

CHAPTER 8

Parliaments, Pacts, Plots and Imprisonment, November 1640–December 1643

The assembly of the English parliament on 3 November 1640 was a pivotal event in the steady shift of power away from Charles I. This Stuart parliament was less fragile than any of its predecessors for it was guaranteed against dissolution by the Scottish army.¹ Robert Baillie's comment in mid-December illustrates the point perfectly, "no fear yet of raising the Parliament, so long as the lads about Newcastle sits still."² Power on the British mainland was now located (though not equally) in five areas: the English parliament, the king in Whitehall, the Covenanters and their commissioners in London, and the Scottish and English armies in the north. It was a potentially explosive mix, even without the Irish dimension, the sixth, albeit unused, ingredient. The story from November 1640 to the end of 1643 is fundamentally one of a power struggle between these groups and their successors to influence projected settlements, win over the king and ultimately to be the victor in the civil wars. This chapter does not seek to tell that story, however.³

The aim is rather more modest: to chart Hamilton's political fortunes from the calling of the Long Parliament to his imprisonment by the royalists at Oxford in December 1643. Again, as in previous chapters, the compass will be the Hamilton papers and again it should be stressed that the archive was probably sifted for incriminating material and therefore does not tell the

¹ Baillie, *Letters and Journals*, ed., D. Laing, (3 vols, Edinburgh 1841–2), i, 283.

² With England in the grip of winter, the Scots at Newcastle also controlled the supply of coal to London.

³ This period is well researched, but the starting point must, and probably always will be, Gardiner, *History of England*, vols. ix and x; Gardiner, *History of The Great Civil War*, vol. i; Clarendon, *History of the Rebellion and Civil War*, ed., W. D. Macray, (6 vols., Oxford 1888); Austin Woolrych, *Britain in Revolution* (Oxford, 2004); John Adamson, *The Noble Revolt: the overthrow of Charles I* (London, 2007); Russell, *Fall of the British Monarchies*; Russell, *Causes of the English Civil War*; Russell, *Unrevolutionary England, 1603–42*; Stevenson, *Scottish Revolution*; Donald, *Uncounselled King*; Keith Brown, *Noble Society in Scotland: wealth, family and culture from Reformation to Revolution* (Edinburgh, 2019); Laura Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland, 1637–1651* (Oxford, 2016); A. J. Fletcher, *The Outbreak of the English Civil War* (London, 1981); A. I. MacInnes, *Making of the Covenanting Movement*; John S. Morrill, *Revolt of the Provinces*, chapter 1.

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whole story. Yet enough has survived to put forward a forceful argument that Hamilton's steady drift away from the king, witnessed in the previous chapter, continued until June 1642 when he returned to Scotland to avoid taking sides in the English Civil War. However, during the second half of 1642, he had reluctantly become the leader of a royalist party in Scotland promoting an agenda of non-alignment in England based on assurances that the Presbyterian settlement of 1641 was safe in Charles I's hands. Key events here will be Hamilton's role in the English parliament in 1640–1; his alliance with the earl of Argyll in Scotland and the subsequent 'Incident' in October 1641; his reluctance to follow the king out of London after the attempt on the Five Members in January 1642; his inability to take sides in the impending English Civil War and his subsequent retreat to Scotland where the failure of his attempt to keep Scotland non-aligned eventually led to a dramatic shift of royal policy in Scotland and Hamilton's incarceration by order of the king, albeit under the guiding hand of Montrose, at the end of 1643. In all this the marquis was pushed forward by the triple forces of the need to find an acceptable settlement, while himself retaining political influence and the king's goodwill. By the end of 1643, he had failed on all three counts.

I

It has been argued that Hamilton's power base was located in the king's Bedchamber which, during the Personal Rule in England and because of the unofficial nature of policy formulation towards Scotland, was a potent nexus of power. That situation began to change as a result of events from 1638 in Scotland and from 1640 in England and indeed from 1641 in Ireland. Hamilton's principal aim from 1638 was to settle the crisis before it got worse and spread outside Scotland. His warning to Charles in June 1638 about "hou ye can effectk your end [in Scotland], uith out the haserdding of your 3 Crounes" proved to be deeply insightful, and it was becoming more likely with each passing month.

Despite the redistribution of power away from the Bedchamber and indeed the king, both institutions remained of fundamental importance. Apart from vague murmurings about deposing the king in Scotland, the vast majority of the political nation in the three kingdoms craved settlement with Charles as an integral part, albeit hemmed in by constitutional constraints.⁴ For most of the period described here, Hamilton made himself indispensable to the power groups that mattered. Quite simply, Hamilton, both as honest broker and as the king's friend, made himself available as an agent of settlement. As the first half of this study has shown, he was firm in religion, anti-Spanish, a veteran of the German Wars, a patron of the Protestant cause and a politician willing to talk, and indeed to listen to, the language of compromise and settlement. Indeed, he had spent most of the 1630s in a regime with which he had little sympathy. Ideologically then, Hamilton was acceptable to the king's opponents, unlike most of the royal servants who crowded around Charles, and he was therefore an ideal pipeline to the king, his friend and cousin.

The new institution that Hamilton, or rather the earl of Cambridge, had to master was the powerful new English parliament. He had sat in the parliaments of 1625–6, 1629 and the Short Parliament of 1640, so he was not an unfamiliar face in the upper house.⁵ Yet this time, he was much more active than he had been in previous parliaments, especially after the turn of the year.⁶ In the first session (3 November 1640–9 September 1641) he was voted onto over a dozen

⁴ Innerleithen, Traquair mss, 28/20; and below.

⁵ Hamilton attended 74 out of 112 meetings between 18 June 1625–15 June 1626, *L. J.*, iii, 435–682. He was in Scotland, 17 March–26 June 1628 when parliament sat. He attended 15 out of 23 meetings between 20 January–10 March 1629, *L. J.*, iv, 5–43. He attended 16 out of 18 meetings between 13 April–5 May 1640, *L. J.*, iv, 45–80. For the Short Parliament, see chapter 7, pp.178–9.

⁶ In the previous three parliaments Hamilton had neither been appointed to a committee nor to examine anyone nor to go to the king as part of a delegation, *L. J.*, iii, 435 – *L. J.*, iv, 80. There was no daily sederunt recorded in the Long

committees, nine of which were of considerable importance.⁷ For example, on 9 February 1641, he was appointed to the committee to investigate the judgement in Hampden's case; on 8 May, he was appointed to a committee to consider the defence of the kingdom; on 7 August, he was added to the committee for the act of the Treaty of Pacification before its final readings. Important committees of both houses that Hamilton was appointed to included the committee for disbanding the armies in the north (20 May) and the committee to consider appointing a *Custos Regni* while the king was in Scotland (4 August).⁸ More frequent, and perhaps more significant than these, however, was Hamilton's appointment, on at least fourteen occasions, to delegations of the upper house to the king.⁹ For example, he was one of the lords sent to inform the king of the arrest of Strafford on a charge of high treason (12 November); to get the royal assent to the bill for triennial parliaments (16 February); to desire the king to sequester Laud's ecclesiastical offices (26 February); to have the earl of Essex appointed lord lieutenant of Yorkshire (19 and 20 May);¹⁰ and to get the king's approval for the disbanding of the English army (22 June).¹¹

By the end of the first session, then, Hamilton had carved out a place in the upper house, by providing a link to the king and avoided the censure visited upon Strafford, Laud and Traquair.¹² Hamilton also sponsored the bridge appointments to the English Privy Council, secured Oliver St John's appointment as solicitor-general and contemplated marriage to the earl of Bedford's daughter.¹³ The marquis's English correspondents down to November 1641 confirm this picture. Viscount Mandeville wrote regularly to Hamilton as both a friend and collaborator and kept him informed of developments in the upper house after he left for Edinburgh with the king in early August.¹⁴ Mandeville assured Hamilton that the committee of parliament that followed the king to Scotland would 'attend your favour', especially John Hampden and Lord Howard of Escrick.¹⁵ Later, Mandeville was disturbed by reports, which Hamilton subsequently confirmed, that he was contemplating remaining in Scotland after the king's visit. Lord Mandeville stressed that such a move would be 'of great disadvantage' and cause 'greate trouble' to Hamilton's friends in England.¹⁶ Viscount Saye and Sele wrote in equally glowing terms to Hamilton 'as well affected to the publick' and assuring him in another letter, 'that you shall not fynde a more intyre and faythfull hart to you then his whome you have made your servant'.¹⁷ Saye also asked Hamilton to protect his son,

Parliament, but the occasional roll call of lords suggests that Hamilton attended regularly, and asked leave of the house when he could not attend, *L. J.*, iv, 88, 236, 279, 337.

⁷ *L. J.*, iv, 136, 156–157, 167–168, 240, 243, 243, 247, 254, 332, 341, 343, 351, 353.

⁸ *L. J.*, iv, 156–157, 240, 343, 254, 341.

⁹ *L. J.*, iv, 89, 157, 163–164, 167–168, 172–173, 240, 244–246, 254, 254, 281, 287, 288, 311, 321. And for Hamilton's part in the lords' negotiation with the queen for her to defer going abroad in mid to late July, *L. J.*, iv, 314, 323.

¹⁰ Hamilton also reported the king's assent to Essex's appointment as lieutenant of Yorkshire, *L. J.*, iv, 254.

¹¹ *L. J.*, iv, 89, 163–164, 172–173, 254, 287.

¹² Hamilton was not on the Scottish list of incendiaries of 1641, *RPCS, 2nd Series, 1638–43*, 510–512; and may have been struck off in February 1641, Donald, *Uncounselled*, p.289. Baillie noted on 2 December 1640, that Hamilton and Traquair 'doe us all the good they can, and would amend bygones by fair play now, to eschew the storme of incendiaries, if it were possible'. However, on 12 December, Baillie discussed the third article of the treaty concerning incendiaries, but does not include Hamilton in his list, Baillie, *Letters*, i, 277, 283.

¹³ Clarendon, *History of the Rebellion*, i, 258–259; Baillie, *Letters*, i, 292, 305; NRS, GD 406/1/1657 (St. John to Hamilton, 20 June 1642). For the marriage to Bedford's daughter, Donald, *Uncounselled*, p.289.

¹⁴ NRS, GD 406/1/1412 (Mandeville to Hamilton, 20 August [1641]); GD 406/1/1417 (Mandeville to Hamilton, 28 August [1641]); GD 406/1/1427 (Mandeville to Hamilton, 10 September [1641]); GD 406/1/1432 (Mandeville to Hamilton, 21 September [1641]). Mandeville also acknowledged receiving letters from Hamilton.

¹⁵ NRS, GD 406/1/1412 (Mandeville to Hamilton, 20 August [1641]). The full committee was the earl of Bedford, Lord Howard of Escrick, Nathaniel Fiennes, Sir William Armine, Sir Philip Stapleton and John Hampden, *L. J.*, iv, 370.

¹⁶ NRS, GD 406/1/1412 (Mandeville to Hamilton, 20 August [1641]); GD 406/1/1432 (Mandeville to Hamilton, 21 September [1641]).

¹⁷ NRS, GD 406/1/1509 (Saye to Hamilton, [mid to late August 1641]); GD 406/1/1506 (Saye to Hamilton, 2 September 1641); GD 406/1/1510 (Saye to Hamilton, 17 September 1641). From these letters it can deduced that Hamilton wrote to Saye on 19 and 23 August, sometime between 2 and 17 September and probably more.

Nathaniel Fiennes, during the Scottish visit.¹⁸ Perhaps more publicly significant, was the fact that another lord in the upper house asked Saye for a letter of recommendation to Hamilton.¹⁹ The earl of Essex was familiar enough with Hamilton to relate a humorous story about Saye's 'choller' at the sparse attendance in the upper house before the recess; and, more seriously, the earl of Warwick requested Hamilton's assistance for a suit concerning the letter office.²⁰ Of those in the lower house, Sir John Culpepper wrote on 26 July on such topics as the revision of the book of rates, the need for a powerful lord treasurer and the future of English episcopacy.²¹ The Calvinist, Sir Henry Mildmay, writing a month later, was more direct and entreated Hamilton to sponsor his candidature for the treasurer's staff.²² In the weeks after the beginning of the second session, Edward Hyde, the future earl of Clarendon, was preparing to denounce Hamilton as a monopolist and evil counsellor, but was forced to desist by John Pym.²³

This is not to suggest, however, that Hamilton was no longer a Bedchamber man, no longer the king's companion and no longer an influential figure in the royal household. Charles had trusted Hamilton enough to make him a colonel of the Royal Guard in the week before the Long Parliament convened.²⁴ Yet the cracks that had begun to appear at Berwick were widening. The intimacy and trust between Hamilton and the king had probably diminished further during the first session of the English parliament. Hamilton had trod very carefully in public during the trial of Strafford; he had made himself available as a messenger between the king and the earl, and retained till the end Strafford's newly found "respect" for him.²⁵ But some contemporaries believed that he and Sir Henry Vane had privately assisted the earl's end.²⁶ In the last few months of the parliamentary session, Hamilton was more active in the upper house than hitherto, but that did not necessarily signal a drift away from the court.²⁷ The view of Edward Nicholas, clerk of the council, in July 1641, captures the right note of balance and caution:

Marquis Hamilton is (for aught I can understand) in great esteem both in the house of Comons & wth the L[or]ds of the upper house; he is doubtlesse a wise & an able man, & exceeding gracuous & powerfull wth the King.²⁸

At the end of the first session of the Long Parliament, then, Hamilton had one foot in each of the two remaining centres of power in England.²⁹ He had worked the middle ground and brought settlement nearer, yet his motives were open to misinterpretation and there was the omnipresent

¹⁸ NRS, GD 406/1/1506 (Saye to Hamilton, 2 September 1641).

¹⁹ NRS, GD 406/1/1509 (Saye to Hamilton, [mid to late August 1641]). The lord was apparently going to Edinburgh. He was not named and was the bearer of the letter.

²⁰ NRS, GD 406/1/1419 (Essex to Hamilton, 30 August 1641); GD 406/1/1810 (Warwick to Hamilton, [?August–October 1641]). For another letter from Essex, GD 406/1/1424 (7 September 1641). For Essex and Hamilton writing testimonials for the same soldiers verifying their military service for Poor Knights Places provided by the knights of the Garter, Bodleian Library, mss Ashmolean, 1132, fols.274, 282. See also, GD 406/1/1405 (Essex to Hamilton, 11 August 1641).

²¹ NRS, GD 406/1/1397 (Culpeper to Hamilton, 26 July 1641).

²² NRS, GD 406/1/1411 (Mildmay to Hamilton, 20 August 1641).

²³ NRS, GD 406/1/1507 (Saye to Hamilton, 13 November 1641); Clarendon, *History of the Rebellion*, i, 361–362.

