

commissioners have told us already, “immediately” and “forthwith” upon the receipt of Murray’s doubts. If he could convict Mary of the crimes with which he charged her, he would have no need to enter into any accommodation with her. Mary was never to be restored by Elizabeth. Yet all the while, let me again remark, Elizabeth was writing *ostensibly* to Murray, that she wanted no one to accuse Mary, that she never meant to condemn her on any accusation, that she should allow of no faults in her, and that she would endeavour to settle all differences betwixt her and her subjects upon grounds reasonable and honourable to both. And all the while, too, Elizabeth was promising Mary herself to restore her, to make her subjects submit to her, force them to repair her wrongs, and oblige them to accept her clemency. In so much stronger light still does the hypocrisy of Elizabeth appear, at the very commencement of this business.

Her commissioners afterwards applied these very words in their commission, to the resolution of the very same doubt, when it was alleged again by the rebels. They even applied them, as resolving the doubt in the very same manner. Murray declared to them at York, they tell us, that he and his associates “were desirous to understand, if in this action they shall prove all things directly, wherewith they maye and do burden the Quene, their soveraigne’s mother, how they maye be assured to be free and without daunger of the said Quene’s displeasure,

“ if she should be restored to her former estate;
“ to whome it was saide by the Quene’s Majestie’s
“ commissioners, that as in few wordes her High-
“ nes had delivered *them* her pleasure therein,
“ so wolde *they* in few wordes deliver the same
“ unto *them*, which was, that indede her Majes-
“ tie’s desire hath always bene from the begyn-
“ ning, that the said Quene might be founde free,
“ specially from the crime of her husband’s mur-
“ der; nevertheless, if her Majestie shall fynde
“ to be playnelye and manifestly proved (whereof
“ she wolde be verie forie) that the said Quene
“ of Scottes was the devisor and procurer of that
“ murder, or otherwise was giltie thereof, SURELY
“ HER MAJESTIE WOLDE THINKE HER UNWORTHY
“ OF A KINGDOME, and WOLDE NOT STAINE HER
“ OWNE CONSCIENCE in mayntenance of such
“ a detestable wickedness, BY RESTORING HER
“ TO A KINGDOME. Then the regent [Mur-
“ ray] opened the cause why he moved this ques-
“ tion, declaring, that it was not only put out
“ and published in Scotland, but even now in
“ this citie; that either she should be amplie
“ restored, or otherwise by some degrees restored
“ and sent home amongs them: and do not let
“ to saye, that THEY HAVE THE QUENE’S MA-
“ JESTIE’S PROMES TO SHEW IN WRITINGE TO
“ confirme the same. It was answered there-
“ unto by the Quene’s Majestie’s commissioners,
“ that it weare by them to be considered from
“ whence those wordes came; if from their ad-
“ verse partie, who can let them speak what
“ themselves

“ themselves will devise? But, surely, either from
 “ HER MAJESTIE, or any by [of] her commys-
 “ sioners, *they could not affirme the same; for*
 “ when THEIR LETTRES, conteyninge the doubt
 “ before by them moved, weare delivered to
 “ the Quene’s Majestie’s handes, they knew that
 “ immediately her Highnes did forthwith de-
 “ peche her answer thereunto, IN SORTE AS (if
 “ nothings had byn now spoken by us, her
 “ Grace’s commysioners) IT MIGHT HAVE SA-
 “ TISFIED THAT DOUBT AND QUESTION.”*

Elizabeth, therefore, answered their doubt be-
 fore, exactly as her instructions to her commis-
 sioners spoke, and exactly as her commissioners
 spoke from those instructions to the rebels, that
 she would *not* restore Mary to her crown, if the
 rebels could prove her guilty of murder; though
 she had been assuring those rebels, that she would
 allow *no* faults in Mary, and though she had been
 promising Mary herself, that she *would* restore
 her. And as the commissioners informed Eliza-
 beth herself, of the written promise that was ready
 to be shewn from Elizabeth for the restoration of
 Mary, of their denial of it, and of their assur-
 ance in the language of her letter to the rebels,
 and of her instructions to them her commissioners,
 that Mary would *not* be restored if proved guilty;
 the commissioners unwittingly exhibit the hypo-
 crisy of Elizabeth, in a still stronger light than
 ever.

Murray must have seen the hypocrisy plainly

* Goodall, ii. 126, 127.

himself,

himself, from the ostensible and the real answer of Elizabeth compared together. He must have seen it much more plainly, from the writing which was ready to be produced, with Elizabeth's promise to Mary in it. But he was too much an hypocrite himself, to be offended with the duplicity of a sister in hypocrisy. He was only acting hitherto, in order to please some of his honest adherents. He had a much deeper game to play for himself, as I shall soon shew. *This* proves the message by Middlemore, and the application to the commissioners, to have been calculated merely for others. And these others were now called upon by no less a bribe, than the promise of Murray's continuance in the royalty under the name of regent, and consequently of their own continuance in places of power and profit under him, to charge the Queen boldly with the murder of her husband, to screw up their invention for evidences to the highest pitch, and to produce them confidently before the court.

But, as I have intimated already, neither Murray nor Elizabeth would rest the cause merely upon this. They must, both of them, go much farther to answer their respective purposes. Accordingly Murray, in the address before, which was to be reported to Elizabeth, and which, as we have already seen, was actually reported to her, spoke additionally thus. "Further," he says, "it may be, that sic [such] LETTERIS as we heif
" of the Quene, our Soverane Lordis moder,
" that sufficientlie in our opinion preivis hir

"consenting to the murthure of the King hir
 "lauchfull husband, *fall be callit in doubt be*
 "the juges to be constitute for examinatioun and
 "trial of the caus, whether *they may stand or fall,*
 "*pruif or not*: thairfoir, sen our servand Mr.
 "Jhone Wode hes the COPIES of the samin
 "letteris TRANSLATIT in our language, we
 "wald *earnestly* desyre, that the saidis COPIES
 "may be *considerit be the juges*;—that they may
 "resolve us this far, IN CAIS THE PRINCIPAL
 "AGRET WITH THE COPIE, that THEN WE PRUIF
 "THE CAUS INDEED: for when we have mani-
 "fested and schawin all, and zet [yet] fall haif
 "na ASSURANCE that IT WE SEND fall SATIS-
 "FIE FOR PROBATION, for *qubat purpos sal we*
 "*ather accuse or take care how to pruif*."* Thus
 had Murray the effrontery to propose to Eliza-
 beth, that her commissioners, which were to be
 appointed, should receive as evidence of the
 highest crimes in Mary, a set of LETTERS pre-
 tended to be written by her; that they should
 peruse them over, *before* they were produced as
 evidence; that they should peruse only *copies*,
 and even only *translations* of them: and, that
 they should then assure him, whether they
 would admit them as full evidence of guilt;
 NOT if *the originals appeared to be written in*
her own hand, BUT if *the originals agreed with*
the copies.

This was such a proposal, as required no
 refinements of religion, and asked no delicacies
 of honour, to spurn at it with contempt. Even a

* Goodall, ii, 75, 76.

common share of religion, or of honour, must have rejected it with scorn. Even only the lowest strain of probity, which works in the breast of the vulgar; even only the modesty, that adheres to a young sinner; even only the shame, that silently pulls the heartstrings of all but abandoned vice; would have considered the proposal as an insult, and have dismissed it with disdain. But did Elizabeth do so? In that ostensible paper which I have mentioned before, she pretended to do so. There we find the following question and answer. *Quest.* “Whyther, if the originals shall
 “accord with the copys of the wrytings produced
 “to charge the Quene of Scots, the proof shall
 “be thought sufficient?” *Ans.* “No proves
 “can be taken for sufficient, without hearyng
 “of both parties.”* This was speaking honestly. But I have so clearly convicted this paper of falsehood already, and it shews us so plainly its own hypocrisy, that we cannot be imposed upon by it. Whether Elizabeth *did* reject this proposal of Murray’s, let FACTS tell. *They* cannot lie. *They* cannot deceive us. Let, particularly, the conduct of her commissioners speak at large, hereafter. And let her own conduct speak briefly at present. Murray had plainly intimated, that unless this proposal was agreed to, he would not come forward with his evidence. “When we
 “haif manifestit and schawin all,” he says, “and
 “zet fall haif na assurance, that it we send fall

* Goodall, ii. 89.

