

THE  
HISTORY OF SCOTLAND.

THE FOURTH BOOK.

AS the day appointed for the meeting of parliament 1566. approached, Mary and her ministers were employed in Mary's de- deliberating concerning the course which it was most liberations proper to hold with regard to the exiled nobles. Many concerning motives prompted her to set no bounds to the rigour of the exiled justice. The malecontents had laboured to defeat a nobles. scheme, which her interest conspired with her passions in rendering dear to her; they were the leaders of a party, whose friendship she had been obliged to court, while she held their principles in abhorrence; and they were firmly attached to a rival, whom she had good reason both to fear and to hate.

But, on the other hand, several weighty considerations might be urged. The noblemen, whose fate was in suspense, were among the most powerful subjects in the kingdom; their wealth great, their connexions extensive, and their adherents numerous. They were now at mercy, the objects of compassion, and suing for pardon with the most humble submission.

In those circumstances, an act of clemency would exalt the queen's character, and appear no less splendid among foreigners than acceptable to her own subjects. Mary herself, though highly incensed, was not inexorable; but the king's rage was implacable and unrelenting. They were solicited in behalf of the fugitives from various quarters. Morton, Ruthven, Maitland, and all who had been members of the congregation,

1566. were not forgetful of their ancient union with Murray and his fellow-sufferers; nor neglectful of their safety, which they deemed of great importance to the kingdom. Melvil, who, at that time, possessed the queen's confidence, seconded their solicitations. And Murray, having stooped so low as to court Rizio, that favourite, who was desirous of securing his protection against the king, whose displeasure he had lately incurred, seconded the intercessions of his other friends with the whole of his influence<sup>a</sup>. The interposition of sir Nicholas Throckmorton, who had lately been Elizabeth's ambassador in Scotland, in behalf of the exiles, was of more weight than all these, and attended with more success. Throckmorton, out of enmity to Cecil, had embarked deeply in all the intrigues which were carried on at the English court, in order to undermine the power and credit of that minister. He espoused, for this reason, the cause of the Scottish queen, towards whose title and pretensions the other was known to bear little favour; and ventured, in the present critical juncture, to write a letter to Mary, containing the most salutary advices with regard to her conduct. He recommended the pardoning of the earl of Murray and his associates, as a measure no less prudent than popular. "An action of this nature," says he, "the pure effect of your majesty's generosity, will spread the fame of your lenity and moderation, and engage the English to look towards your accession to the throne, not only without prejudice, but with desire. By the same means, a perfect harmony will be restored among your own subjects, who, if any rupture should happen with England, will serve you with that grateful zeal which your clemency cannot fail of inspiring<sup>b</sup>."

She resolves  
to treat  
them with  
clemency.

These prudent remonstrances of Throckmorton, to which his reputation for wisdom, and known attachment to the queen, added great authority, made a deep im-

<sup>a</sup> Melv. 125.

<sup>b</sup> Ibid. 119.

pression on her spirit. Her courtiers cultivated this happy disposition, and prevailed on her, notwithstanding the king's inflexible temper, to sacrifice her own private resentment to the intercession of her subjects and the wishes of her friends<sup>c</sup>. With this view, the parliament, which had been called to meet on the fourth of February, was prorogued to the seventh of April<sup>d</sup>; and in the mean time she was busy in considering the manner and form in which she should extend her favour to the lords who were under disgrace.

1566.

Though Mary discovered on this occasion a mind naturally prone to humanity and capable of forgiving, she wanted firmness, however, to resist the influence which was fatally employed to disappoint the effects of this amiable disposition. About this time, and at no great distance from each other, two envoys arrived from the French king. The former was intrusted with matters of mere ceremony alone; he congratulated the queen on her marriage, and invested the king with the ensigns of the order of St. Michael. The instructions of the latter related to matters of more importance, and produced greater effects<sup>e</sup>.

Is diverted from this resolution by the solicitation of France, and her zeal for popery. Feb. 3.

An interview between Charles the ninth, and his sister, the queen of Spain, had been often proposed; and, after many obstacles, arising from the opposition of political interest, was at last appointed at Bayonne. Catherine of Medicis accompanied her son; the duke of Alva attended his mistress. Amidst the scenes of public pomp and pleasure, which seemed to be the sole occupation of both courts, a scheme was formed, and measures concerted, for exterminating the hugonots in France, the protestants in the Low Countries, and for suppressing the reformation throughout all Europe<sup>f</sup>. The active policy of pope Pius the fourth, and the zeal of the cardinal of Lorraine, confirmed and encouraged

<sup>c</sup> Melv. 125.<sup>e</sup> Keith, 325. Append. 167.<sup>d</sup> Good. vol. i. 224.<sup>f</sup> Thuan. lib. 37.

1566. dispositions so suitable to the genius of the Romish religion, and so beneficial to their own order.

It was an account of this holy league which the second French envoy brought to Mary, conjuring her, at the same time, in the name of the king of France and the cardinal of Lorraine, not to restore the leaders of the protestants in her kingdom to power and favour, at the very time when the catholic princes were combined to destroy that sect in all the countries of Europe<sup>5</sup>.

Poperly is a species of false religion, remarkable for the strong possession it takes of the heart. Contrived by men of deep insight in the human character, and improved by the experience and observation of many successive ages, it arrived at last to a degree of perfection, which no former system of superstition had ever attained. There is no power in the understanding, and no passion in the heart, to which it does not present objects adapted to rouse and to interest them. Neither the love of pleasure, which at that time prevailed in the court of France, nor the pursuits of ambition which occupied the court of Spain, had secured them from the dominion of bigotry. Laymen and courtiers were agitated with that furious and unmerciful zeal which is commonly considered as peculiar to ecclesiastics; and kings and ministers thought themselves bound in conscience to extirpate the protestant doctrine. Mary herself was deeply tainted with all the prejudices of popery; a passionate attachment to that superstition is visible in every part of her character, and runs through all the scenes of her life: she was devoted too, with the utmost submission, to the princes of Lorraine, her uncles; and had been accustomed from her infancy to listen to all their advices with a filial respect. The prospect of restoring the public exercise of her own religion, the pleasure of complying with her uncles, and the hopes of gratifying the French monarch, whom the

<sup>5</sup> Melv. 126.

present situation of her affairs in England made it necessary to court, counterbalanced all the prudent considerations which had formerly weighed with her. She instantly joined the confederacy, which had been formed for the destruction of the protestants, and altered the whole plan of her conduct with regard to Murray and his adherents<sup>b</sup>. 1566.

To this fatal resolution may be imputed all the subsequent calamities of Mary's life. Ever since her return into Scotland, fortune may be said to have been propitious to her, rather than adverse; and if her prosperity did not rise to any great height, it had, however, suffered no considerable interruption. A thick and settled cloud of adversity, with few gleams of hope, and none of real enjoyment, covers the remainder of her days.

The effects of the new system which Mary had adopted were soon visible. The time of the prorogation of parliament was shortened; and, by a new proclamation, the twelfth of March was fixed for its meeting<sup>1</sup>. Mary resolved, without any further delay, to proceed to the attainder of the rebel lords, and at the same time determined to take some steps towards the reestablishment of the Romish religion in Scotland<sup>b</sup>. A parliament called to attain the exiled nobles;

<sup>b</sup> See Appendix, No. XIV.

<sup>1</sup> Keith, 326.

<sup>2</sup> It is not on the authority of Knox alone, that we charge the queen with the design of reestablishing the Roman catholic religion, or at least of exempting the professors of it from the rigour of those penal laws to which they were subjected. He indeed asserts that the altars, which would have been erected in the church of St. Giles, were already provided, 394. 1. Mary herself, in a letter to the archbishop of Glasgow, her ambassador in France, acknowledges, "that in that parliament she intended to have done some good, with respect to restoring the old religion." Keith, 331. 2. The spiritual lords, i. e. the popish ecclesiastics, had, by her authority, resumed their ancient place in that assembly. Ibid. 3. She had joined the confederacy at Bayonne. Keith, Append. 167. 4. She allowed mass to be celebrated in different parts of the kingdom, *ibid*; and declared that she would have mass free for all men that would hear it. Good. vol. i. 274. 5. Blackwood, who was furnished by the archbishop of Glasgow with ma-

1566. The lords of the articles were chosen, as usual, to prepare the business which was to come before the parliament. They were all persons in whom the queen could confide, and bent to promote her designs. The ruin of Murray and his party seemed now inevitable, and the danger of the reformed church imminent, when an event unexpectedly happened which saved both. If we regard either the barbarity of that age, when such acts of violence were common, or the mean condition of the unhappy person who suffered, the event is little remarkable; but if we reflect upon the circumstances with which it was attended, or upon the consequences which followed it, it appears extremely memorable; and the rise and progress of it deserve to be traced with great care.

and prevented by the conspiracy against Rizio.

Darnly loses the queen's affection.

Darnly's external accomplishments had excited that sudden and violent passion which raised him to the throne. But the qualities of his mind corresponded ill with the beauty of his person. Of a weak understanding, and without experience, conceited, at the same time, of his own abilities, and ascribing his extraordinary success entirely to his distinguished merit; all the queen's favour made no impression on such a temper. All her gentleness could not bridle his imperious and ungovernable spirit. All her attention to place about him persons capable of directing his conduct, could not preserve him from rash and imprudent actions<sup>1</sup>. Fond of all the amusements, and even prone to all the vices of youth, he became, by degrees, careless of her person, and a stranger to her company. To a woman, and a queen, such behaviour was intolerable. The lower she had stooped in order to raise him, his behaviour appeared the more ungenerous, and criminal: and in

terials for writing his 'Martyre de Marie,' affirms, that the queen intended to have procured, in this parliament, if not the reestablishment of the catholic religion, at least something for the ease of catholics. Jebb, vol. ii. 204.

<sup>1</sup> Good. vol. i. 122.

proportion to the strength of her first affection, was the violence with which her disappointed passion now operated. A few months after the marriage their domestic quarrels began to be observed. The extravagance of Darnly's ambition gave rise to these. Instead of being satisfied with a share in the administration of government, or with the title of king, which Mary, by an unprecedented stretch of power, had conferred on him, he demanded the crown matrimonial with most insolent importunity<sup>m</sup>. Though Mary alleged that this gift was beyond her power, and that the authority of parliament must be interposed to bestow it, he wanted either understanding to comprehend, or temper to admit, so just a defence; and often renewed and urged his request. 1566.

Rizio, whom the king had at first taken into great confidence, did not humour him in these follies. By this he incurred Henry's displeasure; and as it was impossible for Mary to behave towards her husband with the same affection which distinguished the first and happy days of their union, he imputed this coldness, not to his own behaviour, which had so well merited it, but to the insinuations of Rizio. Mary's own conduct confirmed and strengthened these suspicions. She treated this stranger with a familiarity, and admitted him to a share in her confidence, to which neither his first condition, nor the office she had lately bestowed on him, gave him any title. He was perpetually in her presence, intermeddled in every business, and, together with a few favourites, was the companion of all her private amusements. The haughty spirit of Darnly could not bear the intrusion of such an upstart; and, impatient of any delay, and unrestrained by any

<sup>m</sup> Keith, 329. Id. App. 165, 166. Knox, 404. The eagerness of the king to obtain the crown matrimonial is not surprising, when the extent of the powers which that title conveyed, as explained in the text and note, page 131 of this volume, is taken into consideration.

1566. scruple, he instantly resolved to get rid of him by violence.

Rizio hated by the friends of the exiled nobles.

At the same time another design, which took its rise from very different motives, was carrying on against the life of Rizio. Morton, Ruthven, Lindsay, and Maitland, were the contrivers of it. In all former commotions they had been strictly united with Murray, though in the late insurrection they had deserted him for various reasons. Morton was nearly allied to the family of Angus; and, during the minority of the present earl, acted as chief of the name of Douglas. Ruthven was married to the king's aunt. Lindsay's wife was of the same blood. All these had warmly concurred with the queen in promoting a marriage which did so much honour to the house of Douglas, and naturally expected that, under a king of their own blood, the chief management of affairs would be committed to them. Maitland, with his usual sagacity, foresaw that Murray's opposition to the match would prove dangerous and ineffectual; but whoever ruled at court, he hoped, by his dexterity and talents, to render himself necessary and of importance. They were all equally disappointed in their expectations. The king's headstrong temper rendered him incapable of advice. The queen could not help distrusting men who had been so long and so intimately connected with Murray, and gave herself up entirely to such counsellors as complied with all her inclinations. The return of that nobleman and his followers was, therefore, the only event which could restore Morton, Maitland, and their associates, to their former ascendant over the queen's councils. For this reason, nothing could be more mortifying to them, than the resolution which Mary had taken to treat the exiles with rigour. This they imputed to Rizio, who, after he had engaged to aid Murray with all his interest, was now the most active instrument in promoting the measures which were concerted for the ruin of that nobleman. This officious zeal completed



the disgust which they had conceived against him, and inspired them with thoughts of vengeance, in no wise suitable to justice, to humanity, or to their own dignity. 1566.

While they were ruminating upon their scheme, the king communicated his resolution to be avenged of Rizio to lord Ruthven, and implored his assistance, and that of his friends, towards the execution of this design. Nothing could be more acceptable to them than this overture. They saw at once all the advantages they would reap, by the concurrence of such an associate. Their own private revenge upon Rizio would pass, they hoped, for an act of obedience to the king; and they did not despair of obtaining the restoration of their banished friends, and security for the protestant religion, as the price of their compliance with his will. They combine in order to murder him.

