

charging the Queen with murder! And that the commissioners thoroughly understood the scope and aim of their intimations, is apparent from a dispatch of the same date with the former, written by one of them to Cecil, and speaking in these terms. "In my opinion," says the Duke of Norfolk to him, "the matter, I feare, WILL  
 "FALLE OWTE VERIE FOWLE, yff all be true  
 "that they beare stedfastlye affirm."\* But, three days afterward, Murray put these very questions in writing to the commissioners: "I. We desire  
 "to be resolvit, quhether ye haif commissioun—  
 "to pronounce in THE CAUSE OF THE MURTHER,  
 "giltie or not giltie—: III.—In caise SHE be  
 "found guilty, we desire to be resolvit befoirhand,  
 "quhether the QUENE fall be deliverit in our  
 "hands," &c. "IV. In cais SHE be found giltie,  
 "we desire," &c.† Here Murray opens his intentions of charging her with murder, in the most public and formal manner. Yet he opened it still more fully, in his speech to the commissioners at presenting these questions; when he declared, as the commissioners themselves tell us, that he and his friends "durste in no wise  
 "proceade to the accusation of the King their  
 "Sovereigne's mother in THE CAUSE OF THE MUR-  
 "DER, before they weare resolved in theis arti-  
 "cles."‡ And, two days after this, the commissioners farther tell us in their remarkable dispatch of October the 11th, That "the Erle of Murray  
 "and his colleagues have put in their answeare,"  
 "[in the morning]" of that day, says the jour-

\* Goodall, ii. 117.

† Ibid. 130.

‡ Ibid. 137.

nal], "the copie of which answere we send  
 "herewith to your Majestie; and albeit they  
 "have in the same touched nothing plainlie in  
 "THE CAUSE OF THE MURDER, whereupon they  
 "staye and suspend their proceadings, untill they  
 "may be resolved in their articles proponed  
 "unto us, which we sent in our last letters to  
 "your Majestie, yet the said Erle" ["in the  
 "afternoone" of that day, says the journal]  
 "hath bene content privatlie to shew us such  
 "MATTEIR AS THEY HAVE TO CONDEMPNE THE  
 "QUENE OF SCOTTES OF THE MURDER OF HER  
 "HUSBAND."\* From this account it appears,  
 that the rebels had told the commissioners at their  
 very first meeting, of their design to charge Mary  
 with murder; that they had openly avowed their  
 design, in a formal paper of questions to them  
 afterwards; that they had opened it still more, in  
 a verbal address to them when they presented the  
 said paper; and that therefore the commissioners  
 had expected the charge from them, in their reply  
 to Mary's accusation; that in the opinion of the  
 commissioners it was intimated, though not *plainly*,  
 in their said reply; that a clear and direct charge  
 of murder against her was only *staid* and *suspended*,  
 till they could receive an answer to some ques-  
 tions from Elizabeth; and that, in the mean  
 time, they actually laid *all their proofs of the*  
*murder* before the commissioners. So little did  
 they proceed till the conference at Westminster,  
 "without any special depraving or calumniating  
 "the honour of the Quene." All this very ac-

\* Goodall, ii. 139—140.

count, also, the commissioners sent to Elizabeth. They even sent her, in the last dispatch, a long description of the criminating letters. They even sent her a large abstract of them. They even sent her many extracts from them.\* And she even laid all these papers before her privy council.† Yet, now, some new members of the council, the representatives (as it were) of all the nobility upon this occasion, are told, That no such things had happened.

Who the teller of either of these falsehoods was, of that concerning the conference at Westminster, or of this concerning the conference at York, does not appear. Most probably it was Sir Ralph Sadler for the latter, and Sir William Cecil for the former. Both appear to have spoken what they knew to be absolutely false. Nor can any excuse be made for Sir Ralph, from the circumstance of the letters being *privately* communicated to the commissioners. I have already shewn, that the accusers had spoken so openly of their accusation in conversation with the commissioners, and even in a paper of questions presented to them, and even in a personal address to them, as to make the commissioners expect it on the 11th of October; that it would *then* have been produced, if a difficulty had not occurred; that it was to be produced as soon as Elizabeth's answer came to York; and that the proofs and evidences of it were in the mean time laid before the commissioners. There was a *little* delay

\* Goodall, ii. 150—153.

† Ibid. 170.

therefore.

therefore to the *formal* production of the charge and the letters ; but they were both produced in *fact*. The letters particularly, on which the whole rested and balanced, were submitted to the full inspection of the commissioners. They thought it requisite for them *as commissioners*, to make a *public* dispatch concerning them, and to transmit a description of them, an abstract of them, and even extracts from them, to *Elizabeth*. And Elizabeth thought it equally requisite for her to lay them all, as *public* papers, before her *privy council*.

But it is very observable, that this falsehood concerning the business at York, and the other concerning the business at Westminster, were both told in presence of several persons, *who all knew* the teller *at the time* to be suppressing a grand fact, to be denying a grand truth, and to be delivering a grand lie. So very like were Elizabeth, Elizabeth's counsellors, and Elizabeth's commissioners, in the habit of audacious lying ! Thus, when the *first* council was informed by Sir William Cecil or any other person, concerning the reproof given by the commissioners to Murray and his partisans ; all the other commissioners were present. They were well acquainted with the nature of that reproof. They had delivered it themselves. They had made it to be recorded on their journals. And they knew it to be a very gentle one. Yet they suffered it to be represented to the rest of the council, as a "streight and a sharp" one. They suffered a minute of it, as such, to be entered on the books



of the privy council. They even consented to suggest a speech to her Majesty, formally vouching it to be such. And they even agreed to pronounce themselves, and to make Elizabeth pronounce, one of the mildest reprehensions that could well be given, to be "in so large a sort, " as a more earnest and sharper reproof could not " be devised in convenient words." Just so, when Sir Ralph Sadler, or some other informed the *second* council, that Murray had made no " special depraving or calumniating the honour " of the Quene," before the conference at Westminster; the members present were he and the other two commissioners at York, the Duke of Norfolk, and the Earl of Suffex. These very persons had known of the intended charge from the rebels themselves. These very persons had known the charge to be intimated (as intimated it undoubtedly is), though not plainly, in the answer of the rebels. These very persons had known the positive charge to be only delayed, in expectation of a letter from Elizabeth. And these very persons had seen the letters which were to substantiate it, had sent a long account of them to Elizabeth, and had even been influenced by them to believe the guilt of Mary in the murder. Yet they now permit a narrative of their proceedings to be given before them, and to be recorded on the books of the privy council, that omitted and denied all this; that stated no " special depraving or calumniating the honour of the Quene," to have taken place before them at all; and that affirmed the first production of the charge to have been long afterwards at Westminster. To this all the old members

members of the council equally agree; though *they* had sat in that very council-chamber, upon the dispatches of the commissioners concerning the letters. To this also Elizabeth agrees, sitting as she was in her chair at the head of the council-table; though she herself had received the letters, though she herself had communicated the letters to her council, and though she herself had deliberated upon the letters with them. Such a wonderful confederacy appears among them all, in the act of falsifying! With such an amazing congruity do the head and the members unite together! And such an astonishing ascendancy does the head appear to have had over the members, that what she wills they will; that truth comes recommended to them, only by her adopting it; and that observed equivocations, known prevarications, and positive falsities, are all implicitly entertained by them at her beck.

