

ment subservient to their own ambition. Liberty has always the greatest clamours made for its safety, when it is least in hazard of being hurt, and when the very clamours bespeak its security most strongly. And indeed we may say of Mary, I believe, with strict propriety, what has been said of one of her royal predecessors, “the *gracious* Duncan;” that she

Had borne her faculties so meek, had been
So clear in her great office, that her virtues
Will plead, like angels, trumpet-tongued, against

THE DEEP DAMNATION OF HER TAKING—OFF;

And pity, like a naked new-born babe,
Striding the blast, or heaven’s cherubin, hors’d

Upon the fightless couriers of the air,
Shall blow the horrid deed in every eye,

That tears shall drown the wind.

Nor let this be thought a mere flight of poetical imagination. It is historically true, in the general idea. The acts of tyranny specified above, are proved at once to be fictitious, by the anachronisms in them. The rebels mean the ordinances of their pretended parliament in August 1560. But neither Monsieur de Randan nor Monsieur d’Oisel, nor both together, ever had any commission to confirm those ordinances, either from Francis or from Mary. They had even left the kingdom before those ordinances were past, in the month of July before. And those ordinances, being made by subjects and unsanctioned by royalty, were very naturally therefore considered as the mere statutes of sedition, and left in their original nothingness of authority; till months after

after this accusation was uttered, even till sedition was once more in the chair of power, and till one parliament in rebellion during the month of December 1567, confirmed what another had passed before.*

For these reasons, and preparatory to this parliament, the rebels were greatly puzzled on what to found their own vindication. They met repeatedly to consult upon the subject. They reasoned at considerable length upon it. Yet they were still puzzled. So difficult was it to find any solid ground of complaint, against this abused princess! Nor is this said upon any common authority. I speak it upon the credit of a publick record. This is not even a record of Mary's friends. It is a record of her very enemies, and of her bitterest enemies too. It is an "act of secreet counsell," a register of their own proceedings, written in their own council-books, and signed by their own regent and counsellors. "Apud Edinburgh," it says, "quarto die mensis Decembris, Anno Dom. 1567. The whiche daie my Lorde Regentis Grace, the lordes of secrete counsaile, and uthers, baronis, and men of judgment,—being convenit in counsaile, it was proponit unto them *that the parliament now approachis*, wheirin the CAUSE of the APPREHENSION and RETENINGE of the Quene—*mon be debaitit, ressonit, and tryit*, and it found and declared, quhither [whether] the noblemen and

* Goodall, i. 32, Keith, 145 and 154, and Melvill, 26, by mistake printed for 31.

" others, quhilkis tuke armes before the saied ap-
 " prehension, and whiche joyned with them and
 " assistit them *at that time* or ony wise *senfyne*
 " [since], has donne the dewtie of noblemen,
 " gud subjectis, and nawise offendit nor transgressit
 " the lawes in *that fact* or *anie thing depending*
 " *thairon*, outhir [either] *preceding* or *followinge*
 " the same, or not; and in caise it be found that
 " they have not offendit, but done their dewtie,
 " HOW AND BE WHAT MEANE a full and perfect
 " law and securitie maie be obtanit and maid for
 " all them, that other [either] be deid, counsaie,
 " or subscription has enterit in that cause sen the
 " beginninge: THE MATTER BEING LARGELIE AND
 " WITH GUD DELIBERACION RESSONIT AT GREAT
 " LENGTH, AND UPON SUNDRY DAIES," &c.*

At length, however, they came to one unanimous resolution. They had taken into their view the whole compass of Mary's publick and private conduct. They had looked into all the possibilities of calumniation from them. They could find no ground of accusation in either or in both, that would stand the inspection even of one of their own parliaments. And they must

Call up spirits from the vasty deep,

to assist them in some infernal deed of FORGERY;
 before they can fix any imputations upon her.
 " At last," they say themselves, " all the saied
 " lords, baronis, and others—, CAN FIND NO
 " OTHER WAY OR MOYEN how to find or make

* Goodall, ii. 62.

“ the said securitie, BUT be oppynynage [open-
 “ ing] and reveling of the trewth and grund of,
 “ the haill matter,—IN AS FAR AS BE DIVERS
 “ HIR PREVIE LETTERS—SENT BY HIR TO JAMES
 “ ERLL BOITHWELL, chife executor of the—hor-
 “ rible murdor,—IT IS MOST CERTEINE THAT
 “ SHE WAS PREVIE, ART AND PART, AND OF THE
 “ ACTUAL DEVISE AND DEID, OF THE—MURDER
 “ OF THE KINGE.”* This is the fullest and most
 decisive vindication of Mary, that can be invented
 or executed by the powers of man. Even to
 him who believes the letters to be genuine, it is
 a complete and perfect vindication of all her *pub-
 lick* behaviour. And to him, who

Mecum et cum Jove sentit,

and who is firmly persuaded of the spuriousness
 of the letters; it is so full and so decisive an at-
 testation to the justness and mildness of her go-
 vernment, and to the propriety, amiableness, and
 exemplariness of her personal behaviour, as per-
 haps no other Queen ever had.

Thus did the rebels in vain endeavour to find
 some ground of accusation against Mary, within
 all the regions of reality! Thus did they stand at
 that awful moment, self-convicted of all their
 former falsehoods, and self-condemned for all
 their former rebellions, against her! At last LE-
 THINGTON, probably, relieved them. The idea,
 over which his imagination had brooded for a
 while in the end of July preceding, would now

* Appendix, No. i.

recur undoubtedly to his memory. He had then reported it as a fact to Throgmorton. He now suggested it as a fancy to his associates. They were struck with it. They had no other resource. They could "find no other way or moyen" for their justification. Nor could "the richtuefnefs "of their quarrel, and the securitie of them and "their posteritie, BE ONY OTHER MEANE—be "providit and establisshed."* They therefore caught at it hastily. The impudence of the act alarmed not their spirits. The enormity of the villainy deterred not their consciences. They were in desperate circumstances. They must make some desperate exertions for their own delivery. And they determined upon a bold forgery, that should bring home the charge of murder itself to the face of Mary.

Lethington was accordingly requested, no doubt, to carry his own plan into execution immediately. They had sat many days on the business before. Another day was appointed at a little distance, for another consultation. In the mean time, Lethington went to work. All "the spirits of the "vasty deep," we may presume, hovered over him during the operation. He completed it. And at the next council such chiefs of the faction, as were in the infernal secrets of it, expressed to the rest, that they were convinced from their ex-

* Appendix, No. i. So "Lethington" upon a similar occasion "soon gave them ease, by proposing the destruction of David;" and "the hint was well received" (Crawford, 7). The fertility of this man's genius, thus, gave birth to the two grand incidents of Mary's political life.

perience, of the impossibility of vindicating their conduct to the Queen, except by doing what they had hitherto refrained from doing, and what they were now most unwilling to do, out of their great regard for the Queen, whose character must suffer severely from the deed; but that their own vindication, their own security, and the justice of their common cause, could not by any other way or means possible be made and shewn to the world; and that therefore they were compelled at last to adduce the LETTERS in evidence against her, to charge her from them with the murder of her late husband, and so to exhibit her to the eye of her subjects, as one deserving all which had been or could be inflicted upon her. They

“ can find no other way or moyen how to find or
 “ make the said securitie, but be oppynynage
 “ and reveling of the trewth and grund of the
 “ haill matter fra the beginninge plainlie and up-
 “ richtlie, quhilk (in sa far as the manifestation
 “ thei of maie tend to the dishonor or difestima-
 “ tion of the Quene) they air maist loith to entre
 “ in, FOR THAT LUIF THEY BEARE UNTO HIR
 “ PERSON,—and FOR—THAY MONY GUDE AND
 “ EXCELLENT GIFTS AND VIRTUES QUHAREWITH
 “ GOD SOMETIMES INDOWIT HIR, gif other-
 “ wise the sinceritie of their intentions and pro-
 “ cedings from the beginninge mycht be known
 “ to forrein nacions, and the inhabitantes of this
 “ isle (of whome mony yit remains in suspence
 “ in jugement) satisfiet and resolvit of the richtu-
 “ esness of their quarrel, and the securitie of them
 “ and their posteritie be ony other meane myght
 “ be

be providit and establisshed." They then say, That all which has been done to the Queen, "was *"in the said Quene's awin default,* in sa far as be *"divers hir previe lettres,"* &c. And the hypocrisy of parts here, shews sufficiently of itself the villainy of the whole.

