquest and the exponent of that particular policy arrived at court from Ireland at the end of September.⁹⁸

It would be difficult to imagine two such contrasting figures as Wentworth and Hamilton, each with a hand on the tiller of state. Quite apart from their famous enmity towards each other, Hamilton had never fully endorsed such a policy, and he had started to step aside at Berwick to make way for Wentworth. However, just as with Weston in 1632 and Laud in 1638, Hamilton found it expedient to work with Strafford in 1640 – the statesman in whom Charles had bestowed the most trust. It should come as no surprise, therefore, when we read Strafford's letter to Hamilton dated 7 March 1640, in which he thanked the marquis for the loan of his coaches and 'the great favoures and assurances I have had from your goodnesse since my last arrival in this kingdome'.⁹⁹ The consummate courtier aided the principal statesman, but whether Hamilton countenanced the ideological implications of the new policy – English hegemony in Scotland – is another thing entirely. At this stage it is perhaps easier to see Hamilton being dragged along by events, while still looking for the breakthrough that would lead to settlement. Crucially too, self-preservation increasingly guided his behaviour.

From now on, neither Hamilton's political profile nor the material in the Hamilton archive could sustain the detailed analysis conducted since the beginning of the troubles in July 1637. Nevertheless, between August 1639 and the Scottish invasion of north England in August 1640 two areas where Hamilton had an important role to play can be identified. First, he was prominent in the military preparations for the second mobilisation against the Covenanters. He was a member of the twelve-man Council of War, the organisational hub of the military effort,¹⁰⁰ and in the field, he was to command a regiment with its own train of artillery.¹⁰¹ The military problems of 1638–9 were similar to those of 1639–40, only greater, and the fact that Hamilton's mutinous regiment had to be disbanded in some confusion about a week before the Scottish invasion was emblematic of the English military malaise.¹⁰²

⁹⁶ NRS, GD 406/1/1023 (Lauderdale to Hamilton, 31 October 1639); Oxford, Bodleian Library, mss Rawlinson D. 857, fos.37r–38v, unfol. ([Newsletter? written by an Englishman in Edinburgh?]) 'The Severall passages at the Assembly at Edenborough 18 August 1639').

⁹⁷ NRS, GD 406/1/871 (Hamilton to Orbiston, 27 August 1639) and he continued to be dispirited, Innerleithen, Traquair mss, 12/26 ([Copy] Hamilton to Traquair, 8 November 1639).

⁹⁸ Wentworth arrived about 21 September, Wedgewood, *Strafford*, p.267.

⁹⁹ NRS, GD 406/1/804 (Strafford to Hamilton, 7 March 1639/40). See also Strafford's detailed report to Hamilton about the Irish parliament and the military preparations, GD 406/1/803 (Strafford to Hamilton, 24 March 1639/40). For more on Hamilton's relationship with Wentworth at this time, chapter 5, section v.

¹⁰⁰ *CSPD 1639–40*, 188 (list of the Council of War, 30 December 1639); *Ibid*, 295–296, 369, 381–382, 458, 482–483, 552–553; *CSPD 1640*, 292, 318.

¹⁰¹ *CSPD 1640*, 292 (Notes by Nicholas of Council of War, 13 June 1640), 365–366 (Sir Jacob Astley to Northumberland, 30 June 1640), 461–462 (Astley to Conway, 9 July 1640), 514–515.

¹⁰² *CSPD 1640*, 609–10; Gardiner, *England*, ix, 188.

Second, and more important, Hamilton took over from Sir Henry Vane (and Laud before that) as Charles's confidential secretary in the more sensitive Scottish matters.¹⁰³ One consequence of this was that Hamilton prepared the way for his brother, the earl of Lanark, to take over as secretary of state for Scotland at court when the earl of Stirling died in February 1640.¹⁰⁴ In the meantime, Hamilton's main concern, of course, was to guide Traquair through the assembly (12–30 August) and parliament (31 August–14 November) in Edinburgh. It is clear from Hamilton's first letter to Traquair after the return to London in early August that the new commissioner was to ape Hamilton's tactics at the Glasgow Assembly. Traquair was to note the illegality of elections, submit protestations and generally waste as much time and give as little ground as possible. Initially at least, it was all more half-hearted this time round and Hamilton even had to ask for a copy of Traquair's instructions, but there was perhaps more to be read between the lines here than a simple request for a paper that should have been copied at Berwick,

