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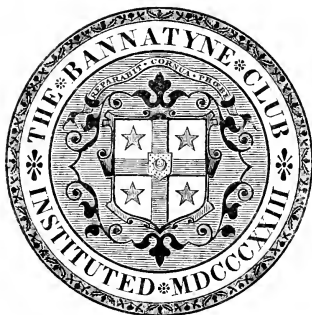
THE HISTORY
OF
THE