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THE LIFE OF THOMAS HAMILTON

FIRST EARL OF HADDINGTON

(1563 - 1637)

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( Motto: - "Cato" )
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The activities of Thomas Hamilton, first Earl of Haddington, during his fifty years of prominent public service, are so numerous and many-sided, that some definition of the scope and content of this essay is necessary.

Were we to note and comment upon each and every incident with which his name is connected, we should be writing rather the history of the Privy Council, of the Court of Session, indeed, in many respects, of Scotland itself, over a period of about fifty years, rather than that of one man. One glance, for example, at the index pages of any of the relevant volumes of the Privy Council Register will reveal to the research student that his difficulties will not be those of inadequacy of material, but rather of discrimination and selection.

The guiding principle in this essay has been to select from the mass of his activities as judge, lawyer, and statesman, chiefly those which are national in their incidence and importance, and to omit or pass lightly over those innumerable details which constituted the routine-work of one who was indefatigable in his devotion to duty.

With regard to exposition, we have preferred to treat the career of Hamilton as a whole from birth to death, and have followed therefore a chronological method. The chief merit of this is that it preserves the idea of historic continuity, and largely obviates repetition and overlapping of matter. Certain topics, however, such as his Silver Mine, his Lands, his Ancestry, etc., have been reserved for separate consideration in appendix form at the close of the narrative.
(1) McCrie's "Andrew Melville," pp. 382, 382, etc.

(2) McCrie, op. cit. p. 9.


(4) Calderwood, V. 549.
Thomas Hamilton, first Earl of Haddington, was descended from the younger branch of the famous family of Hamilton, the link of connection being John de Hamilton, younger son of the Walter Hamilton or Walter Fitzgilbert who received the barony of Cadzow from Robert the Bruce. The Earl was the son of Thomas Hamilton of Priestfield created a Lord of Session by the title of Lord Priestfield in 1607. His mother was Elizabeth, daughter of James Heriot of Trabroun. Thomas, the eldest son, was born in 1563 and received his preliminary education at the High School of Edinburgh. From McCrie we learn that the High School was then in rather an unsatisfactory state; for the Headmaster, William Robertson, seems to have been unfitted for his post. There exists no record of Hamilton's school career; but if his future eminence be taken as a criterion, there must have been assiduous application on his part.

He elected to follow the law as his profession, and so, in 1581, he went to complete his training at the famous University of Paris. This was the accepted custom among aspiring Scottish law students; indeed, his father had studied there, while his uncle, John Hamilton, a secular priest of the Roman church, occupied a Chair of Philosophy at that University. The circumstances of the time were not, however, over favourable; for the study of the Civil Law had fallen under the Papal ban, Canon Law alone being recognised. From time to time, lectures in civil law were delivered by eminent lawyers if permission or dispensation were obtained, but it is possible that Hamilton missed even these as a result of the intolerant 'Ordonnance of Blois' of 1579. Though he received a liberal education at Paris, it is at least possible that he spent some time elsewhere on the Continent. Of this, however, there is no documentary proof; still, his whole career is an enduring monument to his proficiency in law. To have had his studies personally supervised by his uncle must have been no mean advantage, though Hamilton can hardly have avoided assimilating some Roman Catholic influences which probably coloured to some extent his future outlook. In this connection it is interesting to note that he was later strongly suspected of Roman leanings.


(4) Omond's "Lord Advocates," pp. 69, 87.

(5) Senators of College of Justice, p. 221.

(6) Books of Sederunt, vol. 4, part 1, p. 103.
In 1587 he returned to Scotland where he prepared for a speedy call to the Bar. He cannot have spent long in the customary practice of attending the different courts of law, for he was admitted as advocate on November 1st, 1587. The following extract from his petition for admittance gives us a slight personal commentary on his scholastic career:

"My lordis of counsale......that quhair trew it is that I haif past the haill cours of my youthe at the scules, and student to the lawis in French nationis, and....I haif gevin my attendance and hes been expectant befor your lordschippis, quhairthrow...I merit the office of ane ordinar advocat....and member of the sessioun and college of justice....."  

This petition was duly considered by their lordships who admitted the applicant on the date above-mentioned.

Little information can be gleaned as to his doings for a few years after this admission. He must have shown conspicuous ability and risen to some distinction, for in June, 1592, with reference to an Act relative to the printing of the Acts of Parliament, Hamilton and six other lawyers were nominated to help Lord Chancellor Thirlestane in the work of revision. Omond does not do justice to him here when he says that he was not interested in such antiquarian studies. But Hamilton proved himself to be diligent in every duty entrusted to him, in witness whereof one might cite his two volumes of papers, transcripts, and records.

On the second of November, 1592, he received a more permanent appointment, viz. to succeed David Chalmers as an ordinary lord of session. The Session Books of Sederunt give an interesting account of the tests imposed on Hamilton as a probationer.

"On hearing and considering of which letter (i.e. from the king) their lordships ordained trial to be taken of Mr Thomas Hamilton's qualification, as follows:- 'The said Mr Thomas sax dayes togidder sall pas and sitt in cumpanie with the ordinar lordis reportairis of the interloquitoris in the utter tolbuith, and the said Mr Thomas all the saidis sax dayes sall mak report in presens of the haill lordis of all allegiance, answeris, duplyis, etc., hard and proponit be the partais and procuratoris in the utter hous, and all that samn space, the said Mr Thomas to gif and declar his opinion in the first place upon ilk questioun and interloquitor reportit be him, as said is, and the saidis sax dayes being expirit, the saidis lordis sall incontinent thairefter pas to consultatioun and voting amangis thamselffis upon the said Mr Thomas qualification, and gif answer to the said writing and desyer thairof....'"  

These tests were successfully passed and on the 9th November, Hamilton
(1) Register of Privy Council, vol. 5, p. 83.


(3) Register of Privy Council, vol. 5, pp. 98-100.


took his seat on the bench with the judicial title of Lord Drumcairn, the name being taken from his estate in Perthshire. His name now occurs frequently in the public records with reference to leading events. He became a Privy Councillor, and on the 14th June, 1593, he attended a Council meeting at Holyrood - the first appearance of his name there.

In July, 1593, he was appointed to a special committee to manage the Queen's estates and finances. The work of this committee was successful and resulted in an increased revenue for the Queen. A few months later we find him engaged in a different kind of work - a judicial case relative to a feud over debateable lands between David Seton, John Drummond, and Alexander Forrester of Garden. Three judges, Drumcairn, Whittinghame, and Holyroodhouse were sent to the spot to examine witnesses. Their commission was resisted and the judges had to leave without executing it; the matter seems then to have been dropped.

On the 18th January, 1594, he was present at a Convention of Estates at Holyrood, when an act was passed granting to the king the sum of £100,000 Scots in anticipation of the birth of an heir. In June of the same year, Parliament passed an important measure against the Highlands, and Drumcairn, as a judge of the Supreme Court, was called in to aid. The Act was followed by an Ordinance for the better executing of the laws: justiciary courts were to be held twice yearly throughout the land in April and October. By way of preparation for these the courts were ordered to sit on the 12th August, Drumcairn being appointed assessor for the sheriffdom of Dumfries and the stewartries of Kirkcudbright and Annandale. The terms of his commission ran:

"You are ordered to convene and procure the roll and catalogue of the persons suspected of crimes; that such landlords and bailies as have not found surety be charged to do so....This is an ordinance for the better administration and execution of justice against criminals throughout the country."

This is an illuminating commentary upon the social condition of Scotland at a time when the English statute-book contains much legislation against 'sturdy beggars' and vagrancy in general.

(2) Register of Privy Council, as above.
The year 1590 is an eventful one in his life; indeed in the history of Scotland. After the death of Chancellor Thirlestane in the closing months of 1595, his office had remained vacant. The Duke of Lennox, the Earl of Mar, and others had been aspiring to it, but the king had preferred to keep the power in his own hands and had been heard to say jocally that "he would weel ken who next should have the seals, and was resolved no more to use great men or chancellors in his affairs but only such as he could correct and were hangable." He was as ever pressed and impeded by financial difficulties. This is easy to understand when one considers the long regencies and factions, the selfish policy of the nobles, the royal household extravagance and the lavish royal gifts to private suitors. James had always been hampered by the want of money and many attempts had been made to replenish the treasury, e.g. the annexation of the temporalities of benefices in 1587. Hence, early in 1596, the king effected a reform in the entire system of his Treasury and Exchequer. The tradition, from gossip at the time, is that the notion occurred to him in a conversation with the queen. Their quarrel over the custody of the young Prince Henry having been made up, they were living amicably together, and the queen had on the 1st of January, says the tradition, shaken a large purse of gold playfully in his face and offered it to him as a New Year's gift. On his asking where she got it, the reply was: "From my Councillors," with the observation that if his councillors were worth much, he would soon be as well off. Whether acting on this suggestion or not, James did take the management of his revenues out of the hands of those four of his councillors among whom it had hitherto been chiefly distributed, viz. Sir Thomas Lyon, Treasurer; Sir Robert Melville, Treasurer-Depute; David Seton, Comptroller, and Robert Douglas, Collector-General, and transfer it to the following eight, the famous 'Octavians':

Alexander, Lord Urquhart;  
David Carnegie of Culluthie;  
John Lindsay of Menmure;  
James Elphinstone of Innernochtie;  
Walter, Commendator of Blantyre;  
Thomas Hamilton of Drumcairn;  
John Skene, Clerk-Register;  
Peter Young of Seton.

Their commission was dated the 9th January, and was ratified by a


(4) Senators of College of Justice, p. 222.

Convention on the 24th May, 1596.

Their powers were defined by the commission: they were to hold office for life, and the king was not to increase the number or fill a vacancy without their permission. The commissioners took care to consolidate their position and drew up articles for James to sign. They were to meet twice weekly during the sitting of the Supreme Court with control over the Household. James's marginal comments on these Articles drawn up by the Octavians are rather interesting:

"I promise not to boaste or menace."
"No rest or intermission of dayes whill first sum stay be put to the present confusion."

Great things were expected of this commission, and they began their duties with great zeal; they conferred in the Upper Tolbooth and adopted rigid economy as their guiding principle. Pensions were recalled, salaries reduced, and servants removed. Naturally, work of so radical a nature earned them many enemies, but that troubled them little so long as royal favour ran high. The efforts of the Octavians along these lines were quite legitimate, essential, and easily defensible. But they did not stop there, for they proceeded to appropriate to themselves offices after depriving others. This was less defensible conduct. For example, Walter of Blantyre became Treasurer in the place of the Master of Glamis who was urged to resign; and Hamilton annexed the office of Lord Advocate, only a few weeks after his appointment as one of the Lords of the Exchequer. This office had hitherto been considered too important for one individual, and in January of 1596, it was held jointly by David Macgill and William Hart. The former, aged and infirm, died on the 13th February, whereupon Hamilton took his place and co-operated with Hart until June, 1597, when the latter was given the position of Justice-Depute, leaving Hamilton as sole Advocate for the king.

James had little more than the name of king left, for the Octavians monopolised practically all work and became a formidable body. Strong opposition grew up among the other courtiers, known as the 'Cubiculars' or gentlemen of the bed-chamber, many of whom, jealous at having been displaced from lucrative and honourable positions, formed
(1) Baillie's "Historical Vindication," p. 68.

(2) Row's "History," p. 40.


a party to overthrow the hated Octavians. What made them most unpopular was their suspected leaning towards Roman Catholicism; for example, the circumstances attending the return to Scotland of the forfeited Catholic Earls led to the hostility of the Church and nation, and in addition brought about a breach between the king and his Presbyterian ministers. The zealous party had disliked them from the first, having entertained grave doubts regarding their orthodoxy, and perhaps also because they failed to do what was desired of them for the patrimony of the Kirk. Take the testimony of Row:

"About that time there were eight lords chosen....all almost either being Papists or inclining thereto....but by their dealing the Kirk came no speed."

A Convention of Estates met at Holyrood on the 22nd May, 1596, when an act was passed suspending action against the Catholic Earls, Huntly and Errol. By August, Huntly was again in the north of Scotland petitioning for pardon, which petition was considered at a Privy Council meeting at Falkland on the 12th August when it was decided that if Huntly accepted certain conditions with regard to the security of the Presbyterian religion, he was free to go anywhere. Drumcairn was present and also at a later one at the end of September, ratifying the act of Falkland. From now on as a result of this policy regarding the Catholic Earls, there was a bitter contest between King and Church over the sphere of prerogative, Drumcairn taking a prominent part on the royal side. Chancellor Maitland had favoured the Presbyterian Church, but after his death in October 1595, as we saw above, his office had been left unfilled for over three years, during which there had been a return to an anti-Presbyterian policy, for which the Octavians were suspected of being responsible. James was very anxious to come to an agreement and so a conference was arranged between the Church, represented by four ministers, and the Crown, represented by Hamilton and three others, for the 6th November, 1596. Nothing came of the meeting to James's great annoyance.

In November, 1596, Hamilton, as King's Advocate, was called upon to prosecute in the famous case of David Black, minister of St. Andrews. James was determined that there could be no agreement
(1) Register of Privy Council, vol. 5, p. 327.

(2) Ibid., loc. cit.


between him and the Church until the limits of Church jurisdiction had been clearly demarcated. His views on this question are summed up in his four demands:

1. Limitation of liberty of speech in pulpit on persons and affairs of state.
2. General Assemblies not to be held without his authority.
3. His assent to Acts of Assemblies to be necessary.
4. Synods, Presbyteries, and Kirk Sessions not to meddle with causes dealt with by ordinary laws of the land, but only with moral offences.

Black had preached a sermon on public affairs in which he was reported to have used very strong language, and the following six charges were preferred against him:

1. He falsely said that the Catholic Earls had returned to Scotland by the king's consent, whereby the treachery of the king's heart was detected.
2. He said that all kings were the devil's children.
3. He cast aspersions on the queen.
4. He had called Queen Elizabeth an atheist.
5. He had called the Lords of Session miscreants and bribers, the nobles degenerate, and the Privy Council atheists.
6. He summoned men in St. Andrews in June, 1594, to arm themselves seditiously, thereby usurping the king's authority.

Fundamentally the questions at issue were the restriction on free preaching and the Church acknowledgment of the civil courts in ecclesiastical affairs. The prosecution of Black was skilfully directed to this end: there was no real specific charge against him, the case being really a test one. The Church was fully alive to the design of the Court and made common cause with Black, and a declinature was drawn up disowning the jurisdiction of King and Council at least in such cases as a court of first instance. This was presented to the Council by Black on the 18th November and the case was continued till the end of the month. The Church meanwhile sent a copy of the declinature to all presbyteries to obtain the approval and signature of every minister in the kingdom, and to be returned before the 1st December. The Octavians were rebuked and told that they had either stirred up the king against the Church or had not used their influence to prevent him doing so; they were further admonished with regard to their negligence in attending upon divine ordinances. The Octavians, placed thus upon their defence, although annoyed, submitted to the admonition, but gave an emphatic negative to all charges against them. Calderwood says that they "purged themselves verie muche." They declared that they got

(2) R.P.C., V., 338.

(3) Baillie, op. cit., pp. 70-1.
little thanks for their efforts and that they were determined to quit their commission. The King was dissatisfied with the sending of the declinature to the presbyteries and would not forego the charges against Black, who, on the 30th November, reappeared before the Council. Counsel was allowed him by Hamilton who acted as prosecutor. The six charges quoted above were drawn up against Black, and on the 2nd December after the depositions of certain witnesses in support of the charges had been produced by Hamilton, he was found guilty and ordered to "enter his person in ward" somewhere beyond the North Esk river.

At this same Privy Council meeting, Lord Urquhart, on behalf of the Octavians, secured an Act by which certain nobles were appointed to assisteá them. Their labours were strenuous; they met in the Exchequer daily, forenoon and afternoon, and occasionally also in vacation. They were therefore reinforced by the following: the Duke of Lennox, the Earls of Argyll, Crawford, Montrose, and Mar, Lords Livingstone, Home, and Seton, Sir Robert Melville and Sir John Cockburn. Despite this, the Octavian term of office was terminated abruptly through the agency of the Cubiculars, who played skilfully upon the differences between King and Church and Octavians and Church, and brought about the famous Edinburgh riot of the 17th December, 1596. The Cubiculars told the Octavians that the Presbyterian ministers were plotting against their lives, whereupon the Octavians, genuinely alarmed, obtained a royal proclamation ordering twenty-four citizens out of Edinburgh. The Cubiculars then circulated the story that the Octavians were about to alter the religion of the country, colour being lent to the rumour by the said royal proclamation. The wildest apprehension was raised among the ministers and such of the citizens as were devoted to their cause. The panic came to a head on the 17th December, "that accursed wrathful day to the Kirk and Commonweal of Scotland." There was no bloodshed and no damage was done.

One result was the desired resignation of the Octavians. But James took advantage of the tumult to bring the Presbyterian Church under the royal thumb and to govern it by prerogative alone. The Court removed to Linlithgow and a proclamation went out against the

(2) A.P., IV. 139. R.P.C., V. 455.
city of Edinburgh, and severe acts were adopted against the holders of benefices. As a result the city was in a state of fear and the magistrates were keen on an abject submission. On the last day of the year the Court returned to Leith, and the magistrates disowned the tumult. As a condition of being restored to royal favour Edinburgh was forced to accept the most humiliating conditions. The clergy were thus largely silenced and subjected for a time.

After one year of office the Octavians resigned their commission on the 7th January, 1597, recommending, however, that another should be nominated and declaring their readiness to serve. The suggestion was adopted and on the 17th January there was presented to the Privy Council a commission of twenty-three persons. These enjoyed the same powers as the Octavians but not for life; only during the king's "good pleasure." Walter, commendator of Blantyre and Lord High Treasurer obtained the chief place. This commission was not regarded with the same suspicion by the general public as its predecessor. It came to an end on the 29th June, 1598.

We might now notice a few of the minor activities of Hamilton from the downfall of the Octavians to the Union of the Crowns. Though there is little to chronicle that is especially dramatic or national in its incidence, it is far from the truth to suggest that Hamilton had fallen into the background. As Lord Advocate and Privy Councillor, he was in constant and close touch with most of the judicial and political interests of the country. In May, 1598, we find him appointed to a commission for the enforcing of an Act relating to the erection of burghs in Kintyre, Lochaber, and Lewis for the purpose of establishing justice and obedience in these parts. On the 14th December of the same year, a new Privy Council was appointed, Hamilton being included. This Act of the Estates constituted a new point of departure in the history of the Scottish administration under James VI. As the Act itself stated, the composition of the Privy Council had for a good while been indefinite and fluctuating. But henceforth the councillors were to be a more definitely known body with stricter rules for the conduct of business. The new Council was to consist of thirty-one persons, of whom sixteen should be Earls and Lords.
(1) Register of Privy Council, vol. 6, p. 98.

(2) Ibid., pp. 274, 309, 520-1.

(3) Ibid., p. 520.

(4) Thorpe's Calendar of State Papers, Scottish Series, vol. 2, no. 92, p. 801.


(6) Ibid., pp. 408-9, 452-4.

(7) Ibid., loc. cit.
During the years 1600-02, Hamilton served upon at least seven important public commissions, for example on one which had to report on the best methods for the manufacture of cloth in Scotland, which industry at this period was in an unsatisfactory condition. They were asked to report by the 20th June, 1600, and on the 1st July following, there was passed an act of Council which was probably the result of their investigations. Inducement was held out to foreign cloth-workers to come and settle in Scotland. From a complaint by the imported workers in the next year, when the magistrates of Edinburgh were ordered by the Council to entertain temporarily these foreigners, it can be inferred that cloth manufacture in Scotland had made some progress. On the same topic we have in January, 1603, an Act prohibiting the export of linen yarn so as to encourage the home industry.

On the 31st July, 1601, Hamilton was appointed with six others as a committee to help the Treasurer, Alexander, Master of Elphinstone. This appointment which restricted the freedom and importance of that official was followed by his resignation before September 22nd at the king's special request. By the 2nd October, Sir George Home of Spott had been chosen as his successor with the continued assistance of Hamilton and his colleagues.

Towards the end of June, 1602, there arose a dispute between the magistrates of Glasgow and the 'masters' of the College regarding the spending of the yearly rents, the entertaining of the due number of foundationers, and the auditing of the yearly accounts of the College. A commission of twelve was nominated, Hamilton being included, to report on the trouble. They met on the 25th August and two days later handed in their finding which recommended, inter alia, that the College should be visited in the 15th April and the 15th October of each year, and that their accounts should be audited every 8th August by representatives of the College, the Town, and the Church.

The death of Elizabeth on the 24th March, 1603, and the accession of James to the English throne is naturally a landmark in the career of Hamilton. There was a great pressure of business in the week preceding April 5th when the king went south, and of the various Scottish ministers of state, Hamilton was probably affected most by the change. As
(1) Hill Burton, vol. 6, p. 15.

illustrative of the great increase in his powers and duties as Lord Advocate we note an Act which authorised him to appoint one or more deputies in his absence. Sir John Fortescue in the 15th century had written of the king of Scotland that he "may not rule his people by other laws than such as they assent unto." Some few years after leaving Scotland James could use these words in addressing his English Parliament: "This I must say for Scotland, and may truly vaunt it: here I sit and govern it with my pen: I write and it is done; and by a Clerk of the Council I govern Scotland now, - which others could not do by the sword." That this was no empty boast the record of his reign conclusively shows. Through the many papers, memoirs, and documents which reveal the internal condition of the country after the union of 1603, it is easy to notice the results of the regulating and consolidating influence springing from a strengthened Executive. Sir Thomas Hamilton was a prominent factor in the work of ameliorating the social condition of the country. His memory may be connected with questionable stretches of the prerogative power, and he was among the first to create a reasonable alarm that the new powers of the Crown would be dangerous to the liberties of the people.

But there can be little doubt that, whether in the right manner or not, he acted the part of a civilising and progressive statesman. A vivid picture of the Scotland of 1603 can be found in a speech which Hamilton delivered to the Estates in 1616:

"The Islanders oppressed the Highlandmen; the Highlanders tyrannised over their Lowland neighbours....the Borderers triumphed in the impunity of their violations to the ports of Edinburgh; that treasons, murthers, burnings, thefts, raiis, heirships, hocking of oxen, breaking of mills, destroying of growing corns, and barbarities of all sorts, were exercised in all parts of the country...Edinburgh being the ordinary place of butchery, revenge, and daily fights; the parish churches and churchyards being more frequented upon the Sunday for advantages of neighbourly malice and mischief nor for God's service;.....merchants robbed and left for dead in daylight, going to their markets and fairs of Montrose, Wigtown, and Berwick; ministers being dirked in Stirling, buried quick in Liddesdale, and murthered in Galloway......and all other abominations had been so repressed, punished, and abolished by your majesty's care, power, and expenses, as no nation on earth could now compare with our prosperities, whereby we are bound to retribute to your majesty if it were the very half of our heart's blood." 

Students of the Scottish history of this period are greatly indebted to Hamilton for information regarding the year following James's departure. The original volume of the Privy Council Records for the period February, 1603 to March, 1605, has been lost; but
(1) Register of Privy Council, vol. 6, introd., pp. 6-8.

(2) Ibid., vol. 14 (Addenda), introduction.

(3) Ibid., vol. 6, introd., pp. 6-8.

(4) Ibid., vol. 6, p. 863.

Hamilton had made a series of excerpts from the now missing volume. Precious although the Hamilton MS. is in supplying the deficiency, it must be borne in mind that it consists only of these Acts which Hamilton thought most important or interesting. How much the original contained we have no means of knowing; he was perhaps forming a Collection of Decisions to guide him in future judicial proceedings. This gap is not the only one in the official record that may be partially repaired by means of the Haddington manuscripts. There are three others:

1. February, 1547-8 to March, 1550.
2. January, 1553-4 to September, 1560.
3. December, 1569 to September, 1571.

His curiosity was not satisfied with the collection and transcription of records regarding transactions in which he was personally engaged, but led him to go back to the older Registers of the Council; so his labours have preserved for us some material for filling up these gaps.

James was very keen on a scheme for an incorporating union of the two countries which would have anticipated by a century the great measure of Queen Anne. Regardless of the strong antipathy in both countries, the king now urged the matter forward. In January, 1604, he wrote to his Scottish Council to address themselves to the measure, the result being the appointment of Scottish commissioners in July. Hamilton - now known as Sir Thomas Hamilton of Binny, a dignity which he received some time between the 29th June and the 4th August of that year - was one of their number. Meanwhile the English Parliament had nominated forty-four commissioners and so, on the 28th August, Hamilton was summoned to London to advise and confer with them. James wrote:

"Because your advice is specially requisite in these matters as belonging to your office, our pleasure is that with all convenient speed you address yourself to be with us at Hampton Court by the 20th of September next, bringing with you such information as you have...in any of these matters."

In October, 1604, the Commissioners met in London, and entrusted Sir Francis Bacon and Sir Thomas Hamilton with the task of embodying their conclusions. The result was a Draft Treaty of Union which was signed on the 6th December, 1604. There remained the delicate task of having it ratified by the respective Parliaments, but it was not until 1607 that they addressed themselves seriously to the task. In July, the English Parliament accepted it only in small part, while in August, the
(1) Register of Privy Council, vol. 7, p. 536.

