

## CHAPTER 9

# An Uncovenanted King, 1644–1647

### I

Hamilton's own account of his arrest at Oxford is a poignant tale of his final, desperate attempts to gain access to Charles I in order to counter the accusations of the Montrose circle.<sup>1</sup> This episode would not be like the Ochiltree affair in the summer of 1631, when he arrived at Court from Scotland with allegations of a plot thick in the air. On that occasion he spent the night alone with the king in the bedchamber, a striking display of absolute trust from Charles. By contrast, there was confusion from the moment that Hamilton's extensive retinue arrived at the gates of Oxford on Saturday 16 December. A final decision had not been taken over what was to be done with the duke and his brother.<sup>2</sup> It seems that he was to be arrested at the gates of the town, but the guards believed he was travelling in the coach in the middle of the train, when, in fact, he was on horseback at the front and was allowed to pass into the town. A bedraggled group of guards eventually caught up with him at Sir James Hamilton's lodgings. Secretary Edward Nicholas and Sir Arthur Aston, the governor of Oxford, interviewed him in the early evening, and shortly after midnight a guard was put around his lodging with instructions that no one was to speak to him.

Like the proverbial bad penny, Will Murray appeared the next morning and carried Hamilton's account of the Solemn League and Covenant negotiations in Scotland back to the king. Remarkably, Murray returned in the evening with a rough copy of the charges against Hamilton, even before they had been drawn into a legal document.<sup>3</sup> Earlier the same day, Susan, countess of Denbigh, Hamilton's mother-in-law, and his cousin the earl of Abercorn visited, but they were

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<sup>1</sup> NRS, GD 406/2/M9/125.

<sup>2</sup> A deposition taken after Hamilton's death claimed that he was to be arrested at York, which may account for some of the confusion when he arrived at Oxford, M. A. E. Green, *Calendar of the Proceedings of the Committee for Compounding, 1643–1660* 5 vols (London, 1889–1892), IV, 2425.

<sup>3</sup> Burnet, *Lives of the Hamiltons* (1852), p.323.

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only allowed to speak to him in the presence of Aston. It was not until Wednesday 20 December that Hamilton was separated from his numerous servants, formally arrested and made a close prisoner. Over those five days, therefore, a decision was made to imprison the duke and he was removed from Oxford to Pendennis Castle, Cornwall, without ever seeing or speaking to the king. The fact that he had already summoned legal counsel and was constructing his defence to the charges when he was taken out of Oxford was typical of the workaholic duke.<sup>4</sup>

Lanark fared better than his brother, since he was viewed as a willing accomplice rather than the wellspring of the Hamilton faction's machinations. This impression was, perhaps, reinforced by his heartfelt plea to the queen that he be imprisoned with his elder brother.<sup>5</sup> Nonetheless his request fell on deaf ears, and on the night before he was to be sent a prisoner to Ludlow Castle in Wales, Lanark, with the aid of his page, Robert Kennedy, escaped from Oxford and made his way to Windsor. He sought out Hamilton's old friend, the earl of Essex and was conveyed by him to the English parliament and the Scots commissioners in London.<sup>6</sup> Within a few months, Lanark was back in Scotland, had taken the Solemn League and Covenant and was quickly drawn into the inner circle of the Scottish regime.<sup>7</sup> Robert Baillie even gave up his chamber and bed to the repentant young earl when he first arrived in Edinburgh.<sup>8</sup>

Lanark's escape weakened the duke's case for leniency and the guard around him tightened like a vice.<sup>9</sup> He was initially refused pen and paper, save to petition the king; he was not allowed daily exercise and he had all of his servants taken from him. After numerous petitions to Charles, the restrictions on his confinement were eased and he was allowed occasionally to let servants travel to London and Oxford on the understanding that they would conduct his private business only.<sup>10</sup> On all occasions, he was to speak to servants not resident with him in the presence of the governor of Pendennis Castle. The only contact with Charles was through George, Baron Digby, with whom he conducted a frustrating, and somewhat risible, correspondence.<sup>11</sup> Hamilton's main aim was to be brought to a trial, or failing that to have the restrictions on his confinement eased; whilst Digby, who was in awe of Montrose's spectacular successes in Scotland and rather fancied himself an expert on the affairs of Charles's Northern Kingdom, tried to persuade the duke to use his influence to further Montrose's ends. If that was not insult enough, Digby opened a second front suggesting that Hamilton could make his 'powerfull friends and dependents' in the Scottish army in England reconsider their positions.<sup>12</sup> Even whilst imprisoned in a remote castle perched above Falmouth harbour, Hamilton, ever the gentleman, politely declined Digby's ridiculous proposals.<sup>13</sup>

Digby was not the only one to kick a man when he was down. On 22 June 1644, John, earl of Crawford-Lindsay, lord treasurer of Scotland, who had just left the earl of Essex's army following the siege of Lyme, and who was now at 'our leaguer before York', scolded his brother-in-law telling him that he had ended up where he was 'because your desyr was moir to serve the king than

<sup>4</sup> *Ibid.*, p.347.

<sup>5</sup> NRS, GD 406/1/1842 (Lanark to [Digby?], 7 January, 1644).

<sup>6</sup> Meikle, Henry *Correspondence of the Scots Commissioners in London 1644–1646* (Edinburgh, 1917), p.6.

<sup>7</sup> NRS, GD 406/2/M1/155 (16 April, 1644. Extract copy of the Act of the Estates); APS, VI, I, 88–9, and *passim*.

<sup>8</sup> Baillie, *Letters and Journals*, ii, 138.

<sup>9</sup> NRS, GD 406/1/1870 (Digby to Hamilton, 13 February, 1644).

<sup>10</sup> NRS, GD 406/1/1872 (Digby to Hamilton, 10 March 1644); GD 406/1/1933 (Digby to Hamilton, 5 April 1645); GD 406/1/1934 (Digby to Hamilton, 13 June 1645); GD 406/1/1929 (Digby to Hamilton, 23 September 1645).

<sup>11</sup> For example, NRS, GD 406/1/1924 (Digby to Hamilton, 23 December 1643); GD 406/1/1841 (Hamilton to Digby, 28 January 1644); GD 406/1/11144A (Hamilton to Digby, 14 August 1644); GD 406/1/1928 (Digby to Hamilton, 17 August 1644); GD 406/1/1929 (Digby to Hamilton, 23 September 1644); GD 406/1/1930 (Digby to Hamilton, 4 April 1644); GD 406/1/1931 (Digby to Hamilton, 19 May, 1644).

<sup>12</sup> NRS, GD 406/1/1932 (20 Jan 1645); GD 406/1/1933 (5 April, 1645).

<sup>13</sup> NRS, GD 406/1/1934 (13 June 1645).

god'.<sup>14</sup> It is unclear whether the patronising suggestions of the upstart Digby or the godly barbs of a brother-in-law intoxicated by the military manoeuvres with Essex crushed Hamilton's spirit further, but it is clear that his incarceration wrought significant changes in his attitude over a range of issues, both personal and political.

Hamilton busied himself with a number of activities whilst in prison, including compiling a listing of his beloved pictures, working with his old tutor Dr James Baillie and his Secretary Lewis Lewis on his deplorable handwriting, and more significantly he devoted himself to reading the Bible.<sup>15</sup> Returning to the 'rock of ages', as Burnet called it, was bound up with Hamilton's reassessment of his past predilection for the dazzling charms of the court and the pursuit of wealth and power. It was this desire that had led to the present nadir in his fortunes. Word even reached Edinburgh about the duke's renewed commitment to scripture and it was the first thing that Lanark commented upon when Hamilton got out of prison.<sup>16</sup> After his treatment at the hands of the king and his hard-line associates, such as Montrose and Digby, it is hardly surprising that Hamilton's reconsideration of his trajectory in life included a more cynical view of Charles and a deep ennui with the political process in general.

Irrefutable evidence for these changes was to be found in Hamilton's first actions following his release from prison. His liberation was occasioned by the surrender of the castle of St Michael's Mount to the forces of the victorious parliamentary general, Sir Thomas Fairfax, on 15 April 1646.<sup>17</sup> Hamilton had probably been moved there a few months before to accommodate Charles, prince of Wales, who took refuge in Pendennis Castle before fleeing to the Scilly Isles. Like his brother before him, Hamilton made his way towards London and was at Hampton Court, of which he was steward, on 12 May, where he was reunited with his youngest daughter, Susanna.<sup>18</sup> His first two letters as a free man, which were both written on 20 May, are revealing. The first was to his eldest daughter Anna, who was in Scotland and whom he addressed by her nickname:

Nane,<sup>19</sup>

God hath not only delivered me from preson & the hands of my enimis but given me the hapines of manie of my friend[s] heare and your sister sun [Susanna]. I hope eare long to sea you.