²⁴ NRS, GD 406/1/1251 (Commission of Charles I, 27 October [1640]).

²⁵ NRS, GD 406/M9/82/2 (Hamilton's notes of his answers in Strafford's trial); *L. J.*, 88, 96, 107; NRS, GD 406/1/1335/1 (Strafford to Hamilton, 24 April 1641), this was also a plea for help; Baillie, *Letters*, i, 273, 342. See also, *HMC, Buccleuch*, iii, 396–397.

²⁶ T. D. Whitaker, ed., *Life and Original Correspondence of Sir George Radcliffe* (London, 1810), pp.228–233 (Deciphered account of a conspiracy to ruin the lord deputy).

²⁷ Lennox was also a regular attender in the upper house and was voted onto just as many, if not more, committees than Hamilton.

²⁸ SP 16/482/50 (Edward Nicholas to Sir John Pennington, 15 July 1641).

²⁹ Holland kept Hamilton informed of the disbanding of the English army, NRS, GD 406/1/1425 (Holland to Hamilton, 3 September 1641); GD 406/1/1387 (Holland to Hamilton, 16 September 1641).

danger of being caught between two stools. In Scotland, much was expected from the king's trip and Hamilton's role was just as significant as it had lately been in England. Indeed, some of the problems posed here would be resolved in Scotland between August and November 1641.

II

Suspicion of Hamilton's motives was more acute amongst his own countrymen. Montrose's Cumbernauld band of August 1640 – an anti-Argyll polemic rather than a coherent political agenda – signalled a split in the Covenanter ranks when it was revealed in November 1640.³⁰ It was apparently a reaction to the alleged treason spoken by Argyll in June 1640 in which he confirmed that a king could be deposed if found guilty of certain crimes.³¹ The band proved to be a damp squib nevertheless, but it did lead to the formation of another group headed by Montrose at the end of the year (with Lord Napier, Sir George Stirling of Keir and Sir Archibald Stewart of Blackhall) who forged contacts at court with Traquair and Lennox and offered to serve the king in Scotland if religion and liberties were secured by the king in parliament.³² It was also rumoured that Montrose intended to accuse Hamilton and Argyll, presumably of treason, 'in the face of Parliament'.³³ The king therefore had the makings of a royalist party prior to his trip to Scotland, a group with connections at court, a charismatic leader in Montrose, and a moderate, and able, polemicist in Napier.³⁴ However, some of their potential was lost from June onwards following the forced retirement of Traquair from court and the imprisonment of the Montrose group in Edinburgh.³⁵

Hamilton fits into all this through his growing connection with Argyll, his inveterate dislike of the 'va[i]nlie foolish' Montrose and his steady drift away from the king.³⁶ Even English newsletters in June 1641 were commenting on the incipient campaign by Traquair and Montrose, perhaps with royal blessing, against Hamilton and Argyll.³⁷ Hamilton's proximity to the Scottish crown

³⁰ The signatories were, Marischal, Montrose, Wigton, Kinghorne, Home, Athol, Mar, Perth, Boyd, Galloway, Stormonth, Seaforth, Erskine, Kirkudbright, Almond, Drummond, Johnstone, Lour, D. Carnegie master of Lour, M. Napier, *Memorials of Montrose and his Times* (2 vols, Maitland Club, Edinburgh 1848–51), i, 254–255. The secret band was revealed by Lord Boyd on his deathbed.

³¹ The three things were: 'invasio, desertio, [?ambitio or venditio]', Grantham Lincs., Tollemache mss, 3748 (Deposition of Walter Stewart, 5 June 1641). For this, and lots more, Innerleithen, Traquair mss, 28/iii/20 (Information against Argyll and Rothes [n.d.]). See also, NRS, GD 406/1/1382 (Loudoun to Hamilton, 13 July 1641). The actual story by John Stewart of Ladywell is quoted in Russell, *Fall*, p.310.

³² Grantham Lincs., Tollemache mss, 3748 (Deposition of Walter Stewart, 5 June 1641). See also, Russell, *Fall*, pp.311–315; Donald, *Uncounselled*, pp.292–295; Adamson, *Noble Revolt*, 314–20, 347–8; Stevenson, *Revolution*, pp.224–227.

³³ Baillie, *Letters*, i, 391.

³⁴ For Napier, Stevenson, *Revolution*, pp.225–227; Stevenson, 'The "Letter on Sovereign Power" and the influence of Jean Bodin on political thought in Scotland', *Scottish Historical Review*, vol.61 no.171 (April, 1982), pp.25–43.

³⁵ Stevenson, *Revolution*, p.228; Adamson, *Noble Revolt*, 347–8. Traquair's retirement from court probably coincided with the Montrose group's incarceration in Edinburgh, both caused by the seizure of lieutenant colonel Walter Stewart's letters in June. However, Traquair continued to advise Charles on Scottish affairs and on his trial as an incendiary, Innerleithen, Traquair mss, 12/37 (Traquair to Charles I, 23 June 1641); *Ibid*, 37/15 ([Copy] Traquair to Charles I, 26 June 1641); *Ibid*, 37/16 ([Copy] Traquair to Charles, 3 July 1641); *Ibid*, 12/38 ([Draft] Traquair to Charles, 17 July 1641); *Ibid*, 12/39 ([Copy] Traquair to Charles I, 24 July [1641]).

³⁶ The Hamilton/Montrose animus could go back as far as 1636. In 1638 Hamilton described Montrose as the most 'va[i]nlie fulish' of all the Covenanters, chapter 6, p.261. Hamilton may have stopped an attempt by Montrose via Lauderdale to contact the king in September 1638, NRS, GD 406/1/8170 (Lauderdale to Hamilton, 3 September 1638). In August 1639, Hamilton admitted to Traquair that Montrose had some 'nobill partes' but this was relating a discussion with the king about Montrose coming over to the king, but it should be taken with a pinch of salt, Innerleithen, Traquair mss, 7/10A (Traquair to Hamilton, [4–5 August 1639]).

³⁷ Bedfordshire Record Office, St John of Bletsoe mss, J1384 (Thomas Jenyson to Sir Roland St John, 17 June 1641). The news became public after the interception of letters from the king and Traquair. See also, Baillie, *Letters*, i, 388. I am grateful to David Smith for the first reference and for lending me his photocopy of the mss.

added a further dimension to the Argyll/Hamilton friendship, fuelled over the summer visit not only by the memory of Argyll's talk of deposing the king, but by negotiations for a marriage between Argyll's son and Hamilton's eldest daughter in the second half of the year.³⁸ The king's reaction to these manoeuvres can best be measured by his candid comment to Lanark that he thought his brother 'had bein verie active in his owne preservation'.³⁹

The political situation in Scotland was therefore highly combustible, quite apart from the difficult parliamentary negotiations over the Scottish settlement that was ostensibly the purpose of the royal visit.⁴⁰ Charles's main aim when he arrived in Edinburgh on 14 August was to settle Scotland, dissolve the parliament and return to England and do the same.⁴¹ Instead, when he left three months later on 17 November, the Covenanters had virtually been handed control of the country and the Irish rebellion, which began on 22 October, gave the English parliament a new *raison d'être*. How the former came about and Hamilton's part in it will be the main objective in this discussion of Charles's second and final visit to Scotland.

The full parliament had been sitting since 15 July preparing business for the king's arrival.⁴² Charles came to parliament on 17 August and thereafter things jogged along, but little was actually concluded. Albeit the Treaty of London was ratified on 26 August, the other vexed issues of the incendiaries, the Montrose group and the appointment of officers of state dragged on to the beginning of October.⁴³ Charles eventually agreed to appoint officers of state with the advice and approval of parliament on 16 September which signalled the start of a bruising contest largely with Charles nominating candidates and Argyll's circle rejecting them, marked by a particularly acrimonious exchange over the appointment of a chancellor.⁴⁴ As Baillie succinctly put it, 'upon these jarres whole moneths were mispent'.⁴⁵

³⁸ *HMC Hamilton*, 55 (117) (Contract of marriage [n.d.]; *National Register of Archives (Scotland)*, 1209, Argyll Muniments, p.31 (bundle 61) (Antenuptial contract of marriage, 10 January, 22 April 1642); NRS, GD 406/1/1459 (Loudoun to Hamilton, 22 November 1641); GD 406/1/1472 (Loudoun to Hamilton, 9 December 1641). Both of them were under age.

³⁹ NRS, GD 406/1/1440 (A Relation of the Incident by Lanark, 22 October 1641) printed in Hardwicke, *State Papers*, i, 299–303. It is difficult to put a date to when Charles made this comment. It was probably made early in the Scottish trip, but Charles could have been referring to Hamilton's behaviour since the calling of the Long Parliament.

⁴⁰ Woolrych, *Britain in Revolution*, pp.189–191; Adamson, *Noble Revolt*, pp.395–405; Russell, *Fall*, chapter 8, *passim*. See also, Stevenson, *Revolution*, pp.233–242; Donald, *Uncounselled*, pp.299–319. As usual, Gardiner is not to be overlooked, *England*, x, 3–80.

⁴¹ The Elector Palatine (whose cause was supported by the Scots and Hamilton) accompanied the king on his Edinburgh visit and was in the royal coach when it entered Edinburgh on 14 August. For this and an absorbing description of Edinburgh at the time of the king's visit, Adamson, *Noble Revolt* (2007), pp.346–350 and for the broader plans for a more active foreign policy support of the Elector's cause, *Ibid*, pp.361–368.

⁴² The parliament had been prorogued a number of times, Thompson, *Diary of Sir Thomas Hope*, p.148; NRS, GD 406/1/1386 (Loudoun and Dunfermline to Charles I, 16 July 1641). Most of the time was spent preparing evidence against the incendiaries (Traquair, Sir John Hay, Sir Robert Spottiswood, Walter Balcanquhal and the bishop of Ross) and the Montrose group or the Plotters (Montrose, Napier, Keir and Blackhall), Stevenson, *Revolution*, p.230. By the 29 August, over 90 depositions had been taken in Traquair's case alone, Innerleithen, Traquair mss, 37/18 (Sir John Veitch of Dawich to Traquair, 25 and 29 August 1641). Veitch cited Argyll, Lothian and especially Johnstone of Wariston as the most enthusiastic investigators in Traquair's case. Traquair told Charles on 24 July 'my charge is made up of hudge volumnes' and that he was singled out and so made as it wer ane atonement for all', Innerleithen, Traquair mss, 11/47.

⁴³ I am unsure about the emphasis that Professor Russell has put on the issue of Charles's desire to ensure that the Scots stayed out of English affairs. Part of the act of oblivion and pacification stated that commissioners or conservators from the two kingdoms would be appointed to preserve the peace in between sessions of parliament. That meant that Charles had approved future contact between the kingdoms as early as 25 August when the act was ratified, Russell, *Fall*, pp.321–322; *APS*, v, 342–344. See also, Stevenson, *Revolution*, p.235.

⁴⁴ The Covenanter nominees were Argyll for chancellor and Loudoun for treasurer. Charles put forward Morton for chancellor and Loudoun for treasurer, but Argyll vigorously opposed Morton even though he was his father-in-law. Then Charles proposed Loudoun as chancellor and Almond as treasurer, but Almond was rejected. Loudoun was eventually appointed chancellor at the end of September.

⁴⁵ Baillie, *Letters*, i, 391. Appointment of officers of state was a very important issue, see NRS, GD 406/1/1396 ([Members of the Estates, inc. Argyll, Sutherland, Mar & 10 others] to Charles I, 24 July 1641).

On his arrival in Edinburgh, Hamilton signed the current version of the Covenant to be allowed to sit in parliament and proceeded to cement his political alliance with Argyll.⁴⁶ The earl and the marquis constituted the most powerful force in the parliamentary negotiations, especially since Montrose languished in the castle. If Argyll's growing dominance and alleged talk of deposing the king in 1640 had split the Covenanter movement, Hamilton's alliance with Argyll in 1641 enraged the royalists in Scotland. This was reflected in the vengeful atmosphere against the two noblemen that developed at court towards late September. On 29 September, Traquair suggested to Charles that Hamilton could be brought to heel by threatening him with charges that Traquair could prove against him.⁴⁷ Montrose wrote to Charles three times in the week before 11 October and offered, at least once, to accuse Hamilton and Argyll of high treason.⁴⁸ From this familiar miasma around the king emerged the plot against Hamilton and Argyll known as the Incident.⁴⁹

The first sign of trouble came from Lord Ker on 29 September, the same day that Traquair had recommended bringing Hamilton to heel. Ker, the excitable and drunken son of Hamilton's old friend, the earl of Roxburgh, sent the Catholic earl of Crawford with a challenge accusing the marquis of being a traitor to king and country.⁵⁰ The king may have been present when the challenge was delivered, and next day parliament summoned the dehydrated Ker.⁵¹ The behaviour of such 'drunken fooles' provided Hamilton with an unmissable opportunity to have his part in the troubles to date vindicated in parliament, but not before over six hundred armed royalists had to be forbidden by proclamation from accompanying Ker to parliament.⁵² These events prefaced the Incident by just under a fortnight and are important for two reasons. First, Hamilton was now protected by an act of parliament from any future charges of treason, which would consequently put his enemies to harder courses to bring him down.⁵³ Second, Charles now saw that a body of armed royalists appeared willing to defend his honour and perhaps overawe the parliament.

The Incident therefore was a plot waiting to happen. The way it happened leaves little doubt that Charles allowed it to go ahead, or did nothing to stop it, sometime after the Ker/Crawford episode.⁵⁴ What finally made it happen is not easy to recover, even with a record of the points under negotiation for 6, 7 and 8 October and Charles's hand written comments on the points raised in

⁴⁶ Oxford, Bodleian Ms Carte i, fols.456–466, esp. fols.465–66 (Sir Patrick Wemyss to Ormond, [early October] 1641); NRS, GD 406/1/1430 (Henry Percy to Hamilton, 20 September [1641]); *The Nicholas Papers: Correspondence of Sir Edward Nicholas, 1641–1652* (Camden Society, vol. 1, NS 40, 1886), 12–13 (Vane to Nicholas, 17 August 1641); Clarendon, *History of the Rebellion*, i, 389, note; Stevenson, *Revolution*, p.237; Donald, *Uncounselled*, pp.310–311. I am grateful to Billy Kelly for the Carte references and providing me with a transcript.

⁴⁷ Innerleithen, Traquair mss, 12/40 (Traquair to Charles, 29 September [1641]); for the possible charges, Traquair mss, 28/i/13 ('Words Spoken' [1639]).

⁴⁸ *HMC 4th Report*, 167 (Will Murray's deposition, 25 October 1641), two of the letters were on 9 and 11 October and the other was a few days earlier; *Ibid*, 1163–170; Clarendon, *History of the Rebellion*, i, 389, note. Traquair only mentioned Hamilton as being accused by Montrose in his letter to his father in law, the earl of Southesk, Innerleithen, Traquair mss, 27/unfol. ('Copy of a letter to Southaske', 3 October 1641).