I ame hartily sorie thatt I uant your instructioun[s] for alredie his Matties memorie and myne douth not a gree in sume things but I hoope shortly you uill send them and then thatt uill be remeded.¹⁰⁵

Once over this hiccup, the two men kept up a regular correspondence until Traquair arrived at court in the last week of November.¹⁰⁶ It was less surprising that Traquair, in his letter to Hamilton two days before the assembly convened, was still unsure of the exact form in which Charles had agreed to the abolition of episcopacy, than that he concluded his discussion of the Covenanters' programme and pre-assembly tactics with this statement:

And this fomented from our english intelligence [sic] qrin advertisement lykwayes is given of the Lord Says sounne his being heir.¹⁰⁷

The presence of Nathaniel Fiennes in Edinburgh suggests that Viscount Saye and Sele and the other members of the Providence Island group's interest in Scottish events may have gone beyond passing sympathy with the plight of co-religionists living under the same king.¹⁰⁸ Certainly, Hamilton would have read something like that into it, given his warning to Charles a few months earlier to 'remember Saye and Brooke'.¹⁰⁹

¹⁰³ The earl of Stirling, a tired old bureaucrat rarely at court, continued to operate as official secretary but deferred to Hamilton on important matters, see for example, Innerleithen, Traquair mss, 9/8 (Stirling to Traquair, 23 September 1639). Hamilton eased himself into this role at Berwick, NRS, GD 406/1/1106.

¹⁰⁴ For Lanark's early career, see chapter 5, pp.102–3.

¹⁰⁵ Innerleithen, Traquair mss, 7/10A (Hamilton to Traquair, [4–5 August 1639]).

¹⁰⁶ Traquair kept notes and a precis of the letters which he sent to Hamilton and Charles. These shall be used for this short reconstruction and detailed reference will be eschewed, Innerleithen, Traquair mss, 28/iii/41 ('Copy of me letter[s] to his Ma. and the Marquis in Agust', [10–30 August 1639]); *Ibid*, 12/35 ('Letters in Septemb', 1–27 September 1639); *Ibid*, 12/28 ([Memorandum of Hamilton and Charles's letters, September/October 1639]); *Ibid*, 28/iii/43 ([Copy letters, 6 October–5 November 1639]).

¹⁰⁷ The full copy of the letter in Traquair's hand is set out thus, 'By my letter to my lord Marq: of ye date ye 10 of yis instant it is advertised yt nothing will satisfie except ye acts of ye late Generall Assembly be ratified in termius and if I gaine yis point it is by giving way yt Episcopacy be abjured as contrare to ye Confession of fath & constitutions of yis kirke and ye most I looke for is yt ye narrative of ye act be so conceived and in ye de[c]retory words it be only condemned as unlawfull & contrary to ye constituons of yis kirke etc [paragraph gap] And how my declaraone tooke at first bot yrefter ye leading men made yem strike more rigidely and yt nothing will satisfie except Covenant and every thing be doen qth in ye frie Assembly promised to yem by his Maj shall by thought Upon And this fomented from our english intelligence qrin advertisement lykwayes is given of the Lord Says sounne his being heir', Innerleithen, Traquair mss, 28/iii/41 ('Copy of me letter[s] to his Ma. and the Marquis in Agust', [10–30 August 1639]).

¹⁰⁸ Adamson, *Noble Revolt*, pp.45–50; Donald, *Uncounselled*, pp.218–219 and chapter 5, *passim*; Donald, 'New light on the Anglo-Scottish Contacts of 1640', *Historical Research*, vol.62, no.148 (June 1989), pp.221–229; Russell, *Causes*, p.28; Russell, *Fall*, p.99.

¹⁰⁹ See above.