From these facts, drawn as they are out of Elizabeth's own journals, and from journals too, either altered and interlined or written originally by Cecil himself; we may be very certain, that the re-collation of the letters, agreed to in the first council and performed in the second, was only a continuation of the same system of imposition, which we have found so uniformly pursued hitherto, and which we shall see so invariably prosecuted afterwards. The council however met. The letters were produced. And the collation took place. "There were produced," says Cecil in his own altered and interlined journal of the council, "undry letters, supposed

“ supposed to be written by the Quene of Scots  
 “ own hand to the Erle Bothwell; of which let-  
 “ tres the originals, supposed to be written with  
 “ the Quene of Scots own hand, were then also  
 “ presentlie produced and perused; and, being  
 “ read, were duly conferred and compared, for  
 “ the manner of writing and fashon of orthogra-  
 “ phy, with sundry other lettres long since here-  
 “ tofore written and sent by the said Quene of  
 “ Scotts to the Quene’s Majesty:”\* or, as the  
 council before described them, “ with the lettres  
 “ of the said Quene’s, being extant, and hereto-  
 “ fore wrytten with hir own hand, and sent to the  
 “ Quene’s Majesty.” †

The letters had been authenticated at their  
 first appearance before the commissioners in  
 York, by the force of affirmations and by the  
 offer of oaths. At their second appearance be-  
 fore the commissioners in Westminster, they had  
 been authenticated by the written asseverations  
 of the producers, ‡ and by the collations of them  
 with letters *presented by the producers themselves*.  
 And they are now to be authenticated pretty  
 nearly in the same manner. They are now col-  
 lated with letters, NOT indubitably originals  
 themselves, and *therefore* proper to be standards  
 of collation to the others. But they are collated  
 with letters, *that require to be previously collated*.  
 They are collated with letters furnished—*by*  
*whom?* Not, indeed, as before, by the producers  
 of the letters; *but—by their confidante and asso-*

\* Goodall, ii. 256.

† Ibid. ii. 252.

‡ Ibid. ii. 92.

*ciate in the business*, even by—ELIZABETH herself. This is obviously a stroke of *legerdemain*, like the other. It is only a more artful stroke. It is obviously a shade of the same darkness of machination. It is only a lighter shade. And it was obviously made to succeed the other, *because* it was more artful and more light.

Murray's letters were compared with some of Elizabeth's. These are said to have been written with Mary's own hand, and sent by Mary to her. But who *witnessed to the hand of Mary*? NO ONE! Who *witnessed to the sending of them by Mary*? NO ONE! We must take both upon the authority of Elizabeth and her privy council. But *can* we do so, upon any principle of propriety? We certainly cannot. We cannot suffer either the privy council, or their president Elizabeth, to become at once witnesses and judges. This would be confounding capacities, that should for ever be kept distinct; and opening wide the flood-gates of iniquity upon every accused person. But, even if we could do this, yet can we admit the testimony of either? Or, to speak more precisely, as the whole centers in Elizabeth herself at last, she being the grand center of gravity to all this political system; can we admit *her* evidence upon the point? We assuredly cannot. We have already seen her so deceitful and so audacious, in all the proceedings hitherto; that we cannot, in common justice to Mary, lay any stress upon her evidence. We shall also see her hereafter so elusive and so shameless, that in common candour to ourselves,

we cannot but reject her testimony with disdain. We have already convicted her of so many forfeitures of honour, and so many violations of truth, as must operate with regard to her, just as the whipping-post and the pillory do with vulgar offenders, and incapacitate her for being an evidence for ever.

Even if we could allow Elizabeth to be at once a witness and a judge; and even if we could give her such a credit for probity, as would make her a competent witness; yet we certainly can not admit her to testify to facts, which it was absolutely impossible for her to know. She could not possibly know, that Mary wrote the produced letters to her. She did not see her write them. She never saw her write at all. Nor could she possibly know, that Mary sent them. She was not present when they were sent. She did not pretend to be so. And she did not pretend to produce any one, who saw them sent, who saw them written, or who had ever seen any thing written by Mary.

All her evidence then, and all the evidence of her privy council, which is only hers at second hand, cannot weigh as a single atom of dust in the balance of reason. Common sense, indeed, recoils at the production of such evidence. It considers the cause as a scandalous one, which is by such evidence to be supported. And it looks upon Elizabeth, it looks upon her creatures in the privy council, as evidently betraying themselves by their conduct, to be the knavish patrons of a knavish cause.

Elizabeth

Elizabeth was too plainly a confederate with Murray, not to be capable of any collusion for him. This has been already shewn. But it may be shewn additionally, from a slight intimation in the journal of this very council. Murray and his friends, it is there said, "after protestation made, were unwilling to procede any furer to touch the name and honour of the Quene, if their adversaries had not pressed them with lack of loyalty; for remedy whereof they produced" their accusation.\* This was the very excuse and apology made by Murray himself; he declaring in the very protestation, that he and his "cum not willingly to hir accusation of so odious a cryme, but are thairto enforcit be hir awin pressing, and thair adversaries."† And all this is absolutely false, as I have repeatedly shewn. Yet Elizabeth was as ready to adopt *his* falsehoods, as she was to manage her own. She could take up, what she knew to be an hypocritical lie in him. She could repeat it with the same assurance of hypocrisy, because it was his. And she could thus be content to reduce herself to the lowest situation in the profligacy of falsehoods, to become the echoer of hypocrisy, the abetter of a lie, and a mere train-bearer to this falsifying Scotchman.

In this debasing spirit of Elizabeth, she seems to have taken some known forgeries of Mary's hand, to have presented them for genuine letters of Mary's composition, and to have

\* Goodall, ii. 255—256.

† Ibid. 205.



collated Murray's with them. That she was capable of this, no one can doubt, who has seen the preceding account, or who shall see the account following. Her commissioners, though some of them men of honour, yet wrought upon by her pervading influence, only a few days before had actually done, what was as bad in reality, and even worse in appearance. They had collated Murray's asserted originals with Murray's affirmed originals. And as the very channel, by which the latter were conveyed to the commissioners, carried a strong taint with it; the natural recourse was to forgeries, *not* conveyed by Murray, *but* communicated by Elizabeth.

Yet how shall Elizabeth procure them? The same hand, which had fabricated the first set of Murray's originals, fabricated also the second. Yet *these* could not be the letters produced by Elizabeth upon the present occasion. I do not suppose indeed, that she would have been either afraid or ashamed of re-producing the letters as her own to the council, which had been previously produced by Murray to the commissioners. She would rather have gloried in the fine dexterity of her management, which had ordered a new collation to be made, and yet collated them with the same papers. But Elizabeth's originals were *addressed to Elizabeth*, which Murray's could not be. And Elizabeth must have derived them from another quarter. A memorial, that was presented to Elizabeth by one of Mary's commissioners, points out to us  
a quarter



a quarter from which they might easily be derived. "My mistress does affirm constantly," says the commissioner, "she never did write any sic letters as are alledgit, but the samin are forgit and maid expreslie be hir adversaries, to color thair ungrate and ungodly behaviour toward hir, their native prince and soverane: as their are *sindrie quba can counterfiet hir band-writ*, quha have been brocht up in hir company, OF QUHOM THAIR ARE SUM ASSIST- AND THEMSELVIS, as weill of other natiounis as of Scottis; as I doubt not bot ZOUR MAJESTIE, and divers uthers of zour Hienes's court, HAS SENE SINDRIE LETTERIS SENT HERE FROM SCOTLAND, quhilk wald not be kend [from them] by her own handwrit."\* This memorial is dated the 17th† of December, nine days after the production of the letters, and *three* after the pretended collation of them in council. It asserts many counterfeit letters of Mary's to have been well known to have existed formerly. It appeals for this fact to the recollection of Elizabeth herself, and of many in her court. And it avers some of Murray's own accomplices to have counterfeited some of these letters; as Lethington had ingenuously confessed to the Duke of Norfolk at York, that he himself had actually counterfeited some of these or of others;‡ and as this his confession had been divulged by the

\* Goodall, ii. 388—389.

† Ibid. 392, and *Errata* prefixed to vol. i.

‡ Camden's *Annals*, 116 Translation, and 143—144 Original.