⁴⁹ See for example, Conrad Russell, 'The First Army Plot of 1641', *Unrevolutionary England*, pp.281–302.

⁵⁰ Baillie, *Letters*, i, 391; *HMC, Salisbury*, xxii, 368; Oxford, Bodleian Ms Carte i, fols.465–66 (Sir Patrick Wemyss to Ormond, [early October] 1641).

⁵¹ Baillie says that the challenge was delivered in the presence chamber, apparently with Hamilton 'at his Majestie's elbow', Baillie, *Letters*, i, 391.

⁵² Baillie, *Letters*, i, 391; Oxford, Bodleian Ms Carte i, fols.465–66.

⁵³ *APS*, v, 366 (30 September). Hamilton would also have been protected by the act of pacification and oblivion, and the parliament would have been extremely unlikely to listen to any formal accusations against Hamilton following the Ker incident.

⁵⁴ It will never be proved that Charles consented to the Incident, but he had been approached by Montrose and others offering to deal with Hamilton and Argyll.

the first two of those days.⁵⁵ They tell us that 6 October was devoted to the thorny topic of the nomination of officers of state. Charles was coming round to the idea of having the Treasury put into a four-man commission, but was not budging on his right to nominate officers, with parliament then showing why his candidates were unsuitable. That projected candidates had been signatories of the Cumbernauld band would not be accepted as a reason for rejection, and here Charles meant his choice for treasurer, Lord Almond.⁵⁶ A great deal more issues were put to the king on 7 October, such as ratifying acts drawn up prior to Charles's arrival; destroying the fortifications of Edinburgh, Stirling and Dumbarton Castles so that they would henceforth only 'be preserved for habitation, keeping of prisoners & registers'; yearly musters; the need for Scottish attendants for the royal family; and the appointment of commissioners of both kingdoms to conclude the remainder of the treaty.⁵⁷ Charles's comments on the thirteen points of 7 October that were not negative could at best be described as fudge.⁵⁸ The business of 8 October concerned incendiaries, notably that the parliament would cease its rigorous pursuit of them if Charles agreed not to allow them access to his person or to hold office.⁵⁹ There are no comments on the king's paper for 8 October and it is difficult to say whether these points were ever discussed.

If anything, these two papers show that there was still a lot of unresolved issues between the king and the Covenanters and it is therefore difficult to isolate one issue that made Charles countenance a plot. Yet the one that stuck in the king's throat more than any other, was the nomination of officers of state and this was the decisive issue.⁶⁰ Charles had lost his Scottish bishops as his instruments in both church and state, and he would therefore have been very reluctant to lose control of his lay officers of state as well. Moreover, as we shall see, the broad membership of those associated with the Incident constituted an alternative group of officers of state that could take control after the fall of Hamilton and Argyll. Of course, the impact of Charles losing control of the appointment of officers of state in Scotland would very likely result in a similar demand in England.⁶¹

A few days after the negotiations of 6–8 October, the plot was near completion. The plan was to arrest Hamilton, Argyll and Lanark in the withdrawing chamber at Holyrood and carry them to one of the king's ships at Leith, where they would be either brought to a legal trial or murdered. The movers and shakers in the plot were Will Murray, Montrose, imprisoned in the castle but active and writing regularly to the king, the earl of Crawford, Colonel John Cochrane, Lieutenant Colonel Alexander Stewart and Captain William Stewart.⁶² As well as being the link between Charles and Montrose, Will Murray was instrumental in harnessing the ill-feeling against Hamilton and Argyll that brought the army officers and noblemen into the plot. That Murray went to Almond's house the night before the plot with a message from the king saying that Charles could not secure Almond the treasurer's staff, gives prominence to the issue of the appointment of

⁵⁵ Grantham, Lincs, Tollemache mss, 4109 (Points for Negotiation, 6, 7 & 8 October 1641); *Ibid.*, 4110 (king's comments on points of 6 & 7 October 1641 addressed to Loudoun). I missed both these papers when I visited Buckminster Park. I am therefore very grateful to David Smith for getting me copies of them when he visited the archive subsequently. I am also grateful to Conrad Russell and John Adamson for telling me about the Tollemache mss and discussing what it held.

⁵⁶ Grantham, Lincs, Tollemache mss, 4110 (king's comments on points of 6 and 7 October 1641 addressed to Loudoun). Almond was a signatory of the Cumbernauld band. Charles also nominated Sir Alexander Gibson of Durie the younger as clerk register.

⁵⁷ One key issue still to be resolved was that the king should get the consent of both parliaments before undertaking foreign treaties or war, either at home or abroad.

⁵⁸ Grantham, Lincs, Tollemache mss, 4110.

⁵⁹ This was basically an act of classes.

⁶⁰ Conrad Russell has suggested that control of royal castles was the primary issue, whereas I would suggest that it was the appointment of officers of state. Russell, *Fall*, pp.324–325. Peter Donald opted for the issue of incendiaries, *Uncounselled*, p.312.

⁶¹ These Anglo-Scottish connections are well argued in Adamson, *Noble Revolt*, pp.395–405.

⁶² The story can be reconstructed from the subsequent depositions which are printed, *HMC 4th Report*, 163–170. The rest of this paragraph is largely based on the depositions. See also, *HMC Egmont*, i, 146–147.

officers of state as the decisive factor in precipitating the attempted coup.⁶³ Colonel Cochrane, who commanded a regiment billeted at Musselburgh (outside Edinburgh), had various meetings with Murray and vowed to act against those – Hamilton and Argyll – who hindered the peace after the king had secured religion and liberties. Almond also had considerable credibility with the remainder of the Scottish army since he had served as lieutenant general in 1640. The two Stewart officers – Captain William and Lieutenant Colonel Alexander – had an added reason to desire Hamilton's fall, the former being the nephew of James Stewart, Lord Ochiltree, who had accused Hamilton of coveting the Scottish crown in 1631.⁶⁴ Other hoped for recruits, or those mentioned in the depositions as having been at meetings with the plotters, were the earls of Home, Roxburghe, Airth, Mar, Lords Gray, Ogilvy, Kilpont, Ker, Almond and lastly, William Drummond.⁶⁵ At the most speculative, we could view this group as an alternative government waiting in the wings, and at the very least a royalist party with military backing able to overthrow the Hamilton–Argyll alliance.

The trap was set for the evening of Monday 11 October, but was sprung earlier in the day by Lieutenant Colonel Hurry,⁶⁶ who took the story to General Leslie and the two noblemen were subsequently warned around midday.⁶⁷ It is an important point that the three noblemen were told that they were to be murdered, not brought to trial.⁶⁸ Ever the courtier, Hamilton then went to Holyrood to tell the king that he could not attend him that evening as he suspected a plot against his life, and spent the night at the house of his brother in law, the earl of Lindsay.⁶⁹ Next day, Charles foolishly, though characteristically, went to parliament escorted by a royalist force amongst whom were many of the men who had been implicated in the plot.⁷⁰ That action, or confirmation, prompted Hamilton, Argyll and Lanark to leave for Hamilton's house at Kinneil, a few miles outside Edinburgh.⁷¹ (The attempt on the Five Members in the English parliament a few months later was a similar tactic).

While Charles took it as a personal slur on his honour that the noblemen had fled the capital, Lord Almond mobilised his vassals and tenants in Linlithgowshire.⁷² What is most important

⁶³ *Ibid.*, 167. For Almond elsewhere in the depositions, *HMC 4th Report*, pp.163, 165, 166. For his mobilisation of a military force, see below.

⁶⁴ A few days before the plot, Captain William, in conversation with Lieutenant Colonel Alexander, was pondering whether to petition the king for his Uncle's release, but was put off by Hamilton's 'power', *HMC 4th Report*, 164. Captain William appears to have pulled out at the last minute and confirmed Hurry's story to Leslie, Hamilton and Argyll, NRS, GD 406/1/1440 (A Relation of the Incident by Lanark, 22 October 1641) printed in Hardwicke, *State Papers*, i, 300.

⁶⁵ *HMC 4th Report*, 163–170, esp. p.167, the meeting in Airth's house on the night before the plot.

⁶⁶ Hurry's story was confirmed later the same day by Captain William Stewart (Ochiltree's nephew), NRS, GD 406/1/1567. Interestingly, Hamilton paid Hurry £600 Scots and Stewart £1,200, twice that amount, for their efforts, Lennoxlove, Hamilton mss, TD 90/93/F1/79 (Accounts 1636–1644, entries around November 1641).

⁶⁷ Hamilton was a gentleman of the Bedchamber and Argyll was master of the Scottish household, so both men would be expected at court after the end of parliament. For Argyll's post, Thompson, *Diary of Hope*, p.145; NRS, GD 406/M9/31/2 (Supplication of king's servants and furnishers to lords of privy council and green cloth, 7 June 1641).

⁶⁸ NRS, GD 406/1/1567 ([Copy] Hamilton to Will Murray, 21 October 1641); NRS, GD 406/1/1440 (A Relation of the Incident by Lanark, 22 October 1641).

⁶⁹ NRS, GD 406/1/1438 (Hamilton to Charles, 12 October 1641); NRS, GD 406/1/1440 (A Relation of the Incident by Lanark, 22 October 1641) printed in Hardwicke, *State Papers*, i, 301. For Hamilton's version of his movements around the time of the plot, GD 406/1/1567 ([Copy] Hamilton to Will Murray, 21 October 1641); GD 406/1/1441 (Hamilton to Charles, 22 October 1641). Hamilton told Charles in 'the garden', presumably the privy garden at Holyrood, that he could not attend him that evening, *Ibid.*

⁷⁰ Hardwicke, *State Papers*, i, 302.

⁷¹ NRS, GD 406/1/1573 (Hamilton to Charles, 13 October 1641); GD 406/1/1441 (Hamilton to Charles, 22 October 1641); *HMC 4th Report*, 164. One of the main points here was that Hamilton and Argyll had a large body of armed supporters who would have accompanied them to the parliament and an altercation may have resulted; that is the reason Hamilton gave Charles for going out of town.

⁷² On 16 October Lanark told Lindsay that he had received word that Almond had mobilised his tenants in Linlithgowshire for Monday 18 October, NRS, GD 406/1/1544 (Lanark to Lindsay, 16 October 1641); GD 406/1/1554 (Lanark to Lindsay, [shortly after 16 October 1641]). On 23 October Hamilton commented to Murray on the influx

here is that Hamilton believed the king to be implicated in the plot.⁷³ Will Murray's pivotal role between the king and the plotters is evidence enough of Charles's complicity. Hamilton's remark to Murray from his house in Kinneil, after more armed royalist poured into Edinburgh is revealing: 'Will, that is not ye way to doe his Mats busines'. The master of the horse knew that with the punctilious king's former whipping-boy and groom of the bedchamber so heavily involved, then Charles was behind the coup. Perhaps as a result, the negotiations to bring the three noblemen back to Edinburgh were long and tortuous. Just as Will Murray had been the link between the king and the plotters, so he became the link between the king and the intended victims to effect a reconciliation.⁷⁴ A private parliamentary committee commenced investigations into the plot on 21 October and the three noblemen returned to Edinburgh on 1 November under the protection of parliament.⁷⁵ Hamilton and Lanark resumed their posts beside the king and the final stages of the Scottish settlement were quickly concluded.⁷⁶ Will Murray slipped out of Edinburgh and was on his way to London before the Hamilton brothers returned to court.⁷⁷

The Incident was viewed in England as another popish plot and guards were immediately put around the parliament when it reassembled on 20 October.⁷⁸ A proper popish plot came along about ten days later when news of the Irish rebellion reached London.⁷⁹ News of the rebellion, which had broken out on 22–23 October, had reached Edinburgh on or before 27 October. On that day, Hamilton, still in exile at his house in Kinneil with Argyll and Lanark, told Vane Snr that the rebellion would produce ill consequences in England.⁸⁰ Meanwhile Charles, on being

of armed royalists into Edinburgh warning him, 'Will, that is not ye way to doe his Mats busines noo good encouragement to make us confidently entrust or selves amongst or enemyes', NRS, GD 406/1/1569 (Hamilton to Will Murray, 23 October 1641).

⁷³ Hamilton tried to assure Charles that this was not the case, but it is hard to argue that he did not actually think that the king knew of the plot, NRS, GD 406/1/1572 (Hamilton to Charles, 18 October 1641); GD 406/1/1567 ([Copy] Hamilton to Will Murray, 21 October 1641); GD 406/1/1441 (Hamilton to Charles, 22 October 1641); GD 406/1/1445 (Hamilton to Charles, 23 October 1641). Hamilton did not write to the Feildings in England until the matter was resolved, as he conceived it 'a poynt of respect to his Matti not to wrytt to anie of particulares which I have observed' and later in the same letter stressed 'I shall only ade that as a disloyall thoght never entered in my hart so nothing his Matti can doe to me will make me other then his fathfull servant'. This is at best ambiguous about the king's complicity in the plot, W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/104 (Hamilton to Denbigh, 4 November [1641]); *ibid*, CR 2017/C1/103 (Hamilton to Feilding, 4 November 1641). The marquis also sent his relations copies of part of the official depositions, in particular the 'contradiccons' between the various deponers, *ibid*, CR 2017/ R6. Feilding assured Hamilton that he had a lot of support in the House of Lords, NRS, GD 406/1/1442 (22 October 1641). For Mandeville, GD 406/1/1443 (Mandeville to Hamilton, 22 October [1641]). See also Russell, *Fall*, p.326–327.

⁷⁴ NRS, GD 406/1/1569 (Hamilton to Will Murray, 23 October 1641); GD 406/1/1493 (Murray to Hamilton, [mid October 1641]); GD 406/1/1568 ([Copy] Hamilton to Murray, 16 November 1641).

⁷⁵ APS, v, 373–375, 378; NRS, GD 406/1/1542/1–2 (Draft addresses to parliament); GD 406/M1/284 ([Copies] Order of parliament, President of Parliament (Balmerino) to Hamilton, Argyll and Lanark, Charles I to Hamilton, Argyll and Lanark, 1 November 1641); GD 406/1/1562 (Lauderdale to Hamilton, 1 November 1641); GD 406/1/1564 (Charles I to Hamilton, Argyll and Lanark, 1 November 1641); GD 406/1/1449 (Loudoun to Hamilton, 1 November 1641). For Baillie's account of the Incident, *Letters*, i, 391–395. For Montrose's Supplication to the parliament, NRS, GD 406/M1/284.