In this manner did the pretended letters of Mary come into existence. They were fabricated in the end of November and the beginning of December, 1567. Their *name-day* was actually the FOURTH of December. This we must therefore consider as the day of their birth, and date their existence from it. On the FOURTH of December they made their appearance, nearly SIX MONTHS after the pretended seizure of them upon the person of Dalgleshe, and more than FOUR MONTHS after the report of them to Throgmorton. And they now appeared, equally as they were then reported, with no specification of HOW, and WHEN, and WHERE they came into the hands of the rebels; with no notes of that exultation and triumph, which was sure to have been shewn, on the discovery of the ONLY possible vindication of their conduct; and with plain marks of forgery upon them, from the TIME of their appearance, so different from that in Throgmorton's letter and that in the rebel journal; from the LUCKINESS of it, as the rebels were confessedly then in a state of the greatest embarrassment concerning their vindication to parliament; from the unnatural hypocrisy of SORROW, with which the rebels introduced them to the council; and from the strong STRESS and deep EMPHASIS, which the rebels laid

upon them in spite of their sorrow, as a certain evidence of the Queen's share in the murder, and a clear justification of all that they had done to her.

But, before I close the section, let me subjoin one remark to the whole. The letters were first formed on the 4th of December. Yet the rebels *posteriously* dated the discovery of them on the 20th of June preceding, and *at the time* first mentioned them on the 24th of July. On the 4th of December however, *betwixt* their dating and their mentioning them, they insinuated A NEW *ÆRA* for the discovery of them. In their act of council on that day, they "desires it to be found and declarit," and it was accordingly found and declared in a special law for the purpose, "be the estates and haill body of the parliament, that the cause and occasion of the *previe conventionis* and *messages* of the erles, lords, noblemen, and baronis, and others faithful and trew subjects, and *consequentlie* their taking of armes, and cominge to the fields with oppin and displait baneris," on or before the 10th of June, and the cause and occasion of the taking of the Quene's person upon the 15th daie of Junii last bypast, and holding and deteininge of the same within the hous and place of Lochlevin continually newallie sensyne, presentlie, and in all tymes comyng; and generallie all other things inventit, spokin, writtin, or donne be them, or any of them, sen the tent daie of February last bypast—, was in the saied Quene's awin default,

“ default, in as far as be divers hir previe lettres
 “ —it is most certeine, that she was previe,—and
 “ of the actual devise and deid, of the—murther
 “ of the kinge.”* They thus ground their con-
 signment of the Queen to a prison on the 16th
 of June, their appearance in arms against her on
 the 10th, their secret messages of sedition and
 their private conventions for rebellion before, and
 their whole conduct concerning Bothwell and
 concerning Darnly, even so far back as the mur-
 der of Darnly on the 10th of February, upon
 letters which they said they discovered on the
 20th of June. But they had not said so then.
 They had not yet fixed any day for the discovery.
 They were therefore free to rove at large concern-
 ing it. And they accordingly insinuate it now,
 to have been made on some day *antecedent* to the
 20th of June. That they could not *now* mean,
 to justify all that they had done *before* the 20th
 by letters found *on* the 20th, is obvious, I think.
 It would form, as I have hinted already, such a
 splendid instance of the fatuity of usurpation, as
 the world has never seen. An astonishing instance
 of fatuity, indeed, it forms at present. But
 then it forms the instance, by a combination of the
posterious date of the discovery, with the dates and
 facts in this act of council. And, however such
 a *combination* may decisively shew the infatuation,
 yet the rebels could never be so far gone in idiotcy,
 as to shew it *all together*. Their *memories* might
 so far fail, but their *common-sense* could not be so

* Goodall, ii. 63—64.

thoroughly vitiated, as to lead them into such an exhibition of drivelling stupidity in themselves. They insinuate therefore the discovery of the letters, to have been *antecedent* to the 20th of June; by grounding proceedings antecedent to the 20th upon them. They thus intimate the discovery, to have been *prior to the 10th of June*. They even intimate it, to have been *previous to the 10th of February*; though some of the letters, by their own accounts, were actually *unwritten* then. They knock down one ninepin, in endeavouring to set up another. And they finally throw down all, by making them mutually and successively to strike one another.

§ II.

WE have thus at last come to the true and real origin of the letters. Let us now, therefore, trace out their history afterwards, and mark the revolutions which they underwent in the course of time. Like all other things beneath the moon, they sustained some shocks and they suffered some convulsions, which greatly affected their frame. And every one of these will serve to prove the original forgery of the whole.

But let us first see, what alterations they had received in the interval, between the report made of them to Throgmorton, and the appearance of them in the council. Some they had undoubtedly received. Every author knows the difference, between a work traced and delineated upon the mind, and the same work drawn out and completed upon paper. And there is that difference,

ference, between the letters which were described to Throgmorton, and the letters which appeared afterwards. They obviously differ in two very striking particulars. "I do perceive," says Throgmorton, "if these men cannot by fair means induce the Queen to their purpose, they mean to charge her with the MURDER of her husband, whereof (they say) they have as apparent proof against her as may be, as well by the testimony of her own handwriting, which they have recovered, as also by sufficient witnesses."

Both of them agree in pretending to prove the guilt of murder upon Mary. But Throgmorton's are "AS APPARENT PROOF AS MAY BE" of the crime. And the posterious letters only attempt to prove it, by dark hints and dubious intimations, by expressions which convey no intelligence of murder in themselves, and which, without the subsequent act of murder, would not convey any intelligence at all. That this is really the case, may be readily shewn; by comparing the accounts of these letters, as given equally by the friends and the enemies of Mary, with the account which the rebels themselves gave of the others to Throgmorton. "For the alledgit writingis, in form of missive letters or epistles," says one of Mary's commissioners on December the 17th, 1568, "*quhilk makis na faith speciallie*, quhair [as] in the famin NO WORD IS DISPOSITING OR GIVING EXPRESS COMMAND."* If it be alledged, say a number

* Appendix, No. xii.

of Mary's nobles on the 12th of September before, "That hir Majestie's writing—sould preive
 "hir Grace culpabill, it may be answerit, that
 "there is IN NA PLACE MENTIOUN MADE IN IT,
 "BE THE QUHILK HIR HIENES MAY BE CONVICT
 [of murder], "albeit it were hir awin hand-writ,
 "as it is not."* "There is nothing in the
 "letters," adds Mr. Goodall, "that could plainly
 "shew the writer to have been in the fore-
 "knowledge, counsel, or device of any murder,
 "far less to have perswaded or commanded it;
 "and as little is there about maintaining or jus-
 "tifying any murderers."† And I shall close all
 with an account of them, and of the proof of
 murder in them, from Dr. Robertson himself.
 Of this, he declares, "there are only IMPERFECT
 "HINTS, OBSCURE INTIMATIONS, and DARK EX-
 "PRESSIONS, in the letters."‡ Such writings,
 therefore, could never have been the evidences
 described to Throgmorton. Such letters could
 never have been called by the rebels, "as ap-

* Appendix, No. xii. † Goodall, i. 76.

‡ Diff. 25. And see also Mr. Hume, v. 146—147. Mr. Tytler, in a new edition of his work, endeavours to refute this assertion of Dr. Robertson's. He therefore goes to the *sonnets*, as equally a part of the evidences with the letters. And he produces a passage from them, in opposition to the Doctor. But Mr. Tytler (I make the remark with great respect for him) has here fallen into a confusion of ideas, which the *posterious* date of the passage could alone have produced. He means the *adultery*, while the Doctor means the *murder*. And he appeals to the *sonnets* in support of his argument, when, in this mis-direction of it, he might equally have appealed to the *letters* themselves. P. 126—131. Edit. 3d.

"parent

"parent proof" of the murder "as might be." The two sets of letters, indeed, stand in a direct opposition to each other. Both pretend to prove the murderous guilt of Mary, from the testimony of her own handwriting. But one set comes forward as a full and explicit proof against her, and the other only as a faint and feeble evidence. That fixes the murder upon her with a peremptory tone of assurance, while this presumes only to insinuate it. That trumpets her guilt in the market-place, and this is content to whisper it in the reeds.