(2) Ibid., vol. 7, p. 63.

(3) Ibid., p. 471.
Scottish Parliament took up the Draft in a more conciliatory spirit, declaring that if England would meet them half-way, they were prepared to accept it in its entirety. At the same time they made it clear in a letter to James that it was more to please him than themselves that they had reached this decision. This letter is historically important as a deliberate expression of the state of feeling in Scotland about the royal project of union. It is very largely founded upon the famous passage in His Majesty's Whitehall speech to his English Parliament on the 31st March, 1607, in which he gave vent to the historic utterance quoted above: "Here I sit, etc." The letter proves that both Parliament and people in Scotland were tired by now of the Union negotiations; they also clearly resented the King's unbroken residence in England.

Another important affair with far-reaching consequences, in which Hamilton was concerned, was the famous trial of those ministers indicted for their share in the Aberdeen Assembly of July, 1605, and for declining the jurisdiction of the Privy Council. In James's policy for the closer welding of his two kingdoms, the assimilation of the Scottish Church to the English model still held first place in his thoughts. The Scottish Presbyterians, taking a line from the king's famous remark at Hampton Court in 1604 that Presbytery "agreeth as well with monarchy as God and the devil," realised that James's removal south would not weaken his determination to root out their ecclesiastical system. In the last General Assembly that had met before his departure (Nov. 1602), it had been arranged that its next meeting should be held at Aberdeen in July, 1604. When this month arrived, the royal will was made known that the Assembly was prorogued sine die, an announcement which created great excitement and resentment. In June of the following year, however missives were sent out summoning an Assembly at Aberdeen: one, directed to the north, named the 2nd July, while the other, directed to the south, named the 5th July - a deliberate confusion of dates, says Calderwood. But, on the 20th June, great was the general dismay when the Privy Council issued a proclamation forbidding the Assembly. This they reinforced with an admonitory letter:

"We think it meet and expedient for your own weal, the weal of the Kirk, and for entertaining and cherishing of that Christian
(1) Register of Privy Council, vol. 7, p. 163 (Footnote).
harmony which should be between His Majesty and you, that you
dissolve yourselves, repair every one to his own home and calling,
and suffer this meeting to desert, and before you appoint any new
meeting and Assembly, that you acquaint his Majesty therewith."

Notwithstanding the threat, on the appointed day, nineteen ministers
appeared at Aberdeen and formally constituted themselves; they were
joined a few days later by other ten who had been delayed by the weather.
James, furious at being thus defied, resolved that these men should feel
the full weight of his displeasure. Their trial was entrusted to the
Privy Council, Lord Advocate Hamilton taking upon himself the burden of
the prosecution. Of the twenty-nine who had appeared at Aberdeen, only
fourteen stood their ground and boldly repudiated the competence of the
Council to hear the case.

On the 24th October, 1605, the fourteen were arraigned before
the Lords of Council in Edinburgh. Their names deserve to be placed
on record for the stoutness of their championship of the rights and
liberties of the Kirk:

John Forbes, John Welsh, Robert Durie, Andrew Duncan, John
Sharp, Alexander Strachan, William Forbes, James Irving, John Ross,
John Monro, Charles Pharum, Nathane Inglis, James Greig, and
Robert Youngson.

They demanded that the case should be remitted to a General Assembly of
the Kirk, but Hamilton refused the plea on the strength of the Act of
May, 1584, whereby the power over all estates, spiritual and temporal,
was vested in the Crown. Their condemnation was a foregone conclusion;
they were found guilty and ordered to be detained in confinement until
the King's will should be known. To the consternation of the Council
which would have preferred the matter to end there, an order came north
from James, commanding a new trial of the prisoners on a charge of high
treason for their refusal to recognise the jurisdiction of the Council.
This would involve a judge and jury, and therefore the Council were
reluctant to act. Strenuous but futile efforts were made by Hamilton
and others to persuade the ministers to submit to the royal will. As
a matter of fact, only six of the fourteen, viz. John Forbes, John
Welsh, Robert Durie, Andrew Duncan, John Sharp, and Alexander Strachan,
were brought to trial. No pains were spared to secure a verdict in
accordance with the king's wishes; the scene of the trial was removed to

(2) Ibid., p. 478.


Linlithgow, as the sympathies of Edinburgh might have proved awkward. The trial took place on the 10th January, 1605: the presiding judge was Mr William Hart, the Justice-Depute, while Hamilton as King's Advocate was public prosecutor. He presented the question at issue in this form: "Whoever declines the King's and Council's jurisdiction incurs the guiltiness and pain of treason." To support his case, he had to fall back on one of the great anti-Presbyterian acts of 1584, passed during the dictatorship of the Earl of Arran, the notorious enemy of the Kirk. After much argument between Hamilton and the defending counsel, Messrs Thomas Hope and Thomas Gray, the decision lay with the jury who had been warned by Hamilton that if they did not convict, they would be answerable to the King. For six hours they were closeted together, and then about 10 p.m. they brought in a verdict of 'Guilty' by a majority of nine to six - a division which, despite the conviction, was an obvious vote of censure upon the policy of the Crown. The Council naturally regarded the verdict as a triumph, though they acknowledged having strained their powers somewhat to secure it, as is evident from the letter written by Secretary Balmerino to James immediately after the trial. Contemporary accounts, chiefly on the ecclesiastical aspects, condemn Hamilton, but he does not appear to have exceeded the duties of a Lord Advocate. His position is best expressed in his own letter to the King, written from Linlithgow on the day following the trial. He points out that the miscarriage of the trial against the six ministers -

"might have exempted a great part of your Majesty's subjects from your Majesty's jurisdiction and obedience in matters of doctrine and discipline, and acquittal would have tended to subvert all royal authority in Scotland."

Not content with this success, James now wished to secure the conviction of the remaining eight ministers. Accordingly on the 22nd January, 1606, he wrote to the Council with instructions, first, to prepare for the Press a Declaration of the causes and course of his Majesty's proceedings hitherto in the whole business of the Aberdeen Assembly, and secondly, to bring the other eight ministers, now in ward, to similar trial and conviction as soon as possible. The attitude of Hamilton and the Council to this proposal is clear from their answering letter to the King, in which they promised to do their best in preparing

(2) Ibid., pp. 179-181, 186, and note.
the Declaration ordered by James for the information of the Scottish people on the great battle then being fought between the King and the Presbyterian clergy. They protested earnestly, however, against the second part of his instruction to have the remaining eight brought to trial, and declining the task as hopeless after their experience of the difficulties of the late trial, and in the present state of the public mind on the subject. To quote their own words, they find:

"the fire kindled among a few number, so overspreading all the whole country that except wisely it be prevented, greater inconveniences will follow."

Hamilton and others were summoned to London to confer on this subject, but it is not clear whether he went or not. As a result, however, the King's proposal was not pressed, but there was issued a strongly-worded proclamation forbidding sedition in pulpits, of which Hamilton was probably the author.

The Synod of Lothian seems to have resented this restraining of pulpit comment on matters of state, and made it the subject of a complaint to the Council. The Haddington MS. gives an abstract of what passed in the Council when the complaint was being considered. Hamilton therein expresses his own personal opinion of some of the comments of his colleagues upon the proclamation in question. The little intrusion of personal feeling is interesting, conveying as it does the impression that Hamilton himself had drafted the document. He was also credited with the authorship of a paper entitled "A Declaration of the just causes of his Majesty's proceeding against those ministers who are now lying in prison." This was published as a pamphlet in April, 1608, and was strongly denounced by ministers and their friends while Hamilton was adversely criticised for his share in the matter.

The feeling against Hamilton was expressed a few months later in the presence of the King himself. In September, 1608, James summoned a Conference at Hampton Court to discuss the ecclesiastical affairs of Scotland. The following eight Scottish Presbyterian ministers were called to London: Andrew Melville, James Melville, James Balfour, William Scot, John Carmichael, William Watson, Adam Colt, and Robert Wallace. The Episcopal interest was represented by


Gladstanes of St. Andrews, Spottiswoode of Glasgow, Law of Orkney, James Nicolson, Bishop-designate of Dunkeld, Andrew Lamb, Robert Howie, Patrick Sharp, and the Laird of Lauriston. Hamilton and the other chief officers of state were also summoned south. On the 22nd September the first day of the conference, James Melville, as spokesman for his side, requested time for deliberation and was granted until the next day. On the 23rd, they found the presence chamber crowded with the principal persons of the Court. The ministers had agreed to give a common answer via James Melville, but the King desired each to speak for himself. The Scottish bishops and commissioners all condemned the Aberdeen Assembly, but Andrew Melville on being called upon made a long speech defending the Aberdeen proceedings, and the other ministers followed his lead. An interruption by Hamilton led to an argument between him and William Scot on a point of law. At this juncture, Andrew Melville craved leave to speak again, and on its being granted, he threw reserve to the winds and fastened on Hamilton. He charged him with having favoured 'trafficking priests', and screened from punishment his uncle, John Hamilton, who had been banished from France and branded as an incendiary by that kingdom, while he (the Advocate) employed all his craft and eloquence to convict the unoffending and righteous servants of Christ. The Arch-Enemy himself, he said, could not have done more against the saints of God than Hamilton had done against these good men at Linlithgow. The Conference closed shortly afterwards, the ministers urging that a free General Assembly was the only means of restoring peace in the Church.

On the 26th September, 1606, there was issued from Hampton Court a royal proclamation forbidding all ministers, under pain of death, from remembering in their sermons any of the ministers then lying in ward. This extraordinary manifesto attests to the King's determination to persevere to the utmost in his policy of severity against the offending ministers and their adherents, and to compel the Privy Council, however reluctant, to be his agents. To contradict the impression that his Majesty's recent activities against the ministers implied any abatement of his zeal against Jesuits and Popish priests,

(2) Ibid., p. 260


(4) Ibid., vol. 14 (Addenda), introduction.
there was issued on the same day another edict enjoining the strict execution of the laws against all such to be found in Scotland. An immediate result of the Conference was the banishment from Scotland of the six ministers who had been tried at Linlithgow, while on the 23rd October, the Council issued an order, in virtue of a letter from the King, to the other eight still in ward to repair to certain districts and to remain there on pain of death until licensed by the King to leave. Hamilton was not present on that occasion, and there is no mention of him in the sederunts of the Council until the 16th December, 1606.

The year 1606 had witnessed a heavy blow struck by James at the Scottish Presbyterian Church. Six of her leading ministers were in exile; the two Melvilles and their six colleagues of the September conference were under James's eye in England; and over twenty, who were allowed to remain in Scotland, were either under suspicion or removed from their parishes. Before the close of the year, however, James carried the assault farther. On the 10th December, we find Hamilton present at a convention of ministers at Linlithgow as one of the Court party. The matters under discussion were the suppression of Catholicism, and the King's new scheme for constant moderators for presbyteries and synods. Hamilton was appointed by the Council as commissioner to the synod of Lothian to enforce upon them the acceptance of a constant moderator. In this purpose he failed though he attended two of their meetings. Constant moderators of synods virtually meant diocesan episcopacy, and the opposition which had been active before now became so vehement that Hamilton and the other officers of state were none too comfortable in their position as executors of the royal policy.

Much valuable information and interesting commentary on the working of the Executive in Scotland over the period August, 1606, to June, 1612, can be gleaned from the 'Notes' of Privy Council proceedings carefully compiled by Hamilton. These are not like the other excerpts, mere substitutes for now lost portions of the original Register of the Council, but they are a valuable supplement to that official record in the shape of contemporary additions and comments from the pen of one of
the chief men concerned in the proceedings. The 'Notes' reveal to us a mental picture of Lord Advocate Hamilton sitting at the Council board along with Chancellor Dunfermline and his other colleagues, taking part in the discussions and jotting down here and there any occurrence that especially interested him, or any expression of opinion that irritated him. Not only, therefore, do we get new pieces of information for these years, but also livelier glimpses of these sittings of the Council than can be obtained from the formal minutes of Decrees and Acts.

As exemplifying the new information that they contain, one can instance the long entry of date 1st December, 1608, where to the record of the receipt from his Majesty of a letter announcing the "happe discoverie of the haynous offence committed be the Lord of Balmerino", there is appended a report by Archbishop Spottiswoode (then of Glasgow) of the proceedings and speeches on that great business in the secret meeting of the English Privy Council at which he had been present.

Of pieces of information of that more subtle kind which reveals the diversities of character and opinion existent among the Councillors, and enables us to conceive their mutual bickerings, we have several entries which illustrate the fact that in the old Scottish Privy Council of the Dunfermline administration, just as in the later ones of the reign of Charles I., there was always an antagonism between the lay members of the body and the ecclesiastical, the latter generally favouring a severe and illiberal policy and pressing for measures which the lay members resisted.

For example take two paragraphs of date the 18th December, 1606, Here we see the churchmen of the Council pressing for the enforcement or extended application by the Council of certain ecclesiastical ordinances of the famous anti-Presbyterian convention of ministers of Linlithgow in December, 1606, and the majority of the Council refusing the request on the ground that "they were not in use to mell with maters of the General Assemblie without the Kingis expres direction." In other extracts of dates 20th July, 1609, 12th December, 1609, and 11th July, 1611, the subject of difference is the more special one of
the rights and powers of the clergy to prosecute for witchcraft. From the tone of the notes generally on this topic, one would infer that Hamilton himself was strongly on the anti-clerical side in the matter. Of this there is distinct proof in what he tells us of his argument with the Bishop of Moray on the subject. He writes:

"I alleged that while they were fugitive, there should not any warrant be given to take them, seeing their liberty was their birthright.... I declared that if these women had been taken in the actual fact of witchcraft or incantation...it was lawful to take them...but upon report or suspicion it was not lawful."

On this question probably the Chancellor and he were at one; and when they did differ, it was upon some abstruse point of law, but always with mutual good temper.

This was not the case when Hamilton differed from Archbishop Gladstanes. It must have been a lively scene in the Council when in the discussion of a case referred to them on the 13th June, 1611, by the Justices of the Peace for the Merse, there was the encounter between the blustering Archbishop and the sarcastic and self-possessed Lord Advocate which is described with so much glee by Hamilton himself.

Gladstanes, forgetting that the recent introduction into Scotland of the English system of Justices of the Peace was one of James's own favourite devices for the improved civilisation of his native land, was imprudent enough to affirm in open Council that the institution was "without any warrant of law, and it was no reason why that Commission as one sun should overshadow and obscure all the other jurisdictions of the kingdom...." Whereupon Hamilton was roused: "I answered that it was strange that his lordship who had received so great favour and honour of the King, should impugn his authority and the order set down by him for the peace of the country, and that he took very absolutely upon him to exorcise the High Commission newly instituted by his Majesty with great power to him and his colleagues." To this the Archbishop replied that it was free to Councillors to express their opinions, to which Hamilton retorted that his office was a warrant for him to maintain the King's prerogative.

We shall now glance at some of Hamilton's judicial activities in the great State trials of the years 1608 and 1609.

(2) Original memoranda, see Fraser, vol. 1, p. 101.


(4) Ibid., pp. 118-9.

At a Parliament held in Edinburgh in June, 1609, James wrote to Hamilton a letter expressing great contentment with his services. These services concerned the judicial acts passed by Parliament, for these related to two important treason trials for which Hamilton had been preparing evidence, and the Parliamentary sentences crowned his labours.

In the later months of the year 1607, he was engaged in the trial of one Margaret Hartside, who was accused of theft, and (so the courtiers averred) of revealing the queen's secrets to the king. In the months of October and November, depositions were taken from her in the presence of Chancellor Dunfermline, Treasurer Dunbar, and Lord Advocate Hamilton. She vigorously denied the assertions, but the line of examination suggests that the popular view was correct and that the charge of theft was a mere pretext. The examining judges wrote to London, saying that they had employed Hamilton as recorder of the depositions, knowing well his loyal affection to the royal service. The Queen naturally took a keen interest in the whole affair, and, though desirous of securing a conviction, had no intention of depriving the accused of legal support in conducting her defence. Lady Jane Drummond, writing from Whitehall to Hamilton on the 27th April, 1608, remarks:

"I spake her Majesty who sayeth that she mynds to send down agayne the day; bot, howsoever, she willeth yow go on without any continuasjon of the dyet, and is also content that she have the halp of lawers, for she never intended to use any dealings towards them but be order of law."

The Queen herself wrote to Hamilton on the 14th May, 1608, wishing him favourable progress in the trial:

"Although wee do heare that Hartsyde hath made choyse of your best and subtilest lawers for her defence, yet I will never doubt but your sufficiencie and loyal affection towards us, and the equities of that cause will so far prevaile as that their cavillous objections shall not be able to smother the truth, nor hinder me of my undoubtedly expected contentement, which is that she may once be convict be an assyse, and so brought to our mercy..."

The trial ended with her being found guilty of detaining jewels in her possession, a verdict which amounted to virtual acquittal. The judges, including Hamilton, recommended her to mercy, and the King therefore decreed sentence of banishment to the Orkneys.

In the spring of 1608, we have a trial which was an echo of the


(3) Register of Privy Council, vol. 8, p. 246.

famous Gowrie Conspiracy of 1600. This was the case of one George Sprott, a notary of Eyemouth, who was charged with complicity in the affair of 1600. He was arrested in April, 1608, for having made incautious statements about Robert Logan of Restalrig (who had died in 1606) accusing the latter with being privy to the Gowrie plot. The most important of Sprott's depositions have been preserved by Hamilton. In his confession, described by Hamilton as being "written all with his own hand, and send be him to the Erle of Dumbar," Sprott says: "I will tak on my conscience and will gang to deid with it, that the laird of Restalrig knew of the conspiracie of the Erle of Gowry." A letter from Logan to Gowrie, which was not produced at the trial, is so vague in its terms that no definite meaning can be attached to it. Sprott was found guilty and condemned to death. That he was a shady character is certain for, when aware of his doom, he admitted that he had lied in asserting Logan to have written the incriminating letter, but he stoutly held to his statement that Logan was privy to the whole affair. Yet of the worth of Sprott's testimony Archbishop wrote as follows:

"Whether or not I should mention the arraignment and execution of George Sprott, Notary in Eyemouth, who suffered in August, I am doubtful; his confession, though voluntary and constant, carrying small probability."

This trial led up to another in the Parliament of the following year, viz. of the deceased Logan of Restalrig. According to the law of treason, the summons of forfeiture was directed against his heir. On the 14th February, 1609, Hamilton received instructions to prepare the summons: the writ was sealed on the following day, the celerity of the procedure suggesting that the necessary papers had been provided before the 14th. Parliament met on the 15th June, but the case was not well received. The difficulties confronting Hamilton were great, but the Earl of Dunbar supported him in dealing with the Lords of the Articles, and ultimately they gained their point. On the 21st June, Hamilton wrote to James, reporting his success; he writes:

"It pleased God that the Lords of the Articles being happily prepared by the depositions of divers honest men of the ministry and other famous witnesses, who recognising Restalrig's handwriting in his treasonable missives produced by me, with very sensible and forcible reasons and causes, of their constant and confident affirmations, that these missives were written by him...."
Hamilton had obviously been very active in securing witnesses of some social standing in order that their testimony might carry weight with the Articles Committee, which, at the outset, was very reluctant to act - an unwillingness, springing, no doubt, from the recent memory of the unsavoury character of Sprott, from whose assertions against Logan the whole proceedings had originated. Still, sentence of forfeiture was passed as desired - a considerable personal triumph for the Lord Advocate, and one which gratified his royal master not a little.

The next trial to be considered was one which Hamilton could take little pleasure in handling, viz. that of James Elphinstone, Lord Balmerino, who was charged with having surreptitiously obtained the signature of James VI. to a letter in 1598, addressed to Pope Clement VIII., in which he had greeted His Holiness in very cordial terms. A copy of this letter having been seen by Elizabeth, the English queen had asked James for an explanation, whereupon both the king and the secretary Balmerino had declared it to be a forgery. There the matter rested until 1608, when the existence of the letter was again referred to during some controversy between James and Cardinal Bellarmine. The result was that Balmerino was summoned to London, where in November, 1608, he made an abject submission and confession of his guilt. He was sent to Scotland to await his trial, at which Hamilton was instructed to prosecute. This was a most unpleasant duty because of the close friendship between the two. In a letter to Secretary Hay on the 27th December, 1608, Hamilton refers to the delicacy of the situation, but declares characteristically that duty must come first:

"I have known your lordship's faithful affection in his Majesty's service, and true love to myself, who both in the opinion of the world and in effect have been my lord Balmerino's friend, as well in remembrance of our old familiarity at first contracted at the schools, as of our conjunct employments in divers his Majesty's services these many years ago, and thereby may incur not only suspicion but blame and disgrace if anything shall be omitted in that accusation which becomes my place and charge...... I can discern that it (his friendship to Balmerino) holds no greater proportion with that superlative duty which I owe to so great a king....nor a mote to a mountain, or a midge to an elephant."

Hamilton also respected Balmerino's talents and feared that the accused if he chose to set aside his confession, might secure a verdict unfavourable to the king. With these doubts in his mind he wrote both
(1) Fraser, vol. 2, pp. 216-8.

(2) Original letter, see Fraser, vol. 1, p. 109.

(3) Fraser, vol. 2, p. 71.
to the King and to Dunbar upon whose aid he relied greatly. The following is an extract from his letter to the Treasurer, of date the 6th February, 1609:

"I received from your lordship these writs to command me to advise and declare by my answer in writing what I thought they might work, and what could be objected to the contrary by such as may join with the offender in his defence at the bar, in case he follow that unwise course.... I have thought meet to subjoin these short observations..." (There follow certain points on which the defence might work.) "These and many more objections may be made by our adversaries to extenuate the fact...."

The indictment was sent to James himself for revision, and regarding it Sir Alexander Hay wrote to Hamilton on the 21st February, 1609, expressing the King's contentment on the whole. The only point that James cavilled at was that "it did express too much of these excuses and apologies that he made here for his own defence." The anxiety of Hamilton and Dunbar as to the outcome of the proceedings proved to be groundless, for at the trial on the 9th and 10th March, 1609, Balmerino repeated his former confession made in London in November of the preceding year. He was found guilty but the sentence of death was never carried out. After three years of more or less easy confinement he died in 1612. The King was especially grateful to Hamilton for his exertions; in a letter of the 22nd March, 1609, he conveys his sincere thanks:

"We cannot but think you more than sufficiently discharged of that which you promised and undertook in your letter sent unto us, and do yield unto you our most hearty thanks therefore; assuring you that your service done at this time shall not be unremembered by us."

Hamilton's services in the Parliament of 1609 raised him greatly in James's favour and formed therefore a distinct step in his career, for, a few years later, the royal promise was fulfilled.

The years 1609 to 1613 are not of very special importance for Hamilton, though of course, from his official capacity, he was more or less concerned in every act of state. James had never suspended his efforts towards the advancement of Episcopacy in Scotland, and now in 1609, he goes further. Hamilton was instructed by royal letter dated the 24th March to carry through an Act restoring to the Scottish prelates the power of constituting their own courts for the trial of consistorial cases regarding wills and divorces. James reminded
Hamilton that he was keenly interested in this matter, and urged him to get the thing through if he wished to deserve thanks:

"As none of our Council there can be ignorant but the work of establishing bishops and restoring of their estates has been our own proper motion.... so we think that you do know as much thereof as another... and therefore since this matter of the Commissaries is now in hand... let not the unwillingness of any to this our intention or the objection of difficulties be a hindrance to this work; but since it becomes you as our advocate to plead for the furtherance of any thing that is our pleasure and determined will, so we wish to see in this business a particular proof thereof, as you would deserve our special thanks and eschew our reproof."

The Act was strongly objected to, as may be gathered from Gladstane's report to the King on the 7th April, 1609:

"Although my Lord Dunbar and we urged instantly the perfection of your Majesty's purpose in this affair, yet the Lores advanced so many objections and difficulties to ensue thereby, as likely the States in Parliament should be hardly induced to accord thereto unless the same were removed..."

Hamilton was evidently influenced by the King's peremptory letter, though it is probable that he had no great liking for the Act in question, because he feared that the prelates would encroach on the royal prerogative. After the Parliament which met at Edinburgh in June, he wrote to James on this subject with regard to certain privileges claimed by the Archbishop of St. Andrews. Hamilton had feared that the King's customs would be abolished at St. Andrews, and therefore he had framed an Act of Submission (which had been passed) in which the Archbishop expressed his willingness to yield to the royal decision in the matters under discussion. Writing on the 24th June, Hamilton says:

"I was bold to advertise your Majesty of the cause of the delay of the settling of the controversy between your Majesty's officers and the Bishop of St. Andrews concerning some privileges claimed by him which I have ever thought undue to any subject. The shortness of this session of Parliament did force me... to enter in contestation with the Archbishop before some of the principals of your Council anent these matters.... I formed an Act of Submission, which has been passed by the Articles, and gives to your Majesty the decision of these questions, wherein I pray your Majesty not to give credit contrary to this narration which is the express truth... I foresee that my opposition in these matters may breed me dislike.... But if your Majesty shall hear any change of report in me, I doubt not but that your Majesty will remember the cause thereof, and will not thereby be moved to alter that gracious opinion which your Majesty has so long had of me, your Majesty's old and faithful servant."