But as Henry was no less fickle than rash, they hesitated for some time, and determined to advance no further, without taking every possible precaution for their own safety. They did not, in the mean time, suffer the king's resentment to abate. Morton, who was inferior to no man of that intriguing age in all the arts of insinuation and address, took the young prince under his management. He wrought upon his ruling passion, ambition to obtain the matrimonial crown. He represented Rizio's credit with the queen to be the chief and only obstacle to his success in that demand. This minion alone, he said, possessed her confidence; and out of complaisance to him, her subjects, her nobility, and even her husband, were excluded from any participation of her secret councils. Under the appearance of a confidence merely political, he insinuated, and the king perhaps believed, that a familiarity of a quite different and very criminal nature might be concealed<sup>a</sup>. Such various and complicated passions raged

<sup>a</sup> Of all our historians, Buchanan alone avowedly accuses Mary of a criminal love for Rizio, 340. 344. Knox slightly insinuates that such a suspicion was entertained, 391. Melvil, in a conversation with the queen, intimates that he was afraid her familiarity with Rizio might be liable to

1566. in the king's bosom with the utmost fury. He became more impatient than ever of any delay, and even threatened to strike the intended blow with his own hand. At last, preliminaries were settled on both sides, and articles for their mutual security agreed upon. The king engaged to prevent the attainder of the banished lords, to consent to their return into Scotland, to obtain for them an ample remission of all their crimes, and to support, to the utmost of his power, the religion which was now established in the kingdom. On their parts, they undertook to procure the crown matrimonial for Henry, to secure his right of succession, if the queen should die before him without issue, and to defend that right to the uttermost, against whatever person should presume to dispute it; and if either Rizio or any other person should happen to be killed in prosecuting the design, the king promised to acknowledge himself to be the author of the enterprise, and to protect those who were embarked in it°.

misconstruction, 110. The king himself seems, both by Melvil's account, and by his expostulation with the queen, which Ruthven mentions, to have given credit to these suspicions. Melv. 127. Keith, Append. 123, 124. That the king's suspicions were strong, is likewise evident from the paper published, Append. No. XV. But in opposition to these suspicions, and they are nothing more, we may observe that Raulet, the queen's French secretary, was dismissed from her service, and Rizio advanced to that office, in December, 1564. Keith, 268. It was in consequence of this preferment, that he acquired his great credit with the queen. Melv. 107. Darnly arrived in Scotland about two months after. Keith, 269. The queen immediately conceived for him a passion, which had all the symptoms of genuine and violent love. Rizio aided this passion, and promoted the marriage with all his interest. Melv. 111. During some months after the marriage, the queen's fondness for Darnly continued. She soon proved with child. From this enumeration of circumstances, it appears almost impossible that the queen, unless we suppose her to have been a woman utterly abandoned, could carry on any criminal intrigue with Rizio. But the silence of Randolph, the English resident, a man abundantly ready to mention and to aggravate Mary's faults, and who does not once insinuate that her confidence in Rizio concealed any thing criminal, is in itself a sufficient vindication of her innocence.

° Good. vol. i. 266.

Nothing now remained but to concert the plan of operation, to choose the actors, and to assign them their parts in perpetrating this detestable crime. Every circumstance here paints and characterizes the manners and men of that age, and fills us with horror at both. The place chosen for committing such a deed was the queen's bedchamber. Though Mary was now in the sixth month of her pregnancy, and though Rizio might have been seized elsewhere, without any difficulty, the king pitched upon this place, that he might enjoy the malicious pleasure of reproaching Rizio with his crimes before the queen's face. The earl of Morton, the lord high chancellor of the kingdom, undertook to direct an enterprise, carried on in defiance of all the laws of which he was bound to be the guardian. The lord Ruthven, who had been confined to his bed for three months by a very dangerous distemper, and who was still so feeble that he could hardly walk, or bear the weight of his own armour, was intrusted with the executive part; and while he himself needed to be supported by two men, he came abroad to commit a murder in the presence of his sovereign.

1566.

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On the ninth of March, Morton entered the court of the palace with an hundred and sixty men; and without noise, or meeting with any resistance, seized all the gates. While the queen was at supper with the countess of Argyll, Rizio, and a few other persons, the king suddenly entered the apartment by a private passage. At his back was Ruthven, clad in complete armour, and with that ghastly and horrid look which long sickness had given him. Three or four of his most trusty accomplices followed him. Such an unusual appearance alarmed those who were present. Rizio instantly apprehended that he was the victim at whom the blow was aimed; and in the utmost consternation retired behind the queen, of whom he laid hold, hoping that the reverence due to her person might prove some protection to him. The conspirators had

1566. proceeded too far to be restrained by any consideration of that kind. Numbers of armed men rushed into the chamber. Ruthven drew his dagger, and with a furious mien and voice commanded Rizio to leave a place of which he was unworthy, and which he had occupied too long. Mary employed tears, and entreaties, and threatenings, to save her favourite. But, notwithstanding all these, he was torn from her by violence, and, before he could be dragged through the next apartment, the rage of his enemies put an end to his life, piercing his body with fifty-six wounds<sup>p</sup>.

Athol, Huntly, Bothwell, and other confidants of the queen, who had apartments in the palace, were alarmed at the uproar, and filled with the utmost terrour on their own account; but either no violence was intended against them, or the conspirators durst not shed the noblest blood in the kingdom in the same illegal manner with which they had ventured to take the life of a stranger. Some of them were dismissed, and others made their escape.

They confine the queen herself;

The conspirators, in the mean time, kept possession of the palace, and guarded the queen with the utmost care. A proclamation was published by the king, prohibiting the parliament to meet on the day appointed; and measures were taken by him for preventing any tumult in the city<sup>q</sup>. Murray, Rothes, and their followers, being informed of every step taken against Rizio, arrived at Edinburgh next evening. Murray was graciously received both by the king and queen: by the former, on account of the articles which had been agreed upon between them; by the latter, because she hoped to prevail on him, by gentle treatment, not to take part with the murderers of Rizio. Their power she still felt and dreaded; and the insult which they had offered to her authority, and even to her person, so far exceeded any crime she could impute to

<sup>p</sup> See Appendix, No. XV.

<sup>q</sup> Keith, Append. 126.

Murray, that, in hopes of wreaking her vengeance on them, she became extremely willing to be reconciled to him. The obligations, however, which Murray lay under to men who had hazarded their lives on his account, engaged him to labour for their safety. The queen, who scarce had the liberty of choice left, was persuaded to admit Morton and Ruthven into her presence, and to grant them the promise of pardon in whatever terms they should deem necessary for their own security. 1566.

The king, meanwhile, stood astonished at the boldness and success of his own enterprise, and uncertain what course to hold. The queen observed his irresolution, and availed herself of it. She employed all her art to disengage him from his new associates. His consciousness of the insult which he had offered to so illustrious a benefactress inspired him with uncommon facility and complaisance. In spite of all the warnings he received to distrust the queen's artifices, she prevailed on him to dismiss the guards which the conspirators had placed on her person; and that same night he made his escape along with her, attended by three persons only, and retired to Dunbar. The scheme of their flight had been communicated to Huntly and Bothwell, and they were quickly joined by them and several other of the nobles. Bothwell's estate lay in that corner of the kingdom, and his followers crowded to their chief in such numbers, as soon enabled the queen to set the power of the conspirators at defiance. but she gains the king, and makes her escape: March 11.

This sudden flight filled them with inexpressible consternation. They had obtained a promise of pardon; and it now appeared from the queen's conduct, that nothing more was intended by this promise than to amuse them, and to gain time. They ventured, however, to demand the accomplishment of it; but their messenger was detained a prisoner, and the queen, advancing towards Edinburgh, at the head of eight thousand men, talked in the highest strain of resentment and revenge. She had the address, at the same time, is reconciled to the exiled nobles.

1566. to separate Murray and his associates from the conspirators against Rizio. Sensible that the union of these parties would form a confederacy which might prove formidable to the crown, she expressed great willingness to receive the former into favour; towards the latter she declared herself inexorable. Murray and his followers were no less willing to accept a pardon on her terms. The conspirators against Rizio, deprived of every resource, and incapable of resistance, fled precipitately to Newcastle, having thus changed situations with Murray and his party, who left that place a few days before.

March 19.  
The con-  
spirators  
against  
Rizio fly  
into Eng-  
land.

No man so remarkable for wisdom, and even for cunning, as the earl of Morton, ever engaged in a more unfortunate enterprise. Deserted basely by the king, who now denied his knowledge of the conspiracy by public proclamations, and abandoned ungenerously by Murray and his party<sup>r</sup>, he was obliged to fly from his native country, to resign the highest office, and to part with one of the most opulent fortunes in the kingdom.

On her return to Edinburgh, Mary began to proceed against those concerned in the murder of Rizio, with the utmost rigour of law. But, in praise of her clemency, it must be observed, that only two persons, and these of no considerable rank, suffered for this crime<sup>s</sup>.

In this conspiracy there is one circumstance which, though somewhat detached, deserves not to be forgotten. In the confederacy between the king and the conspirators, the real intention of which was assassination, the preserving of the reformed church is, nevertheless, one of the most considerable articles; and the same men, who were preparing to violate one of the first duties of morality, affected the highest regard for religion. History relates these extravagancies of the

<sup>r</sup> Melv. 130.

<sup>s</sup> Keith, Append. 130. 334.

human mind, without pretending to justify, or even to account for them; and, regulating her own opinions by the eternal and immutable laws of justice and of virtue, points out such inconsistencies, as features of the age which she describes, and records them for the instruction of ages to come. 1666.

As this is the second instance of deliberate assassination which has occurred, and as we shall hereafter meet with many other instances of the same crime, the causes which gave rise to a practice so shocking to humanity deserve our particular attention. Resentment is, for obvious and wise reasons, one of the strongest passions in the human mind. The natural demand of this passion is, that the person who feels the injury should himself inflict the vengeance due on that account. The permitting this, however, would have been destructive to society; and punishment would have known no bounds, either in severity or in duration. For this reason, in the very infancy of the social state, the sword was taken out of private hands, and committed to the magistrate. But at first, while laws aimed at restraining, they really strengthened the principle of revenge. The earliest and most simple punishment for crimes was retaliation; the offender forfeited limb for limb, and life for life. The payment of a compensation to the person injured, succeeded to the rigour of the former institution. In both these, the gratification of private revenge was the object of law; and he who suffered the wrong was the only person who had a right to pursue, to exact, or to remit the punishment. While laws allowed such full scope to the revenge of one party, the interests of the other were not neglected. If the evidence of his guilt did not amount to a full proof, or if he reckoned himself to be unjustly accused, the person to whom a crime was imputed had a right to challenge his adversary to single combat, and, on obtaining the victory, vindicated his own honour. In almost every considerable cause, whether civil or crimi-

An account of the frequency of assassinations in that age.

1566. 

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nal, arms were appealed to, in defence, either of the innocence, or the property, of the parties. Justice had seldom occasion to use her balance; the sword alone decided every contest. The passion of revenge was nourished by all these means, and grew, by daily indulgence, to be incredibly strong. Mankind became habituated to blood, not only in times of war, but of peace; and from this, as well as other causes, contracted an amazing ferocity of temper and of manners. This ferocity, however, made it necessary to discourage the trial by combat; to abolish the payment of compensations in criminal cases; and to think of some milder method of terminating disputes concerning civil rights. The punishments for crimes became more severe, and the regulations concerning property more fixed; but the princes, whose province it was to inflict the one, and to enforce the other, possessed little power. Great offenders despised their authority; smaller ones sheltered themselves under the jurisdiction of those from whose protection they expected impunity. The administration of justice was extremely feeble and dilatory. An attempt to punish the crimes of a chieftain, or even of his vassals, often excited rebellions and civil wars. To nobles haughty and independent, among whom the causes of discord were many and unavoidable, who were quick in discerning an injury, and impatient to revenge it; who deemed it infamous to submit to an enemy, and cowardly to forgive him; who considered the right of punishing those who had injured them, as a privilege of their order and a mark of independence; such slow proceedings were extremely unsatisfactory. The blood of their adversary was, in their opinion, the only thing which could wash away an affront; where that was not shed, their revenge was disappointed, their courage became suspected, and a stain was left on their honour. That vengeance, which the impotent hand of the magistrate could not inflict, their own could easily execute. Under



governments so feeble, men assumed, as in a state of nature, the right of judging, and redressing their own wrongs; and thus assassination, a crime of all others the most destructive to society, came not only to be allowed, but to be reckoned honourable. 1566.

The history of Europe, during the fourteenth and fifteenth centuries, abounds with detestable instances of this crime. It prevailed chiefly among the French and Scots, between whom there was a close intercourse at that time, and a surprising resemblance in their national characters. In one thousand four hundred and seven, the only brother of the king of France was murdered publicly in the streets of Paris; and so far was this horrible action from meeting with proper punishment, that an eminent lawyer was allowed to plead in defence of it before the peers of France, and avowedly to maintain the lawfulness of assassination. In one thousand four hundred and seventeen, it required all the eloquence and authority of the famous Gerson, to prevail on the council of Constance to condemn this proposition: "That there are some cases in which assassination is a virtue more meritorious in a knight than in a squire, and more meritorious in a king than in a knight." The number of eminent persons who were murdered in France and Scotland, on account either of private, or political, or religious quarrels, during the fifteenth and sixteenth centuries, is almost incredible. Even after those causes, which first gave rise to this barbarous practice, were removed; after the jurisdiction of magistrates, and the authority of laws, were better established, and become more universal; after the progress of learning and philosophy had polished the manners and humanized the minds of men, this crime continued in some degree. It was towards the close of the seventeenth century before it disappeared in France. The additional vigour, which

† L'Enfant, Hist. Conc. de Const.

1566. the royal authority acquired by the accession of James the sixth to the throne of England, seems to have put a stop to it in Scotland.

The influence, however, of any national custom, both on the understanding and on the heart, and how far it may go towards perverting or extinguishing moral principles of the greatest importance, is remarkable. The authors of those ages have perfectly imbibed the sentiments of their contemporaries with regard to assassination; and they who had leisure to reflect and to judge, appear to be no more shocked at this crime, than the persons who committed it during the heat and impetuosity of passion. Buchanan describes the murder of cardinal Beatoun and of Rizio, without expressing those feelings which are natural to a man, or that indignation which became an historian<sup>a</sup>. Knox, whose mind was fiercer and more unpolished, relates the death of Beatoun and of the duke of Guise, not only without censure, but with the utmost exultation<sup>x</sup>. On the other hand, the bishop of Ross mentions the assassination of the earl of Murray with some degree of applause<sup>y</sup>. Blackwood dwells upon it with the most indecent triumph, and ascribes it directly to the hand of God<sup>z</sup>. Lord Ruthven, the principal actor in the conspiracy against Rizio, wrote an account of it some short time before his own death, and in all his long narrative there is not one expression of regret, or one symptom of compunction, for a crime no less dishonourable than barbarous<sup>a</sup>. Morton, equally guilty of the same crime, entertained the same sentiments concerning it; and in his last moments, neither he himself, nor the ministers who attended him, seem to have considered it as an action which called for repentance; even then he talks of 'David's slaughter' as coolly as if it had been an innocent or commendable deed<sup>b</sup>. The vices of another

<sup>a</sup> Buchan. 295. 345.

<sup>y</sup> Anders. 3. 84.

<sup>z</sup> Keith, Append. 119.

<sup>x</sup> Knox, 334.

<sup>z</sup> Jebb, ii. 263.

<sup>b</sup> Crawf. Mem. Append.

age astonish and shock us; the vices of our own become familiar, and excite little horror<sup>c</sup>. I return from this digression to the course of the history. 1566.

The charm which had at first attached the queen to Darnly, and held them for some time in an happy union, was now entirely dissolved; and love no longer covering his follies and vices with its friendly veil, they appeared to Mary in their full dimension and deformity<sup>d</sup>. Though Henry published a proclamation, disclaiming any knowledge of the conspiracy against Rizio, the queen was fully convinced that he was not only accessory to the contrivance, but to the commission of that odious crime<sup>e</sup>. That very power which, with liberal and unsuspecting fondness, she had conferred upon him, he had employed to insult her authority, to limit her prerogative, and to endanger her person. Such an outrage it was impossible any woman could bear or forgive. Cold civilities, secret distrust, frequent quarrels, succeeded to their former transports of affection and confidence. The queen's favours were no longer conveyed through his hands. The crowd of expectants ceased to court his patronage, which they found to avail so little. Among the nobles, some dreaded his furious temper, others complained of his perfidiousness; and all of them despised the weakness of his understanding, and the inconstancy of his heart. The people themselves observed some parts of his conduct, which little suited the dignity of a king.

