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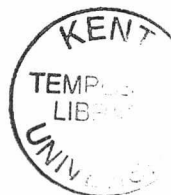
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**A re-appraisal of the career and reputation of
William Laud, Archbishop of Canterbury,
with specific reference to Scotland
1633-1640**

Leonie Wells-Furby

Thesis submitted to the University of Kent
for the degree of Doctor of Philosophy
2009



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Abstract

William Laud, Archbishop of Canterbury (1633-1645) has gained a reputation as a figure of controversy, from his days as a fellow at St John's College, Oxford during the early years of the reign of James I, through to the height of his career as senior ecclesiastical adviser to Charles I in the 1630s. Laud was associated with the most innovatory and increasingly unpopular religious policies implemented by Charles I in three separate kingdoms. However, while Laud's contribution to English and Irish religious policy has been well documented, his role in Scotland remains one of the least explored aspects of his career. As a result, his intervention in the Scottish church appears to be more cautious than it was in either England or Ireland.

This thesis, therefore, seeks to construct a comprehensive account of all Laud's interventions in and associations with Scotland from after the coronation visit in June 1633 until his house arrest in December 1640 in the opening weeks of the Long Parliament. A detailed analysis of Laud's contribution to some of the most high profile policies put in place under Charles I in Scotland will demonstrate that where evidence of Laud's involvement exists, it was overt and authoritarian, but that the extant evidence is often fragmented and incomplete, particularly when compared with the evidence for England and Ireland. While recent historiography has seen a shift in emphasis towards the 'British' dimension to Caroline religion, the focus of this thesis will be primarily on Scotland, and Scottish policy itself. In the process, it offers an untapped case study from which to examine William Laud, Charles I and their working partnership.

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I would like to thank the staff at the following libraries and archives for their help and assistance – the Templeman Library at the University of Kent; the British Library; the Institute of Historical Research; Lambeth Palace Library; the National Archives at Kew; the National Archives of Scotland; the National Library of Scotland; King's College Library, Aberdeen; New College Library, Edinburgh and the Leighton Library at the University of Stirling. Particular thanks are owed to Anna Miller and Christine Williams at the Templeman Library, University of Kent; to Margaret Fox, archivist at Traquair House, Innerleithen, Peeblesshire; and to Imogen Gibbon, Senior Archivist at the Scottish National Portrait Gallery.

If I had been a 'traditional' doctoral student, single and in my twenties, this is the point at which I would thank my parents for providing food and lodgings while I wrote up my thesis. As a married mother of three, I was responsible for my own family throughout the production of this thesis, but I still owe my parents an enormous amount, not least the extensive blocks of childcare they provided, without which my research would never have progressed beyond its first year. The greatest debts are indeed owed to my husband, my family and my friends, who gave me the personal support that made this endeavour possible and gave me the encouragement to continue on those occasions when it seemed far easier to give up.

Finally, I have to mention my three beautiful children (two of whom were born during the course of researching and writing this thesis), without whom I would undoubtedly have finished sooner, but whose existence served on many occasions as the perfect antidote to William Laud. In many ways, producing this thesis was like having a fourth child, only its delivery took far longer and was, at times, infinitely more painful.

Abbreviations

APS	T. Thomson and C. Innes (ed), <i>Acts of the Parliaments of Scotland</i> , 12 vols (Edinburgh, 1814-1875).
Baillie, <i>L&J</i>	D. Laing (ed), <i>The Letters and Journals of Robert Baillie, A.M, Principal of the University of Glasgow 1638-1662</i> , 2 vols (Edinburgh, 1841).
Balcanquhall, <i>Large Declaration</i>	W. Balcanquhall, <i>A large declaration concerning the late tumults in Scotland, from their first originalls: together with a particular deduction of the seditious practices of the prime leaders of the Covenanters: collected out of their owne foule acts and writings ... By the King</i> (London, 1639).
BL	British Library, London.
CJ	The Journals of the House of Commons.
Clarendon, <i>History</i>	Edward, Earl of Clarendon, <i>The History of the Rebellion</i> (Oxford, 1705).
CSPD	Calendar of State Papers, Domestic.
CSPV	Calendar of State Papers, Venetian.
Gardiner, <i>Hamilton Papers</i>	S. Gardiner (ed), <i>The Hamilton Papers: being selections from Original Letters in the possession of his Grace the Duke of Hamilton and Brandon relating to the years 1638-1650</i> , Camden New Series, Vol XXVII (London, 1880).
GD406/1	Hamilton MSS, Correspondence (Section 1), National Archives of Scotland, Edinburgh.
HMC	Historical Manuscripts Commission.
LJ	The Journals of the House of Lords.
LPL	Lambeth Palace, Library, London.
NAS	National Archives of Scotland, Edinburgh.
NLS	National Library of Scotland, Edinburgh.

Notestein, <i>D'Ewes</i>	W. Notestein (ed), <i>The Journal of Sir Simonds D'Ewes from the beginning of the Long Parliament to the opening of the trial of the earl of Strafford</i> (New Haven, 1923).
Row, <i>Historie</i>	D. Laing (ed), <i>Historie of the Kirk of Scotland 1558-1637, with a continuation until July 1639 by his son John Row</i> (Wodrow Society, 1842).
Rushworth, <i>Historical Collections</i>	J. Rushworth (ed), <i>Historical Collections of Private Passages of State</i> , 7 vols (London, 1721).
Russell, <i>Fall</i>	C. Russell, <i>The Fall of the British Monarchies 1637-1642</i> (Oxford, 1991).
Scally, 'Hamilton thesis'	J. Scally, 'The political career of James, Third Marquis and First Duke of Hamilton (1606 – 1649), to 1643', University of Cambridge, PhD thesis, 1992.
<i>Stirling's Register</i>	C. Rogers (ed), <i>The Earl of Stirling's Register of Royal Letters relative to the affairs of Scotland and Nova Scotia 1615 to 1635</i> , 2 vols (Edinburgh, 1885).
Str. P.	Sheffield City Archives, Wentworth Woodhouse Muniments, Strafford Papers.
TNA	The National Archives, Kew.
WWL	J. Bliss and W. Scott (eds), <i>The Works of William Laud, Sometime Lord Archbishop of Canterbury</i> , 7 vols (Oxford, 1847-60).

Conventions

In the text of this thesis, the first day of the year is taken to be 1st January, rather than 25th March. Original spelling, both English and Scottish, has been retained throughout, although for ease of reading, 'th' has been substituted for 'y' ('thorn').

Introduction

The archiepiscopate of William Laud (1633-1645) was one of the most controversial in the history of the British church and state. In recent years, there has been considerable debate among historians about the ecclesiastical policies of Charles I and William Laud, but the majority of this debate has been concerned with English and Irish religious policy.¹ The volume of work already in the public domain dedicated to the subject of Laud or laudianism is considerable and gives the impression that Laud's life and work has been gone over with a fine toothed comb, but there are aspects of his career which are ripe for reassessment and significant areas where oversights need to be rectified. While many contemporaries both north and south of the Tweed saw Laud as the source of all religious innovation, few historians have given more than passing treatment to Laud's role in Scottish affairs and there is a tendency to understate Laud's influence, in the same way that Laud's responsibility for ecclesiastical policy in England has been played down.² It is the purpose of this thesis, therefore, to reassess Laud's career and reputation from the perspective of Scotland, by constructing an account of his involvement in Scottish church and state during the 1630s and by explaining the impact of Scottish politics and religion on his impeachment in the early Long Parliament. In other words, this thesis will use Scotland as a case study to provide a fresh interpretation of Laud, his career and his working partnership with Charles I.

¹ There are a range of interpretations, including. P. White, 'The *via media* in the early Stuart Church', in K. Fincham (ed), *The Early Stuart Church 1603-1642* (Basingstoke, 1993), 211-230; N. Tyacke, *Anti-Calvinists: the Rise of English Arminianism c.1590-1640* (Oxford, 1987); P. Lake, 'Laudian Style: Order, Uniformity and the Pursuit of the Beauty of Holiness in the 1630s', in K. Fincham (ed), *The Early Stuart Church*, 161-186; A. Milton, *Catholic and Reformed: the Roman and Protestant Churches in English Protestant Thought, 1600-1640* (Cambridge, 1995).

² Kevin Sharpe has argued that Laud was 'very much the king's man' in K. Sharpe, 'Archbishop Laud', *History Today*, 33 (1983), 26-31, at 29. This viewpoint is expanded and given teeth by Julian Davies in J. Davies, *The Caroline Captivity of the Church: the Remoulding of Anglicanism 1625-1641* (Oxford, 1992). Nicholas Tyacke on the other hand, describes Laud as 'the leading architect of religious change' in N. Tyacke, 'Archbishop Laud' in K. Fincham (ed), *The Early Stuart Church*, 70.

The nature of current literature on the archbishop will be reviewed here before explaining further the purpose and approach being taken in this thesis. Hugh Trevor-Roper's biography of Laud, published in 1940, remains the most frequently quoted account of his career, although Charles Carlton attempted, in 1987, to provide a different perspective.³ Trevor-Roper's interpretation of Laud is almost entirely negative, concentrating on his failures and with an undercurrent of hostility and anti-clericalism beneath the surface. This contrasts with Carlton's biography, which takes an altogether more modern approach to the archbishop, highlighting his personal insecurity and alleged homosexuality, and drawing a more human portrait of the man than that produced by Trevor-Roper, but equally downplaying his role in government.

Apart from the theological and doctrinal debates, a great deal has been written about the relative responsibility of king and archbishop for the controversial 'Laudian' developments which were becoming visible in the church, all of which appeared to many godly contemporaries to promise the reshaping of the English Church along crypto-popish lines. Within this paradigm, Laud has increasingly been seen as less significant than his reputation has deserved. Like Kevin Sharpe, Julian Davies perceives the role of Charles I as far more significant than that of Laud, and has even gone as far as a comprehensive redefinition of Laudianism as 'Carolinism', the form of sacramental kingship on offer during Charles' reign.⁴

While there are obvious differences in their general approach to Laud, both Trevor-Roper and Carlton agree that by the mid 1630s, the archbishop was out of his depth at court and in central government. Trevor-Roper argues that Laud 'had bitten off more than he could chew'⁵ by accumulating 'a plurality of offices for which neither his time nor his ability was sufficient'.⁶ Trevor-Roper fails to see how someone with 'the

³ H. Trevor-Roper, *Archbishop Laud 1573-1645* (London, 1962). C. Carlton, *Archbishop William Laud* (Basingstoke, 1987).

⁴ J. Davies, *The Caroline Captivity of the Church: Charles I and the Remoulding of Anglicanism 1625-1641* (Oxford, 1992).

⁵ Trevor-Roper, *Archbishop Laud*, 305.

⁶ *Ibid*, 213.

mentality of a village policeman'⁷ was equipped to deal with issues fundamental to the government of Caroline England. Similarly, Carlton argues that Laud was 'promoted far beyond his capabilities'.⁸ Clarendon is partly responsible for this enduring image of Laud as a poor politician, his portrayal of the archbishop reluctantly assuming the mantle of chief minister to Charles I on the Earl of Portland's death forming a thread throughout modern historiography. Clarendon tells how Laud, despite the enmity between him and the Lord Treasurer, took no pleasure in his death, because 'it engaged him in civil business in which he had little experience and which he had hitherto avoided.'⁹

Work not in the public domain has also concentrated on Laud's 'failure' in the arena of central politics. Kathleen McElroy's unpublished DPhil thesis, written at a similar time to Trevor-Roper's biography, gives an impressive account of Laud's twelve year struggle for influence, arguing that during the 1630s, he was often in a minority at the council board and rarely managed to exert his influence over policy decisions. Where McElroy's thesis differs from others is that she lays responsibility for Laud's failure to achieve his ideals almost entirely at the feet of Charles I, the inconsistent master whom it was impossible to serve effectively. Laud, according to McElroy, strove valiantly to achieve his aims, but it was Charles' insistence on taking advice from a variety of counsellors, often with conflicting views, which prevented the archbishop, as others, from gaining the political influence with which his reputation has been accredited.¹⁰

Others have referred to Laud's political role and ability, as well as his suitability for survival at court, within the context of broader studies of the Personal Rule, but again, Laud's importance has been downplayed. Kevin Sharpe argues, very much in parallel with his view of Laud's responsibility for ecclesiastical policy, that Laud's political 'power and control ... may have been exaggerated'.¹¹ Although Sharpe, like Clarendon (and Trevor-Roper), sees a change in Laud's political stature in the mid-1630s, when

⁷ Ibid, 305.

⁸ Carlton, *Archbishop William Laud*, 229.

⁹ Clarendon, *History*, I, 141

¹⁰ K. McElroy, 'Laud and his Struggle for Influence from 1628 to 1640', University of Oxford, DPhil thesis, 1943.

¹¹ K. Sharpe, *The Personal Rule of Charles I* (London, 1992), 143.

the death of Portland in March 1635 led to his appointment to several Privy Council committees, and the Commission for the Exchequer, he contends that 'if [Laud's] rivals and enemies at court suspected that Laud was ambitious to rule over affairs secular as well as clerical, they may have been mistaken'.¹² In recent years, Brian Quintrell has proposed that Laud may not have exercised as much political power as his contemporaries and revisionist historians have believed, and that rather than endorsing William Juxon as the candidate for the post of Lord Treasurer in 1636, he was competing directly with Juxon for that office, which he failed to secure, the Bishop of London being appointed instead.¹³ Quintrell sees Laud's rejection as a turning point in his career, after which his influence was never quite the same again. Laurence Brockliss' recent contribution to a volume of essays on the genre of minister favourite in early modern Europe has concluded that Laud did not come into this category as he 'only ever had a tenuous hold on power and on the king's affections ... and had no clients in the central administration'.¹⁴ Clearly, it has become fashionable to marginalise the archbishop's importance in central government in England, as well as his responsibility for church policies, and in so doing, the role of Charles I has been enhanced. Furthermore, the emphasis on failure does tend to result in blurred vision whenever other aspects of Laud's career, such as his contribution in Scotland, are under consideration.

For the most part, historians have argued that Laud's failure as a politician was compounded by his inability to play the courtier, and this lack of courtly skill is attributed in turn to his brusque manner and sharp personality, an isolated and unsociable personality more suited to revenge and grudge-bearing than it was to forming balanced and effective working relationships with fellow Privy Councillors and courtiers. According to this interpretation, Laud's political failing were largely down to his shortcomings as a person. Trevor-Roper claims that Laud 'was surrounded

¹² Ibid, 144

¹³ B. Quintrell, 'A Church triumphant? The emergence of a spiritual Lord Treasurer, 1635-1636', in J. Merritt (ed), *The political world of Thomas Wentworth, earl of Strafford 1621-1641* (Cambridge, 1996), 81-108.

¹⁴ L. Brockliss, 'The anatomy of the minister-favourite', in J. Elliott and L. Brockliss (eds), *The World of the Favourite*, (London, 1999), 281.

by rivals more adept than himself in the arts of the courtier'.¹⁵ Carlton concurs that Laud was a 'poor courtier'¹⁶ and Sharpe senses that, in spite of some efforts to participate in courtier-like behaviour, 'the court was not his natural milieu'.¹⁷ Again, Clarendon's account is resonant here, as he says that Laud became 'the Greatest Minister in the Court' he did so 'without the least condescension to the Arts and Stratagems of the Court, without any other Friendship, or Support, than what the splendour of a Pious life, and his unpolish'd Integrity would reconcile'.¹⁸

It is clear, then, that William Laud's reputation is in need of re-evaluation because there are few figures who have been subject to such a uniform assessment by historians. More importantly, we need to move on from the mutually exclusive approach to the historiography of the Personal Rule, with the growth of Laud's influence and the importance of the role of Charles seen as incompatible. Despite the particular differences between the dominant accounts of Laud's career, the common theme they share is that they examine Laud from the perspective of 1641, when the Caroline regime was on the brink of collapse. Although it is undeniable that by the time of his impeachment he was a publicly reviled figure, to suggest that Laud had struggled for influence against a backdrop of opposition and enmity throughout the previous decade does not give credit to the fact that he remained a privy councillor for fourteen years. During, although not throughout, this period, Laud sat on five Privy Council committees, two of which he was seen to be the leading member. He was instrumental in the Courts of Star Chamber and High Commission, had control over licensing the press and was Chancellor of the University of Oxford. As a result, his sphere of influence was broad and covered most branches of government, including domestic, foreign and colonial. Undoubtedly, Laud was often, and as the Personal Rule progressed, increasingly associated with controversial and unpopular policy decisions and his career to date has been characterised by famous and violent clashes with other ministers, namely the constant sparring first with Portland, then with Cottington, and

¹⁵ Trevor-Roper, *Archbishop Laud*, 211.

¹⁶ Carlton, *Archbishop William Laud*, 228.

¹⁷ Sharpe, *Personal Rule*, 145.

¹⁸ Clarendon, *History*, I, 65. See also, J. Peacey, 'The paranoid prelate: Archbishop Laud and the puritan plot', in B. Coward & J. Swann (eds), *Conspiracies and Conspiracy Theory in Early Modern Europe: from the Waldensians to the French Revolution* (Aldershot, 2004), 113-134.

the well-known breach with Windebank. His associations with Queen Henrietta Maria were cool, with the occasional amicable episode. To concentrate on these polarised relationships obscures an objective assessment of the fact that on a day to day basis and for extended periods, Laud was capable of functioning within the court and government alongside his apparently more 'successful' peers.

Laud has clearly not suffered from a lack of attention *per se*, but his contribution to Scottish policy remains not only unclear but overshadowed by his apparently strident interference in the Church of Ireland. Neither of Laud's more recent biographers, perhaps drawing on the work of their Victorian predecessors, has paid much more than passing reference to his handling of Scottish ecclesiastical matters, and both concentrate on Laud's 'failure' after July 1637.¹⁹ More recently, John Morrill has argued that 'there is plentiful evidence of Laud's direct and flagrant interference into the affairs of the Irish church'²⁰ but that 'Laud's involvement with the Scottish church was far more circumspect than his continuous interference in the affairs of the Church of Ireland'.²¹ Fifteen years after Morrill's 'Ecclesiastical imperialism' essay, the debate has widened very little.

Although less emphasis has been placed on Laud's role in Scotland than in other spheres of his power, there is a formidable body of material already in print relating to the Scottish church and state under Charles I and this further adds to the impression that looking into Laud's contribution in Scotland would lead us down a blind alley. Modern studies of the period include Donaldson's *The Making of the Scottish Prayer Book of 1637*, which remains the definitive account of the drafting of the liturgy and the role of Laud, Juxon and their brethren on the Scottish Episcopal bench in that process.²² The 1970s and 1980s saw the publication of Stevenson's *The Scottish Revolution 1637-1644* followed by Lee's *Scotland under Charles I 1625-1637* giving a detailed survey of the

¹⁹ Trevor-Roper, *Archbishop Laud*, *passim*; Carlton, *Archbishop William Laud*, 155-167; W. Hutton, *William Laud* (London, 1895), 177.

²⁰ J. Morrill, 'A British patriarchy? Ecclesiastical imperialism under the early Stuarts' in A. Fletcher and P. Roberts (eds), *Religion, Culture and Society in Early Modern Britain* (Cambridge, 1994), 223.

²¹ *Ibid*, 231.

²² G. Donaldson, *The Making of the Scottish Prayer Book of 1637* (Edinburgh, 1954).

Caroline regime.²³ Similarly, two useful studies of kirk structure and government covering half a century of Scottish church history also appeared in the seventies - Foster's *The Church Before the Covenants: The Church of Scotland 1596-1638* and Makey's *Church of the Covenant 1637-1651*.²⁴ These works provide a useful overview of kirk structure and organisation spanning over fifty years. In the early 1990s, considerable scholarship appeared on the origins, development and organisation of Scottish resistance to the rule of Charles I by MacInnes, and of Charles's reaction to and handling of the Scottish troubles from London, by Russell and Donald.²⁵ From Mullan's work on the Scottish episcopate has emerged new details about the subtleties of religious belief among the Scottish bishops and clergy which embellish current thinking on who may or may not have been attracted to the king's particular brand of religion.²⁶ More recent research on the 'British ecclesiastical convergence' of James VI and I by Alan MacDonald, and on urban politics in Edinburgh by Laura Stewart, has further enriched the field. Both MacDonald and Stewart have argued that James I tried to bring the Scottish church into 'congruity' with the English and that the Five Articles of Perth were more aggressively enforced than previously imagined, narrowing the gap between the historical reputations of James I and Charles I.²⁷ However, these studies

²³ D. Stevenson, *The Scottish Revolution 1637-1644: The Triumph of the Covenanters* (Edinburgh, 1973). M Lee, *The Road to Revolution: Scotland under Charles I 1625-1637* (Chicago, 1985).

²⁴ W. Foster, *The Church before the Covenants: the Church of Scotland 1596 – 1638* (London, 1975). W. Makey, *The Church of the Covenant 1637-1651* (Edinburgh, 1979), 32. Makey has little to say about Laud although he refers to Laud's role as Charles's 'secretary' during the period of Hamilton's return to Edinburgh as commissioner. However, his research is based on Gilbert Burnet, rather than from the original Hamilton MSS.

²⁵ A. MacInnes, *Charles I and the Making of the Covenanting Movement 1625-1641* (Edinburgh, 1991); C. Russell, *The Fall of the British Monarchies 1637-1642* (Oxford, 1991); P. Donald, *An Uncounselled King: Charles I and the Scottish Troubles 1637-1641* (Cambridge, 1990).

²⁶ D. Mullan, *The Episcopacy in Scotland 1560-1638: The History of an Idea* (Edinburgh, 1986); D. Mullan, 'Arminianism in the Lord's Assembly: Glasgow, 1638', *Records of the Scottish History Society*, 1996, 1-30. Cf also D. Mullan 'Masked Poperty and Pyrrhonian Uncertainty: The Early Scottish Covenanters on Arminianism', *The Journal of Religious History*, 21 (1997), 159-177. D Mullan (ed), *Religious Controversy in Scotland 1625-1639* (Edinburgh, 1998).

²⁷ A. MacDonald, 'James VI and I, the Church of Scotland and British Ecclesiastical Convergence', *Historical Journal*, 48 (2005), 885-903. See also M. Lee, *Government by Pen: Scotland under James VI and I* (London, 1980), Ch. 5, 155-194. L. Stewart, *Urban Politics and the British Civil Wars: Edinburgh 1617-53* (Leiden, 2006).

have all been concerned with Scotland and the local impact of the changes implemented in kirk and state, rather than focussing on the specific contribution of Laud. This thesis, therefore, seeks to fill an important gap in the historiography by providing an objective account of Laud's intrusions into Scottish affairs, and in the process, offering a new angle from which to view his career and reputation.

It is necessary here to discuss the nature and volume of the primary sources upon which this thesis is based. The difficulties inherent in studying Laud and Scotland partly explain why no such study has been undertaken before. The geographic spread and relative scarcity of manuscript material on which to base this enquiry is compounded by the fact that Laud carried out his functions as ecclesiastical adviser for all three of Charles's kingdoms from his position of pre-eminence at the English court and on the basis of his primatial authority in England. He had no officially designated role which required his presence in Scotland during the 1630s and he was not a leading character in the cast of players in and around Edinburgh from July 1637 through whom the deepening religious and political crisis was enacted. As a result, the paper trail in Scotland is very thin. To compound this, much of Laud's input from London was done behind the scenes. Add to this the fact that as the 1630s progressed, Laud was increasingly anxious to appear less involved than he actually was in a number of areas of policy, including Scotland, and it is easy to see why this aspect of his career might not have received the attention it merits. Although the Scottish troubles came to dominate and determine the course of events in England from 1637-8 onwards, at no time were they the sole issue with which Laud personally was preoccupied, or the only aspect of Caroline policy for which he was held responsible.

It scarcely needs explaining that the constitutional relationship between England and her dominions was different. Scotland was an independent sovereign state with a stridently independent kirk. Royal authority was extended in Scotland from 1603 not through any one office or crown agent but through the Scottish Privy Council, which was separate from its English counterpart. Ireland on the other hand was subject to England under Poynings Law and the role of Lord Deputy provided an effective method of government in the physical absence of the king. It is logical that these differences should be reflected in the character and volume of the surviving manuscript sources and this is of particular importance where Laud's role is concerned. The

duration, character and degree of Laud's contribution to Irish church affairs is abundantly clear from the voluminous Strafford Papers, upon which current scholarship of Caroline religious policy in Ireland is based. The Strafford Papers comprise all surviving correspondence and papers relating to Thomas Wentworth, 1st Earl of Strafford (1593 to 1641) and amount to 20 microfilm reels. Literally hundreds of letters exchanged between Laud and Wentworth have survived from between 1633 and 1639, as well as letters to John Bramhall, Bishop of Derry. To date, the majority of what we know about Laud's actual involvement in the Scottish kirk comes from his own printed correspondence with senior clerical and lay figures in Scotland. Laud's printed *Works*, seven volumes of correspondence and papers, edited by James Bliss and William Scott in the mid-nineteenth century, contains less evidence of Laud's intervention in Scotland than it does of Ireland - twelve letters to Scottish bishops dated January 1634 to September 1637;²⁸ three letters to John Stewart, 1st Earl of Traquair, between July and September 1637;²⁹ and two to Hamilton sent in December 1638.³⁰ In addition, Laud exchanged letters with the city and Provost of Edinburgh and four of these letters are also included in his published *Works*.³¹ It is not only in terms of its volume that Laud's Scottish correspondence falls short of the Strafford Papers, but the fact that in most cases, only one side of the correspondence has survived. This gives the historian of Irish affairs an immediate head start over the historian of Scotland, who has to speculate over the content of letters which are no longer extant.

²⁸ *WWL*, vi, 340 (Laud to Bellenden, 14th January 1634); *WWL*, vi, 370 (Laud to Bellenden, 6th May 1634); *WWL*, vi, 383 (Laud to Bellenden, 1st July 1634); *WWL*, vi, 394 (Laud to Patrick Forbes, 23rd September 1634); *WWL*, vi, 395 (Laud to Bellenden 4th October 1634); *WWL*, vi, 409. (Laud to Bellenden, 12th January 1635); *WWL*, vi, 419 (Laud to Bellenden, 19th May 1635); *WWL*, vi, 434 (Laud to Maxwell, 19th September 1635); *WWL*, vi, 438 (Laud to Spottiswood, 10th November 1635); *WWL*, vi, 443 (Laud to Spottiswood, 1st December 1635); *WWL*, vi, 455 (Laud to Wedderburn, 20th April 1636); *WWL*, vi, 503 (Laud to Spottiswood, 4th September 1637).

²⁹ *WWL*, vi, 491 (Laud to Traquair, 4th July 1637); *WWL*, vi, 493 (Laud to Traquair, 7th August 1637); *WWL*, vi, 504 (Laud to Traquair, 11th September 1637).

³⁰ *WWL*, vi, 547 (Laud to Hamilton, 3rd December 1638); *WWL*, vi, 548 (Laud to Hamilton, 7th December 1638).

³¹ In chronological order, these are found in *WWL*, vi, 318 (Laud to Provost of Edinburgh, October 1633). W. Hutton, 'Two letters of Archbishop Laud', *English Historical Review*, 45, 1930, 107-8 (Laud to the city of Edinburgh, 9th May 1634); *WWL*, vi, 420-1 (Laud to Provost of Edinburgh, 19th May 1635); W. Hutton, 'Unpublished letters of Archbishop Laud and Charles I', *English Historical Review*, 7, 1892, 715-7 (Laud to city of Edinburgh, 15th May 1637).

However, new evidence has come to light which enables a fuller study to be carried out of Laud's role in Scottish church and state between 1633 and 1638. A number of unpublished letters from Laud to John Stewart, 1st Earl of Traquair and James, 3rd Marquis and later 1st Duke of Hamilton, have emerged from the archives in the course of researching this thesis. The Traquair correspondence comprises three unpublished and previously undiscovered letters from Laud to Traquair dated between April 1634 and January 1636 held at Traquair House, Innerleithen, the ancestral home of the Stewarts of Traquair. Traquair's correspondence with Laud is a small component of a larger collection of correspondence including letters to Hamilton, Stirling, Archbishop Spottiswood and the king.³² The Hamilton correspondence comprises four unpublished letters from Laud to Hamilton sent between September 1638 and June 1639³³, and twenty-seven copies of letters from Hamilton to Laud sent between June and December 1638, all held in the Hamilton Papers at the National Archives of Scotland.³⁴ The Hamilton Papers is the primary Scottish resource for a study of the period and comprises some 10,000 items.³⁵ These thirty or so letters are all that has survived of a larger body of correspondence between Laud and Hamilton – sadly, only

³² Traquair MS, Bundle 12, No 5 (Laud to Traquair, 6th April 1634); Traquair MS, Bundle 11, No 18 (Laud to Traquair, 14th March 1634); Traquair MS, Bundle 12, No 9 (Laud to Traquair, undated, January 1636). Traquair's other correspondence is in Bundles 4, 8, 9, 12 and 14, and is catalogued in the Ninth Report of the Royal Commission on Historical Manuscripts, Part II, Appendix (London, 1884).

³³ NAS GD406/1/546 (Laud to Hamilton, 6th September 1638); NAS GD406/1/547 (Laud to Hamilton, 28th November 1638); NAS GD406/1/550 (Laud to Hamilton, 8th January 1639); NAS GD406/1/551 (Laud to Hamilton, 4th June 1639).

³⁴ The copies, transcribed by either Hamilton or his secretary, are as follows: NAS, GD406/1/552 (4th June); GD406/1/553 (7th June); GD406/1/554 (9th June); GD406/1/555 (15th June – catalogued in NAS catalogue as 15th November); GD406/1/557 (29th June); GD406/1/558 (4th July). GD406/1/561 (5th September); GD406/1/562 (12th September); GD406/1/563 (17th September); GD406/1/564 (24th September); GD406/1/565 (27th September); GD406/1/566 (5th October); GD406/1/567 (14th October); GD406/1/568 (15th October); GD406/1/569/1 (22nd October); GD406/1/570 (24th October); GD406/1/572 (5th November); GD406/1/573 (11th November); GD406/1/574 (12th November); GD406/1/575 (16th November); 22nd November - no longer extant but mentioned in GD406/1/547 (Laud to Hamilton, 28th November 1638); GD406/1/577 (27th November); GD406/1/578 (1st December); GD406/1/579 (11th December); GD406/1/580 (17th December); GD406/1/581 (26th December).

³⁵ A useful guide to the Hamilton papers as an historical source can be found in J. Scally, 'The Hamilton Papers as a source for the history of the British Civil Wars', *Scottish Archives*, 4, (1998), 11-20.

a handful of Laud's replies are still extant – but in picking them apart, it has become clear that an important part of Laud's role was in advising Hamilton on negotiations with the Covenanters in the prelude to the Glasgow Assembly in 1638. It is certainly the case that none of Laud's historians has paid any attention to this correspondence, which explains why his role in counselling Hamilton during the summer and autumn of 1638 has been overlooked. These 'new' items of correspondence will be put together in this thesis with the entire collection of Laud's own 'Scottish' correspondence in his *Works*, and combined with existing printed and primary accounts of the Scottish kirk to analyse Laud's remit as the king's ecclesiastical adviser for Scotland. Given the way in which Charles governed Scotland and how this has impacted on the availability of evidence, the new correspondence is central to this study, but equally, Laud's *Works* is a richer source for Scotland than has perhaps been realised and yields its own clues about his role.

It is worth reviewing here where this material sits in the wider body of primary manuscript and printed material relating to Caroline Scotland which has been examined in the process of researching this thesis. Some official pronouncements, such as royal letters of appointment for bishops to their sees (*congés d'élire*), royal warrants and letters concerning clerical taxation can be found in *The Earl of Stirling's Register of Royal Letters* which was compiled by William Alexander, 1st Earl of Stirling during his tenure as Scottish Secretary of State under Charles.³⁶ The Scottish Privy Council, a separate body to its English counterpart, was excluded from the preparation of the canons and liturgy, although records for the period have survived and these correspond with Stirling's *Register* in recording the issue of warrants, writs and letters concerning routine matters of kirk and state.³⁷ The Wodrow Manuscripts held in the National Library of Scotland represents the largest collection of manuscripts on Scottish ecclesiastical history for the sixteenth and seventeenth centuries but few references have emerged which shed light on Laud, although this collection is rich for a study of

³⁶ *Stirling's Register*. The Jacobean equivalent of Stirling's Register is B. Botfield (ed), *Original Letters relating to the Ecclesiastical Affairs of Scotland, Chiefly written by or addressed to his Majesty King James VI*, (Edinburgh, 1851).

³⁷ *RPCS*.

developments within the Scottish church beyond 1638.³⁸ Similarly, selected items from the Advocates and Morton MS held in the National Library of Scotland, are also relevant to this field of enquiry but again, direct references to Laud are few.³⁹ Given the peculiar way in which Charles governed Scotland and how this has impacted on the availability of evidence, it is clear that Laud's *Works* is an important source for this study.

The erratic survival of the manuscript evidence is, fortunately, backed up by a solid body of printed primary material concerned with the Scottish church in the early seventeenth century. These accounts have small but important details to offer about Laud, as well as being rich with insights into the nature of Scottish religion, and as such they are an invaluable source for this thesis. It has to be pointed out that the most compelling contemporary accounts of the period were written by Presbyterian ministers and academics, so their impartiality is a matter of debate when Laud and the Scottish bishops are under discussion, but as an example of the religious context for the implementation of royal policy under Charles I, they are unparalleled. It is helpful to explain in a bit more detail who the main ones were and when they wrote. The *Letters and Journals* of Robert Baillie, minister of Edinburgh in the early 1630s and Principal of the University of Glasgow from 1650, edited by David Laing in the 19th century, provide the main account of the attempt to impose the prayer book and the ensuing negotiations for a settlement between London and Edinburgh, since Baillie played a central role in these negotiations.⁴⁰ Baillie's account starts in 1637. Baillie travelled to London in November 1640 in the company of the Scottish Commissioners, and as a result, this is a key source for the final chapter of this thesis. Other diaries and journals of Laud's Scottish contemporaries give accounts of the period, with fragments of

³⁸ Alan MacDonald has a useful summary of the relevant MS collections relating to the Jacobean kirk, of which the Wodrow is one, in the introduction to his *The Jacobean Kirk, 1567-1625: Sovereignty, Polity and Liturgy*, (Edinburgh, 1998), 3.

³⁹ The following MSS at the NLS were consulted: Adv MS 81 (Morton correspondence); Adv MS 15.2.17; Adv MS 25.4.7; Adv MS 32.6.8; MS 3012.

⁴⁰ D. Laing (ed), *The Letters and Journals of Robert Baillie, A.M., Principal of the University of Glasgow, 1638-1662* (Edinburgh, 1841), 2 vols.

evidence relating to Laud.⁴¹ John Row, minister of Carnock in Fife, wrote his *History of the Kirk of Scotland*, covering the period from 1558 to 1639. Summoned before the High Commission in Edinburgh in 1619 for non-conformity and opposition to prelacy, Row's vitriol against the Scottish bishops needs to be borne in mind, but much of what he writes corresponds to other accounts and is generally factually accurate. Row started writing in 1634, added sections thereafter until his death in 1647 and his son continued the history after 1650, so the perspective is not entirely contemporary and some retrospective adjustments were clearly made, although there is no way of knowing what these were.⁴² Not all accounts of the period were written by opponents of the Caroline regime, however. John Spalding, commissary clerk of Aberdeen, covers the period 1624 to 1645 in his work on the *History of the Troubles*, although the title suggests that the work is concerned only with the events of 1637 onwards. Spalding was a committed episcopalian and royalist, although it is possible that subsequent editing after his death may have changed the emphasis in his work.⁴³ James Gordon, parson of Rothiemay in Aberdeen wrote an account of the *History of Scots Affairs from 1637 to 1641* at some point before his death in 1686. Gordon was almost ejected from his benefice on suspicion of being opposed to the Covenant and it is likely that he started writing his account after this close shave.⁴⁴ The memoirs of Henry Guthry, minister at Stirling before 1638 and consecrated bishop of Dunkeld in 1665, provide useful accounts of church and state in the 1630s, which are heavily relied upon in secondary accounts, and are particularly helpful in proposing episcopal patrons.⁴⁵ In providing the perspective of men who were part of the Scottish ministry, these

⁴¹ For example, T. Thomson (ed), *A Diary of the Public Correspondence of Sir Thomas Hope, Bart, 1633-1645* (Edinburgh, 1843). D. Laing (ed), *The correspondence of the earls of Ancrum and Lothian printed from the original letters at Newbattle Abbey* (Edinburgh, 1875).

⁴² D. Laing (ed), *The History of the Kirk of Scotland from the year 1558 to August 1637 by John Row, minister of Carnock, with a continuation to July 1639 by his son, John Row, Principal of King's College Aberdeen* (Edinburgh, 1842), xiv-xv.

⁴³ J. Spalding, *Memorialls of the Troubles in Scotland and England 1624-1645*, 2 vols (Aberdeen, 1792).

⁴⁴ J. Robertson and G. Grub (eds), *History of Scots Affairs from 1637 to 1641 by James Gordon, Parson of Rothiemay, in Three Volumes* (Aberdeen, 1841).

⁴⁵ *Memoirs of Henry Guthry, late Bishop of Dunkeld in Scotland, wherein the Conspiracies and Rebellion against King Charles I of Blessed Memory to the time of the Murther of that Monarch, are briefly and faithfully related* (London, 1702).

accounts, are particular helpful for this thesis in filling the vacuum left in places by the inconsistency of surviving manuscript material.

Having described the historiographical gap that this thesis proposes to fill, and the sources upon which it is based, the scope of this thesis must be clarified. It is not necessary in this thesis to repeat the work of Professor Gordon Donaldson on Laud's role in preparing the Scottish liturgy, although the liturgy will of course be considered, particularly in relation to the Scottish canons of 1636. The chronological scope of the thesis is centred around the period from June 1633, the coronation visit to Scotland, until December 1640, when Laud was placed under house arrest by the Commons. The discussion will not extend to the details of Laud's trial, since no charges relating to Scotland made their way into the prosecution's case against Laud.⁴⁶ Neither does this thesis seek to undertake a continual discussion of the British dimension to Laud's role in Scotland. Although comparison with England and Ireland is relevant in places, constructing an objective and definitive account of Laud's contribution to Scottish policy during the 1630s is an important exercise in its own right, and in so doing the emphasis needs to be kept on Laud, Scotland and Scottish affairs. The British dimension to Laud's responsibilities as Charles I's ecclesiastical adviser will not be ignored, however, and the conclusion will be chiefly concerned with bringing together how the findings of this thesis fit into this important theme in historiography.

The structure of this thesis will now be explained. Chapter 1 will discuss the way in which Laud exercised his power as the king's chief ecclesiastical adviser, from his base at court, and without formal jurisdiction over two of the three kingdoms with which he was concerned. This chapter will also establish the origins of Laud's 'interest' in Scottish ecclesiastical policy and explain how, prior to 1633, his role evolved into one in which he was more routinely engaged in Scottish affairs than any of his predecessors. This chapter, the shortest of all five, serves an important function in this thesis by establishing the 'nuts and bolts' of Laud's role in Scotland as the context for the four chapters which follow.

⁴⁶ For a study of Laud's trial, see A. Orr, *Treason and the State – Law, Politics and Ideology in the English Civil War* (Cambridge, 2002), Ch. 4.

Chapter 2 takes a closer look at the main policies implemented in Scotland under Charles I and unravels Laud's role in three specific areas – patronage, the Revocation scheme and ceremonial conformity. These areas are not arbitrarily chosen, for they were not only among the most controversial put in place under Charles I, but also the policies for which most evidence of Laud's role has survived. The methodology used in compiling an account of Laud's contribution to Revocation is important and new – Laud's role is constructed by juxtaposing the surviving contemporary evidence with his response to the Scottish Commissioners charges against him of December 1640, which accused him of intervening in four specific church properties being 'revoked' by the crown. This chapter is primarily concerned with the period between the coronation visit in 1633 and the Edinburgh riots in July 1637, the period in which the majority of the new reforms were implemented.

Chapter 3 offers a thorough appraisal of the Scottish canons of 1636, the main component of Caroline policy in Scotland which has been given little attention in historiography. This chapter will explain the chronology of the drafting of the book between 1634 and 1636. The liturgy is an essential point of reference to this chapter, since both canons and liturgy were being drawn up at the same time, and by the same people. The contents of the Scottish canons will be thoroughly assessed, and compared where appropriate to the English canons of 1604 and the Irish canons of 1634 and their controversial nature will be revealed, despite the fact that issues of enforcement and circulation meant that they have hitherto appeared less significant than the prayer book. The Scottish canons reveal the considerable latitude which Charles was prepared to give Laud in the formulation and administration of ecclesiastical policy and offer a unique case study of the working partnership between Charles and Laud.

Chapter 4 includes an examination of Laud's role in the unfolding crisis which led to the Bishops' Wars following the outbreak of the Edinburgh riots. Based on the discovery of a body of new, previously undetected correspondence from Laud to James, Marquis of Hamilton, dated between June and December 1638, this chapter demonstrates that Charles I entrusted Laud with the crucial role of liaison with Hamilton, the king's commissioner in Scotland, in searching for a settlement to the deepening crisis in the period up to and shortly after the Glasgow Assembly in November 1638. Although hampered by the partial survival of the evidence – in many

places, Hamilton's copies of his letters to Laud have survived, but not Laud's replies back – this chapter nevertheless has an important part to play in this thesis, but also in the wider historiography of the period, by demonstrating that the high point of Laud's career may not have been 1636, as Trevor-Roper and others have argued, but in mid-1638. The relationship between Hamilton and Laud, although hard to define with any precision from this correspondence, certainly lends itself to a reappraisal of Laud's reputation as an isolated and irascible personality unable to form relationships.

The final chapter explores Laud's impeachment in the early Long Parliament, which can only be properly understood in the context of his prior interventions in the Scottish church. No historian has attempted to examine the Scottish Commissioners' charges against Laud, which were presented to the Commons on 17th December 1640, and which were instrumental in achieving his house arrest, and a definite stage in the process of his impeachment. This chapter will analyse the charges, who prepared them and why, and place them in the context of Laud's impeachment, as well as the complex and highly charged atmosphere of the early weeks of the Long Parliament. In so doing, this chapter also enables this phase of Laud's career to be seen as an example of the increasing interdependence of English parliament to Scottish pressure, and of the interaction between Scottish Commissioners, Lords Commissioners and parliament. The time period with which this chapter is chiefly concerned is November and December 1640, although consideration will also be given to the period after his house arrest on 18th December until his formal impeachment by the Commons on 26th February 1641.

Chapter 1

William Laud, the Scottish kirk and the English Crown 1629-33

The ‘novelty’ of an Archbishop of Canterbury intervening directly in Scottish ecclesiastical affairs was facilitated by two unique concurring factors – an absentee monarch and an ambitious primate, both of whom shared a vision for uniformity and order across multiple churches. Because Laud had no official or prescribed authority beyond the English church, the purpose of this chapter is to assess the formal and informal mechanisms by which his interest in the Scottish church evolved. The chapter will offer a fresh interpretation of Laud’s role as ecclesiastical adviser to Charles I – although drawing upon some material already in the public domain - by examining the origins of Laud’s scope beyond the English church. It will be done in two ways – first by outlining Laud’s position and status at the English court, the power base from where he exercised his extensive authority during the 1630s; and secondly, by discussing the origins of Laud’s involvement in Scottish ecclesiastical affairs. Laud’s eminent position as the king’s chief ecclesiastical adviser for England and Ireland is well known but the particular emphasis in this chapter will be on establishing the framework for Laud’s interventions in Scotland. This will provide the context for an in-depth discussion of Laud’s role in implementing specific Scottish policies in Chapter 2.

Although the title of this chapter implies that Laud’s contribution to Scotland began after Charles I had taken over the throne, the origins of Laud’s ‘interest’ in shaping Scottish ecclesiastical policy can be traced back to the reign of James I. It was under James that Laud gained first hand experience of the practices of the Church of Scotland when he took part in the royal visit to Edinburgh from March to July 1617.¹ Laud, then Dean of Gloucester, was among the least senior churchmen in James’s entourage, being present in the royal party as chaplain to his patron, Richard Neile, Bishop of Lincoln.² Laud’s presence in the party was no coincidence, however, since James had carefully chosen those clerics in attendance – headlined by Lancelot Andrewes of Ely and James

¹ *WWL*, iii, 135.

² Neile was responsible for Laud’s appointment to the prebendal seat of Buckden in April 1614, and the archdeaconry of Huntingdon in December 1615. *WWL*, iii, 135.

Montague of Winchester - to help convince their Scottish counterparts of the merits of achieving greater proximity between their respective churches, particularly in the areas of episcopal authority, liturgy and ceremony. Laud's sermons at Oxford in February 1615 had left the king in no doubt of his antipathy towards presbyterianism, and his anti-Puritan and pro-ceremonial credentials were already well-established. The culmination of James's programme of reforms was embodied in the 'Five Articles of Perth' which were first presented to the Scottish synods in July 1617 during the visit, although not approved by the General Assembly at Perth until August 1618 and eventually ratified by Parliament three years later.³ The Perth Articles - which enjoined kneeling to receive communion, private baptism; private communion; observation of holy days and confirmation by bishops - were divisive, despite receiving parliamentary endorsement and sparked off a furious debate within the kirk, largely centred around, although not confined to, Edinburgh.⁴ This debate was still raging when Charles I became king of Scotland. Although the royal visit was driven by the king's desire to return 'salmonlike' to the country of his birth, it was widely recognised, and no less feared, that the chief reason for it was 'to introduce the Anglican religion there, as the Scots almost universally follow the Puritan type'.⁵ The whole visit was viewed with suspicion by the Scots. James' plans to refurbish the chapel royal in Holyrood in readiness for his visit had caused dismay among both bishops and laity, the paintings of the apostles, elaborate wooden carvings and the installation of an organ, all produced by English craftsmen, being seen as 'foreign'.⁶ James's long-awaited return to his homeland, then, was part of the process of ecclesiastical reform, and one in which Laud participated.

Although James I chose to include Laud in his only return to Scotland, Laud's career did not prosper significantly until Charles I succeeded his father. If one had to identify 'pivotal moments' in the career of Laud, three events in particular expanded his potential for exercising power and authority in England - his appointment to the English

³ APS, iv, 470.

⁴ A. MacDonald, 'British Ecclesiastical Convergence'. See also M. Lee, *Government by Pen*, Ch. 5, 155-194. Laura Stewart provides the fullest account to date of the Five Articles debate in *Urban Politics*, Ch. 5, 172-222.

⁵ CSPV 1615-17, 476-477. Lionello to Doge and Senate, 30th March 1617.

⁶ MacDonald, 'British Ecclesiastical Convergence', 894-5.

Privy Council in April 1627; his election as Chancellor of the University of Oxford in April 1630 and his promotion to the see of Canterbury in September 1633.⁷ Each of these moves broadened Laud's access to the key institutions of the English state, while at the same time, his growing influence with the king, particularly in the exercise of ecclesiastical patronage, cemented his position and ensured his pre-eminence when it came to advising the crown on ecclesiastical matters which extended beyond the borders of England.

Laud's admission to the Privy Council on 29th April 1627, as Bishop of Bath and Wells, signified the regard with which Charles already held him, and gave him access to the formal processes of secular government, which he hoped would prove 'to the good of the kingdom and the church'.⁸ Laud became a member of all but one of the principal council committees of the 1630s and his membership of these committees led him to participate in one way or another in most aspects of government - domestic and colonial - which suggests that he had the scope for substantial influence in matters beyond the purely ecclesiastical. Laud was a member of the Committee for Irish Affairs, a sub-committee of the English Privy Council which handled the administration of Ireland from court, from its inception in 1628 and was retained on it when it was streamlined in March 1634. During the coronation visit to Scotland in 1633, appointments to the Scottish council were conferred upon Laud and his principal colleagues within the English Council. Laud knelt to take his oath of allegiance to the king and Scottish Privy Council on 15th June 1633 along with Portland, Arundel, Pembroke, Holland, Vane, Coke, Salisbury, and Carlisle.⁹ It is significant that Laud, then Bishop of London, was the only clerical member of this elite group and although these appointments were symbolic, as the English members were not expected to engage in long-distance business on the Scottish council, it is worth noting that Laud recorded in his diary the fact that he was 'sworn Counsellor of Scotland'.¹⁰ Since Laud did not choose to document minor events in his life and on the basis that other equally terse entries in his diary have been accorded considerable historiographical

⁷ *WWL*, iii, 205, 211, 219.

⁸ *WWL*, iii, 205.

⁹ 'William, Bishop of Londoun', *RPCS*, v, 116.

¹⁰ His diary merely records 'Junii 15, Saturday, I was sworn Counsellor of Scotland' and gives no further insights. *WWL*, iii, 217.

significance, there is an argument to be made for his admission to the Scottish Privy Council representing more than symbolic significance. It is highly possible that he viewed this as the formal justification for his subsequent involvement in many aspects of Scottish policy.

As primate, Laud was 'according to ancient usage, the first constitutional adviser of the crown', which in itself explains why he was selected for membership of numerous Privy Council Committees.¹¹ Indeed, there was a clear precedent for archiepiscopal leadership of Committees. Abbot had headed the Treasury Commission set up in 1618, just as Laud led a similar body created after the death of Portland.¹² James's decision to place Abbot at the head of the 1618 Commission, and possibly even the Commission's very existence, was based on Scottish precedent, since John Spottiswood, then Archbishop of Glasgow, and later Archbishop of St Andrews, had been president of an Exchequer Commission established by James as king of Scotland in 1609. Similarly, in 1625, Charles set up an Exchequer Commission in Scotland, again with Spottiswood as President, but this time with the intention of rationalising the Scottish Exchequer in readiness for the disastrous Revocation scheme.¹³

Although helpful to a point, comparisons between George Abbot and William Laud are problematic because Laud was already exercising a considerable degree of Abbot's 'archiepiscopal power' before he was appointed archbishop himself and while Abbot was in 'exile' from 1627. Equally, while each archbishop's seniority within the Privy Council may have been based on his primacy, the Privy Council was a different animal under Charles than it had been under James. The volume of business which was undertaken by the Privy Council during the 1630s necessitated the use of council committees to deal with specific areas of government which, through sheer number, could not be handled by fuller council sessions alone. Under James, committees had been set up temporarily when particular circumstances so required, but they evolved into a permanent feature of Caroline extra-parliamentary government. Additionally, the differences between the Jacobean and Caroline political style and approach meant

¹¹ Hutton, *Archbishop Laud*, 124.

¹² B, Quintrell, 'The Church triumphant? The emergence of a spiritual Lord Treasurer, 1635-1636', in Merritt (ed.), *The political world of Thomas Wentworth*, 81-108.

¹³ MacInnes, *Covenanting Movement*, 73, n.12.

that although James was undoubtedly keen to enhance the status of the episcopate – his promotion of John Williams simultaneously to the bishopric of Lincoln and post of Lord Keeper in 1621 being just one example – Charles appeared even more willing to welcome members of his episcopal bench into central government. Richard Neile, Bishop of Durham, was appointed privy councillor on the same day as Laud, an indication not only of Charles' wish that these churchmen should have a formal role within secular government, but as a demonstration of the king's religious preferences.¹⁴

Laud's 'surprise' appointment to the Chancellorship of Oxford in 1630 secured his hold not just on an academic community but an institution whose government was widely looked to as a model of good order across the kingdom itself.¹⁵ Having fought off Weston's candidature for the post, Laud secured this much sought-after prize, apparently unaware that he was a contender in his own right. The election of an archiepiscopal chancellor was not a new departure *per se*, since Richard Bancroft had briefly occupied the Chancellorship in 1608-10, although he himself was the first clerical chancellor since the 1550s. Archiepiscopal links with universities were typical, George Abbot having acted as patron within both universities. What set Laud apart from his predecessors was his activity and energy as chancellor. The implementation of new statutes in 1636 reflected his wish for greater discipline, and this was imitated at Trinity College Dublin in 1637, where he had been Chancellor from May 1634, when new collegiate statutes at Trinity were put in place.¹⁶ It was in Scotland that less evidence of Laud's involvement has survived – although new details have emerged of his contacts at the University of Aberdeen, which will be introduced in Chapter 2 and discussed further in Chapter 3, Laud had no formal cancellarial appointment at a

¹⁴ K. Fincham & P. Lake, 'The ecclesiastical policies of James I and Charles I', in K. Fincham (ed), *The early Stuart Church*, 37.

¹⁵ K. Fincham, 'Oxford and the Early Stuart Polity', in N. Tyacke (ed), *The History of the University of Oxford, Volume IV: The Seventeenth Century*, Oxford, 1997, 179-210; 180. See also, K. Sharpe, 'Archbishop Laud and the University of Oxford' in H. Lloyd-Jones, V. Pearl & B. Worden (eds), *History and Imagination – Essays in Honour of H. R. Trevor-Roper* (London, 1981), 146-164.

¹⁶ *WWL*, iii, 220. For a discussion of the statutes, see A. Ford, 'That bugbear Arminianism': Archbishop Laud and Trinity College, Dublin', in J. Ohlmeyer & C. Brady (eds), *British Interventions in Early Modern Ireland* (Cambridge, 2005), 135-160

Scottish university.¹⁷ As will be shown, Charles clearly wished to bring order to some of the untidy religious practices in Scottish universities, but this was done through the existing channels rather than through Laud. The Chancellorship of Oxford undeniably reinforced the institutional base for his exercise of ecclesiastical power and helped to define his distinctive role alongside the king. The significance of Oxford as an arena of power extended well beyond the realms of scholarship and piety, and gave Laud access to an important source of patronage as well as the mechanisms to defend and promote religious conformity and political obedience.

As Chancellor of Oxford, Laud's ability to influence the education and behaviour of clergy had ramifications beyond the university, since when these clergy graduated into the wider church, they would be looking for preferment and those who could demonstrate allegiance to Laudian ideology would have the best chance of success. Nominally, one would expect that the assumption of the Archbishopric of Canterbury implied control over the ecclesiastical patronage network, but Laud was well on the way to achieving this before becoming archbishop, his grip on ecclesiastical patronage getting firmer from the late 1620s after Abbot's estrangement. This had the potential not only to permeate into every parish, but symbolised his ideological control over the church, even if this control did not go unchallenged.¹⁸

Laud's promotion to the see of Canterbury in September 1633 gave him formal primacy over the Church of England and enabled him to set in train his vision for the Church, but his increasing authority within the English church pre-dated his appointment to Canterbury by several years. George Abbot's suspension following his refusal to licence a sermon by Robert Sibthorpe in favour of the Forced Loan in May 1627 brought Laud into the forefront of ecclesiastical politics when the king instigated a commission of five bishops to carry out Abbot's duties in his absence, Laud being one of them. Since the accession of Charles in 1625, Laud's position at court had been growing stronger, largely due to Buckingham's patronage, and Charles increasingly turned to Laud for advice and guidance on religious and ecclesiastical affairs. The

¹⁷ See below Chapter 2, p48 and Chapter 3, pp 124-128.

¹⁸ K. Fincham, 'William Laud and the Exercise of Caroline Ecclesiastical Patronage', *Journal of Ecclesiastical History*, 51 (2000), 69-93.

death of Lancelot Andrewes in September 1626 provided a more obvious turning point and the opportunity for further advancement in the form of the deanery of the Chapel Royal and the king's promise that on Abbot's death, he would become the next archbishop.¹⁹

Hand in hand with the archiepiscopate went leadership of the ecclesiastical court of High Commission. In England, Laud's exercise of ecclesiastical authority through the High Commission was the source of much unpopularity even before he assumed the see of Canterbury, and the severity of his sentencing was often in marked contrast to that of George Abbot.²⁰ This extended Laud's potential for the exercise of ecclesiastical power into the realms of the judicial but it was the reinvigorated character of the Caroline High Commission which makes this significant – it was larger, the archbishop was given greater executive authority under Laud than ever before, and it was used as an instrument of discipline in a greater number of cases than previously. The enforcement of licensing of the press was enacted by the High Commission, so the jurisdiction of this body gave Laud power not only to administer parochial discipline, but ideological censorship.

If three appointments played a part in broadening Laud's trajectory of influence in England, then his entire career during the 1630s was cemented by his relationship with the king, without which his achievements would have been less significant and his position far less prominent. It was his working partnership with Charles I, rather than Laud's conciliar, cancellarial or archiepiscopal status, which enabled him to intervene in Scottish affairs to a far greater degree than his predecessors. The true nature of the relationship between Charles I and Laud is not easily captured, and since Laud and Charles were both enigmatic characters in their own right, there is disagreement and debate over the closeness of their relationship – some perceive a close personal bond, others describe the relationship as purely formal.²¹ What is clear, however, is that king

¹⁹ Andrewes died on 25th September 1626. On 30th September Laud was offered the deanery of the Chapel Royal and on 3rd October, promised the see of Canterbury. *WWL*, iii, 196.

²⁰ S. Gardiner (ed), *Reports of Cases in the Courts of Star Chamber and High Commission* (London, 1886), 181-322. See also R. Usher, *The Rise and Fall of the High Commission* (Oxford, 1913).

²¹ L. Reeve, *Charles I and the Road to Personal Rule* (Cambridge, 1989), 202; Sharpe, *Personal Rule*, 284; Carlton, *Archbishop William Laud*, 83.

and archbishop had a successful working partnership, as shown, for example, in the annual archiepiscopal accounts, which Laud prepared and which were then annotated by Charles.²² They were like-minded people, uncompromising in their approach and with a very sharp focus on ceremonial conformity. Laud's gifts to Charles (and vice versa) suggest that their relationship went beyond the official boundaries of monarch and minister - the 'royall spurr' that Laud gave to Charles in 1635 is one example in support of this.²³ Attempting to define the true nature of their relationship is made more difficult because third party accounts of Laud's power and influence are inconsistent with the insecurity and uncertainty he expressed in his letters to Wentworth. While those around the court may have regarded Laud as the man whom the king esteemed above everyone else in the realm, his private correspondence is littered with doubts and concerns. The archbishop's letters to Wentworth claimed that his influence only went as far as Charles permitted it to – as captured in his now famous comment to the Lord Deputy in November 1635, that 'no man can serve a King further than he will be served'.²⁴ There was some truth in this comment, because after the assassination of Buckingham, the king was keen to take advice from a number of different sources, rather than rely exclusively on counsel from one person. Laud's expressions should not be taken too literally, though, because other senior figures at court were equally careful never to express too much confidence in their abilities to influence the king.²⁵

Sketching a rough structure of the working relationship between Charles and Laud helps to put into context the practicality of managing ecclesiastical affairs across three

²² *WWL*, v, 307-370.

²³ This personal gift has not been mentioned by any other historian but reference to it can be found in O. Millar (ed), *Abraham van der Doort's Catalogue of the Collections of Charles I* (Glasgow, 1960), 130. Charles gave regular gifts to Laud, usually in the form of spoils from his hunting trips. TNA, E101/547/5, fos 9r, 39r, 72r, 94r, 116r, 133r. Charles' last gift to Laud, a stag, was sent in September 1640 (fo 135r). Laud continued to send gifts to Charles beyond the date of his impeachment (fos 144r, 161r).

²⁴ *WWL*, vii, 213. Laud to Wentworth, 30th November 1635.

²⁵ For instance, at the end of 1635 when the long-awaited replacement of the Lord Treasurer was imminent, Cottington, Chancellor of the Exchequer wrote to Wentworth that 'His Grace [Laud] is very great, and I am very little; his power with the king is much, and mine none at all'. M. Havran, *Caroline Courtier: The Life of Lord Cottington* (London, 1973), 130.

kingdoms while based predominantly at court, in London. The surviving evidence suggests that the majority of occasions when Laud and Charles met at court, outside formal Privy Council or committee meetings, they did so in private and frequently alone. For instance, in January 1635, Laud informed Wentworth that he had ‘in private represented to his Mat^y the State of Ireland as it is now and as you describe it in your letters to me’.²⁶ Similarly, in March 1635, again to Wentworth, Laud wrote that ‘I will say nothing yet but only in private to the King’ on the subject of Wentworth retaining, rather than sending to England, any subsidies voted in the forthcoming Irish Parliament.²⁷ Letters, despatches and petitions sent to Laud were often read out by the archbishop to the king during these meetings, which suggests that Laud often spent considerable lengths of time with him.²⁸ It was particularly the case with correspondence from Wentworth, whose letters were long and often included ‘side papers’. Other anecdotal accounts confirm that ‘the Archbishop of Canterbury persists in seeing the king privately’.²⁹ Not all these meetings were carried out alone – sometimes Laud was accompanied by the relevant person concerned with the particular issue under discussion. For instance, in October 1633, Sir John Hay of Barro was present when Laud discussed with Charles the payment of pensions due to the George Heriot trustees.³⁰ Again, in January 1634, William Alexander, Earl of Stirling was present when Laud ‘was earnest with his Matie’ concerning payments due to David Lindsay, Bishop of Brechin (soon to be 1st Bishop of Edinburgh).³¹ The meetings were sometimes held in the king’s privy chamber, entry to which was ‘out-of-bounds to all but peers, privy councillors and those to whom the king had specifically granted the entrée’.³² Laud was clearly a daily presence at court and towards the end of 1633, he

²⁶ Str. P. 6/136. Laud to Wentworth, 12th January 1635.

²⁷ Str. P. 6/168. Laud to Wentworth 27th March 1635. Interestingly, this is the letter in which Laud informed Wentworth of Portland’s death.

²⁸ This was standard practice for Windebank and Coke, the Secretaries of State, of course, for example Str. P. 3/17. Cottington to Wentworth, 2nd September 1633; Str. P. 3/81. Cottington to Wentworth, 16th April 1634.

²⁹ *CSPV 1632-6*, 226. Zonca to Doge and Senate, June 1634.

³⁰ Laud reported back on this discussion to the Provost of Edinburgh. *WWL*, vi, 318. Laud to Provost of Edinburgh, 10th October 1633.

³¹ NLS, Adv MS 81, No 50, Stirling to Morton, 8th January 1634.

³² J. Adamson, ‘The Tudor and Stuart Courts 1509-714’, in J. Adamson (ed), *The Princely Courts of Europe 1500-1750* (London, 1999), 95-117, at 99.

was given his own lodgings there by the king, 'contrary to his predecessors'.³³ New evidence also confirms that he had backstairs access to the palace, which was restricted to a select few.³⁴ His access to the monarch, therefore, was unparalleled for a member of the episcopacy, and was on a par with the most senior councillors at court and this facilitated the transaction of ecclesiastical business in Scotland as well as England and Ireland.

If Laud's considerable access to the monarch enabled him to carry out the role of chief ecclesiastical adviser, then Charles's style of government further enabled the involvement of Laud in the churches of his dominions. Lack of consultation with representative assemblies, the most critical difference between the approach of James and Charles to the Scottish kirk, enabled Laud to undertake a greater degree of authority over the implementation of ecclesiastical policy than he would otherwise have been able. Although no mere puppet of the Assembly, James observed the limits of his statutory authority over the Scottish kirk, by attempting to implement all the changes he wished to make within the Scottish church, via General Assemblies and then having them ratified by parliament. James' plans for ceremonial reform, embodied in the Five Articles, were endorsed by the General Assembly at Perth in August 1618 and eventually ratified by Parliament in 1621.³⁵ These 'articles' endorsed infant baptism, confirmation by bishops, private baptism, private communion and observance of holy days. Even the contentious article concerning with kneeling to receive communion was made less unpalatable by the involvement of the General Assembly in its implementation. The parliament which met during James' visit to Scotland on 28 June 1617 had been marked by 'some heat', particularly directed at the bishops but also

³³ For the reference to Laud acquiring 'lodgings' at court, see Str. P. 13/151, Henry Percy to Wentworth, undated and only part of the letter has survived. It is possible to date this, since it refers to the Queen's forthcoming 'lying in' (Prince James was born on 24th November 1633) and is catalogued in a sequence of correspondence between Percy and Wentworth ending in December 1633. Laud also had rooms at Hampton Court. *WWL*, iii, 224.

³⁴ Laud, famously, escaped the attack on Lambeth Palace in May 1640 by staying in his rooms at Whitehall for several days. *WWL*, iii, 284. His account book records tips handed to the gatekeeper at the back stairs to Whitehall on a number of occasions. TNA, E101/547/5.

³⁵ *APS*, iv, 597. The road to ratification was not straightforward and it would be wrong to imply that the Five Articles were uncontested. For a discussion of this, see MacDonald, *The Jacobean Kirk*, 157-170; Stewart, *Urban Politics*, Ch 5, 172-222.

because of James's attempt to get the Five Articles ratified. He was keen not to appear overtly authoritarian before his Scottish subjects and avoided further confrontation by referring the Articles to the synods rather than forcing them through parliament at this stage, finally securing their ratification four years later, but in the face of a fierce campaign of opposition. James also ensured that he had the support of the nobility, using men such as James, the 2nd Marquis of Hamilton and George, Earl of Dunbar, to ensure the smooth passage of royal policy through the General Assemblies.³⁶

James's use of General Assemblies to secure the approval of new policies should not be over-emphasised, however and it is important to note that his consultative approach was combined with a targeted use of the royal prerogative. The monarch's statutory authority over the Scottish kirk was established by Act of Parliament in 1612, in which all presentees to ecclesiastical benefices had to swear an oath to acknowledge James as 'the only lawful supreme governor of this realm, as well in matters spiritual and ecclesiastic as in things temporal'.³⁷ In reality, from as early as 1597, James was keen to extend the prerogative over the summoning of assemblies, for instance, by altering dates and locations for their summoning, and by attempting to 'pack' the assembly of 1606 in order to secure approval for the introduction of constant moderators.³⁸ Similarly, once the Five Articles had been accepted by the General Assembly, no further Assembly was summoned until Charles I was forced to summon the Glasgow Assembly in November 1638.