“satisfie for probatioun ; for qubat purpois fall we
 “*ather accuse or take care how to prouif !*” Elizabeth must, therefore, have now seen the writings to be spurious, if she ever believed them to be genuine, and have now known the man to be a villain of the first magnitude, if she ever thought any better of him. Yet she *still proceeded in the business ; she still encouraged the man to come forward with his accusations ; she still persisted in calling for the writings.*

Murray, indeed, must have long trafficked in villainy, as he had long maintained a connection, with her, before he could have risen to such a pitch of familiarity with the evil spirit within her ; as to *think* of making her such an overture. But he knew her too well, to be afraid of any virtuous resentment from her. Associates in enormity always pay that compliment to goodness, to have the strongest contempt for one another. He saw her eagerness to blast the character of Mary. She would comply with any proposals, however flagitious, that ministered to her purposes. And her commissioners acted nearly, as Murray had required they should act,*

§ 11.

* For the intimacy between Elizabeth and Murray, we need only appeal to Fenelon, the French Ambassador at her court ; who describes her behaviour, when she heard of Murray's sudden death, about eighteen or nineteen months afterward. “It is almost incredible to what excess the Queen of England was transported with grief on this occasion ; she *shut herself up in her chamber, weeping and lamenting, she had lost the best and most serviceable friend she had in the*
 “*world,*

§ II.

THE commissioners met Murray and some of his party at York, in the month of October following. They then give this account of Murray's proceedings and their own there. "The said Erle," they say, "hath been content PRIVATE to shew us such matter, as they have to condempne the Queen of Scottes of the murder of her husband : and so they sent unto us the Lord of Lethingtoun," &c. "which in PRIVATE and SECRET conference with us, NOT as COMMISSIONERS, as they *protested*, but for our better instruction, shewed unto us some LETTERS."* That the commissioners should have

world, for the maintenance of herself and realm in quiet ; and she grew so melancholy upon it, that Leicester was forced to tell her, she did an injury to her dignity in shewing, that she thought her own safety and that of her realm depended upon one man alone." (Fenelon, Dep. 84, Carte iii, 493.)

* Appendix, No. V. The persons sent to shew the letters, are said by the commissioners to have been "the Lord of Lethingtoun, James Makgill, and Mr. George. Boqwhannan, and another, being a Lord of the Session." Appendix, No. v. This last, Mr. Goodall affirms to have been "John Wood." ii. 140. So also does Mr. Tytler, 60, edit. 1st. and Dr. Stuart, i, 329, edit. in octavo. And both Crawford, 90, edit. 1st. and Melvill, 93, represent Wood to have been at York with the party. But this is all a mistake, I apprehend. Wood was at this time agent to Murray in London. There he was stationed in the month of June preceding ; as Elizabeth mentions him to have been in London on June the 8th, as Murray notes him to be still there on June the 22nd, and

have *suffered* any papers, and papers of such a criminating nature, and especially such as went to the very heart and soul of their commission, to be brought before them in a *clandestine* manner; was a most astonishing act of absurdity and injustice. But Murray had required it before. Elizabeth must therefore *have privately commanded it now*. She accordingly, in her immediate reply to this account of their conduct, passes not the slightest censure upon such a gross and palpable violation of decency. She even intimates her approbation of it. "We have of late," says, "received your several letters with such other matters contained in sundry

and the latter says particularly, "we have already sent," not by the words seem to have been carelessly read by several persons, but "*unto* our servand Mr. Jhone "Wode" . . . Appendix, No. iii. See also Anderson, iv. part 1st. . . the persons sent by Murray to the English commissioners are undoubtedly the *assistants* to him and the rebels. These were, as an authentic paper assures us, "James Macgill, Henry Balnavys, . . . aird of Lethingtoun, James Macgill, Henry aird of Lochlevin, Mr. George Boqwhannan, "Mr. Dalrymple." Goodall, ii. 109. Wood was not among the commissioners above, say the commissioners above, who was a lord of the session." Such was Wood, says Mr. Tytler, if Wood was ever a lord of the session, which I doubt was not one then, I apprehend. Even if he was, certainly not a lord of the session, and an assistant to the commissioners too. Yet both characters must unite in our present personage. Both actually united in Mr. James Macgill and Mr. Henry Balnavys. Mr. Tytler, 210, allows both to have been lords of session. Keith, 375, Jebb, ii. 236, Crawford, 90, and Buchanan, Hist. xix. 372, Ruddiman, 1, confirm the point, And therefore Balnavys was the man.

"writings,

“ writings, as by your said letters hath been
 “ mentioned,” meaning their extracts and ac-
 counts of the letters, &c. produced by Murray;
 “ upon consideration whereof, we have found
 “ such difficulties how to make a certain resolute
 “ answer unto yow, as we are rather moved to
 “ have further advice of others of our counsell
 “ now absent, and likewise *of you ther*; wherefore
 “ we are desirous to have some understanding of
 “ *your opinions.*”* And the requisition of Mur-
 ray, the conduct of the commissioners, and the
 reply of Elizabeth, are all so many rays uniting
 in one point.

But the commissioners go on thus: “ We
 “ have noted to your Majestie the chiefe and—
 “ speciall points of the said letters, written, as
 “ they say, with her own hand, to the intent it
 “ may please your Majestie to consider of them,
 “ and so to judge whether the same be sufficient
 “ to convince [convict] her of the detestable
 “ crime of the murder of her husband, which *in*
 “ *our opinions and consciences*, if the said letters
 “ be written with her own hand, is very hard to
 “ be avoided.”† This extra-judicial judgment
 of the commissioners, so contrary to reason and
 common sense, was another particular in Mur-
 ray’s requisitions. He required it to be done.
 And it was ACTUALLY DONE. By this means
 evidences were produced clandestinely to the
 commissioners. These were received by them,
 just as if they had been regularly presented in

* Goodall, ii. 170.

† Appendix, No. V.

open court. Large accounts are drawn up of them. Larger extracts are made from them. Both are transmitted to Elizabeth and her council. The commissioners declare openly to both, that they have already prejudged her cause. And, all the while, Mary and her commissioners are totally ignorant of the whole transaction, and are preparing to enter upon a trial, that is in a great measure determined against them already.*

The only doubt expressed by the commissioners is this, whether the letters were her own handwriting. But how did they act upon this, the capital point of the whole? They shall tell us themselves. "These men heare," they say, "do constantly AFFIRM the said letters, which they produce of her own hand, to be her own hand indeed; and do OFFER to SWEAR and TAKE THEIR OATHS thereupon."† They never compared the produced writings, that pretended to be of her hand, with any other writings, that were acknowledged to be so.

* Mary's commissioners, however, came soon to know, that "Murray and his party had privily uttered to her Majesty's commissioners, *all that they were able to alleadge against her.*" (Goodall, ii. 159, 160). But they little suspected all that the commissioners had done in the business. See also a note at the end of chap. v. in this volume.

† Appendix, No. v. Dr. Robertson, with a *simplicity* of belief, which is very extraordinary in itself, and is peculiarly so in a man of his good sense and judiciousness, mentions as one argument against Mary, that Murray and his associates affirmed the letters to be genuine. Hist. ii. Appendix, Diss. 21. So, good St. Francis, when one night he spied, by accident a man and a woman very immodestly employed in a corner, believed them to be engaged in a work of Christian love, and thanked heaven for the sight.

They

They much less called in the commissioners of Mary, to assist them in the collation. They rested all upon the affirmation of the producers, and upon the credit of their offered oaths. And they were precluded from communicating even the *contents* of them to Mary's commissioners, by the artful mode in which they had been exhibited to them, not as commissioners, but as private gentlemen.