Your louing father.<sup>20</sup>

The second was to Edward Montague, earl of Manchester, speaker of the House of Lords, which was read in the upper house on the day it arrived:

My Lord

After a tedious imprisonment of two years and four months, and the unjust oppressions of many enemies, I am arrived here; and next under God must acknowledge my Liberty to the arms and great success of the Parliament of England. This benefit of freedom, besides the being taken out of the hands of my enemies (who sought after my life and destruction), is of that great value and concernment to me, and lays such an obligation upon me, as I shall study all occasions to express my gratitude for the same; which I intreat your lordship

<sup>14</sup> NRS, GD 406/1/1940. For the movements of Essex's army at this time, S.R. Gardiner, *Great Civil War*, I, 354–9.

<sup>15</sup> Burnet, *Lives of the Hamiltons* (1852), p.348; NRS, GD 406/1/1843 for the pictures. For examples of Hamilton's vastly improved handwriting, see NRS, GD 406/1/2103, 2108.

<sup>16</sup> NRS, GD 406/1/1966 (Lanark to Hamilton, 26 May 1646).

<sup>17</sup> Gardiner, *Great Civil War*, iii, 66–69, 92.

<sup>18</sup> Meikle, *Scots Commissioners in London*, p.183. The commissioners noted 'The Duke of Hamiltone comes this night to Hampton Court, and wee shall remember your lordships directions.'

<sup>19</sup> As in 'there is nane [ie none] like you'. Alexander Warrack, *The Scots Dialect Dictionary* (Edinburgh, 1988), p.373.

<sup>20</sup> NRS, GD 406/1/5935.

to be pleased to represent to the Honourable House of Peers from me, and to desire this further favour from their Lordships, that, in regard of much indisposition, contracted by a long detention and wearisome journey, I may for the present apply myself for the recovery of my health, whereby your lordships will add to the former obligations of your Lordships most humble servant. Cambridge.<sup>21</sup>

Aside from the fact that in each letter Hamilton credits the intercession of the Almighty for his release, which was not a device he employed in his letters before his incarceration, he also unambiguously describes his royalist captors as his enemies. The impression given here was deepened by Hamilton's request on 5 June to be allowed to take not only the Solemn League and Covenant, but also the Negative Oath by which he bound himself never to bear arms against the English parliament.<sup>22</sup> The earls of Northumberland and Essex, one Independent, the other Presbyterian, were instructed by the House of Lords to tender the oaths to him. Whilst Hamilton's integrity could hardly be questioned in his first public actions in London, there is the suspicion of an underlying motive given his application to the House of Commons in late May to have his sequestered goods, currently held by his brother-in-law Basil Feilding, 2<sup>nd</sup> earl of Denbigh, returned to him.<sup>23</sup> That his extensive art collection was part of the haul may partly explain Hamilton's willingness to take the oaths when he did.

The touching letter to Anna, his daughter, demonstrated another element to the duke's reconfiguration of his life following his release. From now on, his children played a bigger part in his plans than before, as did his ageing mother, Anna, the dowager marchioness, who had so publicly humiliated him by her antics in supporting the Covenanters in 1639, with her pistols and silver bullets intended for her wayward son.<sup>24</sup> The final element, and the most striking, emerged in the first exchange of letters between Hamilton and his brother, Lanark. Responding to an earlier communication from Hamilton in which he declared his intention to pursue a retired life away from the cut and thrust of politics, his younger brother rejected the suggestion out of hand:

I can no ways approve of your resolution to spend your days in a more privatt or retyred place then that you cam from, bot that you should make use of yr freedome & those naturall gifts wch God hath bestowed upon you for his service. The distracted condition of these kingdomes calls for help from everie honest heart & your particular friends looks for countenance from you at this tyme of ther publick calamities, so certainly conscience, honour and nature will chase those thoughts from you.<sup>25</sup>

It was understandable that Hamilton no longer felt able to immerse himself anew in a situation that had left three kingdoms broken and bleeding. The king's refusal to accept the Covenant and his fomenting of bloody civil wars irrevocably fractured the close relationship between Charles and his favourite. To Hamilton, the supreme exponent of the politics of the possible, such a stance was beyond reason and could only lead, inevitably, to the king's deposition or destruction. He had spent nearly ten years trying to steer the king towards a lasting settlement. During that time, he had attracted opprobrium from all sides, he had been shouted down in the streets of Edinburgh, and he had survived an assassination attempt in 1641. His estates were now crippled by a £23,000

<sup>21</sup> *Lords Journal*, viii, 321. The House of Lords replied with congratulations to Cambridge on his release and 'leaves it to him to choose what place he please to make use of for recovery of his health'.

<sup>22</sup> *LJ*, viii, 358; NRS, GD 406/2/M9/133. By taking the Negative Oath, Hamilton inserted a clause that this did not 'bring him under the notion of delinquency'. For the text of the oath, Gardiner, ed., *The Constitutional Documents of the Puritan Revolution* Third edition, revised (Oxford, 1889, 1947), pp.289–90.

<sup>23</sup> *LJ*, viii, 336, 373.

<sup>24</sup> See chapter 7, p.167.

<sup>25</sup> NRS, GD 406/1/1966 (Lanark to Hamilton, 26 May 1646).

sterling loan given to Charles to pursue his war of conscience.<sup>26</sup> Above all perhaps, his liberty had been removed on the whim of his detested rival and intellectual inferior, the marquis of Montrose. It is not difficult to see, therefore, why Hamilton had lost the will to continue. The attraction of tending to his doting daughters, motherless since 1638, indulging his renewed passion for gardening, and recovering his art collection as alternatives to the bear pit of British politics are all too easy to imagine.

Yet for all the sympathy that may be felt for Hamilton's wish to turn his face from the final twists and turns of the wars of the three kingdoms, there was another important element in this initial exchange between the two brothers. It was the assertive statements of the younger brother chiding his elder sibling to have a mind to his responsibilities that makes this exchange such a watershed in the duke's final years. The younger brother now pushed, cajoled, chivvied, organised, counselled and supported his elder sibling. When Hamilton's famous hand wringing black moods descended, it was Lanark who pulled him out of them and pushed the duke ever forward, with his formidable faction in tow. The final, and spectacular, phase of the duke of Hamilton's life was no less than a formidable double act, where Lanark's central, organisational role combined with Hamilton's leadership, public oratory and political skills in the Scottish parliament, turned Scotland on its head in the spring and summer of 1648.

## II

While Hamilton made his way from Cornwall to London, Charles slipped out of a besieged Oxford and, after wandering aimlessly for eight days, sought the protection of the Scottish army in the north of England.<sup>27</sup> On the slenderest of assurances from the meddlesome French Agent, Jean de Montereul that he would be welcomed with honour, freedom and security, Charles chose the best of the few options that he had left.<sup>28</sup> Even so, that option meant entrusting his fate to a phalanx of Covenanted presbyterians resolutely opposed to Charles's views on episcopacy, covenant and kingship. Rather than being free to do as he pleased, Charles was a prisoner from the moment he gave himself up to the Scots officers at Southwell, just outside Newark, and this was confirmed when he arrived with David Leslie's army at their military stronghold in Newcastle on 13 May, the day after Hamilton had reached the safety of Hampton Court. In a delectable irony that probably went unnoticed by both men, within days of Hamilton's captivity ending, Charles's had only just begun.

Even with no servants to attend him, Ashburnham and Hudson having been ejected by the Scots at Newark, Charles, by his mere presence, exposed the growing weaknesses in the alliance between the Scottish and English parliaments. The barely concealed contempt for the Scots held by the Independent majority in the House of Commons had deepened over the period of the two-year alliance. To some in the lower house, the Scots were callow, interfering, avaricious, military failures and a drain on the English parliament's resources.<sup>29</sup> The alliance was further damaged as

<sup>26</sup> The figure was £22,853 including interest, NRS, GD 406/2/F1/138.

<sup>27</sup> The following few paragraphs are drawn from a number of sources, including, Gardiner, *Great Civil War*, iii, 72–112; Burnet, *Lives of the Hamiltons* (1852), pp.350–353; Stevenson, *Revolution and Counter Revolution* (1977), pp.52–66; Wedgwood, *The King's War* (London, 1974 edition), pp.519–571; J. G. Fotheringham ed., *The diplomatic correspondence of Jean De Montereul and the Brothers De Bellievre French Ambassadors in England and Scotland, 1645–48* 2 vols (Edinburgh: Scottish History Society, 1898); J. Bruce, ed., *Charles I in 1646* (London: Camden Society, 1856), *passim*; Baillie, *Letters and Journals*, ii, 360–383.

<sup>28</sup> Bruce, *Charles I in 1646* (1856), p.38; William Bray, ed., *Diary and Correspondence of John Evelyn, to which is subjoined the private correspondence between King Charles I and Sir Edward Nicholas* 4 vols (London, 1854), vi, 183. For only one version, in the king's hand, of his overblown expectations concerning his 'going to ye Scotts'.