So characteristically different were the letters produced at London in 1568, from the letters described at Edinborough in 1567! But they were also differenced from each other by another circumstance, which is of an *external* nature, and may therefore appear more striking still to my readers. The former were corroborated by *living testimonies*. The latter *never pretended to any*. This is very remarkable. It is also very evident. Concerning "the murder of her husband," Throgmorton tells us, "—they say they have as apparent proof as may be, as well by the testimony of her own handwriting, which they have recovered, as also BY SUFFICIENT WITNESSES." They *then* meant to have fortified the credit of their forged epistles, with the concurrent attestations of some of their suborned dependents. They had them all ready for the work in reality or imagination, on the 24th of July, 1567. Yet they never produced them. And they never offered to produce even a single witness,

witness, either at York or at Westminster, to Mary's share in the murder. So greatly did they alter their plan, after Throgmorton wrote! We have previously seen them altering it essentially, with regard to the *contents* of the letters. We now find them changing it intirely, with respect to the *confirmation* of them. They even changed it, in a seemingly retrograde kind of absurdity. When their letters were full of the murder of the King, they thought it prudent to superadd the security of witnesses. When their letters conveyed only dark and imperfect intimations concerning the murder, they thought it unnecessary to add any witnesses at all. And yet this was the genuine result of unfounded villainy, bold at the outset, suspicious in the progress, restless in its spirit, and shifting in its measures.

When the rebels first formed the design of a number of letters, that should convict Mary of murder under her own hand; they very naturally resolved to make them explicit, concerning the murder. They were to form them for this end. They would therefore not confine themselves, to dubious hints of her guilt. Hints would be too weak for their purpose. Dubiousness would be too frigid for their zeal. They would take care to mark her enormity, in clear and peremptory terms. The grand object of crimination would come forward to view. Page after page would point at it. And a full blaze of light would be thrown upon it, from every quarter. Such would be the natural operation of the mind, when it delineated the plan to itself.

Such

Such also, by their own account, appears to have been the actual operation of their minds, when they delineated the plan to themselves. They made their imaginary letters to form "as apparent a proof as might be," of the participation of Mary in the murder. Nor were they content even with this. They would go farther. Not a loop-hole should be left, to hang a doubt of her guilt upon. And they provided "sufficient witnesses," to co-operate with the written evidence.

But when the ardour of conception was cooled, when the eagerness of crimination had spent itself, and when they calmly reflected on their own purposes afterwards; the ever-wakeful spirit of suspicion began to stir itself, in the bosoms of these profligates. They saw the peril they should be in, from their corroborating evidences. Witnesses, however steeled with impudence and impiety, might yet relent, recede, and retract. Their advanced posts would thus betray them. And their very outworks would be turned against them. They therefore determined to cut off this dangerous accession of strength. They resolved to contract the dimensions of their ground. They will draw all their forces into their camp. And they will there secure themselves behind the lines of their letters. Letters are more manageable than witnesses. *They* will never relent, recede, or retract. *They* will always speak, whatever their prompters choose they should speak.

But even *these* are to be formed upon a new plan.

It violates every principle of probability to suppose, that letters, with such a plenitude of murderous evidence in them, should be sent WITHOUT THE GUARD OF A SEAL. Yet the rebels were compelled to send them without it. Mary had still her own seal in her own possession. Her commissioners, say Elizabeth's on the 6th of October, 1568, "produced a commyffion written on paper, "subscribed by the Quene of Scotts hand, and "sealed with her signet."* Mary also, in the December and January following, sent them "twa sefveral writingis—, subscrivit with hir awin "hand, and *under hir signet.*" † And for this reason "the alledgit writingis in form of missive "letteris or epistles," says an author at the time, and in an address to Elizabeth herself, "are not "subscrivit be the alledgit writer thair of, nor "SEILLIT NOR SIGNETIT." ‡ They were neither attested by her seal at the bottom, nor secured by her seal on the outside. And such a display of murderous guilt in an *open* letter, would have counteracted its own purposes, would have shocked the faith of credulity itself, and have proved eventually a full vindication of Mary. They therefore addressed themselves to the business, in a different manner from what they had once designed. They were obliged to pull that little creation to pieces, which had been formerly modelled in their minds. They were obliged to form a new one of fresh materials. They took particular care to avoid the original fault of their

* Goodall, ii. 112. † Ibid. 311. ‡ Appendix, No. xii.
plan.

plan. The broad and open day-light of murder, which was to be thrown over *that*, was shaded off and softened away in *this*. The strokes concerning the murder were now touched with such a gentle hand, that they might with the greatest safety be committed even to an *open* letter.

But, in the usual precipitancy of the human mind, the rebel operations ran as much into an excess in diminishing, as the rebel imaginations had gone before in aggravating, the evidence of murder against Mary. They have shaded away the light so much, which was to play upon this, once capital, object in the piece ; that they have not left a single ray to shew it. Mary's concern in the murder, disappears from the face of the whole. We are aware indeed, that the letters were produced as proofs of murder intended by her. This therefore lends a spur to our acuteness, and furnishes wings to our imagination. By the aid of both, we lengthen the imperfect hints into intimations, we enlighten the dark, and we ascertain the dubious. But to a man who has his imagination properly at rest, and his acuteness not improperly stimulated, it appears surprising, that the letters should ever have been produced as vouchers of murder at all. Accordingly we observe of the rebels themselves, that, at their first production of them before the commissioners of Elizabeth, they would not submit them even to these partial and credulous examiners, without previously prepossessing them concerning her share in the murder. " For our
" better instruction," say the commissioners them-
selves,

selfes, “after declaration of such circumstances, “as led and induced to vehement presumptions “to judge her guiltie of the said murder,” they shewed the letters.* And so those writings, which once formed, in the opinion of their very planners, “as apparent a proof” of murder “as “might be” against Mary; are now, in the opinion of their very makers, unable to bear the weight of any proof themselves, and obliged to be propped and shored up by declarations, inductions, and presumptions from without. They cannot indeed support any proof. They can hardly maintain a strong suspicion.

§ III.

THERE is also another circumstance concerning the letters, which equally shews the delineated originals of them, to be materially different from the actual copies. This is likewise intimated to us, by a passage in Throgmorton’s dispatches. And it runs thus. “They mean,” says that embassadour, “to charge her,” Mary, “with INCONTINENCY, as well with the Earl “Bothwell, as with others; having (as they say) “sufficient proof against her for this crime.”

The rebels *then* formed the project, which they pursued afterwards. They resolved to charge her, as they charged her afterwards in the letters, with the crime of adultery. So far they were consistent in their plan! But this was all their consistency. They *then* designed to accuse her of adul-

* Appendix, No. v.

tery, *without the aid of the letters*. This is plain from the manner, in which Sir Nicholas speaks of the two accusations of adultery and of murder. For the latter, he tells us, "they say they have as " apparent proof against her as may be, as well by " the testimony of her own handwriting, which " they have recovered, as also by sufficient witnesses." But for the former, he adds, " they " have (as they say) SUFFICIENT PROOF AGAINST HER." The letters, we see, are restricted entirely to the charge of murder. They have no connection with the charge of adultery. *This* is founded wholly on the same groundwork, upon which one half of the other rests, on " sufficient witnesses," as it is called in the former accusation, or on " sufficient proof," as it is denominated in the latter. And no *letters* were then pretended to be recovered by the rebels, that could substantiate at all a charge of adultery against Mary.

Nor was the adultery, that was thus to be brought home to her by *witnesses*, confined entirely to Bothwell. No ! It was extended to others. " They mean to charge her with incontinency," says Throgmorton, " as well with the Earl Bothwell, as with others." And for her adulterous commerce with others, as well as with him, " they " had (as they said) sufficient proof against her." They therefore meant to brand her as a woman of wantonness, deserted by all sense of modesty, and given up to an unbridled licentiousness of life. They had their witnesses ready to prove it all. Mary was to appear, as the very Messalina of her court. Bothwell and others were to be shewn, as
successively

ſucceſſively the implements of her looſe gratifications. And ſhe was to be exhibited in all thoſe glowing colours of infamy, in which theſe miſcreant ſons of detraction exhibited her afterwards, by the prostituted pencil of a Buchanan.

This they intended not to have left to Buchanan's *Detection*. They deſigned to have had a prior *detection* of their own. And they had, what Buchanan has not, ſome witneſſes for the pretended facts. But they afterwards contracted their plan upon this, as well as the other points of accuſation. They diſcharged all their witneſſes. They reſolved to find different evidence. They left Buchanan to hint at her ſtory of ſhame with "OTHERS." They reſolved to tell in form her commerce with "EARL BOTHWELL." They made the adultery acceſſary to the murder. They united the two charges together. And they engrafted the whole upon the letters. They thus cut off all *living* evidences. They diſengaged themſelves from thoſe dangerous auxiliaries, which, like the elephants in ancient war, were as likely to make head againſt their employers, as to fight for them; and, on any ſharp attack from the enemy, would be almoſt ſure to turn upon their friends, and trample them to death. They prepared to bring forces into the field, which they could keep under better command. *Written* testimonies would maintain their poſts, with all the heavy bravery of Ruſſians. Like them, they might be beaten down indeed by ſuperiour power. But, like them alſo, they could never be forced to fly.