In such a manner was the first part of the trial conducted, with a very near conformity to the original requisitions of Murray, and to the great disgrace of Elizabeth and her commissioners. These acted in all, no doubt, under the private directions of her. And Murray was only doing in all, what he and she had already concerted should be done. Hence Murray proposed to put them clandestinely in possession of his papers. Hence they agreed to peruse them clandestinely. Hence they thought themselves at liberty as commissioners, though they were exhibited to them as private gentlemen, to communicate a long account of them to Elizabeth, but not to give any to Mary. Hence they made large extracts from them, with their own opinions occasionally intimated as they went along. And hence they spoke out their opinion pretty plainly at last, upon the whole. "These men," they say, "do offer to swear and take their oaths "thereupon, *the mattheit conteyned in them being* "such as could hardly be invented or devised by any "other than by herselfe, for that they discourse of "some things which were unknown to anie other "than to herself and Botbwell; and as it is hard to
"counterfeit

“counterfeit so manie, so the matter of them, and
“the *manner how these men came by them*, is such
“as it seemeth that God, in whose sight murder
“and bludshed of the innocent is abhommable
“[abominable], *would not permit the same to be*
“*hid or concealed.*” * They thus condemn the
Queen of the murder charged upon her. They
condemn her in a formal dispatch to Elizabeth.
They condemn her upon letters unauthenticated
by the producers, uncollated by themselves, un-
communicated to her and her commissioners.
They condemn her upon the *offer* of oaths to
their genuineness *from the very producers them-*
selves. They condemn her upon certain parti-
culars in them, which they say were unknown to
all except her and Bothwell, but which they could
only have heard to have been so *from the very*
producers themselves. And they condemn her
upon the manner in which the letters came into
the hands of the producers, which they affirm to
have been a signal mark of God’s interposel to
punish murder and bloodshed in her, but which
they must equally have heard *from the very pro-*
ducers themselves. Such was the astonishing dis-
honesty, with which the commissioners acted to-
wards her in this outset of the business! Yet
Elizabeth *approved of all*. She liked their pro-
ceedings. She liked them so well, that she wanted
to have their further advice upon the subject,
and that she continued them as commissioners
when she adjourned the trial to London.

* Appendix, No. V.

§ III.

THE commissioners, however, were not entrusted with *all* the schemes of Elizabeth in this matter. They consisted of the Duke of Norfolk, the Earl of Suffex, and Sir Ralph Sadler. Some of these were too honourable for such a confidence. But one of them no doubt, and Sir Ralph Sadler assuredly,* had his private instructions for managing the business, just as it was managed. And when Murray exhibited his papers clandestinely to them, he did it, as I have already hinted, merely in a private concert with her and this commissioner. He did it, as they tell us themselves, “to the intent, they [Murray, &c.] wolde know of us, *how your Majestie understanding the same, wolde judge of the sufficiencie of the matter; and whether, in your Majestie’s opinion, the same will extend to condempne the Queen of Scottes of the said murder.*”† They accordingly ask her opinion. “We are,” they say to her, “most

* Buchanan, Hist. xix. 372, says of Lord Surry and Sir Ralph, “*hic ab omnis dissidii veneno purus*,” having no taint of Norfolk’s enmity to Murray, “*ille (ut vulgo creditum est) in partes Havarti proclivis.*” See also Goodall, ii. 171, and 179, and Robertson, ii. 345, for Sir Ralph. Crawford’s Memoirs accordingly say, that the commissioners had “private instructions” directly “against” their publick, p. 91. And we actually find Sir Ralph himself, united in a commission with the Earl of Northumberland and Sir James Crofts in 1559, but furnished with “*private instructions of importance.*” Preface, p. xv. to Sir Ralph Sadler’s Letters.

† Appendix, No. V.

“ humbly beseeching your Majesty, that it may
 “ please the same to advertise us of your opinion
 “ and judgement therein.”* But had Elizabeth
 never seen the letters before? She certainly
 had. Copies of them had been sent to London
 by Murray, as I have shewn already, above four
 months before. These Murray had even offered
 by his address of the 22d of June, to commu-
 nicate to Elizabeth for the consideration of the
 commissioners that she *was* to appoint. She did
 not appoint them till the 20th of September
 following.† But could Elizabeth refrain all
 this time from looking into the letters, from
 feeding her love of scandal against Mary, and
 from inspecting the ground-work of all her
 future operations against her? Certainly she
 could not. She saw the letters. She knew them
 as well before the commissioners imparted their
 contents to her, as she did afterwards. And she
 even contrived a method, of COMMUNICATING
 THE LETTERS TO THEM UNPERCEIVED. Mur-
 ray had desired of Elizabeth, to have them laid
 before her commissioners, previously to their
 sitting in judgment upon them; and to have
 their private opinion before-hand, concerning
 their competency or incompetency to prove his
 allegations. THIS WAS NOW DONE. The pa-
 pers were *offered* to be laid before them by
 Murray. The secret emissary of Elizabeth
 among them, probably, influenced them to admit

* Appendix, No. V.

† Goodall, ii. 97.

the offer. The papers were produced. The commissioners perused, abstracted, and extracted from them. And they then communicated *their opinions* on the whole to Elizabeth; and through her, no doubt, to Murray.

In this artful manner does Elizabeth appear to have acted towards her own commissioners. Her whole life was nothing but one scene of artifice and dishonesty. Her duplicity upon the present occasion is evidenced, by the requisitions of Murray at first, and by the conduct of her commissioners afterwards. These are the two parts of a tally. Who can doubt their relation?

Yet, though the commissioners, from the plain influence of some emissary of Elizabeth's among them, and from the violent force of their own credulity, had acted with a gross dishonesty to Mary; Elizabeth saw even from this very dispatch, that they would not do all which she wanted them to do. Murray had required in addition to all the rest, and indeed as the grand support of all, that the papers should be admitted for evidences, without any inquiry into their hand-writing. But Elizabeth now found from the complexion of their dispatches, marked as they strongly were with all the features of a hasty faith, a rash judgment, and a practising insidiousness, that they would come at last to the point, which should have been the first in the process of their inquiry. They had begun their accounts of the writings produced, with those proper guards of doubt, "as they say,"

and "as it is said." These they had sometimes dropt, in the intemperate rising of their spirits upon Mary's presumed guilt. But they had again recurred to them. And they had at last concluded their dispatch, with mentioning the letters to be "written, *as they say*, with her own hand;" and with intimating their opinion of her guilt, "IF the said letters be written with her own hand."* The next step therefore must have been, to have had the letters produced formally before the commissioners; and then to have had their authenticity examined. This was what Elizabeth never meant to be done. Yet it must immediately be done, if the present commissioners went on. And Elizabeth, therefore, put an instant end to their commission.

This commission had been issued at first, in order "to pronounce in the cause of the murder." The commissioners themselves say as much, in a formal answer to some questions asked by Murray concerning their authority. "They take their commission to be so ample," they say, "as by the same they may well enter and proceade to that controversie."† And any one who knows the character of Elizabeth, and considers the end of all her proceedings, must know that this was the great and ruling object of the whole. Yet into this the commissioners never entered. They sat only seven days before their grand dispatch above. The first four of these were spent in the necessary preliminaries

* Appendix, No. v.

† Goodall, ii. 131.

of the work. On the fifth, being the 8th day of October, the commissioners of Mary presented their complaint against her rebels. Murray, instead of replying, wanted previously to be assured, exactly in the style of his former requisitions to Elizabeth; "if in this action
 " they shall prove all things directly, wherewith
 " they may and do burthen the Quene, their
 " soveraigne's moder, how they may be assured
 " to be free and without daunger of the said
 " Quene's displeasure."* The next day, being the 9th of October, they put in some questions in writing to the same purport. These were answered instantly by the commissioners. But Murray was not satisfied with their answer: He would have one from Elizabeth herself. And the writing to Elizabeth, and the waiting for her answer, necessarily produced a suspension of business for some days. *In this state of suspension* it was, that Murray offered and proceeded to present his papers clandestinely to the commissioners. The delay, therefore, was created artfully for the purpose. On the 9th of October, Murray put in his written questions. On the 9th of October, the commissioners sent up to Elizabeth for her answers to them. On the 10th, Murray put in that reply to Mary's complaint, which he had deferred before. And, *in the afternoon of that very day*, he communicated his evidences of the murder privately to the commissioners.† These

* Goodall, ii. 126.