This letter seems to have had an effectual result, for in October, 1609, the King appointed five special commissioners to oversee the various benefices and prevent dilapidations by the present incumbents.

(2) Ibid., pp. 104-107.

In was in the year 1610 that James made one of his boldest advances towards the end at which he was so resolutely aiming. In February of that year, he imposed upon Scotland two Courts of High Commission for the punishment of ecclesiastical offences, for example the eradication of scandal and heresy. Hamilton was appointed a member for the province of St. Andrews. In so far as the decrees of the new Courts were to be subject to review by the Court of Session, they never enjoyed quite the same power as their English counterpart. Each was to have an Archbishop for its president and was to consist of clergy and laity - five constituting a quorum. All were to be subject to their jurisdiction; offences in "life and religion" were to be its special province, and fines and imprisonments the means of enforcing their authority. Calderwood's scathing criticism can be taken as expressing the view-point of the average Kirk adherent. As in England it was the arbitrary action, the vaguely defined powers of these Courts that came to make them a byword for tyrannous oppression with the Scottish people. James now issued his orders that a General Assembly should meet at Glasgow in June, 1610, for it was part of his policy to make it appear as if his ecclesiastical schemes had the sanction of the Church itself. Naturally these meetings required and received very careful management on the part of the prelates and officers of state. Hamilton, however, was not named as a member of this Assembly when "Presbytery, thing and name was voted to be at an end in Scotland." In the month of January, 1610, James reduced the Scottish Privy Council from some ninety nominal members to a working body of thirty-five. The reasons for the change were clearly stated:

"Forsamekill as the great and superfluous number of people of all estaits and conditionis admittit to be of our Privie Counsell hez not onelie bred great confusion in the treating of affaires and contempt in the subject of that place and dignitie, but also hez procured no small hinderance to the publict good of that estate and advancement of our service."

Brief mention might now be made of Hamilton's dealings with the case of Patrick Stewart, the second Earl of Orkney. The latter, a cousin of the King, had been driven from Court through the machinations of the favourite Robert Ker, whereupon he had conceived

(2) Register of Privy Council, vol. 9, introduction.
the idea of establishing himself in the Orkneys and Shetlands as an island sovereign independent of Britain. So persistent and grievous were the complaints received against his tyrannous oppression, that in July, 1609, he was committed by the Privy Council to Edinburgh Castle to be detained during the King's pleasure. Several ineffectual attempts were made to secure his release, but he was summoned for trial by Lord Advocate Hamilton in June, 1610, but the case was postponed pending attempts by James and his Council to effect for these northern islands what the 'Band of Icolmkill' had effected for those of the west. For more than five years Earl Patrick lay, partly in Edinburgh and partly in Dumbarton, until his trial in 1615, when Hamilton was no longer Advocate. He was finally beheaded at the Mercat Cross in Edinburgh on the 6th February, 1615. There was more trouble, however, in the far north before that time which we shall note below.

In the month of August, 1610, there was an important change in the office of Lord High Treasurer in Scotland, in which many suspected the influence of the royal favourite Ker. In that month the ministerial offices of the Comptrollership and the Collectorship were consolidated and incorporated with the Earl of Dunbar's High Treasurership. This left only the Treasurership-Depute still in existence as a Finance office nominally distinct from the Treasurership. In September, Dunbar, Chancellor Dunfermline, and Secretary Hay were summoned to London, and for the months of October and November, the Privy Council had to get on without these leading personalities. It was decided at Whitehall that, as there was no immediate prospect of Dunbar's return to Scotland, the business of the now conjoint offices should be deputed to Chancellor Dunfermline, Lord Scone, President Preston, Secretary Hay, Lord Advocate Hamilton, and Sir Alexander Drummond, and that there should be a resuscitated Court of Exchequer, consisting of these six together with seventeen other members of the Council and one outsider. What was the motive underlying this great enlargement of Dunbar's powers while at the same time parcelling out the actual performance of them to so many resident Commissioners, it is difficult to say. It was rumoured by some that Sir Robert Ker
(1) Register of Privy Council, vol. 9, introduction.

(2) Calderwood, vol. 7, p. 158.
meant in time to supersede Dunbar in the Treasurership with a view to establishing in the near future a virtual dictatorship in Scotland. Subsequent events which will be noted below tended to suggest that such a reading of the events of 1610 was not altogether without foundation. It is sufficient for the present, however, to say that Dunbar remained in London, while Dunfermline, Spottiswoode, and Hay returned home in December, 1610, and January, 1611.

One can well imagine the consternation in the Scottish Privy Council when it was learned that Dunbar had died at Whitehall on the 29th January, 1611. The immensity of the blank left in Scottish public affairs made Dunfermline and his colleagues anxious. What was to be done with the High Treasurership with its recent annexes of Comptrollership and Collectorship? A letter from the Council to the King on the 4th February suggested delay and caution, but a month elapsed without their receiving any definite information from London. From the 13th March to the 25th April, the Council sederunts are thin and the proceedings uninteresting. The reason is that Hamilton, Dunfermline, Spottiswoode, and some others were away in London to co-operate with James in the great affair of the Treasurership. They were back in Edinburgh by the 25th April. The issue of the London deliberations was that there was to be no appointment of a successor to Dunbar in the conjoint offices, but the Commission method was to be continued, with the difference that, instead of six Commissioners, there were now to be eight, viz. Dunfermline, Spottiswoode, Hamilton, Hay, Scone, Preston, Sir Gideon Murray, and Treasurer-Depute Arnott. These eight, Calderwood tells us, were popularly known as the 'New Octavians'. How long the new arrangement was to last no-one could tell. It had doubtless been sanctioned by the supreme favourite Ker, two of whose relatives, Hamilton and Murray, were on the Commission; but it is probable that Ker regarded it only as an interim arrangement until he should be ready himself to assume the High Treasurership of Scotland entire and undivided.

In May, 1612, there was another change of offices which contemporary gossip attributed to the same paramount Court influence.

(2) Ibid., p. 105, and Original Letters, etc., ll. 383.

(3) Fraser, vol. 1, p. 115.
After having been Lord Advocate from 1596, a position whose duties he had discharged with conspicuous ability, Hamilton was now appointed Lord Clerk Register in place of Sir John Skene of Curriehill, who had decided to resign an office which he had held for eighteen years. The patent which is dated from Whitehall on the 21st April, 1612, refers to Hamilton's distinguished erudition and zeal in the royal service. The actual appointment, however, dates from the 7th May. Hamilton's last act in the capacity of Lord Advocate was to provide from the lordship of Scone an annuity of 500 marks for one Andrew Henderson who had been chamberlain to the late Earl of Gowrie. Sir John Skene had hoped to get his son James, an Edinburgh lawyer, into the office of Clerk Register which he was demitting, and so had sent him to London to negotiate the matter. But the son seems easily to have been prevailed upon at Court to be content with a mere Judgeship of the Court of Session, while the more lucrative post was conferred upon Sir Thomas Hamilton, who was succeeded as Advocate by the veteran lawyer, William Oliphant. Spottiswoode says in his 'History' that Hamilton obtained the office unfairly, but later he retracted the accusation, while Hamilton himself in a letter to John Murray acknowledged the goodwill of Sir John Skene:

"This night (? April, 1613) I have received your letter from Mr John Skene, which I shall obey, reserving my duty to his brother, to whom you know I am beholden for his goodwill in the office of Clerk of Register, which does place me in all dutiful thankfulness; and if Mr John had followed my friendly counsel, he would not have been entangled in this unprofitable business.... Always I have been, so I will continue to be, an instrument of peace among them...."

The new office was doubtless congenial to Hamilton with his antiquarian and historical tastes, but he held it for only some two months, for on the 24th July, 1612, he was appointed to succeed Sir Alexander Hay as Secretary of State. One result of the change is that the correspondence between Hamilton and the King becomes much more frequent. The whole affair was the outcome of a private bargain which Hamilton had made with Hay for an exchange of their offices. Hay had held the Secretaryship since 1609, first jointly with Lord Balmerino, and then after the fall of the latter, singly in his own hands. He was willing to give up the rather onerous duties for the quieter routine
(1) Original Letters, etc., vol. 1, pp. 294-6.
of the Clerk-Registership. The fact that Hamilton was prepared to relinquish so speedily the post of Clerk-Register is clear proof, both of his enormous keenness and capacity for work and of his desire to remain in the forefront of Scottish politics, for the office of Clerk-Register, though dignified and lucrative, was more secluded and retiring than that of the Secretaryship, whose incumbent was the chief political link between James and his Scottish kingdom.

The first notice of Hamilton after this promotion is in a letter to the King from George Gladstanes of St. Andrews, written on the 31st August, 1612, where the new Secretary is referred to as preparing for the coming Parliament to be held in October of that year. The Archbishop expresses ill-will against Chancellor Dunfermline, who was no favourite with the clergy, while he thanks James for appointing Hamilton:

"I will assure your Majesty that the very evil will which is carried to my Lord Chancellor by the nobility and people, is like to make us great store of friendship, for they know him to be our professed enemy and he dissembles it not. I thank God that it pleased your Majesty to make choice of my Lord Secretary to be our formalist and adviser of our acts, for we find him wise, fast, and secret."

The Parliament duly met in October, 1612, with a result eminently satisfactory to the King and the bishops. One of its chief acts was to ratify the proceedings and findings of the Glasgow Assembly of 1610, which was accordingly done. It was a simpler matter for the Crown to pack the Estates than to pack a General Assembly, and so this Parliament readily did the work for which it had been specially summoned. As a result, Episcopacy was formally recognised as the official religion of Scotland. The polity and government of the Scottish Church had now been drawn into line with that of England; it now remained to assimilate the Scottish ritual to the English pattern. In promoting these measures, so dear to the heart of James and so obnoxious to the great majority of the people of Scotland, Hamilton no doubt did his part energetically in conjunction with his brother officers of state.

Another Act of the same Parliament granted to the King the sum of £240,000 Scots, on the occasion of the marriage of his daughter Elizabeth to Frederick, the Elector of the Palatinate.

The earliest extant letter of Hamilton in his new capacity


refers to an allowance to be paid to the imprisoned Earl of Orkney, and also to the vexed question of the Clan Gregor then under the royal ban. Indeed, the condition of the Highlands and the Islands received a good deal of Hamilton's attention at this time. James had a plan for feuing the Isles which he outlined in a letter to Hamilton wherein he desired the latter to find feuars to take portions of the islands and pay a settled rent.

"It is our will and express command that you try if any dutiful, obedient, and responsible subjects can be found who will take those Isles...in feu, for payment of such yearly duties in money as may secure to us a competent, settled rent, exceeding that which heretofore hath been conditioned and paid to us....It is also our pleasure that these said feus contain strict conditions for the obedience and good and lawful behaviour of the feuars and their tenants....We think it also fit that, by their charters, they be bound not to dispose or alienate these lands...to any others, without the express consent of us and our successors...."

With regard to Hamilton's doings in the fore part of 1613, Calderwood is responsible for a rather curious piece of information. To quote his own words:

"In the beginning of March, Secretary Hamilton informed the ministers of Edinburgh that the Pope had excommunicated the king; whereupon the ministers, ready to flatter the court, and please the king, informed the people. But it proved a lie, invented only to grace the king; for upon the 12th of March, the Bishop of Glasgow returned from court to Edinburgh, and reported that the king was not excommunicated; but the Pope had an intention to have done it, but was stayed by his cardinals."

Calderwood was of course strongly biased and saw everything through ultra-Presbyterian spectacles; still, the motive which he imputes to Hamilton is interesting.

Hamilton was summoned to Court in September, 1613, as appears from several letters addressed to him there. What exactly was the reason for his journey south is difficult to determine, though it very probably had some connection with Sir Robert Ker's admission to the Scottish Privy Council. In the Council Register under date the 27th October, 1613, there is a record of the fact that Robert Ker, Viscount Rochester, was admitted as a member of the Council in absentia by virtue of a warrant from the King and certification that he had taken the necessary oaths before James himself at Finchinburgh on the 18th October, in the presence, amongst others, of Sir Thomas Hamilton.

Although he was not likely ever to be in his place at the Council table,
(1) Fraser, vol. 2, p. 120.


(3) Ibid., pp. 96-8.

(4) Act of Privy Council, 30th Nov., 1613.
there were reasons for the appointment. These became clearer when on the 23rd December, 1613, Ker, now Earl of Somerset, was raised to the great office of Lord High Treasurer of Scotland, vacant since Dunbar’s death in January, 1611. There can be little doubt but that this step was intended to herald his assumption of an open supremacy thenceforth in Scottish affairs, or at least a co-supremacy with Dunfermline. While in London, Hamilton married Juliana Ker, the sister of the all-powerful favourite, an event which called forth the congratulations of Chancellor Dunfermline, who wrote as follows on the 26th September:

"I am glad to understand by your letter, both that you are entered again in the bond of marriage, and that you have taken so well with the yoke that you have stayed your journey to Court till the next week by ordinance of higher powers..."

On his return from London, Hamilton’s letters are again coupled with the troublesome 'Gregor bairns'. The Privy Council now resolved to scatter them among the landlords of the clan, as the persons most interested in the extirpation of these rebels. This proposed line of action Hamilton explained in a letter to the King on the 26th November, 1613. A month or two later, he again wrote in connection with a notorious member of the clan, Robin Abroch Macgregor, to whom the King was determined to grant pardon. Hamilton protested against this leniency and proposed an alternative course, but hastened to add that if his Majesty remained firm in his determination, the Council would graciously yield the point.

On the 30th November of that year, Hamilton was raised to the peerage with the title of Lord Binning. He was now about fifty years of age and had recently, as we have seen above, been on one of his visits to the English Court, and there can be little doubt that, though merited, his elevation was due in great measure to his family connection with the all-powerful Somerset. On the 18th November, the patent was issued to Hamilton, narrating his services and those of his father and grandfather. This patent was duly presented before the Privy Council which received Hamilton as a baron of Parliament.

The first six months of 1614 passed uneventfully, but in June, the Council was startled by the news that Robert Stewart, natural son


(3) Melros Papers, vol. 1, pp. 159-161.
of the imprisoned Earl of Orkney, had broken his pledge not to visit Orkney and was now in possession of the castle of Birsay. The Earl of Caithness, himself an unruly subject, was entrusted with the task of bringing him to account, and consequently an expedition was fitted out which landed near Kirkwall on the 23rd August. Binning kept in close touch with the expedition, but in a letter written to his brother Patrick who acted as assistant secretary in London, he complains that he is experiencing difficulty in getting communications through. Writing on the 28th September, he says:

"I would have answered sooner, if I had not delayed expecting every hour advertisement from the Earl of Caithness which is not yet come; neither have we heard these fifteen days from the Bishop of the Isles......I have challenged his lordship and the bishop of Orkney so hardly for their negligence in not sending land messengers to us every week, twice at least, that I am persuaded they will not hereafter commit the like oversight...

Caithness informed Binning that he had difficulty in paying his men and in securing ammunition, deficiencies which the Secretary did his best to supply, as he told his brother Patrick. By the end of September, Caithness had accomplished his mission, and sent Robert Stewart as a prisoner to Edinburgh. Binning examined the prisoners, and with Lord Advocate Oliphant, interviewed the Earl of Orkney, who denied all knowledge of the rebellion. The proceedings ended with the trial and execution of both father and son, the latter meeting his fate on the 6th January, and the former on the 6th February, 1615.

About the same time, the Chancellor told Binning of the arrival of a Spanish ship at Burntisland in a leaky condition. Certain rumours which were then being noised abroad about an intended Spanish invasion led Dunfermline to imprison several of the Spanish sailors. He then asked Binning to order an examination of the captain.

The Secretary's reply was a model of shrewdness and tact:

"Neither does it seem fit in my weak judgment to deal too rigorously with them; for since there is public peace between his Majesty and their king, and that there is not any of his Majesty's subjects who complain on them......if any rigour be used against them, their report of it to their king may move him to deal maliciously with our merchants, of whom one thousand go to his dominions, where one of his subjects come to this country." (Dated the 22nd September, 1614)

Dunfermline was evidently satisfied with this counsel as nothing further was done in the matter. Binning reported the question to
(1) Melros Papers, vol. 1, pp. 158, 164-7, 170, 211, 213-215, 222-5, etc.


(3) Thanes of Cawdor, pp. 226, 228-33.


the King in a later letter and inquired as to rumours regarding the Spanish navy, but the incident seems to have ended there.

Before the end of the Orkney rebellion, there was a similar outbreak on the west coast. Binning's despatches near the end of 1614 give premonitions of trouble from that quarter. The cause was the seizure of the castle of Dunivaig in the island of Islay, by the Macdonalds of Islay, and the subsequent rebellion of that clan against the government. Andrew Knox, the Bishop of the Isles, had placed a garrison in the castle in the name of the King, and he now received from the Privy Council a commission for warlike operations if necessary. But he seems to have been somewhat dilatory in executing the commission and he received therefore a caustic letter from Lord Binning:

"I am very sorry of the progress and success of that business which appears to be miscarried not without your lordship's oversight; for when his Majesty's commission was, according to your lordship's desire, granted to you by the Council, you undertook and faithfully promised that you would go in person.......but now, finding that your lordship is still in Arran and beginning to make your preparations as for a service to begin, we have good cause to regret the inexcusable loss of so good time....."

The Council ultimately appointed Sir John Campbell of Cawdor to reduce the fortress; he received a commission and a memorandum of advice from Binning. He was successful in his enterprise, and the rebellion was suppressed, a sequel being the recognition by the Macdonalds of Campbell's rights over Islay.

Some items of minor politics might now be noticed. On the 6th January, 1615, William Murray, minister of Dysart, wrote to John Murray of Lochmaben, complaining that he had been slandered as an opponent of Episcopacy. The complaint was investigated first by Binning privately, then by the Council who exonerated Murray. The libeller was Gladstanes of St. Andrews of whom Binning writes to John Murray in a vein of severe censure:

"I understand that my Lord of Scone....spoke with the bishop of St. Andrews and heard of him some speeches which I will be loth to believe and will forbear to express them for the reverence of the place wherewith his Majesty has honoured him. I pray God he had been and may be careful to honour it, if he overput his present infirmity; and if it please God he die, that his Majesty may make that choice of a successor to him which may best agree with God's service and his own......I will say to you upon my salvation that I am persuaded, if Glasgow and Orkney were advanced to the first places in the clergy, I think he should be
(1) Original Letters, etc., vol. 2, pp. 801-03.

(2) Ibid., pp. 447-8.


(4) Historie of James the Sext, p. 389.
as worthily served by them in their estate as by any
subjects in his dominions."

Gladstanes died shortly afterwards on the 2nd May, 1615, whereupon the
ecclesiastical changes foreshadowed by Binning in the above letter were
effected, and the Secretary was in attendance when the new archbishops
of St. Andrews and Glasgow, John Spottiswoode and James Law, took the
oath of allegiance and did homage for their archbishoprics before Lord
Chancellor Dunfermline.

Although James strained every effort to bend the Scottish Kirk
to his will, even the most ardent Presbyterian had little to complain
of in the King's zeal for the suppression of Popery. The number of
Catholics in Scotland was still very great, while the swarm of Jesuits
and seminary priests who flitted through the country under the protection
of Catholics of influence excited further disquiet. Parliaments and
Assemblies alike dealt with the common enemy, but if one may judge from
the constant repetition of the same repressive legislation, their
efforts were of little avail. But the most notable incident in the
pursuit of Papists was the case of the Jesuit, Ogilvie - the only member
of his communion who in Scotland suffered death for his faith after
formal trial. He was apprehended in Glasgow in December, 1614, and
was afterwards conveyed to Edinburgh where he was tried before Binning
and other commissioners, who were guided by a series of questions sent
down by James. In June, 1615, Binning was present at the examination
of another Jesuit, James Moffat, who later was banished.

Towards the close of 1615, Binning was summoned to London with
the Chancellor. He was present at Royston with the King on the 21st
December, when a proclamation was issued uniting the two Scottish Courts
of High Commission into one, a document signed by both the Chancellor
and the Secretary. One cause given by a contemporary for the call to
Court was James's desire to have their opinions regarding the charge
against Somerset, who had fallen dramatically from favour as a result of
being implicated in the famous Overbury case. Somerset was convicted
and imprisoned, but Binning and others tried to mitigate his punishment.
For example, in April, 1617, when James was in Scotland, they joined in
(1) Correspondence of Earls of Ancrum and Lothian, vol. 1, p. 5.

(2) Fraser, vol. 2, pp. 131-33.

(3) Calderwood, vol. 7, p. 211.
a petition to the King. Somerset's sister, Anne, wife of John, second Lord Balmerino, and her elder sister Julian, wife of Lord Binning, were both in attendance, when Lady Binning presented the petition. Her husband, ably seconded by the Chancellor, used all his influence to help his brother-in-law. James would not give a direct reply, but desired the petitioners to leave the matter in his hands. There was no immediate effect of this intercession, but Somerset and his wife were liberated from the Tower in January, 1622, and in October, 1624, they received a full royal pardon. The fall of Somerset rendered the office of Lord High Treasurer vacant once more, and so it remained till the 17th December, 1616, when it was filled by the appointment of John Erskine, Earl of Mar, who had been the King's intimate friend since boyhood.

While at Court in February, 1616, Binning received regular intelligence of affairs in Scotland, for example one letter from Sir William Seton of Kylemure, sheriff of Edinburgh. He gives an account of an assize court held at Peebles, which shows clearly the strong repressive measures which were being carried out in an effort to make the King's peace prevail in the Border counties as well as in the Highlands, the Hebrides, and the Orkneys and Shetlands. Writing on the 17th February, he says:

"Of our proceedings there, I thought good to acquaint your lordship, to wit, we executed twenty-one; banished for lesser crimes, not notorious thieves, four; denounced as fugitives such as were arrested upon complaints of the country and fearing punishment did not appear, to the number of sixteen..... We are sore busied with executions; it is a pity of the great butchery we make of pretty men; yet there is no end, let by end, release, or stay in theft. We grieve in our actions, abhor the cruelty of our executions, and are ashamed of our service, in regard of the little amendment in the country."

That the work of repression was by no means congenial to the executors of the law is evident from Seton's letter; but, despite his lament as to the futility of their labours, the Border counties at the close of James's reign had fairly entered the paths of peace.

Binning and the Chancellor returned to Edinburgh on the 24th April, 1616. Sir John Preston died on the 14th June, 1616, and as a result
(1) Senators of College of Justice, p. 223.

(2) Register of Privy Council, vol. 10, introduction.

the honorary Presidency of the Council and the more substantial Presidency of the Court of Session became vacant. To the latter office Lord Binning had been elected on the very day after Preston's death. And on the 5th July, by royal warrant from Greenwich, he had corresponding promotion in the Council, which honorary office he was to hold jointly with his Secretaryship which he had held since 1612. He was ascending steadily the ladder of fame, and he was to ascend still higher.

In the month of August, 1616, Binning received a letter addressed to himself and the Chancellor from one of two Border brothers who had a curious fraternal dispute. James Haig of Bemersyde accused his brother William of bringing about by astrology the death of Henry, Prince of Wales, in 1612, and of attempting the life of the King. William was imprisoned in the Edinburgh from which he wrote protesting his innocence. James Haig then accused Binning and the Chancellor of partiality, a charge which they easily refuted, but they declared that they could produce no further light on the matter. No further progress was made, and eventually William Haig became a servant of the Crown.

The next important affair in which Binning was concerned was the King's proposed visit to Scotland. In both countries there was little dubiety as to the main object of this solitary visit of James to his native country, namely, to complete his work of assimilating the Churches of the two countries. When he had quitted Edinburgh for London in April, 1603, he had declared that no year would pass without his paying a visit to his native land, but the years slipped away and the promised visit did not materialise. Indeed, outside his Church policy, nothing did more to strain the loyalty of his Scottish subjects than this protracted absence from the northern kingdom. And, had he not had a particular axe to grind in 1617, it is very probable that Scotland would never have seen him again.

Some time previous to December, 1616, the Privy Council was warned and preparations were begun. Binning kept James fully posted with the progress of these, and he intimated that a Convention of Estates would be necessary to impose the required taxation. James was very anxious that the motive for his visit should not be misinterpreted,
(1) Fraser, vol. 2, p. 83.

(2) Register of Privy Council, vol. 7, introduction.

(3) Hill Burton, vol. 6, p. 15.


(5) Ibid., p. 293.
for rumours had reached him that malicious reports were being noised abroad in Scotland as to the disinterestedness of his reasons in coming north. To obviate these he wrote a private note to Binning enclosing for publication the famous letter in which he refers to his "salmon-like instinct" to see his native soil, together with other explanations to allay possible jealousies and difficulties.