<sup>c</sup> In the first accounts of Rizio's murder sent to England, there seem to have been mingled (as is usual in relating extraordinary events) some circumstances, which afterwards appeared to be false: among others, that a friar, named Black, had been slain at the same time with Rizio. Parkhurst, bishop of Norwich, in communicating this intelligence to his correspondent Bullinger, an eminent reformed divine of Zurich, expresses no condemnation of the murder of Rizio, and exults over the supposed death of the friar in terms which, in our times, will appear as shocking as they are puerile: "Fraterculus quidam, nomine Black, papistarum antesignanus, eodem tempore in aula occiditur. Sic niger hic nebulo, nigra quoque morte peremptus, invitus nigrum subito descendit in orbem." Burn. Hist. of Reform. iii. Append. 360.

<sup>d</sup> See Appendix, No. XVI.

<sup>e</sup> Keith, 350.

1566. Addicted to drunkenness, beyond what the manners of that age could bear, and indulging irregular passions, which even the licentiousness of youth could not excuse, he, by his indecent behaviour, provoked the queen to the utmost; and the passions which it occasioned often forced tears from her eyes, both in public and in private<sup>f</sup>. Her aversion for him increased every day, and could be no longer concealed. He was often absent from court, appeared there with little splendour, and was trusted with no power. Avoided equally by those who endeavoured to please the queen, who favoured Morton and his associates, or who adhered to the house of Hamilton, he was left almost alone in a neglected and unpitied solitude<sup>g</sup>.

The rise of  
Bothwell's  
favour.

About this time a new favourite grew into great credit with the queen, and soon gained an ascendant over her heart, which encouraged his enterprising genius to form designs that proved fatal to himself, and the occasion of all Mary's subsequent misfortunes. This was James Hepburn, earl of Bothwell, the head of an ancient family, and, by his extensive possessions and numerous vassals, one of the most powerful noblemen in the kingdom. Even in that turbulent age, when so many vast projects were laid open to an aspiring mind, and invited it to action, no man's ambition was more daring than Bothwell's, or had recourse to bolder or more singular expedients for obtaining power<sup>h</sup>. When almost every person of distinction in the kingdom, whe-

<sup>f</sup> Keith, 329.

<sup>g</sup> Melv. 131, etc.

<sup>h</sup> The enterprising spirit of Bothwell was so conspicuous as to procure him several marks of distinction during his residence in France. Hardwick's State Papers, i. 143. Throkorton, the English ambassador at Paris, and one of the most sagacious ministers employed by Elizabeth, points him out as a person who was to be dreaded and observed. "The earl of Bothwell," says he in a letter, Nov. 28, 1560, "is departed to return into Scotland, and hath made boast that he will do great things, and live in Scotland, in despite of all men. He is a glorious, rash, and hazardous young man; and therefore it were meet that his adversaries should both have an eye to him, and also keep him short." Ibid. p. 149.

ther papist or protestant, had joined the congregation in opposing the dangerous encroachments of the French upon the liberties of the nation, he, though an avowed protestant, adhered to the queen regent, and acted with vigour on her side. The success which attended the arms of the congregation having obliged him to retire into France, he was taken into the queen's service, and continued with her till the time of her return into Scotland<sup>1</sup>. From that period, every step of his conduct towards Mary was remarkably dutiful; and, amidst all the shiftings of faction, we scarcely ever find him holding any course which could be offensive to her. When Murray's proceedings with regard to her marriage gave umbrage to the queen, she recalled Bothwell from that banishment into which she had been obliged with reluctance to drive him, and considered his zeal and abilities as the most powerful supports of her authority. When the conspirators against Rizio seized her person, he became the chief instrument of recovering her liberty, and served her, on that occasion, with so much fidelity and success, as made the deepest impression on her mind, and greatly increased the confidence which she had hitherto placed in him<sup>2</sup>. Her gratitude loaded him with marks of her bounty; she raised him to offices of profit and trust, and transacted no matter of importance without his advice<sup>3</sup>. By complaisance and assiduity he confirmed and fortified these dispositions of the queen in his favour, and insensibly paved the way towards that vast project which his immoderate ambition had perhaps already conceived, and which, in spite of many difficulties, and at the expense of many crimes, he at last accomplished.

The hour of the queen's delivery now approached. As her palace was defended only by a slender guard, it seemed imprudent to expose her person, at this time, to the insults she might suffer in a kingdom torn by fac-

<sup>1</sup> Anders. i. 90.

<sup>2</sup> Ibid. 92, 93.

<sup>3</sup> Melv. 133. Knox, 396.

1566. tions and prone to mutiny. For this reason the privy council advised the queen to fix her residence in the castle of Edinburgh, the strongest fortress in the kingdom, and the most proper place for the security of her person<sup>m</sup>. In order to render this security more perfect, Mary laboured to extinguish the domestic feuds which divided some of the principal nobles. Murray and Argyll were exasperated against Huntly and Bothwell, by reciprocal and repeated injuries. The queen, by her authority and entreaties, effected a reconciliation among them, and drew from them a promise to bury their discords in everlasting oblivion. This reconciliation Mary had so much at heart, that she made it the condition on which she again received Murray into favour<sup>n</sup>.

Birth of  
James the  
sixth.

On the nineteenth of June, Mary was delivered of her only son James, a prince whose birth was happy for the whole island, and unfortunate to her alone. His accession to the throne of England united the two divided kingdoms in one mighty monarchy, and established the power of Great Britain on a firm foundation; while she, torn early from her son by the cruelty of her fate, was never allowed to indulge those tender passions, nor to taste those joys which fill the heart of a mother.

Melvil was instantly despatched to London with an account of this event. It struck Elizabeth, at first, in a sensible manner; and the advantage and superiority which her rival had acquired by the birth of a son, forced tears from her eyes. But before Melvil was admitted to an audience, she had so far recovered the command of herself, as to receive him not only with decency, but with excessive cheerfulness; and willingly accepted the invitation which Mary gave her, to stand godmother to her son<sup>o</sup>.

As Mary loved splendour and magnificence, she re-

<sup>m</sup> Keith, 335.

<sup>n</sup> Ibid. 336. Append. 139.

<sup>o</sup> Melv. 138.

solved to celebrate the baptism of the young prince with great pomp; and for that purpose sent invitations of the same kind to the French king, and to the duke of Savoy, the uncle of her former husband. 1566.

The queen, on her recovery, discovered no change in her sentiments with respect to the king<sup>p</sup>. The death of Rizio, and the countenance he had given to an action so insolent and unjustifiable, were still fresh in her memory. She was frequently pensive and dejected<sup>q</sup>. Though Henry sometimes attended at court, and accompanied her in her progresses through different parts of the kingdom, he met with little reverence from the nobles; while Mary treated him with the greatest reserve, and did not suffer him to possess any authority<sup>r</sup>. The breach between them became every day more apparent<sup>s</sup>. Attempts were made towards a reconciliation, particularly by Castelnau, the French ambassador; but, after such a violent rupture, it was found no easy matter to bind the nuptial knot anew; and, though he prevailed on the king and queen to pass two nights together<sup>t</sup>, we may, with great probability, pronounce this appearance of union, to which Castelnau trusted, not to have been sincere: we know with certainty that it was not lasting.

Bothwell, all this while, was the queen's prime confident. Without his participation no business was concluded, and no favour bestowed. Together with this ascendant over her councils, Bothwell, if we may believe the contemporary historians, acquired no less sway over her heart. But at what precise time this ambitious lord first allowed the sentiments of a lover to occupy the place of that duty and respect which a subject owes his sovereign; or when Mary, instead of gratitude for his faithful services, felt a passion of another nature rising in her bosom, it is no easy matter to determine.

<sup>p</sup> See Appendix, No. XVII.

<sup>r</sup> Keith, 350. Melv. 132.

<sup>s</sup> Keith, 169.

<sup>q</sup> Melv. 148.

<sup>t</sup> Keith, Append. 169.

The queen continues to treat Darnly with indifference and neglect.

Her attachment to Bothwell increases.

1566. Such delicate transitions of passion can be discerned only by those who are admitted near the persons of the parties, and who can view the secret workings of the heart with calm and acute observation. Neither Knox nor Buchanan enjoyed these advantages. Their humble station allowed them only a distant access to the queen and her favourite. And the ardour of their zeal, as well as the violence of their prejudices, rendered their opinions rash, precipitate, and inaccurate. It is by the effects of this reciprocal passion, rather than by their accounts of it, that subsequent historians can judge of its reality.

Adventurous as Bothwell's project to gain the queen may appear, it was formed and carried on under very favourable circumstances. Mary was young, gay, and affable. She possessed great sensibility of temper, and was capable of the utmost tenderness of affection. She had placed her love on a very unworthy object, who requited it with ingratitude, and treated her with neglect, with insolence, and with brutality. All these she felt and resented. In this situation, the attention and complaisance of a man who had vindicated her authority, and protected her person, who entered into all her views, who soothed all her passions, who watched and improved every opportunity of insinuating his design and recommending his passion<sup>a</sup>, could hardly fail of making an impression on a heart of such a frame as Mary's.

The king  
resolves  
to leave  
Scotland.

The haughty spirit of Darnly, nursed up in flattery, and accustomed to command, could not bear the contempt, under which he had now fallen, and the state of insignificance, to which he saw himself reduced. But, in a country where he was universally hated or despised, he could never hope to form a party, which would second any attempt he might make to recover power. He addressed himself, therefore, to the pope,

<sup>a</sup> Anders. i. 93, 94.



and to the kings of France and Spain, with many professions of his own zeal for the catholic religion, and with bitter complaints against the queen, for neglecting to promote that interest<sup>2</sup>: and, soon after, he took a resolution, equally wild and desperate, of embarking on board a ship which he provided, and of flying into foreign parts. It is almost impossible to form any satisfactory conjecture concerning the motives which influence a capricious and irregular mind. He hoped, perhaps, to recommend himself to the catholic princes on the continent by his zeal for religion, and that they would employ their interest towards reinstating him in the possession of that power which he had lost. Perhaps he expected nothing more than the comfort of hiding the disgrace, under which he was now fallen, among strangers, who had never been witnesses of his former prosperity.

He communicated the design to the French ambassador, le Croc, and to his father, the earl of Lennox. They both endeavoured to dissuade him from it, but without success. Lennox, who seems, as well as his son, to have lost the queen's confidence, and who, about this time, was seldom at court, instantly communicated the matter to her by a letter. Henry, who had refused to accompany the queen from Stirling to Edinburgh, was likewise absent from court. He arrived there, however, on the same day she received the account of his intended flight. But he was more than usually wayward and peevish; and, scrupling to enter the palace, unless certain lords who attended the queen were dismissed, Mary was obliged to meet him without the gates. At last he suffered her to conduct him into her own apartment. She endeavoured to draw from him the reasons of the strange resolution which he had taken, and to divert him from it. In spite, however, of all her arguments and entreaties, he remained silent

His capricious behaviour.

<sup>2</sup> Knox, 399.

1566. and inflexible. Next day the privy council, by her direction, expostulated with him on the same head. He persisted, notwithstanding, in his sullenness and obstinacy; and neither deigned to explain the motives of his conduct, nor signified any intention of altering it. As he left the apartment, he turned towards the queen, and told her that she should not see his face again for a long time. A few days after, he wrote to Mary, and mentioned two things, as grounds of his disgust. She herself, he said, no longer admitted him into any confidence, and had deprived him of all power; and the nobles, after her example, treated him with open neglect, so that he appeared in every place without the dignity and splendour of a king.

Mary endeavours to prevent his intended flight.

Nothing could be more mortifying to Mary, than this intended flight of the king's, which would have spread the infamy of their domestic quarrel all over Europe. Compassion for a monarch who would then appear to be forced into exile by her neglect and ill usage, might have disposed mankind to entertain sentiments concerning the causes of their discord, little to her advantage. In order, therefore, to prepossess the minds of her allies, and to screen her reputation from any censure, with which Darnly might endeavour to load it, the privy council transmitted a narrative of this whole transaction both to the king and to the queen-mother of France. It was drawn with great art, and sets Mary's conduct in the most favourable point of light<sup>1</sup>.

About this time the license of the borderers called for redress; and Mary resolving to hold a court of justice at Jedburgh, the inhabitants of several adjacent counties were summoned to attend their sovereign, in arms, according to custom<sup>2</sup>. Bothwell was at that time lieutenant or warden of all the marches, an office among the most important in the kingdom; and, though usu-

<sup>1</sup> Keith, 345. 347.

<sup>2</sup> Ibid. 353. Good. vol. i. 302.

ally divided into three distinct governments, bestowed 1566.  
 by the queen's favour upon him alone. In order to display his own valour and activity in the discharge of this trust, he attempted to seize a gang of banditti, who, lurking among the marshes of Liddesdale, infested the rest of the country. But while he was laying hold upon Oct. 16.  
 one of those desperadoes, he was wounded by him in several places, so that his followers were obliged to carry him to Hermitage castle. Mary instantly flew thither, with an impatience which has been considered as marking the anxiety of a lover, but little suited the dignity of a queen<sup>a</sup>. Finding that Bothwell was threatened with no dangerous symptom, she returned the same day to Jedburgh. The fatigue of such a journey, added to the anguish of mind she had suffered on Bothwell's account, threw her next morning into a violent fever<sup>b</sup>. Her life was despaired of; but her youth, and the vigour of her constitution, resisted the malignity of her disease. During the continuance of the queen's illness, the king, who resided at Stirling, never came near Jedburgh<sup>c</sup>; and when he afterwards thought fit to Nov. 5.  
 make his appearance there, he met with such a cold reception, as did not encourage him to make any long stay<sup>d</sup>. Mary soon recovered strength enough to return along the eastern borders to Dunbar.

<sup>a</sup> The distance between Jedburgh and Hermitage is eighteen Scottish miles, through a country almost impassable. The season of the year was far advanced. Bothwell seems to have been wounded in a scuffle, occasioned by the despair of a single man, rather than any open insurrection of the borderers. It does not appear that the queen was attended by any considerable train. Had any military operation been necessary, as is supposed, Good. vol. i. 304, it would have been extremely improper to risk the queen's person in an expedition against thieves. As soon as the queen found Bothwell to be in no danger, she instantly returned; and after this we hear no more of the insurrection, nor have we any proof that the rioters took refuge in England. As there is no farther evidence with respect to the motives of this extraordinary journey, the reader must judge what degree of credit is due to Knox and Buchanan, who ascribe it to the queen's love of Bothwell.

<sup>b</sup> Keith, 351, 352.

<sup>c</sup> Ibid. Append. 133.