So very striking an alteration was now made, in the form and fashion of the letters! At first they had not a hint in them, of any adulterous wickedness. They told only of the murder. This was all the dreadful secret, that they were charged to convey. And the adultery was to be published by *vivâ voce* evidence. But now they have been taught another lesson. They have been made to forget, nearly, all their former tale of murder. They have taken up a new one of adultery. And this adultery is all with Bothwell.

In doing this, however, the rebels equally as before overshot the mark at which they were aiming. With all the hasty indiscretion, with which they meant to display the guilt of murder in the first letters, they actually blazoned out the impudence of adultery in the second. This appears so strong upon the face of the letters now, that Mary must have been a Messalina indeed, to have written as they dictated to her. And yet, to aggravate the absurdity, they describe this very Messalina of their own making, as attached entirely to *one*, as devoted entirely to *his* love, and as resigned up in body and in soul entirely to *his* will.

The natural indelicacy of their *masculine* minds, disabled them from giving us one touch of love purely feminine. They knew little more of the passion, than the impulses of instinct and the sensitiveness of nature. They therefore described a most accomplished princess, as addressing her lover with all the grossness of a mere man. But

this was not all. They knew not how to paint a queen in love with one of her subjects. They therefore represent her, as acting with all the sneaking humility of a cottager to a peer. And, from some strange predominancy of meanness in the personal fabricator of the whole, they give her at times the very tone of vulgarity in love. A few instances will shew this. I shall take them just as they arise. “*The devil finder us,*” she is made to exclaim, “and God knit us togidder for ever, for the maist faithfull coupill that ever he unitit: *this is my faith, I will die in it.*”* I am, she says in another place, “verray glaid to wryte unto zow quhen the rest are sleipand, sen I cannot sleip as thay do, and *as I wald desyre*, that is, *in zour armes*, my deir lufe.”† “Waryit mot this pokische [pocky] man be,” her husband, “that causes me haif sa mekle pane, for, without him, I suld have *an far plesander subject to discourse upon.*”‡ “Seing to obey zow, my deir lufe, I spair nouthier honour, conscience, *basarde*, nor *greitnes qubatsumevir*; tak it, I pray zow, in gude part,” as from “the maist faithful luifer that ever ze had, or ever fall have.”§ “Zour humble and faithful lufe *bopis to be schortly ane uther thing to zow*, for the reward of my irksom travellis.”|| “Now, Schir, I have brokin my promeis; becaus ze *commandit* me nouthier to wryte nor send unto zow: zit I have not done this to *offend* zow: and gif ze knew

* Vol. ii. L. i. S. xviii.

† Ibid. S. xix.

‡ Ibid. S. xx.

§ L. i. S. xxxiii.

|| Ibid. S. xxxiv.

“ the feir yat I have presently, ze wald not have
 “ *sa mony contrary suspiciounis* in zour thocht;
 “ quhilk notwithstanding I *treit and chereis*, as
 “ proceeding from *the thing in the world that I*
 “ *maist desyre*, and *seikis fastest to haif*, quhilk is
 “ zour gude grace; *of the quhilk my behaviour fall*
 “ *assure me.*”*

Such was the coarse *kirtle* and the homely *neckatee*, in which these wretched representers of Mary dressed themselves up, for the exhibition of a Queen, dignified, refined, and elegant. But their desire to fix the imputation of adultery strongly upon her, blinded them to all the folly of their conduct. They were even hurried by it into still greater extravagancies. The Queen was made to express all this violence of affection for her adulterer, to shew all this contempt and hatred for her husband, to speak all this earnestness for a speedy separation from the one and a speedy union with the other, and to utter all this eagerness for being in the other's arms at that moment; in letters that were sent UNSEALED, in letters that were sent by DIFFERENT MESSENGERS, in letters that were sure to be read by the bearers, and reported by them to others. And thus the writings, which once had not a single stain of adultery upon them, are now polluted with open and un-covered adultery from end to end.

* L. iii. S. ii.

§ IV.

THESE two, very pointed, proofs of variation in the form and substance of the letters, reflect each a lustre upon the other, serve each to confirm and corroborate the other, and make both to evidence the forgery of all in the clearest manner. But these took place, before the letters had been properly presented by their fabricators to the publick. They were spoke of indeed. They were described. They were spoke of by a personage of the first authority among the rebels. They were described by him to an embassadour of Elizabeth's, who was sent to negotiate with the rebels, and who was confidentially entrusted with their designs at times. Yet they had not been written then. They were therefore in the womb of time as yet. What alterations this litter of deformity might *there* undergo, would necessarily be invisible to the world at large. But the litter were brought to light afterwards. And, even then, they were continually licked into form, by the persevering applications of their parents.

The letters, as hastily traced upon the imagination of Lethington on July the 24th, 1567, were upon serious consideration rejected in the moments of execution. Another set of letters was formed upon a different plan. The murder was to be no longer the whole. The adultery was to claim a share of attention. And both were to become the objects of the letters. This

was done. A parliament was then summoned. The letters were produced in their new form. A violent law was passed against Mary. And Murray triumphed in the happy efficacy of his forgeries.

For this purpose was it, that the letters were first fabricated in themselves and first produced to the publick. But the moments of their exhibition and birth, were the witnesses of their shame. And the triumph of Murray was dashed, by an exposure of his villainy. The letters betrayed the spuriousness of their origin, at their very first appearance in publick.

Preparatory to the meeting of parliament, as I have previously shewn, Murray called a number of his friends together, and formed a privy council with them. This was continued on to the 4th of December 1567. "The which daie," says the journal of the council, "my lorde regentis grace, the lordes of secret counsaile, and uthers, baronis, and men of judgement, being convenit in counsaile," it was determined to produce some letters in a handwriting similar to Mary's, and to fix upon them a charge of murder against her. They accordingly produce the charge and the letters together. "Be divers hir previe lettres," they say, "writtin and subscrivit with her awen hand, and sent by hir to James Erll Boithwell," &c. "it is most certeine that she was previe, art and part, and of the actual devise and deid, of the—murder of the kinge."*

* Appendix, No. i.

When they planned the letters, the murder was the only object of them. When they executed them, the adultery was placed in the principal point of vision, and the murder was only seen, or thought to be seen, at a distance. Yet they persisted in their scheme of accusation, as if the letters were still in their original form. They charged Mary with murder upon the authority of letters, that had once been intended to have the evidences of murder very strong upon them, but in reality had never had any at all. And they never charged her with adultery upon the credit of writings, which were full of adultery in almost every page. But then these were originally meant, to have had no traces of adultery in them. The plan of effective operations was formed, upon the original model of the letters. And *that* was still pursued, when *this* was altered. Hence arises a very gross absurdity, upon the face of the rebel accusations. They adduce writings to prove a murder, of which the writings *know* nothing. They adduce writings that prove an adultery in the plainest manner, and yet ground not any accusation of adultery upon them. Their charges and their evidences are quite at cross purposes. And, as this extraordinary fact is very clearly explained by the variations made in the original form of the letters, so does it cast a light back upon those letters themselves, and confirm the conclusions which we have drawn from Throgmorton's account of them. Nor do the evidences and charges appear with such averted faces to each other, merely at the present *out-set* of the business.

business. They carried the same *Janus-like* appearance, in the middle and in the conclusion of it. Thus Murray, when he offered to have the letters shewn to Elizabeth, calls them “ sic letteris—that sufficientlie, in our opinioun, prei-
 “ vis hir consenting to the *murthure* of the king
 “ hir lauchful husband.”* Thus also at York he and they exhibited the letters, for “ such mat-
 “ teir as they had, to condempne the Quene of
 “ Scottes of the *murder* of her husband.”† Thus again at Westminster they charged the Queen, with being “ of the foirknowledge, counsal, de-
 “ vise, perswader, and commandar, of the —
 “ *murder*.”‡ And to prove this they produced the letters, which proved no “ foreknowledge,” no “ counsel,” no “ devise,” no “ persuation,” and no “ command.” So strangely was the whole machine of accusations thrown off its center of rest, by the shock of the alterations already made in the model of the letters !