Duke, and was now become known unto many.\* Yet, notwithstanding such a well-known fact, such a decisive confession, and such an open publication of it, the commissioners of Elizabeth had collated Murray's criminating letters with some other letters of Murray's. They had thus enabled those very accomplices of his, who are here charged by Mary's commissioner with having forged letters in her name, and one of whom had actually acknowledged the charge before, to obtrude their own notorious forgeries upon them for genuine writings. And when Elizabeth afterwards ordered another collation to be made by her council and in her presence, she had probably done *what this very memorial perhaps intended to intimate she had done*. She had formerly received letters from Scotland in the name of Mary, which were afterwards found not to be written by her, and yet were in imitation of her writing. Elizabeth, therefore, had nothing to do at present, but to search out these in her repository of papers, to bring them forward as true originals, and then to apply them as tests of the authenticity of the others. They had been known indeed to be spurious before; but this was all forgotten probably. They had been "long since heretofore wrytten and sent." And whether it was or was not forgotten, who would be there to *identify* them? Who indeed would *examine* them at all? Who would presume to *shew any doubt* at all, concerning papers pro-

\* Crawford, 114, "her—hand, 'twas notoriously known, "Lethingtone, by his own confession, had often counterfeited." duced

duced by Elizabeth as originals, vouched to be so by her own presence at their production, and produced merely for the collation of others with them? No one *would*. No one *did*. That Elizabeth's letters were genuine, was taken for granted. Not a hint, not the slightest hint, is given in the journal, of any attempt made, or even of any wish breathed, for measuring the standard and for trying the test itself, before they proceeded to apply it to the points before them.

Yet this *must have been done*, if suppositious letters had *not* been used by Elizabeth. *She* would have called the attention of her council to an examination of her own papers, before she proceeded to Murray's. *She* would have considered of some previous mode of assaying their quality, before she would suffer her council to consider them as sterling. The production of letters under Mary's hand, by men who wanted to vindicate their rebellion against her, to sanction their seizure of her person, and to confirm their usurpation of her crown, would naturally have given a strong edge of suspiciousness to the minds of all, and have made the Queen and her ministers peculiarly cautious in their choice of papers for collating them. Nothing would have been accepted as true and authentick itself, but what had undergone a strict inquisition first. And *then* Murray's papers would have been compared with *authenticated* originals. But this would not comport with the flagitious purposes of Elizabeth. To collate the letters with any

" VOL. I. I others

others than counterfeits like themselves, it is plain from the past, and it will be equally plain from the future, would never be permitted by Elizabeth, and could never be endured by Murray. They had already been collated with counterfeits, which Murray himself supplied. And to collate them with counterfeits which had *not* been supplied by Murray, and would *not* be examined themselves, was naturally the next step in artful profligacy.

But had Elizabeth never acted flagitiously before, and did she never act flagitiously afterwards; had she always acted with honour before, and was she always to act with honour afterwards; or even had she relented in her mean pursuits, given up all her artifice, and been content to come down to the noble simplicities of probity; or even had she relented only for a season, have then relapsed into all her former sins of dissimulation, and so have been honest only for the momentary interval between the preceding and the subsequent villanies: yet she must have behaved very differently from what she did. She must necessarily have sent for THE COMMISSIONERS OF MARY, have told them of Murray's letters, AND HAVE REQUIRED FROM THEM SOME OF MARY'S FOR THE COLLATION. This would have been the *least* that she could do. This *at least* she would have done. She would thus have retained the power of collating in her own hands. Mary's commissioners could not possibly have imposed upon her. She might have called for paper after paper from them, in order to  
I examine

examine one by the other, and to compare Murray's with all. She might even have written to Mary herself, and sent one of her own commissioners and one of Mary's to see her write her answer. She might even have called for some of the publick records of the kingdom, that had received the signature of Mary to them a few years before. And she might even have procured letters of hers, which had been equally written a few years before to her relations in France, to the French, to the Spanish, or to the Papal courts. Almost *any* of these modes of acting must have been sufficient for the business. All of them together must have thrown the light of the noon-day sun over the whole. And all or any would undoubtedly have been used, if Elizabeth had meant to act honestly, even for a single moment.

But she had no such design. She therefore took a very different route. She called upon no foreign courts for Mary's letters. She called for no domestick records subscribed by her. She solicited no letter from her herself, to be written in the presence of commissioners. And she required no letters of Mary's from her old commissioners in London. She thought it better to supply the want of all, with letters produced by herself, with letters vouched by herself; to supersede all inquiry into *them*, by leading directly to a collation of the others; upon an acknowledged similarity, to pronounce them both to be authentic; hastily to withdraw them both, when the hasty work was done; and then to record this

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inqui-

inquisitorial mockery of justice in the journals of the privy council, as a full and perfect examination.

§ 11.

WHEN Murray produced his false credentials at York, they were *speedily* returned to him. Yet being *privately* exhibited to Elizabeth's commissioners, and therefore in no danger of being shewn to Mary's; they were left long enough in the hands of the former, to be described, abstracted, and even copied in parts, by them. But, when they were re-produced at Westminster, a different form of procedure was followed by Murray. They were *publicly* produced then. They were therefore returned *immediately*. We have a minute of the whole in the journal of the commissioners. And it carries all the marks of the shuffling trepidation of a villain, fearful of being detected in his villainous operations. The letters, says the journal, "being *copied*, were read, and a due collation made thereof, as neere as could be, by reading and inspection, and made to accord with the ORIGINALS, which the SAID EARL OF MURRAY REQUIRED TO BE RE-DELIVERED, and did therupon *deliver* the COPIES being collationed."\* He exhibited the originals. He exhibited also copies of them. He had taken care to bring copies with him, because he meant to leave copies only. He induced the board of commissioners to comply with

\* Appendix, No. viii.



his wishes. They proceeded instantly to collate his copies with his originals. This done, Murray demanded back his originals, received them, and then delivered up his copies. And thus the originals were *just shewn and withdrawn*.

This certainly has all the aspect of an *bocus-pocus* trick of dishonesty. It certainly was one in itself. It was indeed so much one, that we should be perfectly astonished at the ready submission of the commissioners to it; if we had not already seen them cowering with such vicious humility before, under the heavy hand of Elizabeth; and if we did not recollect, that this was the very trick, which Murray about five months before expressly required Elizabeth to play by her commissioners. "Sen our servant Mr. Jhone Wode hes the copies of the samin letteris,"—he says, "we wald ernelstlie desyre—that—the juges may resolve us this far, IN CAIS THE PRINCIPAL AGRIE WITH THE COPIE, that *then* WE PRUIF THE CAUS INDEED."\* This accounts for the whole. This shews the influence, that drew them out of the course which they should otherwise have pursued; and made them move in such an irregular and eccentric manner. In common justice to the accused Queen, in common justice to their own characters, in common justice to their own feelings, they should have required the evidences, on which the accusation was grounded, to be left in the possession of the court. They should then have examined

\* Appendix, No. iii.



them with the nicest care themselves. They should have collated them again and again with authenticated originals. Such a hasty collation of them as they made with Murray's pretended originals, *even if these had been real*, could never have been satisfactory. A comparison of papers, in order to ascertain the genuineness or the spuriousness of a handwriting, demands a long and painful attention. It is the slow work of hours and of days. And if it is to be done in company, like the business of a commission, it will necessarily proceed with a still slower pace. The commissioners of Mary should also have had free access to them, should have been allowed to collate them day after day with their own originals, and should have been permitted to transcribe them from end to end.—But the forgeries would not bear the inspection. They would soon have been detected by it. They could only bear to be shewn, to be collated with *Murray's own standards*, and then to be instantly withdrawn.

They were a few days afterwards exhibited again to the privy council. Who exhibited them, the journal does not tell us; or who received them back again. Murray was not present in the council. But he was attending, no doubt, in one of the rooms adjoining. There he put them into the hand of Cecil probably. There he probably received them back from Cecil. They had now been collated with *Elizabeth's own standards*, which were equally authentic with Murray's, as she was equally with him in the conspiracy

conspiracy against Mary; and then withdrawn instantly again. We are certain, that they were equally as before returned to Murray. And we actually find him afterwards in Scotland, retaining them in his own possession to the day of his death.\*

Mary was thus cut off from all possibility of inspecting the originals, and of exposing the spuriousness by detecting the handwriting of them. She was reduced to the situation of a warrior in an Indian ambuscade. She could be wounded at will by her foes. Yet she could not return the wounds. *She could not see her enemy.* And she might therefore, with the utmost propriety of sentiment, and with more than the original sublimity of courage, have said with Ajax in the Iliad,

Give me but light, and Ajax asks no more.