⁷⁶ The Treasury went into a five man commission including Argyll and Hamilton's cousin Glencairn and brother in law Lindsay; the younger Gibson of Durie was made Clerk Register and honours were bestowed on Leslie, Almond, Wariston and Argyll, Baillie, *Letters*, i, 396–397; Stevenson, *Revolution*, pp.239–242; Russell, *Fall*, pp.327–329.

⁷⁷ Will Murray left Edinburgh for London before Hamilton, Argyll and Lanark returned to Edinburgh, Bray, ed., *Diary and Correspondence of John Evelyn*, iv, 110 (Nicholas to Charles, 3 November 1641).

⁷⁸ *L. J.*, iv, 396. The parliament appears to have heard of the Incident by a letter from Lord Howard dated, 14 October. Bray, *Correspondence of Evelyn*, iv, 91, 93, 97, 98, 104, 107, 112. See also, Adamson, *Noble Revolt*, pp.404–405; Woolrych, *Britain in Revolution*, pp.191–2.

⁷⁹ *L. J.*, iv, 412–418; Bray, *Correspondence of Evelyn*, iv, 107–109.

⁸⁰ NRS, GD 406/1/1447 (Vane to Hamilton, 27 October 1641).

told of the Irish rebellion, decided to go for a round of golf.⁸¹ In Scotland, the rebellion and the Incident helped to force the king and the Covenanters to reconcile their differences and conclude the constitutional settlement.⁸² Charles effectively handed the main instruments of government over to the Covenanters.

After some entirely justified hesitation, Hamilton decided to return to England with the king.⁸³ Why he remained at the king's side is hard to fathom, unless he hoped still to aid the process of settlement or perhaps that was where he and his friends in Scotland and England thought that he still belonged.⁸⁴ Whatever the reason, the relationship between Hamilton and Charles was seriously damaged. Now Hamilton's main fear was not of censure by the Covenanters or the English parliament, but of another attempt to topple him or murder him by the hard-line royalists increasingly in the ascendant around Charles I.

III

The Incident and the Irish rebellion and the suspicion that Charles had a hand in both undoubtedly diminished the widespread confidence in England that amicable settlement between the king and the English parliament could be reached.⁸⁵ In the face of these upheavals, the Scots, by contrast, had snatched from the king the desired political and religious settlement. Yet despite this victory, they could not sit back and blithely ignore events in the other two kingdoms. The pressing need for a joint Anglo-Scottish effort to crush the Irish rebellion,⁸⁶ along with a growing desire in Scotland to see a political and religious settlement on the Scottish model over the border, meant that the Covenanters continued to have a vested interest in England.⁸⁷ In this light, Charles's hope that his parliaments could be dissolved leaving him as the point of contact in his three kingdoms was as far off in November 1641 as it had been a year earlier.

Reconstructing Hamilton's movements in England between November 1641 and his return to Scotland in July 1642 provides a complex picture. Increasingly, the Hamilton archive from November 1641 constitutes Hamilton's papers and the correspondence of his brother, the earl of Lanark, as secretary of state. There is generally more of the latter, but how much emphasis do we give this material in our story of Hamilton? Blindly viewing all the Lanark material as germane would skew the picture and perhaps give the marquis a higher political profile than he deserves, or than he intended. Yet clearly there was a close relationship between the two brothers and this is evidenced not only by both of them having been targets by the perpetrators of the Incident, but by suitors recognizing them as a political double-act. So in December 1641, the earl of Southesk

⁸¹ NRS, GD 406/1/1447 (Vane to Hamilton, 27 October 1641).

⁸² Baillie, *Letters*, i, 396.

⁸³ W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/104 (Hamilton to Denbigh, 4 November [1641]).

⁸⁴ For an interesting speech printed in London supposedly delivered by Hamilton in the Scottish parliament on 4 November, that John Pym would have been proud of, British Library, Thomason Tracts, E 199(22). For Charles's frosty reaction to the speech when Nicholas sent him a copy, Bray, *Correspondence of Evelyn*, iv, 121; NRS, GD 406/1/1507 (Saye to Hamilton, 13 November 1641).

⁸⁵ Stevenson, *Revolution*, pp.239, 242–243; Russell, *Fall*, pp.328–329, 398–399.

⁸⁶ NRS, GD 406/1/1459 (Loudoun to Hamilton, 22 November 1641); GD 406/1/875 (Argyll to Hamilton, 22 November [1641]). Pym's agent, John Pickering, arrived in Edinburgh the day after the king departed with the English parliament's request for Scottish assistance to suppress the Irish rebellion. The earls of Lothian and Lindsay were then sent to London to treat for the Irish expedition.

⁸⁷ It had been agreed that Scottish commissioners would be sent to London in November 1641 to conclude the 1641 treaty, but they became more concerned with negotiating the joint Anglo-Scottish war effort in Ireland. They also tried to mediate between the king and the English parliament as the political situation deteriorated, Stevenson, *Revolution*, pp.243–247. There was the matter of *conservators pacis* who were designed to keep the peace between parliaments.

wrote to Hamilton and Lanark about a matter of ecclesiastical patronage concerning his brother, Sir Alexander Carnegie.⁸⁸

It would perhaps be more helpful to enumerate Hamilton's main political contacts down to Charles's infamous attempts to arrest the Five Members of the English parliament between 3 and 5 January 1642. In England, the list contains Saye, Mandeville, Essex, Wharton, Holland, Oliver St. John and John Pym; and in Scotland Argyll, Loudoun, Lindsay, Leven, Johnstone of Wariston and Eleazor Borthwick.⁸⁹ As a group these individuals constitute the main opposition to the king and royalists in both kingdoms. An appropriate symbol of all this was the rapid progress made towards the end of 1641 in cementing the Hamilton/Argyll alliance by plans for a marriage between Hamilton's daughter and Argyll's son.⁹⁰ It could be argued that here is a blueprint for a loose tripartite system of government for mainland Britain with Hamilton and Lanark at court, the Englishmen in parliament and Privy Council and the Scotsmen in parliament, committee of estates and Privy Council. As usual however, any settlement had to have royal blessing and of course Hamilton, to play his British role effectively, had to have the king's trust. Unfortunately, neither of these appears to have been much in evidence at the close of 1641. What can be said, however, is that Hamilton continued to attend the House of Lords regularly and may have been excluded from the inner counsels at court.⁹¹ In essence, this was a continuation of Hamilton's political behaviour before the Scottish visit, but the fact that Charles had recently countenanced a plot which may have resulted in Hamilton's murder signalled a growing rift between the king and his principal Scottish courtier.

Much like Charles's drastic change of policy in Scotland epitomised by the Incident, the attempt to arrest some of his English parliamentary adversaries on a charge of high treason was equally misguided. Both events were strikingly similar in that the aim was to wrest the initiative from his opponents by a half-baked coup d'état dressed up as a legal process. Some of the charges were also similar, especially the one relating to complicity in the Scottish invasion of 1640, the same charge with which Montrose may have intended to accuse Hamilton and Argyll a few months before.⁹² Those to be accused this time were Holles, Haselrigg, Pym, Hampden, Strode and apparently Mandeville who was added at the eleventh hour.⁹³ Like the Incident, the intended victims were warned just in time and Charles, reminiscent of his armed march to the Scottish parliament on 12 October the day after the Incident was revealed, marched to his English parliament on 4 January to arrest the members.⁹⁴ However, the members had fled into the city and the next day Charles

⁸⁸ NRS, GD 406/1/1479 (Southesk to Hamilton, 10 December 1641). Hamilton had procured Southesk the precinct of Arbroath and some teinds from a newly erected kirk at Carrestoun which Southesk had passed onto his brother, Sir Alexander Carnegie, NRS, GD 406/1/1465 (Southesk to Lanark, 9 December 1641). For a similar approach by the earl of Abercorn, GD 406/1/1491 (Abercorn to Hamilton, 2 December 1641).

⁸⁹ For Wharton, NRS, GD 406/1/1655 (Feilding to Hamilton with postscript by Wharton, 1 June [1642]). For Wariston, NRS, GD 406/1/1618 (Wariston to Hamilton, 27 April 1642). For the rest see above.

⁹⁰ Borthwick, a longtime associate of Hamilton, and Wariston, one of Argyll's main allies, were to negotiate the Hamilton/Argyll marriage alliance while they were in London, NRS, GD 406/1/1464 (Loudoun to Hamilton, 30 November 1641). However, Wariston may have taken a lead role, GD 406/1/1771 (Argyll to Hamilton, 3 December [1641]). See also, GD 406/1/1476 (Loudoun to Hamilton, 5 December 1641); GD 406/1/1472 (Loudoun to Hamilton, 9 December 1641); GD 406/1/1769 (Argyll to Hamilton, 20 December 1641); GD 406/1/1759 (Argyll to Hamilton, 25 April 1642). Also see above.

⁹¹ Hamilton continued to be voted onto influential committees and sent as part of parliamentary delegations to the king. For December 1641, see, *L. J.*, iv, 477, 479.

⁹² For the seven charges, *L. J.*, iv, 500–501.

⁹³ The attempted arrest of the Five Members is covered in some detail in, Woolrych, *Britain in Revolution*, pp.210–215; Adamson, *Noble Revolt*, pp.492–499; Russell, *Fall*, pp.447–453; Fletcher, *Outbreak*, pp.180–184; Gardiner, *England*, x, 138–42.

⁹⁴ The Attorney General had delivered the charges to the House of Lords on 3 January, but the members were not given up, *L. J.*, iv, 500–501. Both Essex and Will Murray have been suggested as possible culprits who forewarned the members, Gardiner, *England*, x, 137, 135.

followed them there, but was still unable to have them handed over.⁹⁵ Hamilton, Essex, Holland and Newport were in the king's coach when Charles went to the Guildhall to try to arrest the Five Members on 5 January, though it would be impossible to argue that by going with the king they approved of his action. Instead, Gardiner's proposition that Charles took the noblemen along with him 'perhaps with the idea of sheltering himself under their popularity' is the only plausible explanation.⁹⁶

The attempt on the Five Members was far more calamitous than the Incident for by it Charles lost control of the city of London to parliament and exacerbated the situation by hastily leaving Whitehall on 10 January, going first to Hampton Court then to Windsor.⁹⁷ This physical separation of king and parliament marked the beginning of the long slide into civil war in England. Charles did not return to London until he was brought there nearly seven years later for his trial. For Hamilton, who had resolutely tried to bring about amicable settlement in Scotland from 1638 and in England from 1640, the king's abandonment of the capital was a disastrous move. As Hamilton had seen at close hand in Scotland, Charles's absence from Edinburgh during the Scottish troubles had led to the Bishops' Wars and there was little reason to doubt that Charles's absence from London would have a similar effect in England. The king had consistently proved himself a very poor absentee monarch. Consequently, Charles's master of the horse, gentleman of the Bedchamber, erstwhile favourite and blood relation was one of the king's many servants who felt unable to follow him out of the capital.⁹⁸

At first Hamilton continued to attend the upper house, yet from early February he began to submit excuses for non-attendance and from 2 April he pleaded sickness.⁹⁹ Although Loudoun pressed Hamilton to help bring the English crisis to a peaceful resolution, the Scottish chancellor was alert to the danger involved: 'I cannot deny it is so ticklish a bussines to medle into as none can walke so streightly betwixt them [king and parliament] but may be obnoxious to the danger of misconstruction.'¹⁰⁰ Hamilton dutifully shuttled between the king and London until he fell ill around 16 March,¹⁰¹ but the purpose of the journeys is difficult to recover.¹⁰² In April, he furiously denied rumours that he and Will Murray had promised parliament that they would get Charles

⁹⁵ Russell, *Fall*, pp.450–451.

⁹⁶ Gardiner, *England*, x, 142. Hamilton as master of the horse and Holland as groom of the stool were the only two of the four noblemen who were allowed to travel in the king's coach.

⁹⁷ Fletcher, *Outbreak*, pp.184–185.

⁹⁸ Charles abandoned Whitehall on 10 January in great haste and with very few servants. Essex, the lord chamberlain and Holland, the groom of the stool, who had been in the king's coach when Charles went to arrest the Five Members on 5 January, both refused to follow the king out of London, Russell, *Fall*, p.451; Fletcher, *Outbreak*, pp.184–185. For the Scottish commissioners' attempt to intercede, NRS, GD 406/1/1703 (Lothian, Lindsay, Balmorino, Wariston and others to Charles I, 15 January 1641/2). For Charles's strong requests that the Scots stay out of the English dispute, Gilbert Burnet, *Lives*, pp.241–244. Argyll also pressed Hamilton to work for the restoration of harmony in England, GD 406/1/8276 (Argyll to Hamilton, 20 January [1642]). See also, GD 406/1/1748 (Argyll to Lanark, 13 January 1641/2).

⁹⁹ *L. J.*, iv, 517–518, 523, 526, 529, 567, 571, 574, 634, 693, 718–719; *L. J.*, v, 8. For the dwindling attendance in the upper house at this time see Fletcher, *Outbreak*, pp.243–244; Russell, *Fall*, pp.466–468, 470–472.

¹⁰⁰ NRS, GD 406/1/1587 (Loudoun to Hamilton, 28 January 1641/2).

¹⁰¹ Hamilton may have gone to the king on 2 and 8 February (at Windsor) and 8 March (at Newmarket), NRS, GD 406/1/164/1 (Charles to Hamilton, 1 February 1642); GD 406/1/1321 (Nicholas to Hamilton, 7 February 1641/2); *L. J.*, iv, 634 (8 March 1642) 'Earl of Cambridge hath leave to go to Newmarket to attend the king'. He may have stayed at Windsor for some time during February as Sir Philip Stapleton, writing from London on 21 February, asked him to secure access for a gentleman to present a petition from the County of York to the king, GD 406/1/1327 (Stapleton to Hamilton, 21 February 1641/2). However, Hamilton was not with the king at Dover on 22 February for he was sent a warrant to swear a Thomas Withins an equerry in ordinary to the prince, GD 406/1/1328 (Charles to Hamilton, 22 February 1641/2). Hamilton told Argyll that he had been ill 'these 8 daies the most part whereof I have [been] in bed', NRS, GD 406/1/1755 ([Copy] Hamilton to Argyll, 24 March 1641/2).

¹⁰² Hamilton told Will Murray that he had been employed by the king, but did not specify for what purpose, NRS, GD 406/1/1608 (Hamilton to Will Murray, 7 April 1642).

to accept parliamentary control of the militia and persuade the king to return to London.¹⁰³ Just as it is difficult to say whether there was any truth in these reports, it is not easy to determine whether Hamilton's illness was partly diplomatic. That he fell ill around the time in mid-March when Charles summoned all of his knights of the Garter (including Hamilton) to attend the St George's Day feast at York may have been a mere coincidence,¹⁰⁴ but the fact that Charles's second command to repair to York caused Hamilton to have a relapse in his illness is more suspicious.¹⁰⁵ In the absence of conclusive evidence, it could be posited that Hamilton, in the manner of the illness which afflicted him after he left the Glasgow Assembly in November 1638, took to his bed when his political momentum came to a juddering halt.¹⁰⁶ That is not to say, however, that he was not physically unwell.