<sup>d</sup> Knox, 400.

1566.

While she resided in this place, her attention was turned towards England. Elizabeth, notwithstanding her promise, and even proclamations to the contrary, not only allowed, but encouraged, Morton and his associates to remain in England<sup>e</sup>. Mary, on the other hand, offered her protection to several English fugitives. Each queen watched the motions of the other with a jealous attention, and secretly countenanced the practices which were carrying on to disturb the administration of her rival.

The English parliament favours Mary's pretensions to the succession.

For this purpose Mary's ambassador, Robert Melvil, and her other emissaries, were extremely active and successful. We may ascribe, in a good degree, to their intrigues, that spirit which appeared in the parliament of England, and which raised a storm that threatened Elizabeth's domestic tranquillity, more than any other event of her reign, and required all her art and dexterity to allay it.

Elizabeth had now reigned eight years without discovering the least intention to marry. A violent distemper, with which she had lately been seized, having endangered her life, and alarmed the nation with the prospect of all those calamities which are occasioned by a disputed and dubious succession, a motion was made, and eagerly listened to in both houses, for addressing the queen to provide against any such danger in times to come, either by signifying her own resolution to marry, or by consenting to an act, establishing the order of succession to the crown<sup>f</sup>. Her love to her subjects, her duty to the public, her concern for posterity, it was asserted, not only called upon, but obliged her to take one of these steps. The insuperable aversion which she had all along discovered for marriage, made it improbable that she would choose the former; and if she complied with the latter request, no title to the

<sup>e</sup> Cald. vol. ii. p. 15.

<sup>f</sup> D'Ewes' Journ. of Parl. 106.

crown could, with any colour of justice, be set in opposition to that of the Scottish queen. Elizabeth was sagacious enough to see the remotest consequences of this motion, and observed them with the greatest anxiety. Mary, by refusing so often to ratify the treaty of Edinburgh, had plainly intimated a design of embracing the first promising opportunity for prosecuting her right to the English crown; and, by her secret negotiations, she had gained many to favour her title<sup>a</sup>. All the Roman catholics ardently wished for her succession. Her gentleness and humanity had removed many of those apprehensions which the protestants entertained on account of her religion. The court faction, which envied the power of Cecil, and endeavoured to wrest the administration out of his hands, advanced the pretensions of the Scottish queen in opposition to him. The union of the two kingdoms was a desirable object to all wise men in both nations; and the birth of the young prince was a security for the continuance of this blessing, and gave hopes of its perpetuity.

1566.

Under these circumstances, and while the nation was in such a temper, a parliamentary declaration of Mary's title would have been highly detrimental to Elizabeth. The present unsettled state of the succession left much in her power. Her resentment alone might have gone far towards excluding any of the competitors from the crown; and the dread of this had hitherto restrained and overawed the ambition of the Scottish queen. But if this check should be removed by the legal acknowledgment of her title, Mary would be more at liberty to pursue her dangerous designs, and to act without fear or reserve. Her partisans were already meditating schemes for insurrections in different parts of the kingdom<sup>b</sup>; and an act of parliament, recognising the rights of that princess, whose pretensions they favoured,

<sup>a</sup> Melv. 136.<sup>b</sup> Melv. 147.

1566. would have been nothing less than a signal to arms; and, notwithstanding Elizabeth's just title to the affections of her subjects, might have shaken and endangered her throne.

Mary endeavours to improve this opportunity.

While this matter remained in suspense in both houses, an account of it was transmitted to Mary by Melvil, her ambassador. As she did not want advocates for her right, even among those who were near Elizabeth's person, she endeavoured to cultivate the disposition which appeared towards settling the right of succession in her favour, by a letter to the privy counsellors of England. She expressed in it a grateful sense of Elizabeth's friendship, which she ascribes chiefly to their good offices with their sovereign in her behalf. She declared her resolution to live in perpetual amity with England, without urging or pursuing her claim upon the crown any farther than should be agreeable to the queen. But, at the same time, as her right of succession was undoubted, she hoped it would be examined with candour, and judged of with impartiality. The nobles who attended her wrote to the English privy council in the same strain<sup>1</sup>. Mary artfully gave these letters the air of being nothing more than a declaration of her own and of her subjects' gratitude towards Elizabeth. But, as she could not be ignorant of the jealousy and fear with which Elizabeth observed the proceedings of parliament, a step so uncommon as this, of one prince's entering into public correspondence with the privy counsellors of another, could not be otherwise construed than as taken with an intention to encourage the spirit which had already been raised among the English. In this light it seems to have appeared to Elizabeth herself<sup>2</sup>. But the disposition of her people rendering it necessary to treat Mary's person with great decency, and her title with

<sup>1</sup> Keith, 354. Append. 136.

<sup>2</sup> Keith, 357.

much regard, she mentioned it to her only in the softest language. 1566.

Nothing, however, could be a more cruel mortification to a princess of Elizabeth's character, than the temper which both houses of parliament discovered on this occasion. She bent all her policy to defeat or elude the motion. After allowing the first heat of their zeal to evaporate, she called into her presence a certain number of each house. She soothed and caressed them; she threatened and promised; she remitted subsidies which were due, and refused those which were offered; and, in the end, prevailed to have this formidable motion put off for that session. Happily for her, the conduct of the Scottish queen, and the misfortunes which befell her, prevented the revival of such a motion in any future parliament<sup>1</sup>.

Meantime, in order to preserve the reputation of impartiality, and that she might not drive Mary into any desperate measure, she committed to the tower one Thornton, who had published something derogatory to the right of the Scottish line<sup>m</sup>; and signified her displeasure against a member of the house of commons, who seemed, by some words in a speech, to glance at Mary<sup>n</sup>.

Amidst all her other cares, Mary was ever solicitous to promote the interest of that religion which she professed. The reestablishment of the Romish doctrine seems to have been her favourite passion; and, though the design was concealed with care and conducted with caution, she pursued it with a persevering zeal. At this time she ventured to lay aside somewhat of her usual reserve; and the aid which she expected from the popish princes, who had engaged in the league of Bayonne, encouraged her to take a step, which, if we

Elizabeth  
sooths and  
gains her  
parliament.

An extraor-  
dinary step  
of Mary's in  
favour of  
popery.

<sup>1</sup> D'Ewes' Journ. 104—130. Camd. 399. Melv. 119. Haynes, 446.

<sup>m</sup> Camd. 401.

<sup>n</sup> Haynes, 449.

1566. consider the temper of the nation, appears to be extremely bold. Having formerly held a secret correspondence with the court of Rome, she now resolved to allow a nuncio from the pope publicly to enter her dominions. Cardinal Laurea, at that time bishop of Mondovi, was the person on whom Pius the fifth conferred this office, and along with him he sent the queen a present of twenty thousand crowns<sup>o</sup>. It is not the character of the papal court to open its treasury upon distant or imaginary hopes. The business of the nuncio in Scotland could be no other, than to attempt a reconciliation of that kingdom to the Romish see. Thus Mary herself understood it; and, in her answer to a letter which she received from the pope, after expressing her grateful sense of his paternal care and liberality, she promises that she would bend her whole strength towards the reestablishment and propagation of the catholic faith; that she would receive the nuncio with every possible demonstration of respect, and concur with the utmost vigour in all his designs towards promoting the honour of God, and restoring peace to the kingdom; that she would celebrate the baptism of the prince, according to the ceremonies which the Romish ritual prescribes, hoping that her subjects would be taught, by this example, again to reverence the sacraments of the church, which they had so long treated with contempt; and that she would be careful to instil early into her son the principles of a sincere love and attachment to the catholic faith<sup>p</sup>. But though the nuncio was already arrived at Paris, and had sent over one of his attendants with part of the money, the queen did not think the juncture proper for his reception. Elizabeth was preparing to send a magnificent embassy into Scotland, against the time of the prince's baptism, and, as it would have been improper to offend her, she

<sup>o</sup> Vita Card. Laur. ap. Burn. vol. iii. p. 325.

<sup>p</sup> Conæi Vita Mariæ, ap. Jebb, vol. ii. p. 51.



wisely contrived, under various pretences, to detain 1566.  
 Laurea at Paris<sup>9</sup>. The convulsions into which the  
 kingdom was thrown soon after, made it impossible for  
 him to pursue his journey any farther.

At the very time that Mary was secretly carrying on these negotiations for subverting the reformed church, she did not scruple publicly to employ her authority towards obtaining for its ministers a more certain and comfortable subsistence<sup>r</sup>. During this year, she issued several proclamations and acts of council for that purpose, and readily approved of every scheme which was proposed for the more effectual payment of their stipends. This part of her conduct does little honour to Mary's integrity: and though justified by the example of princes, who often reckon falsehood and deceit among the necessary arts of government, and even authorized by the pernicious casuistry of the Roman church, which transfers breach of faith to heretics from the list of crimes to that of duties, such dissimulation, however, must be numbered among those blemishes which never stain a truly great and generous character.

As neither the French nor Piedmontese ambassadors <sup>December.</sup>  
 were yet arrived, the baptism of the prince was put off <sup>Her aver-</sup>  
 from time to time. Meanwhile, Mary fixed her resi- <sup>sion for the</sup>  
 dence at Craigmillar<sup>s</sup>. Such a retirement, perhaps, <sup>king exces-</sup>  
<sup>sive.</sup>  
 suited the present temper of her mind, and induced her to prefer it before her own palace of Holyrood house. Her aversion for the king grew every day more confirmed, and was become altogether incurable. A deep melancholy succeeded to that gaiety of spirit which was natural to her. The rashness and levity of her own choice, and the king's ingratitude and obstinacy, filled her with shame and with despair. A variety of passions preyed at once on a mind, all whose sensations were exquisite, and all its emotions strong, and

<sup>9</sup> Keith, Append. 135.

<sup>r</sup> Keith, 561, 562. Knox, 401.

<sup>s</sup> Keith, 365.

1566. often extorted from her the last wish of the unfortunate, that life itself might come to an end<sup>1</sup>.

But as the earl of Bedford, and the count de Brienne, the English and French ambassadors, whom she had long expected, arrived about this time, Mary was obliged to suppress what passed in her bosom, and to set out for Stirling, in order to celebrate the baptism of her son. Bedford was attended by a numerous and splendid train, and brought presents from Elizabeth, suitable to her own dignity, and the respect with which she affected, at that time, to treat the queen of Scots. Great preparations had been made by Mary, and the magnificence displayed by her on this occasion exceeded whatever had been formerly known in Scotland.

Dec. 17. The ceremony itself was performed according to the rites of the Romish church. But neither Bedford nor any of the Scottish nobles who professed the protestant religion, entered within the gates of the chapel<sup>2</sup>. The spirit of that age, firm and uncomplying, would not, upon any inducement, condescend to witness an action which it deemed idolatrous.

The king's capricious behaviour, at the baptism of the prince.

Henry's behaviour, at this juncture, perfectly discovers the excess of his caprice, as well as of his folly. He chose to reside at Stirling, but confined himself to his own apartment; and, as the queen distrusted every nobleman who ventured to converse with him, he was left in absolute solitude. Nothing could be more singular, or was less expected, than his choosing to appear in a manner that both published the contempt, under which he had fallen, and, by exposing the queen's domestic unhappiness to the observation of so many foreigners, looked like a step taken on purpose to mortify and to offend her. Mary felt this insult sensibly; and, notwithstanding all her efforts to assume the gaiety which suited the occasion, and which was necessary for the polite reception of her guests, she was sometimes

<sup>1</sup> Keith, Pref. vii.

<sup>2</sup> Ibid. 360.

obliged to retire, in order to be at liberty to indulge her sorrow, and give vent to her tears<sup>x</sup>. The king still persisted in his design of retiring into foreign parts, and daily threatened to put it into execution<sup>y</sup>. 1568.

The ceremony of witnessing the prince's baptism was not the sole business of Bedford's embassy. His instructions contained an overture, which ought to have gone far towards extinguishing those jealousies which had so long subsisted between the two queens. The treaty of Edinburgh, which had been so often mentioned, was the principal occasion of these. The spirit, however, which had risen to such an height in the late Elizabeth endeavours to accommodate her differences with Mary.

<sup>x</sup> Keith, Pref. vii.

<sup>y</sup> Camden affirms, 401, that Bedford was commanded by Elizabeth not to give Darnly the title of king. As this was an indignity not to be borne either by Mary or her husband, it hath been asserted to be the cause of the king's absence from the ceremony of his son's baptism. Keith, 360. Good. 319. But, 1. No such thing is to be found among Bedford's instructions, the original of which still remains. Keith, 356. 2. Bedford's advice to the queen by Melvil is utterly inconsistent with Camden's assertion. Melv. 153. Melvil's account is confirmed by Elizabeth's instructions to sir Henry Norris, where she affirms that she commanded Bedford to employ his best offices towards reconciling Mary to her husband, which she had attempted to no purpose. Digges's Compl. Ambas. p. 13. A paper published, Appendix, No. XVIII. proves the same thing. 3. Le Croc, the French resident, mentions the king's absence, but without giving that reason for it, which has been founded on Camden's words, though, if that had been the real one, it is hardly possible to conceive that he should have neglected to mention it. Le Croc's first letter is dated December 2, some time prior to the arrival of the earl of Bedford in Scotland; and when his instructions, either public or secret, could hardly be known. Le Croc plainly supposes that the discord between the king and queen was the cause of his absence from the baptism, and his account of this matter is that which I have followed. Keith, Pref. vii. 4. He informs his court, that on account of the difference betwixt the king and the queen, he had refused to hold any further correspondence with the former, though he appears, in many instances, to have been his great confidant. Ibid. 5. As the king was not present at the baptism, he seems to have been excluded from any share in the ordinary administration of business. Two acts of privy council, one on the 20th and the other on the 21st of December, are found in Keith, 562. They both run in the queen's name alone. The king seems not to have been present. This could not be owing to Elizabeth's instructions to Bedford.

1566. parliament, the power of the party which favoured the Scottish queen's title, the number and activity of her agents in different parts of the kingdom, alarmed Elizabeth, and induced her to forego any advantage which the ambiguous and artful expressions in that treaty might afford her. Nothing was now demanded of Mary, but to renounce any title to the crown of England during Elizabeth's life and the lives of her posterity; who, on the other hand, engaged to take no step which might prove injurious to Mary's claim upon the succession<sup>a</sup>.

Mary could not with decency reject a proposition so equitable; she insisted, however, that Elizabeth should order the right upon which she claimed, to be legally examined, and publicly recognised, and particularly that the testament of Henry the eighth, whereby he had excluded the descendants of his eldest sister, the queen of Scotland, from the place due to them in the order of succession, might be produced, and considered by the English nobility. Mary's ministers had credulously embraced an opinion, that this testament, which they so justly conceived to be injurious to their mistress, was a mere forgery; and on different occasions had urged Elizabeth to produce it. Mary would have suffered considerably by gaining this point. The original testament is still extant, and not the least doubt can be entertained of its genuineness and authenticity. But it was not Elizabeth's intention to weaken or to set aside the title of the house of Stewart. She aimed at nothing more than to keep the question concerning the succession perplexed and undecided; and, by industriously eluding this request, she did, in one respect, real service to Mary's cause<sup>a</sup>.