Charles's approach was entirely different and while it would prove catastrophic for the Scottish kirk, this enabled the greater involvement of Laud, since it was logical that the king would turn to Laud, his senior ecclesiastical adviser on matters pertaining to the English and Irish churches, to assist in the implementation of any prerogative measures originating from court. Initially, Charles was prepared to use parliament to secure approval for his policies, although the preparations for the 1633 parliament in Edinburgh as much as the parliament itself and the arbitrary way that Charles presided

³⁶ For example, in 1606, 1608 and 1610. G. McMahon, 'The Scottish Episcopate 1600-1638', University of Birmingham PhD thesis, 1973, 28. M. Lee, *Government by Pen*, Ch. 3, 61-111, demonstrates Dunbar's role in ensuring the successful reception of James's policies in the Assembly.

³⁷ *APS*, iv 470.

³⁸ Foster, *Church before the Covenants*, 120-122.

over it, not only stirred up discontent, but showed that he was paying lip-service to the concept of representative consultation. Prior to the ‘coronation parliament’, Charles prohibited separate meetings of the individual estates and the convention of burghs, which normally took place while parliament was in session. A great deal of private and public legislation was dealt with at this session of parliament, including the endorsement of the Act of Revocation, but the most controversy was caused by legislation related to taxation, religion and the royal prerogative, particularly the issue of clerical vestments, which put Charles’s Scottish subjects in the unenviable and impossible position of having to accept this act (which reversed the long accepted tradition that members of the Scottish kirk should wear black) or risk challenging the royal prerogative.³⁹ In the face of disaffection (including the extra-parliamentary Supplication underwritten by members of all the estates, which although suppressed, would later re-emerge with damaging consequences), Charles managed to secure parliamentary approval for his policies largely through intimidation.⁴⁰ His behaviour on the final day of the parliament exemplified his approach. The king, ‘taketh a pen, and with his awin hand ... noted the votes, whereby (no doubt) many were afraid to vote, as otherwise they intended to doe’. Through ‘acting the part of the clerk to overaw the Parliament’, Charles got the result he wanted and all the legislation was passed *en bloc*.⁴¹ The significance of the 1633 Parliament for the future implementation of ecclesiastical policy in Scotland was as enormous as the collapse of the 1629 parliament was to the government of England – thereafter, Charles made no further attempt to implement religious policy through the statutory channels of the General Assembly and Parliament. Instead, both prayer book and canons would be imposed by virtue of the royal prerogative. Despite public expressions of ‘mutual satisfaction’ with the success of the coronation visit, and reports by both foreign and

³⁹ For a full account of the parliament, including the preparations for it, see J. Young, ‘Charles I and the 1633 Parliament’, in K. Brown & A. Mann (eds), *The History of the Scottish Parliament: Vol 2: Parliament and Politics in Scotland 1567-1707* (Edinburgh, 2005), 101-137.

⁴⁰ The Supplication’s suppression was temporary and it would emerge again in July 1634, resulting in the damaging crown case against John Elphinstone, 2nd Lord Balmerino. See Chapter 5 below, pp 224-5.

⁴¹ Row, *Historie*, 367.

domestic commentators that the visit was a great success, it had a decisive impact on the future direction of ecclesiastical policy.⁴²

It was not only the king's attitude which had an impact on his management of ecclesiastical policy outside England, but the different constitutional relationship between England and its two British dominions, which in turn necessitated different conciliar arrangements. Ireland, subject to England since 1495 under Poynings Law, had a separate parliament but no separate Privy Council. Scotland, on the other hand, was a separate sovereign state, with an independent parliament and Privy Council and its English counterpart had no official jurisdiction over or within it. The manner in which Charles governed Scotland – in person, from London and without an official deputy – is also reflected in the character and volume of the surviving manuscript sources, particularly where Laud's involvement is concerned. This style of absentee government meant that management of Scottish church affairs fell within the remit of Laud, and unlike in Ireland, where the transaction of ecclesiastical business was helped enormously by his personal association with Thomas Wentworth and their mutual links with John Bramhall, Bishop of Derry, in Scotland there was no corresponding 'triangular working relationship', at least until June 1638, when Hamilton returned to Edinburgh to assume his commission on behalf of the king.⁴³ As a result, Laud was expected to carry out royal instructions via a 'network' of contacts from within the Scottish episcopate, principally John Spottiswood, Archbishop of St Andrews and John Maxwell, Bishop of Ross. This explains why, to date, the majority of what we know about Laud's involvement in the Scottish kirk comes from his own printed

⁴² The Venetian ambassador reported that 'the king has left Edinburgh, both the people and his majesty having given and received mutual satisfaction as well in the parliament as in everything else'. *CSPV 1632-6*, 127. Gussoni to Doge and Senate, 22nd July 1633. On 7 August, Secretary Nicholas wrote that 'the Lords that were in Scotland and their fellows very much applaud the entertainment they had in Scotland. *CSPD 1633-34*, 176. Nicholas to Capt John Pennington, 7th August 1633. Even Laud, writing to the provost of Edinburgh in October 1633, thanked them and 'the whole Corporation of Edinburgh, for the love and worthy usage which I found, when I was lately in those parts upon attendance of his Majesty'. *WWL*, vi, 318. Laud to Provost of Edinburgh, October 1633.

⁴³ Bramhall seems to have first come to Laud's notice in mid-1632 when appointed to the prebendary of Hushwaite in York cathedral. The first reference to Bramhall in the Laud-Wentworth correspondence is in a letter from Laud to Wentworth dated 30th July 1632. *WWL*, vi, 302. For a comprehensive discussion of Laud's associations with Hamilton during the second half of 1638, see Chapter 4 below.

correspondence with senior clerical and lay figures in Scotland, and fragmental references in other published and manuscript collections. This is a small body of material when compared to the voluminous Strafford Papers, upon which current scholarship on Laud's role in Irish church affairs is based.

Previous archbishops of Canterbury had been employed by earlier English monarchs in advising on specific aspects of ecclesiastical business common to England and Scotland, so in one sense, there was a precedent for archiepiscopal involvement in Scottish policy. Prior to the union of the crowns, Patrick Adamson, Archbishop of St Andrews, had visited England in 1583-4 to try and confer with Whitgift over matters such as the royal supremacy and episcopacy, although Elizabeth forbade Whitgift from holding any formal discussions with his Scottish counterpart.⁴⁴ More importantly, it was Adamson who sought this contact, rather than *vice versa*. English intervention in Scottish kirk affairs was a continual source of anxiety. James as king of England permitted the tangential involvement of Richard Bancroft in the selection of Scottish bishops and several key consecrations of Scottish bishops were carried out in London by English bishops in 1610 as part of the rehabilitation of the Scottish episcopal estate.⁴⁵ James was, however, careful not to permit Bancroft from taking too active a role in this event, so as not to imply any formal subordination of the kirk to the see of Canterbury. There is also the famous and highly controversial example of James sanctioning the intervention of Abbot in the release from excommunication of the Marquis of Huntly in 1616, which was seen as a flagrant assertion of English archiepiscopal authority over the Scottish kirk, despite pronouncements to the contrary.⁴⁶ What was distinctive about Laud was that his interference was derived from an alien ideological basis, since he did not share the Calvinist credentials of Abbot, or Bancroft, a factor which had made any contribution by Laud to Scottish

⁴⁴ Adamson's English trip was seen by Melville and others as evidence that Adamson sought the restoration of Romanism. Morrill refers to the visit as 'a fiasco' in 'Ecclesiastical imperialism', 211. For a full discussion of Adamson's archiepiscopate, see Mullan, *Episcopacy in Scotland*, Ch. 4, 54-73.

⁴⁵ The three cases were Gavin Hamilton (Galloway), Andrew Lamb (Brechin) and Spottiswood (Glasgow). McMahon, 'Scottish Episcopate', 26. See also, Foster, *Church before the Covenants*, 29.

⁴⁶ MacDonald, 'British Ecclesiastical Convergence', 891-2.

church policy less palatable to the Scots.⁴⁷ Laud was patently anti-Presbyterian. Another new departure, and one which made Laud's role not only distinctive, in that he was responsible for ecclesiastical policy across three kingdoms, but also extremely difficult, was the fact that he was charged with the administration of the Scottish kirk from his base in London and through a network of ecclesiastical contacts in whom he could hardly be described as confident and with whom he was not on close personal terms.

His promotion to Canterbury formalised Laud's position as chief ecclesiastical adviser to Charles I, and because Charles had a policy of religious reform which extended across all three of his kingdoms, Laud's remit also extended beyond the English church. However, Charles had already engaged Laud on Scottish and Irish church affairs before he became archbishop, just as he had in matters relating to English religion. Laud's involvement in Scottish ecclesiastical business seems first to have been given the king's sanction in August or September 1629, when Charles revived James's dormant plans to extend Scottish liturgical conformity with England.⁴⁸ In the summer of that year, the Scottish bishops sent to London one John Maxwell, an Edinburgh minister, who later became Bishop of Ross.⁴⁹ Maxwell's purpose was to bring to court the draft liturgy prepared by James I in 1619⁵⁰ - the 'very Book *in statu quo* King James left it'⁵¹ - as the basis for the preparation of a new prayer book for Scotland.⁵² Laud, a year into his role as Bishop of London, was visited by Maxwell, who informed him that 'it was his Majesty's pleasure that I should receive instructions from some bishops of Scotland

⁴⁷ Abbot had been the Earl of Dunbar's chaplain in 1608 and the incident with Huntly notwithstanding, he could at least argue that his intervention in Scottish kirk affairs was derived from a shared ideology with Presbyterians. P. Welsby, *George Abbot, the Unwanted Archbishop 1562-1633* (London, 1962), 28.

⁴⁸ *WWL*, iii, 427.

⁴⁹ Laud suggests that Maxwell was sent to London at the request of the Scottish bishops, although there is evidence elsewhere that Charles instigated the visit. *WWL*, iii, 427.

⁵⁰ Donaldson, *The Making of the Scottish Prayer Book*, 41.

⁵¹ There is some confusion over whether it was in fact Maxwell who presented Charles with the draft 1619 book. Baillie, *L&J*, i, 444, gives an account by the Earl of Stirling which suggests that both he and Maxwell might have been in London at the time with the same purpose. Laud himself only mentions Maxwell. *WWL*, iii, 427.

⁵² Maxwell had other items on his agenda besides the liturgy, including seeking Charles's advice on how to deal with the problem of Catholicism in Edinburgh. Row, *Historie*, 348.

concerning a Liturgy for that Church'.⁵³ The timing corresponds with the start of his active interest in Irish ecclesiastical affairs, which was already underway in 1629 – his first extant letter to Ussher was written in January of that year.⁵⁴

In Scottish secular matters, we know that there was considerable fluidity in Charles's approach to seeking counsel, from his accession in 1625 right down to the Scottish crisis. The disparity between the styles of kingship of James and Charles make it easy to forget that the two most important positions in the royal household in the post-Buckingham years were held by Scots – James Hay, Earl of Carlisle was appointed Groom of the Stole in February 1631 and James, 3rd Marquis of Hamilton was appointed Master of the Horse in November 1628, three months after the assassination of Villiers.⁵⁵ Although a significant entity at court during the 1630s, Hamilton was not thrust into the forefront of Scottish events until his reluctant commission on behalf of Charles to treat with the Covenanters in Edinburgh in May 1638. Hamilton retained his Scottish links throughout the 1630s, which presumably qualified him, rather than any other court-based Scot, to undertake the role of King's Commissioner. Certainly, even if Carlisle had still been alive in 1638 (he died two years earlier) he would not have been eligible for this undertaking, since he was estranged from his country of birth, having only returned to the homeland for the royal visits of 1617 and 1633. The same applies to James Stewart, Duke of Lennox, who was made Gentleman of the Bedchamber in 1625 at the age of 13 and who was essentially an 'honorary Englishman', related to Charles by blood, and with a career, estates and interests which were predominantly English. Other Scots close to the king on a daily basis were Patrick Maule, laird of Panmuir, appointed Gentleman Usher in August 1627 at Buckingham's suggestion and who has the rare distinction of being among the last bedchamber servants to leave Charles at Carisbrooke in 1648. Panmuir returned more frequently to Scotland than either Carlisle or Lennox, and communicated regularly with

⁵³ Laud was too ill to see Maxwell the first time he visited, but was 'able to sit up' the second time Maxwell visited. *WWL*, iii, 427.

⁵⁴ Morrill, 'Ecclesiastical imperialism', 227. *WWL*, vi, 258, Laud to Ussher, 29th January 1629.

⁵⁵ Buckingham's assassination enabled Hamilton to return to court from exile on Arran, to where crippling debts and friction with the royal favourite had forced him to flee in the summer of 1626. Scally, 'Hamilton thesis', 19.

his network of contacts there.⁵⁶ Maule acted as a ‘messenger’ from court, taking correspondence to Scotland, but also to Ireland – on at least one occasion he delivered letters from Laud to Wentworth in Dublin.⁵⁷ While retaining their links with the homeland, none of the prominent Scots at court monopolised the king’s counsel in secular matters relating to Scotland.

Charles sought advice from a range of crown agents for the secular government of Scotland, some of whom were based at court, others of whom ‘commuted’ between London and Edinburgh. William Graham, 1st Earl of Menteith was Charles’s principal adviser on Scottish affairs between 1626 and 1633 but largely in affairs of state rather than kirk. Based in Scotland, Menteith travelled twice a year between Edinburgh and London in the transaction of royal business, and spent spells of time at court, frequently with the king, until his spectacular fall in 1633.⁵⁸ The appointment in January 1626 of a Scottish Secretary of State resident at court, Sir William Alexander of Menstrie, represented a new departure and all correspondence regarding Scottish state affairs was to be channelled through Alexander, rather than through the principal secretary based in Scotland, Thomas Hamilton, Earl of Melrose and later Haddington. Melrose retained his position but was permanently slighted by Charles’s peremptory approach. It was Alexander, who became the 1st Earl of Stirling during the coronation visit in 1633, through whom the bulk of the administration of Scotland was handled down to his death in 1640.⁵⁹ Alexander conveyed royal orders direct to the Scottish Privy Council in Edinburgh and his *Register of Royal Letters* is an important institutional record of the reign.⁶⁰ Other crown agents based in Scotland were George Hay, 1st Earl of Kinnoul, Lord Chancellor until his death in 1634 when he was succeeded by his nemesis John Spottiswood, Archbishop of St Andrews, another controversial appointment. William

⁵⁶ For Panmuir’s contacts with the Lord Advocate, Sir Thomas Hope, see T. Thomson (ed), *A Diary of the Public Correspondence of Sir Thomas Hope of Craighall* (Edinburgh, 1843), *passim*. Panmuir was later suspected of being an informer for the Covenanters. Gordon, *History of Scots Affairs*, i, 50.

⁵⁷ *WWL*, vii, 424. Laud to Wentworth, 23rd May 1638.

⁵⁸ For instance, Menteith was ‘with the king at lenth’ during one such trip to London in September 1630. According to Traquair, transacting business with the king was slow ‘his Maties still being out at hunting or with the queen’. NLS, Adv MS 81, No. 73, Traquair to Morton, 5th September 1630.

⁵⁹ Alexander became the first earl of Stirling on 14th June 1633 at Dalkeith. NLS, Adv MS 15.2.17, fo. 57.

⁶⁰ R. Rogers (ed), *The Earl of Stirling’s Register of Royal Letters*, 2 vols (Edinburgh, 1884).

Douglas, 7th Earl of Morton, was Lord Treasurer of Scotland until he stepped down in 1636, replaced by John Stewart, 1st earl of Traquair. Traquair was an important conduit for business between the court and Scotland – from early in the reign - and he later became useful to Laud in the transaction of some aspects of religious policy, despite his duplicity. Traquair earned a reputation for under-hand dealing, with the bishops in general, and John Maxwell, Bishop of Ross in particular.⁶¹ According to Heylyn, it was Laud who raised Traquair ‘from the condition of a private Laird to be a Peer of that Realm’.⁶² Laud may have been partly responsible for Traquair’s appointment to the post of Lord Treasurer of Scotland in 1636, which was also backed by James, Duke of Lennox and James, Marquis of Hamilton, although there is no extant institutional evidence to support this claim.⁶³ Laud clearly saw Traquair as an ally, and urged him ‘to stop all things which come to your knowledge, if you find the Church prejudged, or anything intended contrary to the general course introduced in favour of the Church’.⁶⁴ On other occasions, when concerned with the use of teinds to fund the restoration of the Cathedral of St Andrews, he used Traquair to keep an eye on Spottiswood, to ensure that ‘my Lord Archbishop hath no prejudice, for it seems exceeding strange to me, that anything should be attempted by him in this, that is not pregnantly for the Church’s good’.⁶⁵ Traquair, like Menteith before him, divided his time between London and Edinburgh and although he played an important part in the negotiations between king

⁶¹ According to Guthry, ‘John Earl of Traquair, High Treasurer (under profession of Friendship enough to the Bishops) had under-hand dealing with their Adversaries, for he conceiv’d a Jealousie (and many thought not without cause) that the Bishops intended his Fall, to the end Mr John Maxwell, Bishop of Ross, might be made Treasurer, and therefore in a cover’d way he did what he could to supplant them.’ Guthry, *Memoirs*, 12. Baillie stated that Traquair ‘setts himself to cross their [the bishops’] generall designes, and almost professes to doe particular despite to his antagonist Rosse’. Baillie, *L&J*, i, 8.

⁶² P. Heylyn, *Cyprianus Anglicus or the History of the Life and Death of Archbishop William Laud, including an ecclesiastical history of the three kingdoms* (London, 1668), 349. Laud signed off his letter to Traquair of 4th July 1637 with the phrase ‘your poor loving friend’ - *WWL*, vi, 493, Laud to Traquair, 4th July 1637.

⁶³ Baillie, *L&J*, i, 6.

⁶⁴ *ibid*, 493.

⁶⁵ *WWL*, vi, 492. Laud to Traquair, 4th July 1637.

and Privy Council, as well as the Covenanters during the Glasgow Assembly in November 1638, he never managed to assume Menteith's place in the royal counsel.⁶⁶

Charles had a choice of different sources of advice, then, for Scottish secular government but none of his crown agents, either based at court, in Edinburgh or rushing back and forth between the two, was in a position to advise him on a regular basis on religious policy. If Charles looked to Laud for ecclesiastical advice probably from 1629 and definitely from 1633, then to whom did he turn for advice on the Scottish church prior to this? The most obvious contender for the position of chief ecclesiastical adviser for Scotland would have been the primate, John Spottiswood, Archbishop of St Andrews.⁶⁷ Although Spottiswood made the trip to court on several occasions during the 1630s, the difficulties associated with travelling the distance between Scotland and London on a regular basis meant that Charles really needed a more 'local' source of ecclesiastical advice and this is where Laud came in. It is important, however, to recognise the difference in the offering of advice and the formal process of implementing ecclesiastical policy because it is precisely in the distinction between these two areas of ecclesiastical administration that Laud's significance can be overlooked, largely because there is tangible evidence of one, but not of the other. The formal process of implementing ecclesiastical policy as absentee king of Scotland is relatively easy to trace - the Earl of Stirling's *Register of Royal Letters* shows very clearly that the main ecclesiastical measures put in place by Charles were first conveyed by letter to Spottiswood, usually in conjunction with a general letter to either the Scottish episcopate in its entirety, or to the clergy as a whole. Sometimes Patrick Lindsay, Archbishop of Glasgow, was sent a duplicate version of a letter sent to Spottiswood. These would be followed up by letters, where appropriate, informing the Privy Council in Edinburgh, Exchequer Commission, or other relevant authority, of the

⁶⁶ Traquair's career is full of contrasts – he cast the final vote against Balmerino at his trial on behalf of the crown, but he also played a part in blocking the power of the bishops while at the same time appearing to do much to help their cause. There is a view that he deliberately promoted the use of the prayer book even though he knew it would be controversial, in order to discredit the bishops. Baillie, *L&J*, i, 7.

⁶⁷ The primacy of Scotland had belonged to the archdiocese of St Andrews since 1472, although the designation of a second archdiocese of Glasgow in 1492 diluted some of the authority of St Andrews. D. Mullan, *Episcopacy in Scotland: The History of an Idea 1560-1638*, (Edinburgh, 1986), 2.

particular policy and instructing them to assist in its implementation. It is worth remembering that routine matters relating to the Scottish church were also communicated by royal letter direct to the relevant member of the episcopate – it was not just in the high profile cases where this procedure was adopted. In the early years of his reign, before he attempted any serious alterations to the nature of worship in Scotland, Charles dealt directly with the Scottish bishops, again often through Spottiswood, over routine church affairs. For instance, in July 1625, the king urged John Guthrie, Bishop of Moray to take a firmer hand with popish recusants in his diocese and to engage the High Commission in this endeavour, enlisting Spottiswood to ensure that Moray did as instructed.⁶⁸ In the period after the end of 1633, when the most significant aspects of ecclesiastical reform such as the canons and liturgy were being put in place in Scotland, although the formal royal letters still went via Stirling to Spottiswood, the king's letters to Spottiswood and his brethren were frequently backed up by letters from Laud, acting on behalf of the king, issuing specific instructions and pushing particular aspects of policy. Laud's extant letters to the Bishops of Ross, Brechin and Dunblane between 1634 and 1637 demonstrate this.⁶⁹ This is not meant to infer that all correspondence between Charles and the Scottish episcopate ceased abruptly once Laud was involved, but it illustrates the point that Laud became the main conduit for royal policy during the period in which the most significant changes were made to the nature and form of Scottish worship.⁷⁰ This may have been underestimated by historians but Laud's colleagues at court were left in no doubt. As Henry Percy reported to Wentworth in October 1633, it was 'the Bishop of Canterbury whoe ... undertooke the reformation in Scotland'.⁷¹ Amongst other things, the 'reformation' to which Percy was referring was the religious legislation passed through the Scottish parliament during the recent royal visit, from which Laud had recently returned and which marked a watershed in the direction of ecclesiastical policy in Scotland.

⁶⁸ NAS, GD188/20/9/4, Charles I to John, Bishop of Moray, 3rd July 1625.

⁶⁹ For example, Adam Bellenden wrote to Laud in September 1634 about conformity problems in the Chapel Royal and both Charles and Laud replied. *WWL*, vi, 395. Laud to Bellenden, 4th October 1634.

⁷⁰ Hamilton was occasionally used as a channel of communication between king and Scottish bishops. For example, GD406/1/240, Spottiswood *et al* to Hamilton, 28th July 1629.

⁷¹ Str. P. 3/65, Henry Percy to Wentworth, 9th October 1633.

That the royal visit to Scotland in June and July 1633 was a turning point in the direction of Caroline ecclesiastical policy in Scotland is obvious when royal instructions and Laud's input in the year which ensued are listed in chronological order. Laud had not long returned from Scotland when he was translated to Canterbury, on 19 September. He was already in correspondence with Spottiswood about the possibility of a new liturgy in late September 1633, although this letter has not survived.⁷² Charles issued his instructions for his Chapels Royal on 8 October, which underscored the legislation he had passed through parliament in Edinburgh in June. The English liturgy was instructed to be used in the chapel royal and bishops' oratories 'til some course be taken for making one, that may fit the custom and constitution of that church'.⁷³ Communicants should kneel to receive the sacrament; the dean should wear whites during holy service (including preaching) and any holder of a public office who refused to receive the sacrament kneeling at least once a year, would be reported to the king (presumably via Laud).⁷⁴ Spottiswood, as chancellor of St Andrews, was instructed to ensure the strict use of the English Liturgy at St Salvator's Church, St Andrews.⁷⁵ At the same time, Charles confirmed the setting up of the bishopric of Edinburgh, and commanded that St Giles' kirk should be the centrepiece of the new diocese, ordering the demolition of partition walls within the cathedral.⁷⁶ Laud's extant correspondence with the Scottish bishops dates from January 1634.⁷⁷ On 29 January, William Forbes was consecrated the first bishop of Edinburgh. In February, further work was undertaken to remove the galleries from St Giles. In early April, Forbes died and was replaced by David Lindsay, formerly Bishop of Brechin, while Thomas Sydserf was promoted to Brechin. At the same time, Laud was taking steps to increase the wealth of this bishopric, which is shown in one of his hitherto unknown letters to Traquair. Laud thanked the earl for his role in procuring the appointment of several bishops and divines

⁷² *WWL*, iii, 429. Laud refers to a letter to Spottiswood, dated 30th September 1633. This shows that there was correspondence before 1634, and that it started shortly after Laud returned from Scotland from the coronation visit. See also *WWL*, vi, 340. Laud to Bellenden, 14th January 1634. Laud makes reference to 'former' letters and implies an exchange of correspondence prior to this date.

⁷³ Baillie, *L&J*, i, 422.

⁷⁴ *ibid.*

⁷⁵ Donaldson, *Making of the Scottish Prayer Book*, 43.

⁷⁶ A. Spicer, 'Laudianism in Scotland? St Giles' Cathedral, Edinburgh 1633-39 – A Reappraisal', *Architectural History*, 46, (2003), 95-108; 101.

⁷⁷ *WWL*, vi, 340-1. Laud to Bellenden, 14th January 1634.

to the Scottish Peace Commissions.⁷⁸ In July, we find Laud lightheartedly boasting to Wentworth at the volume of letters that he was sending to Scotland.⁷⁹ In August 1634, Maxwell was in London again to discuss the Scottish liturgy and draft book of canons.⁸⁰ October saw the use of the English liturgy extended to all cathedrals.⁸¹ In the same month, Charles renewed the constitution of the Scottish Court of High Commission, and added some specific provisions stating that ‘writers of lybells and pamphlets against any of the constitutions of the Church’ would be punished.⁸² When viewed in this light, it does seem as if the clear intention during this year was to implement a more coherent ‘package’ of policies and to give it teeth, the ‘reformation’ to which Percy alluded, and it is to a discussion of Laud’s role in this process that the second chapter will now turn.

In conclusion, this chapter has shown that Laud’s remit as chief ecclesiastical adviser to Charles I was broad but that there were no special arrangements in place or institutions set up to facilitate this. It is not, therefore, in the official records of the Scottish Privy Council, or the kirk session records in Scotland that we can expect to find overt examples of Laud’s involvement - this probably explains why his role has hitherto been underestimated - but in private and personal correspondence, third party references and anecdotal accounts. This undoubtedly makes the job of the historian more difficult, but it equally gets to the heart of Laud, Charles, and the way that they operated as a partnership. When viewed in this light, Laud’s role in Scotland represents a unique and untapped source for a study of his exercise of ecclesiastical power during the 1630s, as the following chapters will explore.

⁷⁸ Traquair MS, Bundle 12, No 5. Laud to Traquair, 6th April 1634. Maxwell was one of those appointed as a Justice of the Peace.

⁷⁹ See Chapter 2 below, p 83.

⁸⁰ Further visits took place in April 1635 and August 1636. Donaldson, *Making of the Scottish Prayer Book*, 44, 48, 57.

⁸¹ *ibid*, 43.

⁸² Baillie, *L&J*, i, 427.

Chapter 2

The implementation of Caroline policy in Scotland 1633-1637

The purpose of this chapter is to construct a comprehensive account of Laud's interventions in the affairs of the Scottish kirk, and state, during the 1630s, with the exception of the Scottish Canons of 1636, which will be considered in depth as a separate case study in Chapter 3. This account will be based on 'new' unpublished manuscript and printed primary material, with the intention not of identifying the origins of resistance which culminated in the Scottish rebellion, but rather, to shed objective light on the priorities of king and archbishop in pursuing ecclesiastical policy in Scotland, the aspect of Laud's career which had not been given the attention it deserves. Laud's specific contribution to each of the following areas will be under discussion – episcopal patronage; liturgical and ceremonial conformity, and the Revocation scheme. These areas have been chosen not simply because they were the most controversial, but also because they are the main areas for which primary evidence of Laud's role has survived. The enhanced political prominence of the episcopate was an important feature not only of Scotland, but also of England and Ireland, and Laud's input in this area will also be considered, although the evidence is circumstantial rather than material.

The starting point for this discussion must be Laud's associations with the Scottish episcopate, since from 1633 onwards, the bishops provided the conduit through which all ecclesiastical policy changes were implemented and the hinge upon which the success of those policies swung. The lasting impression gained from reading contemporary accounts of the religious landscape of Scotland during the 1630s is one in which the spectre of episcopal power looms large. This is not just because the most compelling writers of this period were Presbyterians, such as Spalding, Row and Baillie, who all had anti-episcopal axes to grind, but because the status of the bishop in Scotland was unique in a reformed church, existing within a presbyterian system of kirk government. If James's achievements in bringing the Scottish kirk into closer ceremonial convergence with the English were embodied in the Perth Articles, it was in the rehabilitation of the episcopal estate that greater inroads were made, which would

be expanded under Charles with Laud's assistance. The status of bishops in Scotland was complicated and was a direct result of the way in which the Scottish Reformation had evolved independently of royal control. The administrative framework for the reformed kirk, set out in Knox's *First Book of Discipline* (1560) described the presbyterian system of administration which was honed in the *Second Book of Discipline* (1578). This provided for a system whereby only three forms of ecclesiastical office were considered lawful - ministers (or preachers); elders (or governors); doctors and deacons (distributors) which sat uncomfortably alongside existing bishops, all of whom were reduced to no more than 'titular' bishops following the Reformation, although the thirteen original dioceses were retained.¹ Discredited by their association with papal monarchy, as well as issues associated with poor quality candidates being nominated to pre-Reformation episcopal vacancies, many of the kirk's problems were considered to be the fault of the bishops.² The presbyterian system was based on an 'equality of power' in which no one office bore more power than another (hence significant lay involvement such as the offices of elders and deacons) and bishops were at best associated with a hierarchical church which pre-dated the Reformation. At worst, they were seen as papal and anti-Christian.

It is neither possible nor relevant to recount the complex history of the Scottish episcopacy here, but James VI's accession to the English throne in 1603 provided him with the opportunity to continue with strengthening the Scottish episcopacy to support the crown not only in the implementation of ecclesiastical reform, but as a counter-balance to the historical power of the nobility. In 1597, the General Assembly at Dundee, and parliament, approved the selection of 'commissioners' who were to consult with James over church affairs and sit in parliament, the role of commissioner going to the 'titular' bishop within a diocese (thus establishing the basis of temporal power for an ecclesiastical officer). By 1610, the Scottish bishops had been restored to the greater part of their ancient civil power, including their seats in parliament. James' revitalisation of the episcopal estate had a dual purpose - first to help him counter the strength of the Melvillian Presbyterians within the kirk, who had increasingly

¹ Aberdeen, Argyll, Brechin, Caithness, Dunblane, Dunkeld, Galloway, Glasgow, The Isles, Moray, Orkney, Ross and St Andrews.

² The most comprehensive account of the history of the Scottish episcopacy can be found in. Mullan, *Episcopacy in Scotland*, particularly Ch. 1.

maintained control of ecclesiastical affairs from the late 1580s; and secondly because as an absentee king of Scotland, his role from March 1603, a re-empowered episcopacy would assist him in the maintenance of control over the church and in secular affairs (parliament) to complement and balance the power of the nobility. One interpretation of James' well-known phrase 'no bishop, no king', uttered at the Hampton Court conference in 1604, is that it demonstrates his view of the fundamental importance of the episcopal estate in supporting the monarchy.³ It is important to remember the recent history of the episcopal estate in Scotland – prior to their reinvigoration by James, there had been no 'real' bishops since before the Reformation.⁴ As a result, even if the Scottish bishops had resisted ceremonial changes pursued by Charles, the true nature of their role would still have been the subject of debate and uncertainty. When ceremonialism was combined with an extension of the bishops' secular and judicial powers, this was viewed by many as a step on the road back to Catholicism. Nobody captures this quite as succinctly as Baillie, who stated that 'Bishopes I love, but prid, greid, luxurie, oppression, immersion in saicular affaires, was the bane of the Romish prelates and can not have long good succes in the Reformit'.⁵

Not only had the Scottish episcopate travelled along a different historical path to the English episcopate, there were obvious differences between the English and Scottish systems of ecclesiastical patronage in the early seventeenth century, and these need to be made clear because they have an impact on the nature of the sources, particularly in relation to pinpointing the identity of patrons. In England, the crown had control over all ecclesiastical appointments (bishops, deans, prebenderies and incumbents of royal livings) above the value of £10 *per annum*, a formal record of which is held in the Signet Office docket books at the National Archives, which show who was presented to

³ Other possible interpretations are considered in J. Wormald, '“No bishop, no king”: The Scottish Jacobean Episcopate 1600-1625', *Bibliothèque de la Revue d'Histoire Ecclesiastique*, Vol 72, (1987), 259-267.

⁴ Although bishops had retained their right to the episcopal title (hence the notion of 'titular' bishops), from the early 1570s they were subject to the General Assembly in spiritual matters and to the crown in temporal affairs. MacDonald, *Jacobean Kirk*, 11-12.

⁵ Baillie, *L&J*, i, 2.

which benefice and by whom their appointment was ‘signified’ and ‘procured’.⁶ In Scotland, not only was the relationship between the crown and kirk different, but the status of bishops had evolved in a less straightforward manner and this was reflected in the method of their appointment. In 1617, the Scottish parliament undertook a reorganisation of the procedure for the election of bishops which essentially revived a procedure established in 1572, but with certain key differences, whereby following the issue of a royal mandate authorising an episcopal election, the bishop was to be elected by the dean and chapter of the diocese.⁷ The dean and chapter would simultaneously receive the name of the royal nominee, always an existing minister of the church.⁸ Under the 1572 arrangements, the chapter had the right to refuse a royal nominee if he did not have the requisite episcopal ‘qualities’ but the 1617 arrangement was less permissive and the chapter was now required to choose the person nominated by the crown without objection. Having been duly elected, the candidate was then admitted to his see by royal assent, under the great seal.⁹ A literal interpretation of this process implies that from 1617, the selection of royal nominees was the prerogative of the monarch. In reality, however, James expected Spottiswood and the Scottish episcopal bench to draw up a shortlist, from which he would make the final selection of the appropriate candidate. Charles, on the other hand, ‘followed another way and without any Consultation had with the Bishops, preferr’d Men by *Moyen* at Court’.¹⁰ All appointments to the ministry, as well as episcopal appointments made between 1624 and 1641, are recorded in the Register of Presentations to Benefices held at the National Archives in Edinburgh, but no records have survived for the period from 1633 until 1641 which is curious and almost certainly an indication of Charles taking a new

⁶ Fincham argues that although the ‘procurer’ was usually responsible for securing the living, and the ‘signifier’ only for seeing that the grant reached the Signet Office, in actual fact it was not as clear cut as this and that, in Laud’s case, he is recorded as ‘signifier’ in a number of cases for which he did in fact procure a benefice for a candidate. Fincham, ‘William Laud and the Exercise of Caroline Ecclesiastical Patronage’, 76. Livings below the value of £10 p.a. were transacted through the Lord Chancellor’s Office.

⁷ *APS*, iv, 529.

⁸ For example, the nomination of John Guthrie to the bishopric of Moray in June 1623. NAS, GD188/20/9/4, James I to the dean and chapter of Moray.

⁹ Foster, *Church Before the Covenants*, 40-1.

¹⁰ Guthrie, *Memoirs*, 14.

approach.¹¹ As a result, there is no institutional record for the period in which all of Charles's appointments were made, and with which this chapter is primarily concerned. Third party accounts, anecdotal evidence and the contents of Laud's own correspondence form the main sources for this study. Notwithstanding problems with the sources, it is known that in England, Laud exercised a strong and commanding influence over appointments to bishoprics (as well as other ecclesiastical posts) from 1629, and in Ireland from at least 1631, so it makes sense to examine whether this influence was matched in the preferring of candidates to Scottish episcopal appointments during the 1630s, particularly if their preferment did, as was claimed, originate at court.

Charles I made eight episcopal appointments from his assumption of the Scottish throne in 1625 until the episcopate was abolished by the General Assembly at Glasgow in November 1638. A further episcopal appointment – that of Robert Baron to the bishopric of Orkney – was probably made in 1638, but no primary evidence for this has survived.¹² The majority of these appointments were made in the period from October 1633 to December 1636, when the creation of the new bishopric of Edinburgh and the deaths of five Jacobean bishops provided the opportunity for a significant reshuffling of the episcopal bench.¹³ As a result of these changes, four translations and five new appointments to vacant bishoprics took place and these new appointments were almost without exception men who had shown their preparedness to embrace ecclesiastical reform.¹⁴

¹¹ NAS, CH4/1/6.

¹² Robert Baron was appointed to the bishopric of Orkney in 1638 but was never consecrated, largely because of the act abolishing the episcopate during the General Assembly at Glasgow in November 1638. For more on Baron, see Chapter 3 below, pp 124-128.

¹³ The deaths were: James Law (Glasgow) in 1632; William Forbes (Edinburgh) and Andrew Lamb (Galloway) in 1634; Patrick Forbes (Aberdeen) in 1635; Andrew Boyd (Argyll) in 1636.

¹⁴ Patrick Lindsay was translated from Ross to Glasgow in 1633, on the death of James Law, and James Maxwell was promoted to Ross. William Forbes was promoted to the new bishopric of Edinburgh on its inception in January 1634, David Lindsay was translated from Brechin to Edinburgh in April 1634 on the death of Forbes, and Thomas Sydserf was promoted to fill the gap left at Brechin by Lindsay. Sydserf was translated from Brechin to Galloway in 1635 following the death of Andrew Lamb, and Walter Whitford was promoted to Brechin. Adam Bellenden was translated to Aberdeen on the death of Patrick

The establishment of the new bishopric of Edinburgh, the first new bishopric to be established in Scotland since the 12th century, was the centrepiece of Charles I's rehabilitated Scottish episcopate and aimed at transforming the city into one with 'capital' status, centred around a magnificent cathedral. This aspect of his ecclesiastical policy in Scotland has not received the degree of attention that it merits and its significance should not be underestimated, particularly given the fact that the status and powers of bishops themselves were a sore point in the stridently independent reformed kirk. When combined with the fact that the first incumbent of the new bishopric was Dr William Forbes, Principal of Marischal College, Aberdeen, who had made himself very unpopular in Edinburgh during the early 1620s for his endorsement of kneeling to receive communion, then it is easy to see how the idea of a new bishopric would be a source of anxiety, both in Edinburgh itself and beyond. There were practical reasons for the bishopric, not least the fact that it would increase episcopal supervision and ceremonial conformity in Edinburgh, but also that the new diocese would be created by taking territory away from the see of St Andrews, thus reducing its rambling size and making it easier to manage. This probably appealed to the weary Spottiswood but since the purpose of this chapter is to consider Laud's role, the evidence for his contribution to setting up the new bishopric needs to be examined.¹⁵

The administrative process by which the new bishopric of Edinburgh was erected illustrates the problems associated with trying to establish Laud's contribution. Since he had no formal authority to take part in the process, yet was nevertheless used as a source of advice, there is no 'official' record of Laud's contribution, and neither should we expect there to be. It is important, however, to unravel the formal process, if only to investigate how Charles I tackled this unprecedented aspect of ecclesiastical reform, before assessing other ways of gauging Laud's input. On 6th October 1633, Charles wrote to Spottiswood, who already approved of this scheme, announcing his intention to erect a bishopric in Edinburgh by annexing land in the south of the see of St Andrews. In the king's letter, Spottiswood was instructed to convene a meeting involving the Archbishop of Glasgow and all other bishops, to inform them of what had

Forbes in 1635. James Fairley was promoted to the bishopric of Argyll in 1636 on the death of Andrew Boyd. Fairley is the only candidate who has no direct links with Charles I's ecclesiastical reforms.

¹⁵ Stewart, *Urban Politics*, 202. Stewart gives an account of pamphlet opposition to Forbes.

been decided, and to gain their approval. The king then told Spottiswood that an 'act' erecting the bishopric should be prepared at that meeting and sent to the Clerk Register to be put on the formal records of the Privy Council.¹⁶ The following day, Charles wrote to the 'Town of Edinburgh' (the Provost and Baillies) telling them that he intended erecting a new bishopric, that St Giles's Church should be 'the Cathedrall church of that bishopric' and that changes should be made to its layout to put this in place.¹⁷ At the same time, Sir Thomas Hope, the Lord Advocate, was informed that the erection of the bishopric was 'fullie concluded' and that he should continue to do all he could to assist in the process.¹⁸ The Scottish Privy Council was sent a very similar letter.¹⁹ Forbes was consecrated on 28th January 1634. In the particular case of the establishment of a new bishopric, therefore, there is no trace of Laud in the official documents. It does not, however, preclude Laud's involvement in advising the king on the benefits of a new episcopal see, or of suitable candidates to fill it. After all, the decision to erect the new bishopric was taken on the return of the royal party to London following the coronation visit, shortly after Laud was settling into his new archiepiscopal role and at a time when bringing the Scottish kirk into greater order was high on the Caroline agenda.

The problems of official evidence aside, both king and archbishop clearly had a vested interest in selecting a suitable candidate and there is much evidence to confirm that Forbes was up to the job. It was publicly considered that Forbes owed his promotion to 'the King's speciall commandment', having preached before Charles during the coronation visit in 1633 and according to Laud, it was indeed upon this basis that 'his Majesty resolved to make him the Bishop of Edinburgh, which was done accordingly'.²⁰ Forbes was a significant choice as first bishop of Edinburgh, because he was Scottish by birth, but had been educated in England. Laud plainly approved of Forbes, whom he had first encountered during the 1617 visit to Scotland when Forbes

¹⁶ *Stirling's Register*, ii, 683. Charles I to Spottiswood, 6th October 1633.

¹⁷ *Ibid*, 684. Charles I to the Town of Edinburgh, 7th October 1633. Among the particular changes were that the east wall should be 'raised to the ground'.

¹⁸ *Ibid*, 685. Charles I to the Lord Advocate, 7th October 1633.

¹⁹ *Ibid*. Charles I to the Privy Council, 7th October 1633.

²⁰ Row, *Historie*, 370. *WWL*, iii, 373.

had preached ‘very learnedly’²¹ before James I. Once in post, Forbes managed to cause controversy by sending an injunction to his clergy that parishioners should kneel when receiving communion, again reinforcing his adherence to the Perth Articles.²² Forbes was no radical, however, and urged conformity with kneeling to receive as ‘one of the most powerfull means’ of ‘bringing back ... peace’ to the church.²³ On his death, Laud referred to Forbes’ ‘care and temper’ in his role.²⁴ As an episcopal candidate, therefore, Forbes plainly had royal support, but there are also a number of reasons to believe that Laud also backed his promotion.

According to the discussion above, the appointment of Forbes to the new bishopric suggests that there were no alternative contenders for the position. However, an interesting comment in a letter from Henry Percy to Thomas Wentworth sheds a flickering light on other possible candidates for the bishopric, one of whom may also have had Laud’s backing. The letter, written on 9th October 1633, three days after the king authorised Spottiswood to put the procedure in place to record the bishopric on the statute books, receives no mention in scholarship to date, but raises a new possibility about Laud’s role. Percy informed Wentworth that

ecclesiasticall affaires passe wholly through the hands and by the direction of the bishop of canterbury, whoe your Lop knowes undertooke the reformation in Scotland, for which purpose, as alsoe to put him off Fairley, Deane Young remooves to Edinborough, his honor there is to be first of bishops.²⁵

This passage requires unravelling. The unmistakeable point here is that John Young, Dean of Winchester was tipped to become the new bishop of Edinburgh. Young was a Scot by birth, an alumnus of St Andrews, but had joined the English ministry, so his credentials were very similar to those of Forbes. According to Percy, Young was being sent to Edinburgh at Laud’s instigation, in order to continue the ‘reformation’ in

²¹ *WWL*, iii, 373.

²² The letter, dated 5th March 1634, is transcribed in Row, *Historie*, 372-3.

²³ Row, *Historie*, 372.

²⁴ *WWL*, iii, 373. Laud to Bellenden, April 1634

²⁵ Str. P. 3/64, Henry Percy to Wentworth, 9th October 1633. I am grateful to Professor Kenneth Fincham for this reference.

Scotland. Percy's cryptic comment that this was done 'to put him off Fairley' is difficult to interpret in isolation, but he seems to have been implying that Fairley was another candidate for the bishopric, supported by someone else – the anonymous 'him'. James Fairley was an Edinburgh minister who would go on to become Bishop of Argyll in December 1636 on the death of Andrew Boyd, so it is highly plausible that he was seeking a bishopric at the end of 1633. Fairley had the backing of the Campbells of Argyll, Traquair and probably Hamilton, so the 'him' to whom Percy was referring could have been any one of these men. This fragment of evidence certainly adds to the hypothesis that in the autumn of 1633, prior to his appointment in January 1634, there were other candidates for the bishopric besides Forbes and that Laud took steps to ensure that he had his own contender ready to challenge any potential rivals. If Percy is to be believed, this raises the question of why Forbes rather than Young was to be appointed, if Laud was pressing firmly for Young to be promoted to Edinburgh and on the assumption that Laud played a significant role in episcopal patronage.

For those seeking to diminish Laud's role, the issue of Forbes versus Young raises the possibility that Laud's first choice for the bishopric was unsuccessful, and that Laud and the king may not, after all, have had the same candidate in mind for this strategic post. A more plausible explanation, however, can be found elsewhere in Percy's letter, which describes Young's reluctance to take on the new bishopric. Young was 'not very well pleased' with the prospect of the Edinburgh see, 'having had such faire promises of one nearer' and his view was that 'lesser it could hardly be'.²⁶ Since the see of Edinburgh was intended as a model for the implementation of policies across the wider Scottish kirk, it would be preferable if the successful candidate were to undertake his episcopal duties keenly. Clearly, Young was not enthusiastic about the prospect of becoming the first bishop of Edinburgh and it is likely that Forbes emerged as a better candidate, when it became clear that Young was not eager to take on this key role. It was certainly not unheard of for bishoprics to be declined, as in the case of Lancelot Andrewes and the bishoprics of Ely and Salisbury in the 1590s.²⁷ In the absence of other primary evidence, further explanation will remain a matter of conjecture, but the fact that Laud had identified and intended to send up to Scotland his own candidate

²⁶ Ibid.

²⁷ I am grateful to Professor Kenneth Fincham for drawing my attention to this example.

demonstrates that participation in Scottish episcopal patronage was firmly within his remit.

It is well known that the rebuilding of St Paul's Cathedral in London was a project close to Laud's heart, intended to represent the most high profile emblem of the beauty of holiness but it is worth remembering that Charles also intended to raise St Giles' kirk to cathedral status as part of the erection of the new Edinburgh bishopric and Laud was centrally involved in this initiative. Royal instructions were issued in October 1633 that the partition walls which had been constructed inside the kirk should be taken down in order to begin the re-edification and redesign of the building for spiritual use only. Laud corresponded with the Provost of Edinburgh to push the modifications necessary to convert St Giles's from a kirk to a cathedral, and significantly, to plan the building of two new churches in Edinburgh.²⁸ Due to local opposition, and despite further attempts in 1635 and 1637 by Laud, Charles's grand schemes did not come to fruition and in January 1639, the partition walls were reinstated.²⁹ Nevertheless, the intention to re-edify St Giles's was bold and ambitious and an integral part of the creation of the new bishopric.

The strategic nature of the new bishopric is demonstrated by the tenor of royal correspondence sent shortly after its inception, regarding regulation of behaviour and discipline at the University of Edinburgh. In May 1634, Charles issued instructions for 'the weill settling of our universities', which involved the bishop (now David Lindsay, Forbes having died unexpectedly the previous month) taking steps to prohibit the 'promiscuous' practice of students sitting with the congregation during divine service, as well as order for strict observance of codes of dress according to different degrees.³⁰ The priorities of Charles and Laud in English and Irish universities are well known. Laud was an active and energetic Chancellor of Oxford whose new statutes of 1636 reflected his wish for greater discipline, and his implementation in 1637 of new

²⁸ *WWL*, vi, 318. Laud to the Provost of Edinburgh, October 1633; Laud to the Provost of Edinburgh, 9th May 1634 in Hutton, 'Two letters of Archbishop Laud', 107-109; *WWL*, vi, 420-1, Laud to the Provost of Edinburgh, 19th May 1635; Laud to the City of Edinburgh, 15th May 1637, in Hutton, 'Unpublished letters of Archbishop Laud and Charles I', 715-717.

²⁹ *Stirling's Register*, ii, 684. Charles I to Town of Edinburgh, 7th October 1633.

³⁰ *Stirling's Register*, ii, 752. Charles I to the Bishop of Edinburgh, 13th May 1634.

collegiate statutes at Trinity, Dublin, where he was Chancellor from May 1634, imitated this approach.³¹ It was in Scotland that no evidence of Laud's involvement has survived since he had no formal cancellarial appointment at a Scottish university. However, the king's letter of May 1634 to Lindsay was accompanied by a similar letter to Patrick Forbes, Bishop of Aberdeen, and indicates the king's intentions to bring order, uniformity and conformity into the Scottish universities. In May 1634, Charles instructed Forbes to rectify abuses in behaviour at the town's King's College where he was Chancellor, again the particular target was the behaviour and apparel of students. Charles told Forbes that 'no one thing appeareth to us more necessary than the well settling of our universities both for the service of God and good education of youth there'.³² The sole surviving letter from Laud to Patrick Forbes indicates his interest in making inroads into that institution. Laud wrote to Forbes, on 23 September 1634, referring to correspondence received from Forbes' son, John, doctor of divinity and ecclesiastical history at King's College, Aberdeen, and 'leader' of the six 'Aberdeen doctors' who became closely associated with support for Charles I and his policies. Patrick Forbes had no close association with Laud but Laud was enthusiastic to make contact and to 'show all the favour I can to the University'.³³ The appointment of William Forbes to the Edinburgh bishopric, therefore, enabled Charles, and Laud to put in train a number of aspects of ecclesiastical policy and these matched policies implemented in both England and Ireland.

The promotion of William Forbes to the episcopate led Charles to seek clarification from Spottiswood about the nature of royal control over church patronage in Scotland and again, this is an important point which seems to have escaped attention, because it adds further weight to the claim that Charles wanted to bring Scottish universities into greater conformity and order with practices in place in England. On 2nd January 1634, the king wrote to Spottiswood expressing his general wish to exercise the same degree of control over the filling of livings made vacant by the appointment of candidates to bishoprics 'in that our kingdome' of Scotland as he did in 'this our kingdome' of England. His main concern was to 'have the better opportunitie of the supplying of ther

³¹ *WWL*, iii, 220.

³² C. Innes (ed), *Fasti Aberdonenses – Selections from the Records of the Kings College and University of Aberdeen 1494-1854* (Aberdeen 1854), 394.

³³ *WWL*, vi, 394-5. Laud to Patrick Forbes, 23rd September 1634.

places agane with one of approved sufficiencie' and in the particular case of Forbes, whose now vacant position as Principal of Marischal College in Aberdeen was 'a considerable place', it was especially important to Charles because it had an impact on the education of future clerics.³⁴ Sadly, there is no extant reply from Spottiswood, but the king's letter itself indicates what his intentions were at the point at which the Edinburgh bishopric was established. Although we cannot expect to find evidence of Laud's direct involvement in this aspect of policy, given that he lacked a formal role, it certainly has all the hallmarks of a policy which he would have made every effort to support.

The appointment of David Lindsay to the see of Edinburgh as Forbes's successor lends itself to a discussion of the dual role of king and archbishop but again, there is a limited amount of primary evidence available to support a detailed discussion.³⁵ Naturally, there was no shortage of candidates from within the Scottish episcopate to succeed Forbes and one of the most promising contenders would appear to have been Thomas Sydserf, currently Dean of Edinburgh – while Sydserf was minister at Trinity College in 1633, he was among 34 parishioners who gifted a silver communion bread plate engraved with an image of Christ kneeling to receive the sacrament, so his commitment to ceremonialism was evident.³⁶ According to Robert Wodrow, the ecclesiastical historian of the late seventeenth century, opposition from Edinburgh magistrates forced Charles to overlook Sydserf and opt for David Lindsay, Bishop of Brechin, although Sydserf, apparently at Laud's suggestion, was promoted to the vacancy created at Brechin when Lindsay moved to Edinburgh.³⁷ Wodrow claims that Lindsay was suggested by Laud as a more acceptable figure.³⁸ Lindsay was clearly obedient to Charles, although there is no evidence that he actively supported the use of the English

³⁴ Stirling's Register, ii, 711.

³⁵ Guthry, *Memoirs*, 14. Trevor-Roper referred to David Lindsay as 'one of the four chief advocates of an Anglican liturgy'. However, there is little primary evidence to support this view. It is more the case that Lindsay was prepared to be obedient to Charles I but was not active in the formulation of the canons or Prayer Book. Trevor-Roper, *Archbishop Laud*, 142.

³⁶ This plate is among several currently on display at the National Museum of Scotland in Edinburgh. Also referred to in Stewart, *Urban Politics*, 210.

³⁷ Guthry, *Memoirs*, 14.

³⁸ R. Wodrow, *Divines of North East Scotland* (Aberdeen, 1890), 168. Interestingly, Sydserf was the only Scottish bishop to survive the Restoration. Gordon, *History of Scots Affairs*, I, 12.

liturgy, for instance. Baillie's account of Lindsay's opposition to 'the Surplice, Crosse, Apocrypha, Saints dayes and some other trashe of the Inglish Liturgie' indicates that he was not one of those bishops most closely associated with royal policy, but he must have been sufficiently compliant to have merited royal support, as well as the approval of Laud.³⁹ Other candidates expressed a keen interest in the post, including Adam Bellenden. Laud wrote to Bellenden on 6 May 1634, informing him that Lindsay had been appointed and this letter gives an insight into Laud's role in the process of ecclesiastical preferment, as follows:

I am right sorry for the death of the Bishop of Edinburgh, the loss being very great both to the King and the Church. I acquainted his Majesty how needful it was to fill that place with an able successor; and when mention was made of divers men to succeed, I did, as you desire, show his Majesty what your desires were, and what necessities lay upon you. After much consideration of the business, his Majesty resolved to give the Bishopric of Edinburgh to my Lord of Brechin.⁴⁰

The translation of Lindsay to succeed Forbes' highlights the difficulties associated with trying to pin down Laud's role with any accuracy, but what emerges from this example is a sense that Laud was acting as power broker, involving himself in the appointment of Scottish bishops in a more tangible way than any of his English archiepiscopal predecessors.

More certainty can be applied to Laud's role in the advancement of James Wedderburn to the bishopric of Dunblane in February 1636. Wedderburn played an instrumental role in drafting and editing versions of the English Service Book to prepare the Scottish liturgy.⁴¹ Wedderburn's early career is certainly indicative of his suitability as an instrument of Caroline ecclesiastical reform. Wedderburn's Arminian theology caused him trouble as professor of divinity at St Andrews, and he left the post to take up a new charge within the diocese of Winchester. He clearly had Arminian pedigree, having

³⁹ Baillie, *L&J*, I, 4.

⁴⁰ *WWL*, vi, 370-1. Laud to Bellenden, 6th May 1634.

⁴¹ *WWL*, iii, 370; G. Donaldson, *Making of the Scottish Prayer Book*, 49.

been ordained by Lancelot Andrewes.⁴² The exact date of Laud and Wedderburn's first meeting is not clear, but their paths almost certainly crossed while Wedderburn was at Cambridge in the 1620s. As Laud himself admitted, he enjoyed a longer, and closer acquaintance with Wedderburn than with the other Scottish bishops. Wedderburn had been recommended to Laud 'as a man that had very good parts and learning in him'.⁴³ Although Scottish by birth, Wedderburn's ideological roots were in England and this resulted in his promotion to the Scottish kirk through his successes in the English church – he became prebendary of Whitchurch in the diocese of Bath and Wells in 1631 and when he returned to Scotland, bishop of Dunblane in February 1636. Wedderburn's appointment to Dunblane, which was accompanied by the Deanery of the Chapel Royal, was a pivotal move, and promised greater favours to follow. As Laud wrote to Maxwell of Ross, about Wedderburn: 'I pray [commend] my love to him, and tell him, I would not have him sticke att any thinge, for the Kinge will not leave him long at Dunblane, after he hath once settled the chappell right, which I see will settle apace, if he keepe his footing'.⁴⁴ Unfortunately for Wedderburn, the crisis following the implementation of the new Scottish liturgy meant that Laud's promise of further advancement was never realised. Laud's support for Wedderburn is undeniable, and Laud himself described how 'after I came acquainted with him, I wished him very well for his worth sake and did what I could for him to enable him to live'.⁴⁵ The depth of their association is confirmed by the fact that Laud was appointed as executor of Wedderburn's will on his death in 1639.⁴⁶

In cases where a candidate had more than one patron, or where there is circumstantial evidence to suggest that Laud approved of a particular candidate who was backed by someone else, it is difficult to establish the degree of Laud's involvement, particularly in the absence of sufficient primary evidence. Thomas Sydserf, again, illustrates this point. Sydserf was appointed to the bishopric of Brechin on 29 July 1634 and then

⁴² K. Fincham and N. Tyacke, *Altars Restored: The Changing Face of English Religious Worship 1547-c1700* (Oxford, 2007), 157.

⁴³ *WWL*, iii, 373.

⁴⁴ *WWL*, vi, 434. Laud to Maxwell, 19th September 1635.

⁴⁵ *WWL*, iii, 374.

⁴⁶ Due to the difficulties involved in administering Wedderburn's Scottish estate, Laud was forced to renounce the Executorship. *WWL*, vii, 591. Laud to Sir Thomas Roe, 12th November 1639.

moved to the see of Galloway in 1635 on the death of Andrew Lamb. According to Guthry, it was ‘by the Archbishop of Canterbury’s *Moyen* [that] Mr Thomas Sydsersfe was made Bishop of Brichen’ but again, there is little on paper to prove this.⁴⁷ Certainly, Sydsersf’s commitment to Caroline ecclesiastical reform had several manifestations and this would have recommended him to Laud. For example, as part of the restoration of the priory of Whithorn, he not only placed an altar at the east end of the chancel, but raised it on a platform.⁴⁸ He clearly adhered to the exalted status of the episcopacy and went on to use the court of High Commission as an instrument of enforcing this position – for example, in 1636, as Bishop of Galloway he brought Samuel Rutherford before the High Commission and procured his banishment to Aberdeen for publishing a treatise against Arminianism.⁴⁹

There is no surviving correspondence between Laud and Sydsersf to clarify whether or not Laud had a hand in Sydsersf’s promotion to the Scottish episcopate, but Laud clearly saw Sydsersf as ‘on-side’, although he also had the backing of Traquair, to whom he had briefly acted as childhood tutor.⁵⁰ In the aftermath of the Edinburgh riots, for instance, he asked Traquair to liaise with Sydsersf to keep him informed of the objections made to the liturgy by ministers and bishops, presumably to administer relevant discipline if necessary.⁵¹ Sydsersf, like Laud, gained a reputation for excessive zeal because of the fervour with which he embraced religious reform, as much as for the reforms themselves. He was described as ‘a pious and learned man yet ... fiery and passionate and went so roundly to work that it was cried out upon as a yoke and bondage which the nation was not able to bear’.⁵² If Laud was willing to attempt to secure a lectureship at Berwick for Sydsersf in March 1639, then it is certainly more than plausible that he played a role in securing an earlier bishopric for him.⁵³

⁴⁷ Guthry, *Memoirs*, 14.

⁴⁸ McMahon, ‘Scottish Episcopate’, 231.

⁴⁹ *ibid.* See also Chapter 3 below, p 127.

⁵⁰ McMahon, ‘Scottish episcopate’, 41.

⁵¹ *WWL*, vi, 506. Laud to Traquair, 11th September 1637.

⁵² G. Burnet, *Memoires of the Lives and Actions of James and William Dukes of Hamilton and Castleherald*, (London, 1677), 31.

⁵³ The evidence for Laud’s assistance to Sydsersf is in a letter from Laud to Bishop Thomas Morton of Durham, dated 7th March 1639 (it is not clear whether this is old or new style dating), which has

The role of the nobility is also evident in challenging episcopal candidates for secular positions. This was the case over Traquair's appointment to the Scottish Lord Treasurership in 1635. Despite his advancement in secular areas, John Maxwell of Ross 'a man of unbounded ambition'⁵⁴ still had his sights set on higher political office. When the Scottish Lord Treasurership became vacant in 1636, he was confident enough of his standing with the king that he 'thought himself sure' of gaining that office. Maxwell was already a member of the Scottish Privy Council, an extraordinary Lord of Session and Justice of the Peace. Maxwell was outmanoeuvred by Traquair who allegedly wanted the post as 'a barr to hinder the inundatione of our impetuous Clergie which wes like to overthrow all'.⁵⁵ The relationship between Maxwell and Traquair became increasingly antagonistic after the episode over the Treasurership and these personal differences did nothing to ease the growing strain on relations between the bishops and the nobility.⁵⁶ We do not know whether Laud was involved behind the scenes in manipulating for Maxwell or someone else, or whether in fact Traquair's appointment to the Treasurership was a victory for Laud, as well as Traquair. Maxwell had complained about Traquair to Laud in September 1635, and elicited Laud's response 'whereas you write, that some which have promised and protested fair to me, concerning the church, have in all judicatures, since your last return, gone against the Church, I pray name them, for I am loth to mistake persons, and then I shall not spare to acquaint the king with what they do'.⁵⁷

The appointment of Walter Whitford to the bishopric of Brechin in September 1635 is a further example of noble support for a candidate who was also acceptable to Laud. According to Bishop Guthry, 'Mr Walter Whitford was made Bishop of Brichen by the *Moyen* of the Earl of Sterling, the Secretary of Scotland'.⁵⁸ Stirling's involvement in the administration of ecclesiastical policy has already been mentioned. But the example of Whitford is similar to Maxwell in that both men owed their appointment to

unfortunately been missing since 1891. Durham University Library, Mickleton and Spearman MS 46, 147. I am grateful to Professor Kenneth Fincham for this reference.

⁵⁴ Guthry, *Memoirs*, 13.

⁵⁵ Baillie, *L&J*, I, 7.

⁵⁶ McMahon, 'Scottish Episcopate', 92.

⁵⁷ *WWL*, vi, 436. Laud to Maxwell, 19th September 1635.

⁵⁸ Guthry, *Memoirs*, 14.

a member of the Scottish nobility, but in all likelihood their promotion had Laud's approval. Whitford was certainly in favour of the liturgy, and put himself in considerable personal danger when he expressed his intention to continue reading from it after the outbreak of the riots in Edinburgh. Like Sydserf, there is little primary evidence of Laud's support for Whitford during the 1630s, but in early 1641, after his imprisonment, Laud approached the king to secure the vacant living of Ashen in Northamptonshire for Whitford's son, John.⁵⁹ Whitford himself secured another living in Northamptonshire, that of Walgrave and it is possible that Laud was involved in this, although again, no documentary evidence has survived to shed more light on this.⁶⁰

Although his contribution was unprecedented for a member of the English church, the geographical and ideological distance between the English and Scottish churches would have made it impossible for Laud to have exercised total control over ecclesiastical patronage in Scotland. Indeed, as Kenneth Fincham has shown, Laud even had rivals as patron of clerical candidates in the English church, so the same and more would have to be true in Scotland.⁶¹ Besides the king, there were several other leading figures who proposed their own nominees for positions on the Scottish episcopal bench and were successful in getting them appointed. The archbishopric of Argyll is a case in point. Laud would have had extreme difficulty if he had tried to influence any appointments to this see, since it was the ancestral home of Archibald Campbell, Lord Lorne (and later 8th Earl of Argyll), future leader of the Covenanting opposition to the crown. Lorne was profoundly pious and committed to the protection of those prosecuted for non-conformity, including intervening in the case against Samuel Rutherford in 1635 from his position as extraordinary lord of session. When the bishopric of Argyll became vacant in December 1636 following the death of Andrew Boyd, James Fairley was appointed to succeed Boyd. Argyll must have had few objections to Fairley, and Fairley had also been tutor to Traquair in his youth – and it was probable that Hamilton also supported Fairley.⁶² It has already been shown that Laud probably attempted to

⁵⁹ The king agreed. *WWL*, vi, 590, Laud to Charles I, 3rd January 1641.

⁶⁰ Both Whitford and his son were ejected from their respective livings in 1645. *WWL*, vi, 590, n. K.

⁶¹ Fincham, 'William Laud and the exercise of Caroline ecclesiastical patronage', 80.

⁶² Baillie, *L&J*, i, 6. gives a useful account of the various candidates and who was backing them. Hamilton's support for Fairley is evident from a letter to Traquair dated 6th January 1638. Traquair MS, Bundle 8, No. 1.

block Fairley's appointment as first bishop of Edinburgh. Lorne had earlier secured the appointment of Neil Campbell, a distant cousin, to the bishopric of the Isles on John Leslie's translation to the Irish see of Raphoe in October 1633. This last point needs emphasising in order to bring this section on episcopal patronage to a close – of the four episcopal translations and four new appointments implemented under Charles I, only two translations cannot be associated with Laud in any way. With the exception of Fairley and Campbell, these 'new men' had all shown a preparedness to embrace and implement aspects of ceremonialism, liturgical conformity and episcopalianism. This in itself is sufficient evidence to qualify Morrill's view that only one of the Caroline episcopal appointments differed from the pattern of appointments made by James I.⁶³

It is possible to argue, within the context of patronage, that Laud occasionally flexed his muscles as British ecclesiastical patronage broker – meaning he attempted from his primacy in England to secure a living in Ireland for a Scottish candidate - but not necessarily with great success. The case of the vacant living of Taboine, Ireland, in June 1638 will illustrate this point. It is documented in Laud's printed letters to Wentworth but has been overlooked by historians and furthermore, some new, although small, pieces of the jigsaw have emerged in the course of my research which add to our understanding of this incident.⁶⁴ This case will confirm, as we know from elsewhere, that Laud was not without rivals in the ecclesiastical patronage of all three of the Caroline kingdoms, but is a pertinent example of Laud's tenacity when faced with a rival contender for a living he had a suitable candidate to fill. Wentworth wrote to Laud in June 1638, informing him that the death of the incumbant of the parish of Taboine, a living in the king's gift, had created a vacancy, and that he was considering Dr Robert Baron as a possible contender for the living. Wentworth described Baron as 'a man I never saw, yet such as there is not a learner in Scotland'.⁶⁵ Laud, of course, would have been delighted, since Baron was one of the six 'Aberdeen Doctors' renowned for their episcopalianism and pro-Arminian beliefs, was professor of divinity at Marishal

⁶³ Morrill, 'Ecclesiastical imperialism', 223.