The assembly predictably abolished episcopacy, but 'as unlawful in this kirk',¹¹⁰ which was not the way Charles had wanted it done, for it implied that if the king abolished episcopacy as unlawful in one kingdom then it could be argued that it was unlawful in his other two kingdoms.¹¹¹ Charles was livid that Traquair had allowed episcopacy to be abolished as 'unlawful' and commanded his commissioner that the act of assembly should not be ratified in parliament in such a form. Rather, he screamed from Whitehall on 1 October that episcopacy was to be abolished 'as contrarie to the constitution of that kirk & that wee ratifie this act meerlie for the peace of ye land, though otherwyse in our own judgement wee nather hold it convenient nor fitting'.¹¹² Neither would Charles agree to rescind the acts of parliament made in favour of episcopacy. Faced with these hurdles, the commissioner weaved a perilous path, often exceeding his instructions and only just keeping royal favour.¹¹³

The king's anger increased when news arrived that Traquair had allowed the subscription of the Covenant in the assembly and parliament, and that the Covenanters dominated the articles. Inevitably, therefore, the commissioner was instructed, on 22 October, to prorogue the parliament to the following June.¹¹⁴ Naturally, Traquair was terrified that the parliament would sit on after it was prorogued. He hesitated therefore and sent the earl of Kinnoul to court with letters and a paper outlining the possible consequences.¹¹⁵ At the same time, the Covenanters, or rather the parliament, sent Loudoun and Dunfermline to court. However, Kinnoul was seen, but Loudoun and Dunfermline were refused access and, after trying again through Hamilton, the two lords went home without seeing the king.¹¹⁶ In response to all this, Charles sent a blistering letter to Traquair to prorogue the parliament as he had been instructed and to make his way to London.¹¹⁷ To the surprise of many, the Covenanters allowed the parliament to be prorogued on 14 November until 2 June. Instead, a committee of parliament was appointed ostensibly to receive the king's answer to a remonstrance, though its true purpose was to be a central administration in the spirit of the disbanded Tables.¹¹⁸ In Scotland, the ways of assemblies, half-heartedly agreed to by Charles at Berwick, had now been abandoned. In England, a parliament had not been held since 1629 and it was to that institution that Charles reluctantly turned in 1640 for the support and obedience he craved.

¹¹⁰ Stevenson, *Revolution*, pp.163–165; Donald, *Uncounselled*, pp.201–205.

¹¹¹ This is exactly the point that Charles made in a furious letter to Traquair on 1 October, Innerleithen, Traquair mss, 4/122 (Charles to Traquair, 1 October 1639). Charles wanted episcopacy abolished as contrarie to the constitutiones of ye kirk', *Ibid.*

¹¹² Innerleithen, Traquair mss, 4/122 (Charles to Traquair, 1 October 1639). See also, *Ibid.*, 12/28 ([Memorandum of Hamilton and Charles's letters, September/October 1639]).

¹¹³ See for example, Innerleithen, Traquair mss, 12/28 ([Memorandum of Hamilton and Charles's letters, September/October 1639]). For a more detailed analysis, Stevenson, *Revolution*, pp.165–176; Donald, *Uncounselled*, pp.207–217. For some positive views on Traquair's efforts, NRS, GD 406/1/1022 (Lauderdale to Hamilton, 2 September 1639); Oxford, Bodleian Library, mss Rawlinson D. 857 fos.37r–38v, unfol. ([Newsletter? written by an Englishman in Edinburgh?] 'The Severall passages at the Assembly at Edenborough 18 August 1639').

¹¹⁴ Innerleithen, Traquair mss, 12/30 ([Draft in Thomas Webb's hand, corrected by Hamilton and Charles, 19 October 1639]); *Ibid.*, 12/28 ([Memorandum of Hamilton and Charles's letters, September/October 1639]).

¹¹⁵ The paper was called 'Some necessarie condicions without wch the prorogation of ye pliamt ought not to bee yeelded unto', Innerleithen, Traquair mss, 12/29 (Charles to Traquair, 8 November [1639]).

¹¹⁶ They were refused access ostensibly because they had no warrant from the commissioner for their journey, though Argyll had tried to secure one from Traquair on 1 November, the day that the two men had been commissioned by parliament to go to the king, Innerleithen, Traquair mss, 28/iii/43 ([Copy letters, 6 October–5 November 1639]); NRS, GD 406/1/1092 (Dunfermline and Loudoun to Hamilton, 10 November 1639); GD 406/1/929 (Hamilton to Dunfermline, 10 November 1639); GD 406/1/1806 (Dunfermline and Loudoun to Hamilton, [10–11 November 1639]). Hamilton took Loudoun and Dunfermline's letter to the king, but Charles would not budge. See also, Innerleithen, Traquair mss, 9/10, 11, 12.