A few days after the baptism of the prince, Morton, and all the other conspirators against Rizio, obtained their pardon, and leave to return into Scotland. Mary,

<sup>a</sup> Keith, 356.

<sup>a</sup> Rymer, xv. p. 110. Keith, 358. Note (c). Murrin, 368.

who had hitherto continued inexorable to every treaty in their behalf, yielded at last to the solicitations of Bothwell<sup>b</sup>. He could hope for no success in those bold designs on which his ambition resolved to venture, without drawing aid from every quarter. By procuring a favour for Morton and his associates, of which they had good reason to despair, he expected to secure a band of faithful and determined adherents. 1566.

The king still remained at Stirling in solitude and under contempt. His impatience in this situation, together with the alarm given him by the rumour of a design to seize his person, and confine him to prison<sup>c</sup>, was the occasion of his leaving that place in an abrupt manner, and retiring to his father at Glasgow.

Two assemblies of the church were held during this year. New complaints were made, and upon good grounds, of the poverty and contempt under which the protestant clergy were suffered to languish. Penurious as the allotment for their subsistence was, they had not received the least part of what was due for the preceding year<sup>d</sup>. Nothing less than a zeal, ready to endure and to suffer every thing for a good cause, could have persuaded men to adhere to a church so indigent and so neglected. The extraordinary expenses occasioned by the prince's baptism had exhausted the queen's treasury, and the sums appropriated for the subsistence of the clergy were diverted into other channels. The queen was, therefore, obliged to prevent the just remonstrances of the assembly, by falling on some new method for the relief of the church. Some symptoms of liberality, some stretch towards munificence, might have been expected in an assignment which was made with an intention of soothing and silencing the clergy. But both the queen and the nobles held fast the riches of the church which they had seized. A sum which, at the highest computation, can hardly be reckoned equal

<sup>b</sup> Good. vol. i. 140. Melv. 154.    <sup>c</sup> Keith, Pref. viii.    <sup>d</sup> Ibid. 562.

1566. to nine thousand pounds sterling<sup>a</sup>, was deemed sufficient for the maintenance of a whole national church, by men who had lately seen single monasteries possessed of revenues far superior in value.

The ecclesiastics in that age bore the grievances which affected themselves alone with astonishing patience; but, wherever the reformed religion was threatened, they were extremely apt to be alarmed, and to proclaim, in the loudest manner, their apprehensions of danger. A just occasion of this kind was given them, a short time before the meeting of the assembly. The usurped and oppressive jurisdiction of the spiritual courts had been abolished by the parliament in the year one thousand five hundred and sixty, and commissaries were appointed to hear and determine the causes which formerly came under their cognizance<sup>f</sup>. Among the few acts of that parliament to which Mary had paid any regard, this was one. She had confirmed the authority of the commissaries, and had given them instructions for directing their proceedings<sup>g</sup>, which are still of great authority in that court. From the time of their first appointment, these judges had continued in the uninterrupted exercise of their function, when of a sudden the queen issued a proclamation, restoring the archbishop of St. Andrew's to his ancient jurisdiction, and depriving the commissaries of all authority<sup>h</sup>.

A motive, which cannot be justified, rendered the queen not unwilling to venture upon this rash action. She had been contriving for some time how to reestablish the popish religion; and the restoring the ancient ecclesiastics to their former jurisdiction seemed to be a considerable step towards that end. The motive which prompted Bothwell, to whose influence over the queen this action must be chiefly imputed<sup>i</sup>, was still more criminal. His enterprising ambition had already formed

<sup>a</sup> Keith, 562.

<sup>f</sup> Ibid. 152.

<sup>g</sup> Ibid. 251.

<sup>h</sup> Knox, 403.

<sup>i</sup> Id. *ibid.*

that bold design, which he soon after put in execution; and the use which we shall hereafter find him making of that authority which the popish ecclesiastics regained, discovers the reasons of his present conduct in contributing to revive their power. The protestant clergy were not unconcerned spectators of an event which threatened their religion with unavoidable destruction; but, as they despaired of obtaining the proper remedy from the queen herself, they addressed a remonstrance to the whole body of the protestant nobility, full of that ardent zeal for religion, which the danger to which it was exposed, at that time, seemed to require<sup>k</sup>. What effects this vehement exhortation might have produced, we have no opportunity of judging, the attention of the nation being quickly turned towards events of another and more tragical nature.

Immediately upon the king's leaving Stirling, and before he could reach Glasgow, he was seized with a dangerous distemper. The symptoms which attended it were violent and unusual, and in that age it was commonly imputed to the effects of poison<sup>l</sup>. It is impossible, amidst the contradictions of historians, to decide with certainty concerning its nature or its cause<sup>m</sup>. His

1566.

1567.

The king falls sick at Glasgow.

<sup>k</sup> Keith, 567.<sup>l</sup> Melv. 154. Knox, 401.

<sup>m</sup> Buchanan and Knox are positive that the king had been poisoned. They mention the black and putrid pustules which broke out all over his body. Buchanan adds, that Abernethy, the king's physician, plainly declared that poison was the cause of these symptoms, and that the queen refused to allow her own physician to attend him. Buch. 349. Knox, 401. 2. Blackwood, Causin, etc. Jebb, vol. ii. 69. 214. assert that the small-pox was the disease with which the king was seized. He is called a 'pockish man' in the queen's letter. Good. vol. ii. 15. The reason given by French Paris for lodging the king at the Kirk of Field, viz. lest the young prince should catch the infection, if he staid in the palace, seems to favour this opinion. Anders. vol. ii. 193. Carte mentions it as a proof of Mary's tenderness to her husband, that though she never had the small-pox herself, she ventured to attend him, vol. iii. 446. This, if it had been true, would have afforded a good pretence for not visiting him sooner; but Mary had the small-pox in her infancy. Sadler's Letters, p. 330. An additional proof of this is produced from a poem of Adrian Turnebus, by the publisher of ancient Scottish poems, p. 308. 3. Bishop Lesley affirms that the king's

1567. life was in the utmost danger; but, after lingering for some weeks, the vigour of his constitution surmounted the malignity of his disease.

Neglected  
by Mary.

Mary's neglect of the king on this occasion was equal to that with which he had treated her during her illness at Jedburgh. She no longer felt that warmth of conjugal affection which prompts to sympathy, and delights in all those tender offices which sooth and alleviate sickness and pain. At this juncture, she did not even put on the appearance of this passion. Notwithstanding the king's danger, she amused herself with excursions to different parts of the country, and suffered near a month to elapse, before she visited him at Glasgow. By that time the violence of the distemper was over, and the king, though weak and languishing, was out of all danger.

The breach  
between  
them ir-  
reparable.

The breach between Mary and her husband was not occasioned by any of those slight disgusts which interrupt the domestic union, without dissolving it altogether. Almost all the passions which operate with greatest violence on a female mind, and drive it to the most dangerous extremes, concurred in raising and fomenting this unhappy quarrel. Ingratitude for the favours she had bestowed, contempt of her person, violations of the marriage vow, encroachments on her power, conspiracies against her favourites, jealousy, insolence, and obstinacy, were the injuries of which Mary had great reason to complain. She felt them with the utmost sensibility; and, added to the anguish of disappointed love, they produced those symptoms of despair which we have already described. Her resentment against the king seems not to have abated from the time of his leaving Stirling. In a letter written with her own hand to her ambassador in France, on the day

disease was the French pox. Keith, 364. Note (b). In that age, this disease was esteemed so contagious, that persons infected with it were removed without the walls of cities.



before she set out for Glasgow, no tokens of sudden reconciliation appear. On the contrary, she mentions, <sup>1567.</sup> with some bitterness, the king's ingratitude, the jealousy with which he observed her actions, and the inclination he discovered to disturb her government, and at the same time talks of all his attempts with the utmost scorn<sup>a</sup>.

After this discovery of Mary's sentiments, at the time of her departure from Edinburgh to Glasgow, <sup>Visits the king at Glasgow.</sup> a visit to the king, which had been neglected, when his situation rendered it most necessary, appears singular; and it could hardly be expected that any thing but marks of jealousy and distrust should appear in such an interview. This, however, was far from being the case; she not only visited Henry, but, by all her words and actions, endeavoured to express an uncommon affection for him: and though this made impression on the credulous spirit of her husband, no less flexible on some occasions than obstinate on others; yet to those who are acquainted with the human heart, and who know how seldom and how slowly such wounds in domestic happiness are healed, this sudden transition will appear with a very suspicious air, and will be considered by them as the effect of artifice.

But it is not on suspicion alone, that Mary is charged <sup>Her dissimulation.</sup> with dissimulation in this part of her conduct. Two of her famous letters to Bothwell were written during her stay at Glasgow, and fully lay open this scene of iniquity. He had so far succeeded in his ambitious and criminal design, as to gain an absolute ascendant over the queen; and, in a situation such as Mary's, merit not so conspicuous, services of far inferior importance, and address much less insinuating than Bothwell's, may be supposed to steal imperceptibly on a female heart, and entirely to overcome it. Unhappily, among those in the higher ranks of life, scruples with

<sup>a</sup> Keith, Pref. viii.

1567. regard to conjugal fidelity are, often, neither many nor strong: nor did the manners of that court, in which Mary had been educated, contribute to increase or to fortify them. The amorous turn of Francis the first and Henry the second, the licentiousness of the military character in that age, and the liberty of appearing in all companies, which began to be allowed to women, who had not yet acquired that delicacy of sentiment, and those polished manners, which alone can render this liberty innocent, had introduced among the French an astonishing relaxation in domestic morals. Such examples, which were familiar to Mary from her infancy, could hardly fail of diminishing that horror of vice which is natural to a virtuous mind. The king's behaviour would render the first approach of forbidden sentiments less shocking; resentment and disappointed love would be apt to represent whatever soothed her revenge, 'as justifiable on that account; and so many concurring causes might, almost imperceptibly, kindle a new passion in her heart.

The motives  
of it.

But, whatever opinion we may form with regard to the rise and progress of this passion, the letters themselves breathe all the ardour and tenderness of love. The affection which Mary there expresses for Bothwell, fully accounts for every subsequent part of her conduct; which, without admitting this circumstance, appears altogether mysterious, inconsistent, and inexplicable. That reconciliation with her husband, of which, if we allow it to be genuine, it is impossible to give any plausible account, is discovered, by the queen's own confession, to have been mere artifice and deceit. As her aversion for her husband, and the suspicious attention with which she observed his conduct, became universally known, her ears were officiously filled, as is usual in such cases, with groundless or aggravated accounts of his actions. By some she was told, that the king intended to seize the person of the prince his son, and in his name to usurp the government; by others

she was assured that he resolved instantly to leave the kingdom; that a vessel was hired for this purpose, and lay in the river Clyde ready to receive him<sup>o</sup>. The last was what Mary chiefly dreaded. Henry's retiring into a foreign country must have been highly dishonourable to the queen, and would have entirely disconcerted Bothwell's measures. While he resided at Glasgow, at a distance from her, and in that part of the kingdom where the interest of his family was greatest, he might with more facility accomplish his designs. In order, therefore, to prevent his executing any such wild scheme, it was necessary to bring him to some place where he would be more immediately under her own eye. For this purpose, she first employed all her art to regain his confidence, and then proposed to remove him to the neighbourhood of Edinburgh, under pretence that there he would have easier access to the advice of physicians, and that she herself could attend him without being absent from her son<sup>p</sup>. The king was weak enough to suffer himself to be persuaded; and, being still feeble and incapable of bearing fatigue, was carried in a litter to Edinburgh.

1567.

Prevails on  
him to come  
to Edin-  
burgh.

The place prepared for his reception was a house belonging to the provost of a collegiate church, called Kirk of Field. It stood almost upon the same spot where the house belonging to the principal of the university now stands. Such a situation, on a rising ground, and, at that time, in an open field, had all the advantages of healthful air to recommend it; but, on the other hand, the solitude of the place rendered it extremely proper for the commission of that crime, with a view to which it seems manifestly to have been chosen.

Mary continued to attend the king with the most assiduous care. She seldom was absent from him through the day; she slept two nights in the chamber

He is mur-  
dered there.

<sup>o</sup> Keith, Pref. viii.

<sup>p</sup> Good. vol. ii. 8.

1567. under his apartment. She heaped on him so many marks of tenderness and confidence, as, in a great measure, quieted those suspicions which had so long disturbed him. But while he was fondly indulging in dreams of the return of his former happiness, he stood on the very brink of destruction. On Sunday, the ninth of February, about eleven at night, the queen left the Kirk of Field, in order to be present at a masque in the palace. At two next morning, the house in which the king lay was blown up with gunpowder. The noise and shock which this sudden explosion occasioned, alarmed the whole city. The inhabitants ran to the place whence it came. The dead body of the king, with that of a servant who slept in the same room, were found lying in an adjacent garden without the city wall, untouched by fire, and with no bruise or mark of violence.

His character.

Such was the unhappy fate of Henry Stewart lord Darnly, in the twenty-first year of his age. The indulgence of fortune, and his own external accomplishments, without any other merit, had raised him to an height of dignity of which he was altogether unworthy. By his folly and ingratitude, he lost the heart of a woman who doted on him to distraction. His insolence and inconstancy alienated from him such of the nobles as had contributed most zealously towards his elevation. His levity and caprice exposed him to the scorn of the people, who once revered him as the descendant of their ancient kings and heroes. Had he died a natural death, his end would have been unlamented, and his memory have been forgotten; but the cruel circumstances of his murder, and the shameful remissness in neglecting to avenge it, have made his name to be remembered with regret, and have rendered him the object of pity, to which he had otherwise no title.

Botawell and the queen suspected of the murder.

Every one's imagination was at work to guess who had contrived and executed this execrable deed. The suspicion fell, with almost general consent, on Both-

well<sup>a</sup>; and some reflections were thrown out, as if the queen herself were no stranger to the crime. Of Bothwell's guilt there remains the fullest evidence that the nature of the action will admit. The queen's known sentiments with regard to her husband, gave a great appearance of probability to the imputation with which she was loaded<sup>t</sup>.

Two days after the murder, a proclamation was issued by the queen, offering a considerable reward to any person who should discover those who had been guilty of such a horrid and detestable crime<sup>s</sup>; and though Bothwell was now one of the greatest subjects in the kingdom, formidable on account of his own power, and protected by the queen's favour, it was impossible to suppress the sentiments and indignation of the people. Papers were affixed to the most public places of the city, accusing him of the murder, and naming his accomplices; pictures appeared to the same purpose; and voices were heard in the middle of the night, charging him with that barbarous action. But the authors of these rumours did not confine their accusations to Bothwell alone; they insinuated that the queen herself was accessory to the crime<sup>t</sup>. This bold accusation, which so directly attacked Mary's reputation, drew the attention of her council; and, by engaging them in an inquiry after the authors of these libels, diverted them from searching for the murderers of the king<sup>u</sup>. It could scarce be expected that Mary herself would be extremely solicitous to discover those who had rid her of an husband, whom she had so violently hated. It was Bothwell's interest, who had the supreme direction of this, as well as of all other affairs, to stifle and suppress whatever evidence should be offered, and to cover, if possible, the whole transaction

<sup>a</sup> Melv. 155. Anders. vol. ii. 156.