⁶⁴ *WWL*, vii, 441 (Laud to Wentworth, 30th May 1638); *WWL*, vii, 450 (Laud to Wentworth, 22nd June 1638); *WWL*, vii, 457 (Laud to Wentworth, 27th June 1638); *WWL*, vii, 474 (Laud to Wentworth, 11th August 1638); *WWL*, vi, 538 (Laud to Wentworth, 10th September 1638); *WWL*, vi, 542 (Laud to Wentworth, 2nd November 1638); *WWL*, vii, 485 (Laud to Wentworth, 29th December 1638).

⁶⁵ Str. P. 7/116r. Wentworth to Laud 3rd July 1638.

College, Aberdeen, and was responsible for arranging the publication of the 1636 canons.⁶⁶ Laud concurred that Baron was ‘indeed all that my Lord Primate [Ussher] hath testified of him’. Laud showed the letter to Charles who then instructed Laud to show it to Lennox, but ordered that Lennox, not Wentworth or Laud, could decide upon the new candidate. Lennox was clearly in favour of Dr James Galbraith, also a Scot. This irked Laud, who, in no uncertain terms, told Charles that ‘Taboine was too good for Galbraith, and that it were a great happiness Dr Baron might have it’.⁶⁷ Laud’s efforts on behalf of Baron appeared to be fruitless, however, and he told Wentworth that ‘for Dr Baron I cannot prevail. Nor for any other than Galbrath, from whom my Lord Duke showed me a letter testifying his full submission to the Church of England, and his peacable conformable carriage ever and in all things. So this man you must admit, for the King will have the Duke satisfied. And I have undertaken it shall be done.’⁶⁸ However, Laud was not easily thwarted. Although in this letter sent at the end of June 1638, he gave the general impression to Wentworth that he had resigned himself to seeing that Lennox’s candidate was appointed, Laud continued to work to undermine Galbraith’s chances of securing the living.⁶⁹

To date, our understanding of this incident comes from Laud’s printed correspondence, in which it is possible to trace the process of identifying a suitable candidate for the living over the course of several months. In September, Laud informed Wentworth that he had asked Hamilton to find out whether or not Galbraith had signed the Covenant and if so, he would not be given the benefice. In the course of researching this thesis, the letters in which Hamilton informed Laud of his investigations into Galbraith have been discovered. On three separate occasions during September and October 1638, two months after his letter to Wentworth, the Marquis of Hamilton responded in writing to Laud’s enquiries about whether or not Galbraith had subscribed to the Covenant. Unfortunately, the letters in which Laud pressed Hamilton to find out this information

⁶⁶ See Chapter 3 below, pp 125-127.

⁶⁷ *WWL*, vii, 450. Laud to Wentworth, 22nd June 1638.

⁶⁸ *WWL*, vii, 457. Laud to Wentworth, 27th June 1638. In the same letter, Laud urged Wentworth to keep in favour with the likes of Lennox.

⁶⁹ It has been argued elsewhere that Laud did not always reveal his hand to Wentworth. See F. Pogson, ‘Making and Maintaining Political Alliances during the Personal Rule of Charles I: Wentworth’s Associations with Laud and Cottington’, *History*, 84 (1999), 52-73.

are no longer extant, but Hamilton was meticulous about keeping copies of his letters to Laud, and it is from these that the archbishop's machinations emerge.⁷⁰ On 24th September, Hamilton told Laud that Galbraith had 'not yet subscribed the Covenant' but assured him that he would make enquiries the next time that he went back to his estates at Hamilton, which were closer to Glasgow where Galbraith was currently minister.⁷¹ Again, on 14th October, Hamilton reported that he had been 'as inquisitive as I could about Galbraith's'⁷² and provided details of Galbraith's family background, but it was not until 22nd October that he could finally confirm that 'Galbraith hath syned the covenant'.⁷³ This armed Laud sufficiently to be able to report back to Wentworth that 'when the time is ready, you must ... profess Galbraith a Covenanter, and that therefore you will bestow the living upon another. And if Dr Baron will accept it, none better'.⁷⁴ In the event, Baron did not take up the Irish living, but was nominated instead for the bishopric of Orkney in late 1638, although there is no primary manuscript evidence to shed further light on his appointment or who may have supported it.⁷⁵ The case of Galbraith versus Baron, however, affirms that Laud was resolute in his intentions towards Baron, which in turn implies that Baron's credentials as an Arminian were manifest. More importantly, Laud's scheming behind the scenes to discredit the candidate of a rival patronage broker at court, in this case Lennox, certainly confirms the tenacity of his grip on ecclesiastical patronage and in this particular case, it demonstrates that his intervention was informed by his intervention in the churches of all three kingdoms.

Although the purpose of this discussion is to clarify Laud's role in episcopal patronage, it is also pertinent to flag up Laud's role in the appointment of other clerics. For instance, it is probable that he was responsible for the promotion of James Hanna or

⁷⁰ The correspondence between Hamilton and Laud will be discussed in detail in Chapter 4 below.

⁷¹ NAS, GD406/1/564, Hamilton to Laud, 24th September 1638 (copy).

⁷² NAS, GD406/1/567, Hamilton to Laud, 14th October 1638 (copy).

⁷³ NAS, GD406/1/569/1, Hamilton to Laud, 22nd October 1638 (copy)

⁷⁴ *WWL*, vii, 512. Laud to Wentworth, 29th December 1638 (side paper)

⁷⁵ The earliest printed reference to Baron being appointed to the bishopric of Orkney is contained in the eighteenth century volume by Robert Keith, entitled *A Catalogue of the Bishops of the Several Sees within the Kingdom of Scotland down to the Year 1688* (Edinburgh, 1755), 135. The catalogue is silent on patronage and lists only that Baron was 'elected to the see of Orkney but being forced by the Perversity of the Times to flee out of this Kingdom, he died at Berwick having never been consecrated'.

Hannay to the deanery of Edinburgh. This is hinted at in Laud's letter to Traquair, dated January 1636 where Laud concurs that 'indeed for some greater marke of his Maties Favour to be putt upon him as opportunity may serve, I thinke there is all ye reason in ye World for that, and I shall be ready att any time to putt his Majestie in minde for him'.⁷⁶ An earlier letter to Traquair indicates that Laud had some doubts about Hannay's suitability, however.⁷⁷ Hannay has the dubious distinction of being associated with the first reading from the Scottish prayer book in St Giles on 23 July 1637. However, according to Baillie, Hannay was Maxwell of Ross's candidate.⁷⁸ As Maxwell of Ross was a Laudian sympathiser, it can be assumed that Hannay's appointment would have had Laud's approval.

What this section of the chapter has demonstrated is that there was no obvious clerical rival to Laud in the exercise of Scottish ecclesiastical patronage. Stirling, Traquair, Hamilton, Lorne and even Maule all played a role in the selection of candidates for Scottish bishoprics or ministries, but no examples of any alternative candidates gaining their appointments at the hand of a member of the Scottish episcopal bench. Maule's role seems to have been overlooked but as a Gentleman of the Bedchamber, he had direct access to the king which he seems to have used to the advantage of others.⁷⁹ This section has also illustrated the difficulties involved in trying to work out the complicated pattern of ecclesiastical patronage when using a very narrow body of extant evidence. The main point that emerges, though, is that Laud was closely involved in the exercise of Scottish ecclesiastical patronage. A letter from Laud to Bishop John Bramhall in Ireland, sent in September 1639, will bring this discussion to a close. The context was the arrival in London of several Scottish bishops, having left their sees in the north following the Bishops' Wars, but the letter speaks for itself:

For the passage in your lettre concerning the Scottish Bishops their case hath much both troubled, and pittied mee. And I should be very glad, would itt please God to make mee able, to doe them anie kindnes. But as for their coming into Ireland, I have already written sufficiently to

⁷⁶ Traquair MS, Bundle 12, No 9, Laud to Traquair, January 1636.

⁷⁷ Traquair MS, Bundle 12, No 5, Laud to Traquair, 6th April 1634.

⁷⁸ Baillie, *L&J*, i, 6.

⁷⁹ Guthry, *Memoirs*, 16-17.

my Lord Deputy. And if his Majestie be pleased to hold his resolution, they will bee provided for, without troubling Ireland.⁸⁰

This passage has at its heart the ‘billiard-ball effect’ with which Conrad Russell described the relationship between Charles I’s dominions. It embodies the ultimate end result, for Laud, of the attempt to administer controversial religious policies across three different kingdoms – it is left to the primate of England to arrange, in discussion with a member of the Irish episcopate, for the redeployment to alternative livings either in Ireland or England, of Scottish bishops forced to flee from their sees on account of policies implemented largely at Laud’s instigation.

Under Charles, not only did the size of the episcopate grow, with the erection of the bishopric of Edinburgh, but also the bishops’ powers were expanded to reach the point where they occupied an unprecedented prominence in political affairs, the appointment of Archbishop Spottiswood as Chancellor in September 1635 representing the culmination of this growth, which was similar to trends in England, with the selection of Bishop Juxon as Lord Treasurer in March 1636. Indeed, many viewed Spottiswood not only as Chancellor, but ‘Regent’ although this viewpoint was probably coloured as much by contemporary suspicions of bishops as it was of Spottiswood’s real power.⁸¹ Six bishops had enjoyed places on the Jacobean Privy Council in Scotland, but Charles expanded this membership to include ten members of the Scottish episcopate. In 1626, even before Spottiswood had reached the exalted heights of the Chancellorship, Charles had demanded that the archbishop should take precedence over Kinnoul, the existing Chancellor, in the Scottish Privy Council. This early indication of the different tenor of Charles’s rule had added another Scottish peer to the list of those disaffected.⁸²

⁸⁰ HA 15155, Laud to Bramhall, 2nd September 1639.

⁸¹ W. Brereton, *Travels in Holland, the United Provinces, England, Scotland and Ireland 1634 – 1635* (London, 1844), 104.

⁸² Kinnoul had vowed never to ‘suffer him to have place of him, doe quhat he could, all the dayes of his lyffetye’. Despite this, Charles again asked Kinnoul to cede to Spottiswood, just before the coronation ceremony in June 1633, to which Kinnoul replied that ‘never a ston’d preist in Scotland should sett a foote befor him so long as his blood wes hotte’. Charles gave up, promising that ‘I will not medle further with that olde cankered goottishe man, at quhosse handes ther is nothing to be gained bot soure words’.

The encroachment of the cleric into spheres of secular government was a feature of the English political landscape before 1625 under Lord Keeper Williams, but in Scotland, this encroachment was episcopal rather than clerical in nature, manifesting itself in the appointment of bishops to local peace commissions.⁸³ James had come up against considerable opposition for setting up the peace commissions, which were seen as an attempt to Anglicise Scottish local government and had achieved limited success over a considerable length of time – certainly, by 1617, no more than a quarter of shires had a peace commission. On 11th March 1634, Charles instructed the Privy Council in Edinburgh to ensure that ‘everie bishop to be a justice of peace within his owne diocie, and withall that yow require them to give unto yow a list of the most able and sufficient ministers within their dioces where it is most necessarie that a justice of peace be established’.⁸⁴ According to the official sources, therefore, this was a royal order and there is no evidence of Laud’s role. However, in an unpublished letter to Traquair of 6th April 1634, one particular sentence sheds a tiny shaft of light on his contribution to establishing bishops as peace commissioners. The letter, Laud’s reply to one no longer extant from Traquair, gives ‘heartie thanks for ye Bishops, and some other grave Divines that are made Justices of the Peace in their severall Diocesses or Countyes where they live. I hope the King shall have as much Service as the Church honor, by it’.⁸⁵ Clearly, this is a small piece of evidence, but it does provide previously hidden proof that Laud was engaged in correspondence with Traquair about this particular, and important, development. Interpreted alongside the king’s instructions to the Privy Council of the previous month, and given what we know about their working relationship, it is highly plausible that Laud had pressed the king to write the instructions in the first place and had been corresponding with Traquair to ensure that the Privy Council had acted upon them. This is not to imply that Charles was a mere puppet in the hands of Laud, nor that he had no motivation of his own to appoint

J. Haig (ed), *The Historical Works of Sir James Balfour: The Annales of Scotland 1604-1650*, 4 vols (Edinburgh, 1824), ii, 141-2.

⁸³ For example, the number of clergy on English peace commissions rose dramatically between 1622 and 1636. A. Foster, ‘The clerical estate revitalised’, in Fincham (ed), *The Early Stuart Church*, 139-160; 149.

⁸⁴ *RPCS*, v, 228.

⁸⁵ Traquair MS, Bundle 12, No 5. Laud to Traquair, 6th April 1634.

bishops to peace commissions. It does, however, add greater depth to the rather one dimensional nature of some of the official evidence, while at the same time enhancing, albeit in a small way, our understanding of Laud's informal role.

The reinvigoration of the Scottish Court of High Commission under Charles I, although in large part a continuation of a Jacobean measure, was another policy which had all the hallmarks of Laud, but for which there is little extant evidence. It was also a prerogative measure designed to secure royal control over ecclesiastical discipline, and in which the bishops were always the most prominent feature. The severity of Laud's sentencing in the English High Commission was the source of much unpopularity. In Scotland, Bancroft helped James set up the Scottish High Commission, which was established under the Great Seal in February 1610 and its powers were expanded by Charles in 1634. Sadly, no records of the Scottish High Commission are known to have survived and Laud had no formal role on this body, although all Scottish bishops were members. The most controversial aspect of the Scottish High Commission was represented by the provision for press licensing and censorship included by Charles. In England, this was a power exercised to silence controversy and opposition to the crown and in Scotland, most cases were also concerned with proceedings against both Roman Catholics and Presbyterians.⁸⁶ In the absence of new evidence, there is little more to add to this particular aspect of Caroline policy, except to say that Laud would certainly have approved of its functions and existence and been keen to see its use as an instrument of ideological control in the same way as the High Commission in England.

The controversial nature of episcopal encroachment into secular spheres of government was compounded by the sometimes unorthodox way in which bishops used their secular powers. One pertinent example is the way in which in December 1634, Charles intervened directly to prevent Patrick Leslie from taking up the provostship of Aberdeen, on account of Leslie's outspoken views on the king's attitude at the 1633 parliament. Sir Paul Menzies, a supporter of royal policy, was put in place by Charles in lieu of Leslie. Both Spottiswood, as Lord Chancellor, and Adam Bellenden, as Bishop of Aberdeen, intervened on Charles's behalf to ensure that Leslie was not re-

⁸⁶ G. MacMahon, 'The Scottish Courts of High Commission 1610-1638', *Records of the Scottish Church History Society*, 15 (1965), 193-209.

elected the following year. Bellenden's behaviour was most inflammatory – he entered the council chamber on the day of the elections and ordered the cessation of proceedings, cancelling the election by virtue of his position as Privy Councillor.⁸⁷ This example illustrates the point that the encroachment of bishops into spheres of secular authority was in certain cases overt.

The main purpose in enhancing the position of the Scottish bishops and appointing 'new men' to the episcopate, therefore, was to enable their use as instruments of royal policy, both in the state and the kirk. In terms of church policy, the priorities of Charles and Laud can be seen most clearly in the Chapel Royal at Holyrood, and this is where the significance of Wedderburn as a Laudian candidate lies, since Wedderburn's preferment to Dunblane was for the strategic purpose of moulding the Chapel Royal into an exemplar for the rest of the kingdom and as such, he was used as an instrument of royal policy in a similar way to Bellenden, although the context was different.⁸⁸ This was very much in line with the use of the English chapel royal as a model for the wider church. In October 1633, Charles had set out clearly his instructions for the Scottish chapels royal, which included the use of the English liturgy twice daily, that communicants should kneel when receiving the sacrament and that the dean should wear whites at all times during holy service, to mirror what was going on in English royal chapels, but also so that the rest of Scotland might follow.⁸⁹ These three policies – use of the English liturgy, kneeling to receive the sacrament, and clerical vestments – were to prove the most contentious not only in the Chapel Royal, but outwith. Laud's letters to Adam Bellenden, Wedderburn's predecessor in the Chapel Royal, illustrate the significance of all three of these policies. Between 1634 and 1636, Laud wrote fourteen letters to Bellenden, only six of which have survived, but five of which, sent

⁸⁷ A full account of this interesting incident, can be found in A. Munro (ed), *Memorials of the Aldermen, Provosts and Lord Provosts of Aberdeen 1272-1895*, (Aberdeen, 1897), 138-141. See also, G. DesBrisay, "The civil wars did overrun all": Aberdeen 1630-1690' in P. Dennison, D. Ditchburn and M. Lynch (eds), *Aberdeen before 1800: A New History* (Glasgow, 2002), 240-1.

⁸⁸ The deanery of the Chapel Royal was attached to the bishopric of Dunblane. As Laud wrote to Maxwell of Ross, Wedderburn would soon receive further preferment, once he 'hath settled the chappell right'. *WWL*, vi, 434. Laud to Maxwell, 19th September 1635.

⁸⁹ Baillie, *L&J*, i, 422-423. An overview of the English chapel royal can be found in S. Thurley, 'The Stuart Kings, Oliver Cromwell and the Chapel Royal 1618-1685', *Architectural History*, 45 (2002), 238-274.

between January 1634 and May 1635, are concerned almost entirely with Laud berating Bellenden for his ceremonial laxity. The problems encountered by Bellenden during his tenure as Dean exemplify the significance of conformity with all three of these policies, as will now be discussed.

The use of the English liturgy was the cornerstone of Caroline policy in Scotland until the decision to prepare a Scottish version was 'officially' progressed in May 1634, having been first raised in 1629.⁹⁰ Indeed, the furore caused when the Scottish prayer book was first used on the congregation of St Giles, makes it easy to forget that the focus of enforcement up until July 1637 was on use of the English book, particularly in the Chapel Royal, the Universities and bishops' oratories. Laud firmly believed that 'it were best to take the English Liturgy without any variation, that so the same Service-book might be established in all his Majesty's dominions'.⁹¹ This was consistent with his campaign for use of the English liturgy in 'stranger' churches, both in England and on the continent.⁹² This was the king's preference until he was convinced by Spottiswood and his colleagues, probably at a meeting at Holyrood in late June 1633, 'that a Liturgy framed by themselves ... would relish better with their countrymen'. Despite clinging to his conviction, Laud was outvoted, 'notwithstanding all I could do or say to the contrary'. Laud's preference for the English Liturgy should not obscure the fact that he was heavily involved in the preparation of the Scottish one, however – by his own admission, his initial coolness at the prospect of an acceptable liturgy was soon transformed and he was 'then very serious and gave them [the Scottish bishops] the best help I could'.⁹³

Bellenden is an obvious example that under Charles I there was a direct link between ecclesiastical advancement and liturgical conformity. Bellenden's failure to secure the bishopric of Edinburgh in May 1634 (vacant on the unexpected death of William

⁹⁰ *Stirling's Register*, ii, 752. Charles I to 'the whole bishops', 13th May 1634.

⁹¹ *WWL*, iii, 427.

⁹² On 1st October 1633, ministers among the Merchant Adventurers were required by order of the Privy Council to be chosen by the king and to compulsorily use the English prayer book. TNA, SP16/247/2. Heylyn confirms that Laud wanted the English liturgy adopted in Scotland 'without any variation' in *Cyprianus Anglicus*, 236.

⁹³ *WWL*, iii, 428.

Forbes, consecrated as first bishop in January that year) was primarily due to his failure to embrace the English liturgy, as Laud explained: 'his Matie ... commanded me to write expressly to you, that he did not take it well, that, contrary to his express command, you had omitted prayers in his Chappell Royall, according to the English Litturgy'.⁹⁴ Laud spelled out to Bellenden the correlation between liturgical conformity and episcopal preferment - 'this hath been the cause, as I conceive, why his Matie hath past you over in this remove; you shall doe very well to applye your selfe better, both to his Maties service, and the well ordering of that Church, least you give just occasion to the king to passe you by when another remove falls'.⁹⁵ When Patrick Forbes' death created a vacancy in the see of Aberdeen in 1635, Bellenden was moved to Aberdeen and Wedderburn was brought in to replace him.

The issue of clerical apparel has not received the attention it merits but conformity with Charles's new style of clerical dress - the wearing of whites - was one of his key priorities not just in the Chapel Royal, but in the wider church. Deep concerns about the king's arbitrary approach to religious policy during the 1633 parliament, centred around the matter of clerical apparel, was made manifest in the extra-parliamentary supplication which was drawn up during the parliament, but ignored by Charles, and which led to the show trial of John Elphinstone, 2nd Lord Balmerino in 1634.⁹⁶ As far back as 1566, the issue of clerical vestments had been a sore point in Scotland. The model Presbyterian minister wore black garments, as a reflection of sobriety and sombreness and other manifestations, either in the form of copes, rochets, or whites, had papal connotations.⁹⁷ Charles had effectively reignited this controversy during the parliament of 1633 when the act 'anent his majesties royall prerogative and apparell of Kirkmen' united legislation of 1606 concerning the king's prerogative over the church, with an act of 1609 regulating clerical dress. The 1609 act stipulated that 'every preacher of God's word shall hereafter wear black, grave and comely apparel beseeming men of their estate and condition, as likewise all priors, abbots and prelates

⁹⁴ *WWL*, vi, 370. Laud to Bellenden, 6th May 1635.

⁹⁵ *Ibid*, 371.

⁹⁶ See Chapter 5 below, pp 223-228.

⁹⁷ Knox spoke of clerical vestments as 'sick garments as idolaters in the tyme of blindnes have usit in the tyme of idolatrie'. Mullan, *Episcopacy in Scotland*, 95.

having vote in parliament and specially bishops shall wear grave and decent apparel'.⁹⁸ Thus, by their clothing, bishops were indistinguishable from ministers.

For the king, this went against the hierarchical view of church government and was considered insufficiently reverent. Charles' combination of the two acts gave him the prerogative right to make future changes to the way in which 'judges, magistrats and kirkmen' were dressed although during the parliament itself, the precise nature of those changes was not made clear. Numerous contemporary accounts of the reaction to the wearing of the hated whites among certain bishops at Charles' Edinburgh coronation show that clerical dress was clearly an emotive subject. That wearing black was the established and accepted mode of dress for the vast majority of the Scottish clergy is demonstrated by the depth of controversy aroused by attempts to deviate from this, the most obvious examples being the wearing of whites by certain bishops, both English and Scottish, during James I's visit to Scotland in 1617 and the coronation visit of 1633. In 1617, Laud himself had attracted controversy 'for putting on a surplice at a funeral'.⁹⁹ In June 1633, one particular account exemplifies widely held attitudes about clerical dress, with the observation that 'the people of Edinburgh seeing the bishop preach in his rotchet, whilk was never sein in St Geills' kirk, since the Reformation, wer greived and grudged heart, thinking the same smelled of popery.'¹⁰⁰ Clearly, making clerical apparel a prerogative matter, the details of which were to be decided in future, while simultaneously condoning the wearing of whites, did not bode well for the king's Scottish subjects.

Having secured ratification of the Act, albeit very controversially, the precise details of the 'apparell off churchmen in Scotland' were revealed in the king's instructions of 15th October 1633, sent from London, which were to be inserted in the statute books in accordance with the 1633 act. These instructions effectively made unrecognisable the traditional black-garbed ministry by setting out specific instructions for a hierarchy of dress and specific dress codes for specific occasions. For example, archbishops and

⁹⁸ *APS*, iv, 436.

⁹⁹ *CSPD 1611-18*, 473. Chamberlain to Carleton, 21st June 1617. Carlton, Laud's biographer, supposes that James allowed Laud to 'go home early' from Scotland in July 1617 in an attempt to quieten down opposition to his attempts to anglicise the Scottish church. Carlton, *Archbishop William Laud*, 24.

¹⁰⁰ Spalding, *Memorialls of the Troubles*, 20.

bishops should wear whites, a rochet and sleeves ‘as they weare at the tyme of our coronatioun’ during holy communion, divine service, and at Privy Council meetings. ‘Inferiour clergie’ had to dress according to their degree, were not permitted to wear certain clothing until after graduation and had to wear surplices during communion. More elaborate apparel was prescribed for consecrations.¹⁰¹ In January 1635, Laud can be found congratulating Bellenden on hearing that ‘you are resolved to wear your whites, notwithstanding the maliciousness of foolish men’.¹⁰² Bellenden was in an invidious position – he was attacked by his parishioners whenever he wore whites, read from the English liturgy or enforced kneeling to receive, but came under fire from Laud whenever he reported back the opposition he was encountering. Despite the evident unpopularity of whites, this policy was one of the key priorities pressed in Scotland under Charles I, with Laud’s assistance.¹⁰³

Kneeling to receive communion was the only part of the James I’s Five Perth Articles which was actively pursued by Charles. The king’s pleasure at Bellenden’s success in Dunblane was so great that Bellenden received preferment in the form of translation to the see of Aberdeen. It is perhaps no coincidence that Bellenden was informed that he had been appointed to Aberdeen (a richer see than Dunblane) only after having reported back to the court on his recent successes in enforcing kneeling to receive on communicants in his diocese.¹⁰⁴ Laud was able to confirm Bellenden’s appointment alongside the king’s pleasure ‘that there hath been at the last reception of the blessed sacrament’.¹⁰⁵ Kneeling to receive communion was to become a central feature in the Scottish canons of 1636, and this aspect of Caroline ecclesiastical policy will be discussed at greater length in Chapter 3 on the Scottish Canons of 1636.

The focus was not simply on greater reverence to the ‘blessed sacrament’ through kneeling to receive, but through the use of decorative communion ware. New evidence can reveal the degree to which the king permitted Laud to make decisions about the use

¹⁰¹ *APS*, v, 20-1.

¹⁰² *WWL*, vi, 409. Laud to Bellenden, 12th January 1635.

¹⁰³ For a discussion of clerical dress in the Scottish canons, see Chapter 3 below, pp 120-1.

¹⁰⁴ MacMahon, ‘The Scottish Episcopate’, 43. The most sought after sees were obviously St Andrews and Glasgow, then Aberdeen and Orkney.

¹⁰⁵ *WWL*, vi, 419. Laud to Bellenden, 19th May 1635.

of communion plate in the Scottish chapel royal. In an unpublished letter to Traquair, dated January 1636, Laud explained that he had sought clarification from the king about the plate to be used for communion in the Chapel. In typical fashion, the king's response was vague - 'the Kings answere is, he will have all that is necessary, but noe more'. Having done the right thing and sought monarchical approval, Laud was now free to proceed in the manner he thought fit, and continued to Traquair:

soe I purpose to provide these parcels following: A Challis,
A paire of Pattens, A Bason to receive the offeringe; a paire
of Candlesticks for Tapers; And two Stoope to bring the
wine to the Altar, wth the Kinges Armes upon every of
them, wch are all that I conceive absolutely necessary.¹⁰⁶

This is a good example of the way in which the Laud-Charles partnership worked in practice – Laud approached the king to ensure that he had the necessary authority upon which to act, but the specific details of policy were left to him to decide. This makes it even clearer that Laud's increasing claims that he only ever acted by royal command cannot be taken too literally. It also fits squarely into the historiographical camp that sees Laud and Charles as a symbiotic partnership, in which king and prelate worked in tandem to formulate Scottish ecclesiastical policy, just as they did in England.¹⁰⁷

The discussion will now turn to other aspects of Scottish ecclesiastical policy and in this context, we must briefly leave the Scotland of the mid 1630s, and return to the University of Oxford where Laud had been Chancellor since April 1630. On 22nd June 1636, Sir John Coke, principal Secretary of State for England, delivered a panegyric to Laud in front of the king, queen and assembled courtiers and dons to mark the implementation of new 'Laudian' statutes at the University. While extolling Laud's 'extraordinary endeavours' as 'archbishop and metropolitan', Coke also shed light on Laud's contribution to the restoration of the wealth of the Scottish kirk, with the following statement: 'In former time, when churchmen bore rule, the greatest prelates gave the first way to alienate church livings; whereas this worthy prelate, maketh it his chief work to recover to the Church for the furtherance of God's service what may now

¹⁰⁶ Traquair MS, Bundle 12, No 9, Laud to Traquair, January 1636.

¹⁰⁷ Fincham and Lake, 'James I and Charles I', 46. See also R. Cust, *Charles I: A Political Life* (London, 2003), 223.

be restored. And what therein he hath effected under his majesty's gracious and powerful order, not England alone, but Scotland and Ireland can abundantly witness'.¹⁰⁸ This insight from Coke brings together Laud's role in the re-endowment of all three Caroline churches, and provides the springboard for an assessment of Laud's specific contribution to increasing the wealth of the Scottish church, the principal manifestation of which was the Revocation scheme.¹⁰⁹

Revocation was undoubtedly one of the most damaging policies implemented in Caroline Scotland and notwithstanding Allan MacInnes' comprehensive study, which explains the scheme as well as its consequences, Laud's own role in Revocation remains unclear.¹¹⁰ Both his most recent biographers remain silent on the subject but it would make absolute sense for him to have been involved in any policy which restored wealth and power to the Scottish church. It is well known that in England, he was actively engaged in enforcing a range of policies designed to increase the wealth of both church and clergy, including the abolition of the feoffees for impropriations in the Exchequer Court in February 1633; the revived practice of compiling glebe terriers; and the restoration of tithes from lay hands to the clergy.¹¹¹ In Ireland, a vigorous programme of reclaiming impropriate rectories was pursued (that 'great busyness of the impropriations' that Laud was at pains to keep in Wentworth's mind), with John Bramhall, Bishop of Derry, as Laud's chief agent.¹¹² In light of this, Laud's contribution, if any, to the scheme for Revocation, must be scrutinised.¹¹³ It is worth briefly explaining first the possible ways in which Laud could, in theory, have engaged himself in the administration of Revocation before looking at any evidence upon which to assess his actual involvement.

¹⁰⁸ *WWL*, v, 128.

¹⁰⁹ Morrill refers to church re-endowment as the single aspect of ecclesiastical policy common to all three kingdoms, in 'Ecclesiastical Imperialism', 223.

¹¹⁰ MacInnes, *Covenanting Movement*, Ch. 3, 49-76.

¹¹¹ See K. Fincham, 'Episcopal Government 1603-1640', in Fincham (ed), *The Early Stuart Church*, 71-91. Laud believed that tithes were held *jure divino*, and retained his commitment to this belief even after his imprisonment, as demonstrated in his response to Lord Saye's attack on the bishops in 1641, written from the Tower. *WWL*, vi, 159.

¹¹² For example, HA, 15153, Laud to Bramhall, 16th August 1633; HA, 15155, Laud to Bramhall, 11th March 1634.

¹¹³ Trevor-Roper and Carlton are silent on the Revocation scheme.

Normally carried out by a monarch achieving his or her majority, 'Revocation' had been used by three successive Scottish monarchs since James V in 1537, to revoke all grants of land and office prejudicial to the crown enacted during a regency government. Charles claimed that his Revocation conformed to the most recent model, that of James VI of 1587, but he expanded the scope of his scheme by placing no retrospective timescale on its commencement. He also 'rushed through' the scheme four months prior to reaching the age of 25, the normal period for enactment of Revocation being between the ages of 21 and 25.¹¹⁴ More significantly, he included teinds (tithes) in his scheme, as well as kirklands, thus equipping himself with the means with which to restore not only dispersed and alienated Church property, but revenue. His aim was the improvement of the wealth of the crown as well as the kirk, but the fundamental basis of opposition to Revocation was that it represented the taking of property from the Scottish nobility and its redistribution among the episcopacy. This was perceived not only as a royal assault on the considerable power of the Scottish nobles, but as an alarming sign of the growth of episcopal power. The breadth of Charles's scheme necessitated considerable reorganisation of the Scottish administration. Principally, this meant the establishment of a Commission for Surrenders and Teinds in February 1627 as the main agency through which the scheme was implemented, dealing with the surrender (voluntary or otherwise) of heritable offices and kirklands, as well as the redistribution of teinds from lay hands back to the church. The Commission, independent of the Scottish Privy Council, comprised 10 bishops, 22 nobles and 24 gentry, and 27 of its members (including the bishops) were also on the Privy Council, including Sir Thomas Hope of Craighall, the Lord Advocate of Scotland, who along with Traquair, as Treasurer Depute (and Lord Treasurer from March 1635) was centrally involved in the business of the Commission.¹¹⁵ The remit of the Commission was to deal with calculating compensation terms for those individuals surrendering titles (either in the form of land, property or offices) and costing and quantifying the

¹¹⁴ MacInnes, *Covenanting Movement*, 52.

¹¹⁵ There are other indications in Laud's correspondence to support the view that he was in contact with Sir Thomas Hope of Craighall, the Lord Advocate of Scotland. For example, Laud to Traquair 6th April 1634, Laud implies contact with 'the Kings Advocate'. (Traquair MS, Bundle 12, No 5). In a letter to Traquair dated 4th July 1637, Laud wrote that he had received 'one from the King's Advocate, in answer to mine'. *WWL*, vi, 492. Laud to Traquair, 4th July 1637.

value of teinds. Hope issued the general summons for all kirklands and teinds to be valued in order for the crown to calculate appropriate compensation, and it was Traquair, through the Exchequer Commission, who had to collect the valuations. Significantly, all executive decisions concerning the Commission's business were determined by the king.¹¹⁶ Laud was not a member of the Commission, so its official records are little help in establishing his direct input.¹¹⁷

Writing from the Tower in November 1642, Laud set out in his *History of the Troubles*, his answer to the Scottish Commissioners' charges presented against him in the Commons in December 1640, which accused him of seeking to exercise overt jurisdiction over the Scottish church. The charges – the preparation and political significance of which will be discussed at length in Chapter 5 – laid the blame on Laud for most of the controversial policies introduced by Charles during the 1630s, including Revocation. The main thrust of the charges concerning Revocation accused Laud of procuring royal warrants for the surrender of four abbacies – St Andrews, Arbroath, Kelso and Lindores – the only former monastic land that Charles included in the Revocation scheme. Clearly, seeking to establish Laud's responsibility for any warrant originating from Charles is highly problematic, but by picking apart Laud's written response to the charge and comparing it with extant surviving material, it is possible to identify Laud's part in the surrender of these four properties, and thus, in the Revocation scheme. The properties in question were the priory of St Andrews, which was owned by James Stuart, Duke of Lennox; the priory of Arbroath which belonged to James, Marquis of Hamilton; Kelso priory which was held by Robert Kerr, Earl of Roxburgh; and the abbey of Lindores which since 1625 had been in the hands of Sir William Forbes of Craigevar.¹¹⁸ These were not small fry – both Lennox and Hamilton, although anglicised and resident at court, were considered to own between them the largest proportion of Church land in Scotland¹¹⁹ – and the Lindores affair

¹¹⁶ MacInnes, *Covenanting Movement*, 58.

¹¹⁷ The records of the Commission for Surrenders and Teinds are held at the National Library of Scotland, Edinburgh.

¹¹⁸ This was the most recent acquisition of a grant of property to be revoked. MacInnes, *Covenanting Movement*, 68.

¹¹⁹ Brereton, *Travels in Holland*, 100.

caused a huge outcry within the Scottish Privy Council, so the fact that Laud was associated with these four cases is in itself worth closer inspection.

In November 1634, Lennox formally agreed to the surrender of St Andrews to fulfil Charles's wish to endow the archbishopric of St Andrews, with the specific purpose of re-edifying the Cathedral of St Andrews.¹²⁰ In so doing, Lennox became one of only two 'temporal lords' who agreed to an unconditional surrender of kirklands back to the crown.¹²¹ Laud, in his answer to the charges, tells us only that:

My Ld Duke of Richmond and Lenox, who was owner of it, had for it ... a thousand pounds. The Earl of Traquair (who then managed the Ld Duke's affairs) made the bargain with the King; and that which I did in it, was merely to consider how security might be given that the money, which the King intended for so good and great a work, as the rebuilding of that cathedral, might be employed to the right use and no other.¹²²

According to Laud, then, his only involvement in the surrender of the priory of St Andrew's was in taking steps to ensure that 'the money' (income from teinds) was funnelled into the restoration of the Cathedral of St Andrews. There is no reason to doubt the veracity of Laud's account as far as it goes, since this corresponds with his approach in England, as shown in his 'pet' project to rebuild St Paul's Cathedral, for instance. Laud's extant printed contemporary correspondence contains nothing to support his version of events, but it is possible to say more about Laud's role in the surrender of St Andrew's Priory. An unpublished letter from Laud to Traquair dated 6th April 1634 proves that Laud and Traquair were engaged in correspondence about the valuation of the priory, Traquair having informed Laud in an earlier letter that

¹²⁰ Charles ordered Hope to draw up writs for surrender in May 1634 (HMC 9th Report Appendix II, Charles to Traquair, 6th May 1634). In October, Charles summoned Spottiswood to Edinburgh to sign the paperwork (*Stirling's Register*, ii, 796. Charles to Spottiswood, 20th October 1634) and in November, the formal order to surrender was made (HMC 9th Report Appendix II, Charles to Traquair, 11th November 1634).

¹²¹ The other was James, Lord Colville, another anglicised Scot resident in England. MacInnes, *Covenanting Movement*, 67.

¹²² *WWL*, iii, 313.

Spottiswood's valuation of the priory had fallen short of what he had expected.¹²³ The issue of under-valuation was a bone of contention for the crown, and on at least one occasion, Charles suspended the Commission in fury at the 'great ill of undervaluing' whereby teinds were deliberately valued at an artificially low rate by the lay party being asked to surrender, thereby reducing the amount available for redistribution to the church, a useful opposition tool if you were being forced to surrender property or teinds against your will.¹²⁴ Spottiswood had little motive for undervaluation, as he stood to benefit from the annexation of the priory to the Cathedral, so this almost certainly represents one of Traquair's attempts to undermine the position of the bishops. The rebuilding of the Cathedral of St Andrews had not progressed very far by July 1637, but this was no reflection on Spottiswood's commitment to the outward 'beauty of holiness', which found expression elsewhere,¹²⁵ but rather a demonstration of the practical difficulty of siphoning funds from lay hands back to the kirk, against a backdrop of opposition and class antagonism.¹²⁶ Although Traquair's letter to Laud of 26th June 1637 has not survived, we do have Laud's reply of 4th July, from which it is possible to infer that Traquair blamed Spottiswood for the inefficiencies of the Commission. Laud in return expressed his concern that 'the King's intentions for laying the foundations of the Cathedral Church of St Andrews will, in this way my Lord Chancellor now takes, be wholly eluded'.¹²⁷ Traquair evidently knew how to tap into Laud's fears that Spottiswood's lack of vigour was an obstacle to the success of this particular policy, one which was very close to Laud's heart.

¹²³ Laud wrote to Traquair that 'I remember I was able to tel your Lordp att your late being here, yt I thought my Lo: of St Andrews his valuation thereof would fall much short of your Lordps hopes, and soe I see you now find it. Therefore, to this I shall say nothing, till your Lordps having viewed it upon ye Place and considered all circumstances, be returned hither with ye valuation'. Traquair MS, Bundle 12, No. 8, Laud to Traquair, 6th April 1634.

¹²⁴ In October 1636, Charles suspended the Commission, perhaps on the advice of Maxwell of Ross, who claimed that the practice of undervaluation was prejudicial to the clergy. Lee, *Road to Revolution*, 190. MacInnes explains in detail the valuation process and the way in which undervaluation was an expression of class antagonism between the gentry and nobility against the clergy. *Covenanting Movement*, Ch. 3, esp p 6.

¹²⁵ For example, Spottiswood 'built and adorn'd ... after the decent English form' the parish church of Dairsie within his archiepiscopal estate. Spicer, "'Laudianism' in Scotland?", 104.

¹²⁶ MacInnes, *Covenanting Movement*, 60-64.

¹²⁷ *WWL*, vii, 493. Laud to Traquair, 4th July 1637.

In his response to the charge in the case of Arbroath, Laud again admitted his direct involvement in securing the priory to enrich the bishopric of Brechin, but this time, new primary evidence can back up his claim. If Lennox willingly submitted the priory of St Andrews to the crown, Hamilton was less compliant over Arbroath, which had been granted to Hamilton's father James, the 2nd Marquis, by James I in 1604.¹²⁸ The Arbroath negotiations took almost a decade to thrash out, concluding in 1636.¹²⁹ In September 1635, even though Laud had faith that Hamilton would relinquish Arbroath, the case was not yet finalised, and he wrote as much to Maxwell of Ross, saying, 'I hold nothing certain in court til it be done; yet I have that affiance in my Lord Hamilton that I am confident he will pass Arbroath fully and wholly, precinct and all'.¹³⁰ Laud's response to the Scottish charges portrays the matter in a very straightforward light, as follows:

My Lord Marquis Hamilton, without any the least thought of mine that way, made his earnest suit to me, that his Majesty would take Arbroth, and join it to the very poor Bishopric of Brechin, close to which it lay, and give him for it a suit here in England. At his Lp's entreaty I obtained this; and he very nobly conveyed Arbroath, as he promised.¹³¹

If, as Laud states, Hamilton did approach him, it was in the knowledge that Laud handled such matters on Charles's behalf, which confirms that even though he had no formal role on the Commission, he was nevertheless involved in the process of surrendering properties as part of Revocation. Other sources confirm Laud's commitment to enhancing the wealth of the Scottish bishoprics, and especially Brechin. For instance, Stirling wrote to Morton in January 1635 telling him that 'my Lord of Canterburie was earnest with his Mat to have had the Bishop of Brichen assigned to be payed of that which is due to him out of his own diocese And withall I told his

¹²⁸ GD406/1/10442. James I to James, 2nd Marquis of Hamilton, 5th May 1604.

¹²⁹ Scally, 'Hamilton thesis', 181.

¹³⁰ *WWL*, vi, 435. Laud to Ross, 19th September 1635.

¹³¹ *WWL*, iii, 314.

grace that I know your Lo would be the more careful for his sake within your honoured meanes.¹³² In January 1636, Laud wrote to Traquair as follows:

I heartily thanke you for your Lrs and the account wch you are pleased to give me. I presume the Lo: Marquesse will signe the surrender and the King the Mortification, but the account of both, you must expect (as I knowe you doe) from them to whose trust you committed them. My only suit to you is, in this particular, that when all is past and returned to you you will then, according to his Maties direction, att your being heare, make a legall and sufficient security to the Bp of Brechin that now is, and his Successors, forever of all the free rent that Arbroath comes to; for wch once done, I shall heartily thanke you, but I pray see that the security be goode, that noe trouble arise hereafter.¹³³

This is new evidence to support the view that Laud was instrumental in wresting Arbroath from Hamilton's hands.

Similarly, the surrender of Kelso from the aged hands of Robert Kerr, Earl of Roxburgh, may have been intended not only to enrich an existing bishopric, but to erect a further new one, following the establishment of the new bishopric of Edinburgh in April 1634. The Bishop of Ross was evidently so concerned about this that Laud, writing to him from Croydon on 19th September 1635, had to reassure him that 'you need not fear anything in my Lord of Roxborough's business, for I do not believe the King will erect any other bishopric in haste'.¹³⁴ Why Ross should have been concerned about this is beyond the scope of this discussion. In the event, Laud was proved right and in June 1636, Charles confirmed that Kelso had been surrendered 'for the use of the bishoprics of Galloway, Brechin and Dunblane'.¹³⁵ Laud again claimed, in replying to the Scottish charge, that it was at Roxburgh's 'earnest suit' that he

¹³² NLS MS 81 Morton, No. 50, Stirling to Morton, 8th January 1635. In his letter to Traquair of 6th April 1634, Laud referred to 'a new Proposition to encrease the Bishoprick of Brechin' but it is unlikely that this was the annexation of Arbroath, as this had started some time before. Traquair MS, Bundle 12, No. 8, Laud to Traquair, 6th April 1634.

¹³³ Traquair MS, Bundle 12, No. 9, Laud to Traquair, January 1636.

¹³⁴ *WWL*, vi, 436. Laud to Maxwell of Ross, 19th September 1635.

¹³⁵ HMC, 9th Report, Appendix II, Charles to Spottiswood and Traquair, 4th June 1636.

became involved.¹³⁶ Laud was probably trying to shift the blame by arguing that Lennox, Hamilton and Roxburgh all approached him to facilitate the surrender of their properties, but the fact that he did not deny his involvement, gives his account some credence. More importantly for this thesis, it indicates that he did make a contribution to the Revocation scheme, an aspect of Scottish policy with which he has not previously been linked.

There is more to say about Laud's role in the 'Lindores affair' which blew up in June 1635. The Lindores scheme caused an uproar inside the Scottish Privy Council and across the political nation for a number of reasons and has been described as a 'dry run' for what happened in 1637 over the introduction of the prayer book.¹³⁷ The way in which it was handled by Charles suggests that the decision to revoke the grant of Lindores from Sir William Forbes was his – certainly, anyone with a current knowledge of Scottish politics, such as Traquair or with strong links with Scotland, such as Hamilton, would have tried to steer him away from the course he took. Charles tried to pass a warrant under his own hand (ie on the basis of the royal prerogative alone) of a grant for life of the abbacy of Lindores to Andrew Learmonth, the minister of Liberton, Edinburgh. By this grant of former monastic land, Learmonth was effectively entitled to call himself 'abbot', which gave him temporal power, including a place in parliament and on the court of session, which raised serious concerns, particularly among the nobility, that greater revenue and power would be 'again restored into the hands of the Churchmen' than they themselves held.¹³⁸ The significance of this cannot be overstated – the term 'abbot' was an emotive one, which harked back to pre-Reformation days and sparked rumours of a clerical monopoly of political (chiefly parliamentary) power, especially if all forty-eight of the former monastic abbeys were, like Lindores, to be drawn back into the hands of the clergy.¹³⁹ The political insensitivity of this move was

¹³⁶ *WWL*, iii, 314.

¹³⁷ Scally, 'Hamilton thesis', 183.

¹³⁸ Burnet, *Memoires of the Lives and Actions*, 30.

¹³⁹ Sir William Brereton, was travelling through Edinburgh at the time of the Lindores affair, tells us that 'it is here thought and conceived that they will recover much of that land and revenues formerly belonging to the Abbeys, as that they will in a short time possess themselves of the third part of the kingdom .. hereof they say there are forty-eight which are intended to be established, who are all to sit

amplified because Learmonth's father, Sir James, had been an active supporter of Revocation, since its inception in 1626.¹⁴⁰ In an important letter to the Marquis of Hamilton in London, Thomas Hamilton, Earl of Haddington, predicted the trouble which would arise for Charles if the Lindores grant went through. Not only did it contradict everything that Charles had claimed in 1627 that the Revocation represented – 'for providing of their ministers with sufficient locall stipendes', endowing the odd bishopric and negotiating the vassal arrangement back to the crown¹⁴¹ – it made a mockery of the Commission for Surrenders and threatened anyone who held lands or teinds (having been attempted by legal force). More ominously, Haddington foresaw that Charles' English subjects would learn from this example, 'If they heare and see what wes pretended and promised and heare by publick report how things now are like they may perchance think – mor will they speake'.¹⁴² Traquair also wrote to Hamilton, saying that if the grant went through, the bishops would control all the teinds and kirklands in Scotland within two years. Hamilton must have gone straight to Charles to tell him, as a few days later, he wrote to Traquair to stop the grant through the Exchequer.¹⁴³

Laud's account is oblique and mentions only his meeting Andrew Learmonth, the intended beneficiary of Lindores, in the following way:

... Mr Andrew Lermot ... came recommended to me very highly, and with assurance that the title which he laid to Lindores was just and legal. But notwithstanding all this, my answer was, that I knew not the laws of that kingdom, nor would meddle with anything of that nature. And though he made great means to me, yet he could never get me to meddle in it; and which is more I told him and his friends, that for so much as I did understand, I did much fear this way, taken by him, would do mischief.¹⁴⁴

and carry voices in parliament; which, if it can be effected, then there will always in the parliament-house so strong a party for the king'. Brereton, *Travels in Holland*, 100-1.

¹⁴⁰ MacInnes, *Covenanting Movement*, 90.

¹⁴¹ *RPCS*, i, 510-2.

¹⁴² GD 406/1/8217 Haddington to Hamilton 17th June 1635. A discussion of the significance of this letter can be found in Scally, 'Hamilton thesis', 183-4.

¹⁴³ Charles approved the cessation of the Lindores grant on 24th June 1635. MacInnes, *Covenanting Movement*, 91.

¹⁴⁴ *WWL*, iii, 313.

There is no evidence either in Laud's printed correspondence or elsewhere to confirm or challenge his account of meeting Learmonth, but as we know that Laud had been involved in the surrender of other properties and since he was a firm supporter of the king in wielding the royal prerogative, it would not be far-fetched to assume that he had advised Charles to pursue the surrender of Lindores to Learmonth – by his own account, he had met Learmonth and discussed the legality of his claim. The remedial steps taken by Hamilton and Traquair in the aftermath of the furore show that they were definitely not consulted over Lindores prior to Haddington's letter, so the king must have discussed it with someone and this someone was probably Laud.

What can be stated with greater certainty is that the Lindores affair caused Charles to re-think his handling of church affairs. Clearly, the controversy surrounding Lindores reflected badly upon Laud, who in November 1635, wrote at length to Spottiswood. Several passages from the letter deserve quoting in full, to understand their emphasis. The importance of this letter seems to have been overlooked, but it appears to put in writing a framework for the management of Scottish church business from this point onwards. At the outset, Laud put his own position forward, telling Spottiswood that:

... at this time, you shall receive nothing from me, but that which is commanded me by the King, and must be my part to act in the present and future business for the Church of Scotland.¹⁴⁵

In other words, Laud was emphasising that his involvement in Scottish church business was done on Charles's orders, his standard line when seeking to hide behind royal orders in pursuing a controversial policy. Taken a step further, this shows Laud distancing himself from the mismanagement of the Lindores affair. Laud continued:

My Lord, for the present the king is resolved ... not to meddle with the Abbacy of Lindores, or any other of that nature, as yet, but to leave them in that state in which they now are.¹⁴⁶

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

This speaks for itself. Laud then imparted to Spottiswood specific instructions about how Church matters should be handled in future, as follows.

For all the business of that Church in future, which must come to the Exchequer, or any other public audience, or anything that belongs to the King's service, in which Churchmen are trusted, you are immutably to hold this rule, and that by his Majesty's strict and most special command; namely, that yourself, or the Lord Ross, or both of you together, do privately acquaint the Earl of Traquair with it, before it be proposed in public, either at the Council-Table, or the Exchequer or elsewhere; and the Earl hath assumed to the King in my presence, that he will strictly observe and hold the same correspondency and course with you and further that he will readily and faithfully do all good offices for the Church that come within his power, according to all such commands as he shall receive, either immediately from the King, or otherwise by direction of his Majesty from myself.¹⁴⁷

To paraphrase, Traquair had been instructed to take orders from Charles, either directly or through Laud. Spottiswood was to raise with Traquair, either individually or in conjunction with Ross, anything directly relating to the Scottish church before it reached the Privy Council, Exchequer Commission, or elsewhere. In the context of Lindores, this shows clearly that Charles was rattled by the Privy Council's response and Laud's authoritarian tone is a reflection not only of the fact that he was acting as Charles's mouthpiece and communicating royal orders directly, but the importance he attached to the careful handling of anything which related to the business of the church. In the wider context of Scottish policy, this shows that Laud may have lacked formal authority over the Scottish kirk, but Charles nevertheless authorised his active participation in anything directly concerning the Scottish church, as well as other business not necessarily related to the church, but in which churchmen were involved. Furthermore, Spottiswood was urged to secrecy, as follows:

That so this little unhappy difference, which lately arose about Lindores, may be laid asleep; and no other may rise up in the place of it ... his Majesty precisely commands, that this mutual relation between the Earl of Traquair and you be

¹⁴⁷ *WWL*, vi, 439. Laud to Spottiswood, 10th November 1635.

kept very secret, and made known to no other person, either clergy or lay; for the divulging of these cannot but breed jealousies.¹⁴⁸

All this shows that despite being absent from the Commission for Surrenders, Laud was nevertheless engaged in its business and can be linked to the controversial attempt to restore monastic property to the kirk and thereby the potential revival of a tier of ecclesiastical power, the abbot. Further evidence to associate Laud with the Commission can be found in references to his correspondence with its head, Sir Thomas Hope of Craighall. Sadly, none of Laud's direct correspondence with Hope has survived, so it is impossible to prove for certain that his letters to Hope concerned matters associated with Revocation.¹⁴⁹ It is, however, possible to show that he was in touch with the Lord Advocate between 1634 and 1637 and at times when Hope was active on the Commission for Surrenders and when we know that St Andrew's, Arbroath and Kelso were surrendered through the Commission. Hope's *Diary of Public Correspondence*, includes a record of letters sent and received by the Lord Advocate and on at least seven occasions during this period he sent to or received packets from Laud.¹⁵⁰ Moreover, the polarity between the religious outlooks of Laud and Hope make it an absolute certainty that their correspondence was business-related rather than informal.¹⁵¹

The Commission was put into (temporary) abeyance on 12 July 1637, but it was overtaken by the events surrounding the Prayer Book reading ten days later, and the crisis which followed and there was no official resumption of the Revocation by commission thereafter. Although the king's official notification that the Commission would cease came via Stirling to Sir Thomas Hope, Laud also wrote to Traquair at the

¹⁴⁸ *WWL*, iii, 313.

¹⁴⁹ There is one reference to correspondence with Hope in Laud's *Works*, in a letter to Traquair of 4th July 1637. *WWL*, vi, 491.

¹⁵⁰ 19th August 1634; 27th November 1634; 29th January 1635; 16th March 1635 (four days before Balmerino's verdict); 11th August 1636; 5th and 7th April 1637; 11th July 1637. Thomson, *A Diary of the Public Correspondence of Sir Thomas Hope*, 13-63.

¹⁵¹ For Laud's disapproval of Hope for the way in which he received holy communion, see Chapter 3 below, p 122.

same time, of 'His Majesty's pleasure concerning the Commission'.¹⁵² There is some evidence that Laud's involvement in the Commission's activities continued beyond its formal cessation. A memorandum in the Traquair papers from Archibald Campbell, Lord Lorne, to Laud, reveals some new insights. The memorandum, believed to have been written in 1639, simply states that the annuities of teinds not previously annexed to the crown should be diverted to the bishopric of Argyll.¹⁵³ This is intriguing, since Lorne, who became Earl of Argyll on his father's death in late 1638, was perhaps the most vocal noble opponent of royal policy in Scotland and not normally associated with complying with royal orders. This certainly demonstrates that Laud was a conduit for business relating to Revocation, despite not being a member of the Commission for Surrenders, and possibly also shows that his involvement extended beyond the life of the Commission itself.

If it has been shown that Laud was used and acted as the conduit for matters concerning the church, his help was also sought in other projects, although again, evidence for this is scarce. His correspondence with the Provost of Edinburgh indicates Laud's role in helping to advance the building of George Heriot's Hospital. When Sir George Heriot died in 1624, he left a bequest of £23,000 to establish a hospital to help support the welfare and education of orphaned freemen's sons. In October 1633, which appears to be the opening letter in this sequence of correspondence between Laud and the city of Edinburgh, most of which is no longer extant, Laud wrote to them to thank them for 'the love and worthy usage which I found' during the coronation visit. Laud promised to 'move his Majesty, that the debt due to Mr George Heriot, and given to that worthy work which I saw begun, and in good forwardness, may be carefully paid in, that so pious a work may not in that respect be hindered'.¹⁵⁴ Laud confirmed that he had liaised with Sir John Hay, Clerk Register (and interestingly, head of the High

¹⁵² *WWL*, vi, 492. Laud to Traquair, 4th July 1637. Stirling wrote to Sir Thomas Hope, head of the Commission for Surrenders, informing him of the king's decision to put the Commission into temporary abeyance. Hope recorded in his diary on 11th July 1637 that he had received Stirling's letter 'signifeing the surcease of the Commissioun till his Majestie declare his further plesur'. Thomson, *A Diary of the Public Correspondence of Sir Thomas Hope*, 63.

¹⁵³ Lorne asked Charles, via Laud, to divert to the bishopric of Argyll the annuities of tithes not previously annexed to the crown. Traquair MS, Bundle 14, No 1, undated c. 1639.

¹⁵⁴ *WWL*, vi, 318. Laud to the Provost of Edinburgh, October 1633.

Commission in Scotland) to ensure that additional funds were ploughed into the project. The 'dainty hospital, not yet finished' that Sir William Brereton observed on his tour of Scotland in 1635 was the George Heriot building and despite Laud's efforts, it was not completed until later in the century.¹⁵⁵ The isolated example of Sir George Heriot's Hospital does suggest that Laud's help may have been sought more widely than in matters directly related to the church, and in projects which were largely benign rather than controversial.

This chapter has shown that Laud was involved in all of the most significant policy measures implemented by Charles I in Scotland, which matched policies being pursued in England and Ireland. Before concluding this chapter, it is worth briefly addressing how Laud viewed his role as ecclesiastical adviser to a king with an eye for organising three churches along similar lines. One insight gives some food for thought. Writing one of his regular letters to Sir Thomas Wentworth on 3rd July 1634, Laud observed that 'I was fain to write nine letters yesterday into Scotland. I think you have a plot to see whether I will be *universalis episcopus*, that you and your brethren may take occasion to call me Antichrist'.¹⁵⁶ This may have been little more than a throw away comment, one of Laud's attempts at humour, or even a Freudian slip made in the midst of a particularly busy week of letter writing to his agents and associates in all three of the Caroline dominions, but since it emanated from Laud, the idea of a 'universal bishop' gives a rare insight into how he may have viewed his own extensive role and is worth exploring briefly.¹⁵⁷

The notion of a '*universalis episcopus*' is open to interpretation not only within the context of Laud and his extensive role, but as a way of describing the new 'breed' of bishop advanced under Charles I, the bishop with secular authority, who sat on local peace commissions, within the High Commission court and in positions of seniority in

¹⁵⁵ Brereton, *Travels in Holland*, 104.

¹⁵⁶ *WWL*, vi, 385, Laud to Wentworth, 3rd July 1634. Conrad Russell has astutely interpreted Laud's use of the word 'Anti-christ' in this context, as a sign that he knew he was taking risks. C. Russell, *The Causes of the English Civil War* (Oxford, 1990), 112. See also my point on p 130, Chapter 3 below.

¹⁵⁷ Wentworth made no comment on Laud's use of this phrase in any of his subsequent letters. Str. P. 6/83-89. Wentworth to Laud, 23rd August 1634 which incorporates replies to Laud's letters of 23rd June, 3rd July and 10th July.

secular government. Examples of this are well known in England, but in Scotland this position was even more marked because the status of bishops was different to that of England and their authority was hitherto far more circumscribed. The use of bishops as agents of royal policy in Scotland was perhaps the most significant and damaging aspect of Laud's direct involvement in Scottish affairs.

One further aspect of Laud's comment to Wentworth is also helpful in bringing this chapter to a close, as well as comparing the findings of this chapter with Laud's role in Ireland. The reference to 'nine letters' written by Laud lends itself to a discussion of how frequently he was writing letters concerned with Scotland in comparison with how many have survived, and what this reveals about how often Scotland was on his agenda. If this chapter has shown that Laud can be linked to all of the central policies implemented in Scotland under Charles – Revocation, the appointment of new bishops, ceremonies and liturgical reform - then this certainly adds weight to the view that his interference was greater than has previously been thought, but the frequency with which he was engaged in these matters needs also to be borne in mind. In addition to the 'nine letters' comment, another letter to Wentworth this time in January 1636, reveals more insights. Laud informed Wentworth that he had a 'large packet' of letters 'for answer from Scotland'. He then went on to add, rather ironically, that 'Thence I have had as much trouble as from Ireland, but not near such help as your Lordship affords me.'¹⁵⁸ This sums up neatly the problems Laud encountered when implementing policy in Scotland – that he was just as engaged in Scottish affairs as he was in Irish affairs, but that he lacked a 'Scottish Wentworth'. This also encapsulates the difficulties faced by historians.

Laud's contribution to Caroline policy in Scotland has been given a full review in this chapter. It hardly needs expressing that the different constitutional relationship between England and Scotland, and England and Ireland, has resulted in a significantly smaller body of evidence upon which to base any new study of Laud's contribution to Scottish ecclesiastical policy and this has been borne out in this chapter. Not only is the extant correspondence for Scotland much smaller, we are frequently left with one half of the story – for instance, several letters from Laud to Traquair have survived, but the corresponding letters from Traquair to Laud have not. As a result, we are left with

¹⁵⁸ *WWL*, vii, 230. Laud to Wentworth, 23rd January 1636.

fragments and glimpses. This is forever compounded by the problem of Laud not having any formal power in Scotland, while having considerable influence with the king whose responsibility the Scottish church was. Nevertheless, this chapter has enabled a fresh discussion of Laud's role in the particular areas under discussion.

Although the priority areas of Scottish ecclesiastical policy are known to have corresponded in their overall character to similar policies being implemented simultaneously in England and Ireland - a drive to achieve greater reverence in worship through ceremonial conformity; a greater episcopal presence in secular government; the improved economic and political position of the kirk; the reinvigorated powers of the High Commission court as an instrument of ecclesiastical authority; and significant changes to the interior layout and improvements to the exterior fabric of church buildings - problems of evidence have narrowed down this study of Laud's contribution to three main areas.

New light has been shed on Laud's input to the Revocation Scheme, arguably the most offensive of Charles I's attempts to impose order in Scotland. By deconstructing Laud's written response to the Scottish Commissioners charges against him, and interpreting it alongside the contemporary evidence, Laud's role as intermediary between king and the Exchequer Commission is revealed and his involvement possibly extended beyond the life of the Commission itself and was certainly greater than has hitherto been realised. He was undoubtedly engaged in the process of restoring to the patrimony of the church, the four abbacies of Kelso, Arbroath, St Andrews and controversially, Lindores. The potential significance of this as a measure of the king's intentions, possibly with a view to reintroducing the role of abbot as a new tier of crown agent, with potential parliamentary power, hardly needs reinforcing. Due to the Lindores furore, Charles I only got as far as attempting four such Revocations but Laud was engaged in all four of them, which represents convincing proof of his role in Revocation. The Lindores affair also reveals Laud's authoritarian approach to Spottiswood, despite possessing no formal authority in Scotland. This shows that when Laud thought about the Scottish kirk, he did so from his position as senior ecclesiastical adviser to the king, rather than from the perspective of an archbishop of Canterbury and this is what made his role unique. As a methodology, the approach used to unravel Laud's input to Revocation through his response to the Scottish Commissioners

charges, has wider scope for use elsewhere, if applied to the English impeachment articles and Laud's response at his trial in 1644.

It would be anglo-centric to assume that Laud had as significant a role in Scottish church patronage as he did in the English and although the sources are different for Scotland, Laud can be associated with all the new men appointed to Scottish bishoprics between 1633 and 1636 through their conformity with rites and ceremonies, as well as their background. The case of the new bishopric of Edinburgh, as well as the living of Taboine in Ireland, reveals glimpses of Laud trying to outmanoeuvre his rivals to secure a place for a suitable candidate, although on neither occasion was his 'first choice' appointed. Paradoxically, Laud's role in episcopal patronage emerges most clearly in relation to Wedderburn and Bellenden, who although far apart in their efforts to ensure compliance with ceremony and liturgy, demonstrate the significance of conformity to episcopal promotion. Although the Chapel Royal was the immediate focus of royal attention, the aim was to extend the policy of conformity with the liturgy and ceremonies, particularly the enhancement of the sacrament, to a wider audience, and as chapter 3 will confirm, this would become embedded in the Canons of 1636. By the end of 1634, the mechanism for a further reformation of the Scottish kirk was in place – 'new men' had been installed in the key bishoprics and their commitment to the liturgy, ceremony and clerical dress indicated that they would be effective instruments of discipline to ensure that these particular aspects of ecclesiastical reform could be 'rolled out' across Scotland.

Chapter 3

The Scottish Canons of 1636

Between 1634 and 1640, Charles I used William Laud to put in place ecclesiastical canons in all three of his kingdoms – Ireland in 1634, Scotland in 1636 and England in 1640. This chapter is concerned with the Scottish Canons of 1636, a major aspect of the programme of ecclesiastical reform and, arguably, uniformity, which, surprisingly, has been given very little attention.¹ The chapter comprises three sections – the first will explain the origins and chronology of the book of canons, to trace its development through the drafting process until it reached the printing press in January 1636. This section will include an analysis of those canons which can be directly attributed to Laud. The second section will consider the canons themselves in detail, using the canons as a barometer of Charles and Laud's intentions towards the Scottish kirk and where appropriate, comparing the Scottish canons with the English canons of 1604 and the Irish canons of 1634, to identify areas of overlap and similarity. The radicalism of the Scottish canons appears to have escaped the notice of historians, as well as issues of their enforcement and circulation, and these will be considered in the third and final section.