¹¹⁷ Innerleithen, Traquair mss, 12/29 (Charles to Traquair, 8 November [1639]). Hamilton emphasised the king's order and his anger., *Ibid.*, 12/26 (Hamilton to Traquair, 8 November [1639]).

¹¹⁸ Stevenson, *Revolution*, pp.176–177; Donald, *Uncounselled*, pp.216–217.

IV

England in 1640 was a kingdom even less prepared for war than it had been in 1639. The single most important piece of evidence to support that statement was the fact that Charles I was persuaded to call a parliament in England in the early spring.¹¹⁹ Conrad Russell noted that many of the king's advisers who had been averse to calling a parliament in England changed their minds in the first few months of 1640 after considering the poverty of means to finance a second war.¹²⁰ Whether Hamilton was amongst that group has not been recovered. What we do know, however, is that, shortly after returning to London from Berwick in early August 1639, Hamilton was incensed that the Scottish bishops at Berwick and some 'counselares and otheres' at court pressed the king hard to prorogue the Scottish assembly and parliament before they had convened.¹²¹ In an uncharacteristic outburst the marquis exclaimed, 'this is doune by the romane Catholick for uone end and by diueres otheres, for necessitating of his Matti to ane parll[iament] heire.'¹²² Evidently then, Hamilton wanted the assembly and parliament to go ahead in Scotland, but was strongly opposed to a parliament being called in England. At one level, this suggests that he harboured hopes that settlement could be reached through the assemblies in Scotland, and that calling a parliament in England constituted a second declaration of war. If Charles had a successful parliament in England that would mean supply, perhaps enough to conquer Scotland.¹²³ Conquest and compromise were strange bedfellows, and Hamilton consistently preferred the latter. This is a persuasive hypothesis indeed and accords with most of the evidence that has been presented. Hamilton's fear of possible censure in an English parliament, possibly as an evil counsellor, or at least as a convenient Scottish scapegoat, and certainly as an English monopolist, also guided his behaviour.¹²⁴

For all these reasons, Hamilton was apprehensive about calling a parliament in England after eleven years. That aside, he sat in the House of Lords as 2nd earl of Cambridge and, through his position as keeper of Portsmouth, placed his brother, the earl of Lanark, now secretary of state for Scotland at court, in the House of Commons as first burgess for the town.¹²⁵ Hamilton attended sixteen of the eighteen days that the parliament sat (13 April–5 May),¹²⁶ and probably toed the simple government line, which was for an immediate grant of supply for a Scottish war and later in the year parliament would be reconvened where grievances could be aired.¹²⁷ Not surprisingly, the Commons opted to discuss grievances before supply and eventually, on 4 May, Sir Henry Vane brought a final offer from the king to give up Ship Money for a grant of twelve subsidies.¹²⁸ This was rejected and next day the parliament was dissolved. That Hamilton drafted the king's dissolution speech perhaps tells us more about his attitude to the parliament than his impressive attendance record.¹²⁹ Indeed, it could be argued that he was relieved to see the English parliament

¹¹⁹ Russell, *Fall*, pp.90–134; Adamson, *Noble Revolt*, pp.3–25, 38–43.

¹²⁰ Russell, *Fall*, p.92, quoting Northumberland.

¹²¹ Innerleithen, Traquair mss, 7/10A (Hamilton to Traquair, [2–4 August 1639]). Hamilton does not reveal whether it was English or Scottish 'counselares', but the context of the previous paragraph would suggest that they were English.

¹²² *Ibid.*

¹²³ For a clever development of this hypothesis, Russell, *Fall*, pp.96–102.

¹²⁴ For Hamilton as a monopolist see chapter 4, p.74.

¹²⁵ NRS, GD 406/1/798 ([Draft] Hamilton to the Burgesses of the town of Portsmouth, [?] March 1639).