<sup>29</sup> For the payments made to the Scots, M. A. E. Green, *Calendar of the Proceedings of the Committee for Compounding, 1643–1660* 5 vols (London, 1889–1892), I, introduction.

a result of rumours of the Scots' secret dealings to bring Charles into their army, with the attendant, and hideous, prospect of them negotiating a separate peace with the duplicitous monarch that they both shared.<sup>30</sup> If that was not enough, Dr Michael Hudson, who guided Charles to the Scots camp, told the houses that the Scots were contemplating an alliance with France in order to destroy the Independents in England.<sup>31</sup> The anti-Scots feeling was less pronounced in the House of Lords since the earl of Essex's Presbyterian party had recently acquired the slimmest of majorities that, inter alia, favoured the Scots.<sup>32</sup> For their part, the Scots had also tired of the perpetual prevarication of their English allies over the establishment of true Presbyterianism in England, the pursuit of closer union, and their scant reward, both in terms of money and public recognition, for their military efforts in the three kingdoms.<sup>33</sup> As in 1640, a Scottish army occupied the north of England, but unlike then it was not the only army in the field. But the Scots army had the king. So at this juncture of affairs, and while they still had a hand to play, might even the slipperiest of monarchs be more likely to consent to their keenest desires? Needless to say, it was the most natural thing in his world for Charles to seek to widen these fissures to his own advantage.

When news reached the committee of estates in Edinburgh that the king was with their army and heading north, a small delegation was sent to Newcastle to meet him. William Hamilton, first earl of Lanark, secretary of state for Scotland, erstwhile absconder from Oxford, was at their head.<sup>34</sup> From the outset, Lanark and his fellow commissioners placed great emphasis on the king having 'reall inclinationis' to come to terms with his opponents and he was told bluntly that nothing could make the Scots 'suerve' from their 'Covenant and treaties with oure Brethren in England'.<sup>35</sup> Immediately on his arrival at Newcastle, therefore, and indeed until the very moment of his departure nine months later, Charles was pressed to allow the Covenant and Presbyterianism in his kingdoms. To the Scots this was an essential prerequisite to all other matters, while to Charles it was a never ending sequence of audiences where he was 'barbarously baited' and 'barbarously threatened' to concede.<sup>36</sup> In public, Charles professed himself willing to be persuaded by his Scottish captors that he could embrace Covenant and Presbyterianism without compromising his conscience, but in private he had no such intention.<sup>37</sup>

Beneath this depressingly familiar impasse there lay hitherto unnoticed attempts by Charles to gather support in Scotland. The king's reconciliation with Lanark was swift and within a few days the Scottish secretary was dispatching letters at the king's behest.<sup>38</sup> One of the first was a request to the houses of parliament and the Scottish commissioners in London to send north propositions for peace.<sup>39</sup> As well as drafting correspondence and papers over the ensuing months, Lanark supervised the large-scale distribution of gifts and honours to the Scottish political nation.<sup>40</sup> The earls of Callander, Crawford-Lindsay, Glencairn, Balcarres, Morton, Roxburgh, Eglington, Dunfermline, Findlater, Murray, Sir Archibald Johnstone of Wariston, Sir James Lockhart of Lee, Sir Thomas Hope of Kerse, Sir Alexander Gibson of Durie comprise a few of the names that were

<sup>30</sup> Baillie, *Letters and Journals*, ii, 374–377.

<sup>31</sup> Gardiner, *Great Civil War*, iii, 115; Baillie, *Letters and Journals*, ii, 374–377.

<sup>32</sup> Gardiner, *Great Civil War*, iii, 97–102; Bruce, ed., *Charles I in 1646*, xiv–xxii.

<sup>33</sup> *Oxford DNB*, 'Alexander Leslie, first earl of Leven', <https://doi.org/10.1093/ref:odnb/16482>.

<sup>34</sup> Burnet, *Lives of the Hamiltons* (1852), p.351.

<sup>35</sup> NRS, GD 406/1/1961 (Committee of Estates to Charles I, 13 May 1646).]

<sup>36</sup> Bruce, ed, *Charles I in 1646*, pp.45, 56–7.

<sup>37</sup> The most striking contrast between the public and private Charles can be followed through his correspondence with the queen, Bruce, ed., *Charles I in 1646*, xiv–xxii, 34–37, 40–41 44–45, 46–49, 84–85.

<sup>38</sup> Fotheringham ed., *Montereul Correspondence* (1898), I, 202–203; Burnet, *Memoirs of the Hamiltons* (1852), 352.

<sup>39</sup> Grantham, Lincs, Tollemache MSS, 3750, fol.10r (Charles I to the two Houses of the Parliament of England and Commissioners for the Kingdom of Scotland at London, 18 May 1646); Fotheringham ed., *Montereul Correspondence* (1898), I, 202–203.

<sup>40</sup> Tollemache MSS, 3750, fols.5v–40r. See also John Scally, 'Constitutional Revolution, Party and Faction in the Scottish Parliaments of Charles I' in Clyde Jones, ed., *The Scots and Parliament* (Edinburgh, 1996), p.68.



diligently entered in Lanark's book for pensions, offices, honours and sheriffdoms.<sup>41</sup> Even though the committee of estates in Edinburgh complained bitterly that they now had to be consulted on all such matters, the king's bounty poured forth nevertheless. Notwithstanding the insoluble problem of the Covenant, the beginning of a thaw in the relationship between Charles and his Scottish subjects had begun.<sup>42</sup> It was at the inception of this process, as we have seen, that Lanark wrote to his elder brother in London urging him to return to the fray.<sup>43</sup>

Trying in vain to get the anti-Scots House of Commons to release his pictures was not the only activity that occupied Hamilton while he was recuperating in London. The marquis of Argyll arrived in town to strengthen the weakened alliance between the two parliaments, and, in a rightly famous speech to both houses of parliament on 26 June, he generously waved aside all scruples the Scots had about the propositions to be presented to the king.<sup>44</sup> Uniformity in church government in the kingdoms had been fudged, control of the militia was too harsh, but, as Argyll reminded his English allies, the Scots wanted settlement and they had taken a mere four weeks to deliberate on the propositions before sending them back to London. Argyll also stressed the deep affection the Scots had for their Stewart kings, Charles included, and 'whereby they wish he may bee rather reformed than ruined' and that the institution of monarchy 'may bee rather regulated then destroyed'.<sup>45</sup>

Hamilton did not attend the upper house on the day of Argyll's important speech, but on the same day another of the Scots commissioners, Robert Baillie, commented, 'I am glad every other day to see Duke Hamilton and the Marquis of Argyll at our table: long may these two gree weell'.<sup>46</sup> Hamilton also appears to have been involved with Argyll, Lauderdale and the other Scots commissioners in their discussions on the propositions with a committee of the English parliament.<sup>47</sup> Argyll left London on 15 July, a day or so after the English commissioners commenced their journey to Newcastle with the eponymous propositions.<sup>48</sup> The week before, on 8 July, Hamilton had applied to the House of Lords for a pass to go into Scotland.<sup>49</sup> Following the persuasions of Lanark, Argyll, and apparently a personal request from the king himself, Hamilton suspended his plan to live in retirement, and followed the commissioners and Argyll north to urge Charles to accept the Newcastle propositions.<sup>50</sup>

Needless to say, not everyone in London was pleased to see the duke thus employed. A meeting was arranged at the house of his English brother-in-law the earl of Denbigh, who was now a lord lieutenant and general of the parliamentary forces in three counties, with Hamilton's old ally William Fiennes, Viscount Saye and Sele, the leading light amongst the Independent faction in the House of Lords.<sup>51</sup> Most of what was discussed at the meeting between Denbigh, Saye and Hamilton can only be guessed at, but Hamilton seems to have given them some assurance concerning his role in ensuring continued peace and the pursuit of closer union between the two

<sup>41</sup> Tollemache MSS, 3750, fols.5v–40r.

<sup>42</sup> NRS, GD 406/1/1965 (Committee of Estates to Charles I, 18 May 1646). For Charles's clever answer, GD 406/1/2027.

<sup>43</sup> NRS, GD 406/1/1966 (Lanark to Hamilton, 26 May 1646), and above.

<sup>44</sup> *LJ*, viii, 392–394. The House of Lords immediately ordered that Argyll's speech be printed, *ibid*, 392.

<sup>45</sup> *Lords Journal*, viii, 393.

<sup>46</sup> Baillie, *Letters and Journals*, ii, 378.

<sup>47</sup> *Memoirs of Henry Guthry* (1747), pp.223–4.

<sup>48</sup> Baillie, *Letters and Journals*, ii, 383 note; *Lords Journals*, viii, 433, 462.

<sup>49</sup> *Lords Journals*, viii, 421–2. The pass was for Hamilton, his daughter Susanna, and his servants, suggesting that he did not intend quickly to return.

<sup>50</sup> Baillie, *Letters and Journals*, ii, 383; for the king, see Fotheringham ed., *Montreuil Correspondence* (1898), I, 203.