Published before the Service Book, the Scottish canons of 1636 represented the disciplinary framework for a radical restructuring of the Scottish church, and of which the liturgy was an important feature. There is very little material in print concerning the Scottish book of canons. An introductory overview of the canons appeared in *The Records of the Scottish Church History Society* over a decade ago, highlighting the way in which they represented an assault on the presbyterian system and linking the Scottish

¹ The canons were printed in January 1636 with the full title of *Canons and Constitutions Ecclesiasticall gathered and put in forme for the Governement of the Church of Scotland, ratified and approved by His Majesties Royall Warrant and ordained to be observed by the Clergie and all others whom they concerne* (Aberdeen, 1636), 43 pages. All citations of the Scottish canons will come from the original. All citations from the English canons of 1604, the Irish of 1634 and the English of 1640 will come from G. Bray (ed), *The Anglican Canons 1547-1947* (Woodbridge, 1998). The Irish canons of 1634 have been studied in J. McCafferty, *The Reconstruction of the Church of Ireland: Bishop Bramhall and the Laudian Reforms 1633-1641* (Cambridge, 2007), Chapter 3, 59-113.

canons with their English and Irish counterparts.² This article notwithstanding, a comprehensive account of the implementation of the Scottish canons is still missing, their precise chronology is unclear and they have been consistently coupled together with the liturgy and seen as a less significant policy.³ This oversight is particularly unfortunate because, as this chapter will show, the way in which the canons were drafted is central to understanding the intentions behind them. Trevor-Roper's claim that 'historically the importance of the canons of 1636 consists chiefly in their anticipation of the liturgy of 1637' can easily be rejected from a study of the canons themselves – to begin with, only four of the 109 Scottish canons were specifically concerned with liturgical conformity – as this chapter will show.⁴ The Service Book has loomed large in the historiography of this period, chiefly because of the force of public opposition to it, and this has obscured the importance of the canons.

There are practical reasons why the Scottish canons have been neglected, not least the fact that Laud and the Scottish bishops were engaged in drafting prayer book and canons at the same time, during 1634 and 1635, so it is difficult to isolate the one from the other. There is the further problem of the paucity of extant primary material, and this is exacerbated by the manner of their introduction – they were devised by a nucleus of the Scottish episcopate, under the close supervision of Laud, and issued by a royal warrant, solely on the basis of Charles I's exalted interpretation of the royal prerogative. Possibly due to the problems encountered by Charles when putting in place new canons in Ireland, the Scottish canons were not, as they should have been, put before a General Assembly for approval, or subsequently presented to Parliament for ratification, which was the statutory protocol for any religious reform in Scotland (and the way in which James VI had attempted to implement new canons).⁵ There are no 'official' or institutional records (such as those of an Assembly) on which to assess the progression of the canons, therefore, other than the limited extant correspondence of those within the small group involved in drawing them up. Interestingly, a similar problem exists for the Irish canons, even though they were presented to Convocation,

² J. L. Kim, 'Firing in Unison? The Scottish canons of 1636 and the English canons of 1640' in *Records of the Scottish Church History Society*, 28 (1998), 55-77.

³ The Scottish canons are referred to in Morrill, 'Ecclesiastical imperialism', at 234.

⁴ Trevor-Roper, *Archbishop Laud*, 343.

⁵ Russell makes this interesting point in *Causes of the English Civil War*, 114.

because none of the journals for the period have survived and as a result, the correspondence between Laud, Ussher and Bramhall is the main source of evidence.⁶ Laud's 'Irish' correspondence, however, is considerably larger than the surviving correspondence upon which to base a study of the Scottish canons. Only two extant letters in Laud's printed correspondence refer to the canons - one letter to John Maxwell, Bishop of Ross dated 19th September 1635, and another to John Spottiswood, Archbishop of St Andrews, written on 1st December 1635 – but this does not diminish their importance since both letters expose aspects of Laud's approach which have been overlooked.⁷ Contemporary accounts by opponents of the canons, including John Row and Robert Baillie, have important detail to offer, despite some obvious bias, but we are left to rely significantly on Laud's own account of the preparation of the canons, which is included in full in Volume III of his *Works*. This account was Laud's written response to the Scotch commissioners charges against him – much of which concerned his contribution to the canons - which were presented to the House of Commons on 17th December 1640, and which will be discussed in detail in Chapter 5. Furthermore, there is no surviving manuscript original draft of the canons, so it is difficult to identify the specific contribution of individuals.⁸ Again, this is in contrast with the Scottish prayer book, a manuscript copy of which has fortuitously survived, bearing Laud's annotations, and upon which Donaldson's definitive account is based.⁹

Prior to their publication in 1636, there were no canons for the Scottish kirk, despite several attempts to draw up a book. Inroads had been made by the General Assemblies of 1574, 1582, 1593 and 1595 towards preparing a book of canons to address the genuine practical difficulty of inconsistency of discipline, since sentencing could vary

⁶ McCafferty, *The Reconstruction of the Church of Ireland*, 73-4.

⁷ *WWL*, vi, 434. Laud to Maxwell, 19th September 1635; *WWL*, vi, 443. Laud to Spottiswood, 1st December 1635.

⁸ King's College, Aberdeen, MS 904 is an early 18th century hand-written transcript of the printed 1636 canons, taken from an earlier copy of the book formerly held at the Leighton Library, the University of Stirling, but which has since been destroyed. MS 904 bears no annotations and is simply a later transcript of the 1636 publication. I am grateful to Helen Beardsley, Senior Subject Librarian (Arts) at Stirling for her help in describing and clarifying the provenance of this MS prior to my seeing it.

⁹ Donaldson, *Making of the Scottish Prayer Book*.

drastically from one presbytery to another, largely because the voluminous acts of the General Assemblies were not printed and circulated, but kept as a written record to which individual presbyters had limited access. In fact, the initial drive for a common code of church discipline in Scotland originated from within the presbyteries, rather than from the royal prerogative or the bishops. In 1611, commissioners were appointed by the Synod of Fife to draw up ‘ane uniformitie of discipline’, something which had been recognised as necessary as far back as the 1570s, to standardise kirk discipline, which could vary a great deal from one presbytery to another.¹⁰ By 1615, after his promotion to the archbishopric of St Andrews, Spottiswood concurred with the Fife synod and took up the mantle that ‘Canonis and Constitutionis must be concludit and set forthe, for keping bothe the Clergie and Kirkies in ordoure’.¹¹ The archbishop visited London in May 1615 and apparently discussed the project with the king. The Aberdeen Assembly of 1616 tried to move forward with the canons, this time on James’s instructions, and a committee was appointed to do so – involving William Struthers, minister of St Giles and later first dean of the new bishopric of Edinburgh, and James Law, Archbishop of Glasgow, but little headway was made.¹² This was largely because James was now requesting it by virtue of the royal prerogative and because it was raised alongside his controversial ceremonial reforms (eventually to become the Perth articles).¹³ This is a fundamental point – the notion of canons was acceptable to the General Assembly when it was being pushed through the Synods, but when the king was pressing for canons on the basis of his royal authority (which had, in the case of James by 1616, developed considerably since his accession to the throne of England) then it was a different matter. When proposed alongside other ceremonial innovations – James had hoped to embody the Five Articles into the canons – a book of canons appeared even less attractive.¹⁴ When combined with fears that the king intended replacing the General Assembly with a Scottish version of Convocation,

¹⁰ Foster, *Church before the Covenants*, 127.

¹¹ B. Botfield (ed), *Original Letters relating to the Ecclesiastical Affairs of Scotland, Chiefly written by or addressed to his Majesty King James VI* (Edinburgh, 1851), ii, 446.

¹² Stewart, *Urban Politics*, 184. Struthers became a committed supporter of the five articles, and published various religious treatises in the 1620s. He would later be appointed dean of Edinburgh when the bishopric was established under Charles.

¹³ Foster, *Church before the Covenants*, 127; Kim, ‘Firing in Unison’, 61.

¹⁴ McDonald, ‘British Ecclesiastical Convergence’, 901.

circulating in Edinburgh prior to the king's visit in 1617, it is easy to see why the canons project was pursued no further.¹⁵ The work of the Committee was referred to the General Assembly at Perth in 1618 but again, nothing further came of it. Spottiswood preached a sermon to the Perth Assembly, endorsing the inclusion of James' Five Articles (which were ratified by the same assembly) within the canons of the church, but to no avail.¹⁶ Once the Five Articles had been approved at Perth, James decided that uniformity of ceremony took priority over uniformity of discipline, and made no further attempt to press for a new book of canons, and the project lay dormant until revived by Charles after his succession.

A royal letter of 30th October 1627 in *Stirling's Register* suggests that canonical reform was on Charles's agenda some time before any action was taken to progress it. This appears to have gone unnoticed, and receives no mention in any contemporary accounts or secondary studies of the period. Because it is little known, the letter, from the king to both Scottish archbishops, needs to be included in full, as follows:

Understanding perfitelie the great care and panis taken by our late deir fattther for the good of the church of that our kingdome, in causing establish and keip the cannons thareof, which we, being no lesse willin to see duellie observed, have heirby thought good to require you, according to the custome observed in the like cases, to admitt noe persone whatsoever to the Ministrie in the church, nor to publict professiones in Colleges or skoolis, unless they give unto you sufficient assurance of thare conformitie to the said cannons, and that you carefullie proceed thairin for the good and tranquillitie of the churches.¹⁷

To paraphrase, Charles was instructing Spottiswood and Lindsay that canonical conformity was a prerequisite for admission to the ministry. Since there was no approved book of canons for the Scottish kirk at this time, he must have been condoning the use of the draft book underway by 1618. Certainly, there is no mention that the English canons of 1604 should be used, although the reference in the final

¹⁵ Foster, *Church before the Covenants*, 127.

¹⁶ *WWL*, iii, 317.

¹⁷ *Stirling's Register*, ii, 227.

sentence to ‘the good and tranquillitie of the *churches*’ (plural) implies that Charles was thinking along the lines of uniformity or consistency of practice across his kingdoms at this time, considerably earlier than previously thought. In the absence of any evidence to prove that the archbishops acted upon Charles’s instructions, it has to be assumed that they did not, and that Charles did not – or could not – pursue this aspect of ecclesiastical reform until he had a suitable agent through whom to do so.

The date issue aside, it was entirely logical that canons should be prepared for Scotland in order to provide the disciplinary framework for observance of the liturgy, but also to ensure consistency of discipline across the churches of all three of his kingdoms. In October 1634, at the time the canons were being drafted, Charles described them in a letter to Spottiswood as ‘ane soverane help to avoyd confusions’.¹⁸ In 1639, when facing war against his Scottish subjects, Charles justified them at greater length, arguing that they were necessary ‘because there was no booke extant containing any rules of such governement, so that neither the clergie nor the laity had any certaine rule either of the one’s power, or of the other’s practice and obedience’.¹⁹ While this statement is partly true – in principle, a book of canons could have helped to clarify and maintain the constitutions of the kirk – it also overlooks the fact that the canons were intended to set in stone the assertion of the royal prerogative over the Scottish kirk, to ensure that the monarch, and not a General Assembly, controlled the future direction of Scottish ecclesiastical policy. In other words, that the scope of his prerogative in Scotland would be consistent with its scope in England. A close look at the canons themselves, which will be taken later in this chapter, confirms that they were far more than printed guidelines for existing kirk practice and discipline, and that there were a number of canons which undermined the presbyterian system of church government.

On 13th May 1634, Charles ordered the entire Scottish episcopate to engage themselves in preparing a new liturgy and canons for the church of Scotland, ‘considering that ther is nothing more defective in that church then the want of a book of common prayer and uniforme service, to be keipit in al the churches therof and the want of canonis for the

¹⁸ *ibid*, 797. Charles to Spottiswood, 20th October 1634.

¹⁹ Balcanquhall, *Large Declaration*, 44-5. Balcanquhall ‘ghost wrote’ the declaration on Charles’s behalf. Russell, *Causes of the English Civil War*, 111.

uniformitie of the same'.²⁰ In reality, only half the Scottish bishops can be linked to the canons. In early August, John Maxwell, Bishop of Ross arrived in London bearing a draft version of both books and it was then that Laud was engaged in the process, as 'commanded and warranted by his Majesty'.²¹ Laud later claimed, in his response to charges levelled against him by the Scots Commissioners, that William Juxon, 'the reverend Bishop of London was joined with me in all the view and consideration which I had'.²² There is certainly more evidence to suggest that this was Laud's attempt to share some of the blame with Juxon, than there is of Juxon's involvement.²³ Clarendon suggests that Matthew Wren, Bishop of Norwich, was also enlisted to help with the canons, but neither Laud, nor any other source, corroborates this account.²⁴ The main protagonists in preparing the canons were John Maxwell, Bishop of Ross and John Spottiswood, Archbishop of St Andrews. When Ross arrived at court in August 1634 with the first draft liturgy, he brought with him a draft set of canons, prepared by himself and Spottiswood, based on the book started in James's reign, presumably by Struthers and Law.²⁵ This is confirmed by Laud who claimed that the draft the canons were 'brought by my Ld. the Bishop of Ross, and delivered to me',²⁶ presumably the king having perused the book brought by Maxwell, then passed it to Laud to deal with. Other members of the Scottish episcopate were apparently consulted over the canons, although their individual contributions are unknown - David Lindsay of Edinburgh, John Guthrie of Moray, Thomas Sydserf of Brechin, Patrick Lindsay, Bishop of Glasgow and Adam Bellenden, who was shortly to be replaced as Bishop of Dunblane by Wedderburn, all signed a covering letter to Laud, dated 2nd April 1635, enclosing a second (and final) draft book of canons, which was sent down to London with Maxwell of Ross on another of his regular visits.²⁷ These bishops were all associated with

²⁰ *Stirling's Register*, ii, 752. Charles I to 'the whole bishops', 13th May 1634.

²¹ Heylyn, *Cyprianus Anglicus*, 297-8; *WWL*, iii, 318.

²² *ibid*, 319.

²³ Juxon's contribution is unknown. He wrote to Ross in February 1636 thanking him for a copy of the final version of the canons. Baillie, *L&J*, i, 439. Juxon to Maxwell, 17th February 1636.

²⁴ It is possible that Clarendon was confusing Wren's contribution to the Scottish liturgy with the canons. Clarendon, *History*, I, 104. For Wren's input to the prayer book, see *WWL*, vi, 456. Laud to Wedderburn, 20th April 1636. Donaldson, *Making of the Scottish Prayer Book*, 50.

²⁵ Heylyn, *Cyprianus Anglicus*, 297-8. Donaldson, *Making of the Scottish Prayer Book*, 44.

²⁶ *WWL*, iii, 318.

²⁷ *CSPD 1635*, 4. W. Prynne, *Hidden Works of Darkenes* (London, 1643), 150.

promoting the ecclesiastical policies of Laud and Charles to some degree, as the previous chapter has shown. Thus, seven Scottish bishops – approximately half the Scottish episcopate – had seen the canons prior to the second draft being returned to court but only two – Maxwell and Spottiswood – can be linked to the actual drafting of the book. There was no lay involvement on the Scottish side – there is nothing to link either Traquair or Hamilton to the implementation of the canons.²⁸ The Earl of Stirling, Secretary of State for Scotland, played his part in ensuring the canons and liturgy were printed, sending royal instructions to the Privy Council in Scotland, on behalf of Charles and he was rewarded for this with his own copy of the canons when it was first printed.²⁹ There is some truth, then, in the accusation levelled by one contemporary, that the canons were the work of ‘the bishopps alone, without the privitie of anie of the cleargie or anie of the laitie’.³⁰

The drafting process, therefore, took place between the summer of 1634 and April 1635, when the second draft was brought to Charles. When Maxwell handed the first Scottish draft to Charles, the king asked that the final version be as near as possible to the English canons of 1604.³¹ According to Laud, he and Juxon made a number of changes over the autumn to the first draft, although there is no detail of what these changes were. The Scotch Commissioners charges claimed that Laud amended the title of the canons after he was sent the second draft, an accusation which Laud did not refute. The Scottish bishops hoped that the canons would be an appropriate code of

²⁸ Scally, ‘Hamilton thesis’, 214.

²⁹ Stirling was responsible for publishing two versions of *The Psalmes of King David* – in Edinburgh in 1630 and again in London in 1636. Stirling had worked with James I over the rendering of the Psalms into meter and it has been suggested that Stirling proposed to Charles that the psalms could be ordained for public use in the churches of all three of his kingdoms. Interestingly, the Edinburgh psalms were rejected by the General Assembly and as a result of the ensuing furore, Charles issued a decree prohibiting the sale of metrical psalms in Scotland.

³⁰ Mullan, *Religious Controversy in Scotland*, 44.

³¹ Clarendon, *History*, I, 104. *WWL*, iii, 321. Prynne includes an undated warrant from Charles to Laud authorising him to ‘peruse the canons which are sent from the Bishops of Scotland, and to your best skill see that they be well fitted for Church government and as near as conveniently may be to the Canons of the Church of England’. This is similar in wording to the genuine warrant issued by Charles on 19th April 1636 confirming that Laud was authorised to amend the liturgy. Prynne, *Hidden Works of Darkenes*, 152.

practice and discipline which would genuinely benefit the Scottish kirk, and they expected the book to be introduced by means of the customary protocol, through the approval of the synods, General Assembly, and then parliament (there was no Convocation in Scotland). This was reflected in the original title of their draft - 'Canons agreed upon to be proponed to the severall Synods of the Kirk of Scotland'. Undoubtedly, they anticipated that the book would at some stage be put before a General Assembly and Parliament for ratification. Laud, however, had other ideas and a completely different emphasis, and this was reflected in the overt change he made to the title of the book, the title approved by the king for publication in May 1635. Instead of being presented to the Synods, Laud's version of the canons would be 'ratified and approved by His Majesties Royall Warrant and ordained to be observed by the Clergie and all others whom they concerne'.³² According to this approach, the canons were a product of the royal prerogative and as such, there was no need for consultation with a representative assembly. Interestingly, Laud did not deny this accusation and his response demonstrates that representative consultation was never intended to be a feature of implementing the canons in Charles's northern kingdom. Laud explained, rather disingenuously, that

this book, which was brought to me, was to be printed: and then that title could not stand with any congruity of sense, for no church uses to print canons .. but such as have been proposed and agreed on.³³

In other words, there was no need to refer to Synods or any other representative assembly in the title to the canons, because royal approval alone would be sufficient authority to proceed with publication. The lack of consultation with any other body was not Clarendon's 'fatal inadvertency', a simple bureaucratic oversight on the part of the Scottish bishops, which ultimately led to the overthrow of the canons.³⁴ It was a deliberate and conscious part of the plan. Among the most unacceptable features of the canons, and a contributory factor to their rejection by the General Assembly in November 1638, was that the manner of their implementation signified Charles'

³² *WWL*, iii, 323. *The Charge of the Scotch Commissioners against Canterburie*, 5.

³³ *ibid.*

³⁴ Clarendon, *History*, I, 105.

intention to dismantle the presbyterian system.³⁵ This was an enormous issue, not least because it represented an 'illegal' attempt to alter Scottish church practice, and as such, it went much further than anything attempted in England, or Ireland. As has already been stated, the Irish canons were put to the Irish Convocation in May 1634, and approved the following year. The English canons of 1640, although equally contentious, were subject to the Convocations of Canterbury and York. It was only in Scotland that canons were implemented by virtue of the royal prerogative alone. As Baillie noted, 'all church lawes, ... all Canones Ecclesiasticall, have all wayes been mad[e] in Church Assemblies, and not elsewhere. In England it was so ever; the least ceremonie never appointed but in the Convocation'.³⁶

Although implemented in a different way, certain comparisons can be made between the Scottish and Irish canons which reveal Laud's commitment to the royal prerogative as the ultimate authority over ecclesiastical matters. An important letter from Laud to Wentworth, dated April 1634, includes the following paragraph, which needs to be included in full to support this point. The extract, in which Laud referred to the Irish canons, is as follows:

His Majesty requires your Lordship to prepare a draft there, such as may best fit the constitutions and customs of the country, for the reception and establishment both of the Canons and the Articles of the Church of England. But neither his Majesty nor the Lords do think fit that this should be put to the Parliament to confirm, lest it make a noise to the disturbance of other business. And your Lordship knows well that with us the Canons have no other confirmation than the Broad Seal.³⁷

This is an unmistakeable expression of Laud's belief that the king reserved the right to implement canons on the basis of his prerogative alone and although referring to the Irish church, it could equally apply to the Scottish. It also demonstrates the point made elsewhere in this chapter that Laud was rarely in doubt that the policies he was pushing

³⁵ Row, *Historie*, 395.

³⁶ Baillie, *L&J*, i, 2.

³⁷ *WWL*, vii, 66. Laud to Wentworth, 12th April 1634.

were likely to 'make a noise' and that it was preferable to use the prerogative alone, rather than representative assemblies, if the policies themselves were likely to prove controversial.

If the change of title had the king's approval and was made prior to the royal warrant issued by Charles in May 1635 authorising the canons, the following section will confirm that during the autumn of 1635, Laud secured the inclusion of two additional canons to the book after Charles had issued his royal warrant approving it in May. One of these will be looked at in detail, which shows clearly his independence of manoeuvre in this particular aspect of ecclesiastical policy and that Charles was prepared to give Laud considerable free rein in finalising the 'small print', provided that the canons were presented as a royal policy.

Before demonstrating this point, it is important to finish explaining the chronology. Following the changes made by Laud (and Juxon) to the Scottish draft canons in the autumn of 1634 (including the change of title) it was then returned to Scotland for these amendments to be incorporated by Spottiswood into the book. Charles also wrote to Spottiswood signifying his 'hartie thanks' for his work so far in preparing the liturgy and canons, and offering further encouragement 'to the continuance and perfycteing of both'.³⁸ A version of the canons in Spottiswood's hand was the 'working draft' which Maxwell brought with him under the bishops' covering letter in April. According to Laud, Charles was happy with this second draft - 'the copy written by my Lord of St Andrews' own hand' and it was on this basis that he authorised the book of canons for printing in May 1635.³⁹ On 23rd May, a warrant (or 'letters patent') was issued in the king's name authorising the use of a book of Scottish 'canons and constitutions' which were to be observed 'by all our loving subjects of that our kingdome'. The warrant for the canons was contained in the preface to the canons themselves and they were authorised purely 'by our Prerogative Royall and Supreme Authoritie in Causes

³⁸ Charles also wrote to Lindsay of Glasgow and although this letter has not survived, it is catalogued as 'a similar letter to the Archbishop of Glasgow'. *Stirling's Register*, ii, 797. Charles I to Spottiswood, 20th October 1634.

³⁹ *WWL*, iii, 320.

Ecclesiasticall'.⁴⁰ At the same time, Charles wrote separately to the Scottish clergy to see the liturgy and canons printed and 'generallie received and used', along with new books of ordination and psalms. The Scottish Privy Council were ordered to 'concure with them by all possible meanes to that purpois' .. to 'strenthen, authorise and sett forward so good and pious a work'.⁴¹ Although approved in May, the canons themselves were not published until early 1636, probably late January.⁴² The following section will consider two important changes made to the canons by Maxwell and Spottiswood at Laud's insistence between May 1635 and January 1636, when they were finally published and which were incorporated into the final printed version which Laud presented to Charles on the morning of 16th February, in the presence of the Earl of Stirling.⁴³

Two letters have survived which demonstrate that the drafting process was still underway during the autumn of 1635, although Laud was hopeful that the project was near completion. On 19th September 1635, Laud told Maxwell that 'I am very glad your Canons are ... in so good a readiness'.⁴⁴ On 1 December, he urged Spottiswood in stronger tones that 'if the canons be not already printed', it was 'his Majesty's will and pleasure' that they should be.⁴⁵ If we look more closely at the letters to Maxwell and Spottiswood, they yield useful clues about Laud's influence over the content of the Scottish canons. The first draft of the canons may have been brought to London by Maxwell and drafted in Spottiswood's own hand, but this does not necessarily mean that Laud was a mere overseer of the process –the change of title demonstrates that this was not the case. In the two letters which remain, Laud was not simply offering bland congratulations, or just administering the necessary bureaucratic kick to move the

⁴⁰ *Canons and Constitutions Ecclesiasticall*, 5. The Scottish church was at the forefront of Charles' mind at this time, because he approved the warrant for the canons within days of issuing the congés d'élire for several episcopal promotions and translations. *Stirling's Register*, ii, 850-1.

⁴¹ *Stirling's Register*, ii, 855. Charles I to 'the clergie', May 1635; Charles I to the Privy Council, May 1635. The books of ordination and psalms will be discussed below, pp 115-117.

⁴² The date on the frontispiece of the canons is 1636 but no month is mentioned. *Canons and Constitutions Ecclesiasticall*. *Stirling's Register*, ii, 856.

⁴³ Stirling was present when Laud handed the king his copy but also received a copy of his own from Maxwell. Baillie, *L&J*, i, 439. Stirling to Maxwell, 17th February 1636.

⁴⁴ *WWL*, vi, 434.

⁴⁵ *ibid*, 443.

canons forward. He was giving precise directions and comments about what should be included in the book of canons, albeit in both cases, he claimed to be doing so ‘by the King’s command’.⁴⁶ The letter to Maxwell implies that Laud and Maxwell collaborated over the addition of Canon 8:4, which had major implications for the future of the Scottish kirk, since it threatened to wrest control of all future changes in ecclesiastical policy out of the hands of the General Assembly and bring them under royal control, as the following paragraphs will show.

His letter to John Maxwell, Bishop of Ross, dated 19 September 1635, proves that Laud was well aware that the canons represented something both new and controversial, and that they were an innovation in the Scottish church.⁴⁷ Laud wrote to Ross that

I am very glad your Canons are also in so good a readiness; and that the true meaning of that one Canon remains still under the curtain. I hope that you will take care that it may be fully printed and passed with the rest. ‘Twill be of great use for the settling of that Church.⁴⁸

According to the Scottish commissioners’ charges against him, Laud was referring here to Canon 8:4.⁴⁹ This canon effectively wrested control over both doctrine and discipline from the General Assembly and synods and put it in the hands of the crown. The canon did so by prohibiting ‘the bishops themselves, in a National Synod or otherwyse, to alter anie Rubric, Article, Canon Doctrinall or Disciplinarie whatsoever’ under pain of censure ‘and His Majestie’s farther Displeasure’.⁵⁰ Only the king was authorised to make alterations to the Scottish church. This represented a far-reaching innovation and Laud clearly appreciated this. While the meaning of the passage from his letter to Maxwell of Ross is unmistakable, his response when charged with having tried to conceal the full meaning of the canon (the letter to Ross was cited as evidence) is even more revealing. Laud responded to the charge in a number of ways. First, by

⁴⁶ Laud uses this phrase in both letters.

⁴⁷ They were rejected by the General Assembly in December 1638. Ibid.

⁴⁸ *WWL*, vi, 434. Laud to Maxwell, 19th September 1635.

⁴⁹ *ibid*, 321.

⁵⁰ *Canons and Constitutions Ecclesiasticall*, 25.

standing by what he had written at the time ('I writ no more then than I believe now'.⁵¹) Secondly, by claiming, misleadingly, that he had written only that 'this Canon did stand behind the curtain' because it 'would not be thoroughly understood by every man'.⁵² This overt manipulation of the truth is a good example of Laud putting a more favourable gloss on something which at the time, he saw very clearly would be contentious.

Laud's letter to Spottiswood of 1 December 1635 is further instructive of his input and attitude. The letter, and the canon which resulted, was concerned primarily with the issue of fasting on the Sabbath, which was a common practice in Scotland but which was prohibited in England under the English Canons of 1604, Chapter 72.⁵³ Laud launched straight into his communication to Spottiswood with the declaration that:

I have but one thing at this present to trouble you
with, but that hath much displeased the King, and
not without very just cause.⁵⁴

Spottiswood would still have been smarting from Laud's letter of a fortnight earlier, rebuking him for his poor handling of the matter of the annexation of Lindores Abbey, so he must have felt under considerable pressure, particularly because as Scottish Primate and Lord High Chancellor, he was Laud's equal.⁵⁵ However, Spottiswood (and other Scottish bishops) recognised that to resist this pressure would be futile, given Laud's proximity to the king. The anger with which this letter was written leaps out from the page as one reads it. The issue which had raised Laud's hackles was the discovery that Adam Bellenden, the recently appointed Bishop of Aberdeen, had allowed the practice of public fasting in his diocese on Sundays to continue, which Laud conceived was 'contrary to the rules of Christianity, and all the ancient Canons of the church'.⁵⁶ Laud's belief that it was the king's prerogative to determine the place,

⁵¹ *WWL*, iii, 322.

⁵² *ibid.*

⁵³ Bray, *Anglican Canons*, 363-364. This canon also covered exorcism.

⁵⁴ *WWL*, vi, 443.

⁵⁵ *ibid.*, 438-440. Laud to Spottiswood, 10th November 1635.

⁵⁶ Bellenden was translated to the see of Aberdeen from Dunblane in September 1635. *WWL*, vi, 434.

Laud to same.

time and nature of public fasting is evident in his approach to Ireland, although it was not embedded in the Irish canons of 1634. In November 1636, for instance, Laud heard that Archibald Hamilton, Archbishop of Cashells (a Scot by birth) had commanded a number of weekly fasts ‘upon his own authority’, and urged Wentworth to ‘proceed against him by public admonition at least; that so both himself and others of his place and condition, may have a warning not to meddle with the King’s prerogative without his leave’.⁵⁷ Laud was equally authoritarian in his attitude to Spottiswood, whom he evidently held responsible for failing to clamp down on Bellenden. Laud went on to instruct Spottiswood (in the king’s name, even though this was a matter of personal principle) that

you and my Lord Glasgow take order with all the Bishops in your several provinces respectively, that no man presume to command, or suffer, any fast to be upon that day, or indeed, any public fast upon any other day, without the special leave and command of the king, to whose power it belongs and not to them.⁵⁸

Having effectively pulled rank over both the Scottish, Laud continued with the following order:

if the canons be not already printed (as I presume they are not) that you make a Canon purposely against this unworthy custom, and see it printed with the rest.⁵⁹

Within a few weeks of this letter being delivered to Spottiswood, the proscription of fasting on the Sabbath had been incorporated into the Scottish canons under canon 14 entitled ‘Of public fasts’. We can link the inclusion of the fasting canon into the final version directly to Laud’s influence, not only because we have the letter to

⁵⁷ *WWL*, vii, 298. Laud to Wentworth, 20th November 1636.

⁵⁸ *ibid*, 443. Patrick Lindsay, the ‘Lord Glasgow’ to whom Laud was referring, had been elected to this see in 1633 and had no close association with Laud or the English court, although he sat on the Scottish Privy Council and the Exchequer Commission. In the hierarchy of the Scottish episcopate, the archbishopric of Glasgow was second only to the primatial see, the archbishopric of St Andrews (largely on the basis of its wealth). McMahon, ‘The Scottish Episcopate’, 43.

⁵⁹ *WWL*, vi, 443.

Spottiswood, but because it is implausible that any of the Scottish bishops, least of all the primate, would have endorsed the outlawing of fasting, either on the Sabbath or at any other time.⁶⁰ Indeed, there was no reason why Spottiswood would have thought to take action to prevent Bellenden from tolerating fasting, because he would not have considered that his parishioners were doing anything. Fasting had a prominent place in the history of the kirk from the Reformation, and Sundays were often proclaimed fast days. The Scots were the only Reformed nation to have a liturgical fasting order which formed a lengthy section of their own *Book of Common Order* (published in 1587) and in the last decades of the sixteenth century, public fasts in which the whole realm could participate, could be proclaimed by either the General Assembly, parliament, the privy council, or the king.⁶¹

A discussion of Scottish canon 14 reveals the way in which Spottiswood interpreted Laud's instructions with regard to the issue of fasting, as well as the canons themselves and their relationship, if any, to the English canons of 1604. This discussion will also consider just how 'Scottish' the Scottish canons were. It has already been established that prior to the 1636 canons, there were no printed guidelines for Scottish kirk discipline and practice. In terms of fasting, the most recent precedent for the Scottish canons of 1636 was the English canon of 1604 (since the Irish canons of 1634 contained no canon against fasting). To demonstrate the difference between the two canons, it is worth including them in their entirety. Canon 72 of the English canons of 1604 set out that:

No minister or ministers shall, without the licence and direction of the bishop of the diocese first obtained and had under his hand and seal, appoint or keep any solemn fasts, either publicly or in any private houses, other than such as by law are, or by public authority shall be appointed, nor shall be wittingly present at any of them, under pain of

⁶⁰ We can reject the notion that the draft canons entrusted to the hands of Struthers and Law in 1616 would have included any provision against fasting, not only because of its significance for Scottish worship but because Struthers himself in 1628 published a treatise on the importance of fasting as a feature of Scottish protestantism.

⁶¹ Mullan, *Religious Controversy in Scotland*, 16. M. Todd, *The Culture of Protestantism in Early Modern Scotland* (London, 2002), 344-352.



suspension for the first fault, of excommunication for the second and of deposition from the ministry for the third.⁶²

In contrast, Scottish canon 14 was much shorter and simpler, but in two parts, the first of which ordered that:

None in holie Orders shall without the Licence and direction of his Ordinarie, appoynt or keepe anie solemn Fastes, or be Present thereat of purpose, under the payne of Suspension or other punishment which the Bishop shall thinke fit to inflict.⁶³

The Scottish canon not only proscribed fasting in much plainer and harsher terms than the English canon but it hit straight at the heart of an established Scottish religious practice. It intended a complete ban on the practice of fasting without licence, and it asserted episcopal authority over the punishment of those caught doing it (a nice flourish from Spottiswood of which Laud would undoubtedly have approved). The introduction of licensing would in itself have made it impossible for people to fast in the way that they had become accustomed. Spottiswood had interpreted almost word for word what Laud had ordered him to do in his letter of 1st December 1635, with the extra clause that the bishop would control the punishment of offenders, presumably through the court of High Commission, which we know received a new commission from Charles in October 1634 and on which Spottiswood sat.⁶⁴

The second clause of Scottish canon 14 went further and gets to the crux of the subject of Laud's letter:

Neyther shall it bee lawfull to keepe or indict anie Fast upon Sundayes, but onlie upon Weeke-dayes, and such as shall bee appoynted by his Majesty.⁶⁵

⁶² Bray, *Anglican Canons*, 365. Bray claims that 'as far as is known, no such licence was ever issued'. 362, n.294.

⁶³ *Canons and Constitutions Ecclesiasticall*, 30.

⁶⁴ Baillie, *L&J*, i, 424-428.

⁶⁵ *Canons and Constitutions Ecclesiasticall*, 30.

In other words, from Laud's viewpoint, public fasting was a prerogative matter. According to this canon, fasting was forbidden on Sundays and any other fasting day must be determined by virtue of the royal prerogative alone, which would have made it impractical to administer and threatened to render the practice impossible, if enforced. No recognition was given to the role played by the General Assembly or parliament in proclaiming fast days, nor to the way in which the Sabbath had become an integral feature of Scottish fasting. Again, this fits very closely with Laud's instructions to Spottiswood. There were a number of ways in which this particular canon can be described as 'English', since it existed in a similar but longer form in the English canons of 1604 and its inclusion was by direct order of the English primate. However, it was not simply cut and pasted from the English canons of 1604. It was included in the canons by Laud in response to a particular problem happening 'on the ground' within the diocese of Aberdeen at the time and in this context, the process of drawing up the canons comes across as a very organic one. The brevity of canon 14 – it is among the shortest in the book – supports the view that Spottiswood inserted it in some haste, and that he had little time to elaborate the wording or consider it in detail. Paradoxically, the only feature of the canon which made it more Scottish – the fact that it targeted the peculiarly Scottish phenomenon of fasting on the Sabbath – was also what made it more foreign, since it was present in the Scottish canons by virtue of English precedent, but it 'legislated against' a firmly established and frequently practised feature of Scottish protestant piety.

In this particular example, Laud's input to the canons was blatant. When Laud reminded Spottiswood that fasting on the Sabbath contravened 'the ancient Canons of the church', it is clear that he was not referring to existing Scottish canons, since there were none. The inference must be that he was thinking in terms of the English canons, although he could also have had in mind the patristic canons relating to the universal church. Either way, this demonstrates that there were no clear boundaries in Laud's mind between the churches of Charles I's kingdoms and that his perception of what was unorthodox in one, was no different in his approach to another. The drafting of the Scottish canons, therefore, represents a unique case study of the way in which Laud interpreted his ecclesiastical authority, and in this context, he was operating from very much a 'British' perspective – borrowing features of one church and applying them in

another. Laud may not have wanted or been able to encompass the Scottish dioceses within his remit as Archbishop of Canterbury in a formal way, but this did not stop him from exercising power and authority over the manner of Scottish worship in the same way that he did in England.

In responding to the Scottish commissioners charges, levelled in December 1640, that he inserted clauses in the canons, Laud's account is ambiguous. He also contradicted what has just been demonstrated from his extant correspondence. In his response, Laud took a number of approaches to shift the blame for the content of the canons away from himself. One aspect of the charge about the canons accused Laud of having made 'an addition of some other canons'⁶⁶ after the date of the king's warrant (as discussed above). Laud claimed that:

the copy [of the book of canons] written by my
Ld of St Andrew's own hand, and sent up .. was
the very copy which was warranted by his
Majesty and published without any further
alteration.⁶⁷

This is a partial truth, because further corrections were made to the draft in the autumn of 1635, as shown above. Laud continued with his response to this charge, saying that if further alterations had been made, they had been done with the king's authority.⁶⁸ Again, this is true up to a point, since the royal warrant had already been issued by now, but the cloak of royal authority should not obscure the significance of Laud's role. If we backtrack briefly to the letter to Spottiswood of 1st December, it is clear that Laud claimed that he had royal authority to berate him for Bellenden's tolerant attitude towards fasting on the Sabbath. This does not necessarily mean that the king asked him specifically to write to Spottiswood on that particular day to solve the fasting issue, it just means that when Laud did so, he was confident that he was acting with the king's approval. Similarly, there is no evidence that the king even knew about Laud's correspondence with Maxwell and Spottiswood over additional canons, but it certainly

⁶⁶ *WWL*, iii, 320.

⁶⁷ *ibid.*

⁶⁸ *ibid.*

does not appear to have been a working practice that he considered unusual. According to Stirling, when the king finally received his own copy of the printed canons, he 'reade some part of it' and was 'well pleased' with what he read.⁶⁹ This is classic Laud – able to hide behind the king's authority to downplay his own influence and responsibility for policy when it was expedient to do so.⁷⁰ This way of working also suited Charles because it enabled him to appear as the authority upon which all ecclesiastical matters were settled, but without actually having to become embroiled in any of the detail. The canons, therefore, offer a new way of viewing the working partnership between Laud and Charles.

This point can be taken further when the liturgy is brought into the discussion. Donaldson has interpreted the time-lapse between the date of the king's warrant endorsing the publication of liturgy (and canons) in May 1635 and the eventual publication of the liturgy (in April 1637) as an irregularity, arguing that it 'is barely conceivable that the king should have sanctioned printing without having received a detailed account of the changes which the Scots proposed to make'.⁷¹ As shown above, a similar, although shorter, delay occurred in connection with the canons between the warrant being issued and their eventual publication in January 1636. But whereas Donaldson looks upon this as a mistake, arguing that the warrant must have been issued prematurely, an equally plausible interpretation is one in which the warrant, having been issued in the king's name, signals the point at which Charles was happy for Laud to take control of the process and to do the necessary 'fine tuning' in order that the books reached the press, confident in the knowledge that Laud would do what was required.⁷² It is certainly the case that both books required further amendment beyond the date of the king's original warrant of May 1635 but it was only in the case of the liturgy that Laud obtained written proof that he had done so at the king's command - because some of the liturgy was already at the press - the king's further warrant of 19th

⁶⁹ Baillie, *L&J*, i, 439. Stirling to Maxwell, 17th February 1636.

⁷⁰ As Amanda Capern has shown, Laud was an 'expert in presenting his own favoured policies as being initiated by the king'. A. Capern, 'The Caroline Church: James Ussher and the Irish Dimension', *Historical Journal*, 39 (1996), 57-85; 64.

⁷¹ Donaldson, *Making of the Scottish Prayer Book*, 49.

⁷² *ibid.* Donaldson states that 'the conclusion is inescapable that permission to print ... had been at least premature'.

April 1636 leaving no doubt that he had made these later ‘alterations’ by royal command.⁷³ The changes, which were explained at length to Wedderburn in a letter sent by Laud the day after the warrant was signed, were to be incorporated into the prayer book, unless, as the royal warrant stipulated, ‘the Archbishop of St Andrews or his brethren ... shall see apparent reason to the contrary’.⁷⁴ It would not be an exaggeration to suggest that the delay between the warrant and the printing of both canons and liturgy is only explicable in the context of the working relationship between Laud and Charles, since there is no other obvious reason for it.

Clarendon claimed that the Scottish bishops were at fault for not making it clearer to Laud and Charles, during the drafting process, that the canons would never be acceptable unless they were implemented through the established mechanisms of the kirk. In other words, that Spottiswood, as primate, did not stand up to the demands of either the king or his archiepiscopal counterpart. It is difficult to see what he could have done, particularly if he was expected to give precedence to Laud in matters of considerable weight, such as the liturgy. Although the king’s warrant of 19th April suggests that Spottiswood ‘and his brethren’ had the final say on what went into the prayer book, the reality was somewhat different, as Laud’s letter to Wedderburn demonstrates. Although the warrant was enclosed with the letter, Laud sought to override the power of Spottiswood by qualifying the king’s warrant in the following way. Wedderburn was informed that:

though [the king] leave a liberty to my Lord the Archbishop of St Andrewes and brethren the Bishops upon apparent reason to vary some things, yet you must know, and inform them, that his Majesty having viewed all these additions, hopes there will be no need of change of anything and will be best pleased with little or rather no alteration.⁷⁵

In other words, although theoretically entitled to have the final say, Spottiswood would be contravening the king’s intentions if he did so. If this was true for the liturgy, then

⁷³ *ibid*, 52. Printing of the liturgy was underway by February 1636. Baillie, *L&J*, i, 438. Juxon to Maxwell, 17th February 1636.

⁷⁴ Donaldson, *Making of the Scottish Prayer Book*, 52.

⁷⁵ *WWL*, vi, 459. Laud to Wedderburn, 20th April 1636.

the same applied to the canons. Spottiswood was clearly in a very difficult position and any objection to the change of title, or the insertion of canon 14, would have been tantamount to questioning the king's authority over the Scottish church. Spottiswood and his moderate colleagues - Bellenden most notably – were learning some hard lessons about the importance of conformity with royal policy, having been on the receiving end of some harsh rebukes from Laud. Even a royal devotee such as Maxwell was not immune to concerns over the direction of royal policy. One modern historian has argued that Maxwell was so 'blinkerered by the delightful vision of royal gratitude and favour that he could see no obstacles' to the ecclesiastical measures implemented by Charles.⁷⁶ This is not entirely true – although there is no record of Maxwell expressing any specific doubts concerning the canons and liturgy, he was clearly worried that his close association with crown policy would lead to his overthrow. The letter in which Maxwell expressed these worries has not survived, but Laud's reply, dated 19th September 1635, urged him to 'hold you there, and let no man stagger you in the service of God and the King'. Interestingly, Laud's reciprocal comment can be interpreted as evidence of the depth of his involvement in Scottish policy, as follows – 'It may be that such a fear were fitter for me and perhaps, I have juster cause of apprehensions, would I give way to such thoughts'.⁷⁷ Clearly, resistance by Maxwell would be pointless. The only course of action open to the Scottish bishops was to compromise by accepting the particular preferences of king and archbishop, but where possible, seeking to preserve existing features of Scottish worship. As the second section of this chapter will demonstrate, they achieved a limited degree of this in the Scottish book of canons.

Having established the timeframe within which the Scottish book of canons was prepared, the next section of this chapter is concerned with the contents of the book itself. As Laud himself made clear, he 'conceived of the Church of Scotland's coming nearer, both in the canons and the liturgy, to the Church of England'.⁷⁸ It is known that in liturgical terms, he wanted the English book to be adopted in its entirety and was initially reluctant to concede to demands that it be altered in any way before being used

⁷⁶ Stewart, *Urban Politics*, 216.

⁷⁷ *WWL*, vi, 435. Laud to Maxwell, 19th September 1635.

⁷⁸ *WWL*, iii, 321.

extensively in Scotland. Canons were a different matter, however, and the English canons of 1604 could not have been adopted *carte blanche* for the simple reason that there was insufficient common ground between the Scottish and English churches and not all of the English canons would have been relevant to Scotland.⁷⁹ The English canons concerned with the roles of ‘Proctors’, ‘Registrars’ and ‘Apparitors’, for instance, would have no meaning in Scotland because these ecclesiastical functions did not exist there.⁸⁰ An overview of the structure of all three sets of canons implemented under Charles I tells us that the emphasis in each church was indeed different, reflecting the variations in practice and custom across the churches. The Scottish book comprised 115 canons arranged under nineteen chapters or headings, a structure borrowed from the canons of 1604, which comprised 144 canons, arranged under fourteen thematic headings. A comparable layout was used for the English canons of 1640, of which there were only 46 canons, but again divided into seventeen headings. It was the Irish canons of 1634 which differed structurally, comprising 100 canons with no arrangement into chapters. In terms of content, fifty of the Scottish canons were tailor-made for Scotland and sixty-two were variously modified wordings of English canons of 1604. Only three canons were copied exactly from the 1604 book into the Scottish canons of 1636.⁸¹ It makes sense, then, to continue this discussion with an analysis of how derivative or distinct the 1636 canons themselves were and what this meant for religious worship in Scotland.

The area of most similarity between the English canons of 1604 and the Scottish canons, and indeed in the Irish of 1634, lay in the assertion of the royal supremacy over each church and this was set out in the opening canon in each book. Ironically, it was in this area of greatest similarity that the biggest difference was effected to the Scottish

⁷⁹ Ireland was a different matter and Laud initially hoped that the English canons would be received there in full. The Irish canons of 1634 were later referred to by him as ‘the English canons ... in substance’. *WWL*, vii, 132. Laud to Wentworth, 12th May 1635. See also HA 15159, Laud to Bramhall, 11th May 1635, in which Laud wrote that ‘God blesse your Free Church of Ireland, though for my part, I doe not thinke the Cannones of the Church of England would have shott any freedome of it’. (This letter is also referred to in McCafferty, *The Reconstruction of the Church of Ireland*, 99, n. 212).

⁸⁰ The Irish canons of 1634 used all four of these terms, just as the English of 1604. See Bray, *Anglican Canons*, 520-524.

⁸¹ These are my calculations based on comparing the three sets of canons printed in Gerald Bray’s edition. A different breakdown is offered by Kim in ‘Firing in unison’, 57.

kirk, as far as canons were concerned. Although it is true that all three kingdoms were technically answerable to the same supreme governor, the application of the same canon in all three churches overlooked the fundamental difference in the relationship between church and state in Scotland. The 1612 Act of the Scottish Parliament had muddied the waters somewhat, by declaring that all presentees to ecclesiastical benefices had to recognise James VI as ‘the only lawful supreme governor of this realm’.⁸² In reality however, this had not changed the fact that the established authority to implement ecclesiastical policy, including canons themselves, still lay with the General Assembly ‘the great bulwark under God of this kirk, from which onlie eccleisaticall canons can, by the law of this land, flow’.⁸³ While Irish canon 1 could legitimately claim the ‘agreement of the Church of England and Ireland in the profession of the same Christian religion’, the Scottish canon went much further than this because it implied similarities which did not exist. A review of Scottish canon 1:2, which was taken word for word from the English book of 1604, will demonstrate the potential significance of this.⁸⁴ The canon stated that:

Whosoever shall hereafter affirm that the king’s majesty hath not the same Authoritie in Causes Ecclesiasticall that the godlie kings had amongst the Jewes and Christian emperours in the Primitive Church, or impeach in anie part his Royall Supremacie in Causes Ecclesiasticall, let him bee excommunicated and not restored, but onlie by the Arch-Bishop of his province.⁸⁵

Thus, not only did the canon assert the king’s supreme authority over the kirk, it transferred the power of excommunication to the archbishop and made no mention of the existing role of local kirk sessions in instigating and presbyteries in ordering the excommunication of errant Scottish parishioners.⁸⁶ This was a fundamental change to the way in which discipline was administered in the Scottish church. It is surely significant that one of the few Scottish canons identical to its English counterpart was that which concerned the royal supremacy. It must follow, therefore, that this was one

⁸² *APS*, iv, 470.

⁸³ Row, *Historie*, 395.

⁸⁴ The corresponding English canon was Canon 2 of 1604. Bray, *Anglican Canons*, 265.

⁸⁵ *Canons and Constitutions Ecclesiasticall*, 8.

⁸⁶ Todd, *The Culture of Protestantism in Early Modern Scotland*, 11-12.

key area where Charles was seeking to 'Anglicise' or make uniform the nature of his authority in Scotland, by making his control over the Scottish church exactly the same as it was in England. Morrill has argued that the canons were not simply about Anglicisation or complete uniformity, but about the achievement of greater royal control over religious practice.⁸⁷ I would argue that in the case of the royal supremacy, the distinction between Anglicisation, uniformity and royal control is almost imperceptible.

The royal supremacy was not simply embodied in the first canon, it was reinforced by the way in which the canons were implemented and this in turn was reflected back into the canons themselves. Unlike the Irish canons of 1634 or indeed the English canons of 1640, both of which were approved by their respective Convocations and both of which included lengthy preambles justifying the need for canons, the Scottish canons of 1636 had no preamble whatsoever. In other words, the king was answerable to no-one in implementing the canons and did not need to justify their existence at any length. The only preface to the Scottish canons is the king's warrant of May 1635, which sets out very clearly his intention that the canons were 'for the maintenance of the present estate and government of the Church of Scotland'. The canons were ratified and confirmed by the royal prerogative, and 'the archbishops, bishops and all others that exercise any ecclesiastical jurisdiction within that our realm' were to ensure that the canons were duly observed. Canonical conformity was essential for preserving 'the peace of the church, the tranquility of the kingdom and their service and duty to us their king and sovereign'.⁸⁸ These were bold terms, considering that as far as his northern kingdom was concerned, the royal prerogative alone was no legal basis on which to implement even minor changes in ecclesiastical policy. The lack of preamble also indicates an absence of care in the way in which the canons, as an ecclesiastical policy, were presented by the king to his Scottish subjects.

From the opening lines, therefore, it was clear that the intention of the canons was a thorough reformation of the Scottish kirk, even though, as will be discussed, issues surrounding their enforcement and circulation meant that this intention never became a

⁸⁷ Morrill, 'Ecclesiastical imperialism', 232.

⁸⁸ Bray, *Anglican Canons*, 485-487; 553-557.

reality. Thirty-five objections to the canons were listed by John Row in his *History of the Kirk of Scotland* and although it is not clear whether these were written shortly after their publication, or later (it is known that he continued amending his work up until his death in 1651), these objections provide some useful insights into the attitude of orthodox Presbyterians to the canons.⁸⁹ Row's objections, although more than a little extreme in their specifics, can be broadly summarised into two main themes – first, that the canons sought to assert royal and episcopal control over the kirk, which has been discussed above; and secondly, that the ceremonies contained in them were popish. A glance at the chapter headings of the Scottish canons shows that a wide range of church activity was dealt with over and above the issue of royal control – the role of presbyters and deacons; residence and preaching; translation; ordination; sacraments; synods; divine service; baptisms, weddings and burials; curates, readers, and schoolmasters; clerical apparel; public fasts; tithes and churchlands; and ecclesiastical courts and censure. It would be impossible to scrutinise each individual canon but the general impression is one in which the Scottish canons were intended not only to change the organisation of the kirk, but the way in which ordinary men and women in Scotland lived their lives. The following paragraphs will consider the rites and ceremonies legitimised by the canons.

Only two of James VI's Five Articles of Perth found their way into the Scottish canons of 1636 in specific form – kneeling to receive communion and private baptism – both incorporated in Canon 6, 'Of the sacraments', and the requirement that communion must be received at Easter could also be interpreted as an indirect way of imposing the recognition of holy days (another of the Perth Articles). Private baptism addressed the practical difficulty of infant mortality, and sought to enable newborns to be baptised at home if they were too ill to be brought to church. This was a contentious issue, however, even though it addressed a genuine problem, and was seen as fostering 'the popish opinion of the necessitie of baptism, and also the celebration of it in privat corners as a witch's charme'.⁹⁰ Spottiswood was an upholder of the act of kneeling to receive communion – for instance, the church he built in his home parish of Dairsie,

⁸⁹ Row started his *Historie* in 1634, but added to it until his death in 1651, when his son John took over, so it is impossible to tell what was contemporary and what was amended after the event.

⁹⁰ Row, *Historie*, 393.

included an east end altar, complete with kneeling cushions - so this canon would have definitely had his approval.⁹¹ Kneeling to receive communion was dealt with in the following way -

that the holie sacrament of the Lord's
Supper bee receaved with the bowing of the
knee, to testifie the devotion of
thankfulnesse of the receavers for that most
excellent gift.⁹²

Irish Canon 18 prescribed something similar in 'that no minister when he celebrateth the communion shall unwittingly administer the same to any but such as kneel'.⁹³ This was not based on an English precedent, not being present in the English canons of 1604 and the 1640 canons were euphemistic about kneeling to receive, requiring only that 'all communicants with all humble reverence shall draw near and approach to the holy table'.⁹⁴ Given that 'humble reverence' is elsewhere used as a substitute for bowing, or the drawing down of one's body, the overall impression of all three sets of canons is the same – that communicants would no longer be seated at, around, on or even beneath, a communion table to receive.⁹⁵ It is clear that incorporating kneeling to receive, and other embellishments to the sacrament, into the Scottish canons was designed not only to put an end to all ambiguity, to call a halt to the 'culture of dissent' inspired by the Five Articles but to ensure that they became common practice. They also ensured that the focus of Scottish congregations moved from the nave or chancel to the east end towards the position where altars formerly stood.

Laud's direct input to the content of the canons was demonstrated above in relation to the two particular aspects of the canons – fasting (Canon 14) and the royal supremacy (Canon 8:4) – but other canons have all the hallmarks of his intervention and the location of the communion table was not only a pertinent example of this but was an

⁹¹ M. Ash, 'Dairsie and Archbishop Spottiswood', *Records of the Scottish Church History Society*, 19 (1976), 125-132; 131.

⁹² *Canons and Constitutions Ecclesiasticall*, 21.

⁹³ Bray, *Anglican Canons*, 496.

⁹⁴ *Ibid*, 570-1

⁹⁵ English canon 7:3 of 1640 explained that railing in addressed the 'irreverent' behaviour of many communicants. *ibid*, 570.

integral part of the shift towards a more ‘altar-centric’ approach. Key ceremonial elements of ‘Laudian’ ecclesiastical policy which were also being pursued in England are evident in the Scottish canons, although some of them were in modified form. The position of the communion table, a prominent feature of English ecclesiastical policy, took shape in Scottish Canon 16:3, which ordered that

a comelie and decent Table for celebrating
the holie communion shall bee placed at the
upper end of the chancell or church, which
in tyme of divine service shall bee covered
with a carpet of decent stuffe, and at the
tyme of ministration with a whyte linnen
cloath.⁹⁶

No mention, then, of whether the table should be east-west or north-south facing, or railed in, which would become enshrined in the English canons of 1640.⁹⁷ This suggests that the initial intention in Scotland was not of pure uniformity with England, but consistency of approach.⁹⁸ Alternatively, perhaps the east end position was intended as a precursor to later railing in? In either case, it is obvious that this canon proposed a profound change to the organisation of Scottish worship. Many Scottish congregations received communion on long trestle tables lengthwise in the nave, with a smaller trestle table placed crossways at the end from which the minister celebrated (but did not administer) the sacrament. At the time of communion, the minister would join the rest of the congregation at the table and the cup would be passed round from person to person, each person also taking their own bread from the basin. Practice varied across parishes, however, mainly because of widespread fear that any uniformity of the position of the table (particularly the small table placed crossways) might lead to the adoption of ‘English superstition’ in the form of an altar.⁹⁹ A similar practice was observed by Sir William Brereton, during his tour of Scotland in 1635, prior to the implementation of the canons. Brereton tells us that ‘when the sacrament of the Lord’s

⁹⁶ *Canons and Constitutions Ecclesiasticall*, 31.

⁹⁷ K. Fincham, ‘The restoration of the altars in the 1630s’, *Historical Journal*, 44 (2001), 919-940. Canon 7:3 of the Canons of 1640 required that ‘communion tables in all chancels or chapels be decently severed with rails’. Bray, *Anglican Canons*, 570.

⁹⁸ *WWL*, iii, 321.

⁹⁹ Todd, *The culture of Protestantism in Early Modern Scotland*, 102.

Supper is administered, a narrow table is placed in the middle aisle, the whole length of the aisle, about which most of the receivers sit, as in the Dutch and French churches'.¹⁰⁰

The use of a static communion table in the position of an altar would give rise to the same sorts of concerns as those raised in England – the minister being 'far remote fra the people, where they may mumble their Masse'.¹⁰¹ More importantly, it went hand in hand with kneeling to receive the sacrament – Scottish communicants were prohibited from sitting around a trestle table and this was meant to encourage kneeling to receive at the east end. The canons, therefore, were intended to end resistance to a policy which, as was shown in Chapter 1, was increasingly pushed by Charles from 1633 onwards and make it uniformly adopted across Scotland.

Further subtleties of emphasis are evident in each set of canons in relation to other facets of the communion and one further example will illustrate this point. The English canons of 1604 were silent on the nature of the communion cup or other communion paraphernalia. Irish canon 94 was very specific that a 'cup of silver for the celebration of communion' must be acquired by every church.¹⁰² Scottish canon 16:4, on the other hand, stipulated that 'Basons, Cuppes or Chalices of some pure Metall, shall also bee provided'.¹⁰³ This implies, although is not specific about, the use of silver. Although the use of silver communion plate was not unheard of – we know that Traquair acquired plate for the Chapel Royal at Holyrood on behalf of Laud in 1636, and there are one or two fine examples of silver communionware from the 1630s still extant today in the National Museum of Scotland – these are isolated cases and most congregations were familiar with the traditional cup or 'mazer' (rather like a beaker) which was passed around. The notion of a silver chalice was a very clerical one and had ceremonial overtones normally associated with popery. It is possibly for this reason that the specific word 'silver' was omitted from this canon, perhaps at the behest of one of the Scottish bishops, to make it less unpalatable.¹⁰⁴ However, whether oblique or direct,

¹⁰⁰ Brereton, *Travels in Holland*, 110. This practice was used in the 'College kirk' to which Brereton refers – probably Trinity College Kirk, Edinburgh, founded 1460 but destroyed in the late 19th century.

¹⁰¹ Row, *Historie*, 394.

¹⁰² Bray, *Anglican Canons*, 528. See also, McCafferty, *The Reconstruction of the Church of Ireland*, 98-99.

¹⁰³ *Canons and Constitutions Ecclesiasticall*, 32.

¹⁰⁴ Todd, *The Culture of Protestantism in Early Modern Scotland*, 101.

the overall impression was one in which the canons enhanced the importance of the sacrament of holy communion in Scottish worship.

At the beginning of this chapter, it was established that the conjoining of the canons with the liturgy is one of the reasons why the importance of the canons has been missed. This is not meant to imply that canons and liturgy were unrelated, however, or that the prayer book was a minor aspect of Caroline ecclesiastical reform. Indeed, to critics of the canons, one of their most alarming features was that they referred to a prayer book which was not yet in print. Four canons referred to liturgical matters – Canon 1:3, for example, endorsed the use of the ‘book of common prayer’ with the threat of excommunication to anyone who found ‘anie thing repugnant to the Scriptures’ in the book, or any other aspect of worship as set out in the canons.¹⁰⁵ This was rather like Charles asking his Scottish subjects to sign a blank cheque and it gave added weight to fears that there was something subversive about the prayer book. Clarendon thought it ‘strange, that canons should be publish’d before the liturgy was prepared (which was not ready in a year after, or thereabouts) when three or four of the canons were principally for the observation of, and punctual compliance with the liturgy’.¹⁰⁶ At the same time, Canon 1:3 threatened with excommunication anyone who declared that either the canons, liturgy or book of ordination contained ‘anie thing repugnant to the Scriptures’.¹⁰⁷ Since the prayer book was as yet unpublished, this was as controversial as the *et cetera* oath in the Canons of 1640 – it asked the king’s Scottish subjects to approve and conform to the orthodoxy of aspects of worship which had not yet been made public.

The liturgy was not the only book yet to be published which was given reference in the canons and this is another area of Caroline ecclesiastical policy in Scotland which has not received sufficient attention. The new Book of Canons and Service Book were also accompanied by a revised Book of Ordination and a Book of Psalms, referred to in Canon 2 (‘Of presbyters and deacons, their nomination, ordination, function and charge’) and Canon 16 (‘Of things pertaining to the church’) respectively. As very little

¹⁰⁵ *Canons and Constitutions Ecclesiasticall*, 8.

¹⁰⁶ Clarendon, *History*, i, 105.

¹⁰⁷ *Canons and Constitutions Ecclesiasticall*, 8.

is known about the ordinal and less about the psalter, it is necessary to sift through the remaining evidence to construct as full an account as possible, before considering their place in the canons. The earliest indication that plans were underway for a revised method of ordination is revealed in Charles' letters of May 1635 to the Scottish clergy and Privy Council, approving the canons and liturgy. In both letters, the king refers also to a 'forme and maner of consecrating bishops, presbyters and deacones' and also to 'the Psalmes in meter done by our dear father'. All four books were 'to be forthwith printed ... and generallie received and used' and the psalms were to be printed 'within' the liturgy, as in due course they would be.¹⁰⁸ Various primary references indicate that a new Book of Ordination was printed in the mid-1630s – Row, for instance, tells us that 'In the year 1636, the Bishops caused print a Book of Ordination' – but curiously, there is no record of it in either the Short Title Catalogue or in Aldis's *List of Books Printed Before 1701*, the principal source on the nascent Scottish book trade.¹⁰⁹ It was not just a figment of an overactive Presbyterian imagination, though, and it certainly did exist, because a book of ordination was condemned along with canons and liturgy at the Glasgow Assembly in December 1638.¹¹⁰ That its existence seems to have been something of a well kept secret is evident in a letter unearthed in the National Archives of Edinburgh. The letter, from Margaret, Countess of Argyll (wife of Archibald), imparts the latest news from the Glasgow Assembly, to a neighbouring laird and refers to the condemnation of the canons and liturgy and also to the book of ordination, which was 'not publickly knowen but of late'.¹¹¹

One of the reasons why the 1636 Book of Ordination is shrouded in mystery is that its predecessor, *The Forme and Maner of Ordaining Ministers. And consecrating of Archbishops and Bishops, used in the Church of Scotland*, published in Edinburgh in 1620, was equally obscure, neither widely used, nor widely circulated. Only one copy has survived, and there are very few contemporary citations of the 1620 Scottish ordinal in

¹⁰⁸ *Stirling's Register*, ii, 855. Charles I to 'the Clergie', May 1635. The only difference between this letter and the one to the Privy Council is that the Privy Council refers to the psalter being printed as part of the liturgy. Charles to the Privy Council, May 1635.

¹⁰⁹ Row, *Historie*, 391. Mullan, *Religious Controversy in Scotland*, 45, n.107.

¹¹⁰ Baillie, *L&J*, i, 248.

¹¹¹ NAS, GD112/39/67/21, Margaret Campbell, Countess of Argyll, to the Laird of Glenburquy, 7th December 1638.

use.¹¹² In fact, one of the only contemporary references to the 1620 Ordinal can be found in Laud's correspondence, in his letter to Wedderburn of 20th April 1636 in which he approved further changes to the liturgy and enclosed the king's warrant authorising them. Recently ordained as Bishop of Dunblane, Wedderburn had written to Laud asking for a copy of the English Book of Ordination and was clearly pushing for a revision of the 1620 Ordinal. Laud informed Wedderburn that:

I have acquainted his Majesty with the two great reasons that you gave, why the book which you had in King James's time is short and insufficient ... At which his Majesty was much troubled, as he had greates cause, and concerning which he hath commanded me to write, that either you do admit of our Book of Ordination, or else that you amend your own in these two gross oversights, or anything else, if in more it be to be corrected, and then see the book reprinted.¹¹³

The two 'gross oversights' raised by Wedderburn about the 1620 Ordinal were, according to Laud, that the 'order of deacons is but a lay office' and that 'in the admission to the priesthood, the very essential words of conferring orders are left out'.¹¹⁴ In Scotland, lay involvement in the church was a key feature of the way in which presbyterianism had manifested itself and divisions between clergy and laity were seen as crypto-popery – as Row stated, the words 'clergie' and 'laitie' were themselves considered popish.¹¹⁵ Scottish Canon 2 was concerned with the ordination of presbyters and deacons.¹¹⁶ Morrill has argued that the rules for ordination set down in the Scottish canons were 'much more respectful of Scottish traditions than English ones' but although Canon 2:7 paid lip service to Scottish traditions of ordination through the retained use of laying on of hands, the total absence of the role of lay elder,

¹¹² L. Mitchell, 'Episcopal Ordinations in the Church of Scotland, 1610-1688', *Historical Magazine of the Protestant Episcopal Church*, 31 (1962), 143-159; 151-2. The extant copy is held at the National Library of Scotland in Edinburgh. The RSTC reference for the 1620 Ordinal is RSTC 16605.

¹¹³ The English Book of Ordination to which Wedderburn was referring was probably *The Forme and Maner of Making and Consecrating Bishops, Priests and Deacons*, published in London in 1618. *WWL*, vi, 456. Laud to Wedderburn, 29th April 1636.