† Ibid. ii. 108—iii. 123. 126—127. 130—133. 139. and 140.

evidences he had utterly refused to produce before. Only the very day before, in his paper of questions to the commissioners, he had said thus: "The resolution of these articlis is so necessary for us, and of *so great importance*, that we can *na ways enter to the accusatioun* or tryal of the *murther, before we be fully answerit thairin.*"* Yet the very next day, and when all accusation was formally superseded for a time, he could privately enter into that accusation, and even lay his evidences for it privately before them.

This is such a manœuvre in management, as shews plainly the public accusation to have been superseded, IN ORDER to give room for preferring the private one, to give room for the perusal of the papers by the commissioners, to give room for transmitting an account of them to Elizabeth, to give room for Elizabeth to see their opinions concerning them, to view the impressions which these had made upon them, and to observe whether they would go all the lengths, which it was requisite for her purposes they should go. She found upon the trial they would not. She therefore made no reply to Murray's doubts. These wanted no resolution at present. The dispatch concerning them must have reached her, *two days* before the other concerning the letters. Yet she wrote no answer to it. This appeared strange at the very time. "Because I am advertised from *York*," says Sir Francis Knollys, "that hyr *Majestie doth hetherto stay* the answering of the

* Goodall, b. 131.

“artykles of my lord of Murraye and his partie, “therefore,” &c.* These pressed for an immediate answer. The whole business of the *accusation* was prevented from *beginning* to move. And had she not been in the secret of Murray’s management, she must have answered them immediately. But, by being in the secret, she knew no answer was required. She expected another dispatch with an account of the letters. It arrived. It was very much what she wished. But it was not all that she wanted. She was, says the sagacious author of the memoirs published by Crawford, in express terms, “but indifferently” “pleased with what had past.”† And for this reason, though the commissioners were yet only at the very entrance of the business, though they had yet received only one paper from each side, and though these could necessarily be only formal and general, the mere ground-work of their future proceedings; she dissolved their commission at once.

She could not have received their dispatch concerning the letters, before the 14th or 15th of October; and on the 16th she sent word of her intention, to break up the commission directly.‡ She broke it up accordingly. She issued out a new commission. To the former three she ADDED FIVE OTHERS, Sir Nicholas Bacon, the Earls of Arundel and Leicester, Lord Clinton, and Sir William Cecil. She did this, say the cotemporary memoirs of Crawford, “be-

* Goodall, ii. 160.

† P. 112.

‡ Goodall, ii. 134, 139, and 170.

"cause she had suspected Norfolk, and would "balance his interest;" because she would balance his own voice, and his influence over his relation the Earl of Suffex in his. And she ordered them to sit, not at York, but at WESTMINSTER; that they might be more immediately under her own inspection and influence.*

§ IV.

THE commissioners met accordingly at Westminster, in the end of November following. There the first act of business done by them, was to resolve the doubts of Murray. To these the commissioners at York had thus replied before; that, "as her Majestie wold not thinke her "[Mary] worthie of a kingdom, if she weare "convinced [convicted] of that horrible crime," of murder, "so wold [she] not seke to restore "her to a kingdome."† But Murray would not be satisfied with this. He had risen in his demands since the original stipulation. In proportion as he saw her eagerness to blast the character of Mary, he drew back from the work, in order to enhance the value of it. He would now have more than he originally required, before he gratified Elizabeth with a public accusation. And Elizabeth, with all her address, was made by her resentments a mere instrument of policy in his hands. He dictated the terms on which he would accuse. He prescribed the man-

* Goodall, ii. 189—191; Crawford, 112; and Buchanan, Hist. xix. 372.

† Goodall, ii. 131—132.

ner in which his accusation should be received. *He* had the support of his usurpation in view. *She* had the full indulgence of her resentments. Her regard for these was more violent, than even his zeal for that. And, in consequence of this, Elizabeth became a mere puppet dancing upon this Scotchman's wires. He was accordingly gratified in his requisitions to the full. But the commissioners, before they delivered the answer of Elizabeth to him, entered this *very necessary* precaution: "That Elizabeth meaneth not, nor
 " will, that any person do thereof interpret, that
 " thereby the said Erle of Murray, or any with
 " him, should be *boldened, moved, or any wise*
 " *comforted*, to enter into accusation of the said
 " Quene [Mary], for any crime or suspicion of
 " crime."* They then told him, as from Elizabeth, thus: "If the Quene of Scotts shall be
 " justly proved and found guilty of the murder
 " of hir husband, *she shall be either delivered into*
 " *your hands*, upon good and sufficient sureties
 " and assurances for the safety of her life and
 " good usage of her, or else she shall continew
 " *kept* in England, upon the reasonable charges
 " of the crown of Scotland, *in such sort* as nether
 " the prince her son, nor you the Erle of Murray,
 " nor any other, for holding part or maintaining
 " the said prince, *shall be in any danger by her li-*
 " *berty.*" †

Thus

* Goodall, ii. 200.

† Ibid. 201. What the "good and sufficient sureties of
 " and assurances for the safety of her life and good usage of
 " her,"

Thus supported by the assurances of Elizabeth, not only *not* to restore Mary if she was found guilty, as she had solemnly and unconditionally promised Mary she would do ; but even to keep under perpetual captivity in England, or to give up to her bloody and murderous enemies in Scotland, the very Queen whom she had solemnly promised to restore to her throne : and thus encouraged by the prejudgment, which had already been made by the original commissioners concerning the papers : Murray was now ready to come forward with them publicly. But he must previously enter a protestation, he thought. He entered one accordingly, on the 26th of November. In this, he asserted himself and his party to have given “ sufficient testimony to the world, how UNWILLING THEY HAD ALLWISE BEEN to twiche the King our Sovereigne Lord is moder in honour, or to publish unto strangeris matteris tending to her perpetual infamy.” He also averred, “ that RATHER *than spot her honestie with the society of that detestibill murder*, they were content to *wink* at the shrewd reports of the world, quha blaisoneit them for traitoris and rebellis.” The world, it seems, was composed of *blunt fellows, that would call a spade a spade*. But “ it had bene easy for them,” he said, “ to have wyped away thir [these] and the like objectionis with a few wordis, *gif* they would have UTTERIT

“ her,” actually terminated in ; the *benevolent* reader may see in a curious dispatch called out into notice by Mr. Tytler, 348—352. Edit. 3d,

“ matter,

"matter, QUIHLK THEY KEPT IN STORE FOR
 "THE LATER CAST." He even added, that
 they had so far "respect" for Mary, "zea fa
 "far, gif that with the *perpetual exile* of any *ane*
 "of them, or zit of a *number*, *they might redeme*
 "*hir honour*, without danger of the King their
 "Soveraign's persoun and haill state, *they wald*
 "*willingly banishe themself to that end.*" And
 for this reason, "before they enter farther in the
 "ground of this matter, WHICH TO THIS HOUR
 "THEY HAD FLED, they *protest solemnelie*, that
 "they have na delyte to see hir dishonourit, but
 "that they are thairto *enforcit* be hir awin pres-
 "sing, and their adversaries, quha compellis them
 "to UTTER that most odious matter, by
 "pressing them to cum to that answer, quihlk
 "they knew they had just caus to mak, and *will*
 "*mak in the end.*"* This protestation was a
 most extraordinary act of formality in Murray.
 An habitual hypocrisy frequently betrays itself,
 by exercising its powers when they are totally
 unnecessary, by a wanton display of its decep-
 tions, and by an impertinent affectation of scru-
 pulosity. This was strikingly the case here. A
 protestation of such a nature as this, so solemnly
 false, and *known to be so by the very persons to*
whom it was made, could have served no pur-
 pose whatever. It must even have hurt the cause,
 which it was intended to promote. It must have
 convinced the commissioners, that Murray and
 his friends were a set of abandoned wretches,