<sup>51</sup> NRS, GD 406/1/1953 (Denbigh to Hamilton, 28 January 1647). Where Denbigh reminded Hamilton of the meeting and what was promised. For Denbigh's earlier career, see above and *Oxford DNB*, 'Basil Feilding, second earl of Denbigh', <https://doi.org/10.1093/ref:odnb/9249>; for Saye, John Adamson, 'The Vindiciae Veritatis and the Political Creed of Viscount Saye and Sele' in *Historical Research*, Vol. 60 (1987), pp.45–63; *Oxford DNB* 'William Fiennes, first Viscount Saye & Sele', <https://doi.org/10.1093/ref:odnb/9415>; Adamson, *The Noble Revolt*, index.

kingdoms. Speculating for a moment, it may also be that Saye, 'a constant frend and servant' since at least 1641, desired some guarantee from Hamilton that he would abide by the Negative Oath, so recently taken, to desist from any conflict with the English parliament. If 'Old Subtely', as Saye was widely known, had indeed sought such a pledge from the duke, it would doubtless have been promptly given.

### III

The naturall respect I have to all great families, and the great love and reverence that I ever carried to the King's person, makes me grieve and fear much at this time. When I look upon the disposition of all men I know, I see nothing bot ruine for poor Scotland, except the God of Heaven help yow there to save that poor Prince from destroying of himself and his posteritie, against whom he had but invocat too oft the name of God. Though he should swear it, no man will believe it, that he sticks upon Episcopacie for any conscience.<sup>52</sup>

So wrote Robert Baillie to his fellow churchman, Alexander Henderson, who was at Newcastle conducting a desultory debate on church government with the king that was to last a life-sapping seven weeks.<sup>53</sup> As well as capturing the state of affairs perfectly, Baillie revealed that the commissioners were on their way with the Newcastle propositions and that the duke of Lennox and Richmond, marquis of Argyll and the duke of Hamilton followed closely behind. The propositions that made their way to Newcastle carrying such a huge burden of expectation had been raised from the ashes of their failed predecessor at Uxbridge a few years earlier. And like Uxbridge they were a joint effort by the two kingdoms, the prescient Baillie being one of the Scottish delegates at Uxbridge. But with the king defeated they had, at least in the term concerning the militia, a sharper edge that was alluded to by Argyll in his speech before the two houses.<sup>54</sup> The cornerstones of the terms were that Charles accept the Covenant, abolish Episcopacy, introduce stringent laws against Roman Catholics, and consent to a religious settlement that the two parliaments would, in due course, agree upon. In secular areas, he was to surrender the militia for England, Ireland and Wales into the English parliament's hands for twenty years (i.e. his lifetime, and not the seven years proposed at Uxbridge), and the same was to be done in Scotland should the estates deem it fit. All titles created before May 1642 were to be scratched, and, carrying the same sting in the tail as the Uxbridge terms, a long list of those excluded from a general pardon was included that, in all but name, constituted the king's supporters in the three kingdoms. In sum, the terms barely disguised the differing priorities of the king's two opponents; one wanted to control his religion and the other his ability to wage war. Both wanted to take control of the situation in Ireland out of his hands and bring it to a bloody, and decisive, conclusion. Baillie would no doubt have disagreed, but what stood in the way of this delicately crafted compromise was, as always, the king's conscience. Or, as Baillie and numerous others would have put it, Charles's insatiable appetite for creating divisions, encouraging one party against another and raising false hopes.

When Hamilton arrived at Newcastle on 28 July, five days after the propositions had been put before Charles, the first waves of pressure on the king to give way had already subsided. The meeting between the two old friends was justifiably awkward. Hamilton kissed the king's hand,

<sup>52</sup> Baillie, *Letters and Journals*, ii, 383. For an explanation of Baillie's views on Charles's conscience, *Ibid.*, 401.

<sup>53</sup> Thomas McCrie, *The life of Mr Robert Blair* (1848), 185–186, 188. Henderson died on 19 August, and was succeeded as Charles' chaplain in Scotland by Robert Blair.

<sup>54</sup> Gardiner, ed., *The Constitutional Documents of the Puritan Revolution* Third edition, revised (Oxford, 1889, 1947), 290–306.



the two men blushed, and he withdrew into the crowd, only to be called back by Charles.<sup>55</sup> The ice broken, the two men engaged in a long conversation that went some way to repairing their broken friendship. Charles said that on the morning of the duke's arrival at Oxford in December 1643, his whole court had threatened to desert him if he had refused to order the arrest of the Hamilton brothers. Hamilton, whilst encouraged by this news, nevertheless reiterated his desire to retire abroad. Charles saw this as evidence of Hamilton's continued resentment and asked, echoing Lanark, how the duke could abandon him when his affairs were in such a dire condition. Silenced, and for the moment, the matter of the duke's retirement was dropped. Then Hamilton added his voice to the deafening chorus urging Charles to accept the propositions tendered by the two parliaments. He told Charles that he had to agree to the religious demands to win over the Scots and secure the support of the City of London, the two key components vital to his deliverance. Having done that, Hamilton assured the king that something might be done to moderate the secular terms, such as those touching the militia and delinquents. Hamilton's agenda, even at this stage, was clearly a Scottish one. In concluding, Hamilton, as he had done nearly a decade before, asked Charles if he was willing to hazard the loss of his crowns for a form of church government. The king's answer, so stunning in its simplicity, was that his conscience was dearer to him than his crowns.<sup>56</sup>

Even given the extraordinary circumstances that prevailed at Newcastle, the resumption of Hamilton's amity with Charles, however fragile, was cemented by the king's bounty. Within days of their first meeting, Hamilton received a gift of the heritable keepership of Holyroodhouse, Palace, Gardens, Orchards and Bowling Greens.<sup>57</sup> Hamilton's old tutor, and companion during his long months of imprisonment, Dr James Baillie, received a pension of 3,000 merks and was made keeper of the King's Library at Holyroodhouse.<sup>58</sup> The duke's client and attendant, Sir James Hamilton of Priestfield was made keeper of the park of Holyroodhouse.<sup>59</sup> John, earl of Crawford-Lindsay, who had chided his brother-in-law during his imprisonment for not putting God above the king, had earlier been confirmed as treasurer of Scotland and received a pension.<sup>60</sup> The king's bounty to Hamilton continued thereafter and in October he received the office of the sheriffdom of Lanark.<sup>61</sup> In a final attempt to secure his former favourite's support, on 29 January 1647, the day before the English commissioners took possession of the king from the Scots, Charles signed an audited account of his debt to Hamilton and wrote a note in his own hand along the left margin, 'Hamilton, the within written sune with interest amounting to 22,853 pounds sterling having beene by you lent in reall monies I engage my Royall word to cause repay to you when God shall enable me.'<sup>62</sup>

After his first meeting with the king, Hamilton stayed at Newcastle for about ten days and in that short period he also renewed his acquaintance with his brother Lanark, quickly re-establishing their close bond of mutual trust and support, but now with the younger sibling playing an increasingly assertive role. The platform for their success over the ensuing two to three years was created at Newcastle. Hamilton also formed a close alliance with Sir Robert Moray, lieutenant colonel of the Scots Guard in France, a member, with Montereul and Bellièvre, of the influential French

<sup>55</sup> Burnet, *Lives of the Hamiltons* (1852), 359–360.

<sup>56</sup> Burnet, *Lives of the Hamiltons* (1852), 361–362.

<sup>57</sup> Grantham, Lincs, Tollemache MSS, 3750, fol.10r. (8 August)

<sup>58</sup> Grantham, Lincs, Tollemache MSS, 3750, fol.8v.

<sup>59</sup> Grantham, Lincs, Tollemache MSS, 3750, fol.11v.

<sup>60</sup> Grantham, Lincs, Tollemache MSS, 3750, fols.6v, 8r.

<sup>61</sup> Grantham, Lincs, Tollemache MSS, 3750, fol.20r.