¹¹⁴ *ibid.*

¹¹⁵ Row, *Historie*, 394.

¹¹⁶ *Canons and Constitutions Ecclesiasticall*, 10.

a distinctive and important element in Scottish ordinations, effectively abolished this function of the lay eldership, which qualifies Morrill's view.¹¹⁷

The canons' assertion of the crown's right to determine the nature of Scottish worship was a matter of both style and content - not just in the way that the canons were implemented - but through what was contained within their pages, and this took many forms. Of particular consequence was the degree to which the canons sought to shake the foundations of presbyterianism by the power they invested in the bishops. The previous chapter showed that the growth of episcopal power had become a feature of the Scotland of Charles I and that this caused tensions in a system of presbyterian church government. This was not only preserved but fortified in the Scottish canons. Anyone reading the canons for the first time is struck by the frequency with which the word 'bishop' or 'archbishop' appears – in fact, twice as many references are made to bishops as to 'presbyters', and this reflects the canons' emphasis on episcopal authority.¹¹⁸ Added weight was given to the way in which the canons invested power in the episcopate because it was combined with a resounding silence on traditional features of the Scottish kirk, such as presbyteries, kirk sessions and general assemblies. For instance, the practice of excommunication was usually carried out within a presbytery, at the instigation of a kirk session.¹¹⁹ Under Canon 18.3, presbyters could not pronounce the sentence of excommunication upon a person 'till hee have showne the Processe to the Ordinarie and obtayned his Approbation under His Hand'.¹²⁰ Similarly, Canon 18, 'Of ecclesiasticall censure' makes no mention of the General Assembly and the references to 'ecclesiasticall judicatorie' used several times in this canon, certainly sounds more like the High Commission than the Assembly.¹²¹ Neither is there any mention of the important functions of the ruling elder, particularly in relation to ordination, lay involvement in which was a distinctive feature of the Scottish kirk. Less high profile but equally important functions, such as the role of kirk sessions in the distribution of alms, would now be carried out by the presbyter (Canon

¹¹⁷ Morrill, 'Ecclesiastical imperialism', 234.

¹¹⁸ The word 'bishop' or 'archbishop' occurs 68 times and 'presbyter' 34 times.

¹¹⁹ Todd, *The Culture of Protestantism in Early Modern Scotland*, 12.

¹²⁰ *Canons and Constitutions Ecclesiasticall*, 38.

¹²¹ *ibid*, 37.

16.6).¹²² Lip service was paid to the notion of ‘assemblies’ of clergy, but in the form of diocesan synods, to be called bi-annually by the bishop of each diocese and the king could summon a national synod, but any other ‘conventicles’, possibly a reference to presbyteries, were prohibited on pain of suspension or excommunication (Canon 8, ‘Of synods’). In spite of this, the omission of these most recognisable features of kirk government from the canons certainly implies that they were being phased out.

It has been shown that the sacrament was a central element of the ‘Laudian style’ of worship and that its concomitant diminution in the significance of preaching represented an onslaught to the word-centred nature of reformed protestant piety.¹²³ In England, this manifested itself in measures designed to restrict preaching only to those aspects necessary to inform parochial congregations well enough to pray properly. The Scottish canons resonate with this approach in Canon 3.7 which restricted any form of preaching which might ‘impugn or confute the Doctrine delivered by anie other preacher in the same Church or in anie other Church nigh adjoyning’ to avoid ‘publike dissenting and contradicting’.¹²⁴ The control and restriction of preaching were made more ominous by the fact that preachers were prohibited from speaking ‘in sermons ... agaynst his Majesties Lawes, Statutes, Acts or Ordinances’ and if in doubt, the bishop would be brought in to clarify the situation.¹²⁵

Although the impression given in this chapter is that the Scottish canons were an overt instrument of royal authority designed to bring the Scottish church under the thumb of the crown, one or two canons not only allude to the input of Scottish bishops in the process of drafting the canons, but also represent triumphs for them, albeit qualified triumphs. Canon 15, ‘Of decencie in Apparell, enjoyned to Persons Ecclesiasticall’ is a pertinent example which will be used to demonstrate this argument.¹²⁶ As discussed in Chapter 2, the issue of clerical dress was an important one, and one which perhaps has not received the degree of attention in historiography which it deserves. Ensuring that clerics, and particularly members of the episcopate, were dressed in reverent and

¹²² *Canons and Constitutions Ecclesiasticall*, 32.

¹²³ Lake, ‘The Laudian Style’, in Fincham (ed), *The Early Stuart Church*, 161-185.

¹²⁴ *Canons and Constitutions Ecclesiasticall*, 13.

¹²⁵ *ibid*, 14.

¹²⁶ *ibid*, 30.

distinctive clothing was an issue close to the hearts of both Charles and Laud in Scotland, although it was less of a priority in the Irish church, clerical apparel receiving no mention in the 1634 canons. Given the lengths to which Charles went to ensure the passage through parliament of the 1633 'act of prerogative in the apparel of kirkmen', it is very surprising to find, that Scottish Canon 15 was ambiguous about clerical vestments. The first part of the Canon which stipulated that 'decent forme of Apparell' should be worn by everyone from Archbishops, down to Bachelors of Arts within universities, is in the spirit of the king's October 1633 instructions concerning clerical apparel, although unlike the royal instructions, the canon made no specific reference to the wearing of whites.¹²⁷ The October 1633 instructions were very precise about who should wear what and when, but no details of specific clerical dress codes were contained in Canon 15. This is in marked contrast to English canon 74 of 1604, which, like the king's instructions of October, listed various modes of attire, including 'gowns with standing collars ... sleeves strait at the hands ... hoods and tippetts of silk'.¹²⁸ More intriguingly, if the first part of the canon resonated with, although was not specific about the royal instructions, the second part of the Canon was even more contradictory, by ordering that all degrees of clergy should 'abstayne from all light and new-fangled Garmentes, eyther in colour or fashion, no wayes beseeming the gravities of their persons and Places'.¹²⁹ If looking for signs of Laud in the canons, this certainly evokes his strident attitude to clerical dress in England where on his visitation at Colchester in 1631, he 'inveighed against the ministry, that they must have their plush and satin and their silken cassocks'.¹³⁰

However, the absence of specific reference to whites in Canon 15 is problematic and when combined with the second clause, it could equally be interpreted as a rejection of the wearing of whites, since they were seen by critics as both 'light' and 'new-fangled'. As such, it could have been an attempt to douse the flames ignited by Charles in 1633 and restore an established feature of Scottish religion. Sadly, there is no way of knowing who suggested the inclusion of what appears, in this light, to be a clever

¹²⁷ *ibid*, 31.

¹²⁸ Bray, *Anglican Canons*, 367.

¹²⁹ *Canons and Constitutions Ecclesiasticall*, 31.

¹³⁰ Winthrop Papers, Volume III 1631-1637 (Massachusetts Historical Society, 1943), 58. Henry Jacie to John Winthrop Jr, 9 January 1632. I owe this reference to Professor Kenneth Fincham.

compromise. Certainly, both Maxwell and Spottiswood appeared at the coronation in ‘whyt rochetis and whyt sleives and loops of gold, haveing blue silk to their foot’ but they would have been equally aware of the difficulty and controversy involved in requiring all clergy to wear whites on prescribed occasions.¹³¹ Perhaps the first section was in the draft seen by Laud, and the second section was added later once the draft had returned to Spottiswood? This is a plausible hypothesis but little more than speculation. Less speculative is the fact that in this particular case, a Scottish tradition was retained within the Canons and in so doing, one aspect of Anglicisation was resisted. This canon also suggests that Laud may not have been the only one making amendments to the canons after they had been approved by Charles.

Thus far, this chapter has demonstrated that the 1636 canons represented sweeping changes to the nature of worship in Scotland, and threatened to overthrow the form and structure of presbyterian kirk government. This threat would only become reality, however, if the canons were widely enforced. Having analysed the canons in detail, it is obvious that where the canons posed the greatest threat to the kirk – in omitting the role of kirk session, presbytery and General Assembly, while empowering the bishops – was also the source of their greatest weakness. Traditionally, discipline was administered by kirk sessions, and a variety of issues were handled at session level, including non-observance of the sabbath, drunkenness, blasphemy, and failure to communicate, particular cases only making their way to General Assemblies if they proved difficult to resolve. Very occasionally, a kirk session would refer a matter to their bishop.¹³² The following sentence in the preamble to the canons indicates a general instruction by the king that canons should be duly observed by ‘all archbishops, bishops and all others that exercise any ecclesiastical jurisdiction within that our realm’.¹³³ Superficially, this implies continuity with the status quo. But since the canons did not acknowledge the role of the kirk sessions in the administration of discipline, and neither did they contain any viable or acceptable alternative mechanism for implementing discipline – although alluded to, the High Commission was not specifically mentioned in the Scottish canons – they were effectively unenforceable.

¹³¹ Spalding, *Memorialls of the Troubles*, 23.

¹³² Foster, *Church before the Covenants*, 78.

¹³³ *Canons and Constitutions Ecclesiasticall*, 6.

Certainly, using the bishops to enforce the canons, either within or independently of the High Commission, would have been difficult to administer, as well as highly unpopular.

Laud himself was keen to see the Scottish canons adhered to, as shown in a high profile example of long-distance enforcement of kneeling to receive communion. In the diary of Sir Thomas Hope, Lord Advocate of Scotland, in May 1637, Hope recorded receipt of reproving ‘letters from the Archbishop of Canterburie, complaining of my going to Pencaitland’.¹³⁴ Laud had been informed, from an unidentified source, that while in Pencaitland, Hope had received communion according to traditional forms – sat on benches (or forms), on either side of the communion table, with each communicant taking their own bread from the basin, and passing the communion cup around the table from person to person.¹³⁵ This was in direct contravention of kneeling to receive from a minister, as stipulated in Canon 6.6. Unfortunately, Laud’s letter to Hope has not survived and it is only through references in Hope’s *Diary* that we know anything about it at all. If by May 1637, Laud was writing to enforce the application of specific canons, as the example of Sir Thomas Hope illustrates, this strongly suggests that the diocesan bishop himself was not actively enforcing this particular canon. This is one, of several possible explanations, why the canons, despite their content, appear to have failed to make an impact in the period from their publication in January 1636, at least until July 1637, when, as one historian has put it, they were ‘opportunistically assimilated to justify the claim that the service book entailed a fundamental shift in favour of unfettered episcopacy’.¹³⁶

On 17th February 1636, William Juxon, Bishop of London, wrote to John Maxwell, Bishop of Ross, to thank him for sending a copy of the newly printed canons. In his letter, Juxon anticipated that the canons would not be well received, predicting that they would make ‘more noise then all the Canons in Edinburgh Castle’, although he went on to add that ‘when men’s eares have beene used awhile to the sound of them, they will ...

¹³⁴ Thomson, *Hope’s Diary of Public Correspondence*, 61. The identity of the informant of Hope’s actions is a matter of conjecture – it may have been Spottiswood, or Traquair.

¹³⁵ Todd, *The Culture of Protestantism in Early Modern Scotland*, 102-3.

¹³⁶ MacInnes, *Covenanting Movement*, 161.

perchance find them as usefull for the preservation of the Church'.¹³⁷ Juxon's prediction was well founded – he knew the content of the book, having been involved in drafting it and was very aware that it was a controversial measure - but contrary to what he feared, the aftermath of the canons' publication in January 1636 produced little reaction. The public reaction to the Scottish liturgy, when it was first read in July 1637, is well known – stools were thrown, bishops were attacked and the riots which followed heralded the start of a slow deterioration of order across all three of Charles I's kingdoms and it was only at this point that significant opposition to the canons started to erupt, when they were appended to the liturgy to give maximum impetus to resist. The initially muted response to the canons gives rise to an important question – how widely were they circulated?

Responsibility for circulating copies of the newly printed canons of January 1636 was given to John Maxwell, Bishop of Ross. We know this because it was he who sent Stirling and Juxon their own copies on 6th February, and although the letters have not survived, he also sent one each to Laud and Charles.¹³⁸ There is no formal record of how many copies were printed – the Aldis catalogue of books printed in Scotland before 1700, the main bibliographic source for the early modern period, does not include details of original print runs and enquiries at both the British Library in London and the National Library of Scotland in Edinburgh have revealed that this information is not known.¹³⁹ The Short Title Catalogue tells us that there are seventeen printed copies extant in Britain and North America.¹⁴⁰ Since Maxwell sent at least four copies to court in February 1636, and as each of the fourteen Scottish bishops probably had a copy of their own, this leads to some speculation that the original print run was indeed small, possibly close to the number of copies still extant today. It is certainly the case that very little is known about how the canons were meant to be circulated and there is nothing within their pages to help clarify this. On 17th February, in his letter of thanks for sending the canons, the Earl of Stirling informed Maxwell that:

¹³⁷ Baillie, *L&J*, i, 439. Juxon to Maxwell of Ross, 17th February 1636.

¹³⁸ *ibid.* See also, Stirling to Maxwell of Ross, 17th February 1636. Stirling's letter reveals that Laud and Charles had their own copies.

¹³⁹ This information is not included in Aldis's list of Books printed in Scotland. H Aldis (ed), *A List of Books Printed in Scotland Before 1700* (Edinburgh, 1904).

¹⁴⁰ RSTC Reference 22055.

Since the writeing hereof, I receaved a letter from my Lord of Canterbury, signifying his Maties pleasure for two letters that should be drawn up for his hand, concerning the authoriseing of the Booke of Cannons, which God willing, shall come home with the next packett.¹⁴¹

The king's original letter of May 1635 to the clergy, authorising the printing of canons, instructed the clergy to print the canons (together with the liturgy, psalter and ordinal) 'in such volumes as yow shall think most fitt for the service of the Church', but gave no specific instructions about numbers.¹⁴² The letters mentioned by Stirling probably set out further instructions for the circulation of the canons among the clergy, rather like the instructions issued following the printing of the prayer book in April 1637, but sadly, they do not appear to have survived.¹⁴³ After the liturgy had been printed, every church was expected to obtain two copies.¹⁴⁴ It is reasonably safe to conclude that the canons were not as widely circulated as the prayer book, the broader circulation of which is reflected in the fact that seventy-two copies of the 1637 prayer book have survived to this day.¹⁴⁵ If the Scottish canons of 1636 were genuinely seen by a restricted audience, this does help to explain why the reaction to the canons was muted in comparison with the furore provoked by the liturgy.

No historian of Laud, or the Caroline regime in Scotland, has considered the significance of the decision to print the Scottish canons in Aberdeen, but pondering on this has revealed some new insights into who was responsible for bringing the canons to press. The decision to publish the canons in Aberdeen was probably taken by John Maxwell of Ross, and he entrusted the administration of it to Dr Robert Baron, Professor of Divinity at Marischal College, Aberdeen, one of the six 'Aberdeen Doctors' who have gained a reputation for Arminianism and who defended royal policy

¹⁴¹ Baillie, *L&J*, i, 439. Stirling to Maxwell, 17th February 1636.

¹⁴² *Stirling's Register*, ii, 855.

¹⁴³ Volume II of Stirling's Register only covers the period until 24th June 1635.

¹⁴⁴ Baillie, *L&J*, i, 442. David Lindsay, Bishop of Edinburgh, to the Dalkeith Presbytery, 28th April 1637.

¹⁴⁵ RSTC Reference 16606.

during the Glasgow Assembly in November 1638.¹⁴⁶ The strength of the opposition after July 1637 conceals the fact that there were *loci* of support for Caroline policy in Scotland, one of which was Aberdeen where, for instance, the Five Articles of Perth were widely accepted and practised and where support for royal policy manifested itself in other projects. Examples of this include William Guild's funding of a large restoration project at Greyfriars Kirk, Aberdeen, from 1633 to 1635, which included new stained glass, a visual manifestation of the city's prevailing ideology.¹⁴⁷ As such, the city was naturally a more fertile breeding ground for Caroline ecclesiastical policy than Edinburgh, where many radical thinkers such as Calderwood and Baillie had their intellectual roots. Was it possible that this might have been in the back of Ross's mind when he chose Aberdeen to launch the canons off the press? Turning this argument on its head, however, reveals its limitations because after all, the prayer book was published in Edinburgh by the king's official printer, Robert Yonge.¹⁴⁸ If Aberdeen was such a favourable place in which to print material relating to controversial crown policies, this inevitably leads us to wonder why the prayer book was not printed there as well.

Maxwell of Ross might also have considered issues of geography (Aberdeen was nearer to the see of Ross than it was to Edinburgh, although it was not close), but the choice of Baron to handle the canons comes as no surprise for other reasons. Baron was a widely respected theologian, whose work was appreciated for its scholarly quality even by those who disagreed with his religious views.¹⁴⁹ According to James Gordon, Parson of Rothiemay in Aberdeenshire, writing in the 1650s, Baron had already been dead a year

¹⁴⁶ The other 'doctors' were John Forbes of Corse, James Sibbald, William Leslie, Alexander Scrogie, and William Guild.

¹⁴⁷ Robert Baron was minister at Greyfriars, Edinburgh from October 1624 until 1631. H. Scott (ed), *Fasti Ecclesiae Scoticae - The Succession of Ministers in the Church of Scotland from the Reformation*, Vol 6 (Edinburgh, 1926), 316.

¹⁴⁸ *WWL*, vi, 434. Laud to Ross, 19th September 1635. Yonge sub-contracted the printing of the liturgy to the Edinburgh 'branch' of his printing business. Stirling had little time for him, and described him as the greatest knave that ever I dealt with'. Equally, Stirling was not particularly impressed with Raban either, and noticed 'some erroures in the printer, by mistakeing or renversing of letters' in his own personal copy of the book of canons. Baillie, *L&J*, i, 439. Stirling to Ross, 17th February 1636.

¹⁴⁹ Baillie described him as 'ane ornament of our nation'. Baillie, *L&J*, i, 248

when in 1640, his papers were searched by order of the Aberdeen Assembly, his widow was imprisoned and instructed to hand over ‘the key of her husbands librarye, that it might be searched for manuscriptts and letters’. Baron’s collusion in the canons emerged during the search, which revealed letters ‘wryttne by the bishopp of Rosse, concerninge the printing of the Booke of Canons, and a timber peece of *tailly du pierre*, whereupon was cut the Kings armes, to be printed into the frontispiece of that booke’.

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This description corresponds exactly with the frontispiece on a surviving printed copy of the canons. Spalding’s account of the ransack of Baron’s library tells how the search also revealed ‘a missive letter direct be the Archbishop of Canterbury to the said .. doctor Barron , promiseing reward, and withall willing them to cause Raban to imprint [the canons]’.¹⁵¹ If this letter ever existed, it has no longer survived and Baron’s extant papers are in poor condition and contain no personal or official correspondence.¹⁵² The raid on Baron’s library led the Assembly’s representatives directly to Edward Raban, the printer, whose papers were also searched, although ‘because they could not formally challendge him for printing the bishoppes canons, therefor it was objected that he had manked ane common prayer in a new editione of the psalm booke, which some years before he had printed’.¹⁵³

Laud’s attempt to enlist Wentworth’s support to secure a living in Ireland for Dr Robert Baron in mid 1638 was almost certainly Baron’s ‘reward’, alluded to by Spalding, for his help in securing publication of the canons, as there is nothing else to link him to Laud at this point.¹⁵⁴ The printer – one Edward Raban, ‘dwelling upon the Market Place, at the Armes of the Citie’ – was almost certainly chosen by Baron. Raban had the necessary credentials for printing the canons.¹⁵⁵ Born in England, on arrival in Scotland in 1620, Baron became the official for the University of St Andrews, and was

¹⁵⁰ Gordon, *History of Scots Affairs*, iii, 237-8

¹⁵¹ Spalding, *Memorialls of the Troubles*, i, 234.

¹⁵² Two volumes of Baron’s theological debates, (in Latin) written in 1639, have survived. New College, Edinburgh, MS Baro.

¹⁵³ Gordon, *History of Scots Affairs*, iii 235.

¹⁵⁴ It is possible that Baron sent Laud a copy of his pamphlet defending the Service Book. Row, *Historie*, 489.

¹⁵⁵ *WWL*, v, 583.

well known to Spottiswood. When Raban moved to Aberdeen in 1622, he became the 'semi-official' printer for King's and Marischal colleges in Aberdeen, the home of the Aberdeen doctors and this established his reputation as a handler of conservative intellectual material.¹⁵⁶ The list of books published by Raban features work by nearly all the Aberdeen doctors – Robert Baron's *Positiones* (1620) and *Theses Theologicae* (1630); Alexander Scrogie's *Theses Theologicae* (1629); Alexander Craig's *Pilgrime and Heremite* (1631); John Forbes's *Irenicum Amatoribus Veritatis et Pacis In Ecclesia Scoticana* (1636); as well as versions of psalms, both with and without music.¹⁵⁷ From 1638, Raban's press was the source of much printed opposition to the Covenanters, including the king's proclamation against the General Assembly in late 1638 and the *Declinator and Protestation of the Archbishops and Bishops of the Church of Scotland* (1639).¹⁵⁸ Raban was the logical choice for printing the book of canons because he was local to Aberdeen where the bulk of the canons were drafted, and he had the added advantage of being familiar with handling conservative intellectual and theological material.

Despite its limited circulation, it would be wrong to imply that the existence of the book of canons remained secret to all but the inner circle of the episcopate until July 1637. It must have had some form of circulation or been known about in a wider context if only because one high profile opponent of ecclesiastical reform, Samuel Rutherford, published a treatise against the canons in late 1636. The treatise, entitled 'Ane discussing of some arguments against cannons and ceremonies in God's worships', was a theological debate constructed between Rutherford and Thomas Sydserf, who as Bishop of Galloway had secured Rutherford's banishment to Aberdeen through the Edinburgh High Commission earlier that year.¹⁵⁹ Rutherford was chiefly concerned with the biblical rejection of rites and ceremonies, whereas Baillie's representation of Sydserf's response was a caricatured justification of royal supremacy – 'thinke ye not the will of a holy prince and lawfull authority that is to be obeyed

¹⁵⁶ DesBrisay, "'The Civill Wars Did Overrun All'", 256.

¹⁵⁷ J. Edmond, *A Handlist of Books printed at Aberdeen or By Aberdeen Printers 1620-1736* (Aberdeen, 1884), 3; J. Edmond, *The Aberdeen Printers 1620-1736, Part I 1620-1638* (Aberdeen, 1884), 56-64.

¹⁵⁸ J. Edmond, *The Aberdeen Printers 1620-1736 Part II, 1638-1682*, (Aberdeen, 1884), 67-69.

¹⁵⁹ NLS, MS 19548. Mullan, *Religious Controversy in Scotland*, 82-99.

giveth ane necessity to our ceremonies?'.¹⁶⁰ The fact that Rutherford wrote his treatise after arriving in Aberdeen in September 1636 suggests that the canons were certainly public knowledge in the city itself by this time. There is also some evidence that the book was printed and circulated more widely, since in January 1637, Robert Baillie had clearly seen and read Rutherford's pamphlet in Edinburgh and it was 'goeing athort our people'.¹⁶¹ It would be several more months, however, before any more significant manifestations of opposition to the canons were given formal expression.

This is an appropriate point on which to bring this chapter to a close and to summarise the main arguments made in the pages above. There was a dual purpose behind this case study of the Scottish canons. One was to set out a detailed chronology of the drafting of the canons, and to look at Laud's role in this process. The second, although not secondary, purpose was to throw light on the canons themselves, since they seem to have existed in historiography very much in the shadow of the liturgy, and to use them as a guide to the priorities of Charles with regard to the Scottish church.

Extracting the chronology of the drafting of the canons from that of the liturgy could be considered a superficial exercise, since the two measures were so closely interrelated. However, it has enabled the canons to be considered for what they were – an important component of Caroline ecclesiastical policy in their own right - and although they necessarily enforced use of the liturgy, they were an independent prerogative measure in themselves, as this chapter has demonstrated.

The Scottish canons provide a new and interesting case study of the working partnership between Charles I and William Laud. The royal warrant of May 1635 authorising the canons has been central to this discussion. Far from being an accident, the decision to issue the warrant before the canons were finalised demonstrates clearly Charles's confidence in Laud's capabilities as ecclesiastical adviser, and his willingness to allow Laud to apply the finishing gloss to the raw frame of royal policy, even if this gloss went considerably further towards assaulting Scottish practice than the king even realised. This is perhaps the key to understanding the relationship between them. It

¹⁶⁰ *ibid*, 86.

¹⁶¹ Baillie, *L&J*, i, 9.

does also explain why Laud, not just in Scotland but elsewhere, seemed so often at pains to ensure that he had royal approval for policies, and to stress that he was acting at the king's command. It is the classic sign of a guilty conscience – if he had nothing to worry about, he would not have needed to do it - and the canons exemplify this aspect of their partnership.

The particular emphasis in the canons was on the king's supremacy over the church, both in the manner of the canons' introduction and throughout their pages. The attempt to impose royal control over the Scottish kirk could be interpreted as a sign that the canons were an instrument of anglicisation and while it is undoubtedly true that the canons sought to bring the relationship between kirk and crown much closer to the relationship between the English church and crown, naked anglicisation does not really capture the essence of the canons. The king's own viewpoint, something which seems to have been overlooked in relation to the canons, is important here. When addressing Spottiswood in October 1634, Charles revealed his own view of why the canons were necessary when he described them as 'ane soverane help to avoyd confusions'.¹⁶² This shows that where the canons were concerned, he was definitely thinking about order (the word confusion being substituted for disorder in the early seventeenth century), and he was also thinking about the dual monarchy. Wanting to eradicate the most 'confusing' aspects of Scottish religion, such as kirk sessions and presbyteries, is a better way of explaining what the canons represented, than Anglicisation, although it does not make them less controversial or unacceptable. Anglicisation also implies a fixed agenda and preconceived ideas and while the royal supremacy was undoubtedly indicative of both of these, the process of drafting the canons was a very organic one. For instance, Laud ordered Spottiswood to insert what became canon 14 at a relatively late stage, in response to particular problems reported back to him from a specific Scottish diocese. This leads to the hypothesis that if those reports had not reached Laud's ears, this particular canon may not have made its way into the book. It also presents another weakness in the argument for Anglicisation because it overlooks the reality of the context in which the canons were being written and that their preparation was a 'live' process.

¹⁶² *Stirling's Register*, ii, 797. Charles I to Spottiswood, 20th October 1634.

The nature of the drafting process also explains why the canons should not be seen as an overarching manifesto of Caroline ecclesiastical policy in Scotland. Certain features were clearly a priority – the royal supremacy being perhaps the key – but it is important not to forget that the drafting process also enabled the Scottish bishops to exercise some degree of control over the future direction of their own church. Although, naturally, none of them would have dared to question the king's interpretation of his supreme authority, and to go through the canons inserting references to kirk sessions and presbyteries would have been equally contentious. However, the ambiguity of Canon 15 concerning clerical apparel supports the hypothesis that the Scottish bishops may have been able to give the canons their own emphasis. It has been shown that this canon was certainly evocative of Scottish input, since its vagueness represents a nullification of the king's directive on clerical dress of October 1633, which had proved so contentious. And while Spottiswood may have been happy to wear whites at the king's coronation, he understood that for the majority of his brethren, this was a step too far. This example reinforces the notion that there was considerable fluidity in the evolution of the canons.

This study of the canons has demonstrated that Laud knew the controversial nature of what was being attempted and that the policies were a high risk strategy that would have a big impact.¹⁶³ However, as he wrote to Wentworth in December 1633, some three years before the canons were printed, 'having travailed a great way this last Summer, none of ye Bagpipes in the North could alter me or my pipe.'¹⁶⁴ This is an unambiguous expression that no matter how much the Scots opposed innovations in religion, nothing would prevent Laud from continuing along that course. It also confirms that one reason for the eventual and dramatic failure of Caroline ecclesiastical policy in Scotland was not a lack of understanding, or 'ignorance' on the part of the king and archbishop. It was the lack of consideration for Scottish customs, practice and history with which it was pursued – Canon 14 on fasting being a classic example of this. It was this same viewpoint which gave rise to the comment by Laud, made in his letter to Spottiswood in December 1635, that the Scottish church was 'defective'

¹⁶³ See also Russell, *Causes of the English Civil War*, 112.

¹⁶⁴ Str. P. 6/16. Laud to Wentworth, 22nd December 1633.

because it featured many ‘unwarrantable customs unknown to, or opposed by the ancient Church of Christ’.¹⁶⁵

Finally, it has been shown that reliance on episcopal power in order to enforce the canons was their fundamental weakness because it ensured that they would not only be unpopular, but largely unenforceable and that their non-enforcement and limited circulation were also influenced by the choice of Aberdeen as the place of their publication. The importance of Aberdeen as a centre of conservative academic and theological thought is already known, but this study of the canons had shed light on previously hidden associations between this significant aspect of ecclesiastical policy and the conservative, royalist city. It is worth noting that while opposition to the crown’s religious policy found fertile ground in Edinburgh and beyond in the months following the first public use of the liturgy in July 1637, it did not flourish so well in Aberdeen where, for instance, subscriptions to the Covenant were fewer and undertaken more reluctantly than elsewhere. Although overshadowed by the liturgy in historiography, the Scottish canons nevertheless gave crown opponents more fuel to their fire as the troubles escalated in 1638. Chapter 4 will now explore the period after the Covenant was drawn up in February 1638, using Laud’s correspondence with James, Marquis of Hamilton, as a new perspective on the archbishop and his status as king’s ecclesiastical adviser during the Covenanting crisis.

¹⁶⁵ *WWL*, vi. 443. Laud to Spottiswood, 1st December 1635.

Chapter 4

Laud and the Scottish Crisis, 1638 - 9

This chapter will examine Laud's printed letters together with unpublished correspondence between Laud and James, 3rd Marquis of Hamilton held in the National Archives of Scotland, to compile a fuller account of his contribution to the negotiations between crown and Covenanters in the prelude to the Glasgow Assembly in November 1638 than has previously been given consideration. This correspondence indicates that Laud was closely engaged with the handling of the Scottish crisis, certainly from mid-1638 until the end of that year and that although Charles may have chosen at times to exclude him from his negotiations, he was an integral link between Charles and Hamilton during this crucial period. This supports the view that Laud had a greater level of input to aspects of Scottish policy beyond the church from after the Edinburgh riots than is apparent from current scholarship and challenges the theme in historiography that by 1638, Laud's power and position at court were already slipping.

Surprisingly, neither of Laud's biographers has pursued Laud's role as Charles's chief adviser for Scottish ecclesiastical affairs much beyond 1637. Trevor-Roper sees late 1636 as the 'zenith of Laud's career' and more or less dismisses anything from this point onwards as a precursor to the archbishop's downfall.¹ Carlton takes a similarly damning view of the archbishop's 'waning influence', especially from 1638.² Even those who are not principally concerned with all things Scottish have detected signs that Laud's hold on the king's counsel was weakening from 1637.³ More recently, Sarah Poynting's essay on Charles I's correspondence during the personal rule has suggested a close 'triangular working group' between Charles, Laud and Hamilton during the

¹ Trevor-Roper, *Archbishop Laud*, 295.

² Carlton, *Archbishop William Laud*, 166-7.

³ For instance, Antony Milton suggests that 'historians are increasingly detecting a slippage in Laud's security and authority over the king from the mid 1630s onwards and especially after 1637, along with the new prominence in Charles' counsels of men such as the earl of Holland, who agitated for a more militant anti-Spanish foreign policy,' in A. Milton, ' "That Sacred Oratory": Religion and the Chapel Royal during the Personal Rule of Charles I' in A. Ashbee (ed), *William Lawes (1602-1645) Essays on his Life, Times and Work* (London, 1998), 69-96; 79.

Scottish crisis which has lain previously undetected.⁴ Peter Donald's detailed study of the escalating troubles from 1637 until 1641, and the efforts of the king's leading counsellors to reduce the damage remains a formidable account of this period, and references to some of the Hamilton letters to Laud in his footnotes demonstrate that they were included in his extensive research. However, and understandably, the emphasis in Donald's work was on the king, his actions and an assessment of his responsiveness to counsel rather than on producing a close-up view of Laud's attitude, behaviour and possible input.⁵

In order to study this phase of Laud's career in detail, it will be helpful to break it down into two sections, which fit neatly into the chronology of the Scottish crisis but which are also linked to the availability and volume of extant sources. The first part of this chapter will consider the period from July 1637 to February 1638, that is from the Prayer Book riots until the signing of the Scottish National Covenant. The surviving material covering the period between late 1637 and mid 1638 is extremely limited, amounting to little more than a handful of letters, most of which were written in the summer of 1637. This section will, therefore, be brief but it will provide the framework for Laud's involvement in the unfolding crisis in Scotland from spring 1638 onwards, which will be discussed in the second part of this chapter.

Since the bulk of this chapter is concerned with Laud's role in the fallout from the introduction of the Scottish Prayer Book, it is important to summarise his contribution to the preparation of the liturgy, to put this chapter into context. It is not the intention of this exercise to revise current thinking on the drafting of the book, nor to repeat any of the material in the previous chapter, but to sketch Laud's interest in the Scottish liturgy prior to July 1637, as the background to what follows.⁶

The chronology of the drafting and implementation of the Scottish liturgy is well-known. Back in October 1633, Charles had issued articles or instructions for his

⁴ S. Poynting, 'From his Matie to me in his awin hand': the King's correspondence during the period of personal rule', in I. Atherton & J. Sanders (eds), *The 1630s: Interdisciplinary essays on culture and politics in the Caroline era*, (Manchester, 2006), 74-91, 85.

⁵ Donald, *An Uncounselled King*, esp 92-96.

⁶ Donaldson, *Making of the Scottish Prayer Book*.

Scottish Chapel Royal to Adam Bellenden, Bishop of Dunblane and Dean of the Royal Chapels at Holyrood and Stirling. These articles included a provision for 'prayers twice a day with the quire as well in our absence as otherwise, according to the English Liturgie, till some course be taken for making one, that may fit the custom and constitution of that church.'⁷ Within the king's instructions were orders that 'the Lords of Our Privy Council, the Lords of the Sessions, the Advocates, Clerks, Writers to the Signet, and Members of our College of Justice'⁸ received Holy Communion (on their knees) at least once a year in one of the royal chapels. The Privy Council was expected to circulate the articles for the Chapel Royal 'by publick proclamation or otherways, as they sould think fit'.⁹ Because the instructions contained a statement that a Scottish liturgy was underway, the public proclamation of them would have alerted the wider population that liturgical change was afoot.

Whether it was to avoid a public outcry, or simply because they had no intention of observing the king's articles, the evidence suggests that Charles' October instructions were never made public by the Privy Council, because in May 1634, the king saw the need to reinvigorate his instructions for the Chapel Royal, with a further warrant to the Privy Council and Lords of Session in Edinburgh. In this second warrant, they were now ordered to celebrate communion in the chapel royal on the first Sunday in July and December. The purpose of this second warrant was 'that others, by your example, may learn to observe the laudable order [ie the sacrament of Communion] in the case prescribed'. Charles's authoritarian tone in this second warrant implies that his initial instructions had not been observed. He told the Lords of Council and Session that 'wee will not suffer you ..., who should precede others by your good example, to be leaders of our other subjects to contemn and disobey the orders of the Church'.¹⁰ It is no coincidence that the week before Charles wrote in such brisk terms to his council and judges about the practice of Holy Communion (and observance of the English Service there), Laud had written to Adam Bellenden, conveying the King's displeasure that he

⁷ Baillie, *L&J*, i, 422.

⁸ *ibid*, 423.

⁹ *ibid*.

¹⁰ *ibid*. Charles I to the Lords of Council and Session in Scotland, 13th May 1634.

had 'omitted prayers in his Chapel Royal, according to the English liturgy, with some omissions there which pleased him not'.¹¹

We know from Laud's correspondence that negotiations for the prayer book were underway in 1634 and 1635 at the same time as the canons, and the same small clique of Scottish bishops – Maxwell of Ross, Wedderburn of Dunblane, and Spottiswood – worked with Laud, Matthew Wren (bishop of Norwich), Juxon, and to a lesser extent Cosin, to make the required amendments to the English liturgy to make it suitable for Scottish use.¹² Laud supervised the project at the king's command. Three other Scottish prelates – the Bishops of Edinburgh (David Lindsay), Brechin (Thomas Sydserf) and Moray (John Guthrie) had some input into the process.¹³ In short, those involved in drafting the book were those bishops most closely associated with the English court and already marked for their adherence to ceremonialism and crypto-popery.

In the previous chapter, it was shown that neither General Assembly nor Privy Council in Scotland were consulted over the Book of Canons and the same applies to the process of drafting the Prayer Book. Pending the printing of the Scottish version, the use of the English liturgy continued to be pressed in university churches and chapels royal. No further formal pronouncements were made about the preparations for a Scottish liturgy until 18 October 1636, when Charles instructed the Privy Council in Edinburgh to issue a proclamation on his behalf that 'all his Majesties subjects, both ecclesiasticall and civill, ... conforme themselffs to the said publict Forme, quilk is the onlie form quhilk his Majestie (having takin the Counsell of his Clergie) thinkes fitt to be used in Gods publict worship heir'.¹⁴ At this stage, he was asking them to indicate their support for a book which they had not yet seen. The proclamation was issued in December at the Market Cross in Edinburgh, ordering as Charles had prescribed, that

¹¹ *WWL*, vi, 371. Laud to Bellenden, 6th May 1634.

¹² For example, *WWL*, vi, 434. Laud to Maxwell, 19th September 1635; *WWL*, vi, 456. Laud to Wedderburn, 20th April 1636. For Spottiswood's role, see *WWL*, iii, 429, which refers to Laud to Spottiswood, 30th September 1633, but is no longer extant. For Cosin, see Donaldson, *Making of the Scottish Prayer Book*, 45.

¹³ *ibid*, 47.

¹⁴ Baillie, *L&J*, i, 440.

every parish acquire two copies before Easter 1637. Unfortunately, due to unforeseen delays involving Robert Yonge, the official printer for Scotland, it was not until April 1637 that the first run of the Scottish Prayer Book came off the press.¹⁵ The delay in producing the book gave fuel to suspicions which were circulating that the book was popish. It also provided the opposition with plenty of time to rally a cause around which to oppose the book, and considerable justification for that opposition. What happened in St Giles's Kirk, Edinburgh on 23rd July 1637, when the liturgy was first read in public, is well known and needs no repetition here.¹⁶

Laud learnt of the 'tumults' in Edinburgh from Traquair, who also wrote to Charles and Hamilton within days of the first riots, to convey the news of the disturbances.¹⁷ Traquair was Laud's main lay contact in the period before Hamilton was sent back to Scotland as Commissioner in late May 1638.¹⁸ At the time that the first riot broke out, Laud and Traquair were regularly corresponding, not about the liturgy and its progress *per se*, but about the annexation of the priory of St Andrews from the Duke of Lennox back to the archbishopric (a project which lay at the heart of the Revocation scheme), so it was nothing out of the ordinary for Laud to receive a communication from Traquair.¹⁹

¹⁵ Stirling described Yonge as 'the greatest knave I ever dealt with'. Stirling to Ross, 17th February 1636. Baillie, *L&J*, i, 439. Laud had written to Yonge in September 1635 to try and hurry up the printing process and this letter is mentioned in *WWL*, vi, 434, Laud to Maxwell, 17th September 1635.

¹⁶ The 23rd July reading of the prayer book may not have been the first, and there were in fact three separate riots as a result of the use of the Scottish prayer book in Edinburgh – a great deal is known of the first which broke out on 23rd July 1637, but there was a second on 25 September and a third on 9 October. S.Gardiner, *The History of England from the Accession of James I to the Outbreak of the Civil War 1603-1642*, Volume 8, (London, 1884), 318-320.

¹⁷ Traquair to Charles I, Traquair MS, Bundle 12/18, 27th July 1637. Traquair told Charles that he had 'written more fullie to my Lord of Canterbury' about the 'unhappie accident which ... fell out in Edinburgh upon Sunday last the 23 of July inst'. Traquair to Hamilton has been transcribed by Burnet, although the date of the letter is mis-transcribed as 27th August. Burnet, *Memoirs*, 31-2.

¹⁸ Traquair was 'the only counsellor or layman relyed upon by the Arch-Bishop of Canterbury in that business'. Clarendon, *History*, I, 108.

¹⁹ Laud and Traquair had been corresponding about the Revocation since 1634, when Laud had first enlisted Traquair's help to push through the annexation of the abbacy of Lindores. Laud chose to liaise directly with Traquair, rather than through the ageing Spottiswood, whom he felt unable to carry out this aspect of Caroline ecclesiastical policy with sufficient vigour.

In fact, the extent to which Traquair and Laud were accustomed to writing to one another is suggested in a letter from Laud to Traquair written just prior to the Edinburgh riots. The following passage sums up the frequency of their correspondence:

Your Lordship's [letter] of June 26 came to my hands on Sunday, July 2.; and they were the first I received out of Scotland since your return ... And I confess I did and do a little wonder at it, considering how many letters I writ, and what their contents were.²⁰

Unfortunately, Traquair's letter to Laud about the reception of the Prayer Book in Edinburgh has not survived but we do have Laud's reply to it, which conveyed his and Charles's disapproval of the way in which the issue of the Prayer Book was handled by his Scottish counsellors. In his reply, dated 6 August, Laud informed Traquair that:

His Majesty takes it very ill, that the business concerning the stablishment of the Service-book hath been so weakly carried; and hath great reason to think himself and his Government dishonoured by the late tumult in Edinburgh, July 23; and therefore, expects that your Lordship and the rest of the honourable Council set yourselves to it, that the Liturgy may be established orderly and with peace, to repair what hath been done amiss.²¹

Interestingly, Laud acknowledged that lay co-operation (in this case, that of the Scottish Privy Council) was crucial to the acceptance and success of the implementation of the Prayer Book. He told Traquair that

his Majesty well knows the clergy alone have not power enough to go through with a business of this nature, and therefore, is not very satisfied with them, either for the omission in that kind, to advise for the assistance of his Lords' Council, or for the preparation or way they took.²²

²⁰ *WWL*, vi, 494. Laud to Traquair, 7th August 1637.

²¹ *WWL*, vi, 493. Laud to Traquair, 4th July 1637.

²² *ibid.*

Similarly, on 4 September, Laud similarly told Spottiswood, that

that which is thought here is, that though you took advice among yourselves, yet the whole body of the Council was not acquainted with all your determinations, nor their advice taken, nor their power called in for assistance till it was too late ... And indeed my Lord, you could not in this particular have engaged the lay lords too far.²³

This is ironic, given that at no point in the drafting of the prayer book and canons was there any suggestions of consultation with the Scottish Privy Council.

Could this have been an acknowledgement on Laud's part that he felt that the introduction of the prayer book had been mismanaged? While opponents of the Service Book maintained that this mismanagement stemmed from the lack of consultation with a General Assembly and Parliament, Laud saw the Edinburgh riots as the fault of the Scottish bishops for their apparent failure to gain strong and timely support for the project from within the Scottish Privy Council as well as the Scottish clergy in general. What this standpoint overlooks is the established protocol in Scotland whereby until the ascension of Charles I, ecclesiastical reform was sanctioned not simply by virtue of the royal prerogative, and ratified by the approval of an elite group of Privy Councillors, but through consultations with church synods at a General Assembly, and then ratified by parliament. This is what James had done in 1616 and 1621 with the Perth Articles, and neither Charles nor Laud could legitimately claim to be unaware of this. Laud's view also conveniently glosses over the fact that neither he nor Charles actively encouraged the Scottish clergy to consult with the Privy Council or any other body at any point in the process of drafting the canons and liturgy.

Conversely, it is unlikely that the Scottish bishops involved in the process would have dared suggest to Laud, at the time that the liturgy was being prepared, that it would have to be approved by a General Assembly and ultimately a parliament if it was to be accepted by the Scottish nation as a whole. As Laud acknowledged, in 1633, 'the

²³ *WWL*, vi, 503. Laud to Spottiswood, 4th September 1637. Laud was replying to a letter from Spottiswood in which he had blamed the clergy, particularly in Edinburgh, for failing to back the book. Spottiswood's letter has not survived.

Parliament then sitting in Scotland was very quick about some Church affairs, and the King was much unsatisfied with some men and their proceedings'.²⁴ Indeed, if the Scottish bishops involved in preparing the liturgy were of a similar view to Laud (and the previous chapter indicates that they were), they would not have wanted to either.²⁵ Laud acknowledged that this omission

it seems, the Bishops trusted with this business went not the right way, by a General Assembly, and other legal courses of that kingdom. But whatsoever was taken, or in whomsoever there was a failure ... the Bishops were deceived in their expectation of a peaceable admission of that Service-book.²⁶

Laud's claim that he was 'ignorant' of the laws of Scotland becomes even less plausible when it is written on the same page as his acknowledgement that 'the right way' to introduce changes in ecclesiastical policy was by means of a General Assembly.

The situation in Edinburgh was volatile, and Laud was kept informed from other sources as well as Traquair. On 19th August 1637, for example, the Edinburgh magistrates wrote to Laud informing him that nobody in Edinburgh would read from the prayer book under any circumstances, for fear of their personal safety.²⁷ Charles wrote to Traquair again on 27th August from Oatlands, instructing him to stay put in Edinburgh until the situation had been settled, orders which had also been conveyed to Spottiswood.²⁸ Around this time, Spottiswood wrote again to Laud informing him of the latest developments, and blaming the reception of the Prayer Book on the lack of co-operation of the Edinburgh ministers.²⁹ Before replying to this letter, Laud had received word via Stirling that Spottiswood had called a halt to the use of the new Prayer Book pending the restoration of order in and around Edinburgh, presumably

²⁴ *WWL*, iii, 278.

²⁵ Donald, *Uncounselled King*, 39.

²⁶ *WWL*, iii, 335.

²⁷ This letter does not survive. It is mentioned in Balcanquhall, *Large Declaration*, 28, and Clarendon, *History*, I, 112.

²⁸ HMC Traquair, No. 97, 248. Charles I to Traquair, 27th August 1637.

²⁹ Spottiswood's letter to Laud is not extant. Laud's reply is. *WWL*, vi, 503-4. Laud to Spottiswood, 4th September 1637.

because Stirling, also based at court, was in touch with Traquair, and others, in Scotland.³⁰ During the second week in September, Laud wrote to Traquair, thanking him for his ‘letters of August 20’ and expressing relief ‘that mine came safe to you by your servant’. Laud could not believe that the use of Prayer Book had been temporarily suspended, or that ‘my Lord of Ross should give the advice, and my Lord of St Andrews follow it with such stiffness’.³¹

It is difficult to piece together what Laud was doing in late 1637 because of the lack of extant evidence – no correspondence has survived from Laud to anyone in Scotland for the period between September 1637 and June 1638, although it is highly likely that Traquair and the Scottish bishops (at least Spottiswood and Ross) maintained contact with Laud. Lennox returned to Scotland in September 1637 and kept Charles informed of what was happening in Edinburgh, as did Roxburgh, now Scottish Privy Seal following Haddington’s death.³² When Lennox was back at court again in early October, Laud was brought into Charles’s discussions with him, as shown in the following extract from Stirling, who told Traquair that

Your servant came to Hampton Court upon Sunday last in the morning and my Lord Duke, after dinner, delivered the counsells letter, my Lord of Canterbury and I being present.³³

When Stirling told Traquair that he would no doubt ‘heare this from others that were present’, he could quite easily have been referring to Laud, although it is impossible to verify this as the latest surviving letter from the archbishop to Traquair was dated 11th September 1637, a month or so prior to this meeting.³⁴ In September, both Traquair and Spottiswood sought permission from Charles to return to court, to give their own (rival) versions of events in Edinburgh but Charles refused and told them to stick to their original orders regarding the continuing use of the liturgy and the punishment of

³⁰ Laud told Traquair shortly afterwards that he ‘had some little inkling given me by my Lord Sterling about the stay of the Service’. *WWL*, vi., 504. Laud to Traquair, 11th September 1637.

³¹ *ibid.*

³² Donald, *Uncounselled King*, 44.

³³ Traquair MS, Bundle 9, No 1. Stirling to Traquair, 4th October 1637.

³⁴ *WWL*, vi, 504-6. Laud to Traquair, 11th September 1637.

offenders refusing to adhere to it.³⁵ Further unrest broke out on the streets of Edinburgh on 18th October 1637, with the publication of the first document to blame the bishops directly for mishandling the liturgy, entitled *Scotland's Supplication and Complaint*.³⁶ Meanwhile, petitions against the liturgy and canons were reaching the Scottish Privy Council on a regular basis, much to Charles's disgust. Again in November, Traquair asked permission to come south, to persuade Charles in person how serious things were in Scotland. Charles again refused, and told Traquair that 'as the public service will not admit of his personal appearance at Court, that he will communicate with the Earl of Roxburghe, who is fully accredited'.³⁷ What became clear during the autumn of 1637 was that Charles heard from a number of different sources that the situation in Scotland was potentially volatile, but that he was not prepared to listen. It is worth remembering, though, that the escalation of events was as yet unforeseen. As John Burghe reported in his newsletter to Scudamore in Paris, 'All things are at this instant here in that Calmness that there is very little matter of Noveltie to write, for there appears no change or alteration either in court or affaires'.³⁸ However, even if those outside the king's inner circle were unaware, it should have been apparent to Charles that there was little or no co-operation between the Scottish Privy Council and the bishops over how to respond to the reaction to the liturgy and that there was a storm brewing. This, combined with the king's unwillingness to act, prevented any real hope of the matter being settled.³⁹

If Laud initially laid the blame for the outbreak of the Scottish troubles squarely at the feet of his Scottish episcopal brethren, by the end of 1637, he had begun to confide in Wentworth his criticism of Charles for failing to quash the troubles. In late December 1637, he expressed his views to the Lord Deputy that

³⁵ Baillie, *L&J*, i, 452-3, Charles to Privy Council of Scotland, 10th September 1637.

³⁶ *ibid*, 52.

³⁷ HMC Traquair, No. 102, 248. Charles I to Traquair, 15th November 1637.

³⁸ TNA, C115/108 8617, Burghe to Scudamore, 25th October 1637.

³⁹ Peter Donald has given a detailed account of the king's refusal to act on the alarming information arriving from Edinburgh, and of the problems which were exacerbated by the divided administration in Scotland. Donald, *Uncounselled King*, Chapter 2, particularly 47-65.

tis no hard matter (as I should think) to discover most of the business, if the King would set himself to it ... but the King is more willing not to heare, then to heare.⁴⁰

Despite his criticism of Charles' reluctance to listen to (Laud's?) counsel and end the unrest in Scotland, Laud still thought that the situation was compounded by Spottiswood's 'weak' approach. In the same letter, he reported to Wentworth that

And now the last news that came tells me that the old Archbishop of St Andrews hath (in great weakness) given way to their old service again So that now I see little hope to do any good for the settlement of the other.⁴¹

This implies that six months after open rebellion against the liturgy, Laud still held out hopes that the new prayer book could be 'settled' within the Scottish kirk and that Spottiswood's decision to call a halt to its use had no merit.

This matches other contemporary observations that it was Laud's belief that the liturgy and other aspects of Caroline ecclesiastical policy in Scotland should be reinforced, not abandoned. One example states that,

The opinion of the Archbishop of Canterbury in the matter of the Scottish disturbances has finally prevailed ... the king having ordered that all the ceremonies introduced into the church there shall be continued, which means that the archbishop's precepts and reforms shall be obeyed entire.⁴²

As will be discussed later in this chapter, Laud was forced to abandon this level of inflexibility as the crisis unfolded into 1638, but at the end of 1637, he still held firm to the belief that there was a way of making the Scottish Prayer book acceptable to the Scottish people, although it is unclear how he proposed that this could happen.

⁴⁰ *WWL*, vii, 402. Laud to Wentworth, 19th December 1637.

⁴¹ *ibid.*

⁴² *CSPV 1636-1639*, 276-7. Correr to Doge and Senate, 2nd October 1637.

According to the Venetian ambassador, when Traquair was finally given permission to return to court by Charles in January 1638, it was ‘by the advice of the Archbishop of Canterbury’.⁴³ On arrival, Traquair made it clear to Charles, if it was not so already, that

the whole of Scotland was staggering, if not wholly alienated from their duty to the king, and that nothing could recover them out of this distemper, but assurances of his majesty’s affection to the protestant religion, and of his aversion from popery, together with the laying aside of [the liturgy and canons] till better times.⁴⁴

Whether or not it was Traquair’s ambiguous relationships with the Scottish bishops, or simply the king’s blindness to the severity of the situation, when Traquair returned to Scotland the following month, all he took with him was a set of instructions from Charles to issue a proclamation in support of the prayer book, declaring that the king was directly responsible for the liturgy and assuring the Scots that all he had ever intended was to uphold ‘the true religion established’.⁴⁵ Within days of the ratification of the king’s proclamation on 21st February 1638, the Scottish National Covenant was born. The speed with which this detailed and co-ordinated response emerged only serves to underline the organisation behind the opposition which faced Charles. This was the point at which Charles was losing his hold on the government of Scotland.⁴⁶

The management of the crisis in Scotland became a greater priority for Laud from this point onwards than the affairs of Scotland had hitherto been and in his correspondence with Wentworth, the code ‘197’ for Scotland was added to their cipher in early April, indicating not only that it would be a frequent topic of discussion, but also the level of secrecy required.⁴⁷ At some point in early April, Hamilton was appointed as Charles’s commissioner for Scotland, to act as his agent in Edinburgh with the main purpose of solving the troubles and reaching a workable settlement (workable in this context

⁴³ *ibid*, 362. Zonca to Doge and Senate, 29th January 1638.

⁴⁴ Burnet, *Memoires*, 43.

⁴⁵ Donald, *Uncounselled King*, 44.

⁴⁶ *ibid*, 65.

⁴⁷ Str. P. 7/86, Wentworth to Laud, 10th April 1638. Scotland was added to the cipher at Wentworth’s suggestion.

obviously meaning different things to both sides).⁴⁸ Certainly, by early May, it was public knowledge that Hamilton would be returning to Edinburgh on behalf of Charles, as Burghe reported to Scudamore - 'I heare that the Scottish Bissshops are shortly to returne and Marquiss Hamilton and other Scottish Lords with them to settle things againe if they can.'⁴⁹ It is interesting that at this time of deepening crisis, Charles decided not to entrust the search for a settlement into the hands of the Scottish Privy Council but by means of a representative chosen personally by him – in this way, assuming direct responsibility for control of the government of Scotland, in the expectation that the stamp of royal authority embodied in Hamilton would 'qualifie the Peoples fury not a little'.⁵⁰ Despite Charles's hopes, Hamilton took on the role of Commissioner reluctantly, in the realisation that his task would be extremely difficult.⁵¹ More pertinent from Hamilton's point of view was the fact that he had not been consulted on any aspect of the introduction of the canons or the liturgy, but was readily dispatched to handle the fall-out from both. Hamilton sought clarification of his role through a list of thirty-three queries presented to the king, to which Charles provided a response, which often fell short of what was required, and did nothing to assist Hamilton in the onerous task which lay ahead.⁵²

Specifically, Hamilton's role as mediator between the covenanters and the Scottish bishops was thrashed out at a consultation held in late May 1638, at which Charles, Laud, Spottiswood, Sydserf, Whitford and Maxwell met Hamilton and at which the king first announced to the bishops that Hamilton had been appointed commissioner.⁵³ This meeting was held shortly before Hamilton departed for Edinburgh, probably on

⁴⁸ The precise date is unknown but Stevenson, *Scottish Revolution*, 90; Scally, 'Hamilton', 224; and Donald, *Uncounselled King*, 72 concur that it was around this time.

⁴⁹ TNA, C115/108 8625, Burghe to Scudamore, 3rd May 1638.

⁵⁰ Burnet, *Memoires*, 38.

⁵¹ Hamilton expressed his reluctance in his letter to Charles dated 24th June 1638 (he referred to the role of Commissioner as a 'dangerous imployment' to which he was commanded 'against my uill'). Gardiner, *Hamilton Papers*, 16. Hamilton to Charles, 24th June 1638. See also p.2.

⁵² For instance, when Hamilton queried how he should handle any protestations which might arise from the publication of the king's declaration, Charles simply envisaged that 'the Protesters must be proclaimed rebels'. Burnet, *Memoires*, 47. Hamilton's queries and Charles's responses make fascinating reading and the originals are held in the Hamilton collection at Lennoxlove.

⁵³ According to Burnet, this meeting took place on 23rd May 1638. Burnet, *Memoires*, 38.

25th May. The purpose of the meeting was to work out how Hamilton could assist the bishops in establishing 'the peace of the Church', and gave Hamilton an opportunity to set out what he would expect in return from the bishops.⁵⁴ Hamilton's notes of the meeting have survived and this gives us an insight into the discussion which took place between the king, commissioner and bishops.

Laud's presence and behaviour at this consultation is interesting. He opened the discussion by asking Charles 'for whatt he was called' and Charles replied that he was there to 'heir and bear witnes what past and because he was acquainted with the prosiding of the busines hiderto, he should not be ignorant of whatt past heir efter'.⁵⁵ There are a number of ways of interpreting this exchange. On the one hand, it could be viewed as a sign that Laud's involvement in Scottish affairs was hitherto not that central, since he was evidently surprised at being called to attend the meeting and was unclear as to his purpose there. According to this interpretation, Laud's power was declining and it was all downhill from now until his arrest in December 1640.⁵⁶ If, however, as the king went on to intimate and we know from elsewhere, Laud was deeply involved with the formulation of Scottish policy prior to this point, then it seems strange that he would question why he was summoned to attend the consultation with Hamilton and the Scottish bishops – surely his presence would be a foregone conclusion? Rather than accepting this exchange as evidence of Laud's declining involvement in Scottish affairs, and a sign of his demotion from his position of chief adviser to the king, we need to consider other more plausible reasons why Laud asked Charles to clarify the purpose of his attendance at this particular meeting and these will be dealt with in the paragraphs below.

The most obvious explanation is that Laud was trying to downplay his role as the king's chief adviser on Scotland, in the knowledge that events in the north were snowballing out of control (his correspondence with Wentworth signifies that he held this view).⁵⁷

⁵⁴ Gardiner, *Hamilton Papers*, 1.

⁵⁵ *ibid.*

⁵⁶ According to Carlton, this exchange between king and archbishop is 'a clear indication that Laud's influence was waning'. Carlton, *Archbishop William Laud*, 166-7.

⁵⁷ For once, I am in agreement with Trevor-Roper, who infers that Laud was 'uneasy about the prominent part which he was playing in Scottish affairs'. Trevor-Roper, *Archbishop Laud*, 366.

Laud might have felt less need to disassociate himself from Charles' Scottish policy if he had not been the main focal point for opposition to other aspects of the personal rule at the same time and this is crucial to understanding his approach in May 1638. Laud was under fire from a range of different directions as a result of his association with various unpopular aspects of Caroline government and it is worth reviewing these to add context to his comment to Charles at the consultation with Hamilton and the Scottish bishops. In June 1637, the censure of Henry Burton, John Bastwick and William Prynne following the Star Chamber case against them for their condemnation of *iure divino* episcopacy and Laudianism, had polarised opposition to Laud, giving rise to a public outcry against the severity of the punishment inflicted upon the three men. Even before the riots in Edinburgh had erupted, Laud was seen as the man responsible for the direction of the king's controversial ecclesiastical policies in all three of Charles I's kingdoms, and libels against him were spread here, as well as elsewhere.⁵⁸ The two separate cases against Bishop Williams in 1636 and again in spring 1638 had brought Laud further into the spotlight. Always sensitive to criticism, that Laud felt increasingly persecuted towards the end of 1637 and early 1638 is apparent from his personal correspondence and diary. When Laud asked the king for clarification as to his purpose at the Hamilton consultation, this was no reflection of his lack of involvement with Scottish issues, either before or after. His main concern when he sat in Whitehall with the king, Scottish bishops and Hamilton on that day in May 1638, was that the Scottish crisis was just one of many storm clouds which were gathering over his head. That this was the case is encapsulated in a comment he wrote to Wentworth a few weeks later, as follows:

It is not the Scottish business alone that I look upon, but the whole frame of things at home and abroad ... and my misgiving soul is deeply apprehensive of no small evils coming on.⁵⁹

⁵⁸ For example, pamphlets against Laud were readily available in Ireland in late 1636 (*WWL*, vii, 301. Laud to Wentworth, 5th December 1636. This particular libel linked Laud and Spottiswood in a 'notorious scandal'). By mid 1638, Laud told Wentworth that 'all the Scotch horrid business is daily printed at Amsterdam and sent over hither'. *WWL*, vii, 453. Laud to Wentworth, 22nd June 1638.

⁵⁹ *WWL*, vi, 494. Laud to Traquair, 7th August 1637.

Further evidence to support the view that there was an attempt on Laud's part to exonerate himself from blame for Scottish policy can be traced back to a Privy Council meeting and to rumours circulating in London a couple of weeks earlier. In early April 1638, it was observed at court that Laud was 'universally considered the sole adviser of the king about the disturbances in Scotland' and even the exemplary arrest and replacement of the king's fool, Archibald Armstrong, for outspoken criticism of Laud, failed to subdue the 'seditious remarks about him'.⁶⁰ Charles, in response to the rising tide of speculation about the depth of Laud's influence over him in Scottish matters, took steps to quash these rumours by announcing before the Privy Council that he had

heard with annoyance that the archbishop was scandalously and without reason blamed as the one who upholds him in his resolution in those affairs. He declared that he had never taken the advice of any one soever, but everything happened from his motion alone, and those who thought differently deceived themselves.⁶¹

Taken at face value, Charles's outburst could be interpreted as an indication of Laud's declining influence in Scottish matters, but it does seem to be more tactical than that. By making this statement, Charles was simply impressing upon his councillors his hallmark belief that policy-making was his royal prerogative. Equally, Laud had every reason to wish to seem less involved in advising Charles on Scotland than in reality he was. As will become clear later in this chapter, the king had every intention for Laud to play a lynchpin role in negotiations between London and Scotland, so the king's talking down of Laud's significance hardly represented a real setback for the archbishop. My view is that Charles's declaration at the Privy council meeting was done, partly through his own inclination but also through Laud's behest as a smokescreen to deflect attention from him at this testing time.⁶² Others noticed that there appeared to be some public

⁶⁰ *CSPV 1636-9*, 394. Zonca to Doge and Senate, 9th April 1638. Both Carlton and Trevor-Roper overstate the importance of this incident, probably in an attempt to trivialise Laud's defensiveness about his level of influence.

⁶¹ *ibid.*

⁶² Laud had apparently complained to Charles at the extent of criticism he had received for being his chief councillor, so it is perfectly feasible that a public statement to counterbalance this could have emanated from the archbishop.

distancing between the king and archbishop, but that there was no apparent explanation for it. Archibald Campbell, Lord Lorne – who had every reason to believe that Laud was the architect of Scottish ecclesiastical policy as he was soon to emerge as the driving force behind the Covenanting movement – reported from court at this time that ‘there is a generall report that the Bishop of Canderburrie is in sum dyslyke of his Matie’, but went on to state that he could find ‘no warrand for it’.⁶³ Similarly, elsewhere at court others saw that there was an inconsistency between Laud’s public expressions of distance from Scottish policy making and his ‘long and secret interviews with the king alone’.⁶⁴ In this context, far from being symbolic of Laud’s declining influence with the king, his behaviour at the Hamilton consultation suggests that he was anxious to disassociate himself from increasingly unpopular aspects of royal policy, in order to protect his own position, while behind the scenes he retained his deep level of influence with the king.

The remainder of the Hamilton consultation can be dealt with swiftly. After Laud had raised his query with the king, there followed a lengthy discussion on how Hamilton and the bishops – not a natural coalition - could work together to secure ‘the peac of the contrie and the good of the Church’. Hamilton agreed to deal with silenced ministers, if the bishops could reclaim for the church those ministers who had previously conformed. During this discussion, Laud ‘expressed himself to the full, and well’ although we do not know exactly what he said. We do know that despite the reluctance of the Scottish bishops to leave the safety of court, for fear of ‘the danger they were in in the contrie’, this was ‘overreuled’ by the king, who ‘intimatted hou necessarie he conseved itt was thatt they should everie one live in ther own diasies’. Laud ‘seconded thatt motion’.⁶⁵ A long debate ensued about the nature of ecclesiastical authority in Scotland, and who was the true representative body of that church, and it was agreed that Hamilton would

⁶³ NAS GD112/39/65/20, Archibald Campbell to the Laird of Glenbairgh, 9th April 1638. Lorne had yet to defect wholesale to the Covenanters and was summoned to court in the spring of 1638 to consult with Charles on a possible settlement, from where he wrote his letter to Glenbairgh. According to David Stevenson, Lorne may even have been a possible candidate for the post of Scottish Commissioner before Charles decided on Hamilton. Stevenson, *Scottish Revolution*, 90.

⁶⁴ CSPV 1636-1642, 393. Zonca to Doge and Senate, 2nd April 1638.

⁶⁵ Gardiner, *Hamilton Papers*, 2.

not consent to any 'substantial' alteration to church policy without the approval of a General Assembly.⁶⁶

If we know that Hamilton was despatched reluctantly to Scotland as Charles' Commissioner, then what can we establish about Laud's role in the weeks and months that followed Hamilton's departure for Edinburgh? Clearly, it was Charles' intention that Laud should be involved in the negotiations between Hamilton and the Covenanters, as Laud's presence at the Hamilton consultation indicates, as well as from what will emerge about Laud's associations with Hamilton from June 1638 onwards. However, as is often the case with Laud, it is difficult to reconcile his official responsibilities (or public pronouncements thereof) with the reality of what he was involved in behind the scenes and this is nowhere clearer than in the case of his role in relation to Scotland from mid 1638 onwards.