These writings, however, were laid before the parliament afterwards. But, as there was sure to be a large party there in favour of the Queen, the rebels, not content with all the precautions that they had taken before, tied up their tongues and hands at once, by a most extraordinary kind of additional charm. “ Sindrie nobilmen that was
 “ hir Grace’s favouraris,” say those very persons afterwards, “ then present, buir with all” the rebel proceedings there, “ *maist principallie* for

* Appendix, No. iii.

† Ibid. No. v.

‡ Goodall, ii. 207.

"safety of hir Grace's LYFE, quhilk, or thair
 "cuming to parliament, was *concludit and sub-*
"seryvit be ane greit part of hir takeris, to be
 "TAKEN FRA HER IN MAIST CREWEL MANNER,
 "as is *notourlie knawin*."* By the power of this
 magick, they bound the friends of Mary fast.
 Her enemies were doubly active. The parlia-
 ment consisted only of both. The letters were
 produced. And a law was passed exactly in the
 terms, in which the act of secret council had drawn
 it up before. It begins thus: "Item, anent the
 "artickle proponit be the erlis, lordis, and uther
 "nobillmen, quha tuik armis at Carbarrie hill,
 "upon the 15th day of Junii last by-past." And
 it finds, just as the act of secret council had found
 before, that all which had been done was "in
 "the said Quenis awin default, in sa far as, be
 "divers hir previe letteris writtin halelie with hir
 "awin hand, and send be hir to James sumtyme
 "Erle of Bothwell, chief executour of the—
 "horribill murthour,—it is maist certane that scho
 "was previe," &c.†

In the act of council the letters are described, as
 "writtin AND SUBSCRIVIT with her awen hand,"
 and in the act of parliament as "WRITTIN
 "HALELIE with hir awin hand." Whence arises
 this difference? It is apparently a very extraor-
 dinary one. It strikes strongly upon the mind.
 And it is authenticated in the clearest manner.
 The letters, no doubt, were *exhibited* before the

* Goodall, ii. 360.

† Appendix, No. ii.

council. Even Murray could not have had the effrontery, to ask and to procure a *charge* of *murder* against Mary, upon the testimony of writings *not seen*. The council therefore saw them. Yet they represent them "as written *and subscribed* with her "own hand." They were certainly seen by the parliament too. I know, indeed, that the friends of Mary to this day contend they were not. But I am constrained by the force of truth, to separate from them in this as well as in some other points. Murray could still less than before have had the effrontery, to ask and to procure a *sentence* of *murder* against Mary, upon the authority of writings that dared not to show their faces. And Murray and Mary's nobles concur to say expressly, that they were seen. On the Duke of Norfolk's privately proposing to Murray at York, not to produce his letters to the commissioners; "my "reply to that was," says Murray himself, "how "the matter had passed in parliament, and THE "LETTERS SEEN TO MANY, so that the abstract- "ing of the same could not then secure her to "any purpose."* Murray's word indeed will not be readily admitted upon a dubious point, by either the friends of Mary or myself, without the concurrence of some other testimony. I hasten therefore to such a testimony. What pretended to be "hir Majestie's writing," the very nobles of Mary's party say, was "PRODUCIT IN PARLIA- "MENT."† Yet the parliament describe the letters from an equal view of them with

* Robertson, ii. 397.

† Goodall, ii. 360—361.

the council itself, in a manner essentially different; and as NOT "written *and subscribed* by her "own hand," but only as "written" by it, and as written "wholly" by it. Here we have vision against vision, and record against record. Which of them shall we take? We know not which to take. We are floating betwixt two opposite tides. One drives us to suppose the letters only *written* by the Queen. The other compels us to believe them both *written and subscribed* by her. And which shall carry us away by its impulse at last?

The former must, says Mr. Hume. The whole difficulty, according to his solution of it, results from "the inaccuracy or blunder of the "clerk." And "the mistake is easily accounted "for: the letters were only wrote by her, the "second contract with Bothwell was only subscribed; a proper accurate distinction was not "made, and they were all said to be wrote and "subscribed."* Nor is "a proper accurate distinction" yet made. The *second* contract, indeed, pretended only to be subscribed. But the *first* pretended, equally with the letters at one time, to be both written and subscribed.† Having cleared up this little confusion, let us attend to the argument itself. And let us observe, in order to give a full energy to it, that the rebels on the 10th of December 1568, when they declared at Westminster, "good honest men, full "surely!" how they came by the evidences

* Hist. v. 148.

† Appendix, No. v. and xi.

against Mary; spoke of them, "as writtin or "subscrivit be hir hand."* But then *they* speak of "divers missive letteris, sonnettis, obligati-
 "ounis or contractis for mariage, betwix the
 "Quene and Erle Bothwille."† And the acts of council and of parliament, as Mr. Tyler has very justly replied,‡ speak only of "her privie "letters." These alone are said by the parliament, to have been written wholly by her own hand. These alone are said by the council, to have been both written and subscribed by it. These alone *could* be mentioned or meant at all by either. THEY ALONE WERE PRODUCED TO EITHER. The *contracts*, either first or second, were *not* produced. The *sonnets* were equally *not* produced. They could neither of them, therefore, be within the purview of the council. They could neither of them be in the contemplation of the parliament. And Mr. Hume's clerk, instead of being set down for a blunderer by his ingenious employer, must have been a much more ingenious man than himself; as he was possessed of the peculiar faculty, a superiour kind of second-sight in memory perhaps, of alluding to papers which he had never seen, of combining the stores of sight with the treasures of revelation in his mind, yet marking with some distinctness the real boundaries of both, and so referring half of his description to the one and half to the other.

* Goodall, ii. 92. † Ibid. *ibid.* ‡ P. 9. Edit. 1st, which is the edition that I invariably use, except when I say to the contrary.

So contemptible does Mr. Hume's solution appear, when we bring it to the slightest test of trial ! Yet a writer has recently stepped forth, in opposition to Mr. Tytler ; and pronounced it " not " a " contemptible " solution. This writer has given himself to the world, in " Miscellaneous Remarks " on Mr. Tytler's work.* He is plainly an enemy to Mary, a disciple of Dr. Robertson's or Mr. Hume's. Most probably he is a pupil of the former. But, whatever he is, he is evidently *very young*. He should have staid longer at the feet of his political Gamaliel, before he had ventured to become a teacher himself. He should have " staid at Jericho, till his beard was grown." And if a young man chose to be artful, if his youthful integrity would permit him to assume a disguise, he should have taken care to wrap it closely about him. He affects the air of one of Mary's friends. Yet he writes with the venom of her enemies. He has not much indeed, because he has little strength. But he shews as much, as his strength will permit him to shew. And, to apply the witty remark of a *Cavalier*, " young Sir Harry Vane, if he lives, will come " to be old Sir Harry." He informs us in his first page, that " the intercourse between Mary " and the Earl of Bothwell was ill-fated, and in " its consequences disastrous ; *but, with respect to* " *her, it was innocent.*" Yet, even after such an assertion, he plainly is endeavouring to make the epistolary part of that intercourse appear to be

* Printed for Robson and Robinson, London, 1784.

genuine, and therefore guilty indeed ; by answering the objections, that have been made to its genuineness. And this he does, under the disingenuous pretence of clearing the cause of Mary's vindication, from some arguments that injure it. Such has been the influence of the late writings in favour of Mary, upon the mind of the publick ; that even an enemy is now obliged to put on the uniform of her friends, to place himself in the ranks with them, and to pretend a zeal for their cause.

He accordingly takes part with Mr. Hume, concerning this extraordinary variation in the records. He is even gallant enough, to come and assist him at the very moment of his defeat. And he has generosity enough, to wish to cover the retreat which he had not power to stop. But his gallantry is greater than his prudence, and his generosity is superior to his force. He has induced me, by his interference, to follow the stunning blow which Mr. Tytler had given Mr. Hume, to pursue the enemy which he had obliged to retire, and to improve the success (I trust) into a complete discomfiture. And having done this, I turn upon the auxiliary himself. Mr. Hume's solution, he says, is " not contemptible, " however much it may be despised by some " men : for as *letter of tack* and *letter of pension* " are phrases used in Scotland, so *letter of espousal* " may be proper enough."* This gentleman appears from many circumstances, to be a Scotch-

man. Indeed the subject of Mary's innocence or of Mary's guilt, has been almost entirely confined to the Scotch. And I know not whether I am not the first Englishman, that has written a large treatise professedly on the point. Yet, though a Scot, he is not much conversant with the idioms of the Scottish language. Had he been, he might have given a greater force to his argument, than he has done. I will do it for him, before I attack it. This will be acting with the honourableness of an old knight-errant. I acted with a little of this spirit to Mr. Hume before. And I ought not to be less generous to his kind assistant. He wants it as much as he, though he came as an assistant to him.