<sup>62</sup> NRS, GD 406/2/F1/138 (Audited Account by Justinian Pouey). The account is mounted on a card, which has an additional manuscript note mounted on the verso that reads 'this is the stated account of the mony oueing by the late King Charles 1<sup>st</sup> in England under the Royall hand whereof only was payed 15000 ster'. For the timing of the handover, see Gardiner, ed., *The Hamilton Papers* (London: Camden Society, 1880), 147 (Moray to Hamilton, 24 January, 1647); Gardiner, *Great Civil War*, iii, 188.

delegation at Newcastle, and one of the few men in the Scots camp that Charles trusted.<sup>63</sup> The duke's Francophile leanings, so evident during his foreign policy involvement during the Personal Rule, came strongly to the fore once again.<sup>64</sup> One of his last acts before leaving Newcastle was to accompany Mon. de Bellièvre to his first audience with the king.<sup>65</sup> With his dual channel of communication established at Newcastle, the duke set out for Edinburgh to reinvigorate the moderate Covenanters who had lacked a leader for so long. Accompanied by four hundred of his friends, supporters and attendants on horseback, Hamilton's entry into Edinburgh on 11 August, after an absence of nearly three years, announced in a very public way his return to the political scene in Scotland.<sup>66</sup>

The correspondence between Moray at Newcastle and Hamilton in Edinburgh between 8 August 1646 and 24 January 1647 is an invaluable aid to comprehending the insuperable problems that Charles's intransigence visited upon those who sought to serve him.<sup>67</sup> The parallel between Hamilton's correspondence from Edinburgh back to court in 1638 while he tried to navigate through the first storm of the civil wars with a set of impossible instructions is apt. In both cases, and for the Scots at least, the principal sticking point was the same – Charles's steadfast refusal to embrace the Covenant. Eight years on, however, it also disabled the Scottish nation from owning his quarrel with the English parliament. As in 1638, this issue was couched between the lines of every letter that Hamilton wrote to Moray. Of course, other issues had been thrown into the mix since 1638, such as the Scots desire for Pan-British Presbyterianism and, more recently, the urgent need for Charles to accept the Newcastle propositions. Another factor, which for a time offered Charles an alternative, was the rising power and influence of the Independent party's bicameral faction in the London parliament and their strong support in the English army.<sup>68</sup>

As usual, Hamilton was keenly aware of the complex interrelationships between the kingdoms at this stage in the crisis and, as ever, his role was not clear-cut. His full support for the king was now conditional on Charles giving way, at least on the Covenant, though preferably also on the Newcastle propositions. Neither he, nor Charles, saw his place being at the king's side. As far as can be ascertained, his court offices of master of the horse and gentleman of the Bedchamber were not restored to him when he was at Newcastle.<sup>69</sup> Yet his initial behaviour at least suggests that he was willing to serve the king. In fact, surprising as it may seem, it was Hamilton, following an earnest request from Charles, who helped finalise the treaty with Montrose that allowed him to escape abroad.<sup>70</sup> Astonishing though this behaviour was, Hamilton probably knew that if the Covenanters dealt harshly with Montrose, the slender possibility of Charles giving way on the Scots' desires would have vanished. Hamilton was also behind the attempt in August to get the committee of estates and privy council to agree to keep the Scots army in England until a full peace settlement had been agreed, and his supporters were able to keep this issue rumbling on

<sup>63</sup> See Fotheringham ed., *Montereuil Correspondence* (1898), ii, pp.565–568, both volumes of correspondence, *passim*. Moray was also the cousin of Will Murray.

<sup>64</sup> See for example, NRS GD 406/1/2100, 2101.

<sup>65</sup> Fotheringham ed., *Montereuil Correspondence* (1898), i, 238.

<sup>66</sup> *The memoirs of Henry Guthrie, late Bishop of Dunkeld: containing an impartial relation of the affairs of Scotland from the year 1637 to the death of King Charles I*, 2<sup>nd</sup> edition (Glasgow, 1747), p.229.

<sup>67</sup> Gardiner, S.R. ed., *The Hamilton Papers* (London: Camden Society, 1880), pp.106–147.

<sup>68</sup> Woolrych, *Britain in Revolution*, pp.340–343.

<sup>69</sup> There is no evidence in the Hamilton Papers or the Lanark Letter Book that any of these offices were restored to the duke.

<sup>70</sup> Burnet, *Lives of the Hamiltons* (1852), pp.359–361. Burnet avows that both General Middleton and Colonel Lockhart subsequently told him that it was Hamilton and Lanark who helped preserve Montrose; PA 7/4/11 [Draft Minute of Estates allowing Montrose safe conduct beyond the sea]. See also Stevenson, *Counter Revolution*, p.52.

until mid-September when at last the argument was lost and the Scots army was instructed to leave England as soon as it had been paid.<sup>71</sup>

But the duke's efforts in August and September reveal not only weaknesses in his commitment, but the renewal of his tendency towards duplicitous behaviour on behalf of the king. As a result of the deadlock in the debate about the Scots army, it was agreed on 26 August that a delegation should go to Charles to implore him to accept the Newcastle propositions.<sup>72</sup> Hamilton, Crawford-Lindsay and Cassillis, who were accompanied by the clerk register and five commissioners from the barons and burghs, led the group. Before setting off, Hamilton was again received into the Covenant by Mr Andrew Ramsay.<sup>73</sup> The delegation arrived at Newcastle at the beginning of September and proceeded to discharge their remit, which was to the point and uncompromising: failing to agree to the propositions would lead to the ruin of Charles and his 'posteritie'.<sup>74</sup> The king's assent was demanded immediately, or they would join with England and settle the government of the kingdoms without him.<sup>75</sup> Charles's response to this increasingly frank form of diplomacy from his Scottish subjects was to present them with a paper that cleverly evaded giving an answer, suggesting instead that the way forward was for a fuller debate of the issues. He warned that if he assented to their request, 'a peace might be slubbered up; yet it is impossible that it should be durable', and recommended that they 'take things as they are, since neither you nor I can have them as we would: wherefore let us make the best of every thing'.<sup>76</sup>

What makes this response so significant, however, is that it survives in two states. The first is a good copy in the hand of Lanark, the Scottish secretary, which was obviously a straight copy of the one passed to the Scots delegation, together with supporting papers.<sup>77</sup> The second one is undated, miscatalogued in the Hamilton Papers, and in the duke's hand, with corrections by the king.<sup>78</sup> It is evidently the original draft of the king's response. The only plausible explanation is that Hamilton, the leader of the delegation from the committee of estates and Privy Council, put all his weight behind urging the assent to the propositions, then he drafted, or helped to draft, the king's reply.

#### IV

Apart from a passing word at Windsor on 21 December 1648, Hamilton never saw the king again after the wretched failure of the Scottish delegation.<sup>79</sup> The king and he parted on bad terms. Charles was angry not only that Hamilton had been unable to stop the delegation coming from Edinburgh in the first place, but that he had arrived at the head of it.<sup>80</sup> Hamilton had been aggravated by the king's political myopia and stubborn refusal to budge, even when faced with such

<sup>71</sup> Stevenson, *Counter Revolution*, pp.73–75; Burnet, *Memoirs*, pp.366–377.

<sup>72</sup> NRS, GD 406/1/2017 (Committees of Estates & Privy Council to Charles I, 26 August 1646). The Privy Council had been pressed into service for these debates not, as Professor Stevenson has argued, to add weight to the deliberations but to allow Hamilton to participate since he was in prison when the committee of estates was chosen and so was not a member, Stevenson, *Counter Revolution*, p.74.

<sup>73</sup> Thomas McCrie, *The life of Mr Robert Blair, minister of St Andrews, containing his autobiography from 1593–1636, with a supplement to 1680* (Edinburgh: Wodrow Society, 1848), p.188. Ramsay, one of the leading Covenanter divines, is notable for refusing to preach against the Engagement.

<sup>74</sup> NRS, GD 406/1/2017.

<sup>75</sup> NRS, GD 406/2/M1/164 (Instructions, signed by Committee of Estates & Privy Council); Baillie, *Letters and Journals*, ii, 400.

<sup>76</sup> NRS, GD 406/2/M1/309; Charles's answer and the accompanying papers are printed in full, and accurately in Burnet, *Lives of the Hamiltons*, pp.367–368.

<sup>77</sup> NRS, GD 406/2/M1/309. These are the papers Burnet used, see *Lives of the Hamiltons*, pp.367–370.

<sup>78</sup> NRS, GD 406/1/2026.

<sup>79</sup> Burnet, *Lives of the Hamiltons* (1852), p.482.

<sup>80</sup> Gardiner, *Hamilton Papers* (1880), 112 (Moray to Hamilton, 28 August 1646).

hideous consequences.<sup>81</sup> The dangerous double-dealing over the composition of the king's reply to the delegation may also have played a part, recalling, as it did, his perilous behaviour in Edinburgh in 1638, at Berwick in 1639, and in London in 1640 and 1641. At their final meeting at Newcastle in September, therefore, he extracted permission from Charles to retire abroad; as it was clear that there was nothing further he could do to aid the royalist cause. He refused to be a witness to the king's destruction.<sup>82</sup>

There is, however, another reason that contributed to the renewed desire to go abroad and it was the sudden death of Hamilton's friend and collaborator, Robert, earl of Essex on 16 September. This was a severe blow and Hamilton would have agreed with Robert Baillie's appraisal from London, 'he [Essex] wes the head of our partie here, keepest all together, who now are like by that alone to fall in pieces: the House of Lords absolutely, the City very much, and many of the shyres, depended upon him.'<sup>83</sup> Hamilton was still at Newcastle when the news arrived from London and there can be little doubt that it confirmed his decision to retire abroad.<sup>84</sup> The king's complete lack of comprehension that Essex's death was a potentially fatal blow to his own cause underlined the gulf between Charles and Hamilton.<sup>85</sup> Within a few days of the death of the Scots' talisman in London, the Independents had contacted Charles with new propositions that were to lead to their claim that he could 'satisfy England with litle of Religion, and without Couenant'.<sup>86</sup> The attempt to severely restrict Charles's options to either accepting the propositions or being deposed was failing.<sup>87</sup>