To compound this problem, a definition of Laud's officially designated responsibilities for Scottish policy was no easier to determine then than it is now. Until late June 1638, routine aspects of the government of Caroline Scotland were carried out by means of Charles's direct instructions to the Scottish Privy Council, based in Edinburgh. Significant changes to ecclesiastical policy, such as the canons and liturgy, were kept from the Scottish Privy Council table and were handled separately by the Scottish episcopate, under the close supervision of Laud. When Hamilton took up his commission on behalf of the king, and it became increasingly obvious in his reports back from Edinburgh that the fruits of his negotiations were likely to be armed conflict, in July 1638 Charles at last appointed an official body to handle Scottish business at court, the Committee for Scottish Affairs.⁶⁷ This committee comprised Lord Treasurer William Juxon, the Earl of Arundel, Francis Lord Cottington, Sir Henry Vane and Secretaries of State, Sir John Coke and Sir Francis Windebank, all six of whom were also members of the Council of War.⁶⁸ Another report contradicts this account of the

⁶⁶ *ibid.* It was at this meeting also that it emerged that Maxwell of Ross had been using the English Prayer Book in his cathedral for at least three years – much to Hamilton's surprise – and Charles confirmed that he had given his assent to this.

⁶⁷ E. Carlyle, 'Committees of the Council under the Earlier Stuarts', *EHR*, 21, (1906), 673-685.

⁶⁸ *ibid.*, 681. This made sense, since the main purpose of the Scottish Committee was to prepare for the possibility of war with Scotland.

Committee's membership, citing a 'junto' for Scotland, comprising 'four, the archbishop and the earl marshal, the comptroller [Vane] and Secretary Cooke'.⁶⁹ However, Laud had not been a member of the Council for War, from which the new committee derived, and was not officially on the king's Committee for Scottish Affairs when it was established in July. Nevertheless, this should not be used as evidence that Laud was not preoccupied with the affairs of Scotland – in a letter to Wentworth, shortly after the formation of the Scottish Committee, he confessed that he was 'all in Scotland now, and can think of nothing but that mischief'.⁷⁰

It was not until late 1639, following the failure of the Pacification of Berwick, that Laud was admitted to a privy council committee to deal with Scottish business, when Charles revamped the membership of the original committee for Scottish affairs to include Laud, Hamilton, Wentworth (recently returned from his Lord Deputyship) plus the original members, and the Earl of Northumberland (the Lord High Admiral).⁷¹ This chapter will demonstrate that public, private and official assertions that he was not involved in Scottish matters, were at times inconsistent with the central role that Laud was to play in assisting Hamilton negotiate with Charles over how to handle the crisis in Scotland.

The main source of evidence for Laud's participation in the Scottish crisis is the correspondence he exchanged with Hamilton between June and December 1638, when Hamilton was predominantly based in Edinburgh and Laud was his main contact at court.⁷² This correspondence has been virtually untapped by historians of Laud, but it offers a unique insight into Laud's significance as Charles's principal counsellor and challenges current thinking on his political significance at this crucial time.⁷³

⁶⁹ *ibid.*

⁷⁰ *WWL*, vii, 469. Laud to Wentworth, 30th July 1638.

⁷¹ *WWL*, iii, 282-3.

⁷² These letters are contained in the Hamilton MS (more commonly referred to as the Hamilton Papers) held at the National Archives in Edinburgh, catalogue reference GD406/1.

⁷³ John Scally provides a thorough account of Hamilton's commission and although reference is made to Hamilton's correspondence with Laud, his emphasis is on Hamilton and the king, rather than the archbishop. Scally, 'Hamilton thesis', Ch. 6, 214-262.

When Hamilton left London bound for Scotland, probably around 25th May 1638, his remit as the king's commissioner demanded that he keep Charles informed with developments at every stage.⁷⁴ Hamilton corresponded regularly with Charles and when he wrote to the king, he almost always wrote to the archbishop as well. The letters were very similar in terms of their tone and overall content, but as John Scally has revealed, 'Laud often received more detailed information than the king and in a blunter form'.⁷⁵ This in itself is interesting and suggests that Hamilton felt that Laud had sufficient access to Charles that he would be sure to update him about anything which might have been missing from the king's own letters and also that Hamilton entrusted Laud with a more frank account of his negotiations in Scotland than he did the king. According to Burnet, 'with my Lord of Canterbury he [Hamilton] kept a constant and free Intercourse; and whatever that Archbishop might have been formerly in Scottish affairs, being abused by persons who did not truly represent them to him, he was certainly a good Instrument this year, which appears from his Letters to the Marquis, with the Copies of his Returnes, which are extant'.⁷⁶

As mentioned in the introduction to this thesis, twenty-seven letters have survived from Hamilton to Laud written between 4th June and 26th December 1638, the period from the beginning of his commission to Scotland until after the Glasgow Assembly dissolved itself on 20th December 1638. The survival of these letters is down to Hamilton himself, who meticulously kept copies of all his correspondence as a safeguard against being seen as the mastermind of royal policy in Scotland.⁷⁷ Laud's extant replies to Hamilton's letters are, sadly, far fewer – only four originals remain, two dated 6th September and 28th November,⁷⁸ and a further two in early December

⁷⁴ Scally, 'Hamilton thesis', 233.

⁷⁵ *ibid*, 215.

⁷⁶ Burnet, *Memoires*, 65.

⁷⁷ Hamilton took copies of everything he wrote, because he was 'deeply troubled that he would be blamed for instigating the policies against the Covenanters and used as a political scapegoat'. Scally, 'Hamilton thesis', 15.

⁷⁸ GD406/1/546 (Laud to Hamilton, 6th September 1638) and GD406/1/577 (Laud to Hamilton, 28th November 1638).

1638.⁷⁹ This makes it unavoidable that the correspondence between the two men might reveal more about Hamilton and his role, than it will about Laud. Even so, references in Hamilton's letters to Laud, and elsewhere, enable us to fill some of the gaps and piece together a clearer impression of Laud's correspondence with Hamilton and his role in advising Charles through the growing crisis. More significantly, from Hamilton's painstakingly kept copies, we can also speculate as to the content of letters from Laud which are no longer extant.

It is worth clarifying what the Hamilton letters tell us about the volume of letters written which have not survived. In trying to assess the true scale of Hamilton's correspondence with Laud, we can identify at least fourteen letters written by Laud to Hamilton between 23rd June and 27th November 1638 which are no longer extant. Pinpointing the exact date and number of these letters can be problematical, as we are reliant on the accuracy of Hamilton's transcription of his copies in order to date the letters he received from Laud and to calculate their number.⁸⁰ But as we do not have the originals to work from, this is the only way forward and although flawed, it shows that the relatively small body of extant correspondence was once part of a more significant collection of letters. It is helpful to show how we can identify that there was once a greater body of evidence than has survived. To begin with, Laud's letters of 23rd and 28th June are referred to in Hamilton's replies to them of 29th June and 4th July,⁸¹ the latter being the last that Hamilton wrote to Laud prior to his first return trip to court, in which he expressed his 'hope shortlie to see you'.⁸² After spending three weeks in London engaged in talks with the king, Hamilton returned to Edinburgh on

⁷⁹ These are already in print. *WWL*, vi, 547 (Laud to Hamilton, 3rd June 1638); *WWL*, vi, 548 (Laud to Hamilton, 7th December 1638. This is also held in the Hamilton collection, reference GD406/1/1/249.).

⁸⁰ In fact, Hamilton appears to have been quite concerned with accuracy. One good example of this can be found in a letter to Laud, in which he actually queried the date written on the letter from the archbishop to which he was replying, cross-referencing it against one also sent to him from Charles at the same time, as follows: 'Having since the writying of this other, reseaved your Grace's letter of the 23 I doe beleeeve it was writte on the 25, for of that date was his Maties to me, for whoes gratus expresseione I beseeche your Grace present the humblest of my thanks.' GD406/1/557, Hamilton to Laud, 29th June 1638).

⁸¹ 'Having ... reseaved your Grace's letter of the 23'. GD406/1/557 (Hamilton to Laud, 29th June 1638). 'I humblie thanke you for yr Letter of the 28 of June' GD406/1/558 (Hamilton to Laud, 4th July 1638).

⁸² GD406/1/558, Hamilton to Laud (copy), 4th July 1638.

10th August.⁸³ He wrote to Charles the following day from Holyrood, informing the king that he had also ‘wrytin sume particulars to my L of Cantt, which I have desired him to acquaint your Matie with’⁸⁴ but this letter is no longer extant and Hamilton does not appear to have kept a copy. Hamilton returned to court again briefly at the end of August, which explains the pause in correspondence between the two men at this time.⁸⁵ In his letter of 5th October, Hamilton mentioned ‘your G’s letters in answeare to myne from Ferribridge’, which were sent some time between 6th September⁸⁶ and 24th September, as well as one from Laud dated ‘29 of Septemb from Hampton Court’. The extent of their correspondence is also suggested when Hamilton assured Laud that ‘your constant wrytting to me is of greate confort at this tyme’.⁸⁷ On 14th October, Hamilton acknowledged ‘receate of your Gra three letters’, implying that they were written some time between Laud’s previous communication of 29th September and the end of the first week in October.⁸⁸ The following day, as he was leaving to go to church, Hamilton ‘receav’d your Grace’s of the 9th of October’.⁸⁹ Nine days later, Hamilton responded to another letter sent by Laud, dated 18th October.⁹⁰ Two ‘verie long’ letters written by Laud on 29th October had been received and were answered by Hamilton on 5th November.⁹¹ On 16th November, Hamilton replied to Laud’s ‘large and cleire letter of the 8th’⁹² and over the course of the next ten days, he received two further letters penned by the archbishop,⁹³ in addition to the extant letter dated 28th

⁸³ Gardiner, *Hamilton Papers*, 22, n.

⁸⁴ *ibid*, 23.

⁸⁵ Two undated letters from Hamilton to Laud are catalogued numerically between the letters of July and September 1638 – GD406/1/559 and GD406/1/560 – and it is likely that these were written in August 1638, prior to Hamilton’s rushed second visit to court. John Scally, who has a better working knowledge of the Hamilton papers than any other historian, dates these letters as 24th August (GD406/1/559) and early September (GD406/1/560). The latter is an unfinished draft.

⁸⁶ When Laud sent Hamilton one of the few letters still extant. GD406/1/546 (Laud to Hamilton, 6th September 1638).

⁸⁷ GD406/1/566, Hamilton to Laud, 5th October 1638.

⁸⁸ GD406/1/567, Hamilton to Laud, 14th October 1638.

⁸⁹ GD406/1/568, Hamilton to Laud, 15th October 1638.

⁹⁰ GD406/1/570, Hamilton to Laud, 24th October 1638.

⁹¹ GD406/1/572, Hamilton to Laud, 5th November 1638.

⁹² GD406/1/575, Hamilton to Laud, 16th November 1638.

⁹³ ‘Since my last I have received two of yours for the wch I most humblie thanke your Grace.’ GD406/1/577, Hamilton to Laud, 27th November 1638.

November.⁹⁴ Hamilton wrote four times to Laud in December, and two of Laud's replies, dated 3rd and 7th December are in print.⁹⁵ The extant correspondence between the marquis and the archbishop tails off into the New Year 1639, with only a handful of letters going to and fro between Hamilton and Laud after this point.⁹⁶ Hamilton left Edinburgh in late 1638 and was back at court on a semi-permanent basis from early 1639, following the failure of the Glasgow Assembly to reach a settlement favourable to the king,⁹⁷ which removed the need for paper correspondence with the archbishop and in April 1639, Hamilton was appointed General of the king's forces in the First Bishops' War.⁹⁸

From the Hamilton papers, then, we can establish that Laud and Hamilton were engaged in regular correspondence over a period of six months from Hamilton's appointment as the king's commissioner until the end of 1638. Hamilton was also in touch with other figures at court, including James, Duke of Lennox, and William, Earl of Stirling, but it is his correspondence with Laud which contained detailed accounts of events in Edinburgh and the progress of his negotiations with the Covenanters, and it was through Laud that he sought to find out how best the king wished him to handle the escalating situation. Before looking more closely at the content, length and nature of this correspondence, we must put it into the context of Laud and Hamilton's relationship, if any, prior to June 1638. There are a number of reasons why it is surprising that their close association seems to have escaped the notice of most

⁹⁴ GD406/1/547, Laud to Hamilton, 28th November 1638.

⁹⁵ *WWL*, vi, 547, Laud to Hamilton, 3rd December 1638 and *WWL*, vi, 548, Laud to Hamilton, 7th December 1638. Hamilton referred to both letters in GD406/1/579, Hamilton to Laud, 11th December 1638.

⁹⁶ Laud sent Hamilton a book as a New Year's gift. GD406/1/550, Laud to Hamilton, 8th January 1639.

⁹⁷ The Earl of Stirling wrote to Hamilton after Christmas, telling him that the king required his presence in London to consider how to progress the settlement of the crisis in Scotland. GD406/1/610, Stirling to Hamilton, 26th December 1638.

⁹⁸ Hamilton wrote to Laud a couple of times over the summer from Berwick, where he was general in chief of the king's forces - in late May 1639 (the original has been lost and no copy was made). The archbishop referred to this in his reply to Hamilton, GD406/1/551, Laud to Hamilton, 4th June 1639 and GD406/1/905, Hamilton to Laud, 14th July 1639. See Scally, 'Hamilton thesis', 283.

historians of Laud, because Hamilton, 'a consummate courtier'⁹⁹ and Laud, for whom the court was not his natural habitat, made unexpected allies.¹⁰⁰

Laud first mentions Hamilton in his diary entry for 26th May 1638, when Hamilton had just 'set forth, as the King's Commissioner',¹⁰¹ but they had been acquainted with each other for several years beforehand and his name crops up in Laud's correspondence in late 1635, when Laud was engaged with the transaction of another aspect of Charles's Scottish policy – the Revocation scheme.¹⁰² Hamilton had been in permanent residence at court from September 1632, occupying more than twenty rooms in Whitehall, so his path and Laud's would definitely have crossed on a reasonably regular basis, particularly from March 1633, when he was sworn of the English Privy Council. Hamilton enjoyed a far closer personal relationship with Charles than did Laud. Not only was he distantly related to the king, but from Buckingham's assassination in August 1628, he was Master of the Horse and a Gentleman of the King's Bedchamber, both posts giving him unrivalled proximity to the king, and the right to be at his side on most public occasions.¹⁰³ Hamilton was also the king's senior adviser on secular affairs relating to Scotland, although he was excluded from involvement in Scottish ecclesiastical policy, the remit of Laud and his cabal of Scottish bishops.¹⁰⁴ Although they co-existed at a distance as Privy Councillors, in age, personality, religious beliefs and background, there was very little common ground between them. Hamilton was 32 when he was despatched to Edinburgh to sort out the Scottish troubles, Laud was twice that age. Hamilton shared many of Charles' interests, such as patronage of the arts, hunting and tennis.¹⁰⁵ Hamilton's religious beliefs are difficult to establish as 'he did not leave enough evidence to reconstruct his religion from either his personal piety or

⁹⁹ Russell, *Fall of the British Monarchies*, 55.

¹⁰⁰ Sharpe, *Personal Rule of Charles I*, 145.

¹⁰¹ *WWL*, iii, 230. See also, *WWL*, vii, 443. Laud to Wentworth, 17th June 1638.

¹⁰² *WWL*, vi, 435. Laud to Maxwell, 19th September 1635; *WWL*, vi, 438. Laud to Spottiswood, 10th November 1635.

¹⁰³ At the Scottish coronation of Charles I in June 1633, for instance, Hamilton rode immediately behind the king. Spalding, *Memorialls of the Troubles*, 24.

¹⁰⁴ Hamilton 'had a strong influence upon the greatest affairs at Court, especially when they related unto his own Country'. Warwick, *Memoirs*, I, 105.

¹⁰⁵ *Ibid.*

his ecclesiastical patronage'.¹⁰⁶ His background was Protestant and his mother Anna Cunningham, dowager Marchioness of Hamilton, who managed his Scottish estates while he was based in the south, was vehemently opposed to Charles's Scottish ecclesiastical reforms.¹⁰⁷ This is sufficient to gauge that Hamilton probably did not have the same degree of enthusiasm for Caroline ecclesiastical policy in Scotland as Laud and one of the main reasons why he was so reluctant to take on the role of commissioner in the first place.¹⁰⁸ Hamilton was, however, a pragmatist and his co-operation with Laud in the months after his return to Edinburgh in mid 1638 demonstrate this. More importantly for this thesis, the fact that Hamilton and Laud did not necessarily share the same religious credentials but were nevertheless able to work together and even develop a rapport of sorts, suggests a more flexible side to Laud than has hitherto come to light and indicates that common religious ground was not always a prerequisite for being able to work together in the king's service. It is particularly significant that Laud could collaborate with Hamilton in this way, because on a number of occasions during the mid 1630s, the Marquis was in direct conflict with Laud's ally Wentworth over issues relating to Ireland, and this does not seem to have prevented them from developing a working rapport.¹⁰⁹

According to Laud, he was instructed to keep in touch with Hamilton 'by his Majesty's command'.¹¹⁰ The rhetoric he used when writing to Wentworth about his correspondence with the Marquis fits with the notion that he was anxious to distance himself from being identified with Charles's Scottish policy, while at the same time continuing to serve the king with his customary vigour. Thus, shortly after Hamilton's departure from court, Laud informed Wentworth that:

¹⁰⁶ Scally, 'Hamilton thesis', 96.

¹⁰⁷ Hamilton's mother was rumoured to have ridden at the head of a cavalry of covenanters and allegedly threatened to shoot her son with a bullet if he set foot in Scotland at the head of the king's army in May 1639.

¹⁰⁸ Conversely, Hamilton's mother's religious credentials made him an acceptable choice for many to negotiate with the Covenanters on behalf of the king.

¹⁰⁹ For example, Wentworth blocked Hamilton's attempts to capitalise on the plantation of Ulster.

¹¹⁰ *WWL*, vii, 456. Laud to Wentworth, 22nd June 1638

My Lord, if my future letters come more seldom to you, or shorter than they have used to be, I pray you know tis nothing causes it but the Scottish business, which I pray God bless with some good end. In the meantime, I shall be much troubled with often writing to the Lord Marquis by the King's command. And it is no easy nor safe work for me. But I shall obey.¹¹¹

At what point or whether Charles physically took Laud to one side and instructed him to exchange letters with Hamilton is not clear, although it could have happened when all three were together at the consultation in May. Hamilton was certainly under the impression that it would help his cause if he kept Laud as well informed as the king, since it gave him an opportunity to exert pressure on Charles from two fronts. What emerges from the body of extant correspondence between Hamilton and Laud, is that it was at times very frank and not always openly supportive of royal policy. The following section will examine the correspondence in more detail, alongside events in Edinburgh and London, to see if more will be revealed about Laud's role in advising Charles at this time than is currently known.

Before doing so, Laud's opinion about how the Scottish situation had been handled prior to May 1638 is worth summarising, to give us some idea of what was in his mind when he undertook the job of acting as liaison between Hamilton and the king. In the previous section, we saw how Laud initially blamed the Scottish bishops for their mishandling of the introduction of the liturgy correspondence to Wentworth, but that towards the end of 1637, he raised with the Lord Deputy his doubts about Charles's approach and his apparent lack of engagement with the severity of the situation. By mid 1638, Laud maintained his view that the king had failed to take timely and decisive action over Scotland. On 14 May, shortly before Hamilton's departure for Edinburgh, Laud confided in Wentworth his fears about the Scottish business, as follows:

If God bless it with a good end, it is more than I can hope for. The truth is, that snowball hath been suffered to gather too long.¹¹²

¹¹¹ *ibid.*

¹¹² *WWL*, vii, 426. Laud to Wentworth, 14th May 1638.

Laud understood that the way in which the king managed the Scottish situation had a direct bearing on events in all three of Charles's kingdoms, as he told Wentworth

The Lord Marquis Hamilton is now going down as
the King's Commissioner. God be his good speed.
And what example this may introduce here
amongst us and there amongst you, God know.¹¹³

Similar reservations were expressed again to the Lord Deputy, a fortnight later, shortly after Hamilton had left on his mission to resolve the Scottish crisis:

But that business hath been too long neglected. At
first that might have been done with ease, which
now whether it will be composed *sine sudore et*
sanguine I dare not promise so much as to
myself.¹¹⁴

As will emerge from the rest of this chapter, Laud's private reservations about the way that Charles chose to handle the Scottish business to date, did not prevent him from trying to do his best to serve the king in the unfolding events of mid 1638 onwards.

Hamilton's first surviving letter to Laud was sent on 4th June 1638 when Hamilton reported to Laud that on his arrival at Berwick that day, he discovered that only a handful of the many clients and relations whom he had asked to meet him in Dalkeith on 5th June, had turned up.¹¹⁵ Only Lauderdale, Roxburgh and Lindsay (Hamilton's brother-in-law) were there and they informed him that the Covenanters were demanding the abolition of the Five Articles of Perth, that the bishops' power should be reduced to titular only and that a General Assembly and parliament should be summoned soon by the king, or they would do so themselves. Meanwhile, Hamilton

¹¹³ *ibid.*

¹¹⁴ *WWL*, vii, 443. Laud to Wentworth, 30th May 1638.

¹¹⁵ *NAS*, GD406/1/552. Hamilton to Laud, 4th June 1638. Hamilton had despatched letters to 114 of his friends and vassals in Scotland to meet him at Dalkeith on 5th June, as a demonstration of support and to protect his own position. The three who met him on 4th June told him that no-one else would be coming the following day. The Tables in Edinburgh had forbidden anyone who had subscribed to the Covenant from attending, and had spread rumours that Hamilton was plotting to blow up anyone who arrived at Dalkeith to meet him. Scally, 'Hamilton thesis', 234.

described how the streets of Edinburgh were full of recalcitrant crowds, 'the people all in armes, the town of Edinburgh filled with men ... threttning to tack the castell'.¹¹⁶ Hamilton had been in no doubt of the difficulties involved in his role as the king's commissioner and even before he had reached Edinburgh, his worst fears were confirmed. Hamilton wrote to Laud on arrival in Berwick informing him of the treachery of his associates and the situation in Edinburgh, explaining that

I can not but acquent your Grace therewith, not that I desyre any new instructiones, but for my owne exoneratione and to give his Maties tymelie advertisements to whome I beseech your Grace to impart this letter and with all to show him this too inclosed papers by which you will perseave clearlie what they wold be att.¹¹⁷

From this extract from Hamilton's first letter, it appears that he saw Laud as instrumental to his success as commissioner – he obviously felt more comfortable sending detailed information and enclosures to Laud for him to relate to the king, than sending it direct to Charles, although the fundamental message included in his letters to both king and archbishop was the same.

Whether or not Laud replied to Hamilton's initial letter is unclear although there is nothing extant and there are no references to a reply in subsequent copies of letters from Hamilton to Laud. We do not know when or if Laud went to the king to inform him of the information sent by Hamilton but it took Charles over a week to reply and in the meantime the Earl of Stirling also intervened to try and spur Charles into action.¹¹⁸ In his reply, dated 11th June, Charles justified to Hamilton his delay in responding, explaining that he had 'not been idle' since receiving Hamilton's letter of 4th and that he meant 'to stick to my grounds and I expect not anything can reduce that people to obedience, only force'.¹¹⁹ In his postscript to the letter, Charles set out his directions to Hamilton about what he should do next – namely to hold off from issuing a declaration that anyone who adhered to the Covenant was a traitor, pending news that

¹¹⁶ NAS, GD406.1/553, Hamilton to Laud (copy), 7th June 1638.

¹¹⁷ NAS, GD406/1/552. Hamilton to Laud (copy), 4th June 1638.

¹¹⁸ NAS, GD406/1/592. Stirling to Hamilton, 8th June 1638.

¹¹⁹ Burnet, *Memoires*, 70.

Charles's fleet had set sail for Scotland – and more generally, to 'gain time by all the honest means you can'.¹²⁰ Hamilton had already written something similar to the king in a letter dated 9th June, which Charles would not have received until after he had replied to Hamilton's first letter. Hamilton anticipated Charles's instructions, justifying this course of action because

if ther be the leist noyeis of shipes or men to cum heire, there is no hoope att all ever to doue anie thing bot by a tottall conquest of this countrie which will be a taske of danger and sune difficultie: rather therefore suffer a tyme and lett us begin the ourke [work] amongst ourselves.¹²¹

Hamilton was tactfully suggesting to Charles that precipitate use of force would neither be wise nor successful. Significantly, Hamilton had already warned Laud that he was resolved to play for time and not issue the declaration, despite an awareness that he would either incur the king's wrath and possible 'cutting of my head, for exceeding of my commissions' or 'his Majestie shall suffer that prejudice, quich perhaps he may',¹²² if the covenanters' refusal to surrender the Covenant continued and the king refused to recognise it. Hamilton seems to have used Laud as a sounding board for how Charles might react to this news, asking him to test the king's approach, as follows:

how far his Majestie will condistend to this or how fitt for him it is to dow, is the question my humble suitt to your Grace ... and that all or any part thereof that I may know it by your hand, I dar not say by his Majestie, but I beseeche you lett no other know qt directions is yours, and qtsoever they be, I shall doe my best to putt them in execution.¹²³

It seems plausible that Laud received Hamilton's letter of 7th June before Charles wrote his reply of 11th June and it is feasible that Charles' postscript was the result of Laud's

¹²⁰ *ibid*, 71. Charles I to Hamilton, 11th June 1638.

¹²¹ Gardiner, *Hamilton Papers*, 8. Hamilton to Charles I, 9th June 1638.

¹²² GD406/1/553, Hamilton to Laud (copy), 7th June 1638. According to Burnet, Hamilton had 'taken his resolution about this, set down in the postscript before he got the king's answer, for he wrote to the archbishop of Canterbury that he was resolved on it'. Burnet, *Memoires*, 71.

¹²³ *Ibid*.

successful intervention on Hamilton's behalf. Of course, it is difficult to verify this with any certainty, but we do know that in the summer, it would have taken about three days for a messenger to travel from Scotland to London, so it is within the realms of possibility that Charles wrote to Hamilton having received advice and guidance via Laud.¹²⁴ What is clearer is that Hamilton was urging Laud to use discretion and secrecy, which suggests that there was some trust between them.

On his arrival at Holyrood on 9th June, Hamilton told Laud that although the crowds in Edinburgh were dispersing, if the declaration demanding the surrender of the Covenants was published now, it would give the covenanters a major strategic advantage, as they could use those crowds who remained, to get more people to subscribe to the covenant and to sabotage any chance of reaching a settlement with the king. Hamilton still believed a settlement was possible, since the majority of men were 'satisfied that his Maties Commands to me are no other then to establish religioun and lawes without the effusione of blood'.¹²⁵ More significantly, Hamilton reported that 'all the lawuiers exsept a veri few doueth conseave [the Covenant] is warranted by law' and as a result, he urged Laud to press Charles 'to take seriouslie in consideratioun whatt to doe if ther can be no law found against itt, or for the declaring them trators thatt adheres to itt'.¹²⁶ Hamilton's letter to the king of the same day was similar, but couched in milder terms, the marquis telling Charles that

I find by your advocatt ... that he conceveth itt
may be justified by laue, and the most of the
lauires in the toun ar of the same opinioune ... bot
I shall leave nothing undoun that can be thoght.¹²⁷

It was around this time that Hamilton proposed to Charles that engaging the services of Randall MacDonald, 2nd Earl of Antrim could assist with building a royalist military

¹²⁴ For instance, during June 1638, Hamilton received letters from Charles within three days - 'I reseud your Maties of the 20 on the 23'. Gardiner, *Hamilton Papers*, 14. Hamilton to Charles I, 24th June 1638.

¹²⁵ NAS, GD406/1/554, Hamilton to Laud (copy), 9th June 1638.

¹²⁶ Ibid.

¹²⁷ Gardiner, *Hamilton Papers*, 8.

force to launch the invasion of Scotland from Ireland.¹²⁸ There were a number of problems inherent in the use of Antrim, not least his Roman Catholicism which would have confirmed the worst fears of the Covenanters if he had headed up a military invasion. Nevertheless, Laud and Hamilton seem to have been in agreement with the use of Antrim in principle, even though they were not necessarily approaching it from the same angle. Laud's support for Antrim seems to have stemmed from the fact that since April 1635, Antrim (also Viscount Dunluce) had been absorbed into the late Duke of Buckingham's network through his marriage to Katherine Villiers, Buckingham's widow. Laud's loyalty to the late Duke's memory is well-known and was probably the main reason why he concurred with Hamilton over the choice of Antrim to assist the king with the Scottish crisis. Laud explained to Wentworth in August 1638, that his backing of Antrim was 'in remembrance of my Lord Duke that is gone'.¹²⁹ Hamilton had kinship links with Antrim, as Hamilton's wife Mary (who died in May 1638, just prior to Hamilton's departure for Scotland) was Buckingham's niece, but the Marquis and Antrim also shared commercial interests, since both were involved in the proposed plantation of Ulster, and Hamilton was probably engaged in a campaign to overthrow Wentworth's hold in the Irish customs farm.¹³⁰ Since Hamilton was closely identified from the mid 1630s with the anti-Wentworth circle in the King's bedchamber, this makes his successful association with Laud during 1638 even more surprising. Laud and Wentworth continued to differ in their opinions of Antrim throughout the Scottish crisis - Wentworth looked upon him as a debt-ridden Roman Catholic rebel, and believed that he was still secretly working with Hamilton to undermine the plantation of Ulster,¹³¹ whereas Laud was prepared to concur with Hamilton in his support for 'the

¹²⁸ *ibid*, 12-13. Hamilton to Charles I, 15th June 1638. According to Scally, Antrim offered his services to the king via Hamilton on 11th June, but Hamilton had already put his name forward to the king by this time. His letter of 15th June was the second time that Antrim's name had been suggested. Scally, 'Hamilton thesis', 240. A brief summary of Antrim's role in mid 1638 can be found in J. Kenyon and J. Ohlmeyer, 'The Background to the Civil War in the Stuart Kingdoms' in J. Kenyon and J. Ohlmeyer (eds), *The Civil Wars: A Military History of England, Scotland and Ireland 1638-1660* (Oxford, 1998), 16-20.

¹²⁹ *WWL*, vii, 479. Laud to Wentworth, 31st August 1638.

¹³⁰ Scally has sketched an interesting, if speculative, account of the commercial rivalry between Wentworth and Hamilton in his 'Hamilton thesis', 195-205.

¹³¹ For Wentworth's views on Antrim, see F. Pogson, 'Wentworth and Court Politics', unpublished PhD thesis, University of Sheffield, 1995, 114.

young nobleman', provided that he could 'stand with his Majesty's services in all kinds'.¹³²

On 15th June, Hamilton confirmed in a letter to Laud that he was deliberately keeping Laud better informed than he was the king. Laud had recently told Hamilton (or Hamilton had found out from elsewhere – without Laud's letter to Hamilton we cannot be certain) that he had been unwell and this led Hamilton, as an exception, to shorten his letter to Laud and write at greater length to the king. Hamilton wrote that

No man grieves more reallie for your graces indisposition then my self, I would be sorie att anie tyme, bot I must confes much more now, when his Mattie had never more need of your advyse, for I dare say his affaires was never in that disorder as they are now in, and the feire I have of your being still eill heath med me wryt the longer letter to him, and make this the shorter.¹³³

While some of Hamilton's concern for Laud's health was simply customary etiquette, this letter does emphasise that Laud was a critical element in Hamilton's absentee association with the king. Despite Laud's illness, Hamilton still pressed the archbishop to 'move' the king and 'lett me know his Pleasure' with regard to whether or not Charles would soften his stance on the Covenant, if signatories to it were made to acknowledge their 'stricktest allegens to their Soveran'. This, Hamilton saw, might enable the covenanters to 'explane ... what they meintt by this bond, in ane humbill and submissible way' and to demonstrate that it was a rejection of religious novelty rather than of royal authority.¹³⁴ Whether or not Laud had the opportunity to discuss this with Charles depends on when he received Hamilton's letter of 15th June and this is something which we cannot know. The events of the next few days, however, took the onus away from Laud because Hamilton was forced to write directly to Charles but in much stronger language.

¹³² *WWL*, vii, 504. Laud to Wentworth, 13th November 1638.

¹³³ NAS, GD406/1/555. Hamilton to Laud (copy), 15th June 1638.

¹³⁴ *Ibid.*

The day after Hamilton wrote this to Laud, the Covenanters petitioned the Scottish Privy Council for an immediate parliament and General Assembly. Regardless of Hamilton's stance, the Privy Council concurred and this led Hamilton to write his 'remarkable' letter of 20th June to Charles.¹³⁵ This is one of the rare occasions on which Hamilton wrote to the king but does not appear to have sent a corresponding letter to Laud, mainly because his letter of 15th June to Laud covered most of what he wrote to Charles on the 20th. In this very long and quite desperate letter, Hamilton gave Charles a frank and brutal account of the reality of what he was facing in Scotland, if he persisted in his refusal to accept the Covenant in any shape or form. If his previous letters to Charles were rather restrained, Hamilton was holding nothing back now as he informed the king that

the difficultie is great to keipe them from indicting
of an assemblie and long they will not be keipped
from itt, bot if your Matties preparatiounes can not
be quickly redie your Mattie must inlarge your
derectiones to me, or otheruayes they uill uerie
quicklie have a formed bodie of ane armie to
gidder.¹³⁶

Hamilton spelled out the fact that anyone who had signed the Covenant would 'as sounne renouns ther babteism, as itt' and reiterated what he had written to the king on 15th June, that most, if not all, of the privy council and session considered it to be lawful. He told Charles directly that

everi one pressis me to represent this to your
Mattie and pray uith all to except of ther
explanatioun, uich uould be to this effectk, that
they had not the leist thought to urong royall
outhorattie, that they uill lay doune ther lyfes in
defens ther of, and that they are hertelie sorie that
they have offended your Matti.¹³⁷

¹³⁵ Scally refers to this letter as 'probably the most important letter Hamilton ever wrote' in 'Hamilton thesis', 241, n102. The letter is GD406/1/10816/1-2. It is not transcribed by Gardiner and is only referred to by Burnet, *Memoires*, 73-74.

¹³⁶ *ibid.*

¹³⁷ *ibid.*

In short, Hamilton was asking Charles for two things – first, to summon a parliament and general assembly, and secondly, to accept the rebels’ explanation that no challenge to his royal authority was embodied in the Covenant. Hamilton then assured Charles that he would never advise him to do so, unless ‘your Matti can cleirly see how ye can effectk your end with out the haserdding of your 3 Crounes’.¹³⁸ In this sentence, the marquis anticipated Conrad Russell’s notion of a ‘British problem’ by several hundred years.

An account by the Venetian ambassador of an incident which happened five days after Hamilton wrote to the king, could shed some light on the king’s reaction to the letter, and to the role of Laud. Zonca described how, on 25th June,

a courier extraordinary .. arrived from the Marquis of Hamilton from Scotland with letters for the king. He read them without communicating them to any one soever, and shortly after he was closeted alone with the Archbishop of Canterbury in a room at Greenwich ... It is impossible to discover the contents of the letter, but his Majesty was observed to change countenance and the archbishop equally, and as they came out looking very grave men conclude that the news was not pleasing.¹³⁹

Of course, there is no way of verifying whether or not Hamilton’s missive of 20th June was included in the discussion between Charles and Laud, but it is highly likely, since the king replied to Hamilton ‘with his own hand and sent it back all speed’¹⁴⁰ and we know that Hamilton shortly afterwards received letters from both king and archbishop dated 25th June. The contents of Hamilton’s 20th June letter were sufficiently serious to explain the gravity of Charles and Laud’s expression when they emerged from being closeted together. We can only speculate about what advice Laud would have given to Charles on how to proceed and whether he tried to convince Charles to accept the Covenant in the way that Hamilton suggested (and had asked the archbishop to do ten

¹³⁸ *ibid.*

¹³⁹ Zonca to Doge and Senate, 25th June 1638. *CSPV 1636-9*, 432. Zonca’s dates are not always accurate – see footnote 167 below.

¹⁴⁰ *Ibid.*

days before). It would be reasonably safe to assume that Laud was hardly eager for Charles to summon a parliament in Scotland, as this would lead to calls for an English parliament to be convened, and it is unlikely that anything else that had occurred in the meantime would have changed his mind substantially. As discussed in the first part of this chapter, Laud had expressed his views that a general assembly was the ‘right way’ to go about amending Scottish church policy, but whether he would have advised Charles to summon one directly is another matter (particularly if it was a precursor to a parliament). What we do know is that Charles’ response to Hamilton was categorical (and rather prophetic). Charles swiftly rejected any notion of agreeing to the Covenanters demand for a parliament and general assembly, and

concerning the explanation of their damnable covenant ... I will only say that so long as this covenant is in force (whether it be with or without explanation), I have no more power in Scotland than as a duke of Venice, which I will rather die than suffer.¹⁴¹

Charles finished the letter by informing Hamilton that he would only ever consider ‘giving ear to the explanation’ of the Covenant as a means of winning time, and that

my resolution is to come myself in person, accompanied like myself; sea forces nor Ireland shall not be forgotten.¹⁴²

In summary, Charles wanted Hamilton to wait until he was on his way to Scotland at the head of a military force before declaring the Covenanters to be traitors. He had already asked Hamilton to begin preparations to secure the castles at Berwick, Carlisle and Edinburgh against possible Covenanter attack.¹⁴³ It is interesting that Charles chose to consult only with Laud about Hamilton’s letters. The formation of the first Committee for Scottish Affairs, an offshoot of the Privy Council, and of which Laud was not an official member, was shortly to happen as the English Privy Council was, incredibly, only first made aware of the degree of unrest in Edinburgh in the first week

¹⁴¹ Burnet, *Memoires*, 76. Charles I to Hamilton, 25th June 1638.

¹⁴² Ibid.

¹⁴³ Ibid, 75. Charles I to Hamilton, 20th June 1638.

of July.¹⁴⁴ The extent to which Charles relied on Laud in his dealings with Hamilton at the end of June is borne out by the ‘two particulars’ mentioned in his letter of 25th June, which he entrusted to the archbishop to handle direct with Hamilton.¹⁴⁵

The first particular Charles told Laud to impart to Hamilton was about the moving of the privy council session from Edinburgh to Leith, which Hamilton had originally proposed to the king on the premise that Edinburgh was too dangerous.¹⁴⁶ On reflection, Hamilton thought that this move might endanger not only the king’s cause, but the physical wellbeing of some of the council, as many inhabitants of Leith had subscribed to the Covenant, so he subsequently asked Laud to inform the king that he had changed his mind and the session would sit in Edinburgh. Laud communicated the king’s agreement back to Hamilton in his letter of 25th June, which has not survived.¹⁴⁷ The second particular was the wording of the proclamation which Hamilton was instructed by the king to publish on his behalf. The matter of a royal proclamation¹⁴⁸ in response to the Covenant, was fundamental to Hamilton’s role as commissioner – when he had been despatched to Edinburgh in May, the king had given the marquis two royal proclamations, to be issued at Hamilton’s discretion, one of which was penned by Traquair, the other drawn up by Hamilton.¹⁴⁹

The first proclamation offered Charles’s public assurance that

we will neither now nor hereafter press the
practice of the ... canons and service-book, but in
such a fair and legal way as shall satisfy all our
loving subjects that we neither intend innovation in

¹⁴⁴ Donald, *Uncounselled King*, 87-89. The Venetian ambassador reported on 16th July that ‘Last Sunday, the king informed his Council about the affairs of Scotland for the first time, and even then summarily’. Zonca to Doge and Senate, 16th July 1638. *CSPV 1636-9*, 435.

¹⁴⁵ Burnet, *Memoires*, 77. Charles I to Hamilton, 25th June 1638.

¹⁴⁶ Gardiner, *Hamilton Papers*, 11. Hamilton to Charles, 15th June 1638.

¹⁴⁷ Mentioned in GD406/1/557, Hamilton to Laud, 29th June 1638.

¹⁴⁸ Peter Donald refers to it as the king’s declaration rather than proclamation. Donald, *Uncounselled King*, 86.

¹⁴⁹ Back in April and early May, Traquair and Hamilton had each drawn up proclamations designed to form the royal response to the Covenant but in the end, Charles amended them both and produced two contradictory proclamations. All three drafts are transcribed in Burnet, *Memoires*, 56-69.

religion or laws; and for the high commission, we shall so rectify it with the help of advice of our privy council, that it shall never impugn the laws, nor be a just grievance to our loyal subjects.¹⁵⁰

This was promised, in return for the ‘delivering up’ of the ‘bands’, the signed copies of the Covenant. The second proclamation, Hamilton’s version, contained no mention of the surrender of the Covenant, but instead demanded a show of obedience in return for the king’s assurances outlined above. If this obedience was not forthcoming, then the king was entitled to ‘make use of those forcible means which God hath armed for royal authority’.¹⁵¹ Hamilton had left London at the end of May armed with both versions, the king having ‘left it to the marquis’s choice whether of the two he should make use of, as he found it might tend to his service’. If he chose the second proclamation, however, and it did not result in the surrender of all signed copies of the Covenant within six weeks, he was permitted to give the Covenanters a further five days to surrender the Covenant, after which they would be declared traitors.¹⁵² It was only after the escalation of events at the end of June that Hamilton was finally forced to issue the royal proclamation.

Tantalisingly, Hamilton’s letters to both Laud and Charles of 29th June indicate that Laud was permitted to make an addition to the wording of the declaration which he communicated to Hamilton in his letter of 23rd / 25th June but which has not survived. Without this letter, or other supporting evidence, it is impossible to verify the extent of his input to the declaration, to find out the nature and significance of these additional words, or to tell how much leeway he was given by Charles in amending the wording of the declaration – was he in fact given considerable free rein, as he was with the various insertions and amendments made to the canons during 1635-6, or was he merely passing on to Hamilton the wording which Charles had devised and commanded him to convey to the Marquis? We do know that Hamilton was positive about ‘that additione, which by my Lord of Cantt I understand your Matie heath permitted me to insert ... which I dare bouldlie affirme will not prooffe to your Matie disadvantage’.¹⁵³ From a

¹⁵⁰ *ibid*, 56.

¹⁵¹ *ibid*, 57.

¹⁵² *ibid*. 58.

¹⁵³ GD406/1/10495, Hamilton to Charles I, 29th June 1638.

subsequent letter sent from Hamilton to Laud, we can also tell that Laud made the amendment, whatever it was, in his own hand.¹⁵⁴

A comparison of the text of the two proclamations which Hamilton had carried with him in Scotland, with the version published on 4th July (which had been signed by Charles on the 28th and enclosed in Laud's letter to him of 29th June) reveals little of substance to illuminate Laud's contribution.¹⁵⁵ The text of the proclamation was a halfway house between the two versions Hamilton had carried with him into Scotland – it contained vague promises that Charles did not intend to press the canons or liturgy, and that he had never intended 'innovation in Religion or Lawes'. He would 'rectifie', with the help of the Privy Council, use of High Commission but it was down to his royal prerogative alone that 'a free Assembly and Parliament .. shall be indicted and called with our best conveniencie'. In return, he expected 'that the behaviour of all our good and loyall subjects will be such, as may give testimonie of their obedience'.¹⁵⁶ As he had already indicated his intention to force the Scots into obedience in his response to Hamilton's letter of 20th June, Charles no longer saw it necessary to include the threat of military action in his proclamation.¹⁵⁷ The only 'new' text in the 4th July proclamation, which was not included in either of the two earlier versions, was the promise to 'discharge all Acts of Councel made ..anent' the canons and liturgy.¹⁵⁸ Was this the additional text which was inserted in Laud's hand? The only acts of the Scottish Privy Council which had been passed in relation to the canons and liturgy were that of 20th December 1636 which commanded that all parishes should acquire a copy of the Service Book by Easter 1637,¹⁵⁹ and a second act dated 13th June 1637, ordering the same to be done within fifteen days, presumably as a result of the failure of the first act.¹⁶⁰ The implementation of the canons was carried out, as discussed in chapter 3, with no reference to the Scottish Privy Council at all. If this text was the addition

¹⁵⁴ Hamilton refers to it as 'the addition ... warranted by yr Graces pen'. GD406/1/557. Hamilton to Laud (copy), 4th July 1638.

¹⁵⁵ Balcanquhall, *Large Declaration*, 96-98.

¹⁵⁶ *Ibid*, 97.

¹⁵⁷ Stevenson makes this point in *Scottish Revolution*, 97.

¹⁵⁸ *Ibid*.

¹⁵⁹ Baillie, *L&J*, i, 440.

¹⁶⁰ *Ibid*, 447.

made by Laud, then it either represents a drastic u-turn in approach since the previous year, when he was deeply critical of Spottiswood's weakness for halting use of the Prayer Book, or it represents an attempt to appear to be conceding far more than was in fact the case – a promise to discharge all acts of Privy Council about the Prayer Book and canons sounds grand, but if in reality it involved only two which had been fairly limited in success in the first place, then it gave the impression that Charles was making a deeper compromise than he actually was. Another hypothesis is that Laud genuinely wished the Acts to be withdrawn. If we jump forward to November 1640, when the English canons (and Laud, as their main author) were under attack during the opening weeks of the Long Parliament, Laud took exactly this approach. In his letter of 29th November 1640 to John Selden, Laud offered to 'humbly beseech his Majesty for a licence to review the [English] Canons and abrogate them to preserve the public peace'.¹⁶¹ Of course, events were not as dire for Laud in June 1638 as they would be in late November 1640, but the idea had to start somewhere.

Unfortunately, there is no more evidence to pin down precisely the nature of Laud's input to the proclamation. Hamilton's letter to Laud of 29th June hints that Laud took a proactive role in pressing the king to act, when he refers to 'My two desyres which your Grace hath moved his Matie in'.¹⁶² Also, Laud clearly had more to tell Hamilton about the matter, since Hamilton referred to 'What your grace sayeth you will whisper in my ear' when they next met in person.¹⁶³ Whatever Laud's real involvement, Hamilton certainly felt that he had been instrumental in helping him to manage the situation thus far, and had told the same to the Scottish Privy Council, who 'doeth well approve of this act which I have and shall ... acknowledge to have been procured by your Graces meanes'.¹⁶⁴ From the Hamilton correspondence, Laud emerges as a crucial link between the king and his commissioner, communicating and possibly making a direct contribution to those aspects of policy which the king was either less prepared or able to do himself.

¹⁶¹ *WWL*, vi, 589. Laud to Selden, 29th November 1640.

¹⁶² GD406/1/557, Hamilton to Laud (copy), 29th June 1638.

¹⁶³ *Ibid.*

¹⁶⁴ GD406/1/558, Hamilton to Laud (copy), 4th July 1638.

A final word on the king's proclamation of 4th July puts into context Hamilton's decision to return to court for three weeks in July 1638.¹⁶⁵ Hamilton had assured the Covenanters, prior to the publication of the king's proclamation, that it would fully satisfy their need for concessions from the king. However, they were disappointed with its vagueness and had already prepared a response rejecting it. Furthermore, although the majority of the Privy Council were prepared to sign an act ratifying the proclamation, Lorne and Southesk put sufficient pressure on them that Hamilton was forced to tear up the act before it was entered into the privy council register, with the threat that they would all sign the Covenant unless he destroyed the act.¹⁶⁶

After these dramatic events, the paper trail for Laud's involvement in Scottish affairs goes cold during July and most of August because Hamilton was at court and they met in person, rather than transacting business on paper.¹⁶⁷ Despite the recent formation of a separate Committee for Scotland, Laud, Hamilton and Charles met separately during July, presumably to try and thrash out a solution to the stalemate situation in Edinburgh. How often, or when they met is hard to determine, but prior to leaving, Hamilton told Laud that 'I hope shortlie to see you'.¹⁶⁸ The most important point for discussion was how to answer to the protestation of 4th July with a 'royal Covenant'. Hamilton advised a milder version of the 1567 confession of faith and according to Burnet, Charles decided to issue a further proclamation, 'having fully debated every

¹⁶⁵ Hamilton had written to Charles requesting permission to return to court to negotiate directly with him on 24th June, given that the Covenanters appeared to be gaining so much ground. Anxious not to give the impression that he was abandoning his commission at a critical moment, Hamilton assured Charles that he would be back in Scotland 'within 3 uekes' and Charles replied that because this request was 'grounded upon so good reason I cannot but grant it' Gardiner, *Hamilton Papers*, 15. Hamilton to Charles I, 24th June 1638 and Burnet, *Memoires*, 77. Charles I to Hamilton, 29th June 1638.

¹⁶⁶ Stevenson, *Scottish Revolution*, 97. See also Donald, *Uncounselled King*, 86-87 for more detail on this incident.

¹⁶⁷ Zonca reported on 5th August that Hamilton returned to court this week, whereas other sources indicate that Hamilton was already at court by the second week in July as he had left for court some time after the Scottish Privy Council meeting in Edinburgh on 4th July. Scally, 'Hamilton thesis', 245. Charles wrote to Hamilton on 9th July saying that 'I hope that this will find you on the way hitherward'. Burnet, *Memoires*, 82. Charles I to Hamilton, 9th July 1638.

¹⁶⁸ GD406/1/558, Hamilton to Laud (copy), 4th July 1638.

particular with the marquis and my lord of Canterbury'¹⁶⁹. In fact, the draft instructions with which Hamilton returned at the end of the month and which included a revised proclamation by the king, are written in Hamilton's hand with Charles's amendments. According to Laud, he was not involved in drawing up these new instructions - was it because of the failure of the 4th July proclamation, and Charles blamed him because he had been responsible for amending the draft? Or because Hamilton was present at court in person, and Charles relied on Laud more when Hamilton was absent? Alternatively, it could simply be because the main thrust of Charles's policy towards Scotland now was based on stalling while he prepared for military engagement and preparation for war was not something with which the Archbishop of Canterbury would normally be expected to participate (Laud was not on the Council for War, for instance). Either way, Laud wrote to Wentworth on 30th July, as Hamilton was preparing to return to Edinburgh, that 'My Lord Marquis is at this instant going again with other instructions, but the secret of them is betwixt the King and him'.¹⁷⁰ At the same time, Laud revealed that 'what the Committee lately named for this business of Scotland do, I know not; for I am none of them'.¹⁷¹

Taken at face value, this would signify that he was not involved with the Scottish crisis, but even though it is true that he was not a member of the Committee for Scottish Affairs, this chapter demonstrates that it is not the case. Laud may have been feeling piqued, because with Hamilton back at court, his counsel was no longer as essential to the king as it was when the Marquis was away. Other contemporary accounts suggest that there may have been a brief and temporary 'cooling off' of the close working relationship between king and archbishop over the summer of 1638. The Venetian ambassador reported shortly afterwards that

¹⁶⁹ *ibid.*, 83.

¹⁷⁰ *WWL*, vii, 468. Laud to Wentworth, 30th July 1638. Hamilton sent Laud a copy of the 27th July 'instructions' (Scally's term, 'Hamilton thesis', 246-7) when he was back in Edinburgh in September. GD406/1/564, Hamilton to Laud (copy), 24th September 1638.

¹⁷¹ *ibid.*

the Archbishop of Canterbury .. does not just now enjoy the customary abundance of the royal favours, with the fear that if the trouble persists he may lose them entirely.¹⁷²

If Laud did experience a distancing in his relationship with the king during the summer of 1638, then it was only temporary and it was probably as much a result of circumstances as anything more significant. The fact that Hamilton was back at court did make a difference to the status of Laud as the king's chief adviser for Scotland – in addition to his July visit, the marquis also made a brief and rather impromptu second trip to London at the end of August, about the time of the Venetian ambassador's observations. In addition, Laud normally returned to Croydon over the summer, while the king went elsewhere so their paths would not have crossed on such a daily basis, particularly if Hamilton was around. Finally, Charles's mind was now more or less focused on using military force to subdue the Scots so it would not be surprising for Laud to have less input than he would have done over how negotiable certain aspects of ecclesiastical policy were. As their continuing correspondence illustrates, Hamilton kept Laud as closely up-to-date with developments in Scotland during September to December as he did in the first part of his commission, which supports the view that if there was a setback in Laud's relationship with Charles over the summer, then it was not permanent.

When Hamilton arrived back in Edinburgh on 17th September 1638, he brought with him a list of concessions from Charles which would not have been thinkable in February 1638. The concessions, which were issued as a proclamation to the Privy Council on 19th September and proclaimed at the Market Cross in Edinburgh on 22nd September, amounted to a Revocation of the prayer book, canons and the High Commission; the discharge of the Five Articles of Perth, and the promise to repeal the 1621 Act of Parliament which ratified them; and an agreement to summon a General Assembly and a Parliament. Charles also reissued the 1580 Confession of Faith in the form of the 'King's Covenant'.¹⁷³ The day after the proclamation was made public, the

¹⁷² *CSPV 1636-9*, 447. Zonca to Doge and Senate, 10th September 1638.

¹⁷³ 'The King's Covenant' as the proclamation became known, is included in full in Burnet, *Memoires*, 92-94.

date of the General Assembly was fixed for 21st November to be held in Glasgow and the Parliament in Edinburgh on 15th May 1639.¹⁷⁴

The instructions which Hamilton imparted to the Council were a modified form of the 'Broxmouth advice' drawn up by Hamilton, Rothes and Southesk in early September, and which the king had initially rejected when Hamilton first tabled them on 3rd September.¹⁷⁵ Frustratingly, in one of Hamilton's letters to Laud, an unfinished draft, we get snatched glimpses that Laud was clearly involved in the process of preparing the king's instructions in collaboration with the marquis, but no further details about the specifics of his contribution are yielded. Hamilton asked Laud

If your grace have thought on anie additions to the instructions or anie changes in the place and charge for the subscription of the confession and bande or in his Maties letter to the counsall or anie thing else that you shall have good tyme for, think fitt to communicate to me and acquent his Matie ther with and to wrytt them upon which day as your grace resolved. I shall not faile to attend you att Oatlands with them thatt we may togudder consider whatt is furder fitting to be done.¹⁷⁶

This captures nicely the notion of Hamilton and Laud working together, but frustratingly, tells us nothing about the specifics of Laud's contribution. The following day, in one of the few surviving letters from Laud to Hamilton, Laud again referred to comments annotated to the instructions but the non-survival of the enclosures with this letter makes it impossible for us to know what those changes were. On 6th September, Laud informed Hamilton, staying at Bagshot, that

I have sent your Lordship four papers wch ye Dean of Rochester brought me yesterdaye. I have read them over twice and have little to say to them, and

¹⁷⁴ Burnet, *Memoires*, 103.

¹⁷⁵ For a discussion of the Broxmouth advice, see Scally, 'Hamilton thesis', 248-251. Donald, *Uncounselled King*, 93.

¹⁷⁶ GD406/1/561, Hamilton to Laud, 5th September 1638 (draft).

that little your Lordship shall find in the papers
themselves. That boldness I hope you will pardon,
... I doe but use the leave you gave me.¹⁷⁷

Hamilton's return to Edinburgh, armed with the king's instructions, was an important moment in the negotiations between crown and Covenanters, because it was the first moment at which the king seemed willing to attempt to build a royalist party.¹⁷⁸ The fragments of evidence in the letters exchanged between Laud and Hamilton indicate that Laud played his part in helping both king and marquis to arrive at this moment, but we will never know what specific course of action he counselled the king to take.

Even though most of Laud's letters to Hamilton from this period have been lost, it is clear that their correspondence was more frequent in the autumn of 1638 than earlier in the summer and the nature of their letters underwent a change during this time. Laud was kept closely informed of, and deeply involved in, Hamilton's attempts to reach a settlement in the period up to the opening of the Glasgow Assembly which convened from 21st November until 20th December 1638 (despite being dissolved by Hamilton at the end of the first week¹⁷⁹) and at which the main tenets of Caroline ecclesiastical policy, including the episcopacy, were formally abolished.¹⁸⁰ The extant copies of Hamilton's letters to Laud from September onwards are much longer and detailed than previously, and often contained a number of annotated enclosures for him either to pass on to Charles or peruse himself, particularly as the Assembly progressed and Hamilton seemed to be losing what limited control he had over events in Charles's northern kingdom. Hamilton's copies of his letters to Laud show that Charles continued to consult him on the way forward and use him as a means of communication between Hamilton and himself.

¹⁷⁷ GD406/1/546, Laud to Hamilton, 6th September 1638. As Donald points out, the draft of the final instructions is in Balcanquhall's hand, Donald, *An Uncounselled King*, 93.

¹⁷⁸ Donald, *Uncounselled King*, 93.

¹⁷⁹ According to Hamilton, the Covenanters were 'resolved .. not to obey anie command that shall be laide upon them, for the discharging of this assembly'. Gardiner, *Hamilton Papers*, 61. Hamilton to Charles I, 27th November 1638.

¹⁸⁰ For a useful summary of the Assembly, including the prelude to it can be found in Stevenson, *Scottish Revolution*, 88-126.

Although this chapter has been concerned largely with the Hamilton correspondence, it would be wrong to imply that the marquis was the only source of news imparted to Laud from Scotland. He was also in receipt of communications from others in Scotland, including the Scottish bishops, and from September 1638, Walter Balcanquhall, Dean of Rochester, who had returned to Scotland with Hamilton after his second trip to court, to assist him in negotiating with the Covenanters. Very little, if any, of Laud's 'other Scottish correspondence' has survived, and we are left to glean references to it from Hamilton's letters to Laud.¹⁸¹ Hamilton's correspondence to Laud was no less frequent once Balcanquhall was involved, but on occasion, he let Balcanquhall update Laud more fully with developments than he was able to do himself, largely because of the way in which the forthcoming Glasgow Assembly came to dominate events in Edinburgh during the autumn of 1638. There are several examples of this, such as in his letter of 22nd October, Hamilton explained that 'I have desyred the Deane to wrytte to your G[race] of sum particulars, being my sellff not able to sett down all which is expedient your G[race] should know'.¹⁸² The following month, Hamilton explained that 'This of myne shall be verie short, by ye Lo of Rosse and the Dean yea will know what hath passed heare'.¹⁸³ As the Glasgow Assembly progressed, Hamilton informed Laud that 'Your Grace will receave an ample relatione of what hath passed at Glasgow from the Dean'.¹⁸⁴ It was for this, as well as his commitment to Laudian policies, that Balcanquhall was rewarded with the Deanery of Durham.¹⁸⁵

The evidence in the Hamilton Papers supports the notion of a working partnership between Charles and Laud, which during the Scottish crisis in late 1638, had become a triangular working relationship between Charles, Laud and Hamilton. Some letters reveal more than others, and it is only when looking at the entire body of extant

¹⁸¹ For example, Laud told Hamilton that 'this morninge as I was goinge to write this letter to your Lordship, I received a letter from the Bishop of Brechin'. GD406/1/546, Laud to Hamilton, 6th September 1638. Hamilton refers to Laud being updated about Scottish developments 'by ye Lord of Rosse [Maxwell]' in GD406/1/577, Hamilton to Laud (copy), 27th November 1638.

¹⁸² GD406/1/569/1, Hamilton to Laud (copy), 22nd October 1638.

¹⁸³ GD406/1/577, Hamilton to Laud (copy), 27th November 1638.

¹⁸⁴ GD406/1/578, Hamilton to Laud (copy), 1st December 1638.

¹⁸⁵ See below, pp 184-6.

correspondence, that the framework of the working relationship between marquis, king and archbishop can be assessed. At times, Laud appears simply to be passing on the king's instructions to Hamilton, and there is no clear indication that he is anything other than the 'King's secretary' described by Gardiner.¹⁸⁶ On 5th November, for instance, Hamilton acknowledged receipt of Laud's letter of 29th October (which has not survived) which contained 'his Maties pleasure, signified by your Grace'.¹⁸⁷ Similarly, in another letter sent three weeks later, Laud informed Hamilton that

'To your Graces short letter I can saye but this, His Majestye hath received yr Letters and commands me to tell you, he will omitt no Care, and you shall heare from himselfe soe soone as your next packett comes and brings him some particulars.'¹⁸⁸

As far as these two examples are concerned, Laud was merely conveying messages between Charles and Hamilton. This sheds no light on what was happening behind the scenes, and tells us nothing about what influence Laud might have had on Charles. Furthermore, Hamilton's response to it reveals little and is relatively brief, something for which the marquis apologised.¹⁸⁹

Hamilton clearly relied on Laud as more than an archiepiscopal royal messenger or private secretary, however. In general, Hamilton preferred to impart to Laud a more frank account of events, although this was not always the case for when Laud succumbed to a brief illness in early November, Hamilton was forced to 'wryt the longer letter to his [Matie] and make this the shorter'.¹⁹⁰ Increasingly, however, Laud was used to convey more detailed and sensitive information to the king. On 24th September, for instance, Hamilton acknowledged to Laud that 'thoe my letter be long to his Matie yet there is manie particulars contained in this wch is not in his Maties'.¹⁹¹ In other words, Hamilton was putting more information in his letter to Laud than he was

¹⁸⁶ Gardiner, *History of England*, viii, 309.

¹⁸⁷ GD406/1/572, Hamilton to Laud (copy), 5th November 1638.

¹⁸⁸ GD406/1/547, Laud to Hamilton, 28th November 1638.

¹⁸⁹ GD406/1/575, Hamilton to Laud (copy), 16th November 1638.

¹⁹⁰ GD406/1/555, Hamilton to Laud (copy) 15th November 1638.

¹⁹¹ GD406/1/564, Hamilton to Laud (copy), 24th September 1638. This letter was delivered to Laud by 'Marq Hambleton's footman' on 28th September. TNA, E101/547/5, fo 84.

in his letter to Charles, presumably so that Laud could digest it and transmit it to the king in the most appropriate way to secure the best result. It is worth comparing the two letters to see what the emphasis in each reveals about Laud's possible contribution to the negotiations, as well as his working partnership with the king.

Hamilton wrote his letter to the king at 8 o'clock in the morning on 24th September, and his letter to Laud one hour later.¹⁹² Although the overall purpose of both letters is the same – to relay Hamilton's progress in securing support for the 'King's Covenant' – his letter to Charles was exclusively concerned with the general outcome of his meetings with the Privy Council, including the Covenanter lords. This included detail about what times of day and for how long the council had met and risen, as well as more important facts, like the fact that he had secured the council's agreement to indict a General Assembly on 21st November and a parliament in March the following year. The letter to Laud, however, while containing all the same information, was much longer and contained several annotated enclosures which were not sent to the king, including the original of the king's instructions, a letter to the king from the Privy Council, the king's proclamation and the act indicting both parliament and Assembly. Presumably Laud would read them through, digest them and then take them to the king for discussion. In this sense, the differences between Hamilton's letters to Laud and his letters to the king reflected the different roles and status of their recipients, and perhaps also, their differing abilities to handle and process detailed information. More importantly, the fact that Hamilton trusted Laud with details not communicated directly to the king, must surely be a reflection not only of his close and long-standing working knowledge of Charles, but of Laud's considerable access to the royal person. Interestingly, Hamilton's approach was entirely in keeping with the approach taken by Wentworth, who frequently sent Laud lengthy information concerning the church, and left him to impart the detail to the king.¹⁹³

¹⁹² Gardiner, *Hamilton Papers*, 26-32, Hamilton to Charles I, 24th September 1638; GD406/1/564, Hamilton to Laud, 24th September 1638.

¹⁹³ There are numerous examples of this practice in the Strafford Papers, a couple of which will illustrate the point. For example, the opening line of one of Wentworth's letters to Charles informs the king that 'Considerations tending to the better government of the church and clergie in this kingdome, I offer in a letter herewith sent to my Lord's Grace of Canterbury'. Similarly, Wentworth sent enclosures regarding the army to Sir John Coke, and about the treasury to Portland. Str. P. 3/47, Wentworth to Charles I, 22nd

In Hamilton's letters, it is not so much the case that Charles and Laud were told different things, but that Laud was given a more honest and at times colourful account of Hamilton's dealings, together with a justification of his actions. The king was, for instance, given a sanitised version of Hamilton's likelihood of reaching an agreement on the future of the episcopacy. Hamilton told the king that

Now my cheef and nix indeavoore must be
preserve Episcoposie, uich is a taske of greater
difficultie then can be imagened.¹⁹⁴

Laud, on the other hand, was informed that on the matter of episcopacy,

I have not resolved as yett how the peoples
myndes are satisfied, for after the reading of the
proclamation, all the wyffes and rascalls people in
the town was instructed to call out that they neither
could nor would rest satisfied without the
destruction of the bishops. A small tyme will give
me greater light and my caire of them and there
calling sall never rest.¹⁹⁵

Clearly, Hamilton wanted Laud to know exactly what he was up against, in order that this could be conveyed to the king.

If it can be proved that Laud was on the receiving end of comprehensive instructions from Hamilton in Scotland, what, then, was the essence of these instructions and what bearing does this have on our understanding of Laud's role in advising Charles on how to handle the growing crisis? In his letter to Laud of 14th October, for instance, Hamilton indicates that Laud had been responsible for preventing the king from taking some action which might have caused major difficulties not only for Hamilton in the role of commissioner, but for Charles's relations with his Scottish subjects. Hamilton told Laud that 'I am glad your G[race] hath found a waye to prevent his Matie given

January 1634. Again, in another letter to Charles sent later that year, Wentworth told the king that Laud had been updated about the Convocation, and that Coke could fill him in with all the details of the recent Parliament. Wentworth was careful not to overload the king with detail. Str. P. 3/151, Wentworth to Charles I, 15th December 1634.

¹⁹⁴ Gardiner, *Hamilton Papers*, 31, Hamilton to Charles I, 24th September 1638.