* Goodall, ii. 203—206.

who were ready to give the sanction of their solemnest assertions to the grossest falsehoods, and who were even so habituated to lying, as to lie confidently where truth would have answered as well. These very evidences, which Murray here so unnecessarily and *solemnly* affirms to have been “kept in store for the later cast,” and, “to this hour to have been fled” by him, had been communicated by him to his own privy council and his own parliament in the month of December before;* had been even acknowledged by himself in some private conversation with the Duke of Norfolk at York, to have been shewn in parliament, and “seen to many” there;† had actually been proclaimed to have been so, in such a public and formal book as his own STATUTES, printed the very April afterwards;‡ had been even communicated by him to Elizabeth, in the month of June succeeding; and had been at last communicated by him to the commissioners, in the month of October following. These had even drawn up a long account of them, and had even made large extracts from them, for the use of Elizabeth. And both had been laid before her privy council,§ even before the Lord Keeper Bacon, the Earl of Leicester, the Lord Admiral Clinton, and Sir William Cecil, among others. || The old commissioners at York, therefore, and four out of the five new commissioners, must have known the solemn protestation, at the moment it was put in, to be notoriously false.

* Goodall, ii. 64 and 67.

† Robertson, ii. 397.

‡ Goodall, Introd. i. 23.

§ Ibid, ii. 170.

|| Ibid. 179.

Murray also must know that the commissioners must. Yet he still presented it. There is a point of profligacy in the line of human impudence, at which the most disguised heart seems to lose all sensibility of shame, and the most designing mind seems to deprive itself of all possibility of cheating.

Murray had even made use of the same kind of protestation BEFORE, though not with the same formality of hypocrisy, when he put the letters into the hands of the commissioners at YORK. He and his partisans *then* too were “loothe to
“proceade so far as to charge the Kinge their
“Sovereigne’s mother, with suche things as
“*hitherto* they have been content rather to *hide*
“and *conceale*, than to publish and manifest to the
“worlde to her infamie and dishonour, in re-
“spect that she was the Kinge their Sovereigne’s
“mother.”* Yet they *did* “publish and mani-
“fest” to the commissioners the proofs of “her
“infamie and dishonour.” But they also made
the same sort of protestation BEFORE THIS, even
when they *first* produced the letters. “Revel-
“ing of the trewth,” they say in their privy
council, on the 4th of December, 1567, “and
“ground of the haill matter fra the beginning
“plainlie and uprichtlie, (in sa far as the mani-
“festation theirow maie tend to the dishonor or
“disestimation of the Quene) *they air maist laith*
“to entre in for that luif they beare unto hir
“person,—and for the reverence of his Majestie,

* Goodall, ii. 136.

“whais

“whais moder she is.”* And still they *did* enter into it. On the 4th of December, 1567, they were loth to make a disclosure of the letters, because of the infamy which it would throw upon the Queen. They make it, however, in privy council. They make it in parliament, a few days afterwards. But in the October following they take up the same cant of candour, as if they had done neither; and yet do it a third time. And then, in the November following, they take up the same cant again, as if they had never done at all what they had now done no less than three times before; and repeat it again for the fourth time. Never, never, I hope, for the honour of human nature, did hypocrisy before or since draw so long and so large a train of imposture after it, as it here does.

But Murray stood not alone in the infamy of lying, at this stage of the business. Elizabeth was his rival in this and in all flagitiousness. It is mournfully curious indeed to observe, what a ready recourse the generality of men and women have to lying. A lie is considered by them as a kind auxiliary, ever willing to come at the call, and to fight their battles for them. But women, I speak it with great respect for the sex, are ordinarily more apt to take refuge in lies than men. Bred up in some necessary habits of dissimulation; and urged by the sense of their weakness, to make up in cunning what they want in strength; they are certainly more prone to the

* Goodall, ii. 63.

little arts of evasion than men. Yet still the well-educated and the well-principled part of that sex, is to the full as much superior to these arts, as the same part of our own. And for bold and impudent untruths, for lies told with grave deliberation, vouched with cool confidence, and supported by the respect due to authority; for these daring flights of falsehood, their natural delicacy of temper, which keeps them from so many improprieties in life, keeps them also from this. Such flights are reserved for the stronger wings of men. They are too masculine exercises in profligacy, to suit even the profligate of woman-kind. Elizabeth, however, was profligate enough for them. She had the impudence of the worst of our sex, superadded to the evasiveness of the worst of her own. She therefore loved to try her strength, in this masculine exercise of profligacy. She peculiarly did so, on the present occasion. And at the commencement of the second conference, and on the 4th of December, she told the commissioners of Mary thus; Murray, immediately after his protestation, having adduced his charge of murder against Mary. * Concerning this charge from the party, she said, I cannot suffer Mary “to cum hier to my presence, *unto [until] the time I may understand,*” “HOW THAY WILL PRUIFF, and QUHAT THAY HAVE FOR THAME TO VERTFIE THEIR ANSWER;” and “thairfoir I will send for thame, and ENQUYRE THAME thairof; for I think it

* Goodall, ii. 206—207.

“verie reffonabill that,” &c. “but to de-
 “termine any time *before* I understand how
 “THAY WILL VERTFIE THAIR ALLEGATIOUN, I
 “am not as zit resolvit.” To this the commis-
 sioners answered. And Elizabeth replied thus :
 “for the MAIR satisfioun of HIRSELF, and for
 “thair mistres’s weill, she WALD KNOW QUHAT
 “THAY HAD to propone sic thing contrair [to]
 “thair Soverane, and HOW THAY MIGHT PRUIF
 “THE SAMIN.” *

The reader, who remembers the account that I have already given of the evidences against Mary, will be amazed at these declarations from the lips of Elizabeth. She had seen the letters in June preceding. She had received a long account of them, and large extracts from them, in October afterwards. She must therefore have known them thoroughly at present. Yet she now steps forward with all the confidence of truth, to tell the commissioners of Mary, That she does *not* know any thing concerning them. She does not yet understand, she affirms, *how* they mean to prove their preferred accusation, or *what* evidences they design to produce. This is such an absolute falsehood, told so deliberately, told so repeatedly, told so solemnly, that one wonders how the duplicity of *any* woman, or the effrontery of *any* man, even when united together, could ever be great enough to speak it.

* Goodall, ii. 222.

But the hardiness of lying in Elizabeth, appears much stronger from the consideration, that she so formally spoke this striking falsehood *in the presence of those very nobles who knew it to be false*. She spoke it in the presence of that very Duke of Norfolk, that very Earl of Suffex, and that very Sir Ralph Sadler, who had sent her the long account, and made the large extracts for her. She also spoke it in the presence of that very Lord Keeper, that very Lord Steward, that very Lord Admiral, that very Lord Chamberlain, and that very Earl of Leicester and Sir William Cecil, who were then the privy council attending upon her, and to whom she then communicated that account and those extracts.* In the hearing of all these, who all knew what she said to be false, *and whom she also knew to know it*, did Elizabeth assert this gross and palpable falsehood; assert it with the authority of majesty, assert it in the presence of her privy council, and assert it to the ambassadors of a crowned head. So exceedingly alike in artifice and in lying, were Elizabeth and Murray! So very difficult is it to say on the comparison, whether the *man* or the *woman* was the most impudent liar! And to such an astonishing height in the scale even of *vulgar* effrontery, did the spirits of them both very readily mount up, on the slightest occasion that offered!