<sup>s</sup> See dissertation concerning the murder of Henry Darnly, and the genuineness of Mary's letters to Bothwell, Appendix.

<sup>t</sup> Anders. vol. i. 36.

<sup>u</sup> Idem, vol. ii. 156.

<sup>v</sup> Idem, vol. i. 38.

1567. under the veil of darkness and of silence. Some inquiry, however, was made, and some persons called before the council; but the examination was conducted with the most indecent remissness, and in such a manner as to let in no light upon that scene of guilt<sup>x</sup>.

It was not her own subjects alone who suspected Mary of having been accessory to this unnatural crime; nor did an opinion, so dishonourable to her character, owe its rise and progress to the jealousy and malice of her factious nobles. The report of the manner and circumstances of the king's murder spread quickly over all Europe; and, even in that age, which was accustomed to deeds of violence, it excited universal horror. As her unhappy breach with her husband had long been matter of public discourse, the first conjectures which were formed with regard to his death, were extremely to her disadvantage. Her friends, at a loss what apology to offer for her conduct, called on her to prosecute the murderers with the utmost diligence, and expected that the rigour of her proceedings would prove the best and fullest vindication of her innocence<sup>y</sup>.

Lennox  
accuses  
Bothwell of  
the king's  
murder.

Feb. 21.

Lennox at the same time incited Mary to vengeance, with incessant importunity. This nobleman had shared in his son's disgrace, and, being treated by Mary with neglect, usually resided at a distance from court. Roused, however, by an event no less shocking to the heart of a father, than fatal to all his schemes of ambition, he ventured to write to the queen, and to offer his advice with respect to the most effectual method for discovering and convicting those who had so cruelly deprived him of a son, and her of an husband. He urged her to prosecute those who were guilty with vigour, and to bring them to a speedy trial; he declared his own suspicion of Bothwell, and of those who were named as his accomplices; he required that, out of regard to decency, and in order to encourage

<sup>x</sup> Anders. vol. iv. part ii. 167, 168.

<sup>y</sup> Keith, Pref. ix.

evidence to appear against them, the persons accused of such an atrocious crime should be committed to custody, or at least excluded from her court and presence<sup>a</sup>. 1567.

Mary was then at Seaton, whither she had retired after the burial of the king, whose body was deposited among the monarchs of Scotland, in a private but decent manner<sup>a</sup>. The former part of the earl's demand could not, on any pretence, be eluded; and it was resolved to bring Bothwell immediately to trial. But, instead of confining him to any prison, Mary admitted him into all her councils, and allowed a person, universally reputed the murderer of her husband, to enjoy all the security, the dignity, and the power of a favourite<sup>b</sup>. The offices which Bothwell already possessed, gave him the command of all the south of Scotland. The castle of Edinburgh, however, was a place of so much consequence, that he wished earnestly to have it in his own power. The queen, in order to prevail on the earl of Mar to surrender it, consented to put the person of the young prince in his hands, and immediately bestowed the government of that important fortress upon Bothwell<sup>c</sup>. So many steps in her conduct, inconsistent with all the rules of prudence and of decency, must be imputed to an excess either of folly or of love. Mary's known character fully vindicates her from the former; of the latter, many and striking proofs soon appeared. March 19.

No direct evidence had yet appeared against Bothwell; but, as time might bring to light the circumstances of a crime in which so many accomplices were concerned, it was of great importance to hurry over the trial, while nothing more than general suspicions, and uncertain surmises, could be produced by his accusers. For this reason, in a meeting of privy council held on the twenty-eighth of March, the twelfth of April was appointed Hastens on his trial.

<sup>a</sup> Keith, 369.

<sup>a</sup> Anders. vol. i. 23.

<sup>b</sup> Idem, *ibid.* 40, etc.

<sup>c</sup> Anders. vol. i. Pref. 64. Keith, 379.

1567. for the day of trial. Though the law allowed, and the manner in which criminal causes were carried on in that age required, a much longer interval, it appears from several circumstances that this short space was considerably contracted, and that Lennox had only eleven days' warning to prepare for accusing a person so far superior to himself both in power and in favour <sup>d</sup>. No man could be less in a condition to contend with an antagonist who was thus supported. Though Lennox's paternal estate had been restored to him when he was recalled into Scotland, it seems to have been considerably impaired during his banishment. His vassals, while he resided in England, had been accustomed to some degree of independence, and he had not recovered that ascendant over them, which a feudal chief usually possessed. He had no reason to expect the concurrence of any of those factions into which the nobles were divided. During the short period of his son's prosperity, he had taken such steps as gave rise to an open breach with Murray and all his adherents. The partisans of the house of Hamilton were his hereditary and mortal enemies. Huntly was linked in the closest confederacy with Bothwell; and thus, to the disgrace

<sup>d</sup> The act of privy council, appointing the day of Bothwell's trial, bears date March the twenty-eighth, which happened on a Thursday. Anders. vol. i. 56. The queen's warrant to the 'messengers,' empowering them to summon Lennox to be present, is dated on the twenty-ninth. Anders. vol. ii. 97. He was summoned by public proclamation at the cross of Edinburgh on the same day. Ibid. 100. He was summoned at his dwelling-houses in Glasgow and Dumbarton the thirtieth of March, the first and second days of April. Ibid. 101. He was summoned at Perth, April the first. Ibid. 102. Though Lennox resided at that time forty miles from Edinburgh, the citation might have been given him sooner. Such an unnecessary delay affords some cause for suspicion. It is true, Mary, in her letter, March the twenty-fourth, invited Lennox to come to Edinburgh the ensuing week; this gave him warning some days sooner, that she intended to bring on the trial without delay. But the precise time could not be legally or certainly known to Lennox sooner than ten or twelve days before the day on which he was required to appear. By the law and practice of Scotland, at that time, parties were summoned, in cases of treason, forty days previous to the trial.



of the nation, Lennox stood alone in a cause where both honour and humanity called so loudly on his countrymen to second him. 1667.

It is remarkable too, that Bothwell himself was present, and sat as a member in that meeting of privy council which gave directions with regard to the time and manner of his own trial; and he still enjoyed not only full liberty, but was received into the queen's presence with the same distinguished familiarity as formerly<sup>e</sup>.

Nothing could be a more cruel disappointment to the wishes and resentment of a father, than such a premature trial; every step towards which seemed to be taken by directions from the person who was himself accused of the crime, and calculated on purpose to conceal rather than to detect his guilt. Lennox foresaw what would be the issue of this mock inquiry, and with how little safety to himself, or success to his cause, he could venture to appear on the day prefixed. In his former letters, though under expressions the most respectful, some symptoms of his distrusting the queen may be discovered. He spoke out now in plain language. He complained of the injury done him, by hurrying on the trial with such illegal precipitation. He represented once more the indecency of allowing Bothwell not only to enjoy personal liberty, but to retain his former influence over her councils. He again required her, as she regarded her own honour, to give some evidence of her sincerity in prosecuting the murder, by confining the person who was on good grounds suspected to be the author of it; and, till that were done, he signified his own resolution not to be present at a trial, the manner and circumstances of which were so irregular and unsatisfactory<sup>f</sup>.

He seems, however, to have expected little success from this application to Mary; and, therefore, at the

Applies for this purpose to Elizabeth.

<sup>e</sup> Anders. vol. i. 50. 52.

<sup>f</sup> Idem, vol. i. 52.

1567. same time besought Elizabeth to interpose, in order to obtain such a delay as he demanded<sup>g</sup>. Nothing can be a stronger proof how violently he suspected the one queen, than his submitting to implore the aid of the other, who had treated his son with the utmost contempt, and himself and family with the greatest rigour. Elizabeth, who was never unwilling to interpose in the affairs of Scotland, wrote instantly to Mary, advised her to delay the trial for some time, and urged in such strong terms the same arguments which Lennox had used, as might have convinced her to what an unfavourable construction her conduct would be liable, if she persisted in her present method of proceeding<sup>h</sup>.

The trial proceeds.

Neither her entreaties, however, nor those of Lennox, could prevail to have the trial put off. On the day appointed Bothwell appeared, but with such a formidable retinue, that it would have been dangerous to condemn, and impossible to punish him. Besides a numerous body of his friends and vassals, assembled, according to custom, from different parts of the kingdom, he was attended by a band of hired soldiers, who marched with flying colours along the streets of Edinburgh<sup>i</sup>. A court of justice was held with the accustomed formalities. An indictment was presented against Bothwell, and Lennox was called upon to make good his accusation. In his name appeared Robert Cunningham, one of his dependents. He excused his master's absence, on account of the shortness of the time, which prevented his assembling his friends and vassals, without whose assistance he could not with safety venture to set himself in opposition to such a powerful antagonist. For this reason, he desired the court to stop proceeding, and protested, that any sentence which should be passed at that time ought to be deemed illegal and void. Bothwell, on the other hand, insisted that the

<sup>g</sup> Good. vol. ii. 352.

<sup>h</sup> Anders. Pref. 60. See Appendix, No. XIX.

<sup>i</sup> Anders. vol. i. 135.

court should instantly proceed to trial. One of Lennox's own letters, in which he craved of the queen to prosecute the murderers without delay, was produced. Cunningham's objections were overruled; and the jury, consisting of peers and barons of the first rank, found Bothwell not guilty of the crime. 1567.

No person appeared as an accuser, not a single witness was examined, nor any evidence produced against him. The jury, under these circumstances, could do nothing else but acquit him. Their verdict, however, was far from gratifying the wishes, or silencing the murmurs, of the people. Every circumstance in the trial gave grounds for suspicion, and excited indignation; and the judgment pronounced, instead of being a proof of Bothwell's innocence, was esteemed an argument of his guilt. Pasquinades and libels were affixed to different places, expressing the sentiments of the public with the utmost virulence of language. Bothwell is acquitted.

The jury themselves seem to have been aware of the censure to which their proceedings would be exposed; and, at the same time that they returned their verdict acquitting Bothwell, the earl of Caithness protested, in their name, that no crime should be imputed to them on that account, because no accuser had appeared, and no proof was brought of the indictment. He took notice, likewise, that the ninth instead of the tenth of February was mentioned in the indictment, as the day on which the murder had been committed; a circumstance which discovers the extreme inaccuracy of those who prepared the indictment; and at a time when men were disposed, and not without reason, to be suspicious of every thing, this small matter contributed to confirm and to increase their suspicions<sup>k</sup>.

Even Bothwell himself did not rely on the judgment which he had obtained in his favour, as a full vindication of his innocence. Immediately after his acquittal,

<sup>k</sup> Bothw. Trial, Anders. vol. ii: 97, etc.

1567. he, in compliance with a custom which was not then obsolete, published a writing, in which he offered to fight in single combat any gentleman of good fame, who should presume to accuse him of being accessory to the murder of the king.

Mary, however, continued to treat him as if he had been cleared by the most unexceptionable and satisfactory evidence. The ascendant he had gained over her heart, as well as over her councils, was more visible than ever; and Lennox, who could not expect that his own person could be safe in a country where the murderer of his son had been absolved, without regard to justice, and loaded with honours, in contempt of decency, fled with precipitation towards England<sup>1</sup>.

A parliament held April 14.

Two days after the trial, a parliament was held, at the opening of which the queen distinguished Bothwell, by appointing him to carry the sceptre before her<sup>m</sup>. Most of the acts passed in this assembly were calculated on purpose to strengthen his party, and to promote his designs. He obtained the ratification of all the possessions and honours which the partiality of the queen had conferred upon him; and the act to that effect contained the strongest declarations of his faithful services to the crown in all times past. The surrender of the castle of Edinburgh by Mar was confirmed. The law of attainder against Huntly was repealed, and he and his adherents were restored to the estates and honours of their ancestors. Several of those who had been on the jury which acquitted Bothwell, obtained ratifications of the grants made in their favour; and as pasquinades daily multiplied, a law passed, whereby those into whose hands any paper of that kind fell, were commanded instantly to destroy it; and if, through their neglect, it should be allowed to spread, they were subjected to a capital punishment, in the same manner as if they had been the original authors<sup>n</sup>.

<sup>1</sup> Keith, 378. note (d).

<sup>m</sup> Idem, *ibid.*

<sup>n</sup> *Ibid.* 380.

But the absolute dominion which Bothwell had acquired over Mary's mind appeared in the clearest manner, by an act in favour of the protestant religion, to which at this time she gave her assent. Mary's attachment to the Romish faith was uniform and superstitious; she had never laid aside the design, nor lost the hopes, of restoring it. She had of late come under new engagements to that purpose, and in consequence of these had ventured upon some steps more public and vigorous than any she had formerly taken. But though none of these circumstances were unknown to Bothwell, there were powerful motives which prompted him at this juncture to conciliate the good-will of the protestants, by exerting himself in order to procure for them some additional security in the exercise of their religion. That which they enjoyed at present was very precarious, being founded entirely on the royal proclamation issued soon after the arrival of the queen in Scotland, which in express terms was declared to be only a temporary regulation. From that period, neither the solicitations of the general assemblies of the church, nor the entreaties of her people, could extort from Mary any concession in favour of the protestant religion, on which the professors might rest with greater confidence. This, however, by the more powerful influence of Bothwell, they now obtained. An act was passed in this parliament, repealing all the laws, canon, civil, and municipal, adverse to the reformed religion, and exempting such as had embraced it from the penalties to which they might have been subjected by these laws, either on account of their past conduct or present profession; declaring at the same time that their persons, estates, honours, and benefices, were taken under public protection against every court, civil or ecclesiastical, that might attempt to molest them on account of their religious sentiments. Thus the protestants, instead of holding their sacred rights by no better tenure than a declaration of royal indulgence, which might be revoked

1567.

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Remark-  
able law in  
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mation.

1567. at pleasure, obtained legal and parliamentary protection in the exercise of their religion. By prevailing on the queen to assent to this law, Bothwell seems to have flattered himself that he would acquire such merit both with the clergy and with the people, as might induce them to favour his ambitious schemes, and to connive at what he had done, or might do, in order to accomplish them. The protestants accordingly, though this act was far from amounting to a legal establishment of the reformed faith, seem to have considered it as an additional security of such importance, that it was published among the laws enacted in a parliament held towards the close of this year, under very different leaders °.