For all his understandable weariness with the destructive processes at work in the three kingdoms and, moreover, the hair-tearing frustration at Charles's persistent failure to grasp the opportunities presented to him, Hamilton was never likely to be allowed to exit this final phase in his and the king's life.<sup>88</sup> His despair lasted about a month. Significantly, it was Lanark who worked on his brother after the initial wave of gloom had subsided, and it was Lanark who oversaw the Hamilton party supporters in his brother's absence. Working with Moray in Newcastle, Lauderdale in London, the Hamiltonian supporters in Edinburgh and even the queen in France, Lanark gradually broke down his brother's resolution.<sup>89</sup> In a remarkable letter to Robin Lesley, who was with the king at Newcastle, Lanark revealed all of this and his central role in the organisation and management of the Hamilton party:

I have seen all those letters you sent my brother & me, the copies of those from London I have sent to our friends in Lothian and Fyfe, wher they are all nowe scattered at ther harvests, and chooseing our ledgeslators for the ensuing Parliament [for 3 November]. There will [be] no meitting of the Comittees before the 13 of the next month, against which tyme wee both expect ane account of our last instructions to our Commisrs at London & hope that his Matie by satisfying our pious & just desyres will put this Kingdom in a Capacitie of serveing him, for it is a sad thing that so manie Gallant men must be disbanded

<sup>81</sup> NRS, GD 406/1/2268 ([Copy] Hamilton to Charles, [6 October 1646]); GD 406/1/2024 (Lanark to Robin Lesley, 29 September 1646); GD 406/1/2060 (Moray to Hamilton, 25 September 1646).

<sup>82</sup> NRS, GD 406/1/2024 (Lanark to Robin Lesley, 29 September 1646); Gardiner, *Hamilton Papers* (1880), 115–118; Burnet, *Lives of the Hamiltons* (1852), pp.370–371.

<sup>83</sup> Baillie, *Letters and Journals*, ii, 401.

<sup>84</sup> Gardiner, *Hamilton Papers* (1880), 118 (Moray to Hamilton, 19 September 1646).

<sup>85</sup> NRS GD 406/1/1939 (Will Murray to Hamilton, 19 September 1646).

<sup>86</sup> Gardiner, *Hamilton Papers* (1880), 115, 123–124.

<sup>87</sup> *Ibid*; NRS GD 406/1/1939 (Will Murray to Hamilton, 19 September 1646).

<sup>88</sup> Sir Robert Moray, his main correspondent at this time, refused to accept Hamilton's retiral and continued writing to him 'till you breake silence' NRS GD 406/1/2060 (Moray to Hamilton, 25 September 1646).

<sup>89</sup> Gardiner, *Hamilton Papers* (1880), 115–116 (Moray to Hamilton, 25 September 1646), 117–118 (Moray to Hamilton, 25 September 1646); Burnet, *Lives of the Hamiltons* (1852), pp.373–374 (Henrietta Maria to Hamilton, 22 September 1646).

before gouernment either in Church or State be settled in England or Ireland, & that his Matie should thus abandon those two crowns without a possibilitie of a regresse to them, if he shall once return to Scotland, wher I doubt his entertainment will not be veri pleasant unto him, if all heaghtes hade [hold].

Since my coming to this countrie, I have (with al the friends my brother hath) dayly assaulted him for changing his desperat resolution & gained so farr upon him as that he assisted (and I will say not uselesly for his Matie's service) at our last meiting in Edinbr, bot the letters you sent on Saturday hath prevailed much more with him & carried more forceble & persuasive reasons then wee could urge. He intended to have returned by this post ane answer to the letters you sent him, bot I have diverted [him] in hopes within two or thrie days to gaine an absolute victorie ouer his so unfitt resolution. All the arguments that is nowe left him unanswered is that he can not liue & see his Matie thus destroye himselfe & he made uncapable of preseruing or seruing him, for really besydes all tyes of dewety & obligations, his personall love to him is verie extraordinarie & I dare say unalterable. Expect within 3 or 4 days againe to heare from him and yr seruant.<sup>90</sup>

In the end, and as Lanark knew, it was Charles who made up Hamilton's mind to retire abroad and it was only Charles who was capable of altering it. In a letter that expertly described the personal danger that the king knew he would be in if he was left in England 'when this army retyres & thease Guarisons are rendred', that was clearly aimed at Hamilton's strong personal devotion, Charles at last moved to the main point:

A discourse yesternight with Ro: Murray was the cause of this letter, having no such intention before; because I esteemed you a man no more of this part of the world, beliving your resolution to be lyke the lawes of the Med[e]s & Persians;<sup>91</sup> but howsoever he showed me such reasons that I found it fitt to doe what I am doing (for I confess one man's error is no just excuse for another's omission) wch is to stay your forraine jurney by perswasion: as for arguments; I refer you to Robin, only I will undertake to tell you some positive trueths, the cheefe whereof is that it is not fitt for you [to] goe, then it is less sham[e] to recant, th[a]n persist in an error; my last is by going you take away from me the meanes of showing my selfe your most asseured reall faithfull constant frend.<sup>92</sup>

It took Hamilton until 6 October to write back to Charles and withdraw his request to leave the king's dominions, 'because I would not be a witness of what I feared, yor Matie's fall, since (as I conceived) I could not be instrumentall to yor service or preservation, upon the grounds yor Matie went on'.<sup>93</sup> Yet again, Hamilton pressed the king to assent to the demands of the parliaments; otherwise no substantial ground could be made in his preservation. He also attempted to dispel any idea Charles had of coming to Scotland, after the army broke from Newcastle, as he would not be welcome. The tone Hamilton adopted was as significant as what he wrote. Gone was the tortuous discourse of the letters of 1638, to be replaced by simple, polite language describing unambiguously the state of Charles's affairs. He vowed to do the best that he could in Scotland, but reiterated the need for the king to give way.

It was at this stage that the correspondence between Charles and Hamilton all but dried up. Hamilton did not see the king again; he rarely wrote to him. Instead he worked through interme-

<sup>90</sup> NRS, GD 406/1/2024 (Lanark to Robin Lesley, 29 September 1646).

<sup>91</sup> Once decided, fixed and fast; unalterable.

<sup>92</sup> NRS, GD 406/1/170/1 (Charles to Hamilton, 26 September 1646).

<sup>93</sup> NRS, GD 406/1/2268 ([Copy] Hamilton to Charles, [6 October 1646]).

diaries, especially Lanark, whose role was correspondingly enhanced, and Lauderdale, who was an essential factor in the Hamilton party's seizure of power in 1648.<sup>94</sup> The painting of Lanark and Lauderdale by Cornelius Johnson, showing Lauderdale passing a commission (the Engagement, perhaps) to Lanark emphasises the key role of this pair in the Hamilton party.<sup>95</sup> Having been immersed in the Covenanter regime since 1644, Lanark was now an essential component in the Hamilton party.<sup>96</sup> In the hiatus of a month, when Lanark held the Hamilton supporters together while his brother wrestled with his conscience and examined his commitment, the younger brother's central role in the events of 1647 and 1648 was confirmed. At the same time, and probably in consultation with Lanark, Hamilton established what his place would be in the turbulent political scene. It was not with the king, nor was it at the court, or in London with the Scottish commissioners. Henceforward, his role was that of faction leader in Edinburgh, girding the wavering Covenanter royalists into action and articulating their policies in parliament and committee of estates. He was the grandee, the highest ranking noble in the Scottish parliament, the natural head of a party that had lacked a leader since 1644. When the nobles, barons and commissioners of the burghs assembled in parliament for the sixth and final session of the first triennial parliament on 3 November, the first name called out on the parliamentary roll was not the marquis of Argyll, but the duke of Hamilton.

## V

The sixth session of the first triennial parliament lasted from 3 November 1646 to 20 March 1647. Two questions had to be decided by the end of the session: what to do with the Scottish army and what to do with the Scottish king. Both of these questions were bound up with the Scots' increasingly brittle relationship with the English parliament, with whom only a few short years ago they had embarked on a holy war to cleanse Charles's kingdoms of popery and evil counsel, only to find their backsliding allies, under the influence of the detested sectaries, reneging on cherished promises enshrined in the League and Covenant. Atrocious weather dampened the huge burden of expectation hanging over the parliament, as few members were able to attend the Parliament House on the first day, and those that made it were met with rumours of an immediate adjournment to be urged by the supporters of the king. However, Hamilton was unconvinced by the need for an adjournment and it was not proposed when the session got properly underway towards the end of the week.<sup>97</sup> In spite of the weather, this was the best-attended parliamentary session since 1641, when the king himself was present.<sup>98</sup> The total membership of 152 was divided almost equally between the three estates, but the rise in the noble estate, fifteen up on the previous session, was the most significant element.<sup>99</sup> The puzzling breach of parliamentary regulations whereby eight burghs sent two commissioners instead of one may be explained by the fact that these were located in the Hamiltonian strongholds of Lothian and Fife, and was, perhaps,

<sup>94</sup> For Hamilton preferring to send correspondence to Sir Robert Moray, the main intermediary until Charles left New-castle in January 1647, Gardiner, *Hamilton Papers* (1880), 127.