The Scotch formerly denoted; and do denote still, I suppose; *all* sorts of writings by the appellation of LETTERS. We do so in some measure ourselves, in the use of the word *letters* for literature. Hence come our author's "letter of tack," and "letter of pension." Hence also a contract for marriage may very analogously be denominated a "letter of espousal." And, what is decisive upon the topic, even *the very contract* mentioned by Mr. Hume is expressly styled *a letter*, by an author *of the very time*. That author is MURRAY himself. In enumerating the written evidences which he produced against Mary, he mentions "the contractis or obligationis for marriage,—and all *utheris* LETTERIS."* The Earl of Morton, also, speaks of them afterwards

* Appendix, No. iv.

in the very same style exactly, as “contractis or obligatiounis for marriage,—and *utheris* LETTERIS.”* But then they both distinguish very carefully, what common-sense requires every language very carefully to distinguish, betwixt epistolary and other writings. Murray mentions “all *missive letteris*, contractis or obligatiounis for marriage, sonettis or luif-ballettis, and all *utheris letteris*.” Morton specifies “the *missive letteris*, contractis or obligatiounis for marriage, sonettis or luif-ballettis, and *utheris letteris*.” The acts of council and parliament also, observing the same distinctiveness of language, speak of “her *privie* letters.” These are evidently the same with the “missive letters” of Morton and Murray. They are even said expressly by both the parliament and the council, to have been actually missive; being described by both, as “divers hir *previe* lettres, *writtin and subscrivit*” or “*writtin balelie*, with *hir awen band*, and SENT by “hir to James Erll Boithwell.” And, as I have already noticed, *these* were the *only* letters or writings, that were produced before the council, or that were presented to the parliament.

So easily is the auxiliary defeated, as well as the principal! But the former afterwards comes forward from his subordinate situation as an auxiliary, and assumes the tone and stalk of a principal himself. He thinks Mr. Hume’s argument not a bad one. But he has *a better of his own*. “Another,” he says, “and a more easy and

* Appendix, No. iv.

“obvious

“ obvious solution may be suggested.” It is this. “ He who writes a deed with his own hand,” he says, “ does generally sign it, and “ it is hardly possible to figure a case of a perfect “ deed, written by the party’s own hand, and not “ signed by him: hence *written and subscribed* “ constantly go together in common language, “ just as *heirs and executors*. As every one, conversant in law-business, must have seen *executors* “ joined to *heirs*, in consequence of what may be “ termed the customary affinity between them, “ although the maker of the deed meant not to “ speak of executors; so, in like manner, the “ clerk of privy council might have added *sub-* “ *scribit* to *written*. It appears that this inaccuracy was observed, and immediately corrected.”* Such is the “ more easy and obvious “ solution” suggested by this gentleman! But whether it is *more* obvious and easy than Mr. Hume’s, may soon be settled. It is neither easy nor obvious at all. The very confusedness of it shews this sufficiently. And nothing but the natural partiality, which the mind always bears to its own conceptions; or the equally natural unfixedness of a frivolous mind; could have induced him to mention it. It has two advantages, however, over Mr. Hume’s. It does not militate against the positive fact mentioned before. And, what perhaps is equally useful, it has so little pointedness in it, that it is not easy to meet its force.

The confusion of ideas, that prevailed in the author's understanding when he conceived the argument, appears very evident in his management of it. Even as he states it himself, it amounts only to this, that so it might be. Yet in the very next words he assumes this argument of mere possibility, for an absolute evidence of reality. "The clerk of privy council," he says, "MIGHT have added *subscrivit* to *written*." And yet, as we are instantly told, "IT APPEARS" that he did add it, that "this inaccuracy" was actually committed by him, that it was actually "OBSERVED," and that it was actually and "IM-MEDIATELY CORRECTED."

Such is the whole of the argument, as stated by himself! Let us now examine the parts of it, as they stand before us. "He who writes a deed with his own hand, does generally sign it." This is surely a very strange position. Who writes a *deed* with his own hand? Not one in ten thousand. And if this gentleman be in the law, as from his allusion I take him to be, he hopes for the sake of the profession, I presume, that not one in ten thousand will ever do it; unless indeed he is one of those peculiarly malignant lawyers, who would be glad of confusion for the sake of advantage, who would sacrifice the world to their gains, and are ready, in their rage for profit, to cry out with "the enraged Northumberland,"

Let heaven kiss earth! now let not nature's hand
Keep the wild flood confin'd! let order die!

But when any one does write a deed with his own hand, it seems, he *generally* signs it. He *always* signs it, if it be a deed. If he draws it up as a deed, he will equally as a deed sign it. But what connection has all this with the letters before the council and parliament? It has this. "Hence *written and subscribed* constantly go together in common language, just as *heirs and executors*." The technical union of heirs and executors is very natural, because these are legally two grand and parallel links in the chain of transmitted property. But is there any such union, or any such reason for an union, between the subscribing and the writing of a paper, whether a law-deed or not? Do deeds generally, or even ever, make use of the combination "written and subscribed," as they do of "heirs and executors?" Certainly not. The subscriber is almost always a different man from the writer. And, even when he is not, none but an affected simpleton would think, if ever *one* thought, of recording upon his deed, that he *wrote* as well as subscribed it.

But even if all this was true, if the terms "written and subscribed" were as common associates in the language of the law, as "heirs and executors" are; what then? Would every or would any lawyer, from this frequent recurrence of the phrase, always superadd "subscribed" to "written," whenever he had occasion to mention the letters? Would he particularly, in mentioning any writing that was *not* subscribed, from the force of a merely mechanical bias, and
in

in direct opposition to his own view of it, mention it as equally subscribed and written? The supposition is sufficiently refuted by the statement. The very question precludes all answer. But, even if he would, was the clerk of the council a lawyer, and the clerk of the parliament none; and were the acts, either of the parliament or of the council, usually drawn up in the law-language, practised within this gentleman's *forum justitiæ*? It does not appear, that either was. Nor were the acts of the council, any more than those of the parliament, ever said by the clerks to be written and subscribed by the members. They were both *subscribed* by them. Both these were particularly so.* But they were neither of them *written*. And this very act of council does not purport, to be either written or subscribed by them.†

I have pursued this ridiculous argument at a greater expence of time and words, than it had a right to claim at my hands; in order to shew it ridiculous, in every principle and particle of it. It may thus serve as an useful specimen of the wretched reasoning, in which the adversaries of Mary are now compelled to take refuge. The clerk of the council was Alexander Hay, a notary publick.‡ He was used, as a publick notary, to draw up writings and to attest them. He was peculiarly, therefore, in the habits of accuracy. His very profession consisted in this. He saw the letters produced in form. He was

* Goodall, ii. 65—66 and 69. † Ibid. 65. ‡ Ibid. 84. See ii. 369, for a *clerk* being a notary publick to Queen Mary.

to describe them. He therefore examined them. From that examination he described them. He necessarily described as he saw. He described them as they were. And he described them as written and subscribed by Mary. He could not err. He could not mistake concerning the subscription, any more than concerning the writing. He saw a subscription to them. He therefore noticed them as subscribed. And, what doubly precludes all possibility of a mistake, his description of them is authenticated in the fullest manner, by the signatures of the counsellors present; even by Murray himself, by Morton, and by a long train of others.*

But, when the letters were re-produced in parliament, the clerk there acted just as the clerk before had acted, and as all clerks must act in the same situation. He was James Makgill, "*Clericus Rotulorum Registri*," as he styles himself. He was a man of much more consequence than the other. He drew up acts of parliament. He enrolled them in the journals of parliament. And he exemplified and attested them for publication.† He saw the letters produced in parliament. He must have read them to the house. He was also to describe them in the new act. He equally examined and equally described them, with the clerk before. He equally described as he saw. He equally described them as they were. And his description was equally authenticated, by being engrafted into a bill, by being passed

* Goodall, ii. 65.

† Ibid. 381.

in form through the three estates in parliament, and by being ratified into a law by the regent Murray.*

The original difficulty, then, subsists still in its full force. How shall we disengage ourselves from it? The plain fact was this.