° I am indebted to the accuracy of sir David Dalrymple, for pointing out (*Remarks on the History of Scotland*, ch. 9,) a considerable error into which I had fallen with respect to this act, by supposing it to be so favourable to the doctrine of the reformation, that the parliament which met December the fifteenth, could substitute nothing stronger or more explicit in its place, and thought it sufficient to ratify it word for word. This error I have now corrected; but, after considering the act with particular attention, though I am satisfied that it neither established the reformed religion or the religion of the state, nor abolished popery, yet it granted such new and legal security to the protestants, as was deemed, in that age, an acquisition of great value. The framers of the law seem manifestly to have viewed it in that light. After reciting, "that the queen, since her arrival, had attempted nothing contrary to the state of religion which she found publicly and universally standing, on which account she was most worthy to be served, honoured, and obeyed," etc. the act goes on, "that as she intends to continue the same goodness and government in all times coming, the professors of the religion aforesaid may and shall have occasion to praise God for her happy and gracious government, etc: and to effect that, the professors of the religion aforesaid may assure themselves to be in full surety thereof, and of their lands, lives, etc. and may with the better will jeopard and hazard their lives and goods in her highness's service, against all enemies to her, and to the commonweal of this realm, etc. Therefore our sovereign, with the advice of the whole estates in parliament," etc. Then follow the statutory clauses mentioned in the text. The intention of passing the act is apparent, and it is drawn with great art. This art is peculiarly manifest in the concluding clause. In her first proclamation the queen had declared, that it should continue in force only until she should take final order concerning religion with the advice of parliament. In this act the intention of taking further order concerning religion is mentioned, probably with

Every step taken by Bothwell had hitherto been attended with all the success which his most sanguine 1567.  
Bothwell  
prevails on

a view to please the queen; but it is worded with such studied dexterity, that the protection granted by this law is no longer to be regarded as temporary, or depending upon the queen taking such final order. Parl. 1. K. Ja. VI. c. 31. In the same light of an important acquisition of security to the reformed religion, this act is represented by the privy council in a proclamation issued May the twenty-third, 1567. Keith, 571. Mary's principal adherents, in a paper subscribed by them, September the twelfth, 1568, declare, that she, "by the advice of the three estates, had satisfied the desire of the whole nobility in an act concerning all the points of religion passed in the parliament held April, 1567." Goodall, ii. 357. The same is asserted to be the intention and effect of this act in another public paper in the year 1570. Haynes, 621. This act is perfectly conformable to that system of policy by which Bothwell seems to have regulated his conduct both before and after this time, with a view of gaining the protestants, particularly the clergy, by acts of indulgence and favour. On the third of October, 1566, when Bothwell's credit was very considerable, the queen, in a meeting of privy council, where he was present, took measures for securing to the protestant clergy more regular payment of their stipends; and on the twentieth of December of that year, granted an assignation of a considerable sum to be applied for the support of the ministry. Keith, 360, 361, 362. In a meeting of privy council, January the tenth, 1567, when all public transactions were entirely conducted by Bothwell, an act was passed in order to provide for the sustentation of ministers in boroughs, and Bothwell is named as one of the commissioners for carrying it into execution, with power to impose a tax on such boroughs as had no ministers, for raising a stipend. Keith, 570. In another meeting of privy council, May the twenty-third, 1567, the queen, after mentioning the declaration which she had made in the year 1561, of her resolution to maintain that religion which she found established in the kingdom, and after taking notice of what additional security it had acquired by the late act of April the nineteenth, with a view of giving still farther satisfaction to the protestants, she declared that all licenses which had been obtained from her by any persons, permitting them to exercise the rites of popish worship, were now revoked and annulled. Keith, 570—572. It deserves to be remarked, that, favourable as all these acts were to the reformation, some bishops, whose ardent zeal for the old doctrines history records, were present in those meetings of privy council in which they were passed. From considering all these particulars, one need not wonder that a law "anent cassing, (as its title bears,) annulling, and abrogating of all laws, acts, and constitutions, canone, civile, and municipal, with other constitutions, contrare to the religion now professit within the realme," confirmed by the royal assent of the queen, should be published among the statutes securing the protestant religion. We find, accordingly, in a very rare edition of the acts of parliament, im-

1567. wishes could expect. He had entirely gained the queen's heart; the murder of the king had excited no public commotion; he had been acquitted by his peers of any share in that crime; and their decision had been in some sort ratified in parliament. But in a kingdom where the regal authority was so extremely limited, and the power of the nobles so formidable, he durst not venture on the last action, towards which all his ambitious projects tended, without their approbation. In order to secure this, he, immediately after the dissolution of parliament, invited all the nobles who were present to an entertainment. Having filled the house with his friends and dependents, and surrounded it with armed men<sup>p</sup>, he opened to the company his intention of marrying the queen, whose consent, he told them, he had already obtained; and demanded their approbation of this match, which, he said, was no less acceptable to their sovereign, than honourable to himself<sup>q</sup>. Huntly and Seaton, who were privy to all Bothwell's schemes, promoted them with the utmost zeal; and the popish ecclesiastics, who were absolutely devoted to the queen, and ready to sooth all her passions, instantly declared their satisfaction with what he had proposed. The rest, who dreaded the exorbitant power which Bothwell had acquired, and observed the queen's growing affection towards him in all her actions, were willing to make a merit of yielding to a measure which they could neither oppose nor defeat. Some few were confounded and enraged. But in the end Bothwell, partly by promises and flattery, partly by terrour and force, prevailed on all who were present to subscribe a paper which leaves a deeper stain than any occurrence in that age on the honour and character of the nation.

April 19.

the nobles  
to recom-  
mend him  
as an hus-  
band to the  
queen.

This paper contained the strongest declarations of

printit at Edinburgh by Robert Lekprevik, printar to the king's majestie, 6 day of April, 1568, the act of April 19, inserted among the acts of the re- gent's parliament in December.

<sup>p</sup> Good. vol. ii. 141.

<sup>q</sup> Anders. vol. i. 94.



Bothwell's innocence, and the most ample acknowledgment of his good services to the kingdom. If any future accusation should be brought against him on account of the king's murder, the subscribers promised to stand by him as one man, and to hazard their lives and fortunes in his defence. They recommended him to the queen as the most proper person she could choose for an husband: and if she should condescend to bestow on him that mark of her regard, they undertook to promote the marriage, and to join him with all their forces in opposing any person who endeavoured to obstruct it<sup>r</sup>. Among the subscribers of this paper we find some who were the queen's chief confidants, others who were strangers to her councils, and obnoxious to her displeasure; some who faithfully adhered to her through all the vicissitudes of her fortune, and others who became the principal authors of her sufferings; some passionately attached to the Romish superstition, and others zealous advocates for the protestant faith<sup>s</sup>. No common interest can be supposed to have united men of such opposite principles and parties, in recommending to their sovereign a step so injurious to her honour, and so fatal to her peace. This strange coalition was the effect of much artifice, and must be considered as the boldest and most masterly stroke of Bothwell's address. It is observable, that amidst all the altercations and mutual reproaches of the two parties which arose in the kingdom, this unworthy transaction is seldom mentioned. Conscious on both sides, that, in this particular, their conduct could ill bear examination, and would redound little to their fame, they always touch upon it unwillingly, and with a tender hand, seeming desirous that it should remain in darkness, or be buried in oblivion. But as so many persons who, both at that time and ever after, possessed the queen's favour, subscribed this paper, the sus-

1567.

<sup>r</sup> Anders. vol. i. 177.<sup>s</sup> Keith, 382.

1567. picion becomes strong, that Bothwell's ambitious hopes were neither unknown to Mary, nor disapproved by her<sup>t</sup>.

These suspicions are confirmed by the most direct proof. Melvil at that time enjoyed a considerable share in her favour. He, as well as his brother, kept a secret correspondence in England with those who favoured her pretensions to that crown. The rumour of her intended marriage with Bothwell having spread early in that kingdom, excited universal indignation; and Melvil received a letter from thence, which represented, in the strongest terms, what would be the fatal effects of such an imprudent step. He put this letter into the queen's hands, and enforced it with the utmost warmth. She not only disregarded these remon-

<sup>t</sup> Of all the different systems with regard to this transaction, that of Camden seems to be the least accurate, and the worst founded. He supposes that Bothwell was hated by Murray, Morton, etc. who had been his associates in the murder of the king, and that they now wanted to ruin him. He affirms, at the same time, that the subscriptions to this paper were obtained by them out of fear that Bothwell might sink in his hopes, and betray the whole bloody secret, 404. But besides the absurdity of supposing that any man's enemies would contribute towards raising him to such high dignity, on the uncertain hopes of being able afterwards to deprive him of it; besides the impossibility of accomplishing such a marriage, if it had been either unknown to the queen, or disagreeable to her; we may observe that this supposition is destroyed by the direct testimony of the queen herself, who ascribes the consent of the nobles to Bothwell's artifices, "who purchased it by giving them to understand that we were content therewith." Anders. vol. i. 94. 99. It would have been no small advantage to Mary, if she could have represented the consent of the nobles to have been their own voluntary deed. It is still more surprising to find Lealey ascribing this paper to Murray and his faction. Anders. vol. i. 26. The bishop himself was one of the persons who subscribed it. Keith, 383. The king's commissioners, at the conference held at York, 1568, pretended that none of the nobles, except the earl of Huntly, would subscribe this paper till a warrant from the queen was produced, by which they were allowed to do so; this warrant they had in their custody, and exhibited. Anders. vol. iv. part 2. 5. This differs from Buchanan's account, who supposes that all the nobles present subscribed the paper on the nineteenth, and that next day they obtained the approbation of what they had done, by way of security to themselves, 355.

stances, but communicated the matter to Bothwell; and Melvil, in order to save his life, was obliged to fly from court, whither he durst not return till the earl's rage began to abate<sup>1567.</sup>. At the same time Elizabeth warned Mary of the danger and infamy to which she would expose herself by such an indecent choice; but an advice from her met with still less regard<sup>2</sup>.

Three days after the rising of parliament Mary went from Edinburgh to Stirling, in order to visit the prince her son. Bothwell had now brought his schemes to full maturity; and every precaution being taken which could render it safe to enter on the last and decisive step, the natural impetuosity of his spirit did not suffer him to deliberate any longer. Under pretence of an expedition against the freebooters on the borders, he assembled his followers; and marching out of Edinburgh with a thousand horse, turned suddenly towards Linlithgow, met the queen on her return near that place, dispersed her slender train without resistance, seized on her person, and conducted her, together with a few of her courtiers, as a prisoner to his castle of Dunbar. She expressed neither surprise, nor terrour, nor indignation, at such an outrage committed on her

Bothwell carries the queen by force to Dunbar.

April 24.

<sup>1</sup> Melv. 156. According to Melvil, lord Herries likewise remonstrated against the marriage, and conjured the queen, on his knees, to lay aside all thoughts of such a dishonourable alliance, 156. But it has been observed that Herries is one of the nobles who subscribed the bond, April 19. Keith, 383. 2. That he is one of the witnesses to the marriage articles between the queen and Bothwell, May 14. Good. vol. ii. 61. 3. That he sat in council with Bothwell, May 17. Keith, 386. But this remonstrance of lord Herries against the marriage happened before those made by Melvil himself, 157. Melvil's remonstrance must have happened some time before the meeting of parliament; for, after offending Bothwell, he retired from court; he allowed his rage time to subside, and had again joined the queen when she was seized, April 24. 158. The time which must have elapsed, by this account of the matter, was perhaps sufficient to have gained Herries from being an opposer to become a promoter of the marriage. Perhaps Melvil may have committed some mistake with regard to this fact, so far as relates to lord Herries. He could not well be mistaken with regard to what himself did.

<sup>2</sup> Anders. vol. i. 106.

1567. person, and such an insult offered to her authority, but seemed to yield without struggle or regret<sup>7</sup>. Melvil was at that time one of her attendants; and the officer by whom he was seized informed him, that nothing was done without the queen's own consent<sup>8</sup>. If we may rely on the letters published in Mary's name, the scheme had been communicated to her, and every step towards it was taken with her participation and advice<sup>9</sup>.

Both the queen and Bothwell thought it of advantage to employ this appearance of violence. It afforded her a decent excuse for her conduct; and while she could plead that it was owing to force rather than choice, she hoped that her reputation, among foreigners at least, would escape without censure, or be exposed to less reproach. Bothwell could not help distrusting all the methods which had hitherto been used for vindicating him from any concern in the murder of the king. Something was still wanting for his security, and for quieting his guilty fears. This was a pardon under the great seal. By the laws of Scotland the most heinous crime must be mentioned by name in a pardon, and then all lesser offences are deemed to be included under the general clause, "and all other crimes whatsoever<sup>b</sup>." To seize the person of the prince is high treason; and Bothwell hoped that a pardon obtained for this would extend to every thing of which he had been accused<sup>c</sup>.

Is divorced  
from his  
own wife.

Bothwell having now got the queen's person into his hands, it would have been unbecoming either a politician or a man of gallantry to have delayed consummating his schemes. The first step towards this was to have his marriage with lady Jane Gordon, the earl of Huntly's sister, dissolved. In order to accomplish that, in a manner consistent with the ideas of the queen on one hand, and with the sentiments of his

<sup>7</sup> Keith, 383.

<sup>8</sup> Melv. 158.

<sup>9</sup> Good. vol. ii. 37.

<sup>b</sup> Parl. 6 Jac. IV. c. 62.

<sup>c</sup> Anders. vol. iv. part ii. 61.

countrymen on the other, two different processes became necessary; one founded on the maxims of the canon law, the other accommodated to the tenets of the reformed church. Bothwell accordingly commenced a <sup>1667.</sup> April 27. suit, in his own name, in the spiritual court of the archbishop of St. Andrew's, the jurisdiction of which the queen had restored, by a special commission granted for this purpose, and pleaded that lady Jane and himself, being cousins within the prohibited degrees, and having married without a papal dispensation, their union was null from the beginning<sup>d</sup>. At the same time he prevailed with lady Jane to apply to the protestant court of commissaries for a divorce, on account of his having been guilty of adultery. The influence of Bothwell was of equal weight in both courts. In the course of four days, with the same indecent and suspicious precipitancy, the one declared the marriage to be illegal and null, the other pronounced a sentence of divorce<sup>e</sup>.

While this infamous transaction was carrying on, the queen resided at Dunbar, detained as a prisoner, but treated with the greatest respect. Soon after, Both- May 3. well, with a numerous train of his dependents, con-

<sup>d</sup> In her own time, it was urged as an aggravation of the queen's guilt, that she gave her consent to marry the husband of another woman; and the charge has been often repeated since. But, according to Mary's own ideas, consonant to the principles of her religion, the marriage of Bothwell with lady Jane Gordon was unlawful and void, and she considered them as living together not in the hallowed bonds of matrimony, but in a state of criminal intercourse. Bothwell's addresses, which struck her protestant subjects not only as indecent but flagitious, could not appear in the same light to her; and this may be pleaded in extenuation of the crime imputed to her of having listened to them. But it will not exempt her from the charge of great imprudence in this unfortunate step. Mary was well acquainted with the ideas of her subjects, and knew what they would think of her giving ear for a moment to the courtship of a man lately married under her own eye in the church of her palace. Appendix, No. XX. Every consideration should have restrained her from forming this union, which to her people must have appeared odious and shocking. Remarks on the History of Scotland, p. 199, etc.