¹²⁶ *L. J.*, iv, 45–80. Hamilton attended on 13, 15, 16, 18, 20, 22, 23, 24, 25, 27, 28, 29, 30 April and 1, 2, 5 May. He did not attend on 21 April and 4 May.

¹²⁷ Russell, *Fall*, pp.102–103.

¹²⁸ NRS, GD 406/1/8253 ([parliamentary notes?]). Conrad Russell calculates that the 12 subsidies would have been worth between £660,000 and £840,000 depending on the yield which was less than the million pounds estimated for the war, *Fall*, p.119.

¹²⁹ NRS, GD 406/1/1805 ([Draft] Dissolution Speech, 5 May 1640). The speech is in Hamilton's hand with a few corrections by the king. I have checked it with the speech in the Lords Journals and find a few differences, mostly

dissolved, not only because he had avoided possible attack as an evil counsellor and monopolist, but because the king would find it much more difficult to mount a second campaign against the Scots. Might Charles now be forced to turn again to those who advocated peaceful settlement?

When the Short Parliament convened, the king's main tactic was immediately to turn the parliament against the Scots and stampede them into voting supply. This was to be done by revealing a letter that the Covenanters had allegedly sent to Louis XIII of France requesting his help and mediation.¹³⁰ That Charles's scare tactic fell on deaf ears illustrated, once again, how badly the king could judge the mood of a parliament. One of the signatories of the letter, which was never sent and should have been annulled by the pacification and oblivion act anyway, was the earl of Loudoun.¹³¹ He was in London as part of a four man delegation from the Covenanters and was thrown in the Tower on 11 April, two days before the parliament assembled. One account suggests that Charles had apparently ordered Loudoun's execution, but the warrant was withdrawn on the intercession of Hamilton and Sir William Balfour, lieutenant of the Tower.¹³² There is clearer evidence, however, that Hamilton secured Loudoun's release towards the end of June.¹³³ A private meeting was also arranged with Charles, Hamilton and Loudoun in the gallery at Whitehall in which Loudoun agreed to carry new proposals to the Covenanters offering a new settlement based on the articles of pacification.¹³⁴ Obviously, this was another attempt to avert a second descent into armed conflict and accords with the hopes that Hamilton may have harboured on the dissolution of the Short Parliament.

If anything, this was a less significant measure of the marquis's political temperature than the secret agreement simultaneously concluded between Hamilton and Loudoun on 26 June.¹³⁵ By a mutual bond of 'trust, fidelitie and secrecie' the two men aimed at the 'establishing of a happie peace, and preventing of warres, and wee ar to advyse and Resolve upon such wayes and meanes as may best conduce for thes ends'. If, in the short term, these endeavours failed and war ensued, then both men would reconsider and resolve on 'what is fitt to be done in cais of such ane extremite for attaining to a wished peace and to condiscend what cours wee shall take for keiping of

clarifications of Hamilton's grammar and Scots, *L. J.*, iv, 81. Hamilton did not attend the Lords on the day before the dissolution, at which time he was probably writing the dissolution speech.

¹³⁰ Much was made of the fact that the Scots addressed the letter 'au Roy', i.e. to the king, which Charles believed showed that the Scots recognised Louis as their king. The origins of the letter are described at length in, Stevenson, *Revolution*, pp.180–187. For the letter, *CSPD 1639–40*, 610; John Rushworth, *Historical Collections of private passages of State* (8 vols., London, 1680–1701), iii, 1037; Oxford, Bodleian Library, mss Rawlinson D, 317, fol.182. The other signatories of the letter – Rothes, Montrose, Mar, Montgomery, Forrester and Alexander Leslie – as well as Balmerino and Argyll were called to court, *Ibid.*, 610–611. For its reading in the parliament, *L. J.*, iv, 48. For the deposition of the proposed carrier of the letter, James Colville who was in the Tower at the time, NRS, GD 406/M1/86. The letter was brought to court by Traquair who may have given it to Hamilton, Innerleithen, Traquair mss, 26/unfol. (Morton's deposition).

¹³¹ NRS, GD 406/M1/298 (Memorandum for the lord loudoun, [May–June 1640]). It should be noted, however, that Charles had still to give the royal assent to the pacification and oblivion.