But, on Murray's presenting his charge to the commissioners of Elizabeth, Mary's immediately

* Goodall, ii. 221, 179, 170, and 223.

required,

required, that their mistress should be permitted to come up to London from her confinement in the country, and to appear before Elizabeth, "hir haill nobilitie, and als [also] in presence of " the ambassadoars of forraign countries, for mair "trew declaratioun of hir innocence, and satisfactioun of the Quenis Majestie of this realme, "hir nobilitie, and all Christiane princes."* This was such a requisition, so proper, bold, and challenging, that justice could never refuse, and honour could never delay, to grant it. Yet Elizabeth delayed, and Elizabeth refused. She begged the interval of a day to consider of it. † She then would *not* grant of it. "Quhair ze "desire," she says, "that your Soverane seld "cum to my presence, it may not weil stand "with hir honour, nor zit with myne, that scho "should be travellit to com hier to my presence, "unto the time I may understand how thay will "pruiff," &c. ‡ She *already* knew how they meant to prove their charge. She had even seen their proofs. This, therefore, was only a pretence for a refusal. Yet, as Elizabeth adds, "I "think it verie ressonabill that scho suld be heard "in her awin caus, being so weightie; but to determine quhom befoir, quhen and quhair, ony "time *before* I understand how thay will verifie "their allegatioun, I am not as zit resolvit."§

* Goodall, ii. 217—218 and 220.

† Ibid. 221.

‡ Ibid. 221—222.

§ Ibid. 222.

Thus

Thus did Elizabeth still continue to found her denial of justice, upon the ground of a known falsehood. But she must have been particularly averse to the proposition, of hearing Mary in her own defence before all the nobility of England, and before all the ambassadors of foreign powers. Their presence would be an insurmountable bar to her designs. Nor did she even choose to hear Mary at all. She rather chose to keep her at a distance, while her *more honourable* rebels were allowed a free access to the court, to break down her spirits by confinement, to tarnish her reputation by invited charges, and to be at once her betrayer, her accuser, and her judge. Nothing less than this could have suited the purposes of Elizabeth. Yet even *she* could not *positively* refuse such a request. She owned it to be "a verie reffonabill" one.* She promised to grant it hereafter. But she *must first hear the evidences of the accusation against her*. Why must she? She *chose it*. "Stat pro ratione voluntas." Yet had she *not* heard them before? She certainly had. She had even *seen* them.

Did Elizabeth, however, hear Mary *afterwards* in her own defence, before the nobility and ambassadors? No! Did she *afterwards* hear her, before any selected number of her own obedient ministers in privy council? No! Did she *afterwards* hear her, before any other persons? No! *She never heard her at all*. When she was ac-

* Yet Mr. Hume, *more bigotted to Elizabeth's schemes than Elizabeth herself*, pronounces it *unreasonable*. Hist. v. 143. Edit. 1767.

cused, she would not admit her to her presence, *till* she had seen the evidences of the accusation, which indeed she had already seen before. And when she *had* seen them again, then, then Mary was *unworthy* to be admitted into her presence. This is such a strain of shuffling and deceit, as must amaze a man of honour to hear of. Yet it is very true. "As for her coming to his presence," Elizabeth *then* said, "considering at the first when she came into this realme, his Majesty could not fynd it THAN agreeable to her honor.—being defamed only by common report; *much less could she now think it either mete or honourable for him to come to his presence*, considering the multitude of matters and presumptions *now lately* produced against him, such as indede greved his Majesty to think of."* Elizabeth, on the 4th of December, thought it very reasonable, she should be heard in her own defence. Elizabeth, on the 16th of the same month, thought it very unreasonable. She had considered, that she would not admit her into her presence when she *first* came to England, and when she was accused only by common report. But she had forgotten, that even *then* Mary had been accused by much more than common report, even in form before Murray's privy council and Murray's parliament. She had also forgotten, that *since* her coming into England, even since she had been accused in form *again* before the commissioners, she had thought

* Goodall, ii. 264.

it very reasonable she should be admitted. And she now pretended to grieve over the evidences produced: when she had said after she had seen them, that she did not believe the accusation grounded upon them; and when she had peculiarly caused them to be produced, at present. *

This is such a frightful picture of hypocrisy, that it hurts my honest feelings, even to hold it up to the publick. It is so dreadfully finished

* Goodall, ii. 221, "I could never believe, nor yet will, that ever she did consent thairto." "Fenelon's dispatches," says Mr. Carte, iii. 477, "for some months are filled with the repeated professions of the Queen of England [Depeche Jan. 20] that *she did not believe any part of what was alleged against her good sister.*" Camden also says of Elizabeth, that "for the letters" &c. she "gave little credit to them, though there were between them a womanish emulation," &c. Transf. 117, Orig. 144—145. Melvill adds, that "she was glad of the Queen's dishonour, but in her mind *she detested the Regent and all his company, and would notice him no more,*" 97. And Crawford's Memoirs subjoin to the whole, that the calumnies "found but *little credit* with the Queen of England, or her commissioners," that particularly "she was too wise not to look upon him," Murray, "as the worst of men, who at once defamed his sister, his Queen, the mother of his Prince, and one whom in his conscience he could not but believe innocent," and that "indeed, as the effect of that reflection, *he met with no more than indifferent entertainment* at the court of England, and might have found "by experience, that though princes for interest may sometimes *love the treason,* yet they always *hate the traitor.*" (114—115.) It is curious to see Elizabeth, who knew all the plot so well, *intus et in cute novit*, openly avowing her disbelief in it; and succeeding times believing it all, from ignorance and from faction.

in every part, that we can see nothing but one uniform view of hypocrisy on every side. Every turn of countenance in the figures, every movement of the body in them, the whole of their drapery and disposition, all bespeak the foulest hypocrisy. Yet this is only the fore-ground of the piece. We have still more behind.

On Mary's commissioners requiring permission for Mary to come up and defend herself, Elizabeth thought it expedient to present another scene of equivocation to the world. "As for the Quene coming in person to her Majesty," she said,—*"she concluded it to be best for the said Quene, that the said accusers should be ROUNDLY CHARGED AND REPROVED HEREIN."** She meant, she added, "to charge the Earl of Murray, as reason was, and to REPREHEND AND IMPUGN THE ACCUSATION BY ALL GOOD MEANS, IN THE FAVOUR OF THE SAID QUENE OF SCOTTES."† So she promised. But how did she act? *Did* she "roundly charge and reprove" Murray and his accomplices? *Did* she "reprehend and impugn the accusation" which they had just produced? And *did* she exert "all good means in favour of the said Quene of Scottes?" Let the sequel tell, so truly characteristick of her general duplicity.

Three days after her promise, on the 7th of December,‡ the commissioners of Elizabeth

* Goodall, ii. 226.

† Ibid. 227.

‡ The date in *ibid.* 231, Dec. 6, is an error of the pen or press; as is plain from 227 and 235.

called Murray and his colleagues before them, and addressed them in these words: "My Lords, "the Quene's Majestie hath commanded us "to say unto you, that her Highness thinketh "[it] very much and very strange, that you "should accuse her [Mary] of so horrible a "cryme." * This was the substantial part of their chiding address. This was what Elizabeth pretended to call "a round charging "and reproof." This was what Elizabeth termed "a reprehending and impugning the "accusation by all good means." The promise and the performance are just as much alike, we see, as a storm in nature and a storm in the playhouse are.

But the commissioners did not end here. Her Majesty, they add, "therefore hath called "us to say unto you, that although you, in this "doing, have forgot your duties of allegiance "toward your soveraine, yet her Majestie meaneth "not to forget THE LOVE OF A GOOD SISTER, "AND OF A GOOD NEIGHBOUR AND FRIEND." † Elizabeth, then, is determined at last to discharge the duties of a good neighbour, a real friend, and a loving sister to Mary. She has strangely "paltered" with her promise indeed, in the reproof before. But she will *now* serve her. Yet how *does* she serve her? The very next words of the commissioners will shew the kindness intended. And the fact immediately subsequent will shew the kindness performed.

* Goodall, ii. 233.