But, then, this very situation is an ample vindication in itself. Had she been *guilty*, had she *in the slightest degree* been accessory to the crime charged upon her, had there been even a *fair probability* of proving her guilty of the charge, in spite of her innocence; her enemies would have acted in a very different manner. No ambuscade would they have laid for her. They would never have skulked behind the bushes, and wounded her with invisible shafts. They would have come forward into view. They would have engaged in open fight with her. They

\* Appendix, No. iv.

would have produced the originals, with pretended regret and with real triumph. They would have lodged them with the commissioners at York. They would have lodged them with the commissioners at Westminster. They would have compelled both, to collate them carefully with private and with public, with foreign and with domestic, writings of Mary's. Her commissioners would also have *been called upon* to inspect them, would have been *urged* to compare them, would have been *challenged* to disprove them. Mary herself would have been brought up from her confinement in the country, as she frequently requested to be; have been suffered to enjoy *the freest access* to them; have been allowed to make *every* objection to them; and have been heard with all the patience of candour, for *days* and for *weeks*, in her attempts to invalidate their authority. Such *must* have been the demeanour of Murray the producer, and of Elizabeth the receiver, of the letters; if they had thought her *guilty*, if they had thought her *probably* so, if they had thought her so *in appearance only*. And a conduct, totally the reverse of all this, proves what they never reflected it would prove, the falsehood of their own pretences, the profligacy of their own conduct, and the purity of hers. Knaves little think, when they are exerting their arts of imposition, and exhausting their fund of deceit, for the prosecution and concealment of their scandalous purposes; that they are telling  
the

the world they are scandalous, by their very concealment.

Unapprehensive of such future obstructions to the sight of the letters, Mary, in her original directions to her commissioners, had ordered them thus: "In cais thay alledge thay have ony writingis of mine, quhilk may infer presumptioun against me in that cause, ze fall desyre the PRINCIPALIS to be productit, and that *I myself* may have INSPECTION thereof, and mak answer thairto."\* Ignorant equally of these precluding artifices afterwards, the commissioners accordingly demanded the sight of the originals now. These were exhibited to the commissioners at Westminster on the 8th of December, and to the privy council on the 14th. And on the 25th Mary's commissioners appeared before the latter, with a "special command fra thair Maistres;" delivered her message, "productit the special writingis and instructionis sent be thair Maistres to thame;" and then "maist humblie desyrit the Quene's Majestie to CAUSE THAM HAVE sic writingis, as wer productit aganis thair Maistres be thair Maistres's adversaris."† Those instructions of Mary's are still in being. They are dated the 19th of December, and run thus. "Ze fall desire the INSPECTION of all thay haif productit aganis us; and that we may se the alledgit PRINCIPAL writingis, *gif they haif ony*, productit; and with God's grace we fall make sic answer thairto, that our innocence fall be

\* Goodall, ii, 342.

† Ibid. 281—282.

"knewin

"knewin to our guid sifter, and to all utheris  
 "princes."\* So little was Mary made acquainted, even with the *fact* of the production of the letters on the 8th; and so studiously was even this concealed from the commissioners of Mary; that she was not yet certified of it on the 19th! She had only heard of it by report. But she instantly required an inspection of the letters, if any such had been produced; and expressed her full conviction of ascertaining her innocence completely, to the satisfaction of Elizabeth and all the sovereigns on the continent. This was the natural challenge of innocence, in Mary. But her "guid sifter" wanted not to have her "innocence knowin." She rather chose to consider her as guilty, and to have "all utheris "princes" do so too. Yet she could not object to the request, though she never meant to grant it. This "desire," say Mary's commissioners, "hir Majestie [of England] thocht verie reffon-  
 "abill."† She could not do less. But did she *grant* it? The reader shall see.

If Elizabeth had had *one* spark of honour yet unquenched in her breast, she would *instantly* have given the requisite orders. But she did *not* give them. She said she would *consider* of the petition. "To the effect hir Majestie might be  
 "THE BETTER ADVISIT upon thair desyris, and  
 "give answer thairto," she "desyrit ane extract  
 "of the said writing," their instructions, "to be  
 "gevin to hir Hienes; quhilk the said commif-

\* Goodall, ii. 289.

† Ibid. 282.

“fionaris did on the morn deliver.”\* She would *consider*, whether she should give to Mary the only possibility of exposing the spuriousness of a handwriting, which was to support a charge of *murder* against her; by permitting her, or by permitting her commissioners, to inspect the writing. She pretended she wanted time to *consider*, because even *she* had not the audacity to *deny*. She had the audacity, however, to *withhold*. And it is plain from her conduct, that the whole compounded mass of flagitiousness must instantly have been resolved into dust, if she had granted the requisition. She therefore pretended still to *consider*.

But Mary was too keen and too interested, to be so put off. On the 7th of January following, the commissioners of Mary again entered the privy council, and declared to Elizabeth, that “they had presentlie ressavit writingis fra the “Quene’s Majestie of Scotland, thair Soverane,” who “desirit THE WRITINGIS PRODUCIT BE HIR “INOBEDIENT SUBJECTIS to be DELIVERED UNTO THAME.”† But Elizabeth was still obliged to withhold her consent, and still compelled therefore to procrastinate. She accordingly took shelter again behind her old subterfuge of *consideration*. “The Quene’s Majestie of England TUIK TO BE ADVYSIT THAIRWITH.”‡

Mary, in her *first* requisition, desired not only to see the originals, but to have copies of them.

\* Goodall, ii. 282.

† Ibid. 297.

‡ Ibid. *ibid*.

She demanded "the inspection AND DOUBILLIS" of all that her rebels had produced against her.\* She wanted a sight of them, to examine the nature of the handwriting. She wanted duplicates, to examine the matters contained in them. But when she received an account of Elizabeth's affected delay to such an obvious act of justice, she saw through her whole design. She was fully convinced in her mind, that the *originals* would never be submitted to her view, or the view of her commissioners. Yet she was eager to enter upon her vindication. She resolved to engage her enemies immediately. And she was determined to close with them, even under every disadvantage of ground. Such was the natural gallantry of innocence! Her commissioners, therefore, lowered their tone a little in their *second* requisition. They still demanded a sight of the originals. But they would be content to be indulged with copies only. They accordingly, in the name of their mistress, "desir't the writingis producit be her "inobedient subjectis, OR, AT THE LEIST, THE "COPIES THAIROF, to be deliverit unto thame."† And Mary's instructions to them for this requisition were even in a still lower key, being only to "require of our said guid sister that COPIES be "given zou thairof."‡ This was certainly not judicious, because it committed her honour to the hazard of a battle, in which she *might* not have been victorious. Yet it was the genuine

\* Goodall, ii, 289.

† Ibid, 297.

‡ Ibid, 298.  
heroism



heroism of an honest heart. And, as is frequently seen in life, the injudiciousness constitutes the heroicalness of it.

But this very gallantry of innocence, this very heroism of honesty, made Elizabeth to shrink the more from a conflict. She retired as Mary advanced. She entrenched herself behind her delays. She dared not to engage an enemy for her bravery, whom she might have defeated perhaps from her rashness. She dreaded the dignity of provoked worth, now it was rising in its own defence. She was afraid of the lion, that she had basely wounded under the mask of friendship, even caught as it was in her toils; when it now began to raise its voice of terror against her.

At the last requisition, however, Elizabeth promised to give an answer "within two or three days." \* But her prime-minister Cecil, that boasted statesman of our isle, and that ever-ready tool of tyranny to his mistress, had previously gone to work in digesting a proposal, which should divert Mary a while from her requisition. He had planned it for Elizabeth, the very day the requisition was made. And Elizabeth accordingly proposed it to Mary's commissioners, as soon as they had delivered their requisition. It was, that Mary should resign the crown which had been taken from her; that her infant son, who had been made to usurp it, should retain it still; and that she should continue in England

\* Goodall, ii. 298.

with the title and appointments of a Queen.\* Had Mary been guilty, she would have been glad to escape from prison and from prosecution so easily. But *then* Elizabeth would never have made the proposal. And the majesty of conscious honour in Mary, scorned to stoop to such a palliative, for a cure of her misfortunes. By an act like this, she would have sanctioned all the calumnies that had been thrown upon her in Scotland, and have established all the charges that had been brought against her in England. Her commissioners, therefore, spoke out instantly upon the overture from Elizabeth, that "scho wald NEVER CONDESCEND to dimit "her crown, and had given him," the Bishop of Ross, "special command to declare the samin, "in cais it were proponit to him."† Yet Elizabeth was too much bent upon her purpose, to take this prompt reply. She "did EARNESTLY "PRESS him," that he and the other commissioners of Mary should write to her on the subject. But this "THAY ALL WHOLLIE AND ABSOLUTELY "REFUSIT."‡ Such was the powerful conviction of their Queen's innocence and honour, that reigned in the bosoms of these worthy representatives of hers! Elizabeth however was too resolute upon the point, to be even so beat off. She wanted chiefly to procrastinate. She wanted greatly to do so. She wanted to bury the old requisition for a sight of the originals, under a new proposal. She therefore "desirit

\* Goodall, ii. 300 and 295. † Ibid. ibid. ‡ Ibid. ibid.