The Convention of Estates duly met on the 5th March, 1617, when many gracious speeches were made expressing the royal affection for Scotland, and his Majesty's letter was read. The result was that the required taxation was voted (£200,000 Scots) to be raised that year to defray the expenses of the royal visit. All this was explained to the King by Binning in a long letter which implies that the vote was due to his own address to the Estates. His speech (from which we have already quoted on page 11) drew a graphic comparison between the Scotland of 1603 and the Scotland of 1616. His arguments he based on the obligation owed by all classes to the King for his efforts to give justice and peace. Criminal and other records dealing with the period bear witness to the fact that his account was an accurate representation of the facts, and certainly Binning could speak from long experience. With regard to this undoubted amelioration in the condition of Scotland, Masson credits James with great ability and tenacity of purpose, and says that the traditional estimate of the King requires revision.

Hill Burton on the other hand, is inclined to credit Binning himself with much of the success.

On the 1st May, 1617, Binning wrote to the King concerning certain details for his reception, including a proclamation to relieve the King from pressing suitors:

"Remembering your Majesty's express direction that order might be taken for relieving your Majesty from the importunity of untimely and unreasonable suitors.... I have framed the substance of a proclamation which I send herewith to your Majesty to be seen at your good leisure and directed to be amended where your Majesty finds anything to be added, paired, or altered."

The terms of this proclamation were objected to by some of the Scottish Council as being too harsh, and the subject was again referred to the King whose answer is not recorded. Writing on the 6th May, Binning says:

"The occasion of my untimely troubling your Majesty with these lines is for the proclamation formed by your Majesty's direction and sent here to be published; which being read this day at the meeting of a few of your Council, exception was taken against the article near the end, which enjoins the pain of death to such as shall intercede for favour to forfeited persons, or to their wives, bairns, or other disabled or disinherited persons... But, because the want of your Majesty's hand to the warrant was the pretext of the disputation and delay to pass the proclamation, I have returned it herewith, praying your Majesty to consider of this controverted clause..."

James arrived in Scotland on the 13th May, 1617, and entered Edinburgh on the afternoon of the 16th. He remained until the beginning of August, having held a Parliament and visited various parts of his kingdom. In his train he had brought a number of English Church dignitaries, and in Holyrood he paraded the English service with, as Calderwood narrates, "singing of quiristours, surplices, and playing on organes." He gave still greater offence by insisting on all the chief Scottish officials taking the sacrament in the posture of kneeling. Binning is recorded as having communicated thus in Holyrood Chapel by the King's command. We have only occasional glimpses of Binning during this period, as is to be expected, for, with James's presence in Scotland, the correspondence between King and Secretary is temporarily suspended. He was probably in attendance on the King for most of the time, but he is mentioned only on one or two occasions. He was appointed one of the commissioners for holding Parliament in May and June, and also one of the Lords of the Articles, whose sittings the King attended regularly, the chief results being acts amending the status and stipends of the clergy. One act laid the foundation of the excellent Scottish system of registration. Previous attempts to introduce a register for the publication of sasines, etc., had been failures. This Act of 1617 revived that of 1599, but placed the register under the control of the Lord Clerk Register, and not the Secretary of State as in 1599. There is no proof that Binning was the author of the Act, but very probably he was consulted just as his successor, Lord President Stair, was consulted regarding later enactments in supplement of it.

Lord Binning was present as a member of the High Commission Court when Mr David Calderwood was summoned before it for protesting
(1) Calderwood, vol. 7, pp. 261-76.

against the King's ecclesiastical policy. He was also present at St. Andrews on the 8th July, 1617, when the accused was examined. The whole scene is narrated at length by Calderwood himself:

"Secretary Hamilton said to him, 'Mr David, acknowledge your own rashness.' Mr David answered to the Secretary, 'That which they had done was not done rashly, but with deliberation.'"

Calderwood had protested against a decree drawn up by the Lords of the Articles to the effect that the King might make ecclesiastical laws. On being asked by James what fault there was in that, he replied: "It cutteth off our General Assemblies." After further argument on the nature of obedience, Binning again intervened with the injunction: "Mr David, let alone; confess your error," to which Calderwood replied: "That deed was not done by me alone." "Answer for your own part," said Binning. "My lord," said Calderwood, "I cannot see that I have committed any fault." He was finally warded in the Tolbooth of Edinburgh, by virtue of an order of date the 15th July, 1617, signed by Spottiswoode and Binning, but after lying thirteen days there, he was released.

Some interesting anecdotes are told of Lord Binning during this period. One evening as he was seated at the window of his residence in the Cowgate, whence the nickname "Tam o' the Cowgate," he dashed out clad in night-robe and slippers, to aid the High School boys against the youths of the College. The distinguished judge assumed command of the School party and did not rest until he had pursued the Collegians through the Grassmarket and out at the West Port, the gate of which he locked against their return.

Binning was very rich and it was popularly rumoured that he possessed the 'philosopher's stone'. The King was greatly amused at the idea, and he passed it on to his Secretary who immediately invited his Majesty and the rest of the company present to dinner on the following day, when he promised to reveal to them the mystery of the 'philosopher's stone'. The next day, after the meal, being reminded by James, the host informed his guests in a brief speech that his 'philosopher's stone' consisted of two familiar maxims: "Never put off till to-morrow what can be done to-day; and never trust to another what
(1) "Reekiana," pp. 308-09.

(2) Ibid., loc. cit.

(3) Fraser, vol. 2, pp. 304-312.


you can do yourself." On another occasion, James, on hearing of an alliance between the Haddington and the Mar families, exclaimed, between jest and earnest: "The Lord haud a grup o' me! If Tam o' the Cowgate's son marry Jock o' Sklates' daughter, what will become of me!" The actual house occupied by Binning stood till 1829, when it was destroyed to make way for the modern George IV. Bridge. Binning did not own the property but only leased it from Sir James Macgill of Rankeillor, the annual rent being £213: 6: 8 Scots. He also rented separately a stable and a servants' room. One writer stated that the rent paid for the stable was greater than that of the house itself, but this is clearly disproved by the Earl's Testament.

In August, 1617, the King left Scotland, and his correspondence with Binning is resumed, but there are very few letters deserving of notice. The most important relate to the preparations for the General Assembly which was to meet at St. Andrews on the 25th November of that year. Binning was appointed one of the commissioners who were to act in place of the Royal Commissioner, the Earl of Montrose, who was unable to attend because of sickness. It was hoped that at this Assembly the famous articles, later known as the 'Five Articles of Perth', would pass. James indeed, during his stay in Scotland, had held the Clerical Convention at St. Andrews on the 13th July, at which he had tried to impose the articles by his prerogative power alone. This indeed had been the main object of his visit. But from the archbishops, bishops, and twenty-six ministers present at St. Andrews, he had received the reply that the questions were too high for them to settle on their own responsibility, and that only a General Assembly was competent to deal with them. Foiled for the time being, James had vented his wrath on the bishops, calling them "dolts and deceivers." Hence the November Assembly at St. Andrews. But the usual care had not been taken to make the way smooth. The attendance was scanty; those present were either faint-hearted or scrupulous; and the result was a petty concession which elicited from James further biting comment. Though Lord Binning spared no efforts, he had reluctantly to report that he was compelled to delay the articles to another Assembly.
(1) Original Letters, etc., vol. 2, p. 520.

(2) Ibid., loc. cit.


(4) Fraser, vol. 2, pp. 85-6.

writing on the 28th November, he says:

"In the Assembly now dissolved, nothing was proposed but the Articles sent by your Majesty. A great part of the ministers were so wilfully inclined to have the whole deferred at this time, to the effect they might have opportunity, by reading the Fathers and Counsellors, to resolve, if with good conscience and without scandal of inconstancy to the Kirk and themselves, they might yield to the alterations and novelties which they imagined the Articles to imply, that it was very difficult to my Lords of St. Andrews, Glasgow, and remaining bishops, assisted by the wisest of the Ministry and your Majesty's Commissioners, to induce the disordered multitude and their leaders to determine upon any particular; and so being driven to the extremity either to dissolve the Assembly without any manner of progress, and with manifest dissensions, or to make use of the best expedient the time could produce in the determination of some of the Articles, all the best affected to your Majesty's service thought it expedient to accept what wisdom and authority could gain at this time, and leave the rest under hope and promise of satisfaction at the next Assembly...."

The archbishops and bishops paid testimony to the zeal of Binning in their own letter to James, sent on the same day, in explanation of their failure:

"The Earl of Montrose's absence...did us great hurt. The place was supplied by the Secretary, my Lord Carnegy...who discharged the duties of faithful servants...especially the secretary, who played the part of a good President, and put them many times to the point when they shifted by abductions...."

In June, 1618, James wrote to Binning regarding a question which had arisen with the Estates of Holland over the rights of fishing for herring in British waters. The Scottish Privy Council had already advised that the English ambassador in the Netherlands should lodge a protest. This course had been adopted, and the King writes to Binning that the Dutch reply had so far been friendly, but that they claimed upon a right acquired by certain treaties. James desired that a search be made for these, and especially for one said to have been made in 1551 with the Emperor Charles V. We quote from the royal letter:

"We have received from the estates of the Low Countries an answer concerning the matter of the fishings, which answer consists of two principal parts, first, a declaration of their amicable proceedings with our subjects...secondly, a modest defence of their possession of the said fishing, confirmed (as they allege) by divers treaties, and in special by one made in the year of Christ, 1551, betwixt our predecessor and the Emperor Charles the Fifth. This point they leave obscure...willing you to cause search the rolls and registers there; if any treaty of the year 1551...be extant therein."

Fully a year later, on the 19th July, 1619, Binning answered stating that nothing definite had been found:


"I have used all diligence for trial of that which passed between your Majesty and the ambassadors for the United Provinces in the year 1594, and can find nothing but a commission granted by the Estates to Messieurs Brederode and Valche, together with a ratification by these ambassadors of preceding treaties of peace and amity between your Majesty's royal progenitors and the house of Burgundy, and particularly of that made at Binch, in 1551...... The treaty at Binch is not found in your Majesty's register...."

In the summer of 1618, we have the remarkable case of one Thomas Ross, who had fixed to the door of the Church of St. Mary at Oxford a libel on his own nation of Scotland. He was the younger son of Ross of Craigie in Perthshire and was minister of Cargill. But he had gone to England, apparently from a leaning to Episcopacy, for he had received a recommendation from the Archbishop of St. Andrews and others, a fact with which the King afterwards taunted them: "As if the refuse and outcast of your people there were sufficiently worthy to be received and employed by us here......We will therefore advise you hereafter to be more circumspect, both what persons you recommend to us and for what reasons...." At Oxford, Ross had suffered great privation, but "being ashamed to beg...without any purpose to do evil, but to show the grief of his heart...wrote these theses." He was seemingly temporarily insane, and now hoped that some courtier would intercede for him. James sent the unhappy wretch to Scotland for trial, and wrote to the Council denouncing him. This letter and the whole affair is a stain on the memory of James. The Privy Council must share in the odium regarding Ross's fate, for before Ross arrived by sea, they (Binning included) recommended hanging. But the subsequent examination of the man and his desperate condition seem to have influenced them a little. On the 22nd August, 1618, Binning wrote to James intimating that Ross had been found guilty:

"The furious wretch, Mr Thomas Ross, has been, according to your Majesty's command, put to his trial and convicted of the heinous crimes contained in his devilish Pasquil, produced for verification of his guiltiness to the Assize. The doom is delayed till your Majesty be pleased to signify your royal determination in it. His malicious frenzy is so mixed with presumption of his own worth, as he thinks the use of his learning and eloquence necessary to the world...."

Despite his conviction, Ross still hoped for mercy, and several of the Scottish Council were inclined in his favour; but Binning, in his letter, does not recommend it, and the result was the execution of Ross.
We now come to the famous Perth Assembly of August, 1618, when the King's ecclesiastical policy received its consummation by the forcing upon the country the forms of worship of the Episcopal Church. The notorious 'Five Articles' which were now thrust upon the Kirk were as follows:

1. Kneeling at the Sacrament of the Lord's Supper.
2. Five holidays, viz. Christmas, Good Friday, Easter, Ascension, Whitsunday or Pentecost.
3. Episcopal confirmation.
4. Private baptism.
5. Private communion.

It is interesting to compare the account of the proceedings given by Binning in his report to the King, with the narrative of Calderwood in his 'History'. Of the latter's personal feelings on the matter there is no room for doubt, but the position of Binning is much more problematical. He was certainly a strong supporter of the Crown policy, but whether his attitude was dictated by policy or by conviction it is not easy to pronounce definitely. He enjoyed, however, the complete confidence of James who appointed him chief Commissioner to the Assembly. The King was fully determined that the blunderings of the previous November should not be repeated, and so, on the 10th July, 1618, he wrote a long letter to his Commissioners, insisting on his prerogative right to dispense with an Assembly if he thought fit, but as such had been called, he asked the Commissioners to induce obedience to his will. The letter was aimed also at the Assembly and especially at those ministers who might prove refractory. The following is an extract from the royal letter, from which the general tenour is clear:

"We were once fully resolved, never in our time to have called any more Assemblies there, for ordering things concerning the policy of the church, by reason of the disgrace offered unto us in that late meeting at St. Andrews, wherein our just and godly desires were not only neglected, but some of the articles concluded in that scornful and ridiculous form, as we wish they had been refused rather with the rest. Although at this time we suffered ourselves to be entreated by you our bishops for a new convocation, and have called you together, who are now convened for the self-same business which then was urged, hoping assuredly that you will have some better regard of our desires, and not permit the ignorant and unruly multitude, after their wonted custom, to oversee the better and more judicious sort; an evil which we have gone about with much pains to have amended in these Assemblies......Therefore let it be your care to induce them to an instant yielding unto these things....And do not think that we will be satisfied with excuses, or delays, or mitigations, and we know not what other shifts have been proposed; for we will content ourselves with nothing but a simple and direct acceptance of these articles in the
The Assembly held its first session on the 25th August, when Archbishop Spottiswoode read out the King's message, which had been brought north by the Dean of Winchester who was also to carry south an account of the Assembly proceedings. After reading the letter, the Archbishop protested that neither he nor the English Church had desired the innovations, and that it was against his will that they were even motioned. Yet now he was persuaded that the King would be better pleased with the consent of the Assembly to his five articles than with all the gold of India. He urged them, therefore, to consent in time, lest the whole order and estate of the Kirk be overthrown.

The second and last session of the Assembly was held on the afternoon of the 27th August, when the Commissioners were determined to get the matter brought to an end. The Moderator pointed out in an intimidating address that his Majesty must be satisfied, and that James would accept no other answer than complete submission. When some of the ministers desired further discussion, Binning and others "straightly enjoined them either to propone a new reason or else to hold their peace." Not being granted the liberty of speaking freely, the ministers handed in some questions in writing for consideration before the 'Five Articles' be put to the vote. They declared that they were prepared to substantiate each one of their protesting articles with solid arguments. With regard to this protest, Calderwood tells us that but two of the articles were read out, the others being suppressed by the Commissioners. Before the final vote was taken, the King's letter was read again, no doubt with a view to overawe the Assembly. As a final safeguard, the Presbyterian ministers again demanded that none should be allowed to vote save those who were lawfully authorised. But this proposal was also turned down, and indeed, Calderwood says, the answer was given that if all Scotland were present, they should vote! The Moderator then made it known that whoever voted against the Articles should be reported to the King, after which warning he took the roll of the names in his own hands. The reading out of the names he accompanied with such admonitory remarks as "Have the King in your mind! Remember

(2) Original Letters, etc., vol. 2, pp. 573-77.
the King!" According to Calderwood's account, some persons who had no legal authorisation, but of whose assent the Commissioners were sure, were called upon to vote; while others, who possessed full commission, but who were strongly anti-Episcopal, were deliberately omitted.

The truth with regard to the Perth proceedings lies probably between the versions as given by Binning and Calderwood; but of the two, that of the latter may safely be taken as the more accurate account of what then took place. That Binning himself was alive to the arbitrariness of some of the methods employed by the Court party, of which he was a leading figure, is fairly evident from the closing sentence of his letter to James which he sent off immediately after the conclusion of the Assembly on the 27th August:

"At our coming to this town, finding that the most precise and wilful Puritans were chosen commissioners by many of the presbyteries, specially of Lothian and Fife, I was extremely doubtful of the success of your Majesty's religious and just desires.........If complaint be made by Mr John Carmichael that I would not suffer him to enlarge his discourse of the ancient controversy between the Eastern and Western Church, anent the precise day of Christ's birth, I must have recourse to your Majesty's mercy.... All particulars I must remit to the Dean of Winchester's relation; only assuring your Majesty, both in the Conference and in the public Assembly, yet after they were voted, there appeared great contentment in many good men's faces, for the happy and peaceable approbation of your Majesty's Articles. If your continual care of the good of this country and Church move your royal mind to intend hereafter any Church matters of such consequence, I beseech your Majesty, for the good of your own service, to employ a more fit Commissioner in my place, who am as unskilful in these subjects as I am ungracious to the opposites."

It is very obvious that Binning was far from comfortable in the role of chief Commissioner, and was keenly alive to the fact that he was far from being 'persona grata' with the Presbyterian clergy.

By this success, the government and ritual of an alien Church were now imposed upon the Scottish people by the will of a King who acted through a largely servile Council and packed and intimidated Parliaments and Assemblies. From now on, the division between Crown and people in Scotland was complete, and that controversy rapidly ripened which was to plunge the country into civil war and ultimately bring about the downfall of the Stewart monarchy. But James's zeal the Episcopal system blinded him to the fact that the gulf between


(3) Original Letters, etc., vol. 2, pp. 588-600.

(4) Ibid., p. 599.
himself and his Scottish subjects was rapidly becoming unbridgeable.

Near the end of 1618 and the beginning of 1619, Binning was in London. Shortly after his return to Scotland, he wrote to James regarding the death of the Queen, and in the same letter he refers to rumours of hostile intentions on the part of Spain:

"And although I have heard nothing from your Majesty or any of your ministers at Court of the opinion conceived of the hostile intention of the Spaniards against your Majesty's dominions, yet the rumours are so frequent and probable here, that I have thought that my fault would be pardonable to desire the Archbishops to come here and bring with them some of the wisest and most secret of the bishops, that I might inform them what rumours went..."

These rumours very probably were without any foundation in fact, for the European situation at the time was such that Spain had no desire to do anything which might move James from his policy of non-intervention in the Bohemian question, and bring him into the struggle on the side of his son-in-law, Frederick.

A few weeks later, Binning was raised to the Earldom of Melrose, the patent being signed at Newmarket on the 20th March, 1619, and sealed at Edinburgh on the 30th, after which date the new title was formally taken. The lands of the Abbacy were already in his possession and with regard to the promotion, Calderwood expresses what was the popular, and no doubt the correct view of the affair, when he says that the dignity was bestowed "for the good service he had done in advancing the estate of the bishops and course of conformity." Ever since the passing of the 'Five Articles', Binning, acting from a dual desire to please the King and to advance his wishes in Scotland, had set a rigid example to his fellow-councillors in the matter of conformity; and, though he had no desire again to officiate at an Assembly, he took an active part in promoting public worship in accordance with the new articles. Much of his correspondence at this time refers to the conduct of the magistrates, ministers, and people of Edinburgh at Christmas and Easter with regard to their observance of the communion according to the new form. Consider, for example, this excerpt from his Easter report of the 29th March, 1619:

"...the Privy Councillors absent, whose dwellings were near this town, were desired to come and accompany the number present, who were to communicate here according to your Majesty's command."

... Upon Saturday, I desired the Lords of Session to convene upon Easter Day at my Lord Chancellor's lodging, that all the num ber might accompany his Lordship to church....and thereafter going to the celebration, the Noblemen, Councillors, and Sessioners, going to the first table, all upon their knees....whose example was followed by the whole congregation present, that neither man nor woman, during the space of almost four hours, offered to receive sitting upon the forms, except one only base fellow; and I am persuaded that all that did see that holy action, or participate of it, departed so well edified that, in their conscience, they regret that this godly and devoted order was not sooner instituted."

The new dignity did not alter the Earl's relation to his public offices unless that he became more active still. His name is appended to every letter from the Privy Council to the King, but these on the whole represent the general public business of the country. We must confine ourselves obviously to those communications where the Earl takes a sole or prominent place.

One of these concerns the Perth Assembly and its aftermath. Many ministers had refused to recognise the proceedings of that meeting as valid, for example, Calderwood, who, though banished by the Court of High Commission in July, 1617, still lurked in various refuges. He now wrote a pamphlet called "The Perth Assembly" demonstrating the nullity of its proceedings. The tract had been printed in Holland, smuggled over to Scotland, and circulated in the month of June, 1619. The King was naturally enraged and he ordered the arrest of all who had been concerned in its publication. The royal letter was directed to Secretary Melrose who proceeded to carry it out, but, despite a close search of all printers and booksellers, nothing was found. Calderwood tells us that during this hubbub he was in refuge in a private room at Cranstoun under the protection of his friends Lord and Lady Cranstoun. Melrose had reluctantly to report his failure to the King, while forwarding the opinion of the Edinburgh booksellers that the whole publication had been carried out in Holland.

The same letter refers to the approaching examination of Sir James Skene of Curriehill, one of the lords of session, who was charged with failure to communicate on the previous Easter, and therefore with disobedience to the King's express orders. The case illustrates well the bitterness of James and his rigid insistence upon conformity. Skene, however, was able to advance good reasons for his absence, and the case was dropped.

(2) Ibid., p. 439.
In the end of June, 1619, a new commission was granted to the Court of High Commission and Melrose was again included. In the next month we find him acting in collaboration with Archbishop Spottiswoode as mediator in a dispute between the town of Edinburgh and the ministers of that city. The appointment of this small commission of two is illustrative of James's efforts now to bring about a more peaceful state of affairs among the Edinburgh than there had been since the promulgation of the Five Articles. The King seems now to have come to the conclusion that the resistance to the Articles would have been less had there been better management on the part of the conforming clergy of Edinburgh. Besides being imprudent generally, the latter had given mortal offence to the Town Council by accusing them of active sympathy with the popular demonstrations. It was thought that if a reconciliation could be effected between the Edinburgh clergy and the Edinburgh magistrates, it would be easier to overcome the opposition to the Perth Articles among the community generally. Throughout the latter part of July, 1619, therefore, Melrose and Spottiswoode were busily engaged in trying to effect such a reconciliation. Calderwood tells us that although the clergy and the town officials drank together and shook hands, "the reconciliation was not so hearty as it was formal and ceremonious." The ministers were sharply rebuked by the two Commissioners for their oversight and behaviour to the town.

Calderwood tells two anecdotes about Melrose at this time regarding his conduct in some ecclesiastical cases brought before the Council, which illustrate his attitude to the King's policy. On the 25th April, 1620, William Rigg, later bailie, and three other burgesses of Edinburgh were charged to enter into their respective wards without citation, trial, or conviction, and only for the King's satisfaction. The matter was discussed in Council, and Chancellor Dunfermline declared himself to be against such irregular proceeding, but Melrose replied that the whole question was whether they would give obedience to the King's latter or not. The result was that the charge was issued without further contradiction. There was a somewhat similar scene in the following October when in terms of a royal letter, Mr

Robert Bruce of Kinnaird was to be cited for keeping fasts and celebrating communion in the old way. The Chancellor again demurred, saying it was not the Council's part but the part of the High Commission Court to try these matters, to which Melrose retorted, "Will ye reason whether His Majestie must be obeyed or not?" Then from the Chancellor came the significant remark, "We may reason whether we shall be the bishops' hangmen or not." From glimpses such as these, it is very clear that there was not complete unanimity in the Council itself with regard to the execution of the royal will in these matters of conscience. Dunfermline is well known to have been no great friend of the bishops: it is significant that Calderwood has a good word to say about him, "He was a good Justiciar, courteous and humane both to strangers and to his own country people."

Towards the close of the year 1620, more important matters claimed the Earl's attention. On the Continent, the Thirty Years' War was going wholly in favour of the Catholic forces of Spain and the Empire. In both Scotland and England, James's weak and vacillating policy aroused deep discontent, for he sat passively upon the fence while the cause of his daughter and his son-in-law was being lost. James's great aim in foreign policy at that time was to secure the marriage of his son Charles to the Infanta of Spain, and consequently, so long as there was the least chance of realising that dream, he would do nothing to offend Spain - hence his neutrality in the war. He would not commit himself to open war, but this lack of armed assistance he hoped to compensate for by financial aid for Frederick. While the struggle in Europe was still in doubt, therefore, James summoned a Convention of Estates to recruit his own finances and to vote a sum for the invaded Palatinate. The Convention duly met on the 23rd November, 1620, and Melrose made full reports to the King of its proceedings. On the 24th, the whole assembly discussed the main question, viz. that of the required taxation, all being more or less disposed in its favour. The chief speakers were the Chancellor, the Archbishop of St. Andrews, and the Secretary himself, who, according to his own account, outshone the Chancellor in length of oration and

(2) Ibid., pp. 387-90.
Wealth of classical allusions. Writing to James on the 27th November, Melrose says:

"My Lord Chancellor's command forced me to speak, when I could hardly find what to say that had not been already better expressed by others, yet for obedience and to eschew repetition I only pressed to refute an objection made....that these wars of Germany did not concern this nation."