† Ibid. *ibid*:

"What you are to answer to this," say the commissioners, "we are here ready to hear." But why was an answer expected? According to Elizabeth's promise, the rebels were to be sharply rebuked for their presumption in thinking to accuse Mary of murder. To this no answer was requisite. They *had* accused. This was their *offence*. For this they were to receive a severe reprimand. And the accusation was thus to be "impugned" by every honest exertion of friendship in Elizabeth. Yet, notwithstanding all this, the rebels are *called upon to answer*. They are called upon, IN ORDER to bring forward the concerted reply, and to conclude the whole in a manner directly the reverse of Elizabeth's seeming intentions.

Thus are the commissioners, with principles of honour all alive and active in the breasts of some of them, made to become mere *gentlemen-ushers* to her hypocrisy, and mere *running-footmen* to her revenge. Their souls must have been shocked with the employ. But they were obliged to submit to it. The bold barons, that had so often assaulted the throne even of our warlike monarchs, all crouched at the feet of this Henry the Eighth in petticoats. And they were mean enough to carry on an *evident* scheme of collusion betwixt her and Murray. They *therefore* gave the rebuke in such gentle terms, so contrary to what they themselves had some of them heard her promise.* They *therefore*

* Goodall, ii. 223.

called also upon the rebels to reply, when all reply was precluded by the *apparent* nature of the business. But the *real* was very different.

Murray accordingly came prepared for the latter. He knew the farcical operations, in which these mere shifters of the scenes to him and to her were now to be engaged. He heard them calmly. He replied. He expressed his sorrow for having offended Elizabeth by his accusation of Mary. But to "satisfie" her, he would—he would do what? He would retract the accusation, to be sure, for which he "found" Elizabeth, as he says himself, "to be *grievously offended*" with him.* And thus Elizabeth will at last have "impugned the accusation by all "good means, in favour of the said Queen of "Scots." This undoubtedly was the natural process in the business. But there was nothing *natural* in the whole. It was merely an *acted drama* from the beginning to the end of it. Murray, therefore, in order to "satisfy" Elizabeth for the "grievous offence" given, would *repeat* it, would *aggravate* it *highly*. He would *proceed to prove what he had charged*.

This was plainly the point, to which Elizabeth and Murray had been mutually tending by all these side-movements. Murray *had actually brought his proofs with him*. The commissioners *were actually ready to receive them*. They had indeed *called for them*, in calling for a reply to

* Goodall, ii. 234.

their rebuke. And thus the "round charge and reproof," which Elizabeth threatened to give Mary's accusers; the "reprehending and impugning the accusation by all good means in her favour," which Elizabeth promised to Mary's commissioners; and "the love of a good sister, and of a good neighbour and friend," which Elizabeth the moment before declared by her own commissioners, she "meant not to forget" to Mary; all terminated in making the accusation to be maintained against her, and in encouraging the evidences to be produced for it.

§ v.

ALL this was a very proper prelude to the second appearance of the letters. They appeared the next day. But what could be expected in fairness or in decency, as to the examination of them; from a woman so apparently hypocritical and base, as Elizabeth is here shewn to be by her own proceedings; and from men so apparently mean and servile, as the commissioners are equally shewn to be from theirs? The conduct of both we must naturally expect to proceed in the same strain. It cannot well exceed the other. And yet, I think, it did.

"This daye," say the commissioners on the 8th of December, "the Earle of Murray, according to the appoyntment yesterday, came to the Quene's Majestie's commissioners, saying, That as they had yesternight produced and shewed fundry wrytings," &c. "so for the further satisfaction, both of the Quene's Majestie and
"theyr

“ they lordships, they were ready to produce
“ and shew a great number of letters wrytten by
“ the said Quene, wherin, as they said, might
“ appear very evidently her inordinate love
“ towards the said Erle Bothwell, with sundry
“ other arguments of her guiltyness of the mur-
“ der of her husband. And so therupon they
“ produced severall wrytings wrytten in the like
“ Romain hand, as others her letters which were
“ shewed yesternight, and avowed by them to be
“ wrytten by the said Quene.”* This is the ac-
count, we must remember, given by the com-
missioners themselves, concerning their own pro-
ceedings. We cannot desire a better authority
for censuring them. And they cannot ask a
better testimony in their own vindication.

Yet what does their account say, for vindica-
tion or for censure? It says this. The com-
missioners at York, on the previous production
of the letters, had rested their authenticity on
the credit of the offered oaths of the producers.
The commissioners at Westminster were more
attentive to the rules of common sense and com-
mon honesty. They *compared them with other
writings*. They found them, on examination,
to be “ wrytten in the like Romain hand as
“ others which were shewed yesternight.” And
so far they acted with apparent justness. But
this was in appearance only. In reality they
acted as unjustly and as absurdly, as the commis-
sioners at York. Yet they conducted themselves

* Appendix, No. viii.

with more address. They were more cunning and more knavish. The addition of five to the former three, had given a strong predominancy to the spirit of Elizabeth and of villainy among them. The majority of the three were honest in intention, and were weak in practice. The majority of the eight were actually knaves in design, actually knaves in practice, but studiously courting the semblance of honesty. They therefore pretended to do, what the others had not done; and to examine the grand point on which the whole accusation rested, the hand-writing of the letters. But *how* did they examine it? In a manner that must have pronounced them to be IDIOTS, if we had not known them to be otherwise; in a manner that must pronounce them to be KNAVES, as we know them to have been men of sense. Like persons totally incompetent to the management of business, but in truth acting ministerially in a work of profligacy; they compared the letters produced, NOT with letters furnished by Mary's commissioners, NOT with letters even furnished by any indifferent persons, BUT with letters *presented by the producers themselves*. They collated them with "OTHERS HER
"LETTERS WHICH WERE SHEWED YESTER-
"NIGHT," (for "THEY had yesternight produced and shewed sundry wrytings") "and
"avowed by THEM to be wrytten by the said
"Quene." And they thus collated one forgery with another.

This is such an instance of imposition upon Mary and the world, as can scarcely be paralleled in all
the

the annals of knavery. Many, many instances of imposition, indeed, occur in the wretched history of our race. But we can hardly find one, in which the imposition was so gross, so formal, so important, and so clear. It was very gross, because it has not a shred of artifice to cover its ugly nakedness. It was very formal, because it was done by men, some of whom were of the first character in their country, and all of whom were bound by honour, and were tied down by oaths, to act uprightly in the business. It was very important, because no less than the reputation of a Queen, and the continuance of an usurpation, depended upon it. And it is very clear, because we have the fact related to us by the commissioners themselves, recorded to their shame in their own journal, and transmitted by their own hands to posterity, with everlasting infamy on their heads.*

* How fully does all this conduct shew, what Mary intimated afterwards in an intercepted letter to some of her partisans in Scotland! "The Quene of Ingland," she says, at the removal of the conference to Westminster, "namit *new* " *commissionaris* with thame that wer alreddie depute, in "nombre of the quhilk *the said tratour*," Cecil, "and "UTHERIS OF HIS FACTIOUN." Goodall, ii. 326.

CHAPTER III.

§ 1.

IT is very surprising, that at this distance of time we can trace the conduct of Elizabeth so particularly, through all the mazes and labyrinths of her cunning. No cotemporary historian has been kind enough to lend us a clue for them; though memory must have supplied a variety of incidents at the time, which would have thrown a strong light over the whole. But we are left to collect the general aspect of the transactions, from the very journals of the persons who are acting with so much artfulness. That spirit of deception, which put them upon acting with the artfulness, would equally put them upon modelling the accounts of their actions. It would naturally put them upon softening the harsher features, and upon lowering the more prominent parts, of their own iniquity. Accordingly we find the journal of the commissioners, to have been actually ALTERED and INTERLINED by the hand of Secretary CECIL himself, after it had been written by the clerks of the commission.* And we must therefore suppose the same hand to have been busy, where it is *not* visible; and to have fre-

* Goodall, ii. 223, 239, &c.

quently written the original journal, by the pens of the clerks themselves.*

Surrounded as we thus are by artifice and imposture on every side, if in our progress we should meet with any account, that gives a look of fairness and justice to Elizabeth, we cannot but suspect it of being sophisticated in this manner. We cannot but think, that the secretary has been at work again; has suppressed some circumstance, which would have lent a different appearance to the whole; or has mentioned some with a variation from the truth, which casts a different air over it. With such conduct preceding, as we have just seen in Elizabeth, we have no right to expect any fairness or justice from her. With such conduct succeeding, as we shall soon see in Elizabeth, we have no reason to believe any thing but unfairness and injustice to have come between. Sudden conversions may suit the short and desultory progress of a novel or a play. But they are little compatible with the slow and regular operations of the human mind. And relapses, as sudden as the conversions, plainly prove the latter to have been nothing at all.