¹⁹⁵ GD406/1/564, Hamilton to Laud, 24th September 1638.

order, upon every motion to irritate unnecessarilie the people and as your Grace wyselie observes, must needs be prejudiciall to his Service unless it did effectuallie weaken them in sum considerable waye.’¹⁹⁶ Only having one side of the correspondence makes it difficult to place this insight into context. Other examples, however, demonstrate Laud’s role more specifically at the heart of the negotiations between Hamilton and the king. The king’s decision regarding the issue of the Five Articles of Perth and the Glasgow Assembly is a striking case in point. In the weeks leading up to the opening of the Assembly on 21st November, Charles was given a list of propositions which Hamilton would use as the basis for his negotiations with the Assembly as king’s Commissioner. These propositions, which were based on the promises made by Charles in his ‘Covenant’ of 22nd September, amounted to a list of concessions to be put to the Covenanters, the most radical of which involved Charles agreeing that the key tenets of his Scottish religious policy, from the prayer book and canons to the Five Articles of Perth, should be referred to a General Assembly and to be ratified by a Parliament. The propositions were prepared by Traquair,¹⁹⁷ but sent from Hamilton to Laud, who had to explain everything to the king, in an important letter of 22nd October.

The letter to Laud, which survives in copy form, was long and included several enclosures, all annotated alphabetically, for Laud’s reference, although the enclosures themselves are no longer extant.¹⁹⁸ It must have taken him a long time to digest its contents. Hamilton explained to Laud that his letter contained more comprehensive and frank information than the king’s, setting out ‘the waye how I intend to proceed in this assemblie, which I have only mentioned to his Matie and have remitted particular relation thereof to your Grace.’¹⁹⁹ Hamilton acknowledged that this would be ‘labourious worke ... but it is of that importance as all must be laide by and I should not know how to proceed without your graces help’.²⁰⁰ Charles was sent a corresponding letter on the same day, explaining that Laud would liaise with him over the detailed response to the propositions and that if the king followed Hamilton’s

¹⁹⁶ GD406/1/567, Hamilton to Laud (copy), 14th October 1638.

¹⁹⁷ Donald, *Uncounselled King*, 105.

¹⁹⁸ GD406/1/569/1 Hamilton to Laud (copy), 22nd October 1638.

¹⁹⁹ GD406/1/569/1, Hamilton to Laud (copy), 22nd October 1638.

²⁰⁰ *Ibid.*

advice 'your Mattie shall have a considerabill partie heire to courbe the stubernes of thir rebellious people'.²⁰¹

For Charles, although he had agreed back in September (in his proclamation) that he might issue an act of parliament to repeal the 1621 Act which had ratified the Five Articles, and despite the fact that this had formed the basis of the negotiations between Hamilton and the Covenanters up until now, when he saw it on paper, the passage in the propositions concerning the approval of religious policy by representative assemblies was hard to swallow, as it amounted to handing over a chunk of the royal prerogative. Not surprisingly, he deleted all reference to this in his reply. We do not know what Laud advised Charles on this point, but we do know that he wrote back to Hamilton on 29th October, apparently telling him that the king was not prepared to risk agreeing to relinquish the Five Articles.²⁰² Hamilton's disappointment leaps off the page of his reply of 5th November, to Charles,

I can not but acknowledge that your Matie had just reason but to make those alterations in the propositions which are to be made to the Assemblie, and in truth they are yet as full as anie of your Maties proclamations or declarations, tho not as my instructions: particularlie that which concerns the 5 Articles of Pearth, of the which I have wrytt to my Lo Gr of Cantt and if your Matie shall not think fitt to inlarge thatt article I shall proceid as I am commanded.²⁰³

In other words, Hamilton had acted according to instructions and advised the king how best to build a party in Scotland, but the king had changed his mind and if the king wanted to pursue this course, then Hamilton would do as he was told, whatever the outcome. At the same time, Hamilton dictated a letter to Laud, in which he told him in no uncertain terms that 'that wch his Matie hath blottit out concerning the five articles of perth makes that article far shorte of his Maties former instructions to me'. Hamilton impressed upon Laud that 'unless that be declared and enacted, this will give

²⁰¹ Gardiner, *Hamilton Papers*, 46. Hamilton to Charles I, 22nd October 1638.

²⁰² Laud's letter of 29th October no longer exists, but from Hamilton's reply of 5th November (GD406/1/572), it is possible to work out some of what Laud wrote.

²⁰³ GD406/1/10516, Hamilton to Charles I, 5th November 1638.

no satisfacione at all ... and certainlie my Lord at their first passing at an assemblie, it was upon no other terms, than those that I nowe mention'. Hamilton, justifiably, felt that this was a slap in the face, as this had formed the basis of the agreement to summon an assembly and his change of tone to Laud reflects the seriousness with which he saw the situation - 'I expect his Maties resolution by yr Graces procurement in this particular, with all expedition; because if it turn not before the 20th day, it will be too late and I know all expects it and will give great discontent if not done'.²⁰⁴ Again, we do not know what Laud advised Charles, but on 21st November (albeit somewhat later than Hamilton requested), Charles wrote back to the marquis explaining that he objected to relinquishing the Five Articles because:

that I should not be thought to desire the abolishing
of that in Scotland which I approve and maintain in
England, namely, the five articles of Perth.²⁰⁵

Charles saw the danger in this approach and conceded that Hamilton could convey to the Assembly that 'though I permit, yet I would be better pleased if they would let them alone'.²⁰⁶ If Laud had done as Hamilton urged, and persuaded Charles to change his mind for a second time about abandoning the Five Articles, this would have been a very surprising move, considering that Laud's commitment to ceremonialism matched the king's. But these were extreme times and Laud probably saw the futility of the king sticking on this point, having relinquished all other aspects of his Scottish ecclesiastical policy. When push came to shove, then, Laud could see the limitations of the king's approach and the benefit of an alternative way forward. In the event, all of Charles's concessions were too little, too late as the Assembly pronounced as illegal every aspect of Charles's ecclesiastical policy implemented during the 1630s, as well as abolishing the Scottish episcopacy.

Laud's part in Hamilton's commission was central, but it would be wrong to give the impression that it was only via Laud that Charles was being fed information and news about the crisis and Assembly. Naturally, the king did not exist in a vacuum and

²⁰⁴ GD406/1/572, Hamilton to Laud (copy) 5th November 1638.

²⁰⁵ Burnet, *Memoires*, 118. Charles I to Hamilton, 21st November 1638.

²⁰⁶ *ibid.*

would have heard many reports of the events in Edinburgh from various sources. For one, Sir Thomas Hope made frequent use of the Bedchamber servant, Lord Panmure, to send letters and packages in which he imparted detailed accounts of privy council meetings which had taken place in Edinburgh, and his views on how things should proceed, with a view to Panmure gauging the king's reaction. Hope, a staunch Calvinist, was undoubtedly trying to use Maule to push the king in the opposite direction to Laud and Hamilton. Hope's *Diary of Public Correspondence* lists numerous occasions during the 1630s when letters to and from Maule were received and sent, but references increase dramatically during 1638, particularly after the signing of the Covenant in February, when Maule was sent documents, sometimes also with letters to pass to Stirling, and others, several times a week.²⁰⁷ Maule has left no real clues as to his personal religious preferences, but he was involved in a wrangle with the Bishop of Brechin in 1634, successfully defending his rights to appoint to the magistracy of Brechin (where he held land) and he was in Edinburgh in July 1637, both of which could indicate that he was no episcopalian.

After the collapse of the Glasgow Assembly in December 1638, Hamilton requested leave to return to court on a semi-permanent basis and he again floated the idea before Laud rather than Charles.²⁰⁸ Once approved, he sought further reassurance from Charles, again via Laud, that his decision would not damage the king's cause, as follows:

I have not writte to his Matie at this tyme, but I shall humblie entreate your Grace both to beleeve yourself and to assure him, that ... my coming up is necessarie and that by my absence for the present his service will not suffer.²⁰⁹

Due to the lack of surviving evidence, it is harder to establish, although not impossible to hypothesise on, the exact degree of Laud's influence over Charles, what course of action he was advising Charles to take. If it is difficult for historians of Laud to

²⁰⁷ Thomson, *Hope's Diary of Public Correspondence*, 69-84.

²⁰⁸ GD406/2/549, Laud to Hamilton, 7th December 1638. This point is made in Scally, 'Hamilton thesis', 261.

²⁰⁹ GD406/1/581, Hamilton to Laud (copy), 26th December 1638.

discover what he was doing behind the scenes, contemporaries seem to have had equal difficulty looking behind closed doors at Whitehall. For example, three weeks after Charles's 8th November letter to Hamilton, and on the same day that Laud was writing to the Marquis, Patrick Maule also penned a letter to Hamilton. He told him that 'the Bishope of Canterburie madles in noe busines consarning Scotland with his Matie, nor will not but in publick, wher hee is to give his opinione as a Privie Counsellor'.²¹⁰ This must have seemed ironic to Hamilton, who had been in regular correspondence with Laud about Scottish issues for five months and who had made it clear to Laud on at least one occasion that he communicated developments in Scotland to no-one apart from him and Charles.²¹¹ But more significantly, it indicates that Laud was working hard, and reasonably effectively, to distance himself in public from being too closely associated with Scottish policy.

The correspondence between Hamilton and Laud may reveal little concrete evidence upon which to assess Laud's true role in the king's counsel, but other related details emerge which enable us to expand our thinking on other aspects of Laud's reputation. For instance, new evidence has emerged to prove Laud's unequivocal role in the appointment of Walter Balcanquhall to the Deanery of Durham in April 1639. Laud's input to Balcanquhall's preferment has always been a moot point, although Balcanquhall's contribution to the Scottish crisis - particularly the authorship of *The Large Declaration* on behalf of the king - conveyed a similarity of viewpoint and shared purpose which circumstantially linked Laud to Balcanquhall. Laud and the Marquis of Hamilton can now be seen in collaboration over the preferment of Balcanquhall, with Laud operating as power-broker on behalf Hamilton. Hamilton's proposal was that a prominent deanery, possibly Westminster or Durham if either became vacant, should be conferred upon Walter Balcanquhall, Dean of Rochester, as a reward for his advice to Charles on the merits and disadvantages of allowing the General Assembly to convene at Glasgow in late 1638. To demonstrate Laud's role and the way in which he and Hamilton collaborated over this, it is worth inserting in their entirety two passages from unpublished letters from Hamilton to Laud of 5th

²¹⁰ GD406/1/544, Maule of Panmure to Hamilton, 28th November 1638.

²¹¹ For example, in his letter to Laud of 27th September, Hamilton wrote 'to himselff [Charles] and you only I wrytte'. GD406/1/565, Hamilton to Laud (copy), 27th September 1638.

October and 12 November 1638. The 5th October letter included the following proposal from Hamilton:

I cannot but acknowledge but that I have receaved greate assistance from him [Balcanquhall], and he hath been the only causer of working that division amongst the clergie wch I hope one day will produce good effects to his Maties ends and therefore I know your Gr[ace] will be a means to his Matie that he may not goe unrewarded and be pleased to pardon me, if I put yow in mind of the Deanerie of Westminster or Durham for him, yf they fall voyde: his ambitione is not greate, for more he aymes not at. This I wrytte only to your G and as I ame honest without any desyre of his.²¹²

Laud wasted no time passing the message to the king, for in his letter to Laud of 12th November, Hamilton thanked the archbishop for pressing Balcanquhall's suit to Charles, writing that:

I find by a letter of his Maties ..that your G[race] hath not been unmyndfull of myne humble suit in the behalfe of the Dean of Rochester. For to the King I never spake or writte of any such thing; yet he hath been graciously pleased to expresse himself (upon the Dean of Durhams death) in such a favourable way, as I can never sufficiently acknowledge his goodness, nor your kindness. For the business itselfe, it seemeth that besyds the multitude of suitors that his Matie will have for that place, that his Matie hath formerly had some thought to dispose of it for the accommodating his service.²¹³

An undated and uncalendared docquet found in the British Library among the papers of Sir John Coke connects Laud directly to the appointment of Balcanquhall. The 'docquett' speaks for itself:

²¹² GD406/1/566, Hamilton to Laud (copy), 5th October 1638.

²¹³ GD406/1/574, Hamilton to Laud (copy), 12th November 1638.

The Deanerye of Durham for Walter Balcanquhall,
Dr in Divinitie, one of his Maties Chapleyne in
ordinarye, void by the death of Dr Hunt late Deane
there, by order from the ArchB of Canterburie,
procured by Mr Secretary Coke.²¹⁴

The implications of the alliance between Hamilton and Laud over Balcanquhall are several. Laud had evidently not lost his considerable hold over ecclesiastical patronage at this stage. If, in 1639, he was still able to secure the preferment of a Laudian candidate over 'a multitude of suitors', possibly even including the king's own candidate (as Hamilton explained, the king had already given some thought to disposing of it), then this must confound the view that 1637 saw the decline of Laud's power, in the arena of ecclesiastical patronage at least. His collaboration with Hamilton over Balcanquhall, as well as the negotiations with the Covenanters, suggests not only new dimensions to current thinking on Laud's relationships within the Caroline government, but indicates an ability to co-operate with dissimilar characters not usually attributed to Laud.

No-one could describe Hamilton and Laud as friends, but there is some evidence that they developed respect for each other during the course of their correspondence, which is interesting given their very different backgrounds and circumstances. Hamilton's gratitude to Laud for his role in intervening with Charles, particularly towards the end of 1638, indicates a growing respect for the archbishop, as suggested by the following example, from just before Christmas, which speaks for itself:

as I oft have beene encouraged by your G[race]'s
favours, wyse and solide advyse, soe I humblie
intreate the continuation of your grace's frendship
soe long as you shall find me worthie the name of a
loyall subject,²¹⁵

and

²¹⁴ BL, Add MS 64919, fo 66r. The Signet Office docquet book entry for Balcanquhall's appointment to the deanery is dated January 1639. TNA, SO 3/12 fo 16r. Interestingly, according to this entry, Laud was the signifier and Windebank the procurer. I am grateful to Professor Kenneth Fincham for this reference.

²¹⁵ GD406/1/580, Hamilton to Laud (copy), 17th December 1638.

“Thus with ... manie sincere thanks to your sellfe
for the manie real kyndnesses wch you have been
pleased to conferre.²¹⁶

Court etiquette played its part in such expressions of thanks, but the feeling seems to have been mutual. In one of his few surviving letters to Hamilton, Laud enclosed a New Year's gift of a book for the marquis – possibly a copy of his ‘*Conference with Mr Fisher the Jesuit*’ - which he sent to him shortly after they had met in person when Hamilton made his permanent return to court in late December 1638.²¹⁷ It is worth including the whole section,

Mye Thanks for yesterdaye – not forgotten. I think
you Complayned your Eyes were weake, and yett I
hope they shall never be such as cannot shewe you
the waye. I mean neither the waye heare, nor ye
waye hence. To this end I send you heare a New
Years Gift, that you may read it with care, the print
is faire.²¹⁸

Further evidence that their relationship may have been more than a formal arrangement can be demonstrated by the little known fact that Hamilton owned a copy of the van Dyck portrait of Laud. In an inventory of Hamilton's possessions, dated between 1643 and 1649, now held in the archives at the Scottish National Portrait Gallery in Edinburgh, the painting is listed as ‘one peice of yr Lord of Canterbury to the knees leaning his arme upon a pillar, a copping after Sir Anthonye’.²¹⁹ There is no indication of the date on which Hamilton acquired the portrait and no evidence in Laud's correspondence or elsewhere, to indicate whether it was a gift or a purchase.

²¹⁶ GD406/1/581, Hamilton to Laud (copy), 26th December 1638.

²¹⁷ Hamilton left Dalkeith bound for court on 27th December. Thomson, *A Diary of the Public Correspondence of Sir Thomas Hope*, 83.

²¹⁸ GD406/1/550, Laud to Hamilton, 8th January 1639. This gift does not appear in Laud's household account book, TNA, E101/547/5.

²¹⁹ NAS, Hamilton Inventory, M4/20. I am grateful to Imogen Gibbons, Senior Curator at the Scottish National Portrait Gallery in Edinburgh, for scanning and emailing me this document while it was on temporary deposit there. The inventory is also referred to in an article by M. Jaffe, ‘Van Dyck Studies I: The portrait of Archbishop Laud’, *The Burlington Magazine*, 124, (2002), 598-607; 606 n. 38.

Nevertheless, its presence in Hamilton's collections strongly suggests that what originated as an official association may have developed into a personal one.

No correspondence has survived between Laud's 'New Year' letter to Hamilton of 8th January and his letter to Hamilton of 4th June 1639. As we know that Hamilton was based in London more or less permanently between late December 1638 and April 1639, when he led the king's army northwards, this is hardly surprising, as they would have no need to correspond on paper if they could make contact in person. The June 1639 letter is interesting and expresses Laud's criticism of the way in which Charles was handling his Scottish campaign. In the letter, Laud was responding to the news that Hamilton had had to supply 3500 of his own men to boost the king's troops at Berwick. It is only in reading the whole passage that Laud's sympathy for Hamilton and with it, his implicit criticism of Charles is revealed. The passage reads:

Upon Whitsunday I received Letters from a frendlye hand at Barwick that 3500 of your Men wear sent to augment the Kings forces. I confess it shooke me exceeding deeplie. My Lord, I love not to spend tyme in bemoninge, but this I'll saye to you: noe newes from thence hath trobled me soe much as this. I knowe the Kinge must be supplied. But what on Gods Name is the matter that in all this tyme supplyes could not be had but out of your Troops, whear I conceive the best service hath bin hitherto done?²²⁰

The closing paragraph of the letter indicates that Laud was trying hard to restrain his criticism of the king, when he admitted to the Marquis that

mye penn itches to express itself in some particulars, wch worke upon my Spiritts. But I dare not send them to sea, nor shall they (God willinge) gett that power upon mye Spiritts as to dull them in my masters Service. Mye prayers you have and mye Service you shall have.²²¹

²²⁰ GD406/1/551, Laud to Hamilton, 4th June 1639. The identity of the 'frendlye hand' to which Laud refers here is unclear.

²²¹ *ibid.*

If their correspondence began merely as a working arrangement at the king's orders, by mid 1639, expressing veiled criticism of Charles was something which Hamilton and Laud were comfortably able to reciprocate. The last extant correspondence between Laud and Hamilton is dated 14th July 1639 and in this letter, Hamilton freely told Laud that he hoped Charles would not go to Edinburgh to pursue his campaign against the Scots. Hamilton had just resigned as king's commissioner and was primarily concerned with self-preservation and extricating himself from his disastrous associations with the Scottish troubles, so it is perhaps not unusual that he might be critical of Charles.²²²

Although the last known correspondence between them is dated July 1639, their relationship continued beyond this point, since Hamilton returned to court after resigning his commission (he was replaced by Traquair) and he increasingly acted as Charles's confidential secretary on Scottish affairs. Although it looked as if Hamilton 'took over'²²³ from Laud, they did continue to work together. In August 1639, the pair collaborated to draft a letter from Charles to Archbishop Spottiswood, which is held in the Hamilton Papers.²²⁴

Writing a suitable conclusion for this chapter proved much harder than it was for the others in this thesis, because the Laud-Hamilton correspondence speaks very well for itself, even with only partial survival of the manuscript evidence. However, there are some important observations to be made about how this chapter fits into the historiography of Laud. The first point to make is that no historian has examined Hamilton's correspondence in this way before and that this could be one reason for the continued emphasis on 1636 as the high point of Laud's career. The letters exchanged by Hamilton and Laud from June to December 1638 bear witness to Laud's continuing access to Charles I and shatter the illusion that by this time, his influence was on the decline. This chapter has demonstrated that even towards the end of 1638, Laud was still the king's trusted adviser, even though he may have been expressing to Hamilton his doubts and disillusionment with the direction of royal policy in Scotland.

²²² GD406/1/905, Hamilton to Laud, 14th July 1639.

²²³ Scally makes this point in 'Hamilton thesis', 287.

²²⁴ GD406/1/1030, Charles I to Spottiswood, 6th August 1639.

As this chapter has also shown, however, the biggest drawback in the Hamilton correspondence is the fact that while Laud appears to have been an important component in the negotiations from the perspective of both Hamilton and the king, there remains very little concrete evidence upon which to assess his real contribution to counselling the king throughout the burgeoning crisis. With only one side of the correspondence, we simply do not know what Laud was telling Hamilton or whether this was a true reflection of what he may have been advising the king. As a result, it is very difficult to construct a meaningful argument with which to either confirm or confound the work of Donald, for instance, because we simply do not know precisely what counsel was offered by Laud in the period between June and November 1638.

On other matters we can thankfully be less cautious. That the emphasis in Laud's career needs to be moved from 1636 to the summer of 1638 emerges from this chapter and is supported elsewhere. Laud's household account book, another neglected source, reveals that expenditure in the archiepiscopal household in June 1638 was higher than at any point in the surviving documentation, which dates from December 1635 until January 1642.²²⁵ This corresponds with the start of Hamilton's commission and suggests that the point at which Charles entrusted the detailed negotiations to Hamilton via Laud genuinely reflects the seniority of Laud's position at court and in his counsel.

The Hamilton correspondence with Laud must lend itself to a discussion of Laud's personality, since the reputation of the archbishop has become almost a caricature – an isolated person unable to get along with his colleagues at court, whose clashes with Cottington, Portland, Holland and Saye are just a few examples of his failings as a person. Ideologically, the archbishop and Hamilton may not have shared the same strength of viewpoint, and while Laud's religious position is established, Hamilton left few clues as to the precise nature of his religious beliefs. The working association between Hamilton and Laud does hint that Laud's capacity for co-operation and collaboration, even with figures who were very dissimilar in age and outlook, was more sophisticated than he has been given credit for. Hamilton's ownership of a portrait of Laud certainly suggests that he had respect for the archbishop, and in the context of this chapter, should at least give pause for thought.

²²⁵ TNA, E101/547/5, fo 75.

This chapter has exposed in detail Laud's contribution as Charles's ecclesiastical adviser during the Scottish crisis which expands current thinking on the remit of his role. It has been shown earlier in this thesis that Laud was given considerable free rein in the precise detail of ecclesiastical policy implemented, and this extended into the way in which Charles handled the crisis in Scotland. Hamilton's letters to Laud acknowledge the importance of Laud's position beside the king, although it would, of course, be wrong to suggest that the king was not himself kept informed and Hamilton did indeed write to Charles on almost every occasion that he penned a letter to Laud. Where sensitive details needed to be conveyed, Hamilton approached Laud to raise them with the king, before writing direct to the king himself, albeit in lesser detail. This enhances our understanding of and clearly demonstrates the way in which king and archbishop operated as a partnership. If, as 1638 drew to a close, Laud was still in the hub of Caroline government and church, the final chapter will demonstrate that by the end of 1640, this was no longer the case.

Chapter 5

Impeachment in the Long Parliament, 1640-1

On 17th December 1640, the 'Charge of the Scottish Commissioners against the Archbishop of Canterbury' was read out by William, Lord Paget before a joint committee of the Houses of Commons and Lords in the Painted Chamber at Westminster.¹ The following day, the charges were read in the House of Lords, and shortly afterwards, a message was delivered by Denzil Holles, that Laud was accused of High Treason by the Commons, should be sequestered from Parliament and removed from the king.² Before the day was out, the archbishop had been placed under house arrest, in the custody of James Maxwell, Gentleman Usher of the Black Rod at his lodgings in Charing Cross. This was the first stage in the process of impeachment against the archbishop which resulted in his committal to the Tower on 1st March 1641. In spite of their significance for Laud, the Scottish charges have, to date, barely featured in the historiography of the archbishop.³ To compound this, Trevor-Roper's damning view of Laud is a deterrent to anyone tempted to unravel the events of the early Long Parliament – of which Scotland, and the Scottish charges, play an integral part – from the perspective of the archbishop. Trevor-Roper states that 'when Parliament met on November 3rd, Laud's career had already failed, as he himself knew, and the rest of his life was but an epilogue'.⁴ According to this interpretation, 'interest

¹ Paget was one of the Lords Commissioners delegated to treat with the Scottish Commissioners sent from Ripon to London (see below, p 201). Lord Mandeville read the 'Charge of the Scottish Commissioners against Thomas Wentworth, Earl of Strafford, Lord Lieutenant of Ireland'. M. Jansson, *Proceedings in the Opening Session of the Long Parliament: House of Commons* (London, 2007), i, 637. The formal title for this joint committee was the 'Joint Conference on the Treaty for the Two Kingdoms'. *CJ*, ii, 54. *LJ*, iv, 111. There are various extant copies of the charges against Laud, both MS and printed – BL Stowe MS 187, fos 17r-22v; House of Lords, Braye MS 2, fos 92-95; Rushworth, *Historical Collections*, iv, 113-118. The charges, together with those against Strafford, were widely available in printed form, following their publication in London in early 1641.

² *CJ*, ii, 54. *LJ*, iv, 111.

³ Trevor-Roper and Carlton both acknowledge that the Scots had a case against Laud but neither devotes more than a sentence to the subject, nor offers an interpretation of the charges. Trevor-Roper, *Archbishop Laud*, 404; Carlton, *Archbishop William Laud*, 200.

⁴ Trevor-Roper, *Archbishop Laud*, 398.

in Laud's career shrinks with his activity ... and he becomes once more the uninteresting, unsympathetic, unsociable character of his early Oxford days'.⁵ Considering Laud's status within the government of Charles I and the depth of his involvement in affairs of church and state prior to his impeachment, it is surprising that his downfall has been so typified. The purpose of this chapter, therefore, is twofold – first, to throw off the shackles of Trevor-Roper and secondly, to explore why, when, how and by whom the Scottish charges against Laud were drawn up, and to put them into the context of his impeachment. Since the conflict with Scotland is as central to understanding the way in which Laud was treated in the early Long Parliament, as it is to explaining the course of the Long Parliament itself, the chapter will examine the way in which the Scottish Commissioners, Lords and Commons collaborated to launch the attack on Laud in a constantly shifting political and ideological climate.⁶ The relationship between the Scottish charges and the 'English' impeachment articles of February 1641 which secured his imprisonment in the Tower, will be considered, together with process of impeachment itself. The evolution of the case against Laud can be traced in the Journals of the House of Commons and the House of Lords, in parliamentary diaries and other contemporary journals, in the minutes of the Scotch Commissioners negotiations and in Laud's own account.⁷ Setting out a detailed chronology helps to clarify the way in which the case was prepared and demonstrates that a number of forces were at work in the process, which in turn helps to explain both the form of the case against him and the length of time it took in preparation. Laud's trial itself, which took place from March to July 1644, will not be included in this study, since it has already been the subject of recent work.⁸ The chapter will also discuss, although in less detail, Laud's imprisonment from the spring of 1641 until the

⁵ *ibid*, 400.

⁶ Conrad Russell went as far as stating that 'it is necessary, in order to understand the situation with which the English were dealing, to see the first six months of the Long Parliament from the Scottish point of view, as a chapter in Scottish history, told from Scottish sources.' Russell, *Fall*, 167. For the most recent and comprehensive account of the collaboration between English and Scottish critics of Charles I from the collapse of the Short Parliament on 5th May 1640, see J. Adamson, *The Noble Revolt: The Overthrow of Charles I* (London, 2007).

⁷ For the purposes of this chapter, I have used the Commons and Lords Journals volumes, but referred to Long Parliament diaries from M. Jansson's *Proceedings in Parliament*. For the diary of Sir Simonds D'Ewes, I have relied on Notestein, *D'Ewes*.

⁸ Orr, *Treason and the State*. Chapter 4 considers Laud's trial.

autumn of 1643, when his impeachment was revived, having appeared to lay dormant for over two years. Having had so high profile an existence beforehand, Laud lived out these last years in obscurity at the Tower, and they are in one sense the 'lost years' of his life, as very little is known about them.

When parliament reconvened on 3rd November 1640 following its abrupt and disastrous dissolution on 5th May, William Laud was aware that he was a marked man. The week before the session began, Laud recorded in his diary that 'I am almost every day threatened with my ruin in Parliament'.⁹ Despite his proximity to the top of the parliamentary agenda, it took six weeks to sequester him from parliament, and a further two months before he was formally dealt with as an 'incendiary' and imprisoned in the Tower. The opportunities are abundant for a comparison of the circumstances of Strafford and Laud during the early Long Parliament and it is perhaps the speed with which they were dealt which provides the greatest contrast. The second week of the Long Parliament was barely underway before Strafford was impeached, and he had been tried and executed by 15th May 1641.¹⁰ Almost four years more were to elapse before Laud was finally tried and executed on 10th January 1645. Before launching into a narrative description to explain this, it is essential to place Laud's impeachment briefly into the context of the events of April to October 1640.

Pressure upon Charles to summon a parliament in the spring of 1640 had come from a variety of sources, from as close as the English Privy Council to the Covenanting opposition in Scotland. But it was financial necessity – the need to fund a second war against Scotland – which forced his hand and he expected a peremptory session to grant him the necessary supply with few questions asked. The session on 13th April – the first for eleven years – inevitably failed to live up to the expectations of Charles or his opposition and he dissolved it on 5th May after an emergency Privy Council meeting summoned for 6 o'clock that morning.¹¹ It was at this meeting that the decision to launch a further military offensive against the Scots was agreed, even though the funding for it had not been secured. According to Laud, he arrived an hour late, having

⁹ *WWL*, iii, 237.

¹⁰ *LJ*, iv, 88.

¹¹ For a full discussion of the crucial meeting held at 6 am on 5th May, see Adamson, *Noble Revolt*, 16-20.

been advised 'by the mistake of the messenger .. to be there at seven in the morning'.¹² Although he missed some of the debate – 'the Lord Cottington being in his speech, when I came into the Council Chamber' – Laud was in time to cast his vote, and unsurprisingly, opted for a dissolution, along with all others present, with the exception of the earls of Northumberland and Holland.¹³

Following his failure to secure parliamentary supply to fund a further campaign against the Scots, Charles took the controversial decision not to prorogue the parallel session of Convocation (as was customary) but to keep it running, for the primary purpose of approving new Canons and granting clerical subsidies.¹⁴ The fallout from this for Laud was enormous, and he was held responsible for the breach with Parliament, even before the content of the new Book of Canons, in particular the contentious '*et cetera* oath', became public knowledge. The main objection to the continuation of Convocation was that the granting of clerical subsidy was meant to go hand in hand with the granting of lay subsidy in parliament – the Convocation deriving its power from its relationship with the concurrent parliamentary session.¹⁵ Charles's interpretation, however, was that the Convocation derived its authority from the prerogative, summoned as it was by royal writ. Laud later claimed that the decision to continue Convocation beyond the life of the Parliament was made by Charles, on the legal advice of the Lord Keeper, Sir John Finch, and that this was as much a surprise to Laud as anyone:

His Majesty, seeing what lay upon him, and
what fears there were of the Scots, was not
willing to lose those subsidies and therefore

¹² *WWL*, iii, 284.

¹³ Laud claimed that 'I co-operated nothing to this breach, save my single vote'. *Ibid.* Adamson makes a considerable amount out of the late arrival of Strafford, who was recovering from illness, but does not mention Laud. Adamson, *Noble Revolt*, 16.

¹⁴ The April 1640 session of Convocation sat from 14th April until 29th May. The Short Parliament was dissolved on 5th May.

¹⁵ This is given detailed treatment in P. Carter, 'Parliament, Convocation and the Granting of Clerical Supply in Early Modern England', in J.F. Parry and S.J. Taylor (eds), *Parliament and the Church 1529-1960* (Edinburgh, 2000), 14-26.

thought upon the continuing of the
Convocation ... but had not opened these
thoughts to me.¹⁶

According to this version of events, Laud was disappointed that the king had already discussed a matter of the Church, and such a significant one, without reference to him, 'after many years' faithful service'.¹⁷ Heylyn's biographer and son-in-law, John Barnard, claims that it was Laud who supplied Charles with the legal justification, having unearthed an Elizabethan precedent of 1586 which allowed for the exceptional continuation of Convocation beyond Parliament when there was a national emergency requiring the grant of clerical subsidy (which under these circumstances was referred to as a benevolence).¹⁸

On 11th May, apprentices stormed Lambeth Palace, forcing Laud to take refuge in his rooms at Whitehall Palace.¹⁹ Rumours in advance that such an attack would take place had enabled him to fortify the palace – as he had done on several key occasions when the mood in London was dangerous and he felt under threat of physical violence – and remove himself from immediate personal danger before the event.²⁰ The situation did not improve over the summer and Laud gloomily wrote to Edward, 2nd Viscount Conway from Oatlands in August that 'the times look very black in many respects'.²¹ Despite his deep sense of foreboding, Laud still considered to be important in matters of state, although the return to court of Wentworth in September 1639 had eclipsed his

¹⁶ *WWL*, iv, 285.

¹⁷ *ibid.*

¹⁸ *ibid.*, 286. J. Barnard, *Theologo-Historicus* (London, 1683), 181. According to this account, Heylyn unearthed the precedent and rushed to Laud with it, who in turn took it straight to the king. Carter refers to this incident in *ibid.*, 22.

¹⁹ Laud remained at the Palace for several days. *WWL*, iii, 284.

²⁰ Laud's household account book for Lambeth Palace (TNA, E101/547/5) records expenditure on such items. During the week of 8th May 1640, Laud arranged for the transport from the armoury at the Tower of two pounds of gunpowder, 100 weight of shott, and 3 sleeves of matches (fo 127r). Similarly, in the week of 30th June 1637, when Burton, Bastwick and Prynne received their sentences and exemplary punishments from Star Chamber, Laud clearly envisaged trouble and made sure that his liverymen at Lambeth were equipped with new armour, pistols and swords, at no small expense (fo 39r). Shortly after the opening of the Long Parliament, Laud invested in a new case of pistols (fo 139r).

²¹ *WWL*, vii, 606, Laud to Conway, 2nd August 1640.

position. Over the summer of 1640, Laud's correspondence with Conway, Charles's General of the Horse until the English defeat at Newburn, indicates that he was still used as the conduit for transmission of information to the king, in a similar way that Hamilton had used him from June to December 1638, although Conway approached Laud and Wentworth rather than Laud and Charles. Conway and Laud were brought together by their mutual association with Wentworth (recently promoted to the Lord Lieutenancy of Ireland) but also through Northumberland, who developed closer links with Laud from 1639, again largely through Wentworth.²² According to Clarendon, Laud had 'contracted an extraordinary opinion of this man [Conway], and took great delight in his company'.²³ Conway, like Hamilton as commissioner in 1638, preferred to approach Charles through Laud, although he also wrote to Wentworth.²⁴ The issue of the fortification of Newcastle in June 1640 demonstrates Conway's willingness to use Laud to negotiate with Charles on matters beyond his immediate ecclesiastical remit. Newcastle was the prime location from which an English army could maintain a defensive position against a Scottish invasion, the abandonment of which would result in the loss of the valuable coal trade to the Scots.²⁵ In an unpublished letter of 13th June, Conway asked Laud to suggest to Charles a scheme for raising money to fund the reinforcement of Newcastle pending the arrival of the English army. The four 'propositions' which formed the basis of the plan were set out on an 'inclosed paper'. Conway was aware that he was probably asking Laud to become embroiled in matters beyond his scope:

²² It is possible that Wentworth engaged Laud's help to secure the post of Lord High Admiral for Northumberland in 1638. Certainly, despite their religious differences, Laud's references to Northumberland in his correspondence with Wentworth from this date are generally positive. Interestingly, Northumberland gave Laud several gifts from 1636 to 1638, and Laud visited Northumberland several times in May 1638, on four occasions during the week of 18th May. TNA, E101/547/5, fos 27r, 32, 84r (gifts); fos 31r, 71, 72r, (visits).

²³ Clarendon, *History*, i, 142.

²⁴ Wentworth was seriously ill during the summer of 1640 and unable to respond to Conway's letters. LPL, MS 943, fo 696, Conway to Laud, 6th July 1640. In June, Laud believed that his illness could be life-threatening, warning that 'his loss, should it be at this time, would be of greater consequence than I dare give my pen leave to express'. *WWL*, vi, 602. Laud to Conway, 19th June 1640. By 2nd August, Laud was relieved to report that 'there is no fear of my Lord Lieutenant's loss now'. *WWL*, vi, 607. Laud to Conway, 2nd August 1640.

²⁵ Russell, *Fall*, 144.

If you thinke this to be out of your way, I
desire your pardon for giving you the
trouble, but knowing you to be faythfull to
the Kings service and not knowing very
many that would be sincere in a proposition
for the King to lay any imposition I did
thinke it a necessity.²⁶

Laud agreed that this was ‘a business quite out of my way’, but was only too happy to oblige on the basis that ‘in these times of danger ... I cannot think it fit to do less than what you ask of me’. Accordingly, he went straight to Charles with the propositions but failed to secure an answer, promising Conway that he would ‘move him again, and if this or any other difficulty stick with him, I will see if I can get him to send the propositions to my L. Lieutenant’.²⁷ Laud pressed Charles a second time and as promised, suggested that Wentworth might consider the propositions. Charles rejected this idea, Wentworth being ‘a stranger to the whole business about the coals’ and instead referred Laud to Cottington, who also rejected Conway’s plans on economic grounds.²⁸ Thus, Charles failed to act. Laud apologised to Conway that he had he had tried his best and that ‘for my own part, I would have something done to secure Newcastle, both for present and future’.²⁹ Writing from Croydon on 14th August, Laud foresaw the problems ahead if the strategic defence of Newcastle failed, warning Conway that if ‘the Scots come into England, and that Newcastle be taken, I will not dare to write what I think of the business .. I must witness with you that you have called for the defence of that town, and offered a fair proposition .. had it been timely accepted and pursued’.³⁰ These were to prove prophetic words two weeks later, when Conway was forced to take ‘the most shameful and confounded flight that was ever heard of’ from the city, suffering humiliation and defeat at Newburn.³¹ Conway’s communications with Laud were more than just to keep him informed. Significantly, when Conway sent word from Newcastle, on 15th August, that the Scots were planning

²⁶ LPL, MS 943, fos 711-712. Conway to Laud, 13th June 1640.

²⁷ *WWL*, vii, 602. Laud to Conway, 19th June 1640.

²⁸ *ibid.* Laud to Conway, 1st July 1640.

²⁹ *ibid.*

³⁰ *WWL*, vii, 610, Laud to Conway, 14th August 1640.

³¹ Clarendon, *History*, i, 145.

an imminent invasion of England, he did so to Laud (via Secretary Windebank). Conway urgently wrote that

‘My Time is very short... I have within these two hours word brought to me [I pray you tell my Lord of Canterbury, that it is by that Man I did write last to him, that I have sent into Scotland] ... that the Scotch Army ... will, upon Monday or Tuesday next, come into England: That they will upon Saturday be before this Town, which they say they will take, or here be broken. From hence they intend to go to Yorkshire.’³²

The correspondence between Conway and Laud reveals that despite the impending attack on him in the Long Parliament, during the summer of 1640, the archbishop was still used as a ‘go between’ for business directed towards the king. It also demonstrates that by mid 1640 Laud was becoming disillusioned with Charles’s unwillingness to take counsel. This disillusionment may have already been mutual – when Laud’s household servant Adam Torless recorded the receipt of a gift of a ‘stag from the King’ in July 1640, he was unaware that it would be the last occasion on which the archbishop would receive such a gift from Charles.³³

Laud’s absence from the central events of the late summer 1640 almost certainly support the view that his position was becoming less stable from late August onwards, but this is not to pre-empt the king’s later ‘abandonment’ of the archbishop. He did not attend the Great Council of Peers at York from 24th September but was part of the Commission, established at Whitehall on 6th September, for ordering the nation’s affairs in the King’s absence.³⁴ Charles had appointed as a matter of urgency, ‘all the bishops’ to attend the Great Council,³⁵ but as Laud subsequently recorded, ‘in regards the summons was short and sudden, he [the king] was graciously pleased to dispense

³² Rushworth, *Historical Collections*, iv, 1257. Conway to Windebank, 15th August 1640.

³³ TNA, E101/547/5, fo 133r.

³⁴ Rushworth, *Historical Collections*, iv, 1257. A similar commission had been established in March 1639 when the king was engaged in the first ‘bishops war’ and Laud had also been part of this.

³⁵ TNA, SP16/467/61. Pocklington to Sir John Lambe, 14th September 1640.

with the absence of divers, both lords and bishops, and with mine among the rest'.³⁶ In the event, only one bishop, John Warner of Rochester, was in attendance at York.³⁷ Thus, it was the short notice of the summons rather than anything more significant which explains why he stayed in London rather participating in the events taking place in York. Significantly, the royal writ issued by Windebank on 7th September, summoning the peers to the Great Council, was addressed to Laud as head of the Commission for governing the kingdom in London which indicates that his position was still nominally strong.³⁸ Windebank, who also remained behind at court, recorded privately in his own notes that although had Laud voted in favour of a Great Council as an alternative solution to the king's affairs to summoning a Parliament, the archbishop would not be going to York which is curious if, as Laud claimed, it was cut and dried that he stayed behind. Perhaps Laud felt that he should have been involved in the Great Council, and justified it to himself in this way. Certainly, the Petition of the Twelve Peers, presented to Charles on 28th August and published and circulated in London on 6th September, must have done little to hearten him since it appealed for a Parliament and listed 'innovations in religion ... and the great increase of Popery' as among the 'great grievances' of the nation.³⁹ The authors, including Robert Rich, Earl of Warwick, 'the temporall head of the Puritanes',⁴⁰ as well as the earls of Bedford, Essex and Viscount Saye, formed the nucleus of the elite godly opposition to the crown during the 1630s.⁴¹ Although not an explicit attack on Laud, few would have been unaware that the petition's appeal that the bringing of justice and punishment upon 'the authors and counsellors' of the nation's grievances was targeted at Laud.⁴² The Venetian ambassador claimed that in early September, the archbishop was welcomed

³⁶ *WWL*, iii, 293.

³⁷ Russell, *Fall*, 112. Warner is generally believed to be the author of the parliamentary diary BL Harl MS 6424.

³⁸ The summons was issued on 7th September. S. Gardiner (ed), *Constitutional Documents of the Puritan Revolution 1625-1660* (Oxford, 1889), 136.

³⁹ *ibid*, 135.

⁴⁰ Conway described Warwick in this way in his letter to Laud of 8th June, and Laud would have concurred. LPL, MS 943, fo 697, Viscount Conway to Laud, 8th June 1640.

⁴¹ Adamson interprets the actions of the Puritan clique around Warwick as 'the first revolt' and the events of the fortnight following the Petition of the Twelve Peers, as 'a contest for the leadership of the political nation'. Adamson, *Noble Revolt*, 76. For a full discussion of the 'revolt', see Chapter 2, 53-88.

⁴² Gardiner, *Constitutional Documents*, 135-6.

into Henrietta Maria's court 'and only emerges from there with great circumspection', but Laud's diary and other sources are silent on this.⁴³ There can be no doubt that over the summer of 1640, Laud faced increasing personal danger as public condemnation of the archbishop was widespread, particularly in the aftermath of the Scottish victory at Newburn, which seems to have caused more alarm in London than it did in the north.⁴⁴ This could explain why he spent more time at court over the summer of 1640 than previously, as shown in his increased payments to the royal Wardrobe in late July and early August for bedding, linen and housekeeping at court.⁴⁵ Fearing a repeat of the May attack, the High Commission sat in St Paul's rather than Lambeth from 22nd October.⁴⁶ Shortly afterwards, on 28th October, the king made his low-key return to London and within a week, the Long Parliament had begun.

The decision to summon a parliament was reluctantly conceded by Charles I at the Great Council of Peers in York on 24th September. In fact, it was his opening gambit, which may have been designed to thwart any attempt by the twelve petitioning peers to summon one in his stead in the event that he chose not to.⁴⁷ It was clear, even to the king, that he had no political leverage whatsoever unless he did call a parliament (in the awareness that a victorious Scottish army was now on English soil and in the knowledge that he lacked the funds to defeat it). The writ for the forthcoming parliament was issued by Lord Keeper Finch that same day, with the date for the opening session set for the customary 40 days' time, 3rd November.⁴⁸ An offshoot of the Council of Peers had had separate private negotiations with the Scots at Ripon from early October until 17th of that month, and the draft treaty terms partially negotiated there were to form the basis of the negotiations between King and Parliament when it sat in November. On 23rd October, it had been agreed that the further negotiation of the treaty should be removed to London, remitted to Parliament and that the Scots should send delegates, or Commissioners, for the purpose of finalising the small print

⁴³ *CSPV 1640-2*, 73. Giustinian to Doge & Senate, 7th September 1640.

⁴⁴ Russell, *Fall*, 147.

⁴⁵ TNA, E101/547/5, fo 134r.

⁴⁶ *WWL*, iii, 237.

⁴⁷ This is Adamson's viewpoint in *Noble Revolt*, 82. Russell takes a more cautious view in *Fall*, 151.

⁴⁸ The petition of the twelve peers set out the reasons for the necessity of a parliamentary session. Gardiner, *Constitutional Documents*, 134-136.

of the Treaty and getting Charles to make a formal commitment to its terms. There were eight 'demands' which formed part of the proposed Treaty, including a promise that subscribers to the Covenant would not be punished and the return of Edinburgh Castle and border fortifications to Covenanter hands. The most significant demand for the king was the crippling financial compensation to the Scottish army, to which he had already agreed to pay £850 per day out of the royal coffers. It was the financial terms of the treaty which forced the summoning of a parliament because the king could not raise that sort of money – which amounted to £25,000 per month - without parliamentary subsidy.⁴⁹ For Laud, the most significant clause within the treaty was the fourth demand that 'the common Incendiaries, who have been the Authors of this Combustion in His Majesty's Dominions, may receive their just Censure'.⁵⁰ It was the 'Scottish Commissioners', the delegates from Ripon, who were to initiate the Scottish charges against Laud as part of the treaty negotiations.⁵¹

As a result, when Parliament did reconvene, not only was the treaty at the top of the agenda, making the issue of punishing incendiaries an inevitable element to the negotiations, but there was considerable and pressing unfinished business left over from the Short Parliament, much of which pointed towards Laud, and which lead to the 'two-pronged' even Anglo-Scottish nature of the attack on him in the Long Parliament. Even Charles's behaviour at the opening of the Long Parliament implied continuity with the previous April. As Clarendon described, 'the king himself did not ride with his accustomed equipage nor in his usual majesty to Westminster, but went privately in his barge to the parliament stairs, and so to the church, as if it had been to a return of a prorogued or adjourned parliament'.⁵²

The dramatic events of the early Long Parliament can obscure the fact that for the first few weeks at least, Laud was trying to carry on with the 'normal' archiepiscopal duties associated with the House of Lords, and it is important to view this period not simply as

⁴⁹ The compensation was to be paid to the Scottish army until the terms of the treaty were ratified. Adamson, *Noble Revolt*, 85.

⁵⁰ *LJ*, iv, 111-112.

⁵¹ The Scottish commissioners also prepared charges against Strafford. Although these will be referred to, it is not the purpose of this chapter to explore the Scottish case against Strafford in detail.

⁵² Clarendon, *History*, i, 237. Laud corroborates this version of the king's arrival. *WWL*, iii, 238.

a rollercoaster ride to impeachment. When seeking to establish the normality of Laud's behaviour during the early days of the Long Parliament, it is important to bear in mind his relative inexperience in parliament as archbishop, but some comparisons can be made between his activities during the Short Parliament in May 1640 and the early Long Parliament in November. Although much of the business handled by the early Long Parliament was exceptional, for Laud the opening weeks were to a degree 'business as usual', in so far as he was engaged in the same sorts of activities as he had been in the previous parliament. On 6th November he was appointed to the Grand Committee for Privileges and Orders, as he had been in April 1640.⁵³ Similarly, on 9th November he was assigned, along with the Earls of Pembroke (Lord Chamberlain) and Arundel (Earl Marshal), to the Committee for Fasting, to agree with Charles the dates of the fasts of the whole House and kingdom which were customary on the opening of a new session of parliament, another role which he had carried out in April 1640.⁵⁴ On 21st April 1640, Laud had been appointed to a committee for 'the Maintenance of Hospitals', and again on 10th November, a similar committee was established with Laud among its members.⁵⁵ There was equal continuity in his absence from the Committee for Petitions in both the Short and the Long Parliaments and this is worth noting. The evolution of the Upper House into a court of appeal, as a result of the collapse of authority within the Privy Council following the impeachment of its key members in late 1640, thrust the Committee for Petitions into the centre of politics and government and Laud's absence is consistent with the Committee's increasing domination by opposition elements within the peerage.⁵⁶

⁵³ *LJ*, iv, 63, 85.

⁵⁴ *LJ*, iv, 55; 85. The fast for both Houses and London (including suburbs) was agreed by Charles to take place on 16th November and the fast for the whole kingdom was to be held on 9th December. *LJ*, iv, 86.

⁵⁵ *LJ*, iv, 61. This was in keeping with Laud's generosity towards the poor.

⁵⁶ For membership of the Committee for Petitions in the Short and Long Parliaments respectively, see *LJ*, iv, 56 and 84. A full discussion of the changing role of the House of Lords after the opening of the Long Parliament can be found in J. Hart, *Justice upon Petition: The House of Lords and the Reformation of Justice 1621-1675*, (London, 1991). Adamson emphasises the importance of the Committee as an opposition tool in *Noble Revolt*, 124-6, and stresses the way in which the Committee 'usurped' many of the former functions of the prerogative courts.

Some committees of which Laud was a member were routine – such as Privileges and Orders – while others were determined by the specific business of each parliament. In November 1640, for instance, he was appointed to the Committee to investigate the Queen's Jointure Bill,⁵⁷ as well as to the committee to prepare the 'act for the better venting of dyed and dressed cloths'.⁵⁸ There was nothing unusual in his being a member of a parliamentary committee - bishops routinely served on committees regardless of whether the committee had a secular or a religious purpose, and although the structure of parliament distinguished between the spiritual and temporal lords, peers and bishops sat together on such committees. For instance, the Committee for the Fast included Laud, Arundel and Pembroke, but also Juxon, the Bishops of Durham and Winchester, as well as the Earls of Essex, Warwick, Berkshire, Holland - an eclectic mix.⁵⁹

Leadership of the clerical Convocation inevitably occupied a considerable amount of Laud's time and energy in these early weeks, in addition to his archiepiscopal duties in the Upper House. The controversy surrounding the continuation of the Short Parliament Convocation beyond the parliamentary session is widely known, but little is known of the later Convocation of 1640. It began on 4th November at St Paul's (subsequently adjourning to Westminster, as was common practice) and was never formally dissolved, but it was prorogued on 9th February 1641, when its records cease.⁶⁰ The adjournment from St Paul's to Westminster took place on 11th November, the day Strafford was accused of treason, so Laud was not present in the Lords when this happened.⁶¹ Convocation typically sat on Wednesday and Friday mornings between

⁵⁷ *LJ*, iv, 88.

⁵⁸ *ibid*, 86.

⁵⁹ *ibid*, 85.

⁶⁰ This became standard practice from 1563 until 1896 – initial ceremonies were held at St Paul's, then adjourned to Westminster. G. Bray (ed), *Records of Convocation VIII: Canterbury* (Woodbridge, 2006), 15.

⁶¹ *LJ*, iv, 88. Laud asked permission of the House of Lords to be absent, as the prolocutor had yet to be nominated. Four other bishops were to attend Convocation with Laud, but the remainder of the bishops were to stay put in the Lords.

eight or nine until eleven, although as Laud was at pains to point out in April 1640, they were in fact free to sit 'upon any day or at any convenient hour of the day'.⁶²

The volume of business with which the House of Commons was concerned was tackled as a priority and on 6 November, Grand committees of the whole House were established for Religion, Grievances, Courts of Justice, Trade and Irish Affairs.⁶³ It was within the framework of the Grand Committee for Religion that the grievances against Laud were first raised as the author of religious innovation and the backbone of the Commons' attack was the new Book of English canons and the clerical 'benevolence' granted at the Convocation the previous April.

The first 'big day' for the Long Parliament was 7th November, when keynote speeches against religious innovations were made by Pym, Rudyerd, Grimstone and Seymour. Pym 'moved for a reformation, ... finding out authors and punishment of them'⁶⁴ and this marked the first public acknowledgement that the Commons would be targeting those responsible for 'setting difference between the King and his subjects',⁶⁵ although it was Strafford rather than Laud who was dealt with as the immediate threat. His offer, at Ripon in October, to bring over the Irish army at short notice to crush the Scots guaranteed that he was seen as the greatest danger to the Scottish and Parliamentary causes.⁶⁶ Pym skilfully addressed the Commons, reminding them that Strafford would use Irish troops to remove the Scottish army from the north east and concluded his speech with the motion that 'there might bee a settled Committee to find out the danger the King and Kingdome is in' which signalled the start of the charge against Strafford.⁶⁷ Strafford, who had remained at York, was on his way to London and nobody could be certain that when he did arrive, he would not bring with him substantial military backup.

⁶² *ibid*, 61.

⁶³ *CJ*, ii, 21.

⁶⁴ Notestein, *D'Ewes*, 8.

⁶⁵ *ibid*, 11.

⁶⁶ Russell argues that Strafford's offer 'probably signed his death warrant'. Russell, *Fall*, 162.

⁶⁷ Notestein, *D'Ewes*, 11. Strafford was believed to have been planning to march on the Commons on 11th November with troops but Pym took the initiative and struck first.

Strafford's case is an essential point of reference for the case against Laud, even if a detailed study is not within the remit of this chapter. The *Commons' Journals* for 11th November reflect the fact that this was no ordinary day – strict secrecy was to be observed, any members of public roaming around inside Westminster were removed from the outer chamber and the doors to the back stairway were locked.⁶⁸ The atmosphere in the Commons was clearly highly charged, following the leaking of a more immediate plot by Strafford to 'subdue the Cittie' believed to be planned for 11th November.⁶⁹ The decision by Pym, to declare the charge of treason against the Lord Lieutenant the same day was, therefore, a pre-emptive strike. Pym went across to the Lords in the early afternoon to announce that the Commons charged Strafford with High Treason, recommended that he be sequestered from parliament, committed to custody and that articles and accusations against him would be prepared by the Commons 'within some Convenient Time'.⁷⁰ He was accordingly committed to the custody of James Maxwell, Gentleman Usher of the Black Rod and placed under house arrest at his lodgings near Spring Gardens, Charing Cross where he remained until he was transferred to the Tower on 25th November after the presentation by Pym of impeachment articles charging him with High Treason the previous day.⁷¹ Sir Francis Windebank was also charged with treason and it was debated whether or not to proceed against Laud at the same time, but 'that was hushed'.⁷² Strafford was the priority and the Commons had to ensure that his case was handled carefully before launching further attacks on the king's chief advisers. This is the key to understanding why Strafford was dealt with so swiftly in comparison with the long drawn out process against Laud. The potential danger posed by Strafford was far greater than that posed

⁶⁸ *CJ*, ii, 26. According to Baillie, 'the Speaker kept the keyes till his accusation was concluded'. Baillie, *L&J*, i, 272.

⁶⁹ Notestein, *D'Ewes*, 28. See also, Jansson, *Proceedings in Parliament*, i, 96-100 and for an analysis, Adamson, *Noble Revolt*, 105-110. Sir Simonds D'Ewes recorded rumours that 'a yonge man with a pistol under his cloake discovered upon the straight passage going downe the stayers and moved for a Guarde' (Notestein, *D'Ewes*, 533) and the following day, one member 'acquanted the House that ther was 12 Irish men seene in the Hall last night with Swords and Pistols' (Notestein, *D'Ewes*, 534).

⁷⁰ *ibid.*

⁷¹ Jansson, *Proceedings in Parliament*, i, 275-6.

⁷² W. Archbold, 'A Diary of the Early Days of the Long Parliament', *English Historical Review*, 16, (1901), 730-736; 732.

by Laud. It was the nearness of the threat of force which explains why he was accused of treason so early on in the proceedings of the Long Parliament.

The case against Laud must also be considered as part of the process of abolishing the episcopacy. Strafford was dealt with as an individual, who posed a considerable military threat both to the Covenanting cause and to Parliament, whereas Laud's removal from power was part of a wider movement, driven as much by the Scots as from within Parliament, to abolish the episcopal estate, root and branch. Perhaps the most important common interest between the Scottish and English opposition to Charles by late 1640 was anti-episcopalianism. As Strafford was making his way to London, the Scots Commissioners appointed at Ripon were making their own way towards to capital to continue the treaty negotiations. Although Laud was the specific target on the radar of the Scots Commissioners as they approached London, they also had a more general objective of securing the abolition of the episcopate, as Robert Baillie reported from within the Commissioners' entourage:

The Toun of London, and a world of men,
minds to present a petition, ... for the
abolition of Bishops, Deanes, and all their
aperteanances. It is thought good to delay it
till the Parliament have pulled down
Canterburie and some prime Bishops.⁷³

In the event, the delays in the negotiations with the king over the terms of the treaty of Ripon meant that the Root and Branch petition preceded Laud's removal by just under a week.

In the days and weeks following Strafford's impeachment and leading up to Laud's sequestration on 18th December, Trevor-Roper claims that Laud 'did nothing', arguing that unlike Strafford, 'he had no plan, no intention, of anticipating the blow intended by him by any bold counter-stroke'.⁷⁴ This is not strictly true, as his attempt to thwart the

⁷³ Baillie, *L&J*, i, 273.

⁷⁴ Trevor-Roper, *Laud*, 402. Although I disagree that Laud 'did nothing' during the early Long Parliament, it is definitely the case that he was less 'active' politically active and his personal correspondence reflects a different set of priorities to 'normal'. In number alone, extant letters written by

debate about the legality of the canons illustrates, although clearly this lacked the panache of Strafford's attempt to march on the City backed by an armed force. On 18th November, it was ordered that in two days' time, the debate on 'the legality and validity of the new Book of Canons' should start.⁷⁵ Due to the Commons' preoccupation with the case against Strafford, detailed impeachment articles in support of which were being made ready to be heard in the Commons on 24th November, the debate was subsequently postponed on five separate occasions.⁷⁶ It was not until 26th November, the day after Strafford's committal to the Tower, that the debate was appointed for 30th November, largely because the same men were involved in gathering the case against Strafford, as preparing the necessary paperwork to support the debate on the canons.⁷⁷ John Selden, Sir Thomas Widdrington and John Whistler, who had been nominated to gather the royal warrants authorising the et cetera oath and clerical subsidy, had all been occupied the previous week in finalising the impeachment articles against Strafford.⁷⁸ Laud, aware that the debate on the canons would inevitably target him, tried to use the successive delays to his tactical advantage by writing to Selden, his former friend, on 29th November, with the following plea:

I understand that the business about the late Canons will be handled again in your House tomorrow..... We hear that ship-money is laid aside, as a thing [which] will die of itself; ... May not these unfortunate canons be suffered to die as quietly?

He then offered to 'beseech his Majesty for a licence to review the canons and abrogate them'.⁷⁹ Even if, by his own admission, he had left it rather late to advocate the complete withdrawal of the canons, Laud's intention now was to 'preserve the public

him throughout 1640 are very few in when compared to either of the preceding years – in his published *Works* alone, a mere handful of letters survive for the year.

⁷⁵ *CJ*, ii, 30.

⁷⁶ The original debate scheduled for 20th November was postponed until the following day. *CJ*, ii, 33. It was then postponed again on 21st, 24th and 26th. *CJ*, ii, 33-36. See also, Jansson, *Proceedings in Parliament*, i, 305, note 13.

⁷⁷ *WWL*, iii, 238.

⁷⁸ *CJ*, ii, 30.

⁷⁹ *WWL*, vi, 589, Laud to Sir John Selden, 29th November 1640.

peace'.⁸⁰ For Laud, this was a significant moment, not just because it represented an isolated attempt to reverse a controversial policy, but also because it represented an attempt to mitigate the seriousness of his situation. Sadly, there is neither a record of a response from Selden, nor a royal licence regarding the canons. In the event, the discussion of the canons did not take place as appointed on 30th November and it was not raised again until 8th December when it was to be dealt with as a matter of priority the following day.⁸¹ From then, it was less than a week until the canons were declared illegal, on 16th December, and Laud was charged with High Treason as their author, but the failure of this attempt should not cause us to overlook its significance.

Petitions were heard before the Commons in which specific grievances against Laud were voiced, but initially the Commons were careful to couch their own attack on Laud in terms of the institutional basis of the religious innovations rather than directly at the archbishop, presumably to test Charles's reaction to the impeachment of Strafford before launching into a full scale assault on any other senior minister. There was no doubt, though that this would happen 'so soon as the King hes a little digested the bitternes of his Lieutenant's censure'.⁸² On 10th November, it was 'moved to refer the Book of the [New] Canons to the Examination of the Committee for Religion',⁸³ following one member's call for it to be burned 'by the common hangman'.⁸⁴ The Commons did not need to be specific regarding Laud's responsibility for ecclesiastical innovations because the steady stream of petitions which were heard in the House provided sufficient direct reference to him and the perfect context in which to proceed against him. Many of the petitioners were high profile 'victims' on the receiving end of Laud's harsh discipline during the previous decade, including Alexander Leighton, and

⁸⁰ Laud stated that he would have 'moved for this licence at the very first sitting of this parliament' but had not done so for fear of offending the Commons. Ibid.

⁸¹ It was ordered that 'nothing is to precede this debate. And Mr Speaker is to put the House in mind of this order so soon as he is in the chair'. *CJ*, ii, 47.

⁸² Baillie, *L&J*, i, 274.

⁸³ *CJ*, ii, 25.

⁸⁴ The member in question was Sir Henry Anderson, Burgess of Newcastle. Jansson, *Proceedings in Parliament*, i, 82. Anderson was a member of the Commons Committee set up to assemble the charge against Laud.

Sarah Burton and Susanna Bastwick.⁸⁵ As a result of the latter's petitions on behalf of their husbands, William Prynne and John Burton made their triumphal return to London on 28th November and John Bastwick followed a few days later.⁸⁶ If nothing else, Prynne's presence back in London ensured that the case against Laud was injected with more than a little vengeance. Others were less well known but equally aggrieved petitioners, such as Thomas Wilson from Otham in Kent, who asked to be restored to his benefice, having been suspended by Laud for not reading the Book of Sports. Wilson expressed the hopes of many when he attacked Laud for being 'a great Bishop and too great indeed; hee hoped before that threatning yeere should goe about, His Grace should have more grace or noe grace at all'.⁸⁷

In the face of this opposition, Laud was present in the Upper House on an almost daily basis until a week after the charge against Strafford on 11th November but thereafter, his attendance is harder to discern. He was excused from being present on 17th November, during the Fast, having been permitted to attend the king.⁸⁸ The latest point at which Laud joined an Upper House committee was 14th November, when the Select Committee was set up to assist the Lord Commissioners' negotiations with the Scots in London, as well as to investigate the negotiations at York and Ripon. It would have been very difficult for Laud to take an active part in any committee whose remit might extend into the realms of possible charges against him (of which this was one) and the rather pointed reference by the Earl of Dover that this Committee must 'proceed without any Interruption or Interfering' in the negotiation process, might have been aimed at Laud.⁸⁹ Undoubtedly, the preoccupation with the case against Strafford would have made Laud feel uncomfortable in the House of Lords - impeachment articles against Strafford were presented by the Commons on 25th November and he was moved to the Tower the same day.⁹⁰ Explicit references to Laud's attendance are missing from the *Lords' Journals* for the period from 18th November until and 4th

⁸⁵ *CJ*, ii, 21(Bastwick and Burton); *CJ*, ii, 24, (Leighton).

⁸⁶ Gardiner, *History of England*, ix, 242.

⁸⁷ Notestein, *D'Ewes*, 20, n.

⁸⁸ Arundel, Juxon, Finch, Pembroke, Holland and Denbigh were also given leave of absence to attend Charles. *LJ*, iv, 92.

⁸⁹ *LJ*, iv, 91.

⁹⁰ *ibid*, 97.

December, when he was sworn as a witness against Wentworth, along with Northumberland, Vane, Windebank, Cottington, and others.⁹¹ Thereafter, he must have felt quite uncomfortable in the Upper House, given the proceedings against Strafford, and he cannot have been in any doubt that he would be the Commons' next target. From 4th December, there is no evidence of him being present in the Lords again until 18th, when he the Scottish charges against him were read out and he was charged with Treason by the Commons.⁹²

If the Commons' pursuit of Laud in the early weeks of the Long Parliament was carried out largely within the framework of the illegality of the English canons, the Scots Commissioners who arrived in London on 16th November had their own agenda. The 'two pronged' nature of the institutional attack on Laud has not been fully explored by historians and the Scottish dimension is an essential element in explaining the forces at work which brought about his downfall, as well as the pressures on Charles which forced him to relinquish his archbishop. It is to the preparation of the Scottish charges that the discussion will now turn. While the Commons were gathering evidence against Strafford and closing in on Laud, the Scottish Commissioners had recently arrived in London in hot pursuit of both men.⁹³ The Commissioners were the leading peers of the Covenanting movement who had been involved in the negotiations with Charles at York and Ripon in September and October, namely John Leslie, Earl of Rothes and Dunfermline, Lord Loudon,⁹⁴ Sir Patrick Hepburn (Laird of Wanchtown), Sir William Douglas (Sheriff of Teviotdale), Mr Drummond, Alexander Wedderburn, Mr Smith, (Bailey of Edinburgh), Mr Kennedy (Burgess of Ayr), together with Alexander Archibald Johnston of Warriston and Alexander Henderson, formerly one of the moderators at the Glasgow General Assembly in November 1638. As such, they

⁹¹ The others were Sir Thomas Jermyn, Viscount Willmott and the Earl of Cambridge. *LJ*, iv, 104.

⁹² *LJ*, iv, 111.

⁹³ David Stevenson dates their arrival as 10th November. Stevenson, *Scottish Revolution*, 217. I have used Baillie's letters to work out when they reached London and 16th November seems more plausible. This concurs with Conrad Russell who noted that the Commissioners reached the capital on the eve of the fast. Russell, *Fall*, 174.