These objections he proceeded to refute in a speech crammed with allusions to classical and mediaeval history. He maintained that wise men in all well-governed countries had always considered the children of their kings to be "pillars, bulwarks, and fortresses of their estate, and jewels of the kingdom." Culling examples from the past, he exhorted the Estates to help the Lady Elizabeth by the alacrity of a speedy contribution, and thereby to remedy in some measure the weakness of their means. That particular meeting ended in the choice of several nobles, prelates, and other Councillors with orders to convene upon the 25th to consult as to the best means of carrying out the King's wishes. When they did meet, it was resolved to raise the money through the regular channels of a Parliamentary taxation. It was held that this would be a better course than to trust to the uncertainty of voluntary contributions. It cannot be said, therefore, that Melrose's address of the 24th had produced the effect intended. He admits himself that, after a mild protest, he favoured the calling of a Parliament:

"For the delay of time, I thought the course by Parliament speedier than the other, since a voluntary contribution required particular men's employment in every remotest shire of the kingdom, and dealing with every single person from whom anything was to be craved, who being bound to no other rule but that of their own will, many who might do best being so niggardly that nothing was to be hoped of them......Whereupon, the matter being put to voting, all in one voice thought a Parliament the only way to satisfy your Majesty's intention."

James was not satisfied at first with this, and refused to call a Parliament, but again urged a voluntary contribution. The Council therefore summoned another Convention, but Melrose, on the 22nd December, wrote south expressing doubt as to the result, and suggesting that if Parliament once fixed a sum, much might be borrowed in advance, on its security, from the burghers, "who are the only men that has money in this kingdom." This advice he communicated with

all due deference and he added that he would keep his view a secret meanwhile, and use every power to carry out James's wishes.

This second Convention ended in nothing. The few who assembled deputed the Archbishop of St. Andrews to explain the situation at Court. James then consented to the summoning of a Parliament on the 1st June, 1621, but its sittings did not begin until the 25th July. The news caused great excitement, chiefly however, because the hated 'Five Articles' were to be presented for ratification. Their enforcement was still a matter of difficulty, and Melrose had had trouble in persuading a few of his official colleagues at Easter to join with him in the services required. He had further been commanded to report to James the sermons preached at Christmas and Easter, and so abstracts of the various discourses were forwarded to him, for example, notes of the sermons delivered by Mr Patrick Galloway and William Struthers on Christmas Day, 1620.

The preparations for the Parliament now occupied the Earl's attention. By order of the King, he, Chancellor Dunfermline, Treasurer Mar, and Archbishop Spottiswoode were charged with carrying out the Court policy. They agreed to extend the expected taxation to the utmost the country could bear. The form of the imposition was then discussed, when Melrose made a proposal which led to the first form of income-tax in Scotland. Writing to the King on the 29th March, 1621, he describes the situation:

"We reasoned upon the form of the imposition and of the manner of payment thereof, not forgetting the large help which may be exacted of the wealthier sort, which heretofore have been free of all taxation, they being neither churchmen, landed men nor burgesses; neither could it be well seen how they might be brought under the necessity of contribution. For removing this doubt, I proposed that the ordinary taxation being granted in large quantity, might be imposed upon the estates in the accustomed manner, and an act of parliament obtained ordaining that the wealthy annual-renters should contribute to the supply of your Majesty's most important affairs, for which effect commission should be given to a selected number, to call and tax them to a reasonable proportion of subsidy, according to their stock and rent, and to summon them by open proclamation to appear at a certain day to give up a true declaration of the sums for which they received annual-rent, by infeftment, bond, or other security whatsoever."

Melrose's next letter to the King, written on the 26th April, refers to an address drawn up by him to be read in the King's name to

the Parliament. Seemingly it had not been acceptable to James, for the Earl excuses himself for its imperfections, which were due, he said, to the fact that he had had no instructions and no certain news regarding affairs in the Palatinate. The King omitted to make the necessary corrections, and so at the last moment Melrose had to draft another which was read to the Estates before James saw it.

On the 18th July, the royal Commissioner, the Marquis of Hamilton, arrived at Holyrood from England. He had his first meeting in private with the officers of state, whom he consulted how best to minimise opposition at the ensuing Parliament to the ratification of the acts of the Perth Assembly. On Wednesday the 25th, the Estates marched from Holyrood to the Tolbooth, the royal commission being carried before the Marquis in a velvet pocket by Lord Binning, eldest son of the Earl of Melrose. On this occasion there was no formal oration from the Secretary who rather at first devoted his energies to securing the taxation of annual-rents, which scheme was at length agreed to. The amount of the taxation granted was £400,000 Scots, payable in four yearly instalments. The chief opposition to the taxation of annual-rents came from the burgesses and smaller barons.

The real battle of this Parliament, however, was fought over the vexed question of the Perth Articles. The Earl's letters about these important matters are very short, for the whole proceedings were watched for the King by the Dean of Winchester and Lord Scone who left for London immediately after the conclusion of the Parliament. The Earl's letters, therefore, give a rather inadequate idea of the great excitement which prevailed. Calderwood, however, gives graphic glimpses of the strained condition of affairs, and of the activity of Melrose in obtaining obedience to the King, though the earl's character is by no means flatteringly depicted. There had been dissensions on the subject among the Lords of the Articles themselves; and when these had been quashed, and it became known that the Bill would be presented to the whole House as concluded on by the Lords of the Articles, there were such murmurs and threats of opposition here and there among the nobles, lairds, and burgesses who had been waiting in town, that the

(2) Ibid., pp. 497-8.
fate of the Bill seemed dubious. At length, by the private exertions of the Lord High Commissioner, and the leading Councillors, especially those of Melrose, who was indefatigable in going about soothing or overbearing the malcontents, the threatened opposition was reduced to a minimum. Calderwood writes as follows:

"The Grand Commissioner, the Secretary, the eleven bishops, laboured with the commissioners, voters in parliament; none so busy as the secretary, both night and day. Some were allured with fair promises to promise consent; others were so terrified .... that they left the town. Sir John Hamilton, laird of Preston, having voted against the Five Articles, in presence of the Lords of the Articles, the marquis and the secretary dealt with him to recall his vote in public. The more earnest they were, he was the more constant and answered he was ready to serve his Majesty and them with his life, his lands, and all that he had; but he would not offend God wittingly and willingly for the pleasure of man. Then the secretary desired him to absent himself. He answered, "I will not; I will stay and bear witness to the truth." (Melrose's retort to this was significant) "We shall make both you and your instructor to repent it."

Calderwood further informs us that Melrose assiduously tried to pick a quarrel with Hamilton by means of petty annoyances and insults, the aim being to find ground for committing such a stout opponent of the Five Articles to ward. He also complains of the manner in which the Articles and the taxation were presented to Parliament to be voted on. For even at this stage, much depended on dexterous management on the part of the King's party. It was therefore ruled that there should be no speaking or giving of reasons for or against, but voting merely, and that the word should be 'Agree' or 'Disagree.'

"It came to pass that the wide opening of the mouth at 'a', the second syllable of 'Disagree', did eat up the first syllable, specially in those who did speak with a low voice, being threatened and boasted with menacing eyes and looks of the secretary; and so the negative were noted as affirmative."

At the actual taking of the votes, voting by proxy was freely indulged in; for example, Melrose voted for two Englishmen who had but recently been created peers of Scotland. When the Chancellor desired some who spoke indistinctly to speak out more clearly, the Secretary interposed, "Nay, my lord, let them alone; those that will not speak out, let the clerk mark them as consenters." So runs the Calderwood narrative, but after making allowance for his strong prejudices, we can have little doubt as to the general character of the proceedings. The whole atmosphere was hostile to the free expression of opinion, while

(2) Original Letters, etc., vol. 2, pp. 662-4.
intimidation and dictation must have have been freely practised. When the Acts were formally passed and as the High Commissioner rose to touch them with the sceptre, a great thunderstorm broke out right overheard the city - a natural phenomenon which was interpreted by the champions of the Kirk as a manifestation of Divine wrath. These stirring happenings which seemed at the time to spell the doom of the Presbyterian establishment, took place on Saturday, the 4th August, and for many a year afterwards that fateful day was referred to as "Black Saturday." Immediately after the proceedings were over, the Secretary wrote to James describing the successful realisation of the royal wishes:

"Your Majesty's Parliament is this afternoon happily concluded. The church acts had opposition, but the well-affected prevailed by seven and twenty votes, although we were exceedingly disappointed by the treachery of some small burghs who violated their promises.... In the act of the taxation at first there arose some danger by the voices of lords who granted the ordinary taxation, and refused the taxation of annual-rents; but my Lord Commissioner press'd them to give answer directly, that they either granted or refused the act of taxation, since it was only one act, the rest became ashamed to refuse, so as the opponents to that act were scarce ten.......

"The particular account will be more amply given by larger letters, and by the Dean of Winchester and the Lord of Soone, who, so soon as the articles for the church and taxation were ended, they went to their horses, and will relate all particulars and every man's behaviour."

James was delighted with the success, but, having received a pessimistic letter from the Scottish prelates, he wrote to them on the 12th August, rebuking them for their gloomy outlook, and saying that such is quite uncalled for in view of the great victory recently won over the acceptance by Parliament of the Five Articles:

"The greatest matter the Puritans had to object against the Church government there was that your proceeding with them was warranted by no law, which now by this Parliament is out short; so as hereafter that rebellious and disobedient crew must either obey or resist, both to God, their natural King, and the law of your country.... By the good endeavours of our Commissioner there ...the sword is now put in your hands; go on therefore to use it, and let it rust no longer till you have perfected the service trusted unto you; for otherwise we must use it both against you and them. If any or all of you be false or faint-hearted, we are able enough (thanks be to God) to put others in your places who both can and will make things possible which you account so difficult.... To conclude now, we wish you now to go forward in action with all speed and not to show yourselves consternated now when you had never so little reason...."

In the Act concerning the taxation, Melrose's plan regarding annual-


(4) Ibid., pp. 678-9.
rents was fully incorporated; indeed, the Act bears considerable internal evidence of having been drafted by the Secretary himself. The Scottish Privy Council were soon engaged in the carrying out of the scheme, Treasurer Mar being appointed collector-in-chief. In a letter to the King, written on the 29th November, the Council state that a beginning was made with Edinburgh for their whole taxation of £40,000 Scots, payable in four yearly instalments. This was a sum double the ordinary taxation of the burgh.

During the year following this Parliament, there is little to record of Melrose. The chief care of the authorities seems to have been to insist on obedience in matters ecclesiastical. The King's intention can be gathered from a letter to his Privy Council, written on the 29th September, 1621, in which he refers to the necessity of having reformation begin "at our elbow," and therefore commands all in office to conform to the Articles under pain of dismissal:

"Whereas the church orders concluded at Perth are now established by law, we are resolved that none having any promotion by us shall be disobedient thereunto, and because, as we have said in our 'Basilicon Doron' that we will have reformation to begin at our own elbow, which is our Privy Council...we have thought good to signify our pleasure unto you that you (i.e. the Chancellor) go through our whole Privy Council and Session, requiring every one of them and the members thereof to conform themselves to the said Orders....if any shall refuse, you shall assure him that if within fourteen days before Christmas next, he do not resolve to conform himself, he shall lose his place in our said service."

The result was that the members of the Council were asked separately by the Chancellor if they would conform, and this they agreed to do. The next day, the question was put to the Lords of Session, the advocates, and the writers to the signet, and with regard to the answer given here, Calderwood says that the obedience professed was more apparent than real. The obedience of Melrose was much more rigid; he even refused to take part in fasts prescribed by the ministers, if he thought the King would not approve. In April, 1622, he submitted his usual report to James regarding the observance of Easter, where he admits that few of his official brethren attended, the excuse being the spring vacation of the Courts.

Two matters engaged Melrose's attention early in 1622.

(2) Fraser, vol. 2, pp. 140-1.

The King desired to know what was being done with regard to searching for pearls in Scotland. The Earl wrote in reply that commissions had been issued to Sir Robert Gordon for the waters of Sutherland; to Lord Kintail for those of Ross, and several others, but that all the reports were not yet forward. He adds, however, that pearls had been found elsewhere, for example, the Forth, the Cart near Paisley, and some rivers in Galloway, and he promises to issue commissions to preserve these pearls if the King so desires.

The second matter concerns an application from the Earl of Caithness for protection for himself and his friends against his creditors. This is the same Earl who has been referred to already as suppressing the Orkney rebellion in 1614. Melrose in his reply neither directly grants nor refuses the petition, but urges obedience to the laws and satisfaction to the creditors. He commends the Earl's resolution to sell his lands for payment of his debts, but reminds him of the desirability of avoiding the King's anger:

"The bishop (of Caithness) complains of want of his duties, which coming to his Majesty's knowledge will highly incense him; therefore I pray your lordship to give him contentment."

Melrose's apprehensions were realised, for the Bishop did lodge a complaint on the 8th February, 1623, some ten months after the Secretary's advice to Caithness. He complains:

"...That till the time the Earl of Caithness and that part be reduced to some better obedience, and till that little thing I have in that part be better secured to me and may safely resort there, I may be so a little helped by your Majesty for the present that with some greater ease I may patiently abide a better settling by your Majesty."

The result was that James issued a commission against the Earl whose possessions were seized in the King's name.

On the 16th June, 1622, the Privy Council suffered a great loss in the death of Alexander Seton, Earl of Dunfermline, the Chancellor of Scotland, and a close friend of Melrose. That the latter felt the loss keenly is evident from the tenour of his correspondence after the death. For example, writing to John Murray on the 19th June, he says that he will be unable to bear the extra burden caused by the decease, and that a worthy successor must therefore be immediately

(2) Original Letters, etc., vol. 2, p. 690.

(3) Register of Privy Council, vol. 13, introduction.
appointed:

"But, as I wrote before to you, unless his Majesty take some speedy course to place in that charge one of the worthiest and greatest authority in this kingdom, there is danger that his service may receive prejudice. A greater part of the burden lies upon me than I am able to bear. ... The nobleman lately deceased made my charge light, his sufficiency and authority making my task easy, but if I want the like relief by another's employment in his place, I may shortly incur his Majesty's displeasure for want of sufficiency."

Melrose was no doubt the fittest man for the position, but the rumour went that Spottiswoode was the likelier candidate, though from a letter from the latter to John Murray of Lochmaben it would seem that the Secretary had been proposed as the new Chancellor but had declined the honour. Spottiswoode writes on the 19th June as follows:

"I will not write of the diverse humours and rumours that are here, but I pray God his Majesty make a good choice, as I know he will, that we may serve with more quietness and content than we did in these last times. My own opinion I wrote unto you, and since, have talked thereof with my Lord Melrose himself, who is very peremptory in his refusal and declining that charge."

As it chanced, the King's choice fell upon Sir George Hay, who had been Clerk-Register since 1616. The appointment may have been due to the fact that Hay happened to be at Court when the vacancy occurred. It is difficult to understand Melrose's attitude to the affair. That he enjoyed prominence and power there is no doubt; but he seems to have been reluctant to assume the highest offices, for example we know how ill at ease he was in 1618 when he figured as Chief Commissioner to the Perth Assembly. If Spottiswoode's statement is correct (as surely it is) then the reason for Melrose being passed over is no mystery; nor can he have felt any disappointment at Hay's securing the office.

At any rate, he was directed to use the seal until the new Chancellor's return from England. Meanwhile his brother, Sir John Hamilton, had been nominated to the vacant Clerk-Registership. Melrose continued to hold the seal until the 25th July, when Hay returned to Edinburgh.

Early in 1623, the Earl joined with his Privy Council colleagues in a remonstrance, which is interesting in that it gives a glimpse into the conditions of trade and farming in Scotland at that time. The King had proposed that the wool grown in Scotland, which was not actually used or made into cloth, should be sent to England to be sold there and nowhere else. The Council had delayed in their reply to

(2) Calderwood, vol. 7, p. 570.

(3) Melros Papers, vol. 2, pp. 505, 520.

this proposal, whereupon James sent Melrose a peremptory letter demanding a speedy answer. The Council then explained that their delay had been due to the necessity of having meetings of those interested, by whom (they said) the plan had been deemed inexpedient. While they granted the King's power to command obedience, they said that if they sent commissioners to treat of the matter without consent of Parliament, they would incur the general hatred of the country. Calderwood says that James thought the Council too presumptuous in their request, and so he insisted on commissioners being sent up. Six representatives were therefore sent to confer with the King. The immediate result was favourable to the Council who, on the 6th June, 1623, were profuse in their expressions of loyalty and gratitude to the King. Nothing definite was settled, however, and the subject was still under discussion after James's death.

From a letter from Melrose to the King, of date the 3rd March, 1623, we learn that James was very anxious that the departure of Prince Charles for Spain should not be misconstrued in Scotland. The Earl therefore, in pursuance of the royal command that all sinister rumours be suppressed, and that there should be as little speech on the matter as possible, summoned Mr William Struthers, one of the ministers of Edinburgh, and told him to warn all his colleagues not to mention the matter. Still, Melrose feared that the news had got abroad before the King's order was received, and therefore he concluded that nothing could be done beyond putting the best construction on the matter:

"For that letter sent to us from Newmarket the 21st of February at eight at night, came not to me till the 1st of March at six at night, the information of his Highness's journey being known here two days sooner, as well by letters from London, as by relation of such as came from London to this town by sea, by which means the rumour being so dispersed, nothing now rests but to make the best construction that can be thought of..."

A few weeks later, he made his usual report regarding the observance of Easter. The opposition to the ecclesiastical innovations was still very formidable, especially in the capital. Melrose and the other Councillors realised how difficult it was to coerce an unwilling community. James, however, maintained an untiring corres-
(1) Original Letters, etc., vol. 2, pp. 711-2.

pondence with his Scottish officials, especially Melrose, from the nature of his position as Secretary. James required of them minute reports on the conduct of the citizens of Edinburgh, but he received in return usually very scanty encouragement. Each successive year seemed to show a greater disregard for the observance of the 'Five Articles.'

Melrose's report of the 16th April, 1623, is a valuable commentary on the situation and reveals his uneasiness as to the wisdom of methods of coercion:

"The necessity of my obedience to your royal command forces me to give your Majesty an account of the order observed in this town at Easter, not so gracious as I wished. The ministers have all done their duty, all of them very worthily.... The number of communicants was small; no strangers, few of the townspeople of good sort. The greater part received kneeling, following the example given by the ministers, and by your Majesty's treasurer, depute-advocate, and me.... In the College Church I hear by those whom I caused attend that the number of communicants far exceeding that of the High Church, very few of them kneeled.... It is neither the Bishops' nor the most part of the Ministers' fault that better obedience is not given.... and if without offence I may speak, I believe that time and convenience shall prevail more to reduce them to conformity, nor sudden or vehement instance, and I fear lest the scandal and difficulty of the remedy be more hurtful than the toleration for a short space - the trouble of a rascally multitude for a subject which is pretexted with conscience not seeming seasonable."

In May, 1623, there occurred a series of events at Leith which called forth a special display of the Earl's characteristic energy. The whole circumstances arose from a question of international law. In May, 1622, a Spanish vessel, the "St. Ambrose," arrived at Leith, and while it lay at anchor there, two Dutch men-of-war sailed up and opened battle. The Earl, as the chief officer of state then in the city, summoned all the available councillors and some others, and ordered the belligerents to send each one representative before the Council. This was done, and the Dutch defended their action on the ground that the Spaniard had taken a number of prisoners whom Spain refused to restore. Both were eventually bound over to keep the peace, though indeed the Council had but meagre forces at hand for the compelling of obedience if that should be necessary. In this dilemma, Melrose wrote to the King for advice which, however, was delayed.

Matters continued thus, and in January, 1623, James advised that the Dutch prisoners should be released on condition that the Spaniard should not be troubled on her way home. This proposal was

(2) Ibid., pp. 497-500.
refused by the Spanish captain, who pleaded the necessity of an order from the Spanish government. On the other side, the Dutch refused to allow the Spaniard the advantage of two tides for her safe outgoing, because they were without authorisation from the Prince of Orange. At this stage, on the 23rd January, 1623, the Council rendered a full report to the King. A month later nothing had been done save dealing unsuccessfully with the two parties, summoning the rival captains and other vain expedients, and so on the 15th February, another appeal for advice was sent to the King.

Matters stood thus until Sunday, the 4th May, when the Spaniards tried to escape with the night-tide. But, unfortunately for them, they ran on a shoal where they were attacked by the Dutch. Lord Chancellor Hay then summoned the Council and asked the Dutch to respect neutral waters. This demand they were sluggish in obeying, and firing continued before the eyes of Hay, Melrose, and others on the beach. On the ebb of the tide, the Spanish crew fled and abandoned their ship which was thereupon plundered by the Edinburgh mob whom the Councillors did not attempt to stop. The plunderers left however when the Dutch approached and hoisted their colours; but when in turn retired to their own vessels, the British flag was run up.

On the next day, two proclamations were issued by the Council. One ordered the citizens of Edinburgh to arm themselves and come to Leith, and to bring cannon from the Castle. The other demanded that the plunderers of the previous day should be reported to the Council. The latter was wholly disregarded while the former was but weakly responded to, the provost and bailies of Edinburgh stating that their privilege was that they could not be compelled to serve save within their own boundaries. Melrose was very indignant at this: "I always said to his Majesty that Edinburgh was but a nest of traitors. I shall write...of this your rebellion." The cannon was planted outwith the Edinburgh bounds, and so great difficulty was experienced in procuring guardians. Eventually the Council obtained a promise to provide sixty per day, to be changed each day, and relying on this they retired to rest late on Monday night. The Chancellor and Melrose were too zealous

to sleep, however, and the latter visited the ship to find only two men attending the cannon. The Edinburgh citizens had broken their promise. Melrose therefore gathered a few men, sent to his own house for weapons, and issued a proclamation calling all Edinburgh inhabitants to Leith armed, on pain of death. When the provost, bailies, and a few others appeared at two o'clock on Tuesday afternoon, Melrose was so angry that he ordered them from his sight.

The Chancellor then commandeered the services of several of the better class citizens, and with Melrose, Morton, Lothian, Buccleuch and others, prepared to tow the Spanish vessel within the harbour. Calderwood tells us that about four in the afternoon, all the skippers of Leith with the above were tugging away at a rope in vain, for the water had begun to fall. The Leith skippers then undertook to bring it into port by the next tide - but it was not to be. The Dutch now took matters into their own hands and saved the Council any further trouble; for, about two or three on the Wednesday morning, they rowed to the Spanish ship, ordered out the crew, set fire to the vessel and then sailed away. When Melrose reached Leith, the vessel was burnt beyond recovery.

The Council was then convened and a report sent to James. Melrose also sent an independent narrative from which most of the above is taken. In this, it is obvious that his initial anger against the Edinburgh citizens had cooled off, for he now pleads on their behalf. He explains that the great reason for their apathy was the profitable Scottish trade with Holland, and the fact that the Dutch were of a common religion whereas the Spaniards were Roman Catholic. He adds that he can see no way of punishing the delinquents, but suggests that a fund should be raised to provide men and arms to enforce a better obedience to proclamations. His long epistle he closes with the admission that the heat of the moment had led him to speak without control, and he excuses himself on the ground of his excessive zeal for the King's service. James, however, seems to have directed some proceedings against the city, but the Council, though declaring the conduct treasonable, postponed the matter from time to time, and it


appears to have been allowed to drop.

Shortly after this affair, the Earl was appointed one of a special commission to sit twice weekly to redress grievances. Of this body, Calderwood says it had no effect but served to feed the conceit of the people who were discontented at the probability of a Spanish match for Charles. Scottish feeling on this subject was manifest when the Earl, on receiving news of Charles's return to London, issued a proclamation regarding thanksgiving services, bonfires, etc. The news of the prince's return was greeted by the public with great celebration, "shooting of ordinance, ringing of bells, setting on of bonfires." 1

In April, 1323, Melrose had been appointed to a special committee of the Privy Council to deal with ecclesiastical questions. The opposition to the Five Articles was increasing instead of decreasing, and was causing the Council considerable uneasiness and searching of conscience. The disinclination of the officers of state to adopt repressive measures for the securing of conformity was brought out, or rather hinted at, at a meeting of the Town Council with the Kirk Session of St. Giles, on the 23rd March, 1324, when the approaching communion was discussed amongst other things. Several begged that it might be celebrated in the old manner, but this was refused. One minister, Dr William Forbes, was charged by his fellows with having preached reconciliation with Roman Catholic doctrine, and when John Hay, the Town Clerk, in the heat of the argument said "he would cause the secretary take order with him," his opponent replied significantly - "He believed the secretary would not follow his direction." 3

As a result of this refusal, several office-bearers in the church, the chief being William Rigg of Aithernie, a bailie of Edinburgh, declined to take part in the celebration of the communion. This was reported to the King who ordered Melrose and the other Privy Councilors to summon Rigg and six others before them, which was duly done. The official report is very brief, but Calderwood is fuller. Melrose seems to have left the examination mostly to the Chancellor, but he occasionally intervened, as for example in the deposition of John Dickson, a fleshers. To him Melrose said: "I know you have been

(2) Ibid., p. 607.