<sup>95</sup> 'The earl of Lanark and earl of Lauderdale' by Cornelius Johnson (1593–1661), Mezzotint, National Portrait Gallery of Scotland: Toynbee 115.

<sup>96</sup> Lanark's activities in the period after his escape from Oxford are summarised in John Scally, 'William Hamilton, 1<sup>st</sup> earl of Lanark and 2<sup>nd</sup> duke of Hamilton (1661–1651)' *Oxford DNB*, <https://doi.org/10.1093/ref:odnb/12134>.

<sup>97</sup> NRS GD 406/1/2098 (Hamilton to Moray, 3 November 1646); GD 406/1/2099 (Hamilton to Moray, 10 November 1646).

<sup>98</sup> Although the Convention of Estates in 1643 had an equal number, see Young, John R. *The Scottish Parliament: A political and constitutional analysis, 1639–1660* (Edinburgh, 1996), p.163.

<sup>99</sup> For the numbers see, Young, *Scottish Parliament*, p.163.



an attempt to bolster support in that estate.<sup>100</sup> It may also be significant that no action was taken against these burghs for doubling up on their representation.

With the Duke back on the political scene, the customary factional division across the estates with Argyll and Hamilton as their leaders was restored.<sup>101</sup> The noble estate formed the core of the Hamilton party's support, and that estate's power and influence radiated through the two lesser estates. On most of the main issues Hamilton and Lanark could rely on an inner-ring of family collaborators such as the earl of Crawford-Lindsay, lord treasurer and president of parliament; the earl of Glencairn, justice general; the earl of Haddington; the laird of Bargany; Sir John Hamilton of Orbiston; Sir James Lockhart of Lee and Sir John Hamilton of Beil. On the outer-ring were the earls of Balcarres, Roxburgh, Tullibardine, Kinghorne and possibly the earl Marishall, along with a host of waverers distributed through the estates.<sup>102</sup> Argyll, accompanied by the nobles Balmerino, Loudoun and Cassillis, drew most of his support from the barons and burghal estates, with Archibald Johnston of Wariston, recently appointed king's advocate, playing a crucial role. In this session neither party haemorrhaged significant numbers of supporters to the other, mainly because the majority of the parliament firmly believed that Charles had to accept the Covenant before any substantial commitments could be made. Dwarfed by the two main parties was a faction led by the mercurial and overconfident earl of Callander, who had boasted to Charles at Newcastle that he held the balance of power between Hamilton and Argyll. Callander's supporters were mainly drawn from those who distrusted Argyll and especially Hamilton, so he relied on a ragbag of the disillusioned and cynical to be an occasional thorn in the two magnates' sides. He was also implicated in the Incident of 1641 that sought to dispose of Argyll and Hamilton. Even though the parliament was arranged along factional lines, there is no evidence of a bitter animus between Argyll and Hamilton and they discussed some issues in private during the session, which led some contemporaries to detect the odour of collusion between the two magnates.<sup>103</sup> For example, they were both involved in exploring the possibility of allowing a recruitment for Sir Robert Moray's regiment in France, and Hamilton, Lanark, Argyll and Balmerino discussed this delicate issue in private, and reached a consensus.<sup>104</sup> Like Hamilton, Argyll had also exerted himself in long, fruitless debates with Charles at Newcastle, but then again so had many of the others assembled in the chamber.<sup>105</sup>

Yet for all the parliamentary consensus on the uncovenanted king just over the border, and private meetings with Argyll, Hamilton was, within limits, pursuing a royalist agenda. From the very start he was providing and receiving instructions through Sir Robert Moray at Newcastle. Bi-weekly accounts of parliamentary proceedings were sent to Moray to be shown to the king, and Charles poured over these, even noticing small errors in the burghal complement on a committee.<sup>106</sup> With a renewed vigour and energy remarkable in someone who a few weeks previously had chosen to leave the political scene, Hamilton gathered information on all of the members appointed to committees and on all decisions taken. His correspondence with Moray illustrated that he was very well organised, thoroughly versed in parliamentary procedure and worked

<sup>100</sup> For the Hamiltons' strength in Lothian and Fife, NRS GD 406/1/2024 (Lanark to Robin Lesley, 29 September 1646). The burghs in breach were Dundee, Linlithgow, St Andrews, Haddington, Anstruther Easter, Dunbar, and Crail.

<sup>101</sup> John Scally, 'Constitutional Revolution, Party and Faction in the Scottish Parliaments of Charles I' in Clyde Jones ed., *The Scots and Parliament* (Edinburgh, 1996), pp.54–73, esp. pp.68–69. See also, McCrie, *The life of Mr Robert Blair* (1848), p.192; *Memoirs of Henry Guthry* (1747), pp.234–235; Bruce, *Charles I in 1646* (1856), pp.48, 73.

<sup>102</sup> Scally, 'Scottish Parliaments of Charles I' (1996), pp.68–69.

<sup>103</sup> Fotheringham ed., *Montreuil Correspondence* (1898), ii, 51, 71–72, 82–83.

<sup>104</sup> Gardiner, *Hamilton Papers* (1880), 126 (Moray to Hamilton, 14 November 1646); GD 406/1/2101/2 (Hamilton to Moray, 21 November 1646); GD 406/1/2114 (Hamilton to Moray, 19 January 1647).

<sup>105</sup> Bruce, *Charles I in 1646* (1856), p.65. Charles's account of his meetings with Argyll is very odd.

<sup>106</sup> Granted this was the great committee, Gardiner, *Hamilton Papers* (1880), 127 (Moray to Hamilton, 15 November 1646).

until 4am on at least one occasion, though most nights he finished just before midnight.<sup>107</sup> The duke also displayed a quite exceptional ability to recall the intricate details of debates conducted in committee or chamber, perhaps suggesting that he kept detailed notes or a diary which has not survived.<sup>108</sup>

Although Argyll and Hamilton found much common ground in this parliamentary session, they openly disagreed on the two burning issues that faced the membership: the disbandment of the Scottish army and how far the Scottish nation should commit itself to saving the king from ruin, given his refusal to make concessions. Serious discussion of both of these issues had been postponed in the committee of estates in the late summer because Argyll was in London with Loudoun, Lauderdale, Wariston and Hew Kennedy negotiating the payment of the army's arrears and discussing what would become of the king after the Scottish army left Newcastle.<sup>109</sup> Yet the main priority in the first few days, as always, was to establish some of the main committees, chief amongst them the Committee for Burdens and Pressures of the Kingdom (the great or grand committee), which contained ten of each estate and considered the most pressing issues facing parliament.<sup>110</sup> Once constituted, Hamilton reported himself immensely satisfied with the membership of all of the committees.<sup>111</sup> It was also a telling indicator of the duke's political temperature that Wariston gave a report on the activities of the Scottish commissioners in London that Hamilton praised as being 'handsomely and fully expressed'.<sup>112</sup>

After ratifying the earlier treaty agreed with the Montrose rebels, a victory for Hamilton in the first trial of strength between the parties, the parliament moved to the issue of the Scottish army and the letter to be sent to the English parliament detailing what was to be done with the king.<sup>113</sup> Hamilton's position on these two defining issues was crystal clear. On the army, his view was that no matter the burdens to the kingdom of having a military force standing idle 'we should beare it till we see what is like to happen betwixt our brethren of England and us'.<sup>114</sup> Later in November, as the debates became more heated and the two issues melded into one, he clarified his position further:

A firme peace is that which will ease us soonest, which cannot be without the King's intrest goe jointly alongst with what hath bene mentioned, for I say without we see how he can be preserued there can be no firme, or solid peace, nor is there reason that we should weaken our selues till we see clearlier how our brethren of england will perform to us.<sup>115</sup>

Another prong of this argument, pushed by the Hamiltons at the start of the debates with little success, was that the Scottish army should not be taken out of England until Presbyterianism was fully established there, but if it was removed then the king should be allowed to come home with it.<sup>116</sup> That was the Hamilton party's agenda in the parliament, but in private the duke was aware that keeping such large forces on foot was a massive burden on the ruined Scottish economy and

<sup>107</sup> See for example, NRS, GD 406/1/2099 (10 November), 2100 (17 November), 2103 (24 November), 2110 (22 December). For 4am, see NRS GD 406/1/2109.

<sup>108</sup> See for example, NRS, GD 406/1/2110. Hamilton kept a detailed diary of the Engagement Parliament, see chapter 10.