⁹⁴ Loudon had spent three months in the Tower at Charles's leisure from April to July 1640, following the king's discovery of the Covenanters' appeals for French support. TNA, SP16/450/88 (imprisonment); SP16/459/58 (release).

represented the interests of the Scottish parliament and kirk.⁹⁵ Within their party, although not officially part of the Commission, came the Presbyterian ministers Robert Baillie (also moderator at Glasgow) Robert Blair and George Gillespie. These three men carried out an imperative function within the group by supplying the godly evangelism with which to inspire and reinforce not just the purpose of the Commission, but the Covenanting cause itself. Baillie also reported this to his wife on 5 November en route to London:

all three, for diverse ends, [should] goe to London: Mr Robert Blair to satisfy the minds of manie in England, who loves the way of New England better than that of Presbyteries I for the convinceing of that praevalent faction⁹⁶ against which I have wryten; Mr Gillespie for the crying doune of the English Ceremonies, for which he hes wryten; and all four to preach by turnes to our Commissioners in their houses, which is the custome of diverse noblemen at Court and wes our practice all the tyme of the Conference at Rippon.⁹⁷

Preaching was used not only to reinforce the Presbyterian message amongst the Commissioners, but within the Scottish army stationed in England. Certainly, Argyll was convinced that Baillie's sermons were a more effective mechanism of controlling the Covenanter troops than 'all other discipline'.⁹⁸ This zeal would be conveyed from pulpits in the capital, so in one sense, these men were also missionaries, come to impose their religion on the indigenous population.

The Covenanting Lords had summoned Baillie to appear in person at their camp in Newcastle on 15th October, urging him to:

⁹⁵ Row, *History of the Troubles*, 270. The frenzied activity within the English parliament at this time does make it is easy to overlook the fact that the Scottish parliament had been in session since

⁹⁶ This refers to the 'Canterburian' faction, that is Laud and those members of the episcopate with whom his policies were associated, in both England and Scotland.

⁹⁷ Baillie, *L&J*, i, 269.

⁹⁸ *ibid*, 267

come hither with alse great expedition as
yow can conveniently, and to bring with
yow a number of your Canterburian's Self-
Convictions, together with the warrands
thereof, and all such papers and prooffes
which may serve for that purpose.⁹⁹

Baillie's presence among the Commissioners invokes similarities with Prynne's later role during Laud's trial, and reinforces the parallels which can be drawn between the English and Scottish opposition's approach to Laud. It is not difficult to envisage Baillie handing out copies of his book - *Ladensium autokatakrisis, the Canterburians self-conviction* - to his fellow Scots Commissioners in much the same way as Prynne would circulate his *Breviate of the Life of William Laud* to those attending Laud's trial in Westminster Hall and Baillie's book was as useful a tool in reinforcing Laud's misdemeanours as Prynne's *Breviate* was to prove in 1644.¹⁰⁰ Baillie's personal suffering at Laud's hands cannot be compared to that of Prynne, but he was similarly equipped with the paperwork, printed literature and the conviction, to provide the justification for the assault on Laud in the Long Parliament. The comparison with Prynne was not accidental – Baillie had approached Prynne prior to his arrival in London, Prynne's status as figurehead of the Puritan opposition to Laud serving as a rallying point against a common enemy.¹⁰¹ It was not so much the case that Baillie was a 'Scottish Prynne', but that Prynne was to become an 'English Baillie', although Prynne's rejection of Presbyterianism was the source of frustration and disbelief for Baillie.

Written in March 1640, as a treatise in defence of the Covenanters' position, faced with the renewed threat of war with the king, Baillie's *Canterburians Self-Conviction* was a direct appeal to that 'sage Senat', the English Parliament, due to meet the following month, that Laud was intent upon bringing the English and Scottish churches closer to

⁹⁹ The 'affectionat friends' who signed the letter were Rothés, Napier, Montrose, Cassills, Keir, Hamilton, Rutherford and Keir. Ibid..

¹⁰⁰ R. Baillie, *Ladensium autokatakrisis, the Canterburians Self-conviction* (Edinburgh, 1640). W. Prynne, *A Breviate of the Life of William Laud* (London, 1644).

¹⁰¹ Baillie, *L&J*, i, 226.

Rome and that Arminianism must be stopped in its tracks.¹⁰² As such, it typifies the ideological stance from which the Commissioners approached Laud. Within Baillie's paradigm, Laud was the common enemy of England and Scotland. This provided a less than gentle reminder of the reasons why the Scots had gone to war against the king, possibly because support for the Scottish cause might be weakening but certainly to keep the intentions of the Laudian party uppermost in the public consciousness. More significantly, it was a direct appeal to the English parliament to hear the Scottish case against Laud. Baillie even offered to appear in person in Parliament to publicise Laud's intentions, as the following extract demonstrates:

I hope then that the greatnesse of my undertaking may purchase mee a little audience; for I offer to make you all see with your own eyes and heare with your owne eares, the Canterburians to declare by their owne tongues, and write downe under their owne hands their cleare mindes, to bring into our Church Arminiansime and complete Poperie and in our State a slaverie no lesse then Turkish.¹⁰³

Fortunately, the English and Scottish minutebooks from the Commissioners' negotiations have survived and they record, at times *verbatim*, the negotiations between the Scots Commissioners and the English 'Lords Commissioners' on behalf of Parliament, and in the initial days, the king.¹⁰⁴ The minutebooks have not been used to date by historians of Laud, but they are an invaluable source - not because they record specific discussion about the content of the charges against Laud - these were prepared by Baillie and Henderson behind the scenes - but because they show how the case against him was advanced within the negotiations for the terms of the Treaty which had

¹⁰² Baillie was urged to write his treatise by Archibald Johnston, clerk to the Glasgow General Assembly. It was published the following month, in Edinburgh, then reprinted in London, Amsterdam and Paris. F. McCoy, *Robert Baillie and the Second Scots Reformation* (London, 1974), 66. Prynne's *Breviate* was similarly addressed to 'the Right Honourable Lords and Commons assembled in Parliament', *Breviate of the Life of William Laud*, 2.

¹⁰³ Baillie, *The Canterburian's Self-Conviction*, B2.

¹⁰⁴ BL Harl MS 457, 119 folios (English minutebook). BL Stowe MS 187, 71 folios (Scottish minutebook).

been tabled at Ripon, which has not been addressed in full in current scholarship.¹⁰⁵ The interaction and collaboration between the Scottish Commissioners, the English Lords Commissioners and the House of Commons is interwoven so deeply at this time, however, that it is virtually impossible to apportion more weight to one party than another, particularly in driving the case against Laud. The paragraphs below will demonstrate that taking into account the negotiations with the Scots Commissioners shows the tripartite nature of the pressure on Charles and helps to clarify why he appeared to have little choice but to allow legal proceedings against his chief advisers.

The venue for the negotiations was Sir Abraham Williams' House 'in the Palace Yard at Westminster' and they took place on an almost daily basis from 19 November 1640 to 29 June 1641.¹⁰⁶ The part of the negotiations which was pertinent to Laud was the trial and punishment of 'Incendiaries', the fourth demand of the treaty, which was under discussion between 8th and 15th December. Sir John Borough, Keeper of the Records in the Tower, was in attendance to take the minutes for the English, as he had been present to take the minutes of the negotiations at Ripon and York during September and October.¹⁰⁷ The 'Secretary' to the Scottish Commissioners was one Adam Blair and it was Blair who was responsible for painstakingly writing out the lengthy charges against Laud, and Strafford, as a result of the negotiations.¹⁰⁸ The 'Lords Commissioners', the English counterparts of the Scots Commissioners, were those who had been at Ripon and like their Scottish equivalents, many had firmly established godly credentials - Bedford, Essex, Salisbury, Warwick, Holland, Berkshire and Hertford and Bristol, plus Lords Wharton, Kimbolton, Brooke, Pawlett, Savill, Dunsmore and Paget, who read out the charges against Laud on 17th December.¹⁰⁹ As

¹⁰⁵ For other historical accounts which have incorporated reference to the minutebooks, see Russell, *Fall*; Adamson, *Noble Revolt* and Donald, *Uncounselled King*.

¹⁰⁶ BL Harl MS 457, fo 1r.

¹⁰⁷ Rushworth, *Historical Collections*, iv, 1276. See also, TNA, SP16/469/64, Sir John Borough to Sir Francis Windebank, 9th October 1640. The minutes taken by Borough at the Great Council of Peers are held at the British Library, Harleian MS 456, 62 folios. Borough also accompanied Charles on his coronation visit to Scotland in 1633. Interestingly, Laud acquired manuscripts from Borough, a respected antiquary and herald, in February and October 1637. TNA/E101/547/5, fos 26r and 49r.

¹⁰⁸ BL Stowe MS 187, fo 16r. *WWL*, iii, 376.

¹⁰⁹ BL Harl MS 457, fo. 1r. Hertford was perhaps the 'least godly', having some Catholic heritage. Russell makes a similar point in *Fall*, 150. For a comprehensive discussion of the 'Bedford House' and

noted by Giovanni Giustinian, the Venetian ambassador, most of the Lords Commissioners had 'declared themselves in the past in favour of the Scots, and equally zealous for the calling of parliament. It is believed that by this the king aims at sending persons acceptable to the Scots and at the same time to conciliate some of the most seditious to himself by the honour of such an employment'.¹¹⁰ The role of the Lords Commissioners reminds us that the case against Laud was not purely driven by the Commons and instead, was a collaborative, bicameral venture. The Lords Commissioners appointed by Charles were used as 'middle men' to pass to him all proposals and demands from the Scots and in turn, he would use the Lords Commissioners to channel his responses back to the Scots Commissioners. Parliament had to be kept in the loop by the Lords Commissioners, who regularly updated a committee of both Houses with the developing negotiations.¹¹¹ It usually fell to John Digby, Earl of Bristol, to report back to the joint committee on the progress of the negotiations. Given this convoluted process, it is not surprising that the negotiations were protracted, and the number of people involved in the process inevitably led to delays. For instance, as Borough noted in the minutes on 10th December - 'some of the commissioners met but the number being not full, and the English lords having not consulted with his Matie who was not here, at leasure they departed without doing anything'.¹¹²

It is Charles's approach to the punishment of incendiaries as evidenced in the minutebooks which provides a fresh angle from which to view his attitude towards Laud after the opening of the Long Parliament. There are no reports of Charles expressing explicit support for Laud either in public or in private at this time or subsequently and as a result, his attitude to Laud has to be interpreted by his actions. Equally, from the outward face of it, Charles took no action either in outright defence of Laud, or which prevented the process of impeachment from taking place at any point from November 1640 until just prior to his execution in January 1645, when a public

'Warwick House' group of godly peers who formed backbone of parliamentary opposition to Charles I, most of whom were members of the Lords Commissioners, see Adamson, *Noble Revolt*.

¹¹⁰ *CSPV*, 1640-2, 86-7. Giovanni Giustinian to Doge and Senate, 12th October 1640.

¹¹¹ On 20th November, when appointing the Lords Commissioners, Charles had ordered that 'nothing shall be concluded without the Acquainting, Consent and Approbations of both Houses'. *LJ*, iv, 93.

¹¹² BL Harl MS 457, fo 26r.

pardon was issued (and ignored) from Oxford. This is in marked contrast to his attempts to save Strafford, which culminated in his declaration before the Commons on 1st May 1641 that 'I cannot condemn him of High Treason'.¹¹³ The minutes of the Scottish commissioners' negotiations reveal that when it came to the punishment of incendiaries, although Charles did not explicitly seek to defend Laud in name, he persistently refused to acknowledge that anyone within his counsel could be deemed an incendiary, and this applied to Laud as much as it did to Strafford or to Traquair.

Charles fully expected to be personally involved in the negotiating process, 'without the Parliament',¹¹⁴ but Rothes was probably as surprised as anyone to see him sitting around the negotiating table in Williams' house on 19th November. From the opening lines of the minutes, it is obvious that Rothes had no intention whatsoever of negotiating with the king, having had a taste of this over the summer and insisted that the commission was not valid if Charles was present.¹¹⁵ The king, in usual fashion, argued that the commission's validity was derived from the royal prerogative and that its legality was only confirmed by his attendance. The pair were engaged in a heated exchange which seems to have taken up much of the first day. Evidence of Charles's distrust of the Scots Commissioners is encapsulated in his comment that 'there is ane great difference betwixt ane eye heard and an eare heard, and a man can never be better informed, than when he is present himself'.¹¹⁶ This was his parting shot and the following day, he conceded that the Commission was valid without him, sending Arundel to inform the House of Lords that he was happy for those peers who had represented him at Ripon, to act as 'Lords Commissioners' to treat with the Scots Commissioners on behalf of parliament.¹¹⁷ Having settled the legality issue, the negotiations could now begin in earnest.

¹¹³ TNA, SP16/480/1.

¹¹⁴ BL Harl MS 457, fo 1r.

¹¹⁵ The mood conveyed by the minutes is corroborated by the report of the Venetian ambassador that when the king 'arrived at the first meeting he got scant satisfaction, and they declared that they would not treat with him but with the appointed commissioners alone and that this was in their instructions'. *CSPV 1640-2*, 100. Girolamo Agustino to the Doge and Senate, 7th December 1640.

¹¹⁶ BL Stowe MS 187, fo 3r.

¹¹⁷ BL Harl MS 457, fo 4r-v. *LJ*, iv, 93.

When the negotiations began, as Rothes impatiently pointed out, the king had been sitting on the terms of the treaty for four months, and he was to be pushed now to agree, or disagree, each individual demand. Much of the early discussion was on the subject of the financial support for the army, the £850 a day provisionally agreed to at Ripon and it was not until 8th December that the issue of ‘incendiaries’ reached the negotiating table.¹¹⁸ Interestingly, the previous day, Bristol had attempted to postpone until a later date the negotiations for the punishment of incendiaries - ‘to transfer the article of the Incendiaries to the last’ - ¹¹⁹ and it is highly likely that he was put up to this by Charles.¹²⁰ The request was rejected summarily by Rothes and Loudon, both of whom pressed for the incendiaries to receive the punishment of the parliaments of their own nations, largely to target Traquair, currently taking refuge a court, whose ‘fenceing for his own head’ was held to blame for Charles’s prevarication.¹²¹ Bristol and his colleagues, as well as Rothes, went backwards and forwards across the palace yard from Westminster to Whitehall several times over the course of the negotiations for the fourth demand, which were thrashed out over three days. Each time, Charles returned the same answer. The frustration engendered by Charles’s repeated assertion that when it came to incendiaries, ‘he hath none such about him’¹²² is almost as great for the historian reading the manuscript, as it must have been for Rothes, Loudon and their colleagues at the time. Loudon in particular, wanted to secure the king’s agreement on this general point before proceeding with ‘the particulars of the incendiaries’ and Charles eventually conceded on 11th December that in principle, the incendiaries could be subject to the judgement of their own native parliaments, although the issue of how to pursue Traquair would continue to hamper the negotiations beyond Christmas.¹²³ It

¹¹⁸ Baillie, *L&J*, i, 279; BL Stowe MS 187fo 15r; BL Harl MS 457 fo 24r.

¹¹⁹ BL Harl MS 457 fo 23r.

¹²⁰ This conclusion is reached on the basis that it was frequently Bristol who took the specific negotiations from the negotiating chamber to the king at Whitehall and because as Lords Commissioner appointed by Charles, it was his responsibility not just to report to the king from the negotiations, but *vice versa*.

¹²¹ Baillie, *L&J*, i, 280.

¹²² BL Stowe MS 187, fo 15r and fo 15v.

¹²³ BL Harl MS 457, fo 24r. Charles still tried to reserve to himself the judgement of the case against Traquair, who ‘being his Commissioner, might have his cause discussed before himself’ (*ibid* fo 16r) since Traquair had been appointed as Commissioner for Scotland in 1639 by royal warrant and as such, the king took personal responsibility for Traquair’s actions.

is highly significant that Charles agreed to the punishment of incendiaries at almost exactly the same time as Alderman Pennington presented the London Root and Branch petition in the Commons advocating the wholesale abolition of the episcopal estate.¹²⁴ It is even more so because John Pym was summoned by the Scots Commissioners to Sir Abraham Williams' house the very same day, purportedly to speed up the financial relief of the Scottish army.¹²⁵ Against this backdrop of tripartite pressure – from the Commons, the Scots and the anti-episcopalians – it is difficult to envisage how the king could have dug his heels in further to defend Laud and this is what distinguished the case against the archbishop from the cases against councillors such as Strafford and Traquair. Charles's outward inertia when it came to specifically defending Laud, therefore, must be weighed against his general reluctance to condemn those of his chief ministers cited as incendiaries by the Scots, but also within the broader political context and nascent anti-episcopal movement in the Commons.¹²⁶

Within three days of securing the king's agreement to proceed against the incendiaries, the detailed charges against Laud and Strafford were almost complete. The speed with which the accusations were produced confirms that while the Covenanting nobles were engaged with settlement of the demands arising from the original treaty, Baillie had been working away behind the scenes to prepare the fine print of the accusations against Laud. Indeed, he reported back to his home parish on 4th December, before the negotiators had even broached the issue of the incendiaries, that 'it is laid upon me to give his little Grace the last stroak, to make, as we hope, his funerall, our remonstrance against him as the pryme incendiarie'.¹²⁷ As a result, Baillie bemoaned the fact that 'for the present I have my armes full of my old friend his little Grace'.

¹²⁴ Gardiner, *Constitutional Documents*, 137-144. The Root and Branch movement was not without its opponents. See Russell, *Fall*, 181-2.

¹²⁵ Notestein, *D'Ewes*, 141. Pym is not mentioned as present in either BL Harl MS 457 or BL Stowe MS 187. See also Russell, *Fall*, 181-2. The presence of Pym around the negotiating table underscores the collaboration between English and Scottish opposition to the crown as a feature of the political landscape in the early Long Parliament.

¹²⁶ Baillie's account also suggests that Charles was deliberately playing for time over the punishment of incendiaries, as follows: 'Besyde all privie dealing, the King one day sent for our Noblemen, another, for all our commissioners together, the third, for Rothes alone, wherein he dealt so effectuellie as might be, to passe over this article or to referr it to himself'. Baillie, *L&J*, i, 269.

¹²⁷ *ibid*, 278.

According to Baillie, the ‘first moulding’ of the cases against Strafford and Laud was his, and Loudon and Argyll ‘abridged and polished’ the case against Strafford, while Henderson put the finishing touches to the charges against Laud.¹²⁸ By 12th December, the day after the Scottish commissioners agreed to proceed with the particulars against the incendiaries, they were complete, the charges were tabled before the Commissioners on 14th December and the following day, Sir John Borough went across to Whitehall with a copy for the king. Once at the palace, he met the Earl of Bristol, who took the document to Charles ‘in the drawing room next to the Gallerie’.¹²⁹ Borough’s account continues:

And afterward the E. of Rothes being with the King called for me and the E. of Rothes there desire tha the originall of that paper might be delivered unto him that both it and the copie might in some places be amended wch his Matie commanded me to do so that I have now neither copie nor originall.¹³⁰

According to Borough, Charles and Rothes, alone, discussed some changes to be made to the charge and that following the discussion, the king approved the changes and Rothes made them.¹³¹ Without knowing the nature of the amendments, or the content of the discussion, it is impossible to pursue this line of enquiry with any precision. However, there is a point to be made here and it is that the king saw the Scottish commissioners’ case against Laud before it was presented to parliament, which confirms his collusion, albeit passively, in the preparation of the Scottish case against him, a fact which has hitherto gone unnoticed.

If it is not possible to be precise about this, what can be said with considerable certainty, is that two days later, on 17th December, the charge was read out in the Commons and the following day, without a murmur of opposition, Laud was charged

¹²⁸ *ibid*, 280.

¹²⁹ BL Harl, 457, fo 29r-30r.

¹³⁰ *ibid*, fo 30r.

¹³¹ *ibid*. Baillie refers to Rothes being alone with Charles. Baillie, *L&J*, 279.

with High Treason and sequestered from the House of Lords.¹³² He was allowed to return briefly to Lambeth to collect some papers and belongings, and under cover of darkness, 'to avoid the gazing of the people', was then taken to Maxwell's house at Charing Cross, where he would remain under 'house arrest' for ten weeks.¹³³ Arundel and Pembroke imparted the news to Charles the following day and Charles's silence on this speaks volumes.¹³⁴

Before taking up the chronology of the impeachment process, it is necessary to pause to consider the nature of the Scottish charges against Laud and their implications, both for an assessment of Laud's impact in Scotland and within the context of the political climate. In just over four thousand words, the charges against Laud articulated his offences against the Scottish church, citing three main 'heads' – first, some 'Particular Alterations in Matters of Religion, pressed upon us without Order and against law'; secondly, the canons of 1636; and thirdly, the Scottish liturgy.¹³⁵ According to his Scottish critics, over and above the Prayer Book and Canons, Laud was charged with responsibility for the following aspects of Scottish policy – ordering and instructing the Exchequer, Privy Council and Commission of Surrenders; interfering in the case against Lord Balmerino, procuring warrants to secure weekly sessions of the High Commission Court; involvement in Recovation; and removing galleries from St Andrews and St Giles' Cathedrals, in order to set up altars and 'adoration towards the East'.¹³⁶

These were serious and wide-ranging accusations and if true, suggest a depth of involvement in Scottish affairs which contradicts the circumspection and caution with which Laud's approach has so far been described in historiography, and which support the arguments proposed in Chapter 2, that Laud's associations with Scotland had all the hallmarks of the policies implemented in England during the 1630s. This is not to imply that purely because Laud provided the focal point for opposition to some of the most

¹³² Russell makes the point that the Scots 'meddling' in the affairs of England was not objected to with regard to Laud. Russell, *Fall*, 182.

¹³³ *WWL*, iii, 239.

¹³⁴ *LJ*, iv, 113.

¹³⁵ Rushworth, *Historical Collections*, iv, 113.

¹³⁶ *ibid.*

unpopular aspects of Caroline ecclesiastical policy, he was personally responsible for them all, but the charges nevertheless invoke the broad portfolio of ecclesiastical policies implemented under Charles I - the improved economic position of the church and the clergy (at the expense of the laity and, particularly, the nobility); the increased power of the court of High Commission, improvements to the fabric of church buildings and visible changes to the interior layout of the nave, particularly with reference to the position of the altar, with a view to introducing greater ceremonialism. As such, they were an indictment of the entire Laudian agenda, which undoubtedly broadened their appeal and made them a valuable tool in the hands of Parliament.¹³⁷

The authorship of the charges can be verified not just by Baillie's own admission, but by the polarised language used in the charge which is resonant of the *Canterburian Self-Conviction* in its references Laud's to 'wicked intentions', 'Popery' and 'nearest familiars'. However, they must not be dismissed as pure polemic, since they do combine the Presbyterian ranting with a serious attempt to present a documented case against Laud, citing as evidence 'fourteen letters' from Laud to Bellenden, and other correspondence with the Scottish episcopate, as well as the annotated manuscript Prayer Book.¹³⁸ Alongside documented examples of Laud's intervention in the Scottish kirk, they also lay at his door responsibility for broader offences, such as the collapse of the Short Parliament, and war mongering.

The opportunity to respond in public to the Scottish charges was not available to Laud, either at the time that they were presented, or later. Although the Scottish commissioners reserved the right to beef up their case against Laud at a future date, and clearly hoped that the Commons would incorporate the Scottish charges in their case against Laud, this never happened and when fourteen impeachment articles were eventually issued against Laud in the Commons on 26th February 1641, only one of these articles made any reference to Scotland. The reasons why the impeachment articles were 'English' will be explored below, but the relevant point here is that whereas Laud's trial afforded him the opportunity to articulate a public response to the

¹³⁷ Morrill warns against taking the Scots' accusations against Laud too literally in 'Ecclesiastical imperialism', 231.

¹³⁸ *ibid*, 113.

impeachment articles, Laud's response to the Scottish charges comes in the form of a written record at the beginning of his *History of the Troubles and Trial*, published posthumously by Henry Wharton in 1694.¹³⁹ The first ninety pages of Laud's *Troubles and Trial* are devoted to a justification of the Scottish charges. Laud leaves no indication of the exact date on which he started to write, but writing was already underway in November 1641, when he 'had remained at Mr Maxwell's and in the Tower eleven months'.¹⁴⁰ The decision to embark on his own account is best explained by Laud, as follows:

though I was to make no answer [to the Scottish charges] then, til the House of Commons had digested them and taken as much out of them as they pleased, to fill my intended charge withal, yet because I after found that the House of Commons insisted on very few of these particular, if any, I thought myself bound to vindicate my innocency even in these particulars.¹⁴¹

Because it was written as a 'short history, intended only for myself'¹⁴², Laud's response to the charges is of some objective use to the historian, particularly in reconstructing Laud's role, by picking apart his response and comparing it alongside the extant contemporary evidence of his involvement.¹⁴³ To demonstrate this, the following section will take one charge - that Laud interfered in the trial against John Elphinstone, 2nd Lord Balmerino, on behalf of the bishops - and compare Laud's response to the Scottish charges with extant primary evidence to test the veracity of his account. An outline of the background to the case against Balmerino will first put his role into context.

It is well-known that Charles' decision, in 1634, to bring to trial John Elphinstone, 2nd Lord Balmerino did little to improve his already fragile relationship with his Scottish

¹³⁹ This account also incorporates Laud's record of his trial in March 1644, and his public and private replies to the prosecution case against him.

¹⁴⁰ *WWL*, iii, 377.

¹⁴¹ *ibid*, 297.

¹⁴² *ibid*, 293.

¹⁴³ The structure of Laud's account is conducive to being misled and it is easy to confuse his written response to the Scottish charges with the later charges cited against him at his trial, particularly where he cross-refers.

subjects in general, and the nobility in particular. Bishop Burnet, whose father was a close friend of the Earl of Lauderdale, recorded Lauderdale's belief that 'the ruin of the King's affairs in Scotland was in a great measure owing to that prosecution'.¹⁴⁴ Charles's disapproval of Balmerino stemmed from his part in refusing to voluntarily negotiate for the surrender of teinds to the Commission for Surrenders, but also from family background.¹⁴⁵ Later, in June 1633, Charles's authoritarian behaviour in the Coronation Parliament had led to the preparation of a petition articulating the grievances of a number of disaffected lords, including Balmerino and Rothes,¹⁴⁶ against the regulation of clerical vestments, the most unpopular part of the legislation passed by Charles during the June 1633 session.¹⁴⁷ Balmerino's name was on the list which Charles waved in front of the assembled peers, to show them that he knew the identities of those who sought to oppose his religious legislation. Charles, typically, refused to read the supplication when it was presented to him after the parliamentary session had ended but Balmerino retained a copy, including his annotations, in his private study. This copy was, apparently without Balmerino's knowledge, transcribed and eventually passed into the hands of Spottiswood who, in defence of his monarch's religious policies (and no doubt seeing an opportunity to win favour at court) went straight down to London to tell Charles that the supplication had been found on Balmerino's property. This led to Balmerino's summons before the Scottish Privy Council in June 1634 on a charge of 'leasing-making'. He was subsequently tried (from December 1634 to March 1635), condemned to death and imprisoned in Edinburgh Castle, awaiting execution. After thirteen months, on 7th July 1635, he was finally released by a royal warrant, issued to the Privy Council in Edinburgh, following a huge public outcry and

¹⁴⁴ G. Burnet, *A History of his own Time* (London, 1688), 14. This point is also made strongly by MacInnes in *Covenanting Movement*, 40-1.

¹⁴⁵ Balmerino's father, John Elphinstone, 1st Lord Balmerino, had been accused of dabbling with papists in the early 1600s and had lost his livelihood as a result. His son, the 2nd Lord, was determined not to make the same mistakes.

¹⁴⁶ Rothes had also been involved in a delegation to court against Revocation, but in November 1626, some months before Balmerino.

¹⁴⁷ For details of Charles's behaviour during the June 1633 Parliament in Edinburgh, see. Young, 'Charles I and the 1633 Parliament'.

considerable anti-episcopal sentiment.¹⁴⁸ Much of the opposition to the exemplary punishment of Balmerino was derived from Charles's manipulation of an ancient law which prohibited the spread of information harmful to the crown (leasing-making), although the role of Spottiswood (and as was perceived, the other prelates) was equally divisive. As Burnet explained,

There are laws in Scotland loosely worded that make it capital to spread lies of the King or his Government, or to alienate his subjects from him. It was also made capital to know of any that do it, and not discover them. But this last was never once put in execution.¹⁴⁹

As Balmerino was only guilty of keeping a copy of the supplication, technically speaking he had not transgressed this law (his defence was founded upon this point). Furthermore, the law was on the statute books but plainly not in use. In other words, Charles was adopting in Scotland his preferred legal device in England, whereby he unearthed dormant and ancient laws, gave them new life and implemented them according to his own interpretation, but at the same time was able to argue against their being an innovation because they were based on legal precedent.¹⁵⁰ The prosecution of Balmerino served to do in Scotland for Charles what other 'test case' trials did in England - most notably those of Bishop Williams, John Hampden and Burton, Bastick and Prynne in 1637 - whereby the crown's authority was eventually eroded not reinforced by such trials, despite Charles's prerogative posturing. Not surprisingly, Balmerino was to later feature as one of the main opponents of the crown and was actively involved in drafting the Scottish National Covenant in February 1638.¹⁵¹

¹⁴⁸ Row, *Historie*, 384. Charles issued the warrant from Greenwich on 13 June and it was received by the Privy Council in Edinburgh on 7th July; *RPCS*, v, 47. Initially ordered to stay on his estates outside Edinburgh, Charles eventually issued Balmerino's formal pardon in November 1636. *RPCS*, v, 334.

¹⁴⁹ Burnet, *History*, 15.

¹⁵⁰ Examples of this in England included forest fines and distraint of knighthood, which had their origins in the medieval period. Ship Money was an Elizabethan precedent.

¹⁵¹ Baillie, *L&J*, i, 38-9. Balmerino was allegedly involved in co-ordinating the prayer book revolt in the spring of 1637, as his estates in Edinburgh were adjacent to Greyfriars Kirk, where opposition to the liturgy was rehearsed.

Laud's adherence to the regulation of clerical and episcopal vestments is proven, which rules out the possibility of him being sympathetic to Balmerino's Supplication. Evidence for his part in procuring the warrant from the Privy Council for Balmerino's arrest, which is the essence of the Scottish charge, is circumstantial.¹⁵² However, new evidence, in the form of an unpublished letter, indicates that Laud was indeed involved in the process against Balmerino, not directly in relation to the Privy Council warrant, but in advising Traquair. Interestingly, even presbyterian sympathisers such as Row claimed that Laud urged Charles to exercise leniency towards Elphinstone, 'it being 'constantlie reported that the Bishop of Canterburrie (whose help in all this processe the Bishops of Scotland had used) was a chief instrument of procuring libertie to Balmerino'.¹⁵³ Row's reference to the 'Bishops of Scotland' using Laud's help, presumably as an intermediary between them and the king, shows the origins in the charge against Laud the belief that he acted 'to please the prelates', but there is no surviving hard evidence of this. We can also be fairly certain that Laud was in correspondence with the assessors appointed to the Justice General (Sir Thomas Hope) to handle the case against Balmerino – Spottiswood was one, the other two being Sir John Hay, Clerk Register, and Andrew Learmonth. Hay was a significant member of the Scottish Court of High Commission, the weekly meeting of which was another offence with which Laud was charged.

Laud's own account is ambiguous. His fundamental belief lay in the legality of Charles's position and in the charges which were 'all legally proved', against Balmerino who was shown to be the 'divulger' of the supplication against the king.¹⁵⁴ However, in his written response to the charge, Laud claimed only that he 'meddled nothing with it, one way or other, saving that at the entreaty of some men of honour of that nation, I did twice (if not thrice) adventure to become an humble suitor to his Majesty in that Ld's behalf'.¹⁵⁵ This is curious since it supports other accounts of his

¹⁵² According to Balfour, the warrant was ascribed to Laud, 'Hes Majestiy thus being irritat (by a wicked bischope) directes a warrant to the Lordes of his Privy Counsaill, to call befor them the said Lord, and to committ him to prissone'. Balfour, *Historical Works*, II, 219. Presumably, the bishop in question here is Spottiswood, but it could equally apply to Laud.

¹⁵³ Row, *Historie*, i, 389.

¹⁵⁴ *WWL*, iii, 299.

¹⁵⁵ *ibid*, 311-12.

leniency, but nothing elsewhere in Laud's printed correspondence backs this up. An unpublished letter from Laud to Traquair, one of four which has lain unnoticed in Traquair House, Innerleithen, is rather more illuminating and demonstrates that Laud's own account is misleading. The letter is dated 14 March 1635, a week before the trial came to a close on 20th March, as follows:

I thanke you for your Letters and the enclosed. They came to me whyle the King was att Hampton Court; and the busynesse, requiring hast, the King dispatcht away a Messenger and his Letters presently; soe whatever his answeare is, I have noe hand att all in it. The enclosed concerning the Lord Balmerinloch, I can now way approve, for in the Forme you send, it doth as good as proclaime to the world, that he did not dislike the Libell, in or for itselfe, but only as it was delayed? And that amongst intelligent men, must needs be doubtfull, whether in his heart he did not ... dislike ... the Petition.¹⁵⁶

This passage confirms that Traquair sought Laud's advice on how to handle the verdict against Balmerino, and contradicts Laud's contention that he did not 'meddle' with the case. In the knowledge that Laud clearly believed that the charges against Balmerino had been 'legally proved', one hypothesis that emerges from the letter to Traquair is that Laud, in questioning the extent to which Balmerino 'disliked' the petition (ie the supplication) was expressing his belief that Balmerino, who had originally been an author of the supplication, was not merely the innocent third party, or 'divulger'. All this strongly suggests that in March 1635 at least, when the jury was considering its verdict against Elphinstone, Laud would have not have advised Traquair towards leniency. Charles evidently sent Traquair his own reply direct and he would have received both the king's and Laud's replies shortly before the trial ended on 20th March (the travelling time from London to Edinburgh in March would have been about 5 days). What is undeniable is that six days after Laud penned the letter to Traquair, as Lord Treasurer and foreman of the jury, played an active part in concluding the trial by casting the deciding vote on 20th March which ensured a guilty verdict was reached (the jury being split down the middle up to this point).

¹⁵⁶ Traquair MS, Bundle 11, No 18. Laud to Traquair, 14th March 1635.

So where does this leave us with regard to the veracity of Laud's response to the charge by the Scottish commissioners? It demonstrates that Laud was being more than a little economical with the truth, as he was with many of the charges against him, in claiming that he had not interfered with the case against Balmerino and only ever urged leniency. The new evidence cited above clearly links Laud and Traquair in negotiations over the fate of Balmerino in March 1635, from which we can infer that Laud believed in Balmerino's guilt. This was missing from Laud's response to the charge of meddling with Balmerino's case. This illustrates that Laud's own interpretation of his role in Scotland, as set out in *History of the Troubles and Trials*, is not necessarily an account of genuine truthfulness and must be picked apart and juxtaposed with other evidence before Laud's actual role can be reconstructed.

The charges should not be read purely as a catalogue of offences against the Scottish kirk, listed in order of significance. The content of the charges, and their emphasis needs also to be put into the political context in which they were prepared. Having been appointed as commissioners to make the long and uncomfortable journey to London from Edinburgh (and in winter), the commissioners were responsible for reaching a settlement with parliament which had to be favourable to the Scottish kirk but more importantly, it had to be successful. As the closing sentence of the charges explains, the Scots had to ensure that 'not only the Firebrands may be removed, but that the Fire may be provided against, that there be no more Recombustion after this'.¹⁵⁷ It was critical, therefore, that the destruction of Laud was wholesale, so as to portray him as the greatest threat to the reformed religion, and for the Scottish case against Laud to stick, it had to encompass issues to which the English parliament would relate. In other words, in preparing the charges against Laud, Baillie and his fellow commissioners had to work out which buttons to press and how hard to press them. This provides the explanation for the importance of the Scottish canons in the charges. As discussed in Chapter 3, Laud's approach to implementing the canons of 1636 was forthright and unorthodox, and the canons alone would have rocked the kirk to its core, but largely through lack of enforcement and a limited circulation, they provoked little public reaction until after the prayer book in 1637, when they were appended to the liturgy as a focus of opposition. However, by breathing new life into the long since dead and

¹⁵⁷ Rushworth, *Historical Collections*, iv, 118.

buried Scottish canons on the pages of the charges against Laud, the Scots could tap into current fears inspired by the English canons of 1640, which were very much alive. This ensured the effectiveness of the Scottish charges as a tool with which to negotiate with parliament.¹⁵⁸

Indeed, the significance of the canons was not confined to all things Scottish, since the English canons and the issue of the continuation of Convocation, as well as the clerical benevolence are all cited against Laud, who ‘to the great Grief and Hazard of the Kingdom; ... did sit still in the Convocation, and make Canons and Constitutions against us,... and as if this had not been sufficient, he procured six Subsidies to be lifted off the Clergy, under pain of Deprivation to all that should refuse’.¹⁵⁹ Moreover, the claim that ‘the Prelates of England have been by all Means uncessantly working the Overthrow of our Discipline and Government’ would definitely add grist to the Root and Branch mill. It is surely no coincidence that on 16th December 1640, the same day that Adam Blair finished transcribing the Scottish charges in readiness for their reading in the Commons, John Pym declared that the English canons were ‘contrary to the King’s prerogative [and] to the fundamental laws and statutes of the realm’.¹⁶⁰ This is a nice example of the various different forces shaping the attack on Laud in the Long Parliament.

Laud was under no illusions that the charges were aimed as much at uniting the English and Scottish opposition against him, as they were an indictment of his previous actions. Referring to the way in which frequent reference is made in the charges to the fact that the Scottish liturgy went further in ceremonial terms than the Book of Common Prayer, Laud observed that

How comes this Book of England to be so
much in their esteemWhy, ‘tis not that

¹⁵⁸ Conrad Russell made the point that the Scots were ‘as determined to see the canons go as any member’. C. Russell, ‘Parliament, Royal Supremacy and the Church’, in Parry and Taylor (eds), *Parliament and the Church 1529-1960*, 27-37; 37.

¹⁵⁹ Rushworth, *Historical Collections*, iv, 118.

¹⁶⁰ Jansson, *Proceedings in Parliament*, i, 625.

they approve that book ... but tis only to
make their complaint more acceptable in
England.¹⁶¹

It must be emphasised strongly that in purely statutory terms, the Scottish charges lacked the legal validity of the later articles of impeachment which were presented in the Commons against Laud on 26th February 1641, because they did not derive their authority from within the English judicature. Neither did they address the issue of whether or not Laud's offences in Scotland could be defined as treasonable. The least that can be said about them is that they were an appeal from the citizens of one independent sovereign state to another, the most that they were a direct attempt by the Scots to intervene in the English political process and in this way, they are as revolutionary a document as the Covenant itself. When the Scottish Commissioners met the Lords to hand over their accusations against Laud and Strafford, it was made clear that there were 'sufficient grounds .. for one nation to desire another to put them ...to ane trial.' It was also pointed out that if necessary, further information could be added to the charges in due course.¹⁶² Clearly, Rothes and his colleagues within the Scottish commission envisaged that the 'Scottish case' against Laud would be fully heard before the English Parliament and that the different constitutional relationship between England and Scotland was no obstacle to the pursuit of a common cause. After all, this had never stopped their king. The Scottish charges are therefore significant not only for their contribution to understanding the process of impeaching Laud. They are also an untapped source from which to assess the growing inseparability of the Scottish and English causes in the early Long Parliament. Furthermore, they indicate the increasing audacity of the Covenanters in using the cover of a shared purpose to achieve their own ends. It should be pointed out here that in the minutes of the negotiations, Rothes referred quite unequivocally to the Commission's desire to achieve 'uniformitie of religion' ¹⁶³ – in other words, the implementation of Presbyterianism in England – and Baillie corroborates this account with his comment that 'it wil be to our great regret, if we get not all the King's dominions to our happinesse'.¹⁶⁴ The closing paragraph of the Scottish charges

¹⁶¹ *WWL*, iii, 346.

¹⁶² BL Stowe MS 187, fo 17r.

¹⁶³ *ibid*, fo 41r

¹⁶⁴ Baillie, *L&J*, i, 238.

against Laud reinforces the case for a reverse uniformity policy with the appeal that ‘two different forms of ecclesiastical government ... one Island united also under one Head and Monarch, was not able to bear’.¹⁶⁵

The fluid political and religious backdrop within which the impeachment articles were prepared is crucial to understanding the course of Laud’s impeachment and it was the increasing radicalism of the Scots that provides the context for the development of formal impeachment articles against Laud in early 1641 and provides the main explanation for why very little specific information relating to Scotland was eventually to be included in the Commons’ case against him. Certainly, the evidence in the Commons’ Journals for early January 1641 supports the view that the Commons had every intention of incorporating some, if not all, of the Scots Commissioners charges within their own case against Laud, which indicates that they were still united behind the purpose of bringing Laud to justice. On 2nd January 1641, a paper was read in the Commons dated the 14th of December ‘concerning the Scots desire touching the English incendiaries ... that they may be put to a Trial.’ This having been secured, an extension to the current ‘cessation of arms’, due to expire on 16th January, could now be discussed. Laud’s fate was clearly still bound up in the treaty negotiations.

Two days later, the Commons sent a message to Lords ‘to desire a free conference concerning those declarations presented by the Scotch Commissioners against the Lord Lieutenant and the Lord Archbishop of Canterbury to the end the Parliament may proceed to Judgment’ and Pym and John Hampden were to manage this process. At a conference of both Houses, two interrelated issues were discussed – cessation of arms and the case against Laud. The Commons desired that the Scottish Commissioners produce witnesses and evidence to make good their charges against the Incendiaries.¹⁶⁶ The Lords Commissioners desired that Scotch Commissioners ‘get Witnesses, Testimonies and Evidence ... and to have a Committee or some other fit meanes for taking the Testimonies of others that are far distant’ – in other words, at this stage, the possibility of Scottish and Irish witnesses being brought to testify in the cases against

¹⁶⁵ Rushworth, *Historical Collections*, iv, 118.

¹⁶⁶ *CJ*, ii, 52

Strafford and Laud was still alive.¹⁶⁷ The issue of distance was a very real one, and the logistical difficulty of gathering evidence from witnesses four hundred miles away, and in winter, would not have been easy and clearly played its part in making it harder for the Scottish material to have been incorporated into a legal case against Laud. Nevertheless, it is important to note that in January 1641, the Commons' case against Laud rested heavily upon the Scottish case against him.

The relationship between the Commons and the Scots Commissioners was increasingly complicated, however and it is this which best explains the reason why Laud's impeachment was orchestrated in the way that it was. On the one hand, Laud was the common enemy of both Scots and Commons, and the Scottish charges bolstered the Commons' case that Laud had to be removed from the king's counsel. On the other hand, there was increasing resistance, particularly from within the Lords, to the intrusion of the Scots into English political affairs. Although the idea of Presbyterianism being adopted in England was of definite appeal to many of the English godly, the prodigious expense of the financial compensation being paid to the army was just one of the less than favourable consequences of the Scottish influence in the Commons. It was the audacious behaviour of the Commissioners in late January and February which resulted in two conditions which impacted on the case against Laud. Firstly, a temporary setback in terms of support for the Scottish cause in the Commons; and secondly, the case against Laud briefly taking centre stage over the trial of Strafford and it was in the context of this that the impeachment articles against Laud were rapidly prepared. Until Pym signalled in the Commons on 22nd February that the Committee preparing the case against Laud should prepare impeachment articles against him, there had been no movement in his case since early January when the matter of preparing Scottish witness testimonies were discussed.¹⁶⁸ In fact, there is evidence to suggest that in the intervening six or so weeks since his house arrest, things may have been looking up for Laud. His diary entry on 21st January records simply that 'a Parliament man of good note ... sent me word, that by reason of my patient and moderate carriage since my commitment, four Earls of great power in the Upper House

¹⁶⁷ *LJ*, iv, 123.

¹⁶⁸ *CJ*, ii, 90. Notestein, *D'Ewes*, 388.

of the Lords were not now so sharp against me as at first'.¹⁶⁹ There is no hard evidence to identify the four Earls, but they may have been, as Adamson suggests, Pembroke, Bedford, Hertford and Northumberland.¹⁷⁰ The provocative decision by the Scots Commissioners to publish the impeachment articles against Strafford in an attempt to accelerate the start of his trial, and the Scots Commissioners imminent publication of a declaration calling for justice upon the 'two incendiaries', deepened the cracks between Bedford and Warwick, and other members of the 'junto' of Lords.¹⁷¹ More significantly for Laud, this led to a revival of the case against him and four days after Pym addressed the Commons on 22nd February, a full set of impeachment articles had been prepared.

The increasing tension between English and Scottish political forces provides one explanation for why the Commons committee did not borrow any of the Scottish accusations in their own case against Laud, but it is also safe to assume that there was sufficient material evidence against Laud in connection with the English church and state, that rendered unnecessary the inclusion of any of the detail of the Scottish charges in order to bring Laud to justice. The Commons' case against Laud was set out in fourteen impeachment articles which amounted to an accusation that in exercising his authority, Laud had usurped unlawfully the king's sovereign power in church and state.¹⁷² The only impeachment article which bore any relation to events in Scotland was the thirteenth, which accused Laud of having 'maliciously plotted and endeavoured to stir up war and enmity between his Majesty's two Kingdoms of England and Scotland, divers Innovations both in Religion and Government, all or the most of them tending to Popery and Superstition, to the great grievance and discontent of his Majesty's subjects of that nation'.¹⁷³ This article had the potential to cover the same ground as the Scottish commissioners charges but it was eventually dropped by Laud's prosecutors and never formed part of the case against him at his trial in March 1644 because, as Laud himself was at pains to point out in the Lords in the prelude to the

¹⁶⁹ *WWL*, iii, 239.

¹⁷⁰ Adamson, *Noble Revolt*, 179.

¹⁷¹ *ibid*, 203.

¹⁷² Orr, *Treason and the State*, 101.

¹⁷³ Rushworth, *Historical Collections*, iv, 197. A similar article was presented against Strafford. *ibid*, 90, 138.

trial, the Act of Oblivion of 1641 rendered impotent any future attempt to implicate individuals in the conflict with Scotland.¹⁷⁴ The Act of Oblivion, therefore, gave Laud immunity from being charged with any offences relating to Scotland and this is an important point to emphasise in the context of this chapter, as well as this thesis. It was not due to his insignificance in Scottish affairs that Laud was never brought to account formally for his role in Scotland during the 1630s, but because of legislation passed during the early Long Parliament itself.

The benefit of hindsight is a wonderful thing, and in the case of Laud, it is noticeable that even in January 1641, there were signs which temper the view that his fate was already sealed. Despite the drastic events of the past few weeks, the continuity of Laud's position can be found in his letter to the king of 3rd January which works on a number of different levels in the context of this chapter. The context for the letter is Laud's fear that John Williams, Bishop of Lincoln was about to usurp his archiepiscopal responsibility over clerical preferment. In this letter, Laud is quick to remind the king that the commencement of impeachment proceedings by Parliament has not officially altered his status as archbishop, as the following extract shows:

I conceive the Great Seal being left as it is, your Majesty will bestow all such livings as shall be void, and were usually in the gift of the Lord Keeper, of what value soever they be. This I took my duty to put your Majesty in mind of, since it in part belongs to the service which your Majesty was wont to trust me with.¹⁷⁵

Thus, Laud intended to keep exercising his archiepiscopal authority over church patronage as before. In the margin, the king concurs.¹⁷⁶ Laud continues,

¹⁷⁴ The Act of Oblivion formed a significant part of Laud's answer to the charges against him, presented to the Lords on 22 January 1644 and Laud's assertion that he was 'none of the persons excepted by the said act' was accepted by the prosecution, although technically, certain unnamed incendiaries were excluded from the act. *WWL*, iv, 44-45.

¹⁷⁵ Laud's reference to the 'great seal' remaining as it is refers to the recent flight of Sir John Finch, the Lord Keeper, whose reaction to impeachment was rather more drastic than Laud's. *WWL*, vi, 590. Laud to Charles I, 3rd January 1641.

¹⁷⁶ *ibid*, 'You are right'.

At this time, I am informed that the Rectory of Ashen in Northamptonshire is void, and in your Majesty's gift. The bishop of Brechin hath a son .. that is ready to take orders, and may be fit for it. And by that means may be some help to his father, who certainly needs it. If your Majesty like of this, and let me know so much, I shall give warrant for it accordingly.¹⁷⁷

The beneficiary of Laud's intercession on this occasion was John Whitford, son of Walter Whitford, whose appointment to the bishopric of Brechin in September 1635 had Laud's backing as a supporter of ceremonialism and liturgical reform. In the margin, Charles assents to Whitford's appointment, authorising Laud to 'Give order, accordingly, C.R.'¹⁷⁸ Significantly, Whitford was appointed. This is a nice example of Laud's continued support for his brethren within the Scottish episcopate. Furthermore, the king's marginal annotations capture the essence of the working relationship between Laud and Charles during the previous decade. In fact, if the date were removed from this letter, one might be forgiven for thinking that it belonged in the mid-1630s, rather than early 1641. This is not to belie the fact that much had changed since then, but it does remind us to be cautious before assuming that the impeachment of Laud marked an instant and irrevocable turning point or that the success of the case against him was a foregone conclusion.

Following his removal to the Tower on 1st March, the judicial case against Laud fell dormant for almost two and a half years, at which point further impeachment articles against him were prepared by William Prynne and presented in the Commons in October 1643. The most obvious reason for this was the sheer volume of parliamentary business being handled at this time, which saw not only the trial and attainder of Strafford in May 1641, but the passage of the Triennial Act, the Root and Branch, the Militia Bill and Ordinance and of course, the outbreak of open hostility between king and country from August 1642. In the short term, during the spring of 1641, the trial of Strafford was the focus of parliamentary attention and just as it had led to successive postponements of the canons debate in November and early December 1640, and to the

¹⁷⁷ *ibid.*

¹⁷⁸ *WWL*, iii,590. Whitford was indeed presented to the living but was later ejected, in 1645.

delay in Laud's formal impeachment until February 1641, so it led to the case against Laud being put to one side while the more pressing matters of the escalation towards civil war were deflected. A further explanation of why the case against Laud was allowed to 'go to sleep' during the remainder of 1641 until late 1643, can be found beyond Westminster, within the walls of Whitehall Palace. It was the attitude of the king which also had a significant bearing on the course of the case against Laud, particularly in the short term. Charles's preference for taking ownership of unpopular royal policy had been a feature of his style of kingship from its earliest days and seeing impeachment as a personal affront, he preferred to dispense with the services of parliament than see his own ministers impeached. This is why the impeachment of Buckingham had failed in 1626. Although he was in a far more precarious position and could not summarily dissolve parliament in order to save Strafford, there were still rumours in 1641 that because 'the King will not let the Earl go, the Parliament is not likely to be long-lived'.¹⁷⁹ As a bargaining tool, this made Strafford a far more effective stick with which to beat the king than Laud and as a result, the king's support ended up making Strafford's position far more dangerous because drastic action was needed by Charles's opponents to force him to abandon the policies with which he was associated.¹⁸⁰ In the short term, then, the king's apparent indifference to Laud actually made his situation less precarious than that of Strafford and as a result, an immediate trial was less of a political necessity. In the longer term, however, the king's lack of support for Laud made securing an accusation of high treason against him theoretically easier than it would be against Strafford, whose alleged crimes against the royal person were unlikely to stick all the time that he appeared to enjoy royal support. The king's attitude, therefore, goes part of the way towards explaining the initial delay in bringing Laud to trial.

The emasculation of Laud's formal archiepiscopal authority further removed the immediate need to advance the legal case against him, although this was not a conscious decision. This is another distinction between the cases of Strafford and

¹⁷⁹ TNA, SP16/479/74, Nathaniel Tomykns to Sir John Lambe, 26th April 1641. Adamson argues that the slowness of the impeachments of Strafford and Laud are proof of how the process was still very precarious and that Charles could still, at any moment, have dissolved parliament. Adamson, *Noble Revolt*, 137.

¹⁸⁰ Russell, *Fall*, 178-9.

Laud. While Strafford's greatest danger lay in the combination of his ability to influence the king and his capacity to wield military force, the remaining vestiges of Laud's power, once it was clear that he was no longer the beneficiary of royal favour, were largely institutional. The mechanisms by which Laud had previously exercised his ecclesiastical power were gradually dismantled in the Lords – the prerogative courts of Star Chamber and High Commission were abolished in July 1641. Following a series of disagreements over appointments to livings, in October 1641, the issue of clerical preferment brought about the order from the Lords that Laud could no longer exercise his archiepiscopal jurisdiction, or appoint to livings in his gift without the permission of parliament.¹⁸¹ Interestingly, the circumstances which gave rise to this order were the same circumstances which would have prevented it from ever being a workable solution to a very real problem. It was clear that Laud and the Commons would never agree the same candidates to livings and it was his persistent refusal to agree to the preferment of William Corbet to the parsonage of Chartham in Kent which resulted in Lords finally signalling their intention to proceed with the case against Laud in May 1643.¹⁸²

Laud's trial itself is beyond the remit of this chapter, but it is worth addressing the fact that Laud's fate continued to be linked to the search for a settlement beyond the period with which this thesis is concerned. The delay in bringing Laud to trial is well known. While Strafford had been swiftly tried and executed by May 1641, the case against Laud was permitted to slip further and further down the parliamentary agenda, the more apparent it became that he was no longer a bargaining tool with the king. In September 1643, when the Solemn League and Covenant picked up where the Treaty of London left off with its provisions for the punishment of incendiaries, it was obvious that Laud was one of the principal 'malignants or evil instruments, ... hindering the reformation of religion, dividing the King from his people' who should be brought to public trial and receive condign punishment.¹⁸³ This provides the context for the production of a further ten impeachment articles against him in October which led to the start of formal preparations for his trial, which eventually took place from March to

¹⁸¹ *LJ*, iv, 402.

¹⁸² *LJ*, vi, 54.

¹⁸³ Gardiner, *Constitutional Documents*, 269.

July 1644. The Propositions of Uxbridge of November 1644 were even more specific in their stipulation that among ‘the persons who shall expect no pardon be ... William Laud, Archbishop of Canterbury’.¹⁸⁴ By the autumn and winter of 1644, the Scots were running out of patience at Parliament’s inability to settle matters in religion, and felt, understandably, that the unfinished business with Laud was an obstacle to achieving a settlement along the lines set down in the Solemn League and Covenant. For the Scots and their English Presbyterian sympathisers, the greatest impediment to reaching any church settlement involving the abolition of episcopacy, was the fact that Laud had not yet received his ‘just censure’ in Parliament. The fact that the abolition of the Book of Common Prayer, the imposition of a Directory of Public Worship and the ordinance of attainder for Laud’s execution were all approved on the same day, 4 January 1645, indicates a link between the fate of Laud and the establishment of Presbyterianism along the lines of the Solemn League and Covenant. One contemporary even went as far as to state that the Scots ‘would not think themselves secure while [Laud’s] head was on’.¹⁸⁵ It is reasonably safe to argue that the abolition of the Prayer Book, the establishment of the Directory and Laud’s execution, all of which marked the advent of a new age in English organised religion, and all of which were synonymous with the Solemn League and Covenant, were Parliament’s *quid pro quo* for Scottish support in the war.¹⁸⁶

To conclude, the way in which Laud was treated in the early Long Parliament has to be seen in the context of the negotiations between the king and the Scots, since his punishment as an incendiary was an integral part of the terms of the draft Treaty of London. The Scots were instrumental in achieving his fall from power. The cases of Strafford and Laud were intertwined and the reaction of the king to the former set the tone for the treatment of the latter. For the Commons, however, Laud was always of

¹⁸⁴ *ibid*, 278.

¹⁸⁵ E269(2) A Brief Relation of the Death and Suffering of the Late Archbishop of Canterbury, February 1645, sig. B. i. For a further discussion of the Scots’ input to Laud’s trial and execution, see W. Palmer, ‘Invitation to a Beheading: Factions in Parliament, the Scots and the Execution of William Laud in 1645’, *Historical Magazine of the Protestant Episcopal Church*, 52 (1983), 17-27.

¹⁸⁶ For further background to the abolition of the Prayer Book, see P. King, ‘The Reasons for the Abolition of the Book of Common Prayer in 1645’, *Journal of Ecclesiastical History*, 21 (1970), 327-339.

secondary importance to Strafford and it is worth pondering whether this is because the Commons were confident in the knowledge that the Scots were preparing a robust case against Laud or whether Strafford was simply a bigger priority because of his military potential. Strafford's impeachment was used as the yardstick against which to measure the king's reaction, and once secured, paved the way for the impeachment of Laud, his trial and eventually, his execution.

Conclusion

The decision to write this thesis originated from a desire to go against the grain of what appeared to be a growing historiographical consensus that Archbishop Laud's importance in the government of Charles I has been overestimated. The aim was to reassess his distinctive role as ecclesiastical adviser to a monarch with a vision for uniformity and order across three kingdoms, and to do so from an objective stance, rather than from the perspective of failure. The intention was also to undertake a study of Laud's involvement in Scotland to stamp some certainty onto his reputation for cautious intervention in the ecclesiastical policies of that kingdom, since this seemed to be incongruous. In short, the case study of Laud and Scotland was to provide the macro and micro view – to enhance our understanding of his role as the king's chief ecclesiastical adviser at court, and also to define the characteristics of his priorities and approach to Scotland, and Scottish policy, itself.

This undertaking was, of course, beset by difficulties, not least the existence of a number of biographies of the archbishop which are a hindrance rather than a help. A more practical difficulty is the fact that although voluminous evidence exists to support a study of Laud's activities within the English government and church, the primary material from which to build up a portfolio of his intervention in Scotland is much less rich. When added to Laud's obvious desire to distance himself from royal policy as the 1630s progressed, there were some fairly persuasive reasons not to embark on such a study.

The obstacles aside, this thesis has flagged up some important new interpretations of Laud's career and more importantly, embellished our understanding of his working relationship with Charles I in general, and how it manifested itself in Scotland in particular. In addition, a fresh methodology was used in the second and final chapters whereby Laud's written response to the Scottish Commissioners' charges was picked apart and compared with the extant primary evidence to construct a fuller account of Laud's role, as well as to test his veracity. There is certainly considerable scope for historians interested in Laud's contribution to English religious policy to apply the

same methodology to the impeachment articles which formed the basis of his trial in 1644.

The individual chapter conclusions have dealt with each chapter as a separate entity, but this conclusion will touch upon the wider significance of this thesis and consider some broader historiographical themes. This is a logical point at which to discuss the 'British' dimension to the historiography of this period. The general reluctance throughout this thesis to be drawn into the debate on all things British is not an oversight, but a conscious decision taken in order not to divert the emphasis away from Scotland. The main intention here has been a study of Laud, and his Scottish associations, and the impact this had on his career. While an important historiographical theme, the issue of Britishness must not overshadow everything, neither should it be applied where it is not really applicable. This is not to imply that the area of religion, and particularly religious uniformity, has no British angle, but rather to resist the urge to look for Britishness in everything that Charles and Laud did. The example of the Scottish canons has shown that the dual monarchy informed Charles when he looked to change the relationship between the Scottish church and the royal supremacy so that it resembled more closely the relationship which existed in England. However, the fundamentally fluid and organic nature of the way in which ecclesiastical policy evolved and was implemented belies the fact that there was a fixed intention to either Anglicise or make uniform all three churches. The Irish canons of 1634 resembled the English of 1604 but neither really bore any resemblance to the Scottish of 1636, except perhaps in their assertion of royal control over the church. In most other details, the specific reference varied from church to church and the particular emphasis was different. Perhaps the most pertinent example that context is essential to understanding the nature of ecclesiastical policy can be found in the English canons of 1640 which were a justification of the crown's position on a number of aspects of policy, but in no way should they be, or have they been, seen as representative of the entire gamut of Laudian ecclesiastical policy implemented during the 1630s.

Conversely, Laud himself can quite comfortably be drawn into the British debate. There can be no doubt that Laud had a very distinctive role, both in comparison with

his predecessors in the see of Canterbury, as well as with his colleagues in Charles I's government. It was primarily in religion that Charles attempted to implement similar policies across all three of his kingdoms and as chief ecclesiastical adviser, Laud was the only member of the English Privy Council whose working remit regularly concerned him in matters that were broadly British. More importantly, he had no Scottish or Irish counterpart with which to share this demanding role. Every other minister at the court of Charles I, while they may at times have been responsible for considering the implications of their remit beyond the shores of England (such as Hamilton's Commission to Edinburgh in May 1638), their responsibility lay primarily with the affairs of England. Sir John Coke, Sir Francis Cottington, Sir Richard Weston and Sir John Finch, for instance, all had Scottish equivalents based in Edinburgh, namely Melrose, Traquair, Morton and Hope. Even those concerned with foreign affairs only had to consider the impact of those policies largely from the perspective of England. This is an important consideration in attempting to define his role as king's ecclesiastical adviser and this in itself set him apart from his fellow members of the court and council. In the context of Scottish ecclesiastical policy, it also helps to consider Laud's British remit not just to try and identify areas of similarity and difference, but when thinking about the scope of his role, the number of balls he had to keep in the air at any one time and the practicalities of implementing religious policies without going through the proper channels of General Assembly and parliament. In Ireland this was a large enough task even with the co-operation of Wentworth, but in Scotland, the infrastructure was simply not there and as a result, the personal involvement of Laud, as overseer and intermediary between king and Scottish episcopate, was a key feature of implementing ecclesiastical policy in that kingdom.

Laud's remark to Wentworth, made in January 1634, that he was 'universalis episcopus' is relevant here. Whether or not Laud had the universal church in his mind when he penned this remark is a matter outside the scope of this conclusion, but he clearly conceived of his role in terms of responsibility for ecclesiastical affairs in three kingdoms. Laud had no formal authority over the Scottish and Irish churches, although arguably his entitlement to intervene in Ireland was greater than it was in Scotland. Neither did he seek to obtain any official jurisdiction in either kingdom. This should not obscure the fact that he was nevertheless able to wield considerable power and that

he was equally energetic in the affairs of Scotland as he was in the English and Irish churches. Due to the survival of greater volumes of material for the church of Ireland, Laud's role in Scotland can never be described as 'shameless interference' in the same way that his intrusions into the Irish church have been. Nevertheless, this thesis has demonstrated that where evidence for Laud's intervention still exists, it was overt and authoritarian, and has thus brought Laud's contributions to Scotland and Ireland into closer proximity with each other.

From his unique standpoint as ecclesiastical adviser across three kingdoms, Laud clearly recognised the relationship between the three churches and that they looked to each other for example. As Laud pointed out to Wentworth in a letter of May 1635, the thorny issue of clerical pluralism must be stamped out in Ireland because he was 'confident if this once gets footing in Ireland, we shall have it fall into practice in Scotland to, and the Church of England made a stale to both'.¹ When it came to undesirable clerical practices, Laud clearly saw that what was allowed to happen in one church, could easily take hold in another and spread to all three. This is an obvious example of Laud anticipating the 'billiard ball' effect associated with multiple kingdoms, but from Laud's perspective the British problem was unilateral, and lay in the character of the churches themselves, rather than that they were governed by the same monarch.

It has been shown that Laud was the sole crown servant whose responsibilities regularly engaged him in the affairs of all three kingdoms, but there was one other person at court whose remit necessitated a British perspective and that was the king. Attempting to capture the essence of the relationship between Laud and Charles I is not easy, as both were enigmatic and neither left many specific clues to enable us to reconstruct the true nature of their partnership. This thesis, however, has provided plenty of insights which expand our understanding of the way in which their working partnership operated. Unsurprisingly, the main theme which has emerged is that the working pattern of king and archbishop was the same for Scottish affairs as it was in English and Irish church matters. Although the king was happy to give royal authority to policies

¹ *WWL*, vii, 131. Laud to Wentworth, 12th May 1635.

such as the canons and the liturgy, the day to day management of ecclesiastical affairs was given to Laud. Laud would then convey royal instructions, adding detail where necessary, for enactment by the Scottish bishops. Conversely, Laud was always careful to emphasise that he was acting upon royal authority and this matched the king's willingness to admit ownership of policies himself. Laud's lack of official authority is reflected in the formal records but when correspondence and anecdotal evidence is scrutinised, it is evident that Laud had considerable autonomy. This should not imply that Charles was a puppet, the mere Doge of Venice he dreaded and this thesis has also shown that there were limits to Laud's scope for freedom, just as there were in England, when famously, the king prevented him from holding the bishoprics of Winchester and London *in commendam*.²

In playing down issues of Anglicisation, Anglicanisation, congruity or uniformity, and in resisting the temptation to search for an alternative sound bite to apply to Caroline policy in Scotland, this thesis has enabled a full discussion of all the aspects of Scottish policy which had an impact on Laud's career and reputation, right down to those fraught few months after the opening of the Long Parliament. The implementation of Scottish policy has added further to our knowledge and understanding of Laud, his partnership with Charles I and their joint intentions, but an analysis of the early weeks of the Long Parliament from the perspective of Laud has placed Scotland into the context of Laud's impeachment. At the same time, it has put Laud's impeachment into the wider context of Scottish, and also, British politics. A detailed discussion of the way in which the case against Laud was developed has thrown new light on the combination, interaction and interdependence of English and Scottish political forces and on the king's passive role. This has been rewarding, not simply because it has taken a fresh view of aspects of Laud's career consigned to the footnotes of Trevor-Roper, but because it has shown that as a topic of historical enquiry, research into the career and reputation of William Laud is still very much alive.

² *WWL*, vii, 119; 238.

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