(3) Original Letters, etc., vol. 2, pp. 748-50.

(4) Ibid., pp. 752-4.
enticed by some to utter these words of your pastors." Dickson replied "My lord, the doctrine being flat contrary and so publicly delivered, moved me when I heard the clerk demand thrice." The whole examination seems to have been conducted in a friendly spirit, and the commissioners reported in a lenient tone, stressing the circumstances of the accused so that the punishment might be light. But the King's answer was so uncompromising that the commissioners were alarmed and hesitated to carry out the sentence, even concealing the full tenour of it from their fellow-councillors. Rigg was to be deprived of his bailieship and imprisoned and fined very heavily, while the others were to be warded and fined. The fine on Rigg was so large as to be virtually confiscation. This practically amounted to forfeiture without Parliamentary consent which would have established a vicious precedent, and so the commissioners did not execute the whole sentence but kept Rigg warded in his house and the rest in various places, while the fines were not imposed. This was then reported to James on the 10th June, 1634:

"And besides this their declaration and entreaty, William Rigg gave in a very humble petition himself under his hand whereby he cleared himself of some points wherein he was mistaken in his former deposition.... And touching that point of his confession where he granted that he desired the ministers to celebrate the communion after the old manner, he protests solemnly that he never mentioned any such matter at the meeting foresaid; but being demanded upon that point, and so surprised upon a sudden, and not fully resolved thereon, he made choice rather to confess, than by an unadvised denial to be brought back with a lie, whereupon he offered to submit himself to the declaration of the Provost and Bailies; who, with some other unsuspected persons who were present at the meeting foresaid, being demanded upon this point, they all declared upon their great oaths that there was no such matter moved nor spoken by the said William at that time."

Before the King replied, the commissioners got wind that the King's real intentions had got abroad and were creating grave alarm. They therefore drew up a protest, probably drafted by Melrose himself, on the 1st July:

"The rest of your Majesty's pleasure concerning him and his associates by declaration of their being ever incapable of any public functions, is satisfied, and he shall keep ward in Blackness, and the rest in their wards, till your Majesty, in the excellence of your wisdom, comparing this punishment with the quality of the offence, shall receive contentment, wherewith we most humbly beseech your Majesty to rest satisfied and to pardon our presumption and boldness..."

On the same day, Melrose joined with the Privy Council in another letter
(1) Original Letters, etc., vol. 2, pp. 754-6.


(3) Correspondence of Earls of Ancrum and Lothian, vol. 1, p. 33.
to the King, in which they point out that the ministers, even the Archbishop of St. Andrews, had joined in desiring delay of the King's purpose. James was very angry at this remonstrance against him and thwarting of his purpose, and pressed again and again for the infliction of the fine. But the Council never yielded and made the punishment actually inflicted as light as possible. On the 3rd February, 1625, they allowed Rigg to be warded in his own house at Aithernie in Fife. After Charles's accession, Rigg presented a petition to the Privy Council on the 8th July, 1625, and obtained a further extension which allowed him to repair to Edinburgh "for settling of his affairs and business." At length on the 20th September of the following year, Charles addressed a letter to the Council dated the 14th June, authorising Rigg to be released, the Archbishop of St. Andrews having declared "that he was satisfied with the said William's resolution to carry himself in a dutiful manner hereafter." The whole affair is interesting and indeed important in that it shows the Scottish Council to possess a degree of independence with which it is not usually credited during these years. In resisting and eventually nullifying the royal will in regard to the fine, they were upholding the rights of the subject and effectively restraining the King's control of money matters in a manner markedly distinct from the decisions of the subservient English Bench in cases such as that of Bates, or Darnel, or Hampden.

The remaining events between April, 1624, and March, 1625, are not specially important, and regarding them, Melrose is only mentioned along with his colleagues.

On Sunday, the 27th March, 1625, there occurred the death of James whom Melrose had faithfully served for forty years. The news reached Edinburgh four days later, and Charles was proclaimed King. The only reference by Melrose to the subject is in a letter to Sir Robert Ker of Ancrum, in which he calls the news the most sorrowful he ever heard, and describes the late monarch as "the best and happiest king that ever lived on earth." The Secretary was one of those who attended the funeral which took place on the 7th May amidst great

(2) Register of Privy Council, Second Series, vol. 1, introduction.


(4) Fraser, vol. 2, pp. 294-5.

(5) Ibid., p. 88.

(6) Register of Privy Council, vol. 1, introduction.
pomp and ostentatious ceremony, though Calderwood records a tempestuous night of thunder and rain at London.

We now lose the invaluable assistance of the Melrose Papers which end with James's death. Notices of the Earl become few and scattered and require to be gleaned from many sources. One reason for the cessation of the correspondence lies in the fact that in the new reign Melrose experienced a change of fortune and ceased to enjoy the same prominence. This change, however, was not operative immediately, and for the first few months things proceed as before. One of his first official acts was to proclaim the new King and to take part in the ceremony attending its publication.

In April, 1625, Charles summoned Chancellor Hay, Secretary Melrose, and others officers of state together with Archbishop Spottiswoode to attend on him at Court for consultation on Scottish affairs. Many other Councillors with a large detachment of the Scottish nobility also went south for the double purpose of paying their respects to the new King, and attending the funeral of James, whose body lay in state for six weeks in Denmark House in the Strand. The story of Melrose's journey south can be got from the lively letters of Gilbert Primrose, the son of James Primrose, Clerk to the Scottish Privy Council. Gilbert had gone in the train of Mar and Melrose who entered London on the 4th May. While there, Melrose kissed the hands of Charles as one of the officers of state, and on the 14th May he received a formal ratification and regrant of his offices of principal secretary and keeper of the signets. This was but a formal confirmation of his written promise, for on the 13th April, Charles had sent a letter to the Chancellor, the Secretary, and the Treasurer, in the following terms:

"Having a general approbation of your fidelities and sufficiencies, we cannot but encourage you to continue your accustomed endeavours; and therefore it is our pleasure that you still enjoy the offices that you have for your lifetimes..."

While in London, too, Melrose engaged Gilbert Primrose to draw out a draft of the King's Revocation. This would be ominous news to all those to whom the Clerk of the Council might report it in Scotland,
(1) Register of Privy Council, as above.


(3) Hill Burton, vol. 6, p. 75.
for, according to Scottish feudal law, the Sovereign had the right, at any time between the ages of twenty-one and twenty-five, to revoke and annul all grants and gifts passed during his minority, to the detriment of the properties and revenues of the Crown. The exact terms of the Revocation were known on the 21st July, 1625, when Lord Advocate Oliphant produced the document at a full Council meeting in Edinburgh, and desired formal registration of it.

By one act only could Charles have gained the confidence of Presbyterian Scotland, viz. the repealing of the detested Five Articles. Far from doing this, Charles, by his revocation policy drove the nobles on the whole into alliance with the Presbyterian clergy, and thus renewed a union which in the period of the Reformation had been so disastrous to the Crown. Indeed, it was asserted by Balfour that the Act of Revocation was "the ground stone of all the mischief that followed after, both to this king’s government and family."

In November, 1625, Scotland generally (as distinct from the Privy Council) received the first formal intimation of the new policy by the proclamation of a general revocation by the King of all grants by the Crown and all alienations of Crown property whether before or after the Act of Annexation of 1587. The procedure was legitimate enough, and indeed usual in the case of a minor, but Charles was not a minor, and his revocation greatly exceeded all similar documents in scope. Indeed, it professed to sweep into the royal treasury all the vast ecclesiastical estates which since the Reformation had passed into the hands of lay magnates. Teinds had not been named in the Act of 1587, but they were nevertheless included in the Act of Revocation. Charles held that the receivers of these revenues were illegally possessed of them, as they belonged by right to the ecclesiastical offices to which they had been originally attached. This is the modern view, and Charles maintained that the owner of the soil was too often at the mercy of the teind-owner, for the grain could not be lifted until the teind-sheaves had been taken. The King’s views were no doubt just, but his methods were "harsh and impolitic." The whole Act is couched in very extreme language and sinned against the principle

(2) Forbes on "Tithes," p. 280.


(4) Original Memoranda, see Fraser, vol. 1, p. 169.

(5) Register of Privy Council, vol. 1, introduction.
that long possession is entitled to consideration. There was naturally vigorous opposition to the King's proclamation, especially among the greater nobles, and Melrose would appear to have joined in. He felt the revocation keenly, for he possessed a great part of the rich abbacy of Melrose, the lands of the priory of Coldstream, and many templar and other lands formerly belonging to the Church, most of which he had acquired, not by direct alienation from the Crown, but by purchase from former owners. His name therefore occurs among those nobles who at first most strongly opposed the King's policy.

Two months after the first proclamation, Charles issued a second, limiting and explaining the terms of the first, and saying that he wished every heritor to possess his own teinds on reasonable conditions, while those who already possessed them should have them confirmed. This second proclamation does not seem to have allayed the agitation because it was rather ambiguously worded. Melrose did not approve of it because most of its clauses were too indefinite.

Charles was well aware of the opposition on which he must reckon from the most powerful persons in the country, and he laid his plans accordingly. It was from the Lords of Privy Council and the Court of Session that he had to expect the most formidable resistance to his scheme, and he took effective measures to meet it. When at his accession he had signified his pleasure that all office-bearers of Scotland should continue in their offices, it must have been with the intention that they should do so only until there should be a fresh declaration of his pleasure. For within two months of his accession he had resolved on a change in the composition both of the Council and the Court of Session. "There will be a hubbub among our Counsellors and the Sessioners removed from Council; but whom his Majesty will make choice of he has reserved to himself for avoiding of importunity." So writes Gilbert Primrose from London to his father on the 10th May, 1625, conveying one of the pieces of gossip he had picked up at Court. This news, though censored by the careful Clerk of the Council, must have leaked out gradually, and it can have been no secret in the meetings of the Convention of Estates which sat in October-November,
(1) Register of Privy Council, as above.

(2) Register of Royal Letters, vol. 1, p. 12.
1625. Still, the matter had been left obscure and when the Convention broke up, Charles's real intention had not yet been generally divulged. He aimed indeed at a new Council from which all the Session Judges who were members of the present Council should be excluded unless they resigned their judgeships. This would be a drastic step, for there were seventeen whom the new principle would affect, for example, Melrose, Cockburn, Hamilton, Oliphant, etc. Could Charles really intend that all these seventeen, hitherto the most active and constant in attendance should either be removed from the Council or resign their Judgeships; or had he in view some modification of his principle that would retain some while getting rid of others?

Some light was shed on this question when on the 3rd November 1625, the Council had before them a Commission nominating the King's new Council. This new Commission reappointed twelve of the old, including Melrose, Hay, Mar, Morton, Moray, etc. The twelve proceeded on the next day to thank the King for the honour done to them; but they proposed three amendments to the new Commission, the third of which is interesting. The new Commission, in order to do honour to Melrose in his capacity of President of the Council in the Chancellor's absence, had assigned him precedence over all other Councillors save the Chancellor, the two Archbishops, and the Earl of Mar. But as Melrose himself did not desire the honour, and considered that it might be prejudicial to him in his relations to the Council, the others were disposed to second his request that the arrangement in his favour should be withdrawn.

On the 26th January, 1625, Charles wrote to his Scottish Council stating his proposals:

"And further, having a care that justice may be duly administered, considering what inconveniences have occurred since the session was changed from the estate wherein first it was established, we have resolved with all possible diligence to reform it as near as we can according to the first institution, by making choice of grave learned men to be judges therein, who may seriously apply themselves thereunto, no sessioner being a Councillor, nor no Privy Councillor being upon the session, save only the four extraordinary Lords as they were first intended to assist and remark the proceedings of the rest, so thereby avoiding that form confounding the council and session together which of themselves are distinct Judicatories."

In the same terms another letter of the same date was sent to the

(2) See "Scottish Historical Review," vol. 11.
officers of state requesting them to surrender their places as Lords of Session on the plea that they were void by the late King's death:  

"We desire you to leave your places in the Session because we do conceive them to be void by the death of our late dear father, that we may provide other persons for the same, and if you do not willingly condescend unto this, do not complain hereafter if, finding by a lawful course both your offices in the State and places in the Session at our gift, we dispose of them otherwise, for we desire no way to harm you further than the intended reformation doth of necessity require."

By this Melrose had to resign his Presidency of the Court of Session, while a further diminution of his prominence lay in store for him in the immediate future.

The "Trew Relation" of Sir John Scot of Scotstarvet sheds a further light upon this somewhat involved question of Session and Council changes effected by Charles. He tells us that, of the Lords of Session requested to resign their places, only Melrose consented. The others announced that they had as good a right to their posts as to their lands. Charles then engaged Sir John Scot to prove by law that the King might at his pleasure appoint to or dismiss from Council or Session as he thought fit. The officials in question desired the King to send for them to come to Court, so that nothing prejudicial might be decided in their absence. Accordingly Charles commanded the attendance in London of the Sessioners concerned, so that they might both attend his coronation, which had been fixed for the 2nd February, and discuss the proposed reorganisation.

Before their arrival, Charles had received from Scot the legal arguments proving that sessioners did not hold 'ad vitam,' and these he presented to Sir James Skene, President of the Session, for approval. Skene replied that they were valid, and as testifying to the fact, he resigned his post. When the Scottish Lords arrived, an audience was arranged at Whitehall. On assembling there, Charles blamed the Chancellor with mismanagement of the Revocation business in the Convention of Estates of November, 1625. Melrose he blamed for having refused the offer of the continued Presidency of the Council which had been made to him by letter. The Earl's reply was that his refusal came from no neglect or disregard of his Majesty's service, but because it would seem a strange thing to the rest of the nobility that he,
Scottish Historical Review, as above.
being but lately promoted to their rank from a gentleman, should presume to take place above them, yet he now offered to obey his Majesty therein when it should please his Majesty to command. To this Charles abruptly replied that he (Melrose) would not be troubled with that burden thereafter. Then the King pulled from his pocket the legal arguments supplied to him by Sir John Scot. When Mar desired to know by whom the reasoning was authenticated, Charles agreed to defer the discussion until three days later when Melrose should answer in writing the arguments of Scot.

The latter cited in support of his reasoning against 'ad vitam' holding of office the case of Melrose himself in 1596. He wrote: "If the said lords held their places for life, then the King could not have given their places to others so long as they lived. But it is true that Mr Thomas Hamilton was admitted to be the King's advocate for good considerations moving his Majesty, and not because the office was vacant in the King's hands, which was done on the 31st January, 1596, a certain space before the death of Mr David Macgill who was advocate for the time." To this awkward raking up of the old Octavian practices, Melrose replied: "This is a mere mistaking, for Mr Thomas Hamilton was neither provided to Mr David Macgill's place in session nor to his place of advocate during his lifetime, because Mr Thomas was an ordinary lord of session in 1592, and thereafter in 1596, after Macgill by great age and infirmity had been forced to keep his house a long space whereby his Majesty's service in that office was prejudiced Mr Thomas was joined in office with him and after made sole advocate upon his demise." Melrose was obviously particularly displeased at the assertion that he had encroached upon the advocate's place in the latter's lifetime, and in his reply to Scot he stated boldly his view that there was no sessioner who did not hold his office for life. All things considered, Melrose's stock at Court seems to have slumped considerably as a result of this visit to London. It is very probable that Charles was unfavourably impressed by his lame excuses for not accepting the Presidency of the Council as constituted by the new Commission sent north on the 3rd November, 1625. Surely he was not
(1) Fraser, vol. 2, p. 89.

(2) Fraser, vol. 2, pp. 145, 146.
declining a renewal of an office which he had held for some nine years merely because his ranking in the Council had been advanced. Charles was never slow to take offence, and this refusal of his offer probably accounted in great measure for Melrose's decline in royal favour.

At any rate, the Earl was not long returned to Scotland when he received a letter informing him that, though nominally retaining the office of secretary, he was practically superseded by the appointment of Sir William Alexander as resident secretary at the English Court. The communication which is dated the 23rd March, 1626, runs thus:

"But during that time that you were here with us, considering how necessary it was to have a secretary resident here - which charge you could not attend - we made choice of our trusty and well-beloved counsellor, Sir William Alexander, for that effect, and would then have heard any reasonable objection that you could have made to the contrary....we will never urge anything which may derogate from your grant in privilege or benefit...not doubting but that you will fairly concur with him...."

From this letter it is clear that the proposed change in the secretaryship had been mooted during Melrose's visit to London, where he had thought fit to acquiesce. He does not seem to have been one of those who could, in the presence of royalty, offer opposition to the royal will. He had little of the vigorous independence of such as Andrew Melville, and seems to have approximated more to the type of the later Earl of Chatham of whom it was said that "one peep into the King's closet intoxicates him."

Sir William himself wrote privately to Melrose in a conciliatory spirit, repeating the statements made in the royal letter. Both in this, of the 25th March, and in an earlier of the 10th March, his tone is essentially friendly, e.g.

"I moved his Majesty that my correspondence by packet might be with you.... I entreat your lordship's friendly construction therein."

"Since your lordship did not complain when (yourself being at Court) the signet, together with the trust of that charge here was committed to me, I wondered to see you express so much discontent at the passing of my gift through other seals.... No man could have come in this place more yours nor I am."

It has been suggested by some that Melrose had got into disfavour by having been conspicuous in the opposition, both in the Convention of Estates of October-November, 1625, and elsewhere, to Sir William's scheme of the Nova Scotia baronetcies. In the 'Memoirs' of Sir

(2) Connell on "Tithes", Appendix, no. 39.

William Alexander, indeed, it is assumed that there had been a political enmity between him and Melrose from of old. Sir William had long been in the household service of Charles while he was yet but Prince, and he had become a special favourite with both James and Charles. This diminution of Melrose's importance was observed, and people were beginning to speak of him less now by the fond and familiar nickname of 'Tam o' the Cowgate' and to call him merely 'Auld Melrose.'

On the 23rd March, 1626, the composition of Charles's new Privy Council for Scotland was formally published. The chief points of interest are the precedence of Spottiswoode who was named first in the list - a significant indication of the King's leanings and also of the influence of Laud; further, the substitution of Montrose for Melrose in the Presidency of the Council. By this time, therefore, the Earl had been shorn of much of his former radiance, for Montrose had replaced him in the Council Presidency, Sir James Skene in the Presidency of the Court of Session, while Alexander had largely ousted him from his Secretaryship.

Meanwhile the King's Revocation was still concerning the nobles. Forbes says that Charles summoned the dissenting lords to a conference in London where they were at last persuaded to gratify the King. It is not clear, however, whether this actually took place. After some negotiation the King resolved to try the point in the law-courts, and so on the 26th August, 1626, a 'summons of reduction' was issued against the lords of erection to declare their rights void. This was the Scottish legal process by which a person maintains that his property is wrongfully held by another - the Crown in this case being the claimant against the Lords of Erection. This step produced the desired effect, a deputation being sent to treat with Charles. The three commissioners, the Earls of Rothes, Linlithgow, and Loudoun, were however stopped at Stamford by the royal order while their petition was forwarded to Court. This statement of Balfour's is corroborated by a royal letter to Melrose from which it appears that he had been a chief adviser regarding the petition. Charles said in his letter that he was not pleased at their having set out without his permission,
(1) Register of Royal Letters, vol. 1, p. 103.


(3) Register of Royal Letters, as above.

(4) Original Memoranda, see Fraser, vol. 1, p. 171.
hence his stopping them at Stamford. When he examined the petition, he stormed at it as being of too high a character for subjects.

Balfour tells us of a letter of advice from Melrose to the King in which he advised him to call a Parliament as "the only way to give his Majesty content and to settle the fears and jealousies of his subjects", i.e. fears regarding the recent Revocation Act. Charles himself in the letter above referred to, of date the 4th December, 1626, mentions such a communication from the Earl:

"We have commanded our Secretary here to write unto them (i.e. the three Earls) that they come not forward, and that they return if they be upon their journey, but that they send their supplication after the ordinary manner to be presented unto us...... And where you advise us to a Parliament, in regard of the place of trust you have of us and of your sufficiency, we cannot but value your opinion much, being confident that you would wish us to take no such course unless you knew a certain way thereafter for effectuating your service, yet seeing our desires so just and fair, and the means we use so lawful, we would first condescend in some measure upon the particulars which are to be secured in a Parliament."

This was a mild refusal, but the petition probably contained a similar suggestion which he roundly abused.

Matters, however, were amicably arranged, and the three envoys signed a compact with Charles. They consented to every proprietor of land, the ministers being competently provided for, having his own teinds on reasonable conditions, and that a certain yearly rent should be reserved from each parsonage and vicarage for the King's rental. With regard to the superiorities of Church lands, the envoys had no instructions, but if reasonable compensation were promised to the holders of such, they would endeavour to further the King's wishes. They also consented that heritable offices should be surrendered on similar terms, that a certain unalienable patrimony of the Crown should be established in the next Parliament, and a law made for resuming any part thereof which should happen to be alienated.

The terms of this agreement are especially interesting in that they were probably the result of Melrose's advice to the three envoys. That he was deeply interested appears from a royal letter dated the 17th January, 1627, written immediately after the conclusion of the compact. He is referred to as one of those who signed the petition, and he is informed that the King is to grant a new Commission to deal
(1) Register of Royal Letters, vol. 1, p. 119.

(2) Ibid., p. 123.

(3) Register of Privy Council, vol. 1, introduction.
with those concerned. As to the Earl's desire for a Parliament which had been refused in the royal letter of the 4th December, Charles now agrees if the Commission be successful in its results. The tone of the King's letter is clear from this excerpt:

"These are to require you, as you desire to continue in our good opinion, that, laying aside the respects of a person interested as you professed by the signing of that petition, you take upon you to deal as it doth become one in a place so near unto us and chiefly entrusted with our service."

Several days later, on the 1st February, Charles writes more cordially that he has been assured by the Earl of Annandale of the Earl's (i.e. Melrose) zeal in his service and he promises acknowledgment.

This letter was followed on the 3rd February by the proclamation of his Majesty's Commission for Surrenders and Teinds, that is, for arranging with all parties affected by the Revocation Act and by the Summons of Reduction instituted against them in the Court of Session. The composition of this Commission is significant. It consisted of sixty-eight named persons - the two Archbishops, the Chancellor, the Treasurer, the Secretary, then twenty more of the nobility, eight more prelates, twenty-three knights, baronets, etc., with ten burgesses. This intermixture of representatives from all the various Estates suggests that the Commission was intended to be a real Convention of Estates, with the great advantage of having powers to sit permanently for five months at least. Here in fact was a deliberative and executive body that was to sit thenceforth in Edinburgh besides the Privy Council, for a special business, and with independent powers. Twenty-seven of the Commissioners were also members of the Council.

From now on, Melrose seems to have given full support to the execution of the King's purpose. The Commission began its sittings about the 1st March, 1627, and Melrose was one of the first to surrender his teinds, superiorities, and heritable offices, and with regard to compensation, he offered to submit to the decision of the Commissioners. There are two drafts of the Earl's offer, the first dated sometime in March, the second on the 12th April, which was probably the one actually presented. In it the Earl offered freely to renounce all the superiorities which he possessed by the erection of Coldstream, and to
(1) Original drafts, see Fraser, vol. 2, p. 153.

(2) Ibid., p. 295.

(3) Connell on "Tithes", pp. 84, 104.

sell to the King every £100 of feu-duty due to the seller by the erection, for £1000 or less, if it be found expedient. He further offered to give the King 10/- for every boll of wheat, 6/- for every boll of oats, etc., or other sums as modified by the Commissioners. The terms of this offer as regards the sale of feu-duty were objected to by some as being too cheap, but they were adopted as the basis of later transactions. At a later date, the 22nd August, 1627, the Earl made a more ample renunciation of his superiorities without stipulating any conditions regarding recompense save what the King might be pleased to give. To this renunciation Melrose adds the hope that Charles will remember that he had no erections but what he bought "at dear rates, and specially Melrose, from the late Earl of Holderness."

The labours of these Commissioners extended over several years. In 1630, Melrose was appointed one of a sub-committee for expediting the work and receiving reports. From some of his earlier letters of the year 1627, it is evident that the Commission during its early sittings was interfered with by the clergy, especially the bishops, concerning whom Melrose wrote on the 6th March, 1627, to the Earl of Roxburgh, then at Court. He says:

"The bishops are unwilling that the commission should take effect, because it offers great mitigation to parties chiefly interested, out of his Majesty's gracious and equitable disposition... At the public meetings of the commissioners the most subtle were either silent or moderate, yet the Bishop of Ross's bolts were suspected to come forth of their common quiver... After the commissioners had in one voice allowed the form of summons, directed to warn all parties having interest to deal for their own teinds at particular diets appointed, the Bishop (i.e. Patrick Lindsay of Ross) made a protest that he, in the name of the King, the Church, and gentry of the kingdom, opposed that clause of the commission and certification of the summons bearing that if such heritors as were warned to deal for their own teinds should not conpar to that effect before the 1st August, his Majesty would secure their teinds to the lords of erections and other possessors thereof... I desired the clerk to record that the Bishop's protest was without warrant of any in whose name he made it, and against the order which all the rest of the Commissioners in one voice had thought reasonable and convenient; and although the whole number seemed weary of his ignorance and importunities, yet he impudently persisted: neither did the silence of his brethren make many to believe that they were of a contrary mind... But when their expressing to their confidants is duly considered, it is still believed by many that their chief aim is to destroy the Erections granted by blessed King James and to encroach to themselves all the teinds; which will be found too great a morsel for their greedy mouths... I expect your lordship will let me know what you can learn to be his Majesty's inclination...otherwise I will be forced to give over the game."
(1) Register of Privy Council, vol. 1.

