

Was Marion Hamilton the Illegitimate Daughter of James, 1st Duke of Hamilton?

This question is a very important one from a genealogical perspective because James Hamilton, 1st Duke of Hamilton (1606-49) was descended from Edward III through his son, John of Gaunt (1340-99). This descent is shown in the box below:

53. James Hamilton²¹ 1st Duke of Hamilton (James Hamilton²¹ 2nd Marquess of Hamilton, John Hamilton²⁰ 1st Marquess of Hamilton, James Hamilton¹⁹ 2nd Earl of Arran, James Hamilton¹⁸ 1st Earl of Arran, Mary Stewart¹⁷ Princess of Scotland, James II¹⁶ King of Scotland, Joan¹⁵ Beaufort, John Beaufort¹⁴ 1st Earl of Somerset, John of Gaunt¹³ 1st Duke of Lancaster, Edward III¹² King of England, Edward II¹¹, Edward I¹⁰, Henry III⁹, John⁸, Henry II⁷, Geoffrey⁶ Count of Anjou, Fulk V⁵ Count of Anjou & King of Jerusalem, Fulk IV⁴ Count of Anjou, Geoffrey II³ Count of Gâtinai, Hugues² du Perche, Fulcois¹ Count of Perche) was born 19 June 1606 in Hamilton, Lanarkshire, Scotland, and died 9 March 1648/49 in Palace Yard, Westminster, Middlesex, England. He married (2) **Mary Feilding** 16 June 1622.

The 1st Duke of Hamilton was descended from the royal houses of Scotland, England, France, Aragon, Castile and León, France, Hungary, Bohemia, Naples, Poland, Sweden, Denmark, Norway, Germany (Habsburg, Hohenzollern and Hohenstaufen), Sicily and Navarre (amongst others).

The entry for Sir Thomas Hay, 1st Baronet of Park (father of Sir Charles Hay, 2nd Baronet of Park) on page 341 of *Complete Baronetage*, G.E. Cokayne (Editor of *The Complete Peerage*), Volume III, 1649-1664, Exeter, William Pollard & Co. Ltd. 1903, is reproduced below:

CREATIONS [S.] 1649—1664. 341

HAY :

cr. 25 or 26 Aug. 1663.

I. 1663. "SIR THOMAS HAY [the younger, Knt.] of Park"
[part of the Abbey lands of Glenluce], co. Wigtown, s. and h. ap.
of Sir Thomas HAY, of the same, by Margaret, da. of (—) KENNEDY, was, in
his father's lifetime cr. a *Baronet* [S.] as above, 25 or 26 Aug. 1663 with rem.
to the heirs male of his body. He m. in 1661, Marion HAMILTON, illegit. da. of
James, DUKE OF HAMILTON [S.]. He d. v.p.

It can be seen that Sir Thomas Hay, 1st Baronet of Park's wife is given as Marion Hamilton, an illegitimate daughter of James Hamilton, 1st Duke of Hamilton.

In a letter written by Sir John Hay, 11th Baronet of Park, dated 21 Aug 2001, and directed to the Family History Library of the Church of Jesus Christ of Latter Day Saints, Sir John Hay corrects "Marion" to Mary based on his family's information.

The Oxford Dictionary of National Biography (DNB) for James Hamilton, 1st Duke of Hamilton, states (*inter alia*):

"Hamilton [James, 1st Duke of Hamilton] also had a daughter Mary, probably with one Euphemia Hamilton; known as Mistress Mary, she was brought up at Hamilton Palace and later married Sir Thomas Hay of Park."

That does seem quite unequivocal. The sources for the Oxford DNB information do not cite G.E. Cokayne, they cite various papers and manuscripts of the Hamilton family (although the specific source of that piece of information is not clearly cited). Notwithstanding this, it does give credence to the statement in the *Complete Baronetage*.

Lineage.

THOMAS HAY, esq. (younger son of Hay, of Dalgety, a cadet of the noble house of Errol,) soon after the reformation in Scotland, acquired the estate of Park, a part of the abbey lands of Glenluce, in the county of Wigtoun, which have been possessed by his lineal descendants to the present period. The great-grandson of this gentleman,

1. SIR THOMAS HAY, knt. of Park, was created a *Baronet of Nova Scotia* 25th August, 1663. He *m.* an illegitimate daughter of James, Duke of Hamilton, and was *s.* at his decease by his son,

2. SIR CHARLES, who *m.* Miss — Agnew, daughter of Sir Patrick Agnew, bart. of Loch-naw, hereditary-sheriff of Wigtoun, by whom he had two sons,

THOMAS, who pre-deceased his father, leaving issue, by his wife, Mary, daughter of Sir William Maxwell, of Montreith; Thomas, successor to the title, and several other sons.
James.

We also have the extract at left from the less reliable John Burke on page 593 of *A General and Heraldic Dictionary of the Peerage and Baronetage of the British Empire* (1832).

So, based on the above, there would appear to be reasonable grounds to assume that Marion (or Mary) Hamilton was in fact an illegitimate daughter of the 1st Duke of Hamilton.