Quite simply, he was caught between a rock and a hard place. The middle ground that Hamilton had worked for so long, no longer existed. As king and parliament started to look to their military strength, there was a corresponding decline in negotiation and individuals like Hamilton were paralysed by the need to make a choice between king and parliament. He was deeply distressed at the prospect of choosing a side in the military contest. If Hamilton had been an Englishman, then he may well have stayed at Westminster with most of his English friends for longer than he did.¹⁰⁷ Luckily, he was able to avoid choosing sides and opted for neutrality by returning to Scotland. Hamilton left London on Thursday 19 May and stayed at York for over a month on his way to Scotland.¹⁰⁸ Apparently, he was still very ill and did not venture from his lodging at York for two weeks.¹⁰⁹ On 1 June, his brother in law, Lord Feilding, writing from the parliament house, asked Hamilton to support the stringent nineteen propositions that were being sent to the king by both houses.¹¹⁰ Two days later, Hamilton weakly replied that he had neither seen the king nor did he know of any propositions,¹¹¹ and on 17 June he told Feilding:

¹⁰³ NRS, GD 406/1/8205 (Will Murray to Hamilton, [2] April [1642]); GD 406/1/1608 (Hamilton to Will Murray, 7 April 1642).

¹⁰⁴ Hamilton took a long time to reply to the summons to the St George's Day Feast, Bodleian Library, mss Ashmolean, 1132, fol.41 (Hamilton to Sir John Palmer, 12 April 1642); NRS, GD 406/1/9026 (Hamilton to Lanark, 11 April 1642). Most of the other lords gave the House of Lords' order of 22 March forbidding them to attend the feast as their excuse, Bodleian Library, mss Ashmolean (Catalogue), 1111, items 22–30. The Lords' order is at *Ibid*, item 21. See also. *L. J.*, iv, 649, 669. The other lords were Northumberland, Salisbury, Pembroke, Danby, Holland and Berkshire.

¹⁰⁵ NRS, GD 406/1/1835 (Hamilton to Charles I, [undated April–May 1642]). Through Will Murray, Charles, as late as 6 May, assured Hamilton that he would be welcome at York 'when your disease could permitt', GD 406/1/8206 (Murray to Hamilton, 6 May [1642]), but the king was very irritated at Hamilton's absence, GD 406/1/8204 (Murray to Hamilton, 2 May [1642]). Hamilton's illness can be followed through, NRS, GD 406/1/1835, 755, 1604, 1608, 9026, 1758, 1646, 1760.

¹⁰⁶ For Hamilton's period in bed between 10–17 December 1638 and probably longer, NRS, GD 406/1/580 (Hamilton to Laud, 17 December 1638).

¹⁰⁷ It should be noted that, amongst other things, Hamilton was very upset that Charles would not agree to sign over the royal parks of Grafton and Pury [sic] in Northamptonshire as part payment of £16,300 the king owed him, NRS, GD 406/1/1608 (Hamilton to Murray, 7 April 1642). It was Hamilton's friends Saye, Mandeville and Culpeper who worked out the parks deal, which was worth about £10,000, NRS, GD 406/1/1332 (lords of the Treasury to Charles I, 21 March 1641/2). See also, GD 406/1/1331 (Charles I to lords of the Treasury, 14 March 1641/2).

¹⁰⁸ *HMC Cowper*, ii, 316 (John Coke the younger to Sir John Coke, 24 May 1642). Hamilton apparently made some promises to his parliamentary friends before leaving London, that, if he could not assist a reconciliation between king and parliament, he would retire to Scotland. Whatever Hamilton had told them, they were all delighted to hear that he had left York for Scotland at the end of the month, NRS, GD 406/1/1671 (Mandeville to Hamilton, 2 July 1642); GD 406/1/1670 (Feilding to Hamilton, 2 July 1642). See below.

¹⁰⁹ W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/106 (Hamilton to Feilding, 3 June [1642]).

¹¹⁰ NRS, GD 406/1/1655 (Feilding to Hamilton with a postscript by Lord Wharton, 1 June [1642]). Saye, following Feilding, reiterated that parliament was ready to defend itself against the king's 'Cavilleers there' if the nineteen propositions were rejected, GD 406/1/1658 (Saye to Hamilton, 3 June 1642). For a full discussion of the propositions, which basically curtailed most of the king's prerogative see Russell, *Fall*, pp.514–518. For the rest of Feilding's letters to Hamilton while the marquis was at York, NRS, GD 406/1/1659 (4 June), 1660 (7 June), 1665 (15 June).

¹¹¹ W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/106 (Hamilton to Feilding, 3 June [1642]).

Treuly I must confes my soul is so greved to sea the distempers of the tymes and my feares is so great that they will be yett woars that I ame became frome beinge seik in body to be so in mynd, I lykwy find my self of lytill use heare, and so unabil to contribut anie thing to the good of his Matties servis; or of a better understanding betuixt his Matti and parll: as if I had health, I belive I should shortly make use of the favore that I reseved from Our house and goe in to Scotland.¹¹²

Hamilton left York about ten days later after assuring Feilding, and through him the English parliament, that he was returning to Scotland to 'satill my oune privatt affaires'.¹¹³

To a large degree, Hamilton's disconsolate replies to Feilding's letters while he was at York were for public consumption at Westminster, and tell only part of the story. Since January the Scots had offered to mediate in England, especially Loudoun and Argyll in Edinburgh and the Scottish commissioners in London, though they had received a cordial but lukewarm response.¹¹⁴ As civil war in England drew nearer however, the need to cultivate Scottish opinion or at least ensure that the Scots did not take sides became a key political issue in England.¹¹⁵ Following a polite but firm statement by the Scottish council on 2 June that they would not take his side in England, Charles returned to his limited objective of ensuring that his northern kingdom remained non-aligned.¹¹⁶ The English parliament on the other hand, were more willing to see a continuation of the 'brotherly affecon and nearer union betwix the two Nationes' and Sir Philip Stapleton, a member of the House of Commons, initiated moves in April to continue that course.¹¹⁷ Furthermore, the need to crush the rebellion in Ireland put an added strain on the triangular relationship between London, Edinburgh and the court. While the Scots and English negotiated a joint military expedition to Ireland, Charles tried to remove the threat of the Scots backing parliament by pressing them to send their remaining troops and best commanders to Ulster.¹¹⁸

If Hamilton and Charles held discussions at York, and we cannot be certain that they did, then they probably talked about Scottish issues rather than the ill-fated nineteen propositions. Unfortunately we can only speculate, but Hamilton may have given Charles some assurance that the

¹¹² W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/107 (Hamilton to Feilding, 17 June [1642]).

¹¹³ W.R.O., Feilding of Newnham Paddox mss, CR 2017/C1/108 (Hamilton to Feilding, 27 June [1642]).

¹¹⁴ Three days after Charles left London after the attempt on the Five Members, he wrote to the Scottish commissioners in London warning them not to meddle in the English quarrel and reminding them not only of the favourable settlement granted to them during the recent Scottish visit, but of their Covenant which bound them to 'maintaine us in or Royall power & authority', NRS, GD 406/1/10774/23 ([Copy] Charles I to Scottish Commissioners, 13 January 1641/2). For Loudoun and Argyll, NRS, GD 406/1/1587 (Loudoun to Hamilton, 28 January 1641/2); GD 406/1/1726 (Loudoun to Charles I, 10 February 1641/2); GD 406/1/1735 (Loudoun to Hamilton, 6 May 1642); Grantham Lincs., Tollemache mss, 3750 (Lanark Royal letter book, 1641–47), fols.3r–4r; NRS, GD 406/1/1762 (Argyll to Hamilton, 18 June 1642).

¹¹⁵ Grantham Lincs., Tollemache mss, 3750 (Lanark Royal letter book, 1641–47), fols.7r–v (Declaration by Parliament of England to Council of Scotland, 8 April 1642); *Ibid.*, fol.7v (Charles I to Scottish Council, 9 May 1642); *Ibid.*, 7v–8r (Instructions to Chancellor Loudoun, 9 May 1642); NRS, GD 406/1/10774/26 ([Copy] Charles to Chancellor Loudoun, 16 April 1642). For the political situation in Scotland see, Stevenson, *Revolution*, pp.248–249.

¹¹⁶ NRS, GD 406/1/10774/23 ([Copy] Charles I to Scottish Commissioners, 13 January 1641/2); Stevenson, *Revolution*, p.249; Gardiner, *England*, x, 203.

¹¹⁷ This sentence is based on Charles's angry letter to Loudoun describing Stapleton's initiative, NRS, GD 406/1/10774/26 ([Copy] Charles to Chancellor Loudoun, 16 April 1642). For a slightly different copy of this letter with a different date, Grantham Lincs., Tollemache mss, 3750 ([Copy] Lanark letter book, 1641–47), fol.5r–v (11 April). See also, Thompson, *Diary of Hope*, p.164; Russell, *Fall*, pp.489–495.

¹¹⁸ Grantham Lincs., Tollemache mss, 3750 ([Copy] Lanark letter book, 1641–47), fol.3r (Charles to Scottish Council, 20 February 1641/2); *Ibid.*, fol.4 v (Charles to Scottish Council, 2 March 1641/2); *Ibid.*, fol.4v–5r (Charles to Chancellor Loudoun, 8 April 1642). Charles's threat in mid-April to go to Ireland himself was designed to stampede the Scots into sending their forces and commanders to Ireland, NRS, GD 406/1/10774/26 ([Copy] Charles to Scottish Council, 12 April 1642). For another copy, Grantham Lincs., Tollemache mss, 3750 ([Copy] Lanark letter book, 1641–47), fol.5v–6r. For some other reasons for this policy, Russell, *Fall*, pp.488–491.

Scots, at least in the short term, would remain non-aligned in the event of civil war in England.¹¹⁹ As an inducement, Charles may have dangled the carrot of a dukedom if Hamilton served him in Scotland.¹²⁰ But the lack of evidence makes it impossible to be sure, though we can be reasonably confident that Hamilton did not commit himself to undertake anything.¹²¹ With more certainty, we know that Hamilton's friends in London and Edinburgh were disturbed by reports of his proceedings at York.¹²² On 21 June, the marquis of Argyll craved confirmation from Hamilton about 'your lop subscribing ane declaration thair and your lairg expressions and undertaking both for your self and in name of this kingdome.'¹²³ Argyll's letter was to 'My Nobll Lord and Dear Brother', an address initiated by Hamilton and used by both men since March, but part of the affable tone had been replaced by a tension that was to increase over the next twelve months.¹²⁴ Suspicion must have been further aroused by Hamilton's voluntary subscription to maintain sixty horse for the king's forces before he left York.¹²⁵ Yet to understand this further we must follow Hamilton into Scotland and examine the events that led to the Solemn League and Covenant and the subsequent re-alignment of royal policy, characterized by Hamilton's imprisonment by the king and his replacement by the earl of Montrose as the chief agent of royal policy towards Scotland.

IV

When the Marqueis Hamiltoun had left, first the Parliament, and then the King, we thought he had come to us with some instructions from the one or both; bot it seemes he had nothing from either: bot to eschew drowning, had choosed to leave both for a tyme, since both could not be kept, and to both his obligations were exceeding great.¹²⁶

It is difficult to disagree with Robert Baillie's wry observation on Hamilton's return to Scotland. None the less, an attempt may have been made at York to patch up the differences between Hamilton and Charles, though this did not extend to him sponsoring a new phase of crown policy in Scotland. Anyway, royalists in Scotland were justified in being suspicious of the marquis's motives at least since the Incident, and so his effectiveness as a rallying point was doubtful.¹²⁷ Charles had considered going to Scotland himself and calling a parliament, just as he had contemplated going to Ireland, and he may also have listened to alternative suggestions for Scotland from Montrose

¹¹⁹ Burnet, *Lives*, p.248. Edward Hyde, not the most reliable source where Hamilton is concerned, stated that the marquis gave Charles such an assurance, Clarendon, *History of the Rebellion*, ii, 383–384; the passage is quoted in Stevenson, *Revolution*, p.249.

¹²⁰ Rumours had even reached Ireland that Hamilton had been or was about to be made a duke, NRS, GD 406/1/1674 (Antrim to Hamilton, 16 July 1642). See also, GD 406/1/166/1 (Charles to Hamilton, 17 October 1642).

¹²¹ See below, the discussion of Hamilton's memorandum, NRS, GD 406/1/M9/82/4.

¹²² NRS, GD 406/1/1670 (Feilding to Hamilton, 2 July 1642). For Scotland see below.

¹²³ NRS, GD 406/1/1764 (Argyll to Hamilton, 21 June 1642).

¹²⁴ NRS, GD 406/1/1753 (Argyll to Hamilton, 10 March 1641/2). The 'Dear Brother' was obviously in anticipation of the marriage between Hamilton and Argyll's children.

¹²⁵ *CSPD 1641–43*, 344 (List of Lords and Officials, 22 June 1642); NRS, GD 406/1/1668 (Sir Peter [Welsh] to Hamilton, 30 June 1642). Hamilton does not appear to have made any payments, citing 'the miserabill condition of my fortoune' as his excuse, GD 406/M9/82/4 (7 Point Memorandum to Charles I, [July–August 1642]). For a discussion of this memorandum, see below and note 139.

¹²⁶ Baillie, *Letters*, ii, 44.

¹²⁷ Traquair found it necessary to justify himself to the king after agreeing to a meeting with the marquis shortly after Hamilton got back to Scotland, Innerleithen, Traquair mss, 12/43 ([Draft] Traquair to Charles I, 7 August 1642). Also see below. Morton, Kinnoull, Southesk and Traquair in Edinburgh and Will Murray, Roxburgh and Lanark at court appear to have been the most influential royalists.

and Lord Ogilvie, who had been at York a few weeks before Hamilton.¹²⁸ To be sure, the balance of power in mainland Britain from the summer of 1642 was extremely delicate and Charles had to treat Scotland with a sensitivity that he had hitherto lacked. Above all, the king had to ensure that he did not stampede the Argyll circle and the Scottish ministry into allying with parliament to safeguard the settlement of 1638–41 and as a way of exporting Presbyterianism. At the same time, the king had to encourage royalists of all shades and degrees of commitment to support at least a policy of non-alignment and limited mediation in England. As we shall see, Charles's failure, once again, to allay the fears of his Scottish subjects had serious consequences for him in his other kingdoms.