(2) Ibid., and also Fraser, vol. 2, p. 152.

(3) Register of Royal Letters, vol. 1, pp. 174, 175.

(4) Ibid., p. 263.
Again, writing to Roxburgh on the 29th March, 1627, he says:

"If either the gentry prevail in procuring warrant that they may have the teinds of their lands from parties having right to these teinds agreeable to the laws of this kingdom without giving them satisfaction according to the due value thereof, or if the clergy be permitted to retain more power to use teinds of heritors lands in what sort they please...they will so disturb the Commission as it may in end (if my weak judgment deceive me not) make the Commissioners' exercise turn to passionate contention, stir up dislikes and emulations, and dissolve the Commission without the success all faithful subjects should study to advance."

From all this we see clearly what an enormous and complicated business had been devolved by Charles on his Commissioners, and how greatly the difficulty was increased by the conflict of desires between the nobles anxious to retain, and the clergy anxious to recover, so that stipends might be increased, and churches adequately beneficed and equipped. Melrose plainly hints that the Churchmen were prepared to wreck the Commission unless they should be able to interpret and work it according to their desires. He suggested that in fairness the bishops' superiorities and teinds should be dealt with in the same manner as those of lay owners, provision being made that the episcopal incomes suffer no diminution. That this was the view taken by Charles is seen from a letter written by him to the Scottish prelates on the 18th May, 1627, in which he administers a sharp rebuke for the attitude adopted by them:

"We cannot but wonder and be displeased at the beginning of your letter unto us showing that what was intended for a help for the Church is like to prove the utter undoing thereof... Our pleasure is that you concur with the rest of the Commissioners for effecting those things contained in our commission, so often and so seriously recommended by us."

In February, 1628, Melrose and other nobles, lords of erection signed a formal submission of their claims to the arbitration of the King, in addition to which, his own private submission made some months before, had been seen and approved by Charles, who, in March, 1628, summoned him to Court to advise upon the decree to be issued:

"We have found by the effects your affection to our service in the business of the tithes, whereof we have taken particular notice, and being willing to take your advice therein before we fully resolve upon our decree upon the submission, we think it fit that you repair unto our court if your health and charge can conveniently permit you..."

The Earl of Menteith, the Chancellor, Mr Thomas Hope, Sir Archibald Acheson, and Sir James Skene were also requested to come to London on

(2) Register of Privy Council, vol. 1.

(3) Register of Royal Letters, vol. 1, p. 141.

(4) Ibid., pp. 144, 149, 151.
the same business. The decreets-arbitral, when pronounced, were sent to him, the Chancellor being absent, to be published. These decreets, which were ratified by a Convention of Estates in 1630, are still held to be the basis of all regulations in regard to teinds, and the payment of stipends to the ministers of the Established Church in Scotland, who were provided with a regular permanent endowment. Much of the credit must go to Melrose and the other Privy Councillors consulted on the point by Charles.

Outside these ecclesiastical affairs there is little to note of Melrose's activities during these years. His virtual supersession by Sir William Alexander had naturally entailed a falling into the background. But, in September, 1626, we find the Earl coming to the fore again, for he was then charged by the King with the Convenership and conduct of the Council for important new business. Chancellor Hay and Archbishop Spottiswoode seem to have been absent at the time, and the Earl of Montrose, the authorised President in the Chancellor's absence, had not been in attendance for some time. The nature of the business was indicated in a royal letter of the 21st September, which ordered the detention at home of all ships, so that Charles might have the use of them in his war against Spain. In pursuance of the royal command, an Act of Council was issued to the required effect on the 28th September.

Although the public references to Melrose are not specially important, it may be taken for granted that he was 'ex officio' concerned in all public affairs. For example, on the 3rd March, 1627, he was appointed one of the commissioners of exchequer. In April, he received formal approbation and ratification of his services, and in an accompanying letter (2nd April) the King states that because "even the best sort of officers" may become liable to censure, he sends Melrose a "free discharge" of all such errors of the past, and trusts he will continue to deserve a further testimony of the royal favour. The particular errors referred to by Charles were the incarceration of certain Dutch traders, and an order issued by himself for the isolation of the sailors and passengers of a Dundee vessel.

(2) Fraser, vol. 2, p. 296.

(3) Ibid., p. 297.

(4) Register of Royal Letters, vol. 1, p. 222.
infected with the plague. These acts were declared usurpations of the royal authority, but were condoned because of the Earl's services. In August, 1627, he was specially requested to give his opinion and aid regarding the levying of forces in Scotland to be commanded by the Earls of Morton and Buccleuch in the expedition of the Duke of Buckingham to La Rochelle. Melrose not only gave the required assistance but sent one of his own sons in command of a company, for which service he received special thanks from the King in January, 1629.

In August, 1627, there were issued royal letters-patent changing the name of his title to Haddington. It was said that he preferred to take his designation from a county rather than from an abbey. The patent refers to his services to the late King and to his continued fidelity, therefore Charles had determined to honour him with a more worthy title than that of Earl of Melrose, which title he suppresses, and promotes the Earl and his heirs to the style and title of Haddington granting it the precedency over the earlier dignity of Melrose. The title of Haddington, with the rank of Viscount, had been held by John Ramsay, a courtier of James VI., but he had recently died. The patent which was issued on the 17th August, was formally sealed at Edinburgh on the 29th.

This recognition of royal favour was followed on the Earl's part by the renunciation of his whole superiorities already referred to, and a month later the King acknowledged this submission by appointing him to the office of Lord Privy Seal, with precedency next to the Treasurer. The commission is dated from Whitehall on the 18th October, 1627, and in the letter accompanying it, Charles commends his good endeavours in his service in the Commission for Surrenders, being therein "a leading example for others not so deeply interested as himself." The King concludes by saying he had given orders for the framing of a legal submission by all parties, concerning which he requests the Earl's opinion. On the 6th November, Haddington took the place of Sir Richard Cockburn as Keeper of the Privy Seal, though, says Scot of Scotstarvet, "he liked better to be Secretary, being the more profitable place." To this view we obviously cannot attach too much credence, for

(2) Fraser, vol. 2, p. 297.

(3) Register of Privy Council, vol. 2.

(4) Ibid.
Scot had no great liking for the Earl. Haddington also handed over the insignia of his office of Secretary, and received those of his new place. He first exonerated himself of the possession of the warrants of the signet, which his deputy bound himself to deliver to Sir Alexander Acheson of Clancairne, who was to fill the post of under-secretary for Scotland. Then Haddington produced his Majesty's great signet and the small one used for closing letters to the King, both being of gold, and three other signets, two of the Session and one of the Privy Council, all of which had been kept by him or his subordinates, and were now handed over to be given to Acheson. The new patent was then read by the Chancellor and accepted by the Council, whereupon Sir Thomas Hope of Craighall, the King's Advocate, who had charge of the privy seal, handed it over to Haddington. The delivery of the signet warrants seems to have taken some time, for it was not till the 29th December, 1627, that Acheson gave formal acknowledgment of their receipt.

Of further minor activities towards the close of 1627, we find a reference of date the 9th October, when, in view of the great preparations for war in many parts of Europe, the Privy Council ordains the muster on the 7th November next, of all the fencible men within certain specified districts; and nominates persons to be present at the muster or wapinschaw and to inform themselves of the form and manner thereof and of the number of persons present. Haddington with Lords Melville, Ramsay, and Napier, was to attend the Edinburgh muster. Again, on the 28th February, 1628, Haddington was appointed with the Earl of Wyntoun to take the subscriptions of the teind-sellers of Haddingtonshire. A copy of the royal writ anent surrenders, erections, and teinds, was proclaimed from the market-cross of Haddington to inform all teind-sellers to meet the two royal commissioners. Some two months later, the Earl reported to the Council that he had carried out his commission, and he produced the submission subscribed by the teind-sellers of Haddingtonshire.

On the 31st March, 1628, he was appointed to preside in the Council in the absence of the Chancellor and the President. This was
(1) Register of Privy Council, vol. 2.


(3) Register of Privy Council, vol. 2.
not the first time of course that the Earl had been thus called on to step into the breach, and as always he addressed himself zealously to any duties which might thus devolve upon him. As illustrating his keenness we might quote from two letters written by him to James Primrose, Clerk to the Council, on the 3rd and 4th April, 1628:

"Loving friend, when my Lord Chancellor went by, he desired me to have care of the public affairs and advertise what happened. I must therefore entreat you to write to me at all occasions what you learn and think fit to be done at home or writing to Court, and cause Master Patrick Brown send your letters with sure footboys or if any greater moment occur, spare not to write by post."

"Loving friend, lest you should weary of idle set in this vacant time, I have sent you the store I received from Court by packets brought by the Laird of Thornton. This paper contains all I have heard..."

On the 12th July, 1628, the Earl was appointed to a commission to examine the laws, statutes, and Acts of Parliament, printed and unprinted, together with the customs of the kingdom, and to give judgment regarding the printing of such statutes as are not printed, and the omission of such acts as have fallen into desuetude. This was a duty very similar to that to which he had been called in 1592, at the very threshold of his career. In the previous month, a royal letter had desired Haddington to further a scheme for the re-establishing of circuit courts of justiciary, while a few days later, the King announced his intention of visiting shortly his native kingdom. The letter which intimated this urged the Earl to use every effort to further a Parliament and the King’s coronation. As a result of this intelligence, the Privy Council, on the 17th July, commissioned Haddington, Spottiswoode, Lauderdale, and a few others to convene and meet as they pleased to confer upon the solemnities requisite for the coronation. On the very next day, however, a letter was sent from the Council to Charles stating that owing to the exhaustion of his Majesty’s exchequer, and other impediments, the proposed royal visit would be inopportunity at that time. As a result, therefore, Charles’s visit was deferred for the time being.

A Convention of Estates was held in July, 1629, and the chief references to Haddington are found in letters to him from the Archbishop of St. Andrews, and in letters from him to William, Earl of
(1) Fraser, vol. 2, pp. 158-68.

(2) Ibid.
Menteith. Those of the Archbishop refer chiefly to local ecclesiastical affairs, and particularly to the presentation of a minister to the parish church of Haddington. Spottiswoode, writing on the 2nd Sept. 1629, says that he, and the Bishops of Dunkeld, Brechin, and Dunblane, would be content that Mr Henry Rollok should go to Haddington as minister, if he could only be released from Edinburgh. Rollok refused however to leave Edinburgh, and the Archbishop then recommends Mr Thos. Spittal, then at Falkirk. Apparently Haddington had chosen Mr John Wemyss for the vacancy, but the Archbishop points out that Wemyss made scruples on the question of conformity, and he had the King’s express orders to admit none to vacant churches but those of whom he had the subscription of the articles, and this command he dare not disobey. Unless Haddington could bring Wemyss to conform himself, another must be chosen. He concludes by praying his lordship "to remember of Haddington, which must needs be planted, having been a year vacant."

Six days later, he writes to say he is glad the Earl had chosen so discreet a person as Mr Robert Balcanquil to fill the vacancy, and that he has been appointed to teach on Sunday next. The letters of the Earl to Menteith (who was President of the Council and was in London during March and April, 1629) were reports of what was being done in Scotland.

Only one subject need be referred to as having any personal interest. In November, 1628, the King had granted to Sir Alexander Strachan of Thornton a commission to search for and receive arrears of Crown rents and casualties. This commission with great opposition from the officers of the Crown, so much so that the commissioners of the exchequer refused to pass the signatures. In one of his letters to Menteith, dated the 1st April, 1629, Haddington refers to this and similar attempts to force money, which, he says, "do affright our people," and he urges that the King wait till his coming to Scotland, when the people may be prepared to give him large supplies. As for himself, Haddington writes, "I am free of private interest."

In the following year, 1630, Haddington was appointed one of a commission for taking proceedings against those who concealed the state

(2) Ibid., pp. 456, 465.


(4) Register of Privy Council, vol. 4.

(5) Original letter, see Fraser, vol. 1, p. 177.
of their incomes to avoid taxation. He was also a member of the Convention of Estates which met in Edinburgh on the 28th July, before which the King had written him special letters desiring him to further the matters that were to be proposed. These were a general fishing treaty with England, the ratification of the decrees regarding tithes, and the granting of a special taxation of 30/- in the pound, payable at four terms. Of this Convention, Balfour says that the matters debated in it were only Court devices to try how the country and its commissioners would relish what was later enacted in 1633.

On the 27th March, 1631, he was appointed to the new Privy Council, while about three months later he was concerned in a somewhat peculiar case against Lord Ochiltree. It seems that the latter had accused the Marquis of Hamilton, the Earl of Haddington, and some others of a conspiracy to seize the Scottish throne by means of the troops which the former lord had been commissioned to raise for service under Gustavus Adolphus. The King sent north a letter saying that these lords had been falsely accused of treason. Although he had very good grounds for action, Haddington very magnanimously wished the matter to drop. On the 1st December, 1631, he declared personally before the Council that however he had been maliciously and falsely traduced by the Lord Ochiltree, he did not in the least resent that calumnious challenge, since his Majesty had been pleased by his royal declaration to acquit him of all suspicion, in respect of which he declared that he would not accuse Lord Ochiltree nor carry himself as a party against him.

Though still consulted about state affairs, a letter written on the 8th January, 1631, to his friend John Murray, first Earl of Annandale, shows that Haddington considered himself greatly laid aside from business, both by advancing years and political changes:

"Your lordship's question with Johnston....is a session action in which I am altogether useless....but I take it for a singular favour to me from God and my gracious master whereby I am relieved from that toil which my age and decayed body could not have sustained without discovery of the defects incident to decaying men. And whereas some of my ancient colleagues profess truly wonted kindness, yet most of them being ordinary lords must spend the whole forenoon in session where I have no more access nor your lordship has in the bed-chamber. And the extraordinary
lords, who in the afternoon come all the days of the week to Holyroodhouse to our meetings of Council, commission for tithes and exchequer, they are so taken up before and after our meetings with solicitations for session matters, submissions, consultations with their powerful friends and other hindrances....that I can hardly find a moment's leisure to speak with any of them without interrupting their better business, unless I would in the mornings and evenings climb up and creep down their stairs, which, before God, I am not able to do, either in my own business or my friends!"

In this same letter, Haddington pays a very frank and pleasing tribute to the merits of his legal brother, Sir Thomas Hope, then Lord Advocate.

In May, 1633, Haddington was, by special letter from the King to the Chancellor, appointed one of a commission to take the depositions of witnesses as to certain charges against William Graham, Earl of Menteith, who had recently been created Earl of Strathearn, of uttering treasonable speeches against the King. The commission met and duly examined the witnesses, and Haddington joined in reporting the result to Charles, but he does not appear to have been concerned in the further proceedings against his unfortunate colleague. When the King received this report, he was preparing for his visit to Scotland which shortly took place.

For the greater part of the first six months of 1633, the Council had been investigating and preparing for this long-deferred event, and several committees had been appointed to make the necessary arrangements. Indeed, as far back as March, 1630, Haddington and a few others had visited both St. Giles Church and Holyrood Church to consider which would be the more convenient for Charles's coronation. From the account given by Balfour of the proceedings, we learn that Haddington, as an officer of state, took his share in the King's reception, riding in the various processions. He was present at the coronation at Holyrood on the 18th June, 1633, though no special function was assigned to him; and he did homage in his place among the other Earls. On the following day, the Parliament was opened by the King in person, and Haddington took part in the proceedings. What share he had in promoting the measures passed which proved so obnoxious to the people, cannot be clearly ascertained, but he was appointed by the King himself, one of the Lords of the Articles who constituted the business committee of Parliament. The acts which caused the most

(2) Register of Privy Council, vol. 5.
dissatisfaction were those imposing the income-tax in the same manner as in 1621, with which, as we have seen, Haddington had so much to do; and acts ratifying the King's prerogative, and affecting religion, which were resented as likely to restrict the liberties of the Church. A more industrious Parliament had never sat in Scotland; for, when it rose on the 28th June, it had passed no fewer than one hundred and sixty-eight acts. Haddington was also a member of various committees or commissions for special purposes, such as auditing the public accounts, dealing with abuses of the coinage, and similar matters. He was one of a new Commission for Surrenders and Teinds which was nominated on the 25th July, and requested to take the oath before the Council on the 25th September, and to begin their deliberations on the 1st November.

About a year later there occurred an incident which proves that, though the Earl was now over the allotted span, he still retained his old vigour and initiative in dealing with any situation which might be referred to him. It seems that in September, 1634, when the Council was on vacation, information was brought to Haddington, who happened to be in Edinburgh at the time, that a great deal of counterfeit coin had been circulated of late in Scotland. The Earl at once authorised Mr Alexander Kinnear, a writer, to enquire into the matter. On the strength of this warrant from Haddington, Kinnear had made an arrest of an Englishman who was committed to jail in Edinburgh. On the 22nd December, the Lords of Council formally approved all that the Earl had done, and complimented him on his initiative.

For some time before his death, Haddington had felt the pressure of advancing years, and had made preparations for his probable decease. In July, 1629, he made his will, appointing his eldest son, Thomas, Lord Binning, his sole executor. His chief anxiety seems to have been about his silver plate, of which he had amassed a large amount. It was not dealt with in his will, but was the subject of more than one special agreement between himself and his son. The first of these was made as far back as 1624, when the Earl expressed his resolution that his "chief silver-work, tapestry,
(1) Fraser, vol. 2, p. 294.

(2) Ibid., p. 300.
hangings, etc., should remain with his family and be enjoyed by his heirs-male and successors. All such articles were therefore granted to his son on condition that they be kept as heirlooms. The amount of silver-work enumerated in the first contract was valued at the large sum of £20,000 Scots. The Earl, however, reserved the right to redeem it by the payment of a rose noble at his own dwelling-place on three days' warning. In the second contract which was dated the 9th June, 1635, the same was granted with considerable additions, and the whole household furniture and other articles in the dwelling-house at Tynninghame. Binning was to have immediate possession, but he came under the obligation to furnish to his father, on six hours' warning, such of them as he may require. For the Earl's ready access to the plate, etc., Binning pledged himself to keep the whole during the Earl's lifetime within the Earl's dwelling-house, either in Edinburgh or in Tynninghame, and not to remove them elsewhere without the Earl's consent. An inventory of the furniture at Tynninghame was taken, and a few days later, on the 18th June, Lord Binning took formal possession of the whole.

As illustrative of the fact that, until right up to his death, Haddington continued to take an interest and a share in the government of Scotland, we might instance an entry in the Council Register of date the 7th August, 1635, whereby the Council empowered Haddington, Traquair, the Clerk-Register, and the Advocate, or any one of them, to pass such bills in vacation time as they thought reasonable.

In March, 1637, the Earl lost his third wife, Lady Julian Ker, and this probably hastened his own decease on the 29th May, 1637, at the ripe age of seventy-four. On the 13th June, the Register of the Council, in its coldly official manner, records that the Earl of Roxburgh had been appointed Lord Privy Seal in the place of the Earl of Haddington deceased.

The popular tradition regarding his wealth was justified by the amount of the inventory of his goods given up by his executor. The sums of money, household goods, and grain, in the Earl's own possession at his death amounted to £5474:4:5 Scots, and the whole amount of his
(1) Fraser, vol. 2, pp. 304-312.

personal estate, after deduction of debts, was estimated at £43,052:12:2 Scots, a very large sum for the time. No changes had been made in the will. No legacies were left to any of his children who were provided for during his lifetime. The document closes in a manner which shows the late Earl in a very favourable light:

"I direct and entreat my said executor to commit my body to Christian burial, in decent and modest manner, without pomp or superfluity, and in place of great charges bestowed by many at such occasions upon unnecessary shows, that he give to the poor of the parish where I shall die or be buried, a bountiful distribution according to his conscience and discretion. I further ordain him to give some reasonable recompense to such of my old servants as he knows to have been faithful to me..."

Witnessed by Mr Patrick Hamilton, brother, Archibald Elliot, and James Brown, his servants.

Edinburgh, 2nd July, 1629.

Whatever may be one's final estimate of the man, there is no gainsaying the fact that he was possessed of marked character and abilities. His talents were exceptional, his native genius being developed by his education in Paris and by his wide classical knowledge. Indefatigable in industry, efficient in his profession, he was keen in his detection of falsehood, and quick in his perception of character. He was the most active and most prominent member of the Council in James's reign, and one who executed that King's policy with unwavering determination. One may condemn Haddington's support of the King's ecclesiastical policy, but it is impossible to deny the vigour and ability with which it was carried out. The fact that James, generally impatient of remonstrance, often yielded to the Earl, proves the trust which he placed in his adviser.

Haddington had a remarkable capacity for work. His heavy daily duties did not prevent him from carrying on a voluminous correspondence, very largely in his own hand. That such concentration was not without its effect is evident from some of his letters, e.g. one to the King on the 7th May, 1623:

"My eyes are so blinded that I could not write....being forced this forenoon to prescribe to the clerk of the Council the matter of the first part of their letter, and to dictate verbatim to him the last half thereof."

Again, writing to the Earl of Roxburgh on the 7th April, 1627, he says:
(1) Fraser, vol. 2, p. 152.

(2) "Life of Sir Thomas Craig," pp. 263-4.

(3) Memoir of Chancellor Seton, p. 195.
"Yesternight, when answering your lordship's letter of the 27th of March, and writing to other friends, I had made myself half blind, I this day meant to have rested my sore and wearied eyes; till, some reports contained in a paper herewith enclosed coming to my ears, I was forced to strain my eyes to write to Sir William Alexander..."

To Haddington, historians are greatly endebted for his copious notes and copies of Acts of Council, charters, and legal decisions. His 'Decisions' are well known, there being extant three MS volumes containing over three thousand cases decided between 1592 and 1624. His collection of charters is comprehended in two MS volumes, the first containing copies, many in his own hand, of numerous charters from the Great Seal Register, while the second contains full notes by himself of write from various monastic chartularies - a collection invaluable to historians. We are also endebted to him for transcripts of part of the Exchequer Rolls of Scotland which have preserved to us the earliest known of these documents. Speaking of these collections which are all preserved in the Advocates' Library, Tytler says, "They would seem the fruit rather of a whole life thus spent than merely of a few scattered leisure hours."

With regard to his character there is divergence of opinion. Some eulogise; others refer to his "harsh and despotic nature." No doubt, as first Lord Advocate and then Secretary, he was particularly obnoxious to the Presbyterians. The best estimate can be drawn from his letters, especially those to King James. He was certainly very obsequious, but this was a characteristic of the age, and even in this respect his letters compare favourably with those of contemporary English and Scottish statesmen. For example we find the Duke of Buckingham styling himself as his Majesty's "humble slave and dog"; while Chancellor Seton assured James that all wisdom, doctrine, courtesy, godliness, policy, and civility shone in the King's book lately issued. Obsequiousness was the current style, and yet there are often evident in the Earl's letters to the King hints that the policy pursued is not acceptable. The Editor of the Privy Council Register comments on the general submissiveness of the Council, but says that there is reason to believe that some were reluctant executors of the royal will. Haddington, though he apparently lent himself to the furtherance of the
(1) Omond's "Lord Advocates," vol. 1, pp. 69, 87.
King's policy with typical energy, was yet instrumental in influencing and restraining it at times, e.g. the letter against the further trial of the imprisoned ministers in 1606, and the policy of inaction with regard to Rigg whereby the King's desires about the fine were rendered inoperative. Omond says that the life of the Earl of Haddington represents a career of political ambition never equalled at the Scottish Bar. During his half century of public service he held the offices of Lord of the Court of Session, a Lord of Exchequer, Lord Advocate, Lord Clerk Register, Lord Secretary of State, Lord President of the Court of Session, Royal Commissioner to the General Assembly, Lord President of the Privy Council, and Lord Privy Seal. And very probably he might have been Lord Chancellor had he so desired. "Half a century of able and patriotic service in so many varied offices testifies to the unrivalled power and attainments of the holder as an accomplished lawyer and statesman."

Marriages and Children:

He was thrice married:

1. Margaret Borthwick, daughter of James Borthwick of Newbyres, in 1588. She died in December, 1596. By her the Earl had two daughters, viz. Lady Christian, who married, first, Robert, Lord Lindsay of the Byres, and secondly, Robert, Lord Boyd.
   
   Lady Isabel, born, 18th February, 1596. Married James Ogilvie, first Earl of Airlie.

2. Margaret Foulis, daughter of James Foulis of Colinton. The marriage must have taken place before August, 1597, when he and his second wife were infeft in the lands of Balnabein and Drumcairn. They had three sons and four daughters.
   