When the rebels first formed their letters, for the accusation of Mary by the testimony of her own writing; they would be sure to form them, with the addition of her name at the end, as well as with the imitation of her hand in all. They accordingly drew up a little contract of marriage for her, exactly in this manner.† This indeed was the only manner, in which reason and propriety *could* induce them to draw up the letters. *A letter without a subscription would be a perfect solecism in evidence.* It could therefore be never intended at first. Policy might afterwards drive them to it. But reason at first could never have led them. A monster may be generated by a collision of accidents. But it is not the regular production of nature. And the letters were actually presented to the privy council, with the customary appendage of subscription to them. They were then "WRITTEN AND SUBSCRIBED "WITH HER OWN HAND." But when these artificers of fraud came to reflect still more closely on the approach of parliament, and to prepare

* So "the clerk of register," says a letter from Randolph to Cecil, August the 10th, 1560, "immediately stood "up, and asked them to what matter they would proceed" (Robertson, ii. 321).

† Appendix, No. xiv.

their letters for the strict examination which they must expect from the friends of Mary there; they began to shrink, at the thoughts of what they had done. To substantiate the charge by letters under her own hand, they had necessarily annexed her own subscription. But that letters containing intimations of adultery and of murder, should be sent with her subscription to them, and yet without any guard of a seal upon them; exceeded all the bounds of credibility. They were struck with the absurdity. They dreaded a detection by it. They must alter it. But they could not supply the defect of the seal. And therefore they must retrench the subscription. They accordingly went to work very busily again. They had not many days for it. They did not discover their error, till they had presented their letters to the council on the 4th of December. The parliament was to meet on the 15th, and actually sat only to the 29th.* But they were too expert in their business, not to be expeditious in it. They wrote over the letters anew. They thus formed a THIRD edition of them. They left out all the subscriptions. And the writings, when they came to be exhibited in parliament, appeared no longer subscribed by the hand of Mary, but merely "WRITTEN WHOLLY" by it.

The acts of council and of parliament confirm the facts in this history, beyond all possibility of doubt. That unsealed state of the letters, into

* Sir Thomas Murray's Acts of Parliament, 191, and Goodall, ii. 237.

which

which the rebels were forced by necessity, accounts sufficiently for them. And this adds one more to the instances which we have had already, of the suspicious spirit of guilt in the rebels; of their jealous attention to all the circumstances of their forgery; and of their successive improvements upon their original draughts.

Nor was this difficult to be done. When "the artickle" was "proponit be the erlis, lordis, and uther nobill-men, quha tuik armis at Carbarrie-hill, upon the 15th day of Junii last by-past;" they themselves would naturally be appointed a committee, to draw it up, and introduce it into the house. The committee accordingly consisted of the very men, who had so lately sat in council on the letters. This is apparent from their drawing up the bill, just as the council had planned it, and even pretty nearly in the very words of the council. And they would of course be assisted in the work by James Makgill, the clerk of the parliament, or, as he was popularly called, clerk of the registry. James was deep in all the schemes of the party. He was a privy counsellor to Murray. He sat in that very council before. And he was even one of the assistants to the commissioners, for the conferences at York and Westminster; and even one of the few employed, in communicating the letters privately to the English commissioners at York.* With such a clerk and such a committee, what could be the difficulty? There would be little or

* Goodall, ii. 109, 140, 236, 237, 370, and 381.

none, even with another committee and another clerk. They had certainly a copy of the act of council before them. This was not wanted as an authority, but as a model. It might therefore be copied by any of the counsellors. And, so copied, we may be sure it would be perfectly agreeable to the new design of the party. That act being thus modified into a bill in the committee, it and the letters would be presented together to the whole house. On a hearing or an inspection of both, the latter would be found to accord exactly with the former, in not being subscribed by Mary, in being only written by her. None of the friends of Mary could know any thing of the variation. It was only in the knowledge of her enemies. Should any of *these* have been inclined to notice it, either in the committee or in the house; he could not have done it, without a total inattention to his own safety. He and they were all too interested in passing a law, which was to be their own acquittal for all their deeds of rebellion and usurpation, to oppose it by any discovery, that might be fatal to it and to themselves. And though there might be some men, not destitute of all honour, in the preceding council of Murray's; yet the powerful principle of self-preservation would operate with all the force of villainy itself, and seal up their lips for ever.

In this manner the act of council was transmuted into an act of parliament. In a few years all memory of the striking variation between them, in the description of the letters, was lost. It was still apparent indeed upon the books of the privy

privy council. But these were accessible to few. They were accessible to none but the rebels themselves, while rebellion had its day. None were curious enough to examine them afterwards. A spirit of laborious inquiry is not a common talent in the world. It is peculiarly uncommon among those, who are best able to rectify the judgments of their cotemporaries. And this full and pointed proof of the forgery of the letters, lay buried in dust and darkness, and exposed to a thousand accidents, for nearly two hundred years afterward.*

* Mr. Goodall first noticed it, i. 43—44. And Mr. Tytler reinforced the notice in p. 7—12, Edit. 1st, and still more strongly in p. 7—13, Edit. 3d.

CHAPTER VI.

§ 1.

I HAVE already pointed out three very extraordinary instances of variation, in the letters. The two first are most important. But the last is most striking. Coming luckily between the exhibition in council and the production in parliament, and so presenting itself in the light from each, we see it in the clearest point of view. And the most resolved enemies of Mary have nothing to advance, in opposition to this glaring proof of forgery; except by *supposing what is contrary to fact*, or by *affirming what is repugnant to common-sense*. All endeavours to darken what is so luminous, all attempts to muffle up this moon which shines with so strong a lustre, can only draw down a heavy charge of folly, upon the head of him that makes them.

But besides this, and besides the more important alteration which I have pointed out from Throgmorton before, when the whole mass (as it were) was thrown back into the crucible, and melted down for a re-coinage; there are other instances of variation, which have never been noticed at all, and yet require the attention of the publick. I shall lay one of them before my reader at present.

When

When first the letters were formed, they would as naturally be DIRECTED as subscribed. This common-sense suggests to us. The first *impression* of the letters, therefore, we may be very sure to have had these *head and tail pieces* to them. Accordingly we find the rebels, upon all occasions, representing the letters in such a manner, as if they were actually *directed*. The acts of council and of parliament, before, speak of them as letters "SENT BE HIR TO JAMES ERLL BOITHWELL." So also, in Morton's and Murray's enumerations of all the written evidences against the Queen, these are said expressly to have been "SEND AND "PAST betwixt the QUENE—and JAMES SUMTYME "ERLL BOTHVILE."* In the same manner, the commissioners at York notice them without any hesitation, as addressed to Bothwell. They call them "the Quene of Scottes lettres WRITTEN TO "BOTHAILL."† They intimate indeed a proper doubt at times, concerning the letters being in her handwriting. But they never insinuate the slightest doubt, of their being addressed to Bothwell. Just so, the commissioners at Westminster and the privy counsellors at Hampton Court, both, speak of the letters as WRITTEN TO THE EARL OF BOTHWELL.‡ And Murray finally mentions, that he produced to them letters "written be the Quenis awin hand, and SENT "TO THE SAID JAMES SUMTIME ERLE OF BOTH- "VILLE."§

* Appendix, No. iv.

† Ibid. No. viii. and ix.

‡ Ibid. No. vi.

§ Ibid. No. xi.

But whence arises all this certainty of conviction? Not from any *internal* evidence. There is nothing in any of the letters, that denotes the Earl to be the object of the adulterous love. There is even something in the *principal* of them, that denotes him *not* to be the object. He is there spoken of as a *third person*. "Remember
 "zow," it says to the real object, "of the pur-
 "pois of the Lady Reres, of the Inglisimen, of
 "his mother, of the Erle of Argyle, of THE ERLE
 "OF BOTHWELL."* Here Bothwell is mentioned as equally a third person with Argyle, and as equally a different one from the person addressed. Yet the rebels and the commissioners, we see, are sure they were addressed to Bothwell. And this assurance of faith in them must therefore have resulted originally, from *external* evidence concerning the point, from the actual superscription of the letters to Bothwell.