Hamilton arrived in Edinburgh on 1 July and, after calling a meeting with Traquair, Morton and Southesk at which he appeared to offer 'apologies for qt had past' and little else,¹²⁹ he spent most of the summer at his principal residence outside Hamilton or at Inverrary with the marquis of Argyll.¹³⁰ More to the point, he did not attend the general assembly at St Andrews (27 July to 6 August) despite being nominated by Charles as one of the assistants and assessors to the earl of Dunfermline, the king's commissioner.¹³¹ Sure enough, the opposing groups in England sent different declarations to the assembly.¹³² In their declaration, the English parliament solicited further reformation and closer union between the two kingdoms.¹³³ By contrast Charles, in his declaration, stressed that he was 'a king over diverse kingdomes' and all that he wanted to do was 'to governe them by there owne lawes and ye kirkes in them by there owne Canons and Constitucons'. On the important issue of further reformation, the king prevaricated in a style all too familiar to the Scots since the start of the troubles.¹³⁴ Not surprisingly, the parliament's declaration was preferred at St Andrews and Loudoun told Hamilton that it would lead the assembly 'to Renew the desyr of this kirk for unities of Religione and Uniformitie of Church government'.¹³⁵ Before it dissolved, the assembly elected a commission of the kirk with power, *inter alia*, to prosecute relevant ecclesiastical matters with the civil authorities.¹³⁶ In other words, religious unity in Britain was working its way to the top of the agenda in Edinburgh and London.¹³⁷ During the assembly,

¹²⁸ NRS, GD 406/1/1618 (Johnstone of Wariston to Hamilton, 27 April 1642); NRS, GD 406/1/10774/26 ([Copy] Charles I to Scottish Council, 12 April 1642); Russell, *Fall*, pp.489–491; Stevenson, *Revolution*, p.248.

¹²⁹ Innerleithen, Traquair mss, 12/43 ([Draft] Traquair to Charles I, 7 August 1642). Hamilton's arrival in Edinburgh was noted by Sir Thomas Hope, *Diary*, p.171. In March, the earls of Leven and Morton had pressed Argyll to reconcile with Traquair. Argyll would do nothing until Hamilton gave his approval, which Hamilton quickly gave on 24 March, saying he would like to do the same himself, NRS GD 406/1/1754 (Argyll to Hamilton, 16 March [1641/2]); GD 406/1/1755 ([Copy] Hamilton to Argyll, 24 March 1641/2).

¹³⁰ Hamilton was at Holyroodhouse on 3 July, NRS, GD 406/1/1671. He was at Hamilton by 11 July, GD 406/1/1699, 1676, 1677, 1765, 10780. For Hamilton in Argyll, GD 406/1/1781 (Will Murray to Lanark, 10 September [1642]). The visit to Inverrary was the occasion of the first meeting between Hamilton's daughter and Argyll's son, *CSPD 1641–43*, 356 (Sir John Danvers to [Sir Thomas Roe], 18 July 1642); GD 406/1/1769 (Argyll to Hamilton, 16 August [1642]).

¹³¹ NRS, GD 406/1/10780 (Charles I to Hamilton, 23 July 1642); GD 406/1/1751 (Argyll to Hamilton with a postscript by Cassilis, 28 July 1642). For Baillie's account of the assembly, Baillie, *Letters*, ii, 45–55.

¹³² Baillie, *Letters*, ii, 45.

¹³³ NRS, GD 406/1/1741 (Loudoun to Hamilton, 30 July 1642); Stevenson, *Revolution*, p.250; Russell, *Fall*, pp.519–521; Burnet, *Lives*, p.251.

¹³⁴ NRS, GD 406/1/10774/14 ([Copy] Charles I to General Assembly, 23 July 1642). For another copy, GD 406/1/10774/16.

¹³⁵ NRS, GD 406/1/1741 (Loudoun to Hamilton, 30 July 1642). Loudoun also told Hamilton that the king could not blame the assembly for renewing their desire for unity of religion 'since they ar invited to it by the Parl: of England, and that his Matie knowes it was and still is the unanimous desyr of this kirk and kingdom'. Loudoun was correct, GD 406/1/10774/15 ([Copy] Commissioners of the General Assembly to [English parliament], 5 August 1642); GD 406/1/10774/17 (Commissioners of the General Assembly to [Scottish Council?], 5 August 1642).

¹³⁶ Stevenson, *Revolution*, pp.251–252.

¹³⁷ For the progress of the initiatives concerning unity in religion and uniformity of church government to the end of 1642, *RPCS 2nd Series, 1641–43*, 316–318, 328–329, 330–332, 336, 341. Charles tried to derail the initiative while outwardly approving of it, NRS, GD 406/1/1688 ([Draft in Lanark's hand with corrections by the king] Charles

Dunfermline exerted negligible influence and perhaps in frustration let it be known that he would lay the blame for everything on his assessors, of whom Hamilton and Loudoun were the most notable absentees.¹³⁸

Our inability to say accurately what occurred between the king and Hamilton at York is partly resolved by an undated seven point memorandum which Hamilton probably instructed his brother, Lanark, to submit to the king sometime in August.¹³⁹ In sum, Hamilton warned of Scottish fears that Charles would reverse what he had already granted in Scotland by force when the opportunity arose, and this was drawing 'sume actife men' into becoming more involved in the events in England.¹⁴⁰ More revealingly, the sixth point illustrated the limit to which Hamilton appeared willing to commit himself for the king:

tho I can be of no great use to his Matti anie uheare yett I conceave more heare then att Yorke; for albeiett I still say I can undertake for nothing, yett I may posabilly be abill to prevent evill if I can doe no good.¹⁴¹

Reading between the lines, Hamilton recommended that royal policy in Scotland should be limited to ensuring that the Scots did not take parliament's side in England and the first step in that direction was for the king to demonstrate his commitment to the Scottish settlement.¹⁴² The relationship between the king and Hamilton is probably better illustrated by Charles's terse letter of 27 August, written five days after the raising of the royal standard at Nottingham:

Hamilton/I have not tyme to wryte particulars, & to perswade you to serve me, or belive this bearer, I suppose that I have lesse neede then tyme; therfore, in a worde, this is a tyme to show you what you ar, assuring you that, at all tymes, I will show you that I am your most assured constant frend.¹⁴³

Despite stating that he could 'undertake for nothing' in his memorandum to the king, Hamilton had initiated a remarkable scheme to procure an invitation from the Scottish nation to Queen Henrietta Maria, who had been abroad since February, to return and mediate a peace in England between the king and parliament.¹⁴⁴ Lanark, Loudoun and Argyll were skilfully recruited to the project and when the conservators of the peace met on 23 September, they were quickly won over.¹⁴⁵ Consequently, the conservators drew up a letter of invitation to the queen guaranteeing her personal security as well as the free exercise of her religion and nominated Hamilton to travel to

to Scottish Council, 26 August 1642); for another copy, GD 406/1/10774/12; GD 406/1/1781 (Will Murray to [Lanark], 10 September [1642]).

¹³⁸ *Ibid.*

¹³⁹ The paper is undated though internal evidence suggests that it was composed at this time, NRS, GD 406/1/M9/82/4. He may also have used one of his close servants to take it to York, Burnet, *Lives*, pp.249–50.

¹⁴⁰ I am taking this from a reading of points 2 and 3.

¹⁴¹ NRS, GD 406/M9/82/4.

¹⁴² For such and assurance by the king addressed to Lanark, NRS, GD 406/1/1926 ([August/September 1642]).

¹⁴³ NRS, GD 406/1/165 (Charles I to Hamilton, 27 August 1642). The bearer was Will Murray sent with new instructions to the king's supporters before the meeting of the commissioners for conserving the peace, GD 406/1/1690/2 (Charles to Hamilton, 28 August 1642).

¹⁴⁴ NRS, GD 406/M9/82/4 (Memorandum, Hamilton to Charles, [August ? 1642]), point 5; GD 406/1/1743 (Loudoun to Hamilton, 15 August 1642); GD 406/M9/67/2. For the queen's flight abroad with a war chest, Fletcher, *Outbreak*, pp.228–229. The queen was a strong advocate of confrontation with parliament and Hamilton's identification of her as the key to settlement in England is significant.

¹⁴⁵ They were also known as the conservators of the articles of the peace treaty, consisting of Scots and English nominees, who were to meet and ensure peace between the kingdoms during intermissions of parliaments. It was the commissioners of the general assembly who asked the Privy Council on 20 August to convene the conservators, *RPCS 2nd Series, 1638–43*, 316. The English parliament did not send its conservators, Stevenson, *Revolution*, p.252.

Holland and escort the queen home.¹⁴⁶ Presbyterian Scotland working with a Catholic queen was perhaps slightly incongruous, even if it had an unfortunate antecedent in Charles's grandmother, Queen Mary. Yet with Hamilton as the initiator it was entirely compatible with his political mentality. As we have so often seen, shared political or religious views was not an essential prerequisite in the marquis's political world. Sadly, Hamilton's inventive attempt at mediation fizzled out in October amidst squabbles over safe conducts, an unwillingness by some of the conservators to give offence to the English parliament and Charles's reluctance to trust the queen's safety to the Scots.¹⁴⁷

Despite this failure, however, there was a discernible thaw in the relations between Hamilton and Charles in the last few months of the year and a corresponding frost in the friendship between Hamilton and Argyll. Hamilton's attendance at the Privy Council increased from 20 September which coincided with the commencement of the council's exchanges with the English parliament concerning 'unity in religion and uniformitie in church government in his Majesties three kingdomes'.¹⁴⁸ Although he probably tried to dampen enthusiasm for the declarations requesting religious unity, he still appeared reluctant to put his whole weight behind the king. On 3 November, for example, Hamilton did not attend the morning meeting of the council when Charles's letter responding to the calls for religious unity was read out, though he did attend the afternoon meeting and submitted a complaint against two of his corrupt tax collectors.¹⁴⁹ Nevertheless, on 2 December when Charles sent Lanark to bolster royalist support in Scotland, he told Hamilton 'you have given me just cause to give you better thanks then I will offer in words'.¹⁵⁰ Not only that, but Charles trusted Hamilton enough to make an extraordinary declaration of his intention in the civil wars:

I have sett up my rest upon the justice of my cause, being resolved that no extremitie or misfortune shall make me yeald; for I will eather bee a glorious king or a patient Martir; & as yet not being the first, nor, at this present apprehending the other, I thinke it now no unfitt tyme to express this my resolution unto you; one thing more (wch, but for the messenger, wer too much [to] trust (*sic*) to Paper) the failing to one frend, hes, indeed gone very neere mee; wherefor I am resolved that no consideration whatsoever shall ever make mee doe the lyke; upon this ground I am certaine that God hes eather so totally forgiven me that he will still blesse this good cause in my hands or that all my punishment shall bee in this World ... [and] my concience will make me stickte to my frends.¹⁵¹

The important Privy Council meetings of 20 December 1642 and 10 January 1643 were essentially a two round contest between Hamilton and Argyll which signalled the end of their partnership. Hamilton won the first round, but Argyll won the second and an enormous advantage for the rest of 1643. On 20 December, parliament's declaration of 7 November requesting military assistance from the Scots and Charles's letter of reply to parliament's declaration were debated.¹⁵²

¹⁴⁶ Burnet, *Lives*, p.257; NRS, GD 406/M9/67/2 (Memorandum to Charles I, [August–October, 1642]; GD 406/1/1781 (Murray to [Lanark], 10 September [1642]); GD 406/1/1747 (Loudoun to Lanark, 1 October 1642).

¹⁴⁷ NRS, GD 406/1/1747 (Loudoun to Lanark, 1 October, 1642); Burnet, *Lives*, pp.257–258.

¹⁴⁸ *RPCS 2nd Series, 1638–43*, 317–331; NRS, GD 406/1/166/1 (Charles I to Hamilton, 17 October 1642). An improvement can be discerned from this letter. It should be noted that the Privy Council met irregularly at this time.

¹⁴⁹ *RPCS 2nd Series, 1638–43*, 331–334. The corrupt tax collectors were Richard Foulerton and James Thom.

¹⁵⁰ NRS, GD 406/1/167/1 (Charles to Hamilton, 2 December 1642).

¹⁵¹ *Ibid.* That friend was very likely the earl of Strafford, executed on 12 May 1641, via a bill of attainder passed by both Houses with the death warrant signed by Charles.

¹⁵² *RPCS 2nd Series, 1638–43*, 359–363. The debate can be reconstructed from *HMC Hamilton Supplementary*, 61–65 (John Pickering to John Pym, 25, 26, 28 December 1642 and 9 January 1642/3) which are good transcriptions of the originals, NRS, GD 406/1/1692/1-3; Baillie, *Letters*, ii, 57–58. Traquair's little known hand written account of the period from December 1642 to the signing of the Solemn League and Covenant is also very useful, Innerleithen,

After many acrimonious exchanges, Hamilton, Lanark and Southesk managed to force through an order by a vote of eleven to nine that only the king's letter was to be printed. This was an amazing victory for the royalists in Scotland and Charles heaped praise on Hamilton and Lanark for pulling it off.¹⁵³ But it caused a reaction unforeseen by Hamilton; in Baillie's words, 'this was a trumpet that wakened us all out of our deep sleep' the major fear being that at a subsequent council meeting Hamilton and Lanark would try 'by all the power they had, to gett through a warrand for a leavie to the King'.¹⁵⁴

Faction politics headed by Hamilton and Argyll characterised the period down to the next important Privy Council meeting on 10 January and beyond.¹⁵⁵ On the one side, Lanark began to publish royalist propaganda while Hamilton and Traquair renewed their old partnership and penned the Cross Petition, a paper essentially intended to 'cross' the growing number of petitions to the conservators of the peace tacitly supporting parliament's cause in England.¹⁵⁶ On the other side, Argyll, Wariston and the commissioners of the kirk were behind the pro-parliamentary petitions and pressed that parliament's declaration requesting military assistance be printed.¹⁵⁷ The Privy Council debated all these issues on 10 January and this time voted to print the English parliament's declaration of 7 November.¹⁵⁸ Argyll's faction had won the day and the second round. Next day, the conservators of the peace decided to supplicate the king that all papists in arms in England be disbanded and to ask Charles to call a parliament in Scotland. In addition, the king and the English parliament were to be pressed for the removal of episcopacy as a precursor to religious unity.¹⁵⁹ On 18 January, Loudoun, Lindsay, Wariston, Robert Barclay and Alexander Henderson (a later addition) were commissioned to go to the king and the English parliament with the religious demands and to request a Scottish parliament from Charles.¹⁶⁰

Meanwhile, Hamilton continued to fight the king's corner in the Privy Council in Edinburgh after Lanark followed the commissioners to Oxford.¹⁶¹ As well as the Cross Petition, Hamilton masterminded another petition in February; this time the petition was to the king asking him to dispense with the annuity of the tithes which would relieve his subjects of a financial burden and make them look more favourably on the king.¹⁶² It would also bind the many beneficiaries to

Traquair mss, 14/26 ('Relation Concerning some passagis of business in Scotland'). See also, Stevenson, *Revolution*, pp.256–258.