   Thomas, born 25th May, 1600, and succeeded his father as Earl of Haddington. He married, first, Lady Catherine Erskine of Mar, and secondly, Lady Jean Gordon of Huntly. He died on the 30th August, 1640.
(1) Fraser, vol. 2, p. 170.
b. Sir James Hamilton, born the 29th May, 1603.


d. Lady Margaret, born 5th April, 1598. Married, first, David, Lord Carnegie, eldest son of the Earl of Southeasek; secondly, James Johnstone, first Earl of Hartfell.

e. Helen, born 16th May, 1599. Died young.


g. Lady Anne, born 24th April, 1608. Died unmarried.

Margaret Foulis, Lady Hamilton, died in May, 1609, and Sir Thomas remained a widower until September, 1613, when he married:

3. Dame Julian Ker, widow of Sir Patrick Hume of Polwarth, and daughter of Sir Thomas Ker of Fernihirst. She was also the sister of James's favourite, Robert Ker. There was one son of the marriage:

a. Robert Hamilton, born 14th May, 1615, and provided by his father to the lands of Wester Birny in October 1622. He died unmarried on the 30th August, 1640, when he was killed with his eldest brother, Thomas, the second Earl.

There is in a letter of Thomas, Lord Binning to Mr Adam Hepburn on the 29th March, 1630, a reference to another son of the Earl, Patrick by name, who is mentioned as having incurred debt in France:

"Mr Patrick, my brother, has told me that he has contracted some debt in France, which I know would anger my lord if he should know it. Wherefore I desire to give him one thousand marks towards the payment thereof, and take allowance for it in my account."

Lamont in his Diary under date the 11th August, 1654, refers to a Mr James Hamilton, natural son of the Earl of Haddington; but it is not clear whether he means the first Earl or the second.

(2) Register of Privy Council, vol. 7, p. 358.

Appendix A:-

His Silver-Mine at Hilderston

The discovery of the presence of silver at Hilderston on the estates of Lord Advocate Hamilton was made, shortly before 1607, by a collier, Sandy Maund by name, who had been searching about the skirts of the hills near to the burn or water of Hilderston. After digging for some time at various places, he chanced to hit upon a heavy piece of red metal, which, according to a contemporary account, "was rased with many small strings like unto hairs or threads." His curiosity aroused, Maund sought further into the ground and unearthed a piece of mossy brown spar-stone, which, on being broken with his mattock, proved to be white and glittering within. Maund probably did not realise the significance of his find, but the news of the discovery spreading, a Linlithgow gentleman, Mr Robert Stewart, advised him to get into touch with Sir Bevis Bulmer, an English mining specialist, at that time superintending in the King's name operations near Leadhills. Bulmer assayed the Hilderston specimens and reported most favourably upon them.

Sir Thomas Hamilton took immediate steps to secure his rights, and in March and April, 1607, he received two charters from the King, the second of which contained a grant in feu-farm of all "minerals and metals, gold, silver, copper, tin, and lead, to be found within the bounds of the lands and baronies of Ballincriff, Bathgate, Drumcross, Knock of Drumcross, Tortraven, Torphichen, and Hilderston, in the sheriffdom of Linlithgow," on condition that one-tenth of the profits be paid to the royal exchequer. On the 25th March of the same year, he was appointed Master of Metals and Minerals in Scotland. Hamilton seems upon the King's recommendation to have given control of the mine into Bulmer's hands; but Balfour records the fact that Bulmer, unable to continue working with profit, gave it up to Hamilton's hands. This statement is corroborated by a letter from the Advocate to James, written on the 12th September, 1607, in which he indignantly refutes the insinuation that he had carefully concealed from James the true


(3) Register of Privy Council, vol. 8, pp. 22-3.

(4) Ibid., p. 38.

value of the mine. Too much credence should not be given to these, however, for most of the aspersions cast upon Hamilton's character seem to have emanated from the malicious reports of Bulmer himself. The latter was an English adventurer of a rather shady type, and, taken all over, his career strongly resembles that of an unsuccessful modern speculator. In his letter, Hamilton blames Bulmer for spreading the rumour of the great value of the mine - an assertion which is corroborated by Atkinson who tells us that Bulmer's hopes were so high that he named one of the shafts "God's Blessing.'' According to the Advocate's account, Bulmer made such glowing promises to him that he "credulously" put him in possession of the working material, but found himself injured by the contract. Bulmer, however had renounced the works and Hamilton had been obliged to pay the wages left owing to the workmen. Hamilton expressed the hope that the King will not blame him for accepting Bulmer's renunciation and proceeded to defend himself against the charge of concealing the value of the mine. He reminded the King that such a thing would be impossible, because so many workmen knew the real value. He declared himself willing to submit the value to a trial on behalf of his Majesty, and hoped that it might prove profitable.

The next letter from Hamilton is dated the 29th January, 1608, from which it appears that matters had not progressed favourably. A quantity of ore en route to London by sea for assay had been wrecked and therefore the King, in November, 1607, had ordered a further quantity of ten tons, good or bad, to be forwarded to London, and for this, Hamilton had given permission to Sir John Arnot. In January, 1608, the royal commission had begun to extract the ten tons. A few days later, Hamilton presented a petition to the Council, which, considering his ready consent to the taking of so much ore from his mine, ordered the keys of the mine to be restored to him that he might regain full possession. This offended James who freely expressed his opinion to the Council and to Hamilton, whose letter of the 29th January is most submissive in tone, assuring the King of the utmost zeal in his service. Meanwhile the royal commissioners had completed

(2) Register of Privy Council, vol. 3, pp. 40, 41, 44.

(3) Ibid., pp. 71-2.

(4) Ibid., p. 84.

(5) Fraser, vol. 2, p. 119.
their work, and the ore had been duly placed in barrels for transport. The King was not satisfied however, and by a letter of the 11th Feb., 1608, Hamilton was summoned to London with a copy of the grant of the mine. To this Hamilton replied with infinite regret that the King should have been offended at his petition to the Council. He stated that his reason had been that Bulmer had endeavoured to forbid him to re-enter into possession of his mine. In consequence of that, on the King's command, Sir John Arnot had taken possession and nailed up all the shafts. The fact that some of Hamilton's workmen had been present at the closing of the mine had been construed into an offence, as suggesting that he wished to retain possession despite the King's order. Hamilton assured James that there was no such intention, and closed with the usual submission to the royal will. This letter is dated the 19th February. Hamilton duly went to London, and the King ordered the Privy Council to delete from their records the act granting possession of the works to Hamilton, but otherwise the Lord Advocate remained in favour, apparently by a complete surrender on his part. On his return, he stated before the Council on the 12th April, 1608, that he had offered to enter Sir John Arnot in the works, but the latter had refused on the ground that he had no royal warrant to do so. This absence of warrant is probably explained by the appointment, on the 25th April, of Bulmer as master and surveyor of the earth works of the mine. That the King did give Hamilton monetary compensation for the mine is borne out by a letter from Lady Jane Drummond to him on the 18th May, 1608, in which she refers to the birth of a daughter to the Advocate in the following terms: "I acquainted her Majesty with your good luck, for the King no sooner gave you money for your mine, but God sent you a child to bestow it on..." The slight royal disfavour into which Hamilton fell over the question of the mine seems to have been quite unwarranted, for there is no reason to believe that he deceived the King in any way as to the value of the mine.

Eventually we find that Bulmer, after getting full possession on behalf of the King in May, 1608, worked the mine till December, 1610, but probably with no great success. Very few facts can be gleaned as
(1) Register of Great Seal, Bk. 39, no. 133. Bk. 42, no. 64.

to the subsequent history of the mine. That Hamilton had regained control and had formed a company to continue operations can be inferred from a letter from Charles I. in 1627, in which he desired the Earl to arrange with that company for their resignation in favour of Lord Gordon, Sir Alexander Napier, and others, who had a warrant to search for silver, and who wished to work the Hilderston mine. The royal request seems to have been complied with, for the company had been running at a loss. The mine had by no means lived up to its early promise; indeed, the operations from 1607 to 1610 had probably exhausted its chief resources.

Appendix B:-

His Lands and Baronies

According to his contemporaries, Haddington accumulated a large fortune which he invested chiefly in land. Among his early acquisitions was part of the lands of the common myre, adjoining Priestfield. He had also charters to himself in feu, and his father in liferent, of the lands of Priestfield, Balnabein, and Drumcairn, the last-named being secured to him and his second wife, Margaret Foulis, in 1597. He took his title as Lord of Session from the lands of Drumcairn.

In December, 1596, his father, Thomas Hamilton of Priestfield made over to him the kirklands of Dalmeny, and the grant was confirmed by the Crown.

About 1598, he or his father bought Humbie, in the parish of Kirkliston, from William Hamilton of Pardovan and Humbie, but the possession of this estate was for a time not very peaceable. For the Lord Advocate brought a complaint against William Hamilton, his brother Mungo, and others, for disturbing his tenants at Humbie. They refused to appear before the Privy Council and were denounced as
(1) Register of Privy Council, vol. 5, p. 43.


(3) Ibid., p. 334.
rebels, but nothing further is recorded.

The next purchase appears to have included the church lands of Easter Binny or Binning, Wester Binny, and Braidlaw or Middle Binny, called the Nunlands. It is not clear from whom these lands were acquired, but they formed part of the priory of Elcho, and when it was proposed to erect the priory into a temporal lordship in favour of David, Lord Scone, they were exempted in favour of Lord Advocate Hamilton. In the same way and at the same time, the church lands of Dalmeny were exempted from the grant of the abbacy of Jedburgh in favour of Alexander, Earl of Home.

About this time also, the Lord Advocate acquired the lands of Wester Binny and others from Robert Bruce and Catherine Hamilton, his wife, who was a sister of Robert Hamilton of Ecclesmachan. These lands at one time had belonged to a family of the name of Binny or Binning, and from them, Sir Thomas Hamilton, when made a peer of Parliament, took the title of Lord Binning. The agreement with Bruce was made in September, 1601, when Hamilton gave the sum of 21,000 marks for the lands, and as this amount was not all paid at once, he granted security over the kirklands of Dalmeny. Other lands given as security included the lands of Mansion, Beidhouse, and Barnbougle hill, acquired from David Dundas of Priestsinch. In 1607, the lands of Wester Binny and adjoining lands, with Orchardfield, the church lands referred to, and others, were all united and erected into one Barony of Binny.

In 1603, the Lord Advocate received a charter of the lands of Monkland, Auchengray, Gartsherrie mains, and others. He purchased these and other lands in the barony of Monkland from Mark Ker, commendator of Newbattle, and had them erected in his own favour as the Barony of Monkland. He also had the patronages of the churches of Cadder and Monkland. About the same time he received the honour of knighthood and was designated Sir Thomas Hamilton of Monkland. Previously he had taken the territorial designation of Binny. In 1607, however, he sold this Barony and the patronages to Sir James Cleland.
The Barony of Binny was to be held blench of the Crown for a red rose at midsummer. Besides this erection, Hamilton received a grant of all the minerals and metals, gold, silver, copper, tin, and lead, to be found within the bounds of the lands and baronies of Ballinorieff Bathgate, Drumcross, etc., the grant being consequent upon the discovery of silver at Hilderston. The various questions relative to the silver mine and the subsequent withdrawal of the grant have been treated above.

Two years later, Hamilton received a Crown charter confirming to him the possession of the barony of the Byres, the lands of Cauldrow Mains of Drem, Dremhill, Coates, Middlethird, and Coatacres within Drem; the lands of Muirton, Mungo's Wells, Garmilton, and Harvieston, all within the constabulary of Haddington, and including the patronages of the church of Haddington and of the Lady Chapel of Drem. All these lands were bought by Hamilton from John, Lord Lindsay, for the sum of £33,333:6:8 Scots.

Two years after the completed purchase, Hamilton obtained from Parliament an act ratifying the various charters of his separate possessions, and uniting and erecting them all into one free Barony of the Byres, whereupon Hamilton adopted the new designation of the Byres.

In 1621, Hamilton, now Earl of Melrose, again had his lands confirmed to him by act. They had considerably increased. Besides the baronies of Byres and Binny, the Earl held the barony of Samuelston in Haddingtonshire, with the patronages of the chapel of St. Nicolas of Samuelston, and the parish church of Athelstaneford. The barony of Byres was included in that of Binny, now called Binning, and to it was added a large accession of property known as the temple lands of Drem, and including the superiority of numerous temple lands in Scotland. These temple lands, or rather the superiority of them, were acquired from Lord Torphichen about 1599 by Robert Williamson of Murehouse, and were purchased from him by Lord Binning in 1615. Binning then resigned them into the hands of the Crown on the 5th Oct. 1615, and received, it is said, a new charter adding them to his lands of Drem, and erecting the whole into the Regality of Drem.


(3) See Fraser, vol. 1, p. 135.

(4) Ibid., loc. cit.
The lordship of Melrose, from which he took his title as Earl, was purchased by him shortly before the 30th September, 1618. The lands belonging to the abbacy of Melrose had in 1609 been conferred on Sir John Ramsay, who was created Viscount of Haddington for his good services over the Gowrie Conspiracy. From Ramsay, Binning acquired Melrose, with the mills of Melrose and Redpath, the lands of Drygrange, Sorulesfield, and others in the neighbourhood, together with lands in the Lammermoors, the whole being valued in 1630 at the yearly rent of £3320. All these lands, with Samuelston and Binning, were ratified by Parliament to the Earl of Melrose, no doubt for his support of the King's ecclesiastical policy.

In 1623, the Privy Council ratified the settlement of a question which had arisen between Melrose and the town of Haddington regarding their respective rights over the moor of Gladsmaur. It appears that a division had been made at a former date, but the marches of Samuelston had been left undefined. The matter was arranged however, and the Earl with the consent of his eldest son agreed to recognise the town's rights under their charter of the moor from James V. and to share the commony accordingly. This agreement was formally ratified by the Council and then by James VI. himself.

In 1628, the Earl of Haddington bought the estate of Tynninghame in the county of Haddington. This property, an ancient possession of the Bishops of St. Andrews, had, about 1513, been granted in lease to Robert Lauder of the Bass, and twenty years later, they were given to him or his son in feu. The lairds of the Bass held Tynninghame till 1621, when they sold or mortgaged them to the Court favourite, John Murray of Lochmaben, later Earl of Annandale. He in turn sold them to the Earl of Haddington in 1627, and the latter completed his title in January, 1628.

The barony of Tynninghame as purchased included the mains and other lands of Tynninghame, the lands of Knowis, Kirklandhill, and others, and the sum paid for the whole barony was 200,000 marks. The lands of Tynninghame were to be held of the Archbishop of St. Andrews as superior, and the lands of Kirklandhill of the regent and
masters of the New College of St. Andrews.

Later acquisitions by the Earl of Haddington were the lands of Luffness in the county of Haddington, and Coldstream and Goldenknowes in Berwickshire, of which he had Crown charters in 1333 and 1334; but these lands were sold.

From all these lands and baronies a very large annual income was derived. Take for example the rental of the year 1335. Most of the rent was paid in grain, but there was also a silver duty or money rent drawn from each barony. The total amount of grain rental was fixed at 472 chalders (approximately), which, at £100 per chalder, brought in £47,200 Scots yearly. The money duties amounted to £21,082:2:0, making a grand total of £62,282 2/- Scots, a very large sum at the time, and forming an income which fully justified the estimates of his contemporaries.

Appendix C:-

His Ancestry

The origin of the House of Hamilton has been the subject of controversy amongst historians and genealogists. And even yet, the ancestry previous to Gilbert, the father of Walter FitzGilbert, is shrouded in obscurity.

Of Gilbert nothing is definitely known, but his son lived in the reign of Robert I. This Walter FitzGilbert, in the interests of Edward I., was captain of the Castle of Bothwell. After Bannockburn, however, he joined Bruce, and received from him the lands of Cadzow and Machan or Dalserf in Lanarkshire, and those of Kinnell in Linlithgowshire. He was twice married, his first wife, named Helen, dying before 1320, by which time he had married his second wife, Mary Gordon. He had two sons: first, David, who was the ancestor of the Hamiltons,
(1) "Genealogy of House of Stewart," pp. 75-77.

(2) Fraser's "The Douglas Book," pp. 400-01.


(4) Fraser's "Memorials of the Montgomeries," vol. 2, pp. 38, 42.


(7) Great Seal Register, vol. 3, nos. 1819-1825.
Earls of Arran, and Dukes of Hamilton and Abercorn; secondly, John, the ancestor of the Hamiltons of Innerwick, and of the Earls of Haddington.

This John married Elizabeth, the daughter of Sir Alan Stewart of Darnley and Crookston, and from his wife's brother, he acquired the lands of Ballencrieff and others in Linlithgowshire. Along with his nephew, the laird of Cadzow, he seems to have assumed the surname of Hamilton. He was succeeded by his son, Sir Alexander Hamilton of Innerwick, who married Elizabeth, the younger daughter and co-heiress of Thomas Stewart, Earl of Angus, and obtained with her the lands of Innerwick in Haddingtonshire, and Balnabein and Drumcairn in Perthshire. He died before 1454, when his son, Sir Archibald Hamilton of Innerwick, was infeft in these lands. Sir Archibald married Margaret, daughter of John Montgomery of Thornton, and, dying before July, 1488, was succeeded by his son, Sir Alexander Hamilton of Innerwick. The latter had a charter to himself and his wife in 1465 of the lands of Ballencrief and others, and, during his father's life, was styled "of Ballencrief." He married Isobel, daughter of John Schaw of Sauchie, and died about 1505, leaving issue. His eldest son, Hugh Hamilton of Innerwick, succeeded his father in Innerwick, Ballencrief, etc., and continued the main line of the family of Hamilton of Innerwick. His second son, John Hamilton, is mentioned in the Treasurer's Accounts for 1489; the third, Alexander, is mentioned in a charter of 1503; then came a daughter, Alison, and after her, a fourth son, Thomas Hamilton of Orchardfield and Priestfield in Midlothian, which lands he acquired from Henry Cant, the nephew of his wife Margaret, the sister of Adam Cant of Priestfield. This Thomas died in or before 1537, leaving two sons. The second son, George Hamilton, was created a burgess of Edinburgh along with his brother on the 29th April, 1541. The elder brother, Thomas Hamilton of Orchardfield and Priestfield, was infeft in these lands in 1537. He had acquired possession of Ballencrief and other lands in Linlithgowshire, which he exchanged with his cousin, James Hamilton of Innerwick, for Balnabein and Drumcairn in Perthshire.
He was made a burgess of Edinburgh in 1541, and was killed at Pinkie on the 10th September, 1547. He married Elizabeth, the daughter of Robert Leslie of Innerpeffer, and had issue, two sons and a daughter. The eldest son, Thomas Hamilton of Priestfield, was served heir to his father on the 15th April, 1549, while still under age. He was appointed a Lord of Session under the title of Lord Priestfield in May, 1607, but resigned that office in June, 1608, in favour of his son Andrew. He married, first, Elizabeth, daughter of James Heriot of Trabroun, by whom he had one son and one daughter; and secondly, Elizabeth, daughter of Sir Andrew Murray of Blackbarony, by whom he had four sons and two daughters. The second son of Thomas Hamilton the second of Priestfield and brother of the above, was John Hamilton who became a secular priest in the Roman Catholic Church, and distinguished himself greatly by his zeal and activity in its service. His sister, Marion Hamilton, married James Makcartnay, an Edinburgh lawyer. The children of Thomas Hamilton the third of Priestfield were: first, Sir Thomas Hamilton, the subject of this essay; secondly, Sir Andrew Hamilton, Lord Redhouse, a Lord of Session, appointed after his father’s resignation in 1608; thirdly, Sir John Hamilton of Magdalene, Linlithgowshire, appointed a Lord of Session in July, 1622, and Lord Clerk Register in the same year; fourthly, Sir Patrick Hamilton of Little Preston, who was under-secretary of state to his brother, Thomas; fifthly, Alexander Hamilton, general of artillery. The daughters were: first, Christian, who in 1592 married Sir Alexander Hamilton of Innerwick; secondly, Elizabeth, who married Sir William Scott of Ardross; and thirdly, Margaret, who married William Kirkcaldy of Grange.
### Genealogical Table

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<tr>
<th>David FitzWalter</th>
<th>John, m. Elizabeth Stewart, daughter of Sir Alan Stewart of Darnley</th>
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<tr>
<td>Hamiltons of Cadzow (Earls of Arran, Dukes of Hamilton, etc.)</td>
<td>Sir Alexander Hamilton of Innerwick m. Elizabeth, daughter of Thomas Stewart, Earl of Angus</td>
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<td>Sir Archibald Hamilton of Innerwick m. Margaret, daughter of John Montgomerie of Thornton</td>
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<td>Sir Alexander Hamilton of Innerwick m. Isobel, daughter of John Schaw of Sauchie</td>
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<td>Hugh of Innerwick</td>
<td>Thomas of Priestfield m. Margaret Cant</td>
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<td>John Alexander</td>
<td>George Priestfield m. Elizabeth Leslie</td>
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<td>Alison Thomas of Priestfield</td>
<td>Thomas of Priestfield m. 1. Elizabeth Heriot 2. Elizabeth Murray</td>
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<td>Thomas of Priestfield</td>
<td>John Marion m. James Makcartney</td>
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<td>Thomas Andrew John Patrick Alexander Christian Elizabeth Margaret 1563-1837</td>
<td>m. 1. Margaret Borthwick 2. Margaret Foulis 3. Julian Ker</td>
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Chronological Outline of the Career of
Thomas, first Earl of Haddington.

1563 .... Birth.
1581 .... In Paris, studying law.
1587 .... Returned to Scotland.
(Nov.) Became an Advocate.
1592 (Nov.) Ordinary Lord of Session as Lord Drumcairn.
1593 (June) Becomes a Privy Councillor.
(July) Commissioner for the Queen's finances.
1594 (Jan.) Convention of Estates.
(June) Assessor for sheriffdom of Dumfries, etc.
1596 (Jan.) One of the 'Octavians.' Becomes Lord Advocate.
(May) Convention of Estates re the Catholic Earls.
(Nov.) Trial of David Black, Hamilton prosecuting.
1597 (Jan.) Resignation of the 'Octavians.'
1598 (May) On a commission re the Isles.
(Dec.) Member of the new Privy Council.
1600 (June) On several public commissions, e.g. cloth manufacture.
1601 (July) Appointed commissioner to help Treasurer Elphinstone.
(Oct.) Appointment continued under Treasurer Home.
1602 (June) On commission re Glasgow dispute between Town & College
1603 (March) Union of the Crowns.
1604 (July) Commission re incorporating union.
(Aug.) Dignity of knighthood, Sir Thomas Hamilton of Binny.
(Dec.) In London; draft treaty of Union.
1605 (July) Aberdeen Assembly prorogued.
(Oct.) Trial of the fourteen ministers before the Council.
1606 (Jan.) Linlithgow trial of the six ministers.
(Sept.) At Hampton Court with the Melvilles, etc.
(Dec.) Linlithgow convention re 'constant moderators.'
1606-07 .... Negotiations re his silver mine at Hilderston.
1608 (March) In London re the silver mine.
1608 (May) Trial of Margaret Hartsyde.
(Aug.) Trial of George Sprott.
1609 (Feb.) Trial of Logan of Restalrig.
(March) Trial of Lord Balmerino.
1610 (June) Glasgow Assembly. Trial of Patrick Stewart, Earl of Orkney.
1612 (May) Appointed Lord Clerk Register.
(July) This office exchanged for the Secretaryship.
(Oct.) Parliament, ratifying Glasgow Assembly and taxation.
1613 (Sept.) In London.
(Nov.) Elevated to peerage as Lord Binning.
1614 (Aug.) Rebellion in Orkney, etc.
1615 (Dec.) In London; uniting of the two High Commission Courts.
1616 (April) Returned to Edinburgh from London.
(June) Appointed Lord President of Court of Session.
1617 (March) Convention of Estates; taxation voted.
(May) James in Edinburgh.
(Nov.) General Assembly at St. Andrews.
1618 (Aug.) Assembly at Perth; the 'Five Articles.'
(Dec.) In London.
1619 (March) Raised to the Earldom of Melrose.
(June) Member of new High Commission Court.
1620 (April) Case of William Rigg.
(Nov.) Convention of Estates re taxation for the Palatinate.
1621 (June) Parliament summoned.
(Aug.) Taxation granted and the 'Five Articles' ratified.
1622 (June) Death of Chancellor Dunfermline.
1623 (May) Affair of the Spanish and Dutch ships at Leith.
Rigg and six others before the Council.
1625 (March) Death of James.
(May) Melrose in London.
(Nov.) Convention of Estates; publication of the Revocation.
1626 (Feb.) In London for the coronation.
1626 (March) Largely superseded by Sir William Alexander.
    (Aug.) Deputation of three Scottish Earls to London.
1627 (March) On the Commission for Surrenders and Teinds.
    (Aug.) His own renunciation.
    (Oct.) Created Earl of Haddington.
1630 (July) Convention of Estates re taxation.
1633 (June) Charles in Edinburgh.
1635 (June) Agreement with his son, Lord Binning.
1637 (May) His death.

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