¹³² J. Oldmixon, *The History of England, during the Reigns of the Royal House of Stuart* (London 1730), p.140. This is a very colourful account describing how Hamilton and Balfour got Charles out of bed in order to plead for Loudoun's life. Although the story should be treated with caution, the peremptory order bears the hallmark of the king. Oldmixon is generally not to be relied upon, unless his account is corroborated by other sources. Perhaps equally unreliable was the testimony of one Crichton, a servant of the bishop of Ross, who recounted a similar story about the close contacts between Hamilton and Loudoun to a physician who was treating him for a sexually transmitted disease., *CSPD 1640–41*, 9–10 (Information of Andrew Kipping, a physician, 3 September 1640).

¹³³ NRS, GD 406/M1/298 (Memorandum for the lord loudoun, [May–June 1640]); Burnet, *Lives*, pp.215–216 Donald, *Uncounselled*, pp.240–241.

¹³⁴ This also included sending a new commissioner and holding a new session of parliament. The four points are printed in, Burnet, *Lives*, pp.216–217; TNA, SP 16/459/61 (Ele[azor] Duncon to [Windebank], 9 July 1640). Loudoun may have also carried the king's agreement to the abolition of episcopacy, TNA, SP 16/459/61.

¹³⁵ NRS, GD 406/1/1248 ('Memorandh of what past betwixt the marquis of hamiltoun and me' 26 June [1640]).

correspondence.¹³⁶ That ‘extremitie’ appeared all too quickly and the two men exchanged codes for safe correspondence shortly after the 26 June agreement.¹³⁷ Probably on 20 August – the day that the Scottish army crossed the Tweed – Loudoun sent Hamilton a further set of code words to enable them to correspond ‘in a secret way’ where Hamilton was to sign himself ‘James Inglis’ and Loudoun would be ‘Robert Scott.’¹³⁸ The Scottish, English and Irish armies were given less humorous appellations, but they would clearly form the basis of the new correspondence.¹³⁹ Whether Hamilton used the codes has, unfortunately, not been established, but that he was involved in such secret correspondence is significant enough.¹⁴⁰

The gallant attempt at an eleventh hour settlement by Loudoun and Hamilton failed and the Covenanters invaded England on 20 August.¹⁴¹ They defeated an English force at the battle of Newburn on 28 August and occupied Newcastle at the end of the month.¹⁴² The Scots set up their leaguer at Newcastle and petitioned the king for a settlement approved by an English parliament;¹⁴³ the famous twelve peers’ petition to the king calling for an English parliament arrived about the same time.¹⁴⁴ The suspicion that this was a concerted strategy rather than a mere coincidence has been strengthened by the work of Peter Donald and Conrad Russell, albeit standing on the shoulders of S. R. Gardiner.¹⁴⁵ It seems certain that the Scots had been seeking support from ‘friends’ in England since 1638 and that a letter of invitation to invade England, whether penned by Oliver St John or forged at the last minute by Lord Saville or not, provided the fillip for the Scots army to cross the Tweed in August 1640.¹⁴⁶ The evidence assembled in Oldmixon’s history, whether apocryphal or not, is an essential starting point to a study of the cross-border collaboration.¹⁴⁷ I have found no substantial evidence to connect the Loudoun/Hamilton alliance with the Scottish invasion, but the Montrose and Traquair charges against Hamilton in 1641 may have included

¹³⁶ *Ibid.* It was also agreed that Hamilton would intercede with the king to recompense Loudoun for his efforts if they should prove useful to the king and kingdom.

¹³⁷ I am basing this on the fact that in an additional set of codes, sent by Loudoun, he referred to cyphers which he had already sent, NRS, GD 406/1/1293 (Loudoun to Hamilton, [20 August ? 1640]).

¹³⁸ NRS, GD 406/1/1293 (Loudoun to Hamilton, [20 August ? 1640]); NRS, GD 406/1/1218 (Loudoun to Hamilton, 20 August 1640). The note of the codes is undated, but since the sense of Loudoun’s letter to Hamilton of 20 August is for a correspondence between them and at the time he was in the Scots army and Hamilton was at York with the English army, I conjecture that the codes were sent with the letter. However, the codes could have been passed on earlier, as indeed another set clearly had.