¹⁵³ NRS, GD 406/1/168/1 (Charles to Hamilton, 29 December 1642). Hamilton and Lanark were clearly working as a powerful double act, but see GD 406/1/1772.

¹⁵⁴ Baillie, *Letters*, ii, 58. Pickering used the same analogy to Pym, 'the printing of the Kings letter hath awakened those that have bene asleepe ever since the pacificatione', *HMC Hamilton Supplementary*, 65.

¹⁵⁵ Baillie talks of 'faction' and Burnet talked of contemporary labels, 'Argyle's party' and 'Hamilton party', Baillie, *Letters*, ii, 59; Burnet, *Lives*, p.262.

¹⁵⁶ Innerleithen, Traquair mss, 14/26 ('Relation Concerning some passagis of business in Scotland'); Baillie, *Letters*, ii, 59–61. The Cross Petition is printed in Burnet, *Lives*, pp.263–267. It cleverly embraces the thinking of the National Covenant, then widens the net to talk of 'we British subjects' while endorsing unity of religion with due caution for the different traditions in the two kingdoms. It also talks of Charles's 'unparalleled lineal descents of an hundred and seven kings' and the 'dutiful obedience which as Scottish men we owe to our Scottish king'. For Lanark publishing royalist papers and the Argyll faction's successful move to have the publications stopped, *RPCS 2nd Series*, 1638–43, 370–372.

¹⁵⁷ Innerleithen, Traquair mss, 14/26 ('Relation Concerning some passagis of business in Scotland')

¹⁵⁸ *RPCS 2nd Series*, 1638–43, 372–374.

¹⁵⁹ NRS, GD 406/1/M9/28/8 (Minutes of the commissioners for conserving the articles of the treaty, 11–18 January, 1643). Hamilton opposed the move to have papists disbanded declaring 'he thought not this demand fitting at this tyme'. See also, *RPCS 2nd Series*, 1638–43, 376.

¹⁶⁰ NRS, GD 406/1/M9/28/8 (Minutes of the commissioners for conserving the articles of the treaty, 11–18 January, 1643); Stevenson, *Revolution*, pp.259–261. There was also a request for a council of divines. Wariston eventually stayed behind as Charles refused to extend him a safe conduct.

¹⁶¹ *RPCS 2nd Series*, 1638–43, 374–404; NRS, GD 406/1/1821 ([Draft] Hamilton to Charles I, 16 January 1642/3); GD 406/1/1822 ([Draft] [Hamilton] to Charles, 23 January 1642/3).

¹⁶² The petition is printed in Burnet, *Lives*, p.270 (16 February 1643); Innerleithen, Traquair mss, 14/26 ('Relation Concerning some passagis of business in Scotland'); Burnet, *Lives*, p.269–271.

Hamilton's faction. Not surprisingly, the petition had wide popular appeal and was subscribed in many parts of the country.¹⁶³ Typically, however, Hamilton also had an underlying motive. Loudoun had purchased the annuity of the tithes from the king and so if they were discharged, then the chancellor would suffer.¹⁶⁴ Evidently, this was an attempt by Hamilton to bring Loudoun to heel and the petition encountered fierce opposition in the Privy Council, making it yet another trial of strength between Hamilton and Argyll.¹⁶⁵ But the matter was never fully resolved as Charles chose to delay giving his answer and so the threat to Loudoun remained.¹⁶⁶

There is little doubt that Hamilton's royalist agenda had rankled Argyll, Loudoun, Wariston and the commissioners of the kirk and shook them out of their complacency. Hamilton had made some novel attempts to improve the image of royalism in Scotland, not least by the invitation to Henrietta Maria and the petition for the discharge of the annuity of the tithes. Yet this was not done with the overblown confidence for which Hamilton has been condemned by historians from Gardiner to Stevenson.¹⁶⁷ On the contrary, he regularly reminded the king that he could undertake nothing, that he could be of little use, that he could only try and prevent evil.¹⁶⁸ Hamilton had many faults, but a lack of political foresight was not amongst them. Above all, he was trying to keep the political agenda open; he was trying to keep the political nation pre-occupied so that the slide towards alliance with the English parliament was probable rather than inevitable. To further these ends Hamilton and Traquair set out for the court at Oxford on Friday 3 March, shortly after news reached Edinburgh that the queen had arrived back in England.¹⁶⁹

V

The widespread belief that the English Civil War would be decided by a single military engagement was disappointed on 23 October 1642 when the battle of Edgehill was drawn.¹⁷⁰ Only for the duration of the battle was the English Civil War a contest between an English king and an English parliament. In the aftermath, the British dimension crowded in once again. On 7 November, as we have seen, the English parliament requested military assistance from Scotland and Charles countered through Hamilton and Lanark while Montrose hovered in the background. In the first quarter of 1643, Charles instructed the marquis of Ormond to treat with the Catholic confederates for a twelve month cessation in Ireland, and immediately this was agreed Ormond was to 'bring over the Irish army to Chester'.¹⁷¹ Quite apart from fears that Charles would force a reversal of the Scottish settlement if he was victorious in England, Hamilton's efforts in Scotland would have been completely undermined if news that Charles was treating with Irish Catholic rebels became public.¹⁷² That Charles was also considering ceding Orkney and Shetland to the king of Denmark for military assistance in England suggests that his dealings with Irish Catholics was no mere diplomatic abnormality.¹⁷³

¹⁶³ Baillie, *Letters*, ii, 60.

¹⁶⁴ Baillie, *Letters*, ii, 59–60.

¹⁶⁵ Baillie, *Letters*, ii, 63–64.

¹⁶⁶ *RPCS 2nd Series, 1638–43*, 394 (16 February), 404 (1 March); Burnet, *Lives*, p.269, 271; Innerleithen, Traquair mss, 14/26.

¹⁶⁷ For example, Stevenson, *Revolution*, p.249; Gardiner, *History of The Great Civil War*, i, 125.

¹⁶⁸ See above and NRS, GD 406/1/1821, 1822.

¹⁶⁹ Thompson, *Diary of Hope*, p.186; Baillie, *Letters*, ii, 64.

¹⁷⁰ Woolrych, *Britain In Revolution*, pp.238–240.

¹⁷¹ Gardiner, *Civil War*, i, 110–125, esp.125. The words are the king's to Ormond quoted by Gardiner.

¹⁷² This came out when Antrim was captured by the Scots in Ireland for a second time in May 1643, and was made use of in the convention of estates in June/July 1643, *APS*, vi,i, 7–9.

¹⁷³ M. A. E. Green, ed., *Letters of Henrietta Maria*, pp.209–210 (Henrietta Maria to Charles, 27 May 1643).

It is unlikely that Hamilton knew much about the negotiations in Ireland and Denmark.¹⁷⁴ Instead, the main obstacle to following his policy of peaceful resistance in Scotland came from a group of militant Scottish royalists headed by the earls of Montrose, Nithsdale and Lord Aboyne. In effect, Charles had two policy options to follow in Scotland in the spring of 1643. He could either back Hamilton's attempts to recruit moderate Covenanters into a Scottish royalist party following a policy of non-alignment in England peppered by assurances that the Presbyterian settlement was safe in Charles's hands. Or he could allow the Montrose band to pre-empt an alliance between Scotland and the English parliament by initiating a royalist rising in Scotland, supported by an invasion of west Scotland from Ireland by the earl of Antrim, leader of the exiled MacDonalld clan.¹⁷⁵ Montrose had worked hard at York to convince Henrietta Maria that a pre-emptive rising was the only viable policy, yet Hamilton persuaded both the king at Oxford and the queen at York to support his way. Once again, he had outmanoeuvred Montrose and the verdict amongst the Scots at York is worth recording: 'Montrose ... is a generous spirit, but hes not so good an head-piece as Hamilton.'¹⁷⁶ A further endorsement of Hamilton's position as chief agent of royalist policy in Scotland came on 12 April when Charles created him duke of Hamilton, marquis of Clydesdale, earl of Arran and Cambridge, Lord Aven and Innerdale.¹⁷⁷ But for unknown reasons the elevation was not made public until November.¹⁷⁸

The importance of Henrietta Maria in the king's counsels was underlined not only by the fact that Hamilton and Montrose competed at York to win her approval for their rival policies, but that on his return to Edinburgh in late March Hamilton directed most of his correspondence to her, not the king.¹⁷⁹ Indeed, in collaboration with the queen, he tried to win Argyll over to the royalist cause and to get an assurance from General Leven that the Scottish army in Ulster would not be used against the king in England.¹⁸⁰ In April 1643, as in May 1638, Hamilton requested that all his countrymen at court be sent home to bolster the royalist party in Scotland.¹⁸¹ Montrose, Angus, Montgomery and Ogilvy had already returned from York about the same time as the marquis, though Montrose absolutely refused to work with Hamilton. However, around mid-May, a more congenial band of royalists left Oxford for Edinburgh amongst them Morton, Roxburgh, Lanark, Annandale, Kinnoul, Carnwath and Dunfermline.¹⁸² In addition, the commissioners sent in February to the king by the conservators of the peace arrived back in Edinburgh just in front

¹⁷⁴ He probably had a vague idea that the queen was making approaches for foreign aid, NRS, GD 406/1/9601 (Henrietta Maria to Hamilton, 27 May [1643]).

¹⁷⁵ Bodleian Library, Oxford, Carte mss, v, 366–367 ([Sir Robert Poyntz] to Ormond, 1 June 1643); Baillie, *Letters*, ii, 60, 67; Burnet, *Lives*, pp.271–272; Gardiner, *Civil War*, i, 125–127; Stevenson, *Revolution*, pp.264–265. I am very grateful to Billy Kelly for providing me with a transcript of the Poyntz letter.

¹⁷⁶ Bodleian Library, Oxford, Carte mss, v, 366–367. Poyntz was telling Ormond what the Scots at York had told him.

¹⁷⁷ G. E.C., *Complete Peerage*, ii, 260.

¹⁷⁸ The creation does not appear to have been made common knowledge as Sir Thomas Hope only heard of it on 1 November, the day before the patent was enrolled, Thompson, *Diary of Hope*, p.198; *RPCS 2nd Series, 1644–1660*, 10 (2 November). Charles's instructions to the royalists in Scotland carried by Lanark and dated 21 April addressed Hamilton as 'marquis', Burnet, *Lives*, pp.281–282. Hamilton was also registered at the convention of estates as a marquis, *APS*, vi, i, 3. On 28 September, Charles addressed a letter to 'marquis Hamilton', NRS, GD 406/1/169/1. Hamilton confessed to Morton that he put the patent forward on 2 November to the privy council 'not without some scruples', NLS, Morton Papers, 79/82 (4 November [1643]). Charles may have regretted making Hamilton a duke, NRS, GD 406/1/175. For the drafts of Hamilton's letters of gratitude to Charles, GD 406/1/11141A, 11140A.

¹⁷⁹ See for example, NRS, GD 406/1/1838 ([Drafts] Hamilton to Henrietta Maria, 3 & 4 April [1643]); GD 406/1/1823 ([Copy] Hamilton to Henrietta Maria, 21 April 1643); GD 406/1/9599 (Henrietta Maria to Hamilton, 17 May [1643]); GD 406/1/9603 (Henrietta Maria to Hamilton, [mid April ? 1643]).

¹⁸⁰ NRS, GD 406/1/1838, 1823, 1828, 9603.

¹⁸¹ NRS, GD 406/1/1823 ([Copy] Hamilton to Henrietta Maria, 21 April 1643).

¹⁸² Baillie, *Letters*, ii, 67–68. I am dating the Oxford royalists return from NRS, GD 406/1/1846 ([Copy Lanark with additions by Hamilton to Charles] 18 May 1643).

of the Oxford royalists.¹⁸³ The commissioners had received a cold welcome at Oxford and were shamelessly delayed for three months before they were recalled by the conservators of the peace.¹⁸⁴ Their offer of mediation in England as well as their request for a Scottish parliament had been firmly refused.¹⁸⁵

The commissioners' report of their poor treatment at Oxford prompted Argyll to call a joint meeting of privy councillors and conservators of the peace and commissioners for common burdens which met on 12 May.¹⁸⁶ Unfortunately, some of the Oxford royalists were not back in time to attend the meeting, nor did Lanark arrive until 15 May with the king's instructions.¹⁸⁷ So the meeting was a one sided affair and, despite protests from Hamilton and the lord advocate, Sir Thomas Hope, it was unanimously agreed to summon a convention of estates to meet on 22 June without the king's consent.¹⁸⁸ The Argyll faction had now gained the initiative through skilful exploitation of fears of papists in arms in England, the consequent danger to domestic religion and liberty, and the omnipresent dangers in Ireland.¹⁸⁹ Yet Hamilton and Lanark fought back and dominated the Privy Council meeting of 1 June. At that meeting it was agreed to publish the king's declaration (which Lanark had not arrived in time to present to the joint meeting on 12 May) condemning the English parliament's attempts to draw Scotland into the war in England.¹⁹⁰ The instructions which Lanark carried to Edinburgh on 15 May were aimed at peaceful resistance to Scottish intervention in England and, similar to the policy of 1638, the royalists were to string things out for as long as possible before hazarding a rupture.¹⁹¹ They were not to be the first to break the treaty of 1641.¹⁹²

Hamilton's delicate, perhaps over cautious, royalist policy was dealt a serious blow in early June by revelations of Catholic plots to effect a royalist rising in Scotland. Antrim, Nithsdale and Aboyne were the main protagonists though Henrietta Maria, Huntly and Montrose were also involved.¹⁹³ These revelations corroborated the fears in the previous months of the likely consequences of papists in arms in England and of the designs of the rebels in Ireland. To some, it was further proof that the papist was on the march in the three kingdoms. As a result, Hamilton's and Lanark's vocal support for the king's many assurances that religion and liberties were secure rang hollow on the eve of the convention of estates. Furthermore, the request by the English parliament to have the Oxford royalists – Morton, Roxburgh, Annandale, Kinnoul, Lanark and Carnwath – charged

¹⁸³ NRS, GD 406/1/9603, 1823. The commissioners were Loudoun, Lindsay, Robert Barclay and Alexander Henderson. Lindsay went to London to continue his efforts to get funds and supplies for the Scots army in Ireland, Stevenson, *Revolution*, p.262.

¹⁸⁴ They were recalled on 31 March, NRS, GD 406/1/10774/33 ([Conservators of the Peace] to commissioners at Oxford, 31 March 1643). It was widely feared in Scotland that the commissioners were being detained as prisoners at Oxford and were in physical danger, GD 406/1/1823 ([Copy] Hamilton to Henrietta Maria, 21 April 1643); Baillie, *Letters*, ii, 65–67. See also, Stevenson, *Revolution*, pp.261–263.