The problem I have with this is that when we look in other sources for confirmation of the above, we do not find it. The 1st Duke of Hamilton was a very prominent historical figure and any illegitimate children of his should be documented in many sources.

When we consult pages 376-378 of the *The Scots Peerage Founded on Wood's Edition of Sir Robert Douglas's Peerage of Scotland (Containing an Historical and Genealogical Account of the Nobility of that Kingdom)*, edited by Sir James Balfour Paul, Lord Lyon King of Arms, Volume IV, Edinburgh, 1907, there is no mention of any illegitimate children of the 1st Duke of Hamilton.

The reader should note that the Scots Peerage does mention illegitimate children where they exist and where they were accepted as being the illegitimate child or children of the person concerned.

We can also consult books such as: *The Memoirs of the Lives and Actions of James and William Dukes of Hamilton and Castle-Herald*, Gilbert Burnet, Oxford University Press, 1852 and find no mention of any illegitimate children of the 1st Duke of Hamilton.

Further, when we consult page 191 of *History of the Lands and their Owners in Galloway, Volume 1, Edinburgh, 1870*, we see the following:

Thomas (the sixth Thomas) Hay of Park, succeeded his father. He had a diploma, as Knight Baronet of Nova Scotia, 25th August 1663;* and on the 1st April thereafter, he had sasine of the lands of Park, &c., as Sir Thomas Hay. He married Marion Hamilton, probably a daughter of Archibald Hamilton, already mentioned. Dame Marion Hamilton, Lady Park, had sasine, in life-rent, of an annuity of £1200 Scots, furth of the lands of Druchdull, 4th March 1664.

The above obviously contradicts Cokayne, Burke and the Oxford DNB. Of course the author of the above is not certain of Marion Hamilton's parentage and he may be wrong in his assumption, but it is somewhat singular that an illegitimate daughter of no less than the 1st Duke of Hamilton would not be identified as such.

We can use the Genealogical Proof Standard on the above information. The purpose of the Genealogical Proof Standard is to show what the minimums are that a genealogist must do for his or her work to be credible.

There are five elements to the Genealogical Proof Standard:

1. A reasonably exhaustive search has been conducted.
2. Each statement of fact has a complete and accurate source citation.
3. The evidence is reliable, and has been skilfully correlated and interpreted.
4. Any contradictory evidence has been resolved.
5. The conclusion has been soundly reasoned.

Any proof statement is subject to re-evaluation when new evidence arises.

[The above is from: www.bgc certification.org]

Using the Genealogical Proof Standard as a guide, Marion (or Mary) Hamilton being an illegitimate daughter of the 1st Duke of Hamilton, fails on point 4 above. Point 4 refers to the substantiation of the statement's credibility, i.e. if conflicting evidence is not resolved, a credible conclusion is not possible.

The fact that the *Scots Peerage* and other publications such as *The Memoirs of the Lives and Actions of James and William Dukes of Hamilton* do not make any mention of illegitimate children of the 1st Duke of Hamilton is contradictory evidence as of course is the *History of the Lands and their Owners in Galloway*. As mentioned above, we would also reasonably expect to see a great many publications making mention of Marion (or Mary) Hamilton and yet we find only a few.

On this basis, I would not say (with a reasonable degree of certainty) that Marion (or Mary) Hamilton was an illegitimate daughter of the 1st Duke of Hamilton. I would need further more compelling evidence to conclude this.

Sir John Hamilton of Lettrick

However, I do accept that the 1st Baronet's mother was Jean Hamilton, a daughter of Sir John Hamilton of Lettrick and his wife Jean Campbell (daughter of Alexander Campbell, Bishop of Brechin).ⁱ