¹³⁹ NRS, GD 406/1/1293 (Loudoun to Hamilton, [20 August ?] 1640).

¹⁴⁰ Later, at York, Hamilton refused an invitation from an unnamed lord at Ripon, perhaps Loudoun, for a private correspondence, NRS, GD 406/1/1284 ([Copy] Hamilton to ‘My Lord’, 11 September 1640).

¹⁴¹ For the Covenanters’ rejection, NRS, GD 406/1/1300 (Lindesay, Balmerino, Burghly, Napier and others to Hamilton, 7 July 1640). And Loudoun’s claim that he arrived back too late, GD 406/1/1218 (Loudoun to Hamilton, 20 August 1640).

¹⁴² Gardiner, *England*, ix, 193–197; Adamson, *Noble Revolt*, pp.51–52; Russell, *Fall*, pp.143–147; Donald, *Uncounselled*, pp.251, 255, 257–258; Stevenson, *Revolution*, pp.205–210.

¹⁴³ The answer to the Covenanters first petition appears to have been answered by Hamilton, NRS, GD 406/1/8328 ([Draft] Hamilton to Covenanters, [early September 1640]). The necessity of an English parliament to settle a peace was made forcefully by Loudoun, NRS, GD 406/1/1216 (Loudoun to Hamilton, 8 September, 1640).

¹⁴⁴ Donald, *Uncounselled*, pp.251–252. There is a contemporary copy (Will Murray’s ?) of the Peers’ petition at, Grantham, Lincs., Tollemache mss, 3749. One of the endorsements on the manuscript is ‘Scots’.

¹⁴⁵ Gardiner, *England*, ix, 177–205; Adamson, *Noble Revolt*, pp.44–50; Donald, *Uncounselled*, pp.244–255; Russell, *Fall*, pp.149–157; Donald, ‘New light on the Anglo-Scottish Contacts of 1640’, *Historical Research*, vol.62, no.148 (June 1989), pp.221–229; Russell, ‘Why did Charles I call the Long Parliament?’, *History*, vol.69, (1984), pp.31–34. See also, Stevenson, *Revolution*, pp.205–207.

¹⁴⁶ The term ‘friends’ was the label Baillie ascribed to the Covenanters’ supporters in England, Baillie, *Letters*, i, 257, 260–261, 262 and other references.

¹⁴⁷ Oldmixon, *History*, pp.141–145. See also Gardiner’s shrewd use of this evidence, Gardiner, *England*, ix, 177–205. For Clarendon’s consistently low view of Hamilton, though even he does not accuse Hamilton of being privy to the Scots invasions, *History of the Rebellion*, i, 103, 199–202, 251–252.

something on this (the actual charges have not survived).¹⁴⁸ In 1652, Sir Lewis Dives related a story that Charles could easily have beaten the Scots in 1640 had it not been for Hamilton betraying the king's 'designs and counsels' 'who copied Montrose's letters from time to time when his Majesty was asleep'.¹⁴⁹ Far more evidence than this would be needed, however, to make a case for Hamilton's complicity in the Scots invasion of 1640.

When news of the invasion came, Charles, characteristically, talked of repelling the invader. Devoid of means and under pressure from all sides, he consented to negotiate. Initially the king summoned a Great Council of Peers which met on 24 September at York, only to tell them that he had indicted an English parliament for 3 November. The peers continued to meet for a month and treaty negotiations with the Scots commenced on 2 October at Ripon.¹⁵⁰ It was agreed on 17 October that the Scottish army would be paid £850 a day until the negotiations were concluded.¹⁵¹ Five days later, all sides agreed to transfer the negotiations to the impending parliament in London.¹⁵²

Apart from Hamilton's typically moderate comments in the Great Council of Peers, he took little formal part in the treaty negotiations.¹⁵³ Instead, he stood behind his brother, Lanark, the Scottish secretary,¹⁵⁴ and occasionally corresponded, often despairingly, with Loudoun.¹⁵⁵ Hamilton was put in an even more perilous position with the turn of events. The negotiations at Ripon had turned to the prosecution of incendiaries and evil counsellors and his name may have come up, perhaps even alongside those of Laud and Strafford. According to at least one source, Hamilton was assured in Great Council by Lord Savile that the Scots did not mean him when they spoke of incendiaries.¹⁵⁶ Just as he did at Berwick, he had to build bridges to the opposition and press home his function as an honest broker. A degree of subterfuge may have been required once again, but there was growing sincerity given the alliance with Loudoun.¹⁵⁷ It may well be the case that talks around a settlement was easier with Charles's opponents. In fact, that hypothesis shall constitute one of the main themes of the next chapter.