¹⁸⁵ Charles's final and very clever answer to the commissioners before they left Oxford is printed in Burnet, *Lives*, pp.272–275 (19 April). And for another declaration promising security of the Presbyterian settlement, NRS, GD 406/1/1876 (21 April).

¹⁸⁶ Baillie, *Letters*, ii, 68–69; *RPCS 2nd Series, 1638–43*, 426–428. For Lanark's and Hamilton's version of events, NRS, GD 406/1/1846 ([Copy Lanark with additions by Hamilton] to Charles I, 18 May 1643). For Traquair's version, Innerleithen, Traquair mss, 14/26 ('Relation Concerning some passagis of business in Scotland').

¹⁸⁷ NRS, GD 406/1/1846 ([Copy] [Lanark with additions by Hamilton] to Charles I, 18 May 1643).

¹⁸⁸ *Ibid.* Hamilton was immediately reminded to attend the convention 'all excuse set asyde', NRS, GD 406/1/10787 (Loudoun, Cassilis, Balmerino & three others to Hamilton, 13 May 1643).

¹⁸⁹ For the letter informing Charles of the decision and his response, Burnet, *Lives*, p.280 (Councillors and Conservators to Charles I, 2 May 1643); *RPCS 2nd Series, 1638–43*, 429–434.

¹⁹⁰ *RPCS 2nd Series, 1638–43*, 429–434.

¹⁹¹ The instructions are printed in Burnet, *Lives*, pp.281–282.

¹⁹² That the Scots had broken the treaty was something that Charles constantly emphasised in the wake of the Solemn League and Covenant, NRS, GD 406/1/10774/29 (Charles to [Conservators of the Peace?] 26 September 1643).

¹⁹³ *RPCS 2nd Series, 1638–43*, 436–438; Baillie, *Letters*, ii, 72–75; Stevenson, *Revolution*, pp.270–275.

as incendiaries was discussed at the Privy Council on 20 June and hit a royalist movement which was already on its knees.¹⁹⁴

With the royalists softened up beforehand, the convention of estates was a less even contest than it might have been. Yet it was still the case, as it had been since at least the beginning of the year, that members had initially to fall in behind either Hamilton or Argyll. At the first meeting, the king's letter was read out restricting the convention to discussions of how to maintain the Scots army in Ireland and how to get repayment of the brotherly assistance from the English parliament. Above all, the convention was not to 'medle with the affaires of England'.¹⁹⁵ As Professor Stevenson has demonstrated, the profile of the convention was clearly shown on 24 June by the membership of the committee to draw up an act of constitution defining the convention's powers.¹⁹⁶ Put simply, the committee would decide whether the convention should obey the king's restrictions or not. The membership of the committee showed that Hamilton had most of the nobility behind him, but Argyll had the overwhelming support of the other two estates, the lairds and the burgesses.¹⁹⁷ And so on 26 June, the committee concluded that the convention had power 'to treate, consult and determine in all matters that shall be proposed unto them'.¹⁹⁸ This effectively handed control of the convention to Argyll and from that day Hamilton never returned to the house.¹⁹⁹ Technically, once the convention had ignored the king's limits on its remit then, like the nullities of the Glasgow Assembly in 1638, those who accepted the king's power to constitute assemblies could not sit on any longer. But this meant that the king did not have his most effective politician present, leaving his potential supporters leaderless. By trying to restrict the convention's remit so absolutely, Hamilton, and Charles, had foolishly manoeuvred themselves into a corner and out of the parliament house.

The convention of estates sat on without Hamilton and the other royalists who had chosen not to participate. In their absence it busied itself with Antrim's plot, in preparing for the trial of Traquair and Carnwath and in liaising with the general assembly concerning the dangers to religion.²⁰⁰ A fair head of Presbyterian steam had been generated by the time the long-awaited commissioners from the English parliament arrived in early August requesting 'mutuall defence against the papists and prelatiack factioun and their adherents in both kingdoms'.²⁰¹ In just over a week, the Solemn League and Covenant was drawn up – a military alliance to satisfy the English and a coalition for uniformity of church government in Britain to satisfy the Scots.²⁰² Around the same time, the country was put onto a war footing and a national tax to assist the Scots army in Ireland was levied. By the end of August the plan to levy and finance a Scots army to march into England was also well underway.²⁰³

¹⁹⁴ *RPCS 2nd Series, 1638–43*, 450–452; Baillie, *Letters*, ii, 77–78. The Oxford royalists had apparently sent a letter to the queen advising on military strategy in England. The rapidly crumbling state of the royalist movement in Scotland was described by Lanark, NRS, GD 406/1/1840 ([Draft] Lanark to Henrietta Maria, [15–17 June ? 1643]) and Hamilton, GD 406/1/1848 ([Copy] [Hamilton to Will Murray] 5 June 1643).

¹⁹⁵ Baillie, *Letters*, ii, 76–77; Innerleithen, Traquair mss, 14/26 ('Relation Concerning some passagis of business in Scotland').

¹⁹⁶ Stevenson, *Revolution*, pp.276–278.

¹⁹⁷ *APS*, vi, i, 5–6; Stevenson, *Revolution*, p.277. The committee was made up of eight from each estate and the nobles voted for Hamilton, Argyll, Morton, Roxburgh, Lauderdale, Southesk, Lanark, Calendar and Balmerino.

¹⁹⁸ *APS*, vi, i, 6.

¹⁹⁹ Baillie, *Letters*, ii, 77. On 4 July, Chancellor Loudoun requested Hamilton's attendance at the convention on the tenth, NRS, GD 406/1/1893 (Loudoun to Hamilton, 4 July 1643).

²⁰⁰ *APS*, vi, i, 6–23. Other royalists such as Huntly, Herries, Ogilvy and Banff were issued with citations.

²⁰¹ The English commissioners were the earl of Rutland, Sir William Armysyn, Sir Henry Vane younger, Thomas Hatcher and Henry Darley, *APS*, vi, i, 23–24. They were accompanied by two English ministers Stephen Marshall and Philip Nye.

²⁰² *APS*, vi, i, 6–23, 23–43. The Covenant is at 41–43. Quite simply, both sides got what they wanted: the English got their military alliance and the Scots got their religious coalition.

²⁰³ *APS*, vi, i, 43–59; Innerleithen, Traquair mss, 14/26 ('Relation Concerning some passagis of business in Scotland'). For Baillie's version, *Letters*, ii, 76–101. For a detailed narrative, Stevenson, *Revolution*, pp.284–291.

When Hamilton walked out of the convention of estates on 26 June 1643, his political career was virtually over until his release from prison in June 1646. On 10 July, he lamely told the queen ‘that tho the stat of affaires heare be far otheruayes then I could wish, yett I was nevir so hoopfull as att this present that no forsis uill come frome hence this sumer in to England to disturb his Maties affaires.’²⁰⁴ With characteristic caution, Hamilton added that arrangements should be made nevertheless just in case he was wrong. Hamilton and Lanark had often promised that they would oppose a military expedition against the king by force, but always stressed that they had neither the men nor the ammunition.²⁰⁵ At most, he had undertaken that no Scots forces would enter England in 1643 and nothing else.²⁰⁶

From August to November Hamilton appeared almost totally devoid of ideas, just as he had been after he left the Glasgow Assembly in 1638, after the Scottish invasion of 1640 and after the Incident of 1641. His political momentum had ran into the sand once again. On 6 October he wrote to the earl of Morton in terms that echoed his dilemma on the eve of the civil war in England:

Nou seaing the resolutiounes so posatife that ar taken a gainst us nesessatie emforsis eather a going out of the Countrie, or giving obedience (uwhich my contience uill not suffer me to doe) or resisting uwhich I sea not posabilly ue can. Housoever I have resolved to goe for kelso to speake uith thoes thatt uill be ther, ther efter for oght I yett knoes [I] uill not stay loong in this kingdome if I can not be permitted to live uithout joyning in this Covenant. I meane yett to trye itt tho I have small hoopoes to obten itt.²⁰⁷

In early November, a royalist force of around a thousand assembled at Kelso using lady Roxburgh’s funeral as a pretext (to which Hamilton referred above).²⁰⁸ Yet though they could perhaps have taken Berwick and linked up with the earl of Newcastle, they dispersed in some confusion.²⁰⁹ Hamilton must take part of the blame for being so unenthusiastic about making even a token gesture on behalf of the king. As we have seen so often since 1638, he did not have the stomach for the military contest in mainland Britain. Mainly this was because he was unable to choose which side to fight for, but it was also because he was a politician, a conciliator – someone who tried within the limits of the possible to find settlement. When the fighting started Hamilton had failed.

Like the National Covenant, the Solemn League and Covenant was to be subscribed by the political nation and Hamilton and the other royalists were ordered to subscribe.²¹⁰ After repeatedly refusing to sign, Hamilton, Lanark, and the others were declared enemies of the state in mid-November and were ordered to be arrested and their estates sequestered.²¹¹ With nowhere else to go, Hamilton and Lanark left for court at the end of November and were arrested around

²⁰⁴ NRS, GD 406/1/1827 ([Draft] Hamilton to Henrietta Maria, 10 July [1643]). This letter is wrongly dated a month earlier by Burnet, probably deliberately, *Lives*, pp.293–294.

²⁰⁵ See for example, NRS, GD 406/1/1840, 1848, 1827, 1828; NLS, Morton Papers, 79/89 (Hamilton to Morton, 6 October [1643]); Burnet, *Lives*, pp.318–319.

²⁰⁶ Hamilton stressed this when answering the charges against him at Oxford, Burnet, *Lives*, pp.340, 343 (Answer to Article vii). See also, NRS, GD 406/1/1828.

²⁰⁷ NLS, Morton Papers, 79/89 (Hamilton to Morton, 6 October [1643]).

²⁰⁸ NRS, GD 406/1/945 (Hamilton to [?], 29 October 1643); Burnet, *Lives*, p.320; Stevenson, *Revolution*, p.292. Lady Roxburgh was a Catholic.

²⁰⁹ Philip Warwick, *Memoires of the Reigne of King Charles I* (London 1701), pp.266–268.

²¹⁰ *RPCS 2nd Series, 1644–60*, 6, 10. Those councillors who had not already done so subscribed the Covenant on the morning of 2 November. In the afternoon Hamilton’s patent to be a duke was presented to the council. On 13 October, the Committee of the Convention of Estates and the Committee of the General Assembly signed the Covenant in St Giles Kirk. Robert Douglas preached on 2 Chron. xv.12 and Stephen Marshall preached ‘to that samyn end’ after him, Thompson, *Diary of Hope*, p.197.

²¹¹ NRS, GD 406/M9/28/11 (Order of Committee of Estates, 17 November 1643); Stevenson, *Revolution*, p.291. The main refusers still in Scotland were Hamilton, Roxburgh, Morton, Kinnoul, Southesk and Lanark. By 16 November only Southesk had signed.

16 December outside Oxford by order of the king.²¹² The decision to arrest them may have been taken late on, for on 28 September Charles still assured Hamilton 'that no ill offices hes had the power to lessen my confidence in you or my estimation of you.'²¹³ But there was clearly pressure to have Hamilton removed and it should come as no surprise that the charges of treason against him were submitted by Montrose, Nithsdale, Ogilvy and Aboyne – the proponents of a royalist rising in Scotland.²¹⁴ At that level, therefore, Hamilton's incarceration symbolised a change of crown policy towards Scotland from constitutional opposition to fire and sword, to military uprising. The ways of Montrose had now won over the king and queen, yet only when it was clear that Scotland would not stay out of the English Civil War. And, moreover, when it was clear that the king would not defeat the English parliament in 1643.²¹⁵

The eight articles that made up the charge of treason submitted against Hamilton included the same old accusations stretching back to 1631.²¹⁶ It was claimed that he had betrayed the king from the beginning of the troubles and that he had fomented the unrest to forward his right to the Scottish crown.²¹⁷ Given the accusers, the charges were a mixture of malicious hearsay and vindictiveness most of which could never legally be proved and Hamilton's answers to them demolished each in turn. But there was no real intention to put him to a trial.²¹⁸ He was imprisoned in Pendennis Castle in Cornwall between December 1643 and June 1646 not only because his ways were no longer acceptable to the hard-nosed royalists around the king, but above all because Montrose demanded it as a pre-requisite to his assault on Scotland. The two noblemen detested each other, so if one was ascendent in the king's affections then the other must suffer. Yet it was perhaps fitting that Hamilton, a politician down to his finger-tips should spend the bloodiest period of the British Civil Wars in prison. That the prince Palatine's brother, Rupert of the Rhine, replaced Hamilton as master of the horse was as ironic as it was pleasingly appropriate.

²¹² They were at Newcastle on 4 December, NRS, GD 406/1/1923 (earl of Newcastle to Hamilton, 4 December 1643); W.R.O., Feilding of Newnham Paddox mss, CR 2017/R9 (Petition to Oxford parliament, [1644]); Burnet, *Lives*, p.322.

²¹³ NRS, GD 406/1/169/1 (Charles I to Hamilton, 28 September 1643). The letter is in Charles's hand and is addressed to 'marquis Hamilton'. See also, GD 406/1/1907 (Murray to Hamilton, 19 September [1643]); GD 406/1/1824 ([Copy] Hamilton to Charles I, 10 October 1643); GD 406/1/1839 (Hamilton, Southesk and Morton to Charles I, [October 1643]).

²¹⁴ *CSPD 1641–43*, 510 (George, Lord Digby to duke of Lennox and Richmond, [30] December 1643). See below.

²¹⁵ A quick conclusion to the contest in England was the basis of Hamilton and Lanark's policy of keeping Scotland non-aligned in 1643, NRS, GD 406/1/1840 ([Draft] Lanark to Hentietta Maria, [June 1643]).

²¹⁶ The articles and Hamilton's answers to them are printed in Burnet, *Lives*, pp.324–346.

²¹⁷ It was rumoured that the king had written to Ochiltree, who was still imprisoned in Blackness Castle for accusing Hamilton of treason in 1631, to further Hamilton's 'destruction', Baillie, *Letters*, ii, 138.

²¹⁸ Hamilton constantly requested a legal trial. See for example, NRS, GD 406/1/1924 (Hamilton to Lord Digby, 23 December 1643); GD 406/1/1841 ([Draft] Hamilton to Digby, 28 January 1643/4); Gd 406/1/1870 (Digby to Hamilton, 13 February 1643/4); W.R.O., Feilding of Newnham Paddox mss, CR 2017/R9 (Petition to Oxford parliament, [1644]). See also, GD 406/1/1819, 1872, 1930, 1931, 11144A.