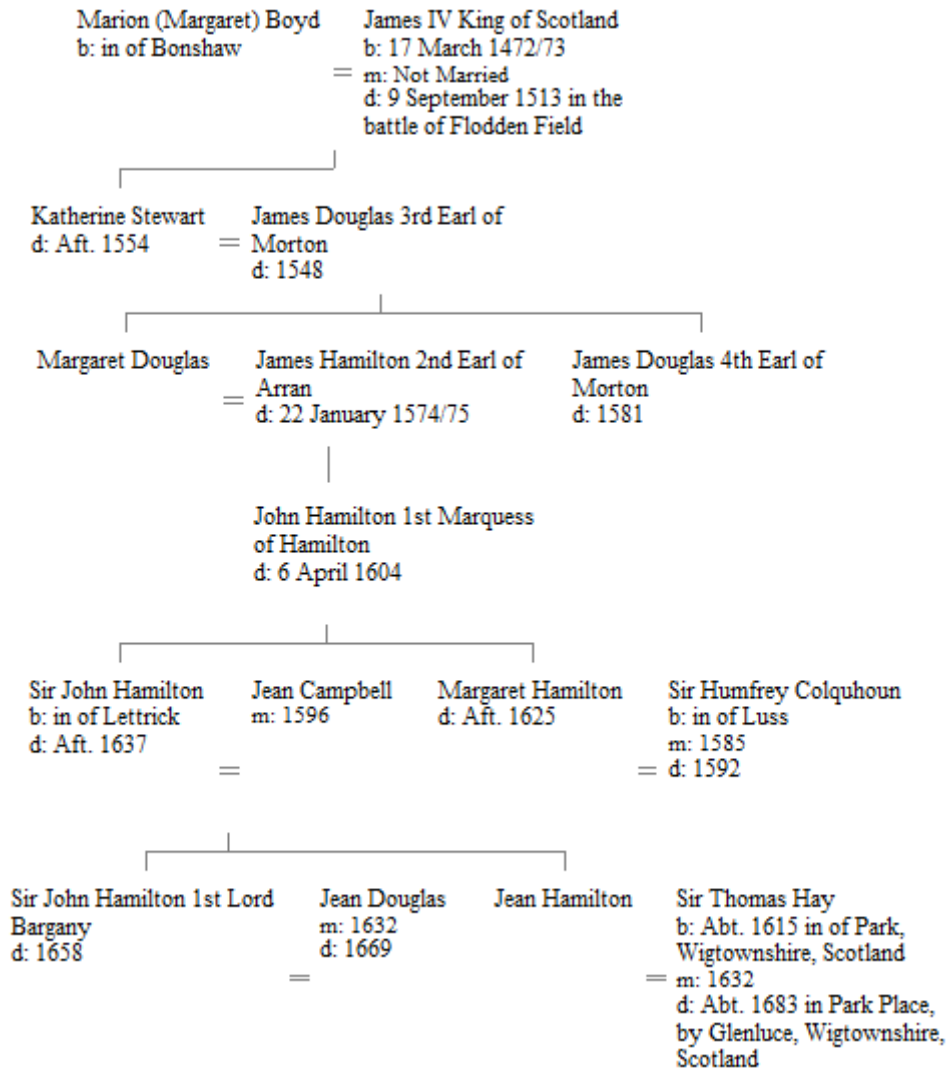
The extract from the *Complete Baronetage* (above) which refers to the 1st Baronet of Park's mother being Margaret Kennedy is not in fact correct. The 1st Baronet of Park's father, Sir Thomas Hay was married to a Margaret Kennedy but had no children by her, further, the 1st Baronet's paternal grandmother was also named Margaret Kennedy.

The 1st Baronet's mother was Jean Hamilton whom the 1st Baronet's father was also married to. This is correctly shown in both the *Scots Peerage* and *Burke's Peerage, Baronetage and Knightage* (see references in foot notes). In a letter written by Sir John Hay, 11th Baronet of Park, dated 21 August 2001, and directed to the Family History Library of the Church of Jesus Christ of Latter Day Saints he confirms the above descent.

Sir John Hamilton of Lettrick was an illegitimate son of John Hamilton, 1st Marquess of Hamilton (d.1604).ⁱⁱ The 1st Marquess of Hamilton was the paternal grandfather of the 1st Duke of Hamilton.

Sir John Hamilton of Lettrick was also a great-great grandson of King James IV of Scotland through James IV's illegitimate daughter Katherine Stewart who married James Douglas, 3rd Earl of Morton.ⁱⁱⁱ

This descent is shown below (note that Sir John Hamilton of Lettrick had many more children than shown in the table below and I have only shown John Hamilton, 1st Marquess of Hamilton's illegitimate children in this table).



The common ancestry of Sir John Hamilton of Lettrick and his half-nephew, James Hamilton, 1st Duke of Hamilton means that the descendants of Jean Hamilton and Sir Thomas Hay of Park can rightly claim descent from the royal houses mentioned at the beginning of this paper regardless of the paternity of the 1st Baronet's wife, Marion (Mary) Hamilton.

See also: Liliastewart's descent from James IV of Scotland (separate paper) available at:

www.staigfamily.wordpress.com

ⁱ *The Scots Peerage Founded on Wood's Edition of Sir Robert Douglas's Peerage of Scotland (Containing an Historical and Genealogical Account of the Nobility of that Kingdom)*, edited by Sir James Balfour Paul, Lord Lyon King of Arms, Volume IX, Edinburgh, 1914. Page 36 (Addenda & Corrigenda).

And also:

Burke's Peerage, Baronetage & Knightage, 107th edition, 3 volumes. Mosley, Charles, editor. Wilmington, Delaware, U.S.A.: Burke's Peerage (Genealogical Books) Ltd, 2003. Volume 2, page 1840.

ⁱⁱ *The Scots Peerage Founded on Wood's Edition of Sir Robert Douglas's Peerage of Scotland (Containing an Historical and Genealogical Account of the Nobility of that Kingdom)*, edited by Sir James Balfour Paul, Lord Lyon King of Arms, Volume IV, Edinburgh, 1907, page 373.

ⁱⁱⁱ *The Scots Peerage Founded on Wood's Edition of Sir Robert Douglas's Peerage of Scotland (Containing an Historical and Genealogical Account of the Nobility of that Kingdom)*, edited by Sir James Balfour Paul, Lord Lyon King of Arms, Volume VI, Edinburgh, 1909. Page 361.