Yet they appear at present, without any superscription at all. They are no more directed to any one, than they are subscribed by any one. Nor have they lost their directions, any more than they have lost their subscriptions, by accident, by the inaccuracy of a blundering clerk, or by the bias of a mechanical influence on the mind. They were un-directed at their production before the commissioners at Westminster. This is plain from a cotemporary writer. The bishop of Ross, in a memorial which he presented to Elizabeth herself, and which he presented as

* L. i. S. xxxvi.

early as the 17th of December 1568, only nine days after the production of the letters, says thus of them: "They are not subscrivit be the alledgit " writer theirow, nor feillit, nor signetit,—nor zit " DIRECT TO NA MAN."*

They were therefore most extraordinary letters to be exhibited in evidence. They were to ground a charge against *Mary*, of murderous confederacy with *Bothwell*. Yet they were not subscribed by *Mary*. And they were not subscribed to *Bothwell*. But they were both subscribed and subscribed originally, as I have already shewn. Only the same principle of cautious villainy in the rebels, that annihilated their own prior creation so decisively, that mangled their posteriour one so much as we have seen, and that peculiarly lopped away the subscriptions, equally applied its retrenching hand to the directions, and tore them wholly away. Letters UNSEALED, and yet (as the commissioners at York very properly say) "conteyning foule mattein, " and abominable to be thought of or to be written by a prince,"† could not be supposed by any but the determined enemies of *Mary*, to be either signed openly by *her*, or to be addressed openly to *him*. The simplicity of faith in a fool would revolt equally at either. And the address to *Bothwell* was accordingly withdrawn, with the signature of *Mary*.

But then how came the letters to be spoken of afterwards, as if they were still directed to *Both-*

* Appendix, No. xii.

† Ibid. No. v.

well? From three causes. One relates to the Scotch parliament. Another points to the English commissioners. And the third mounts up to Murray himself.

The letters are never spoken of, either before or after the Scotch parliament, as actually directed to Bothwell. They are only said to be *sent* him. This indeed, in all common construction of language concerning *letters*, implies them to have been addressed, as well as dispatched, to him. Yet, as it is one of those words in every language, which in ordinary usage pass current for more than their proper signification; the rebels had no need to alter their expressions concerning this, as they had concerning the subscriptions. The act of council had asserted them to be *sent* to Earl Bothwell, when they had directions upon them. The act of parliament asserted them equally to be *sent* him, when the directions were taken away. It might properly do so. Though *not* directed, they *might* be sent to him. And whether they were sent or not, was a point which the partisans of Mary might have required to be proved, before they suffered the letters to be sanctioned for hers by a law.

But they were precluded from doing this, by the terrors that were artfully hung over their heads. They were precluded from taking a single step of this kind, from asking a single question, or from starting a single doubt, by the accursed combination that was formed among the rebels, to murder Mary in a most cruel manner, if any opposition was made by her friends to the law. Nor was
this

this a mere menace. Some of their own party, who were best capable of judging, considered the combination in so serious a light, and were so apprehensive of the consequences of it, that they would not enter into it. "Sindrie of the nobil-men partakeris with thameselfis," say Mary's lords, "refusit to subscryve the samin, or consent to hir deid [death] in ony wayis" * Murray was too determined in his aims, and too savage in his spirit, not to have set the confederacy at work upon their object, if he had been defeated in his designs for the law. Mary's friends thought him so, and trembled for their Queen. Some of his own associates equally thought him so, and trembled lest he should involve them in the guilt of her murder.

Yet Murray must have intended, rather to menace than to murder. Even a Murray would not attempt a murder, if a menace would answer his purpose as well. His great intent was to terrify. To terrify Mary into a resignation of the crown, was the point to which all his measures ultimately tended. This was the grand scope of the present law. And to terrify her adherents in the house from being troublesome in it, from scrutinizing his proceedings with an inquisitive eye, from examining the *letters* particularly, from noticing the want of subscriptions, and from insisting on the want of directions, to them; he attacked them in their tenderest part, not by threatening *their* lives, not by banding to mur-

* Goodall, ii. 360

der *them*, but by threatening the life of their sovereign, and by banding to murder Mary. Such an instrument of terrou as this, which was calculated only for the generous and the brave, was fabricated merely for the present emergency. It acted therefore with the greater force upon the friends of Mary. The fate of their mistress hung suspended on their actions and words. The blood-hounds of rebellion were "in their slips, straining upon the start," and ready to spring upon their prey. And those worthies were compelled by their very worth, their very bravery and generosity, to act with the nicest caution, and to let the law pass un-scrutinized and un-exposed.*

Such a violent mode of passing the law, however, must have convinced them at the time, as it must equally convince my reader now, in the fullest and most effectual manner, that letters, which were to be so carried through the house, must have been undoubtedly spurious, must have been clumsily fabricated, and might have been

* Yet Dr. Robertson was so little apprized of these circumstances, or so little attentive to their *momentum* and force, as to urge the passing of this law for a real argument of guilt in Mary (Diff. 22). He must either have thought a pop-gun would be artillery sufficient, to decide these long contests concerning Mary against her;

Hi motus animorum, atque hæc certamina tanta,

Pulveris exigui jactu compressa quiescant :

or, in great distress for arguments, he picked up all that he could find ;

—————certamine agresti
Stipitibus duris agitur sudibus præuistis.

easily detected. But they were convinced of their spuriousness by their appearance. "Hir "Majestie's writing producit in parliament," they say, could be no proof of murder against her, "albeit it *were* her awin hand-writ, AS IT "IS NOT; and als the samin IS DEVYSIT BY "THAMESELFIS."* Yet they were obliged to acquiesce in a merely negative opposition to all. They merely "tuik instruments and protestatiounis,— "that thay *consentit* to na hurt of the Quenis Majestie's persoun, estait royall, nor crown, *fordar* "nor her Hienes wald frielie appreis herself, being at "libertie: nor yet wald voit in onie thing concern- "ing her Grace's honor nor lyfe."† So much was due to their own probity! But more would have been dangerous to their Queen's life.

We cannot wonder then, that Mary's adherents did not call for a proof of the letters being *sent* to Bothwell, as they were not directed to him. Those adherents called for no proof of their being written by Mary, though they were not subscribed by her. They called for no proof of any thing concerning them. The bloody comet, that glared continually before their eyes, prevented all inquiry. The letters and the law passed without particular contradiction through the house. And they would equally have passed in such circumstances, we may be sure, if the letters had been charged with absurdity, and loaded with forgery, in every atom of their composition.

* Goodall, ii. 361.

† Ibid. 169.

But when the letters come to be canvassed in England, then the want of a direction to Bothwell will be supplied, by a proof of their actual conveyance to him. England is a region, in which Murray's comet can have no effect upon the spirits of the judges. Nor has it. *Yet the want is not supplied.* None of the persons that carried the letters, appeared to prove the conveyance of them. None were produced by Murray. None were called for by the English commissioners. Thus was no course of transmission shewed. The defect of a direction, particularly, was left totally un-cured. Murray could not cure or shew either. Nor could the commissioners call for either. The letters were not exhibited to them as commissioners. They were shewn to them only as private gentlemen. This reason, however, was no longer in force, when the letters were exhibited again at Westminster. Some witnesses therefore will be brought up *now*, to fill this grand chasm of evidence, and to shew us at least the *verbal* directions of one or more of the letters. *But they are not.* "There is neither subscription of the writer," says Bishop Lesley at the end of the Westminster conference, "nor *superscription unto whom they were directed*:— "there is no mention [it should be, *no proof*] "made of the Bearer, who is, as it may be supposed,—the man in the moone: he was never "yet known or heard of [judicially], that *did* "either receive or deliver them."* And no ac-

* Appendix, No. xii.

count was ever given, why the letters are supposed to have been for Bothwell. They carry no directions to him. They have no conveyance to him, proved or attempted to be proved. Yet they are believed by the privy counsellors at Hampton Court, they are believed by the commissioners at York, they are believed by the commissioners at Westminster, and they are believed by Murray and by every body, to be addressed to him. How is this? Here is faith without reason, an implicit faith without a grain of reason. And whence arises it all?

It all arises from Murray. He gave the first movement to this circle of belief, which we have seen gradually widening and widening, till it spread over the island. He first believed, and he taught others to believe. But whence did *he* derive his faith? He could derive it only from one source. *He knew the original letters.* He knew them to be addressed to Bothwell. He knew them to be directed to him. And, though he found himself compelled by the necessities of policy, to deprive them of their directions; though he could find nothing in the contents, that would point out the person addressed; yet he had the courage to think of supplying all, by the mere bravery of assurance; and he had the good fortune to have his word taken, his assertion circulated, and his faith adopted, without a knowledge of his reasons, by all.