<sup>e</sup> Anders. i. 132. Appendix, No. XX.

1567. ducted her to Edinburgh; but, instead of lodging her in the palace of Holyrood house, he conveyed her to the castle, of which he was governor. The discontent of the nation rendered this precaution necessary. In an house unfortified, and of easy access, the queen might have been rescued without difficulty out of his hands. In a place of strength she was secured from all the attempts of his enemies.

One small difficulty still remained to be surmounted. As the queen was kept in a sort of captivity by Bothwell, a marriage concluded in that condition might be imputed to force, and be held invalid. In order to obviate this, Mary appeared in the court of session, and in presence of the chancellor and other judges, and several of the nobility, declared that she was now at full liberty; and though Bothwell's violence in seizing her person had at first excited her indignation, yet his respectful behaviour since that time had not only appeased her resentment, but determined her to raise him to higher honours<sup>f</sup>.

Is married  
to the  
queen.

What these were, soon became public. The title of duke of Orkney was conferred upon Bothwell; and on the fifteenth of May his marriage with the queen, which had so long been the object of his wishes, and the motives of his crimes, was solemnized. The ceremony was performed in public, according to the rites of the protestant church, by Adam Bothwell, bishop of Orkney, one of the few prelates who had embraced the reformation, and on the same day was celebrated in private, according to the forms prescribed by the popish religion<sup>g</sup>. The boldness with which Craig, the minister who was commanded to publish the banns, testified against the design; the small number of the nobles who were present at the marriage; and the sullen and disrespectful silence of the people when the queen appeared in public; were manifest symptoms of

<sup>f</sup> Anders. i. 87.

<sup>g</sup> Ibid. 136. ii. 276.

the violent and general dissatisfaction of her own subjects. The refusal of le Croc, the French ambassador, to be present at the nuptial ceremony or entertainment, discovers the sentiments of her allies with regard to this part of her conduct; and although every other action in Mary's life could be justified by the rules of prudence, or reconciled to the principles of virtue, this fatal marriage would remain an incontestable proof of her rashness, if not of her guilt. 1567.

Mary's first care was to offer some apology for her conduct to the courts of France and England. The instructions to her ambassadors still remain, and are drawn by a masterly hand. But, under all the artificial and false colouring she employs, it is easy to discover, not only that many of the steps she had taken were unjustifiable, but that she herself was conscious that they could not be justified <sup>b</sup>.

The title of king was the only thing which was not bestowed upon Bothwell. Notwithstanding her attachment to him, Mary remembered the inconveniences which had arisen from the rash advancement of her former husband to that honour. She agreed, however, that he should sign, in token of consent, all the public writs issued in her name <sup>i</sup>. But, though the queen withheld from him the title of king, he possessed, nevertheless, regal power in its full extent. The queen's person was in his hands; she was surrounded more closely than ever by his creatures; none of her subjects could obtain audience without his permission; and, unless in his own presence, none but his confidants were permitted to converse with her <sup>k</sup>. The Scottish monarchs were accustomed to live among their subjects as fathers or as equals, without distrust, and with little state; armed guards standing at the doors of the royal apartment, difficulty of access, distance and retirement, were things unknown and unpopular.

<sup>b</sup> Anders. i. 89.

<sup>i</sup> Good. ii. 60.

<sup>k</sup> Anders. i. 136.

1567. These precautions were necessary for securing to Bothwell the power which he had acquired. But, without being master of the person of the young prince, he esteemed all that he had gained to be precarious and uncertain. The queen had committed her son to the care of the earl of Mar. The fidelity and loyalty of that nobleman were too well known to expect that he would be willing to put the prince into the hands of the man who was so violently suspected of having murdered his father. Bothwell, however, laboured to get the prince into his power, with an anxiety which gave rise to the blackest suspicions. All his address, as well as authority, were employed to persuade, or to force Mar into a compliance with his demands<sup>1</sup>. And it is no slight proof, both of the firmness and dexterity of that nobleman, that he preserved a life of so much importance to the nation, from being in the power of a man, whom fear or ambition might have prompted to violent attempts against it.

General indignation which the queen's conduct excited.

The eyes of the neighbouring nations were fixed, at that time, upon the great events which had happened in Scotland during three months; a king murdered with the utmost cruelty, in the prime of his days, and in his capital city; the person suspected of that odious crime suffered not only to appear publicly in every place, but admitted into the presence of the queen, distinguished by her favour, and intrusted with the chief direction of her affairs; subjected to a trial which was carried on with most shameless partiality, and acquitted by a sentence which served only to confirm the suspicions of his guilt; divorced from his wife, on pretences frivolous or indecent; and, after all this, instead of meeting with the ignominy due to his actions, or the punishment merited by his crimes, permitted openly, and without opposition, to marry a queen, the wife of the prince whom he had assassinated, and the guardian

<sup>1</sup> Melv. 160. Buch. 361.



of those laws which he had been guilty of violating. Such a quick succession of incidents, so singular and so detestable, in the space of three months, is not to be found in any other history. They left, in the opinion of foreigners, a mark of infamy on the character of the nation. The Scots were held in abhorrence all over Europe; they durst hardly appear any where in public; and, after suffering so many atrocious deeds to pass with impunity, they were universally reproached as men void of courage, or of humanity, as equally regardless of the reputation of their queen and the honour of their country<sup>m</sup>. 1567.

These reproaches roused the nobles, who had been hitherto amused by Bothwell's artifices, or intimidated by his power. The manner in which he exercised the authority which he had acquired, his repeated attempts to become master of the prince's person, together with some rash threatenings against him, which he let fall<sup>n</sup>, added to the violence and promptitude of their resolutions. A considerable body of them assembled at Stirling, and entered into an association for the defence of the prince's person. Argyll, Athol, Mar, Morton, Glencairn, Home, Lindsay, Boyd, Murray of Tullibardin, Kirkaldy of Grange, and Maitland the secretary, were the heads of this confederacy<sup>o</sup>. Stewart, earl of Athol, was remarkable for an uniform and bigoted attachment to popery; but his indignation on account of the murder of the king, to whom he was nearly allied, and his zeal for the safety of the prince, overcame, on this occasion, all considerations of religion, and united him with the most zealous protestants. Several of the other nobles acted, without question, from a laudable concern for the safety of the prince and the honour of their country. But the spirit which some of them discovered during the subsequent revolutions leaves little

The nobles combine against her and Bothwell.

<sup>m</sup> Anders. vol. i. 128. 134. Melv. 163. See Appendix, No. XXI.

<sup>n</sup> Melv. 161.

<sup>o</sup> Keith, 394.

1567. room to doubt, that ambition or resentment were the real motives of their conduct; and that, on many occasions, while they were pursuing ends just and necessary, they were actuated by principles and passions altogether unjustifiable.

The first accounts of this league filled the queen and Bothwell with great consternation. They were no strangers to the sentiments of the nation with respect to their conduct; and though their marriage had not met with public opposition, they knew that it had not been carried on without the secret disgust and murmurings of all ranks of men. They foresaw the violence with which this indignation would burst out, after having been so long suppressed; and, in order to prepare for the storm, Mary issued a proclamation, requiring her subjects to take arms, and to attend her husband by a day appointed. At the same time she published a sort of manifesto, in which she laboured to vindicate her government from those imputations with which it had been loaded, and employed the strongest terms to express her concern for the safety and welfare of the prince her son. Neither of these produced any considerable effect. Her proclamation was ill obeyed, and her manifesto met with little credit<sup>p</sup>.

The queen and Bothwell retire to Dunbar.

The confederate lords carried on their preparations with no less activity, and with much more success. Among a warlike people, men of so much power and popularity found it an easy matter to raise an army. They were ready to march, before the queen and Bothwell were in a condition to resist them. The castle of Edinburgh was the place whither the queen ought naturally to have retired, and there her person might have been perfectly safe. But the confederates had fallen on means to shake or corrupt the fidelity of sir James Balfour, the deputy governor, and Bothwell durst not commit to him such an important trust. He

June 6.

<sup>p</sup> Keith, 387. 395, 396.

conducted the queen to the castle of Borthwick; and on the appearance of lord Home, with a body of his followers, before that place, he fled with precipitation to Dunbar, and was followed by the queen disguised in men's clothes. The confederates advanced towards Edinburgh, where Huntly endeavoured, in vain, to animate the inhabitants to defend the town against them. They entered without opposition, and were instantly joined by many of the citizens, whose zeal became the firmest support of their cause<sup>1</sup>.

In order to set their own conduct in the most favourable light, and to rouse the public indignation against Bothwell, the nobles published a declaration of the motives which had induced them to take arms. All Bothwell's past crimes were enumerated, all his wicked intentions displayed and aggravated, and every true Scotchman was called upon to join them in avenging the one and in preventing the other<sup>2</sup>.

Meanwhile, Bothwell assembled his forces at Dunbar; and as he had many dependents in that corner, he soon gathered such strength, that he ventured to advance towards the confederates. Their troops were not numerous; the suddenness and secrecy of their enterprise gave their friends at a distance no time to join them; and, as it does not appear that they were supported either with money, or fed with hopes, by the queen of England, they could not have kept long in a body. But, on the other hand, Bothwell durst not risk a delay<sup>3</sup>. His army followed him with reluctance in this quarrel, and served him with no cordial affection; so that his only hope of success was in surprising the enemy, or in striking the blow before his own troops had leisure to recollect themselves, or to imbibe the same unfavourable opinion of his actions, which had spread over the rest of the nation. These

<sup>1</sup> Keith, 398.

<sup>2</sup> Anders. vol. i. 128.

<sup>3</sup> Keith, 401.

1567. motives determined the queen to march forward with an inconsiderate and fatal speed.

The nobles  
march  
against  
them.  
July 15.

On the first intelligence of her approach, the confederates advanced to meet her. They found her forces drawn up almost on the same ground which the English had occupied before the battle of Pinkie. The numbers on both sides were nearly equal; but there was no equality in point of discipline. The queen's army consisted chiefly of a multitude, hastily assembled, without courage or experience in war. The troops of the confederates were composed of gentlemen of rank and reputation, followed by their most trusty dependents, who were no less brave than zealous<sup>t</sup>.

An accom-  
modation  
attempted.

Le Croc, the French ambassador, who was in the field, laboured, by negotiating both with the queen and the nobles, to put an end to the quarrel without the effusion of blood. He represented to the confederates the queen's inclinations towards peace, and her willingness to pardon the offences which they had committed. Morton replied with warmth, that they had taken arms not against the queen, but against the murderer of her husband; and if he were given up to justice, or banished from her presence, she should find them ready to yield the obedience which is due from subjects to their sovereign. Glencairn added, that they did not come to ask pardon for any offence, but to punish those who had offended. Such haughty answers convinced the ambassador that his mediation would be ineffectual, and that their passions were too high to allow them to listen to any pacific propositions, or to think of retreating after having proceeded so far<sup>u</sup>.

The queen's army was posted to advantage on a rising ground. The confederates advanced to the attack resolutely, but slowly, and with the caution which was

<sup>t</sup> Cald. vol. ii. 48, 49.

<sup>u</sup> Keith, 401.

natural on that unhappy field. Her troops were alarmed at their approach, and discovered no inclination to fight. Mary endeavoured to animate them; she wept, she threatened, she reproached them with cowardice, but all in vain. A few of Bothwell's immediate attendants were eager for the encounter; the rest stood wavering and irresolute, and some began to steal out of the field. Bothwell attempted to inspire them, by offering to decide the quarrel, and to vindicate his own innocence, in single combat with any of his adversaries. Kirkaldy of Grange, Murray of Tullibardin, and lord Lindsay, contended for the honour of entering the lists against him. But this challenge proved to be a mere bravado. Either the consciousness of guilt deprived Bothwell of his wonted courage, or the queen, by her authority, forbade the combat<sup>2</sup>.

After the symptoms of fear discovered by her followers, Mary would have been inexcusable had she hazarded a battle. To have retreated in the face of an enemy who had already surrounded the hill on which she stood, with part of their cavalry, was utterly impracticable. In this situation, she was under the cruel necessity of putting herself into the hands of those subjects who had taken arms against her. She demanded an interview with Kirkaldy, a brave and generous man, who commanded an advanced body of the enemy. He, with the consent and in the name of the leaders of the party, promised that, on condition she would dismiss Bothwell from her presence, and govern the kingdom by the advice of her nobles, they would honour and obey her as their sovereign<sup>3</sup>.

During this parley, Bothwell took his last farewell of the queen, and rode off the field with a few followers. This dismal reverse happened exactly one month after that marriage which had cost him so many crimes

<sup>2</sup> Cald. vol. ii. 50.

<sup>3</sup> Good. vol. ii. 164. Melv. 165.

1567. to accomplish, and which leaves so foul a stain on Mary's memory.

Mary surrenders to the nobles.

As soon as Bothwell retired, Mary surrendered to Kirkaldy, who conducted her toward the confederate army, the leaders of which received her with much respect; and Morton, in their name, made ample professions of their future loyalty and obedience<sup>a</sup>. But she was treated by the common soldiers with the utmost insolence and indignity. As she marched along, they poured upon her all the opprobrious names which are bestowed only on the lowest and most infamous criminals. Wherever she turned her eyes, they held up before her a standard, on which was painted the dead body of the late king, stretched on the ground, and the young prince kneeling before it, and uttering these words, "Judge and revenge my cause, O Lord!" Mary turned with horror from such a shocking sight. She began already to feel the wretched condition to which a captive prince is reduced. She uttered the most bitter complaints, she melted into tears, and could hardly be kept from sinking to the ground. The confederates conducted her towards Edinburgh; and, in spite of many delays, and after looking, with the fondness and credulity natural to the unfortunate, for some extraordinary relief, she arrived there. The streets were covered with multitudes, whom zeal or curiosity had drawn together, to behold such an unusual scene. The queen, worn out with fatigue, covered with dust, and bedewed with tears, was exposed as a spectacle to her own subjects, and led to the provost's house. Notwithstanding all her arguments and entreaties, the same standard was carried before her, and the same insults and reproaches repeated<sup>a</sup>. A woman, young, beautiful, and in distress, is naturally the object of compassion. The comparison of their present misery with their former splendour,

<sup>a</sup> Good. vol. ii. 165.

<sup>a</sup> Melv. 166. Buch. 364.

usually softens us in favour of illustrious sufferers. 1567.  
But the people beheld the deplorable situation of their sovereign with insensibility; and so strong was their persuasion of her guilt, and so great the violence of their indignation, that the sufferings of their queen did not, in any degree, mitigate their resentment, or procure her that sympathy which is seldom denied to unfortunate princes.