“thame to resfoun and confer with sum noble-  
 “men of hir Hienes’s counfel, whom her Ma-  
 “jestie wald appoint, upon that and U<sup>THER</sup>  
 “thingis quhilk shuld be proponit, and to give  
 “thame thair determinat answer thairto.”\*

This was a proposal, to which they could not with any propriety refuse to accede. Elizabeth therefore obtained her desire of delaying and diverting. The commissioners met some of her privy counsellors two days afterwards. Then there appeared not to be any “uther thingis quhilk shuld be proponit,” and to which they were to give “thair determinat answer.” There was nothing new proposed, on the part of Elizabeth. There was therefore nothing but the old answer to be given, on the part of Mary. Her commissioners had only to repeat, as they did repeat in all the firm tone of an innocence which could neither be frightened nor cajoled; “That the  
 “Quene, thair maistres, wald NEVER consent to di-  
 “mit hir crown IN ONY WAY NOR UPON ONY CON-  
 “DITIOUNIS, quhilk wer or could be propo-  
 “nit.”† And Mary herself, having been informed of some overtures of the like nature before, had replied with a grandeur of soul, that must for ever set her high in the opinion of the discerning. “As to RESIGNING MY CROWN,” she says, “I BEG YOU TO TROUBLE ME NO MORE ABOUT  
 “IT; for I AM RESOLVED AND DETERMINED  
 “RATHER TO DIE THAN TO DO IT; and THE LAST  
 “WORD, WHICH I SHALL UTTER IN MY LIFE,

\* Goodall, ii. 300—301.

† Ibid. 304.

"SHALL BE THAT OF A QUEEN OF SCOTLAND."\*

The force of Mary's intellect, and the vigour of Mary's honour, break out here like a flash of lightning, to awe and confound her adversaries. This answer was never seen by Elizabeth. But it was *felt* in the answer of her commissioners at first, and in their reply at present; both of them animated with a beam of Mary's fire. The counsellors of Elizabeth promised to repeat their reply.† And all thoughts of an inspection of the originals, were laid aside for the time.

But they would be immediately revived. Murray was still in London. The originals were there with him. Mary's commissioners had twice called for a sight of them. They had been hitherto put off under the poor pretence of *considering*, what nothing but knavery could have wished to consider at all. They could not be put off any longer. The insidious overture, that was to divert *them* from the point, and make *her* a volunteer in fixing her own infamy, had been instantly thrown back in the face of the proposers, with all the contempt it merited. And Elizabeth had promised an answer to Mary's second requisition, in two or three days. To shew the originals, it is plain, would have been death to all her hopes. They had been fabricated, no doubt, with great art. The fabricators

\* Goodall, ii. 301. "Quant a la demission de ma couronne, Je vous prie de ne me plus empescher; car Je suis resolué et deliberée plustost mourir que de faire; et le derniere parole, que Je ferons en ma vie, sera d' une Royne d' Escosse."

† Ibid. 304.

had been long in the habit of copying the handwriting of Mary. They could even imitate it so exactly, that, as one of Mary's commissioners tells us, in her name they had sent many letters to Elizabeth formerly, which it was difficult to distinguish from her own. They "WALD not "be kend," he says, from them. They *would* not by any common eye be distinguished. But they *could* be by those, who were intimately acquainted with her writing. It is impossible perhaps to counterfeit any hand so precisely, as that it shall not be discerned by an attentive and painful collation. These letters had certainly not been framed so artfully. Mary could easily have pointed out a variety of strokes, in the turn and mould of the characters; which discriminated this writing from her own. Even her commissioners could have done it likewise. And therefore *neither* of them *were permitted to see the originals*. Yet Elizabeth was in great distress about them, at this instant. She could not refuse an inspection any longer. She could not, however, permit it. In this dilemma, how shall she act? Her cunning failed her at this pressing moment. She could find no further subterfuge of delay. She was therefore obliged to have recourse to her effrontery and her power. SHE SENT THE ORIGINALS AWAY. The *very next day* after the conference above, she made Murray to appear before the privy council, petitioning for leave to go back into Scotland. She granted it. He set off. *The originals went with him*. And now an inspection could neither

be asked by Mary, nor needed to be refused by Elizabeth.\*

This was such a bare-faced act of evasion, such an open stretch of dishonesty, such an impudent defiance of justice, as must have struck every honest man in the kingdom who knew it, with amazement and with horror. On the 10th of January, Murray received permission to depart. But he had been hastily called upon by Elizabeth, to petition for the permission. He was not prepared for his journey. He therefore appeared at court again on the 12th, in order to take a formal leave of the Queen.† Yet he still remained in London. He remained there for no less than TWELVE days afterward.‡ He had several things to transact. He had particularly money to borrow from Elizabeth, in order to discharge his debts in London, and to defray his expences homeward.§ So suddenly had he been

\* Goodall, ii. 305. Yet Mr. Hume, with an unfeeling temerity of spirit, has the boldness to assert in Hist. v. 146, "That they *might* have been examined by Mary's commissioners." With the same spirit Dr. Robertson adds, "That Elizabeth urged her [Mary] to vindicate her own honour, but *Mary avoided* to make any further progress in the inquiry." (i. 492.) Had this been said *before* Mr. Goodall published that continuation of the conference, which Anderson had suppressed; this falsification of history, in both these gentlemen, might be ascribed to *unavoidable ignorance*. But *now* it must be ascribed to——what? Let the reader speak for me.

† Goodall, ii. 309 and 306.

‡ Goodall, ii. 313—314 and 322. He was at Berwick, January 31st afterward. See ii. 333. And he actually left London the 24th. (Carte iii. 477, from Fenelon's Dispatches.)

§ Goodall, ii. 313, and Crawford, 115.

called



called upon by her, to take his journey for Scotland; and so unprepared was he for it, at her call! Elizabeth saw it requisite for him and for her, that he and his criminating letters should disappear at once. He therefore did disappear. He was now supposed to be gone for Scotland, with the originals packed up in his cloak-bag. All access to them was barred up effectually by the supposition. All access would be effectually barred up in fact, by his departure in a few days. An inspection of the ORIGINALS, therefore, was totally out of the question at present.

But Mary's commissioners, in their *second* requisition, had desired the originals, or *at least* the copies of them, to be delivered. Mary also in her instructions had condescended to ask for only COPIES of them. These instructions had been even shewn to Elizabeth.\* And in these circumstances, what will Elizabeth do? She has boldly denied all access to the *originals*. But she will certainly grant *copies*. No forgery of handwriting can be detected from *them*. The grand danger of exposure is therefore removed. And she will readily catch at the opportunity, of colouring over the high enormity of her conduct with respect to the *originals*, by a cheerful allowance of copies.—But the policy of Elizabeth was too cautious, even for this indulgence. Her policy was as deep as her villainy. She would not furnish Mary, she would not furnish her commissioners, even with *copies*. She begged to *consider* of this requisition also.

\* Goodall, ii. 282.



This may seem to my reader an unaccountable hardship at first view, an injury without a provocation, a refusal without a reason, a mere act of *wanton* cruelty. Cruelty it certainly was. But it was not wantonness. Let us vindicate Elizabeth, where we can. Even to grant copies, was dangerous. To withhold them, was necessary. And the whole system of Elizabethan politicks might have been thrown wildly out of its orbit, by the concession.