* To such an account as this are we now come. For Elizabeth, wanting to veil over the shameless management of her own commissioners, even acting under her own influence, ordered a recollation of the letters; and a re-collation, not

* Accordingly, Mary says, in Goodall, ii. 326, that Cecil "dois all thair draughtis."

before the commissioners, but before the privy council. This was by implication a strong censure upon the commissioners. It intimated in a very striking manner, that they had not done justice in *their* collation, that they had done what required to be re-done, and that they had done what wanted to be covered and disguised by a subsequent act of a privy council. The latter was therefore to intrude violently into a business, with which they had no concern. It was all delegated to the commissioners before. It had been executed by them in the main part of it. Yet this very part was the privy council now to take to itself. It was to supercede the whole delegation for a time. And it was to execute the main part again. But all the wheels in the machine of Elizabeth's government, moved on in perfect harmony. The grand master-wheel in herself regulated all their motions. And this very council consisted of the eight commissioners themselves, and others.* Some of the commissioners most probably, as we know some of them to have been of honour; and the Duke of Norfolk pretty certainly, as one of them;† had begun to express their disgust at the infamous collation before, which had been managed by a junto of Elizabeth's more staunch partisans among them, and so forced upon the rest. The apparent knavery of it must naturally have excited their resentment. They began probably to consider themselves in their true light, as

* Goodall, ii. 252 and 254.

† Robertson, ii. 398.

employed

employed in doing dirty work for the Queen, as mere *scavengers* and *nightmen* to Elizabeth. And to remove this rising ill-humour, I suppose, it was resolved to act the farce of hypocrisy over again, and to act it in a more artful manner. The re-collation of the letters seems to imply this. The re-appearance of the commissioners in the council, seems to confirm the implication. The Duke of Norfolk, we know, had early seen into the flagitious designs of Elizabeth. He had also received secret intelligence from Lethington at York, that the Queen's hand HAD BEEN FREQUENTLY COUNTERFEITED BY HIMSELF as her secretary. This was a confession sufficient of itself. From this, and from the others, he had been long apprehensive of the danger of his situation; of the danger to his honour and conscience, if he should agree to condemn the innocent Queen; and of the danger to his happiness in this world, if he should struggle to acquit her, and so provoke what he was sure to incur, the cursed and implacable spirit of Elizabeth for it. And Elizabeth herself, who had been marking his conduct with a jealous eye, ever since he frustrated her designs upon him at York; and who had seen him since inclining, at times, to the side of Mary and of conscience; half-angrily exclaimed upon some fresh inclination of his at this period, "That the Queen of Scots would never want an advocate, "as long as Norfolk lived."*

It

* Crawford, 105—106, and 114; and Camden's *Annals*,

It was accordingly determined in a previous council, at which all the commissioners were present and five others,* on the 13th of December, that six of the principal nobility should be summoned to take their seats at the board the next day; that the commissioners should then lay before them "the whole proceedings in the conference at Westminster—and that also the originall lettres and wrytyngs exhibited by the Regent, as the Quene of Scotts lettres and wrytings, should also be shewed, and conference thereof made in their sight with the lettres of the said Quene's, being extant, and heretofore wryten with her own hand, and sent to the Quene's Majesty; wherby may be serched and examyned what difference is betwixt the samyn." This seems fair. But we know Elizabeth too well, to trust the fairness of her appearance. We have already seen her too artful not to be suspected, too false not to be disbelieved, and too dishonest not to be still thought knavish.

We even see her so here. This very council, which was only doing (we may be sure) what she had determined they should do, resolved for her to tell the commissioners of Mary this capital falsehood; "That she had caused the Erle of Murray and his company to be STREIGHTLY and SHARPLY reprovved and rebuked for ther

116—117, and 118 of the Translation, and 143, 144, and 145 of the Original.

* Goodall, ii. 252.

“audacious and unloyall accusatioun of the
 “Quene to whom they were natyve subjects, in
 “SUCH LARGE SORT, AS A MORE ERNEST AND
 “SHARPER REPROOF COULD NOT BE DEvised
 “IN MORE CONVENIENT WORDS.”* This the
 reader knows to be a most glaring untruth.
 The reproof consisted of these words, that Eliza-
 beth thought it “very much and very strange”
 they should accuse Mary. This was substan-
 tially all. Yet this is asserted by the council
 to have been, and is recommended to be
 asserted by the Queen herself, “a streight and
 “sharp rebuke.” It is even averred by the
 council, and even recommended to be averred by
 the Queen herself, to have been a rebuke “in
 “such large sort, as a more earnest and sharper
 “could not be devised in convenient words.”
 The reproof is a clear evidence of the collusive
 spirit of Elizabeth. This account of the re-
 proof is a full demonstration of the high effron-
 tery, with which the collusion was carried on.
 And, with such effrontery of falsehood in this
 privy council, what justice, what fairness can
 be expected in the re-collation of the letters?

But the other council met the next day. It
 consisted of all the members of the council held
 the day before, and six additional members, all
 earls. *Elizabeth also was now present.* The
 proceedings of the commissioners at York, as
 well as at Westminster, were summarily declared
 for the information of the earls. And another

* Goodall, ii. 257.

falsehood of a capital nature was sanctioned by the rest. "There was briefly shewed unto them," says the journal, "how the Quene of Scotts commissioners first accused the Erle of Murray and his colleagues,—and how they did therto make answer,—WITHOUT ANY SPECIAL DEPRAVING OR CALUMINATING THE HONOUR OF THE QUENE, and, next therto, the replication of the other party: and furder was declared, how herupon the same treaty and conference upon reasonable causes was removed to Westminster; and how the Erle of Murray and his colleagues, —*after protestation made*, were *unwilling to pro-*cede any furder to touch the name and honor of the Quene, if their adversaries had not preferred them with lack of loyalty; for remedy whereof they produced" their accusation.*

From this account of the conference at York, and from the former of that at Westminster, it seems impossible for Elizabeth's managers to speak the truth in a point of any consequence, even for a single moment. The new members were all unacquainted with either, except from report. They were to be informed concerning both, by the relation of one of the commissioners in each. But the relator of each thought it requisite to prevaricate, in his narrative of the facts. And the same spirit of imposition appears to have predominated in the latter council, as in the former. The whole very material fact, concerning the communication of the letters to the commissioners at York, is totally omitted. It is not

* Goodall, ii. 255—256.

only omitted, but denied. It is all denied. Murray and his friends made answer, says the narrator, "without any special depraving or calumniating the honour of the Quene." And, as he adds afterwards on the conference being removed to Westminster, "after protestation made" they "were unwilling to procede any further to touch the name and honor of the Quene, if their adversaries had not pressed them with lack of loyalty; for remedy whereof they *produced*" their accusation.

They are thus represented by the verbal historian of the conference, as never *producing* any accusation against Mary, much less *producing* any evidences for it, before they *produced* them at Westminster. Thus all exhibition of the letters before is denied, as we have previously seen it repeatedly denied by Elizabeth herself. We must therefore go back once more to the conference at York, as stated by the commissioners themselves. In their very first dispatch to Elizabeth, they say thus of Murray and his friends: "As we perceive be their *talk* at large, they *mean* to make it evident unto us, that whatsoever they have done against the Quene, they have proceeded therein upon good grounds, such as some of them—do saye, they are most sorre that it is now come to that point, that they *must needs declare and make manifest to the world*, or else be accounted notorious rebels."* So plainly did they intimate their intentions at the very first meeting in York, of

* Goodall, i. 114.