<sup>109</sup> Bruce, *Charles I in 1646* (1856), p.48, 73; Meikle, *Scots Commissioners in London*, pp.204–5–205, 214, 217.

<sup>110</sup> APS, VI, I, 616. This is fully discussed in Scally 'Scottish Parliaments of Charles I' (1996), p.69.

<sup>111</sup> NRS, GD 406/1/2099 (Hamilton to Moray, 10 November 1646).

<sup>112</sup> *Ibid.*

<sup>113</sup> *Memoirs of Henry Guthry* (1747), p.234.

<sup>114</sup> NRS GD 406/1/2100 (Hamilton to Moray, 17 November 1646).

<sup>115</sup> NRS GD 406/1/2103 (Hamilton to Moray, 24 November 1646).

<sup>116</sup> McCrie, *The life of Mr Robert Blair* (1848), p.192.

that factor alone weakened his support.<sup>117</sup> Equally, there was insufficient appetite to break the treaty with England and provoke a war to defend an uncovenanted king.

In the face of these obstacles, however, Hamilton cleverly scalded the parliament's conscience about preserving the Scottish king, descended of a line of over a hundred, from a parcel of sectaries in England who looked to unking the Stewart monarch. The characterisation of the Independents in England as brutal and merciless was distilled in Hamilton's declaration that if Charles went amongst them they would 'destroy him and thereafter monarchie'.<sup>118</sup> As the debates moved to their first bitter conclusion, the *bête noir* of the duke's faction, the commission of the kirk, intervened to remind the overheating parliament that Charles could not be allowed to come amongst them unless he took the Covenant and secured the peace of the kingdoms, and, ominously for the Hamiltonians, a fast and day of prayer and preaching was organised.<sup>119</sup>

The great issue was debated on the 17 and 18 December.<sup>120</sup> On the first day, according to Lanark's own account, the grand committee and the whole parliament agreed to send a letter to the Scottish commissioners in London 'to press his majesty's coming to London with honour, safety, and freedom, and that we should declare our resolutions to maintain monarchical government in his majesty's person and posterity, and his just title to the crown of England'.<sup>121</sup> The victory was short-lived, however, as the very next day the resolution was overturned and replaced by a demand that Charles had to assent to all of the Newcastle propositions or government would be settled without him. Even if he was deposed in England, he would not be allowed to rule in Scotland, and even if he managed to find a way to get to Scotland, 'his regal function would be suspended' and he would be imprisoned and returned to England. As Lanark told Charles, with a hint of resentment at the king's suicidal intransigence, 'our best friends forsake us upon any motion, which may infer the least latitude about the covenant and religion'.<sup>122</sup> Hamilton, for his part, had vigorously opposed the resolution in the sequence of antagonistic debates and in the process admitted that he had 'cracked' his credit with the English parliament.<sup>123</sup>

It was another example of the remarkable pull that the king had on his Scottish subjects that on 24 December the Scottish parliament sent another delegation to Newcastle to make one last attempt to get Charles to agree to the propositions.<sup>124</sup> The king was to be told of the results of the recent debates and warned that assent to the propositions was the only way to ensure the continuance of 'monarchical government to him and his posteritie'. No one from the inner-ring of the Hamilton party joined the delegation for they knew already what Charles's answer would be, and they knew also the lame answer to the propositions that Charles had sent to London on 20 December. On 4 December, Charles had sent a long draft answer to the propositions that he had intended to send to London to Lanark to be shown to Hamilton and a few others. Their reaction was a mixture of incredulity, incomprehension and rage that Charles could even consider sending such an unsatisfactory answer. That the Covenant was not mentioned and Presbyterianism was to be allowed for a trial period of three years, but liberty of tender consciences was permitted,

<sup>117</sup> NRS GD 406/1/2103 (Hamilton to Moray, 24 November 1646).

<sup>118</sup> NRS GD 406/1/2102 (Hamilton to Moray, 24 November 1646).

<sup>119</sup> McCrie, *The life of Mr Robert Blair* (1848), p.193; NRS GD 406/1/2104. Baillie regarded the fasting and prayer as decisive, *Letters and Journals*, iii, 4–5.

<sup>120</sup> Professor Stevenson and Dr Young claim these debates took place on 15 and 16 December, Stevenson, *Revolution and Counter Revolution*, p.77; Young, *Scottish Parliament*, pp.171–172. They have based these dates on an undated letter by Lanark. However, Hamilton is quite clear that these issues were discussed on 15 December at which point nothing was concluded and the parliament was adjourned until the Thursday (i.e. 17 December). See NRS GD 406/1/2108 (Hamilton to Moray, 15 December 1646); GD 406/1/2109 (Hamilton to Moray, 18 December 1646).

<sup>121</sup> Burnet, *Lives of the Hamiltons* (1852), p.389.

<sup>122</sup> Burnet, *Lives of the Hamiltons* (1852), p.393 (Lanark to Charles, 22 December 1646).

<sup>123</sup> NRS GD 406/1/2108 (Hamilton to Moray, 15 December 1646).

<sup>124</sup> APS, VI, I, 635.

were a few of the points that threw Lanark and Hamilton into despair.<sup>125</sup> Such was the wave of criticism that arrived at Newcastle, Charles decided against sending that draft and instead sent a short, anodyne message asking to come to London 'to be heard', a theme adopted by Hamilton in his draft reply to the Scottish delegation written for the king at Newcastle in September.<sup>126</sup> Even though Charles was persuaded not to send the draft answer to London, he professed himself dumbfounded by its reception from his supporters in Scotland and asked Lanark why they could not make the best of what they regarded as 'remediless'.<sup>127</sup>

Although the bitter debates of mid-December had effectively established what would be done with Charles, it was not until 16 January that a final, binding decision was taken.<sup>128</sup> And this after another delegation had tramped to Newcastle to plead with the king to give way.<sup>129</sup> If the actions of Hamilton's brother-in-law Crawford-Lindsay, president of parliament, are anything to go by it was a wretched finale to a rancorous series of confrontations in parliament. When the question was proposed that the king should be left at Newcastle to be disposed of by the consent of both kingdoms, Crawford-Lindsay proposed an alternative question:

Whither or not his Matie who wes our Native King and had done so great things for the good of Scotland and throun himselff upon us for shelter should be delivered up to the Sectaries avowed enemies to his liffe & Government.<sup>130</sup>

The vote went through on the original question and Crawford-Lindsay was forced to sign it as president of parliament. So on the major issue of what to do with the king, the Hamilton party had failed. On the other hand, the declaration of 16 January, that was sent to the English parliament, included conditions stipulating that Charles would not be harmed, that his posterity would not be prejudiced, that there would be no change of government in England, and that all Scots officers of state, or those approved by the Scottish parliament or committee of estates, should have access to the king. It was a ring of clauses that ensured the Scottish nation's continued and heartfelt interest in the fate of their desperate monarch. The Hamiltons had snatched something from the jaws of defeat.

What is more, the conversion of Crawford-Lindsay, one of the chief Covenanters of the revolutionary decade, to the cause of the Scottish king was a sign that in the final session of the first triennial parliament Hamilton and Lanark had fractured the unity of the Covenanter regime. Hamilton's brother-in-law, the earl of Denbigh, was one of the commissioners from the English parliament that arrived at Newcastle to take the king to Holmby House. He wrote to the duke from Newcastle on 28 January warning him that his reputation had been 'much injurd' in England by reports of how he had conducted himself in the Scottish parliament.<sup>131</sup> James, duke of Hamilton and earl of Cambridge once again appeared to be the embodiment of the British problem. As his credit and reputation in Scotland rose, so it declined correspondingly in England.

<sup>125</sup> This draft answer to the propositions that was never sent is at, NRS GD 406/2/M1/269/17. It is printed in Burnet, *Lives of the Hamiltons*, 382–385. Lanark's answer, speaking for the Hamilton party, is at, Burnet, *Lives of the Hamiltons*, 386–387. Hamilton's barely controlled rage is evident in, NRS GD 406/1/2105 (Hamilton to Moray, 7 December 1646).

<sup>126</sup> See above, and NRS GD 406/1/2026. For Charles's answer sent to London, Gardiner, *Constitutional Documents* Third Edition (1947), pp.308–309.

<sup>127</sup> Burnet, *Lives of the Hamiltons*, 387–388 (Charles to Lanark, 14 December 1646).

<sup>128</sup> *APS*, VI, I, 659–660.

<sup>129</sup> McCrie, *The life of Mr Robert Blair* (1848), p.193. The commissioners were Lothian, Balacarres, Frieland, Garthland, and William Glendinning. Loudoun joined them on his way back to Scotland from London.

<sup>130</sup> *APS*, VII, 32. Act in favour of John, earl of Crawford Lindsay 15 February 1661. Crawford Lindsay nursed the grievance for 15 years before having his version exonerating him from complicity passed in the Restoration Parliament.

<sup>131</sup> NRS GD 406/1/1953 (Denbigh to Hamilton, 28 January 1647).