Mary's first wish, as I have formerly observed, was very properly to inspect the originals; that she might expose the spuriousness of the handwriting. Her next was to have copies, that she might mark the dates, observe the circumstances, and prove the forgery of the letters from both. By this mode of examination, Elizabeth was afraid that Mary would have proved her point. She probably would. Her natural readiness of apprehension would have been improved, by her interest in the cause. Her natural clearness of conception would have been heightened, by her conviction of the villainy. Her memory and her papers would have supplied her abundantly, with circumstances and dates. And the whole of that visionary fabrick must in all probability have sunk away before her, as she advanced. So ill-contrived were these boasted evidences of guilt, that they could not bear to be examined, even through the medium of a copy! At least, *Elizabeth, who knew them well, thought them so*. She therefore resolved to refuse Mary, even a copy of them. Yet she could not refuse it in terms.

She had already herself pronounced the demand for "inspection and doubles" to be "very reasonable." But she had evaded the one before. And she equally evaded the other now.

On the 13th of January, when Murray and the originals were still in London, but *the very day after he and they had formally taken their leave*, she prepared to give the answer which she had so long withheld. She had now been *twenty* days since the first requisition. She had now been *six* since the second, though she then promised an answer in two or three. She had taken ample time for *advising herself* upon the important business. The first requisition was for a sight of the originals. The second was for that, or, at the least, the copies of them. But the originals had hastily withdrawn themselves from court, the day before. They were now to be supposed on their way to Scotland. Elizabeth therefore resolved to give no answer concerning *them*. Yet she noticed the requisition for them. But she answered only to the requisition for *copies*. And *these were still to be withheld*.

Yet even "the lion-port and awe-commanding face," which Mr. Gray has given to Elizabeth; or, to speak in a truer and soberer style, the sternness of majestic impudence in her; even this could not stand the brunt of refusing *such* a request under *any* pretence. She delegated the daring work to her unblushing Cecil. And he spoke to Mary's commissioners, in the name of his mistress then absent, and as the voice of her privy council then present, in this remarkable

able manner. He first recapitulated their request. This was, he said, "to have the copies "of all articlis, presumptiounis, with the PRINCIPAL writingis productit."\* He then replied, as immediately from Elizabeth, "that scho will "not refuis unto the Quene, hir guid sifter, to "give the DOWBILLIS of all that was productit."† She slides off very artfully, we see, from the primary part of the requisition, as stated by Cecil himself; and rests only on the secondary. For *this* also she had fresh delays. She *would* grant it; *but* she must previously have a promise. She will have a promise under Mary's hand, and with Mary's signature to it too, in order to authenticate it more thoroughly. Yet what is this promise to be? It is to be no less, than that Mary should do—what?—that she should do what she was most earnest and importunate to do; what she was at this very moment pressing Elizabeth to enable her to do, by a sight of the papers;—that *she should answer to the charges in them*. "Scho will have a special writing sent be the "Quene of Scottis, her guid sifter, signet with "her awin hand, promising that scho will answer to the samin writings and things laid to "her charge, but [without] any exception."‡

The commissioners of Mary, astonished at such a delay at the close of all the others, remonstrated with her representative upon the poorness and pettiness of it; as she had already received *such a promise in such a form*, no less than *twice*,

\* Goodall, ii. 310.

† Ibid. *ibid.*

‡ Ibid. 310—311.

“The samin appears not to be necessarie,” they replied, “in respect of TWA several writingis  
 “SCHAWIN and read in presence of hir Majestie  
 “and hir counsal, subscrivit with hir [Mary’s]  
 “awin hand AND UNDER HIR SIGNET, quhairof  
 “the extract was deliverit to the Quene’s Ma-  
 “jestie of England, in the quhilk scho offerit  
 “TO MAK ANSWER upon certane conditiounis  
 “thairin expremitt, *swa being scho may have the*  
 “*writingis or at leist the copies of thame.*”<sup>\*</sup>  
 Elizabeth, or her Cecil, did not pretend to assert the insufficiency of these promises in themselves. Why then should they be repeated? Elizabeth had already seen them, not only subscribed by Mary’s own hand, but also certified by Mary’s own seal. Why then should she ask for another, that was to be only subscribed? For this reason.

She pretended to believe, at present, that the original commission from Mary to these her commissioners, was terminated by an act of theirs some time before. “The Quene’s Majestie,” says Cecil, “desyris to have sic a writing of the  
 “Quene’s Majesty zour maistres, *because scho*  
 “*understandis that zour commissioun quhilk ze*  
 “*had is expyrit, sen ze did discharge the con-*  
 “*ference at Westminster.*”<sup>†</sup> This was done by them on the 6th of December before.<sup>‡</sup> But this was two days *previous* to the production of the letters. And Elizabeth had been acting with them UNDER THAT VERY COMMISSION, repeat-

\* Goodall, ii. 311.

† Ibid. *ibid.*

‡ Ibid. 227.

edly since. This we have sufficiently seen before, in their two demands for a sight of the originals or for copies of them, in their shewing their special instructions to her, in their delivering her an extract from them, and in her promise of an answer to both. So paltry, even from Elizabeth's own principles and practices, does this evasion of Elizabeth's appear.

But she had also another. Let us attend to it. Perhaps it may be a more dignified reason. It may at least carry more the semblance of a reason.

She equally pretended to think, that, by their last instructions from Mary, they were only authorized to *call* for the papers, but not to *answer* them. She desired to have such a writing, says Cecil, "because scho understandis that be zour  
"last writingis ze reffavit, [ze] have powar to  
"require the copies of the writingis, bot not to  
"mak answer."\* But what were the last instructions sent them by Mary? They were these:  
"Ze sall require our said guid sifter, that copies  
"be gevin zou thair of, *to the effect*, that THAY  
"MAY BE ANSWERIT particularlie."† These *very instructions*, in these *very terms* too, were delivered by the commissioners to Elizabeth on the 8th of January, only *five* days before. And on the 7th of January they declared to her, "That  
"they had presentlie reffavit writingis fra the  
"Quene's Majestie of Scotland, thair Soverane,  
"be the quhilkis they were of new commandit

\* Goodall, ii. 311.

† Ibid. 298—299.

“ to signifie unto hir Majestie, that scho would  
 “ answer to the calumnious accusation of hir  
 “ subjectis,—and THAIRFOIR desirit the writings  
 “ producit,—or, at the leist, the copies thair of,  
 “ to be deliverit unto thame, that THAIR MAIS-  
 “ TRES MIGHT FULLY ANSWER THAIRTO.”\* Yet  
 Elizabeth now pretends to believe, and pre-  
 sumes by the mouth of Cecil to say, that, “ by  
 “ their last writings received,” they “ had pow-  
 “ er to require the copies of the writings, but  
 “ not to make answer.” She therefore wanted  
 to have a promise of answering from Mary.  
 But they were instructed by Mary to call for  
 the papers, under *an express promise* of replying  
 to them. They were instructed by her to call  
 for them, *that* she might reply to them. And  
 she and they in the solemnest manner promised,  
 that she would make, and they would present, *a*  
*full and particular reply*. So much more paltry,  
 if possible, is *this* reason than the other!

Elizabeth, indeed, must have been *now* re-  
 duced to the greatest difficulties. She would  
 otherwise *not* have rested delays, so necessary to  
 her purposes, upon props so rotten as these.  
 They serve, therefore, to point out to us in the  
 strongest manner that extremity of distress, in  
 which she was labouring and struggling at this  
 moment. They serve to give an uniformity of  
 meanness, and a consistency of falsehood, to all  
 her actions. And at the close of them let me  
 hope, for the credit of that best part of Elizabeth,

\* Goodall, ii. 297.



her head, that these were the paltriest elusions, which this elusive princess ever made use of, in all the doublings of her crooked policy.\*

§ III.

WHEN first the pretended proofs of the guilt of Mary were laid before the commissioners at Westminster, Elizabeth and her counsellors were very ready to promise Mary a sight of the letters. They knew a sight of them to be necessary for her replying to them. They would not pretend to think her guilty, because she did not reply; and yet at the same time preclude her from all possibility of replying. They would not be so much worse than inquisitors in this. They would not shew themselves so lost to all sense of decency, all feeling of shame, and all fear of God.† But alas! what could they do?