If we take Hamilton's behaviour as commissioner in 1638, and his personal retreat at Berwick in 1639 and add to it the Hamilton/Loudoun alliance of 1640 we are seeing an exponent of conciliation and political realism moving away from Charles I and building bridges to the opposition. At

¹⁴⁸ See chapter 8, pp.188–9. The charges made by Montrose and his circle at Oxford against Hamilton in December 1643 survive and do not accuse him of complicity in the invasion of 1640, the charges and Hamilton's answers are printed in Burnet, *Lives*, pp.324–346.

¹⁴⁹ W. Bray, ed., *The Diary and Correspondence of John Evelyn* (4 vols, 1850–2), i, 272–273.

¹⁵⁰ Hardwicke, *State Papers*, ii, 208–296; J. Bruce, ed., *Notes on the Treaty Carried on at Ripon between King Charles I and the Covenanters of Scotland, A.D. 1640, Taken by Sir John Borough* (Camden Society, 1869); Gardiner, *England*, ix, 206–217; Donald, *Uncounselled*, pp.259–276; Russell, *Fall*, pp.154–164.

¹⁵¹ Hardwicke, *State Papers*, i, 284.

¹⁵² *Ibid.*

¹⁵³ Hardwicke, *State Papers*, ii, 217, 220, 223, 224–226, 233, 236–239, 252, 284, 296.

¹⁵⁴ Lanark increasingly took over the burden of corresponding with the Covenanters and the other Scots from his brother, see for example, NRS, GD 406/1/1305 ([Copy] Lanark letter book, 1640–1641). From March 1640, there are two sources in the Hamilton Papers: Hamilton's correspondence and the correspondence of his brother as secretary for Scotland. While following a lot of Lanark's papers, I have concentrated my efforts on Hamilton's correspondence down to 1643.

¹⁵⁵ NRS, GD 406/1/1278 (Hamilton to Loudoun, 5 September 1640); GD 406/1/1219 (Loudoun to Hamilton, 2 September 1640). On 8 September, Loudoun advised Hamilton that 'matters will daylie grow wors and wors' the longer Charles took to settle things, GD 406/1/1216. Hamilton may also have had second thoughts about the secret correspondence with Loudoun, NRS, GD 406/1/1284 ([Copy] Hamilton to 'My Lord', 11 September 1640).

¹⁵⁶ During a debate in the Great Council, Hamilton, who advertised his willingness to be tried for anything that he had done, was interrupted by Lord Savile who claimed that the Scots did not mean Hamilton when they talked of incendiaries, Hardwicke, *State Papers*, ii, 235–236. Given that Savile allegedly wrote the letter of invitation to invade England to the Scots, his support for Hamilton in the immediate aftermath is perhaps more significant than I am willing to concede without further evidence.

¹⁵⁷ Clarendon's story about Hamilton striking another deal with the king to consort with the Covenanters and betray their secrets may be partly true, but he has taken it to a ridiculous extreme, Clarendon, *History of the Rebellion*, i, 199–202; Gardiner, *England*, ix, 206–207.

one level, this can be read as an attempt to keep alive the prospect of a negotiated settlement. At another level, it was surely borne of frustration and disillusionment at the king's blinkered trajectory. At yet another level, it was also simply a case of horses for courses. Charles no longer controlled every lever of power in his kingdoms – and none in Scotland – and it was a matter of survival to form friendships with those who had wrested power from the king. Not only was this a matter of self-preservation, but a way to continue to work the ground that could lead to settlement. It was also extremely hazardous. And so it is to Hamilton's role in the altered political landscape brought about by the Scottish invasion and the summoning of another parliament in England that is our next concern.