Mary's

\* Mr. Hume himself asserts this conduct of Elizabeth, to be "a final refusal" of all copies to Mary. (v. 152.) Yet, inconsistent with himself, as well as contradictory to facts, in the same spirit which I have been obliged to reprehend before, and to the equal amazement (I doubt not) of all my readers, he has the boldness to affirm, that Murray "gave Mary herself an opportunity of refuting and exposing him" in the production of the letters, "if she had chosen to lay hold of "it;" (v. 147) when she was debarred all inspection of the originals herself, when she was debarred all inspection by her commissioners, and when (according to Mr. Hume himself) she and they were equally debarred from all copies. It is to the disgrace of our national probity, more than of our national judgment, that such facts have met with such advocates.

† Yet Cecil is all this, in Goodall, ii. 296, when, in a paper drawn up by himself, and dated Jan. 7th, he says, "the Queen  
"of



Mary's commissioners had unluckily taken a step, which the Queen and the Queen's ministers could not but suppose to have dissolved their commission. They were merely "servitors" now "to the Scottish Queen," and not "commissioners" from her.\* Elizabeth therefore could not *shew the papers* to them, or call for an *answer* from them. If it had not been for this grand obstacle to the business, she would *instantly* have *laid all the evidences before them*. But, as it was, she must call upon Mary herself to answer. And, if she will *promise* to answer, she shall have *every information that is requisite*.

This is the very language of fairness. These are the very sentiments of honour. Nor can their existence be doubted. They are recorded in the journals of the privy council. They are recorded as suggested to Elizabeth. They are recorded as spoken by her. "If the sayd Bishop "and his colleagues," says a speech framed by the privy council for Elizabeth concerning Mary's commissioners, "had not, *as it is supposed*, dissolved their commission by Scottish protestations, whereby they have not, *as it is thought*, now any authoritie to make answer therto, "THEY SHULD BE MADE PRIVIE TO THE SAYD "EVIDENCES AND PROOFS, WHEREBY hir Majesty might have of them some good answer." This address was to be made directly to the

"of Scots doth not *answer* to the crime of murdering her husband."

\* Goodall, ii. 252.

commissioners themselves. Elizabeth "there-  
 "fore wisheth, that they wold advertise the  
 "Quene their mistres of thus much." And,  
 "if it shall please hir to gyve *authoritie* to any  
 "hir *commissionars* to *answer the same*, or other-  
 "wise to *answer the same herself*,—hir Majesty  
 "will be right glad thereof, and will for *that*  
 "*purpose* CAUSE EXPEDITION TO BE MADE OF  
 "ANY THYNG THERTO REQUISIT."\* And Eli-  
 zabeth herself actually told the commissioners to  
 the same purport, on the 16th of December fol-  
 lowing; That "hir Majesty would CAUSE THE  
 "SAME MATTERS TO BE OPPENED AND DISCO-  
 "VERED TO HIR," Mary, "*if so* that she wold be  
 "content to agree to make direct answer ther-  
 "to;—hir Majesty thinking it always *very ne-*  
 "*cessarie for hir to make answer*: for otherwise  
 "whosoever should advise hir to forbear mak-  
 "yng answer, *having so many ways to do the same*,  
 "only because she might not come to hir Ma-  
 "jesty's presence, howsoever they shuld seme  
 "and appeare to be good servants for hir, surely  
 "they should rather be thought and judged for  
 "some other respects to *betray* hir;—neither  
 "could she fynd *how the Quene shuld more*  
 "*redely procure hir condemnation, than to refuse*  
 "*to answer.*"†

Such is the upper side of the card! But let  
 us now look at the under,

\* Goodall, ii, 253—254.

† Ibid, 263—264.

Before Mary could receive an account of this address to her commissioners, only three days after it, and on the 19th of December,\* she had sent fresh instructions to them. She ordered them to wait upon Elizabeth, to promise her an answer, and to require a sight of the letters. They did so accordingly. They shewed also their instructions. They equally delivered an abstract of them. Elizabeth saw the one, and received the other. She declared the request for the papers to be "very reasonable." She declared herself "verie glad, that her guid sister "wald mak answer IN THAT MANNER for defence of her honour."† And she and her commissioners received from them, *expressly as commissioners*, an answer to Murray's previous

\* That Mary could not have received an account of this address then, might be left very safely to rest upon its own evidence. But I shall mention two facts, that prove it. On the 22nd of December, 1568, Lord Boyd left London, on a particular message from Elizabeth to Mary. (ii. 278.) How long then was he in going? He was no less than  $\frac{7}{8}$  days. He reached Mary on the 27th. (ii. 314.) And we may additionally observe, that this very dispatch of Mary's, which was dated the 19th, was not received till the 24th; (ii. 280—281) being just as many days in going from Bolton Castle to London, as Lord Boyd was in going from London to Bolton Castle. The latter was not the town of that name in Lancashire, which was never honoured with the residence of Mary; but "a castle of the Lord Scroop's in the edge of Yorkshire "next Cumberland," (Cabala, 1st pt. 138) which is mentioned by Leland (i. 90, v. 117—118, and viii. 13 and 18—19) and by Camden. (919—920, Gibson, edit. 3d.) It lies between Ascrig and Middleham, near the Ure, far from Cumberland, but not far from Westmorland.

† Goodall, ii. 281—282,

protes-

protestation; the answer beginning thus: "We, "THE COMMISSIONARIS for our Soverane Lady "the Quene's Majestie of Scotland, do lay and "propound befor zour honorabill Lordships," &c.\* Elizabeth therefore is now satisfied. The "commission" is *not* "dissolved." All "thoughts" and "suppositions" that it was, are now removed. Mary has "given authority to "her commissioners to, answer." They have already begun to answer. They have already answered all the papers, that have been communicated to them. And they now call for *the letters*, that they may answer *them*. Mary is as much convinced as Elizabeth was, that it is "very necessary for her to make answer," and that she could not "more readily procure her "condemnation, than by refusing to answer." Her commissioners, therefore, will now "be "made privie to the evidences and proofs, "whereby" they may be enabled to answer. Elizabeth will now "for that purpose cause *expedition* to be made of *any thing* thereto requisite." And she will instantly "cause the same matters "to be *opened* and *discovered*" to them.

Such is the figure that we fancy we shall find below, when we turn up the card! But alas! *deffous des cartes*, we find a very different appearance. We expected a QUEEN, and we meet with a KNAVE.

The "expedition," that was here before, is now all vanished. The "any thing," that was

\* Goodall, ii. 289--282.

to be produced, is now transformed into "no-thing." Elizabeth *begs to be advised concerning the performance of her own promise.* She wants time to consider, whether she shall grant what *she has already offered*, what *she has offered with earnestness*, what she has almost obtruded upon the commissioners in her zeal for Mary. She is debating and debating with herself, for several, for many, for fourteen days, whether she shall allow what she has already pronounced to be *absolutely necessary* to the making of Mary's answer, and *absolutely necessary* to the maintenance of Mary's honour. At the end of that long period of consultation, she is still not resolved. Her consultation has ended as it began. She is not yet able to give an answer, though she was so prompt with her proffer before. Her mind now requires to be *impelled* into decisiveness on a point, on which the weakest could hardly allow itself to waver, and the wickedest would be almost ashamed to hesitate.

The old requisition, therefore, is reinforced by a new one, on the 7th of January. Yet even this cannot give direction to that balancing tide, which lately ran so rapidly one way. Elizabeth still wants two or three days more. She takes them. She takes *six*. On the fourth day, the commissioners of Mary remind her of their requisition. They tell her before all her council, and before Murray and all his associates in vice, That they had already offered, in their mistress's name, "to answer to all the calumnies alledgit or producit aganis hir, swa  
" BEING

"BEING that scho might have the copies of the  
 "pretendit writingis given in, quhilkis thay have  
 "DIVERSE TYMES REQUIRIT of the *Quene's Ma-*  
 "*iestie* and hir *counsal*, suppois [though] THAY  
 "HAVE NOT AS YIT OBTENIT THE SAMIN; and  
 "HOW SONE that thay ressavit the copies thair of,  
 "*scho wald answer thairto.*"\* This was a very  
 sharp rebuke from these tongues of Mary's em-  
 ploying. Elizabeth resolves to reply to their  
 repeated requisition, two days afterward. But  
 even then she cannot yet grant—what she has  
 declared it very reasonable to ask, what she has  
 pronounced it very necessary to grant, what she  
 has repeatedly insisted upon Mary's asking, and  
 her granting to her. She has strange scruples  
 about her *now*. She lately used all the violence  
 of expostulation and remonstrance, to make Mary  
 promise an answer. Mary has promised one.  
 Mary has promised one in the fullest and most  
 formal manner. Yet Elizabeth is still afraid,  
 that she will not answer. She has promised  
 indeed. She has done all that Elizabeth asked  
 her to do. But Elizabeth wants her *now* to do  
 more. Elizabeth wants her to promise again.  
 Will one promise, then, be more binding than  
 another? And was any promise necessary at  
 all? Certainly not. If Mary did *not* answer, be-  
 cause she was refused admittance to the presence  
 of Elizabeth; however reasonable the demand  
 might be for admittance, the world of half-  
 judging fools would undoubtedly have con-

\* Goodall, ii. 308.



demned her as guilty. *This* Elizabeth suggested to her. *This* Mary knew without the suggestion. *This* therefore superseded the necessity of any promise. It was a stronger bond of obligation upon Mary, than all the promises which Elizabeth could have demanded from her. Yet Elizabeth hoped and trusted, that she would *not* answer. She therefore, in the usual tenour of her conduct, urged and pressed her to do—what she was still persuaded she would *not* do. She held out the criminating papers to her in one hand. She brandished the rod of infamy in the other. She called, she adjured, she threatened, to make her take the former. Unconscious of all this, Mary had resolved to *ask* for them. She did ask. Then the hands were hastily withdrawn. The rod was flung away. The papers were pocketted. And Mary was cast off with a *second* offer, of seeing them when her commissioners had *that* authority to act, which Elizabeth herself previously acknowledged them to have; and when she herself had promised to do, *what* she had already promised twice, and *what* in common sense she needed not to have promised at all.

I have gone over this curious manœuvre of Elizabeth's so particularly, in order to shew her in all her shifting attitudes of meanness to her wild admirers. I chose to restrain my resentments. I thought it better to ridicule than to brand. I know not, whether *that* may not be a severer punishment than *this*. It was certainly more agreeable to myself. But I must now pro-



ceed to two or three other points. And I shall then resign up Elizabeth to all her merited infamy, for the present.

§ IV.

WHEN Elizabeth, on the 10th of January, gave Murray permission to depart into Scotland; and when, on the 12th, she took a formal leave of him in her privy council; she not only sent off the originals far from any inspection of Mary's or of her commissioners, but she also *put an absolute end to the whole inquisition*. When Murray appeared in the privy council on the 10th, he came with all his brother-commissioners; with all that he himself, in the pretended name of the infant son of Mary, had commissioned to act with him in the business. "The Erle of Murray," says the register of Mary, "AND HIS COMPLICES, came before the Quene's Majestie's counsal of Ingland." Then Cecil spoke to them thus: "Quhairas the Erle of Murray, AND HIS ADHERENTIS cum in this realm, at the desire of the Quene's Majestie of Ingland, to ANSWER TO SIC THINGIS AS THE QUENE THAIR SOVERANE OBJECTIT AGANIS THAME AND THAIR ALLEDGEANCES; hir Majestie thinketh meir not to restrain any farder the said Erle AND HIS ADHERENTIS libertie, bot suffer him and thame at thair plesour to depart, relinquishing thame in the samin stait in the quhilk thay wer of befor the cuming within this realme, *till scho beir farder of the Quene of Scotland's* ANSWER TO  
" sic

“ sic things as has been *allegit aganis bir.*”<sup>\*</sup>  
 So also on the 12th, says the same register, “ the  
 “ Erle of Murray, and ALL his adherentis, came  
 “ to the presence of the Quene’s Majestie of  
 “ England, and gat licence to depart into Scot-  
 “ land.”† There they were to stay, *till* Eliza-  
 beth heard farther of Mary’s answer. But  
 Elizabeth took care, that Mary should never put  
 in any answer at all, by withholding the letters  
 from her. They were therefore remitted into  
 Scotland, *ad Græcas calendas*, or for ever. And  
 the inquisition was to all intents and purposes  
 eventually broken up, by this violent act.

These commissioners had been constituted, in  
 order “ to convene with the commissioneris and  
 “ deputis of the Quene of England, at the Citie  
 “ of York, *or any other place or placis* they shall  
 “ think convenient, and thair to make plane and  
 “ ample declaratioun to thame, for information  
 “ of our said guid sifter, of the” &c. “ with all  
 “ causis” &c. “ that hereafter sal fall out, UNTO  
 “ THE RETURN OF OUR SAIDIS COMMISSIONA-  
 “ RIS.”‡ They had accordingly appeared at  
 York and at Westminster. There, from accused  
 persons, they were allowed to become accusers.  
 They put in their charge of murder against  
 Mary. *Mary’s commissioners received a copy of the*  
*charge.* They next produced their pretended au-  
 thorities for the charge, in producing the letters.  
 Mary’s commissioners required to *see* these al-  
 leged handwritings of their Queen. *But they*

\* Goodall, ii. 305.

† Ibid. 309.

‡ Ibid. 120.

*were not allowed.* They again required to see them. *They were still not allowed.* They then required to have *copies* only. They promised, if they might only have *copies*, to answer *fully* and *particularly* to the letters. *Yet they were still not allowed.* And Elizabeth, hard-pressed with their requisitions, sent off the originals in a hurry to Scotland, and dispatched the managers of the accusation with them. From that moment, there was a final conclusion to the whole business. The return of the rebel commissioners into Scotland, *vacated their commission expressly.*

But, even if it had not, who was now left to manage the accusation? Murray, and all the other commissioners on the accusing side, were gone. In their absence, how could the accusation proceed? They had brought their charge. They had produced their proofs. They had done no more. The great and important work of inspecting, of examining, and of replying to the charge and the proofs, was still behind. Mary is called upon with all the vehemence of zeal, to do this. She steps forward to do it. *Then* the originals are immediately withdrawn. All inspection is now at an end. Yet examination and reply are still open. She steps forward to examine. *Then* the copies are refused. All reply is thus precluded. But, as copies cannot be positively refused for ever; as it is proper to promise at present, and may be perhaps necessary to grant hereafter; a sure and decisive stroke of preclusion shall be played, before the promise, shuffling and unmeaning as it is, may with safety  
be

be given. *The rebel commissioners shall be sent in an instant away.* Then, if Mary should at last overcome every pretence of delay by every compliance with requisitions, if Elizabeth should be forced at last to concede what she had so long withheld, and if Mary should pretend to disprove the dates and the circumstances of the letters; yet who was there to *rejoin* to her?

Who indeed was there to *receive* her reply before? Not the commissioners of Elizabeth. *They* were equally *annihilated* with the rebel commissioners, by the departure of these into Scotland. And *their* commission was equally terminated by the act. Their *first* commission, that for the conference at York, ran in these terms. "I having," says Elizabeth, "sent and required them of the  
 "other part, which profess their obedience to  
 "hir [Mary's] son the Prince, that some of the  
 "principal of them would come into our realme,  
 "to answer to such things as should be on the be-  
 "halfe of our said sister objected against them;—  
 "do make, constitute, and ordaine Thomas,"  
 &c. "to commune, treat, and conclude, with  
 "James Erle of Murray, and all others of the  
 "realme of Scotland, that shall come into our  
 "realme."\* Their *second* commission also, that for the conference at Westminster, gives them authority in the same language, "to hear, com-  
 "mune, treat, order, and conclude,—with the  
 "commissioners and deputies of the Quene of  
 "Scotts, and also with the said Erle of Murray

\* Goodall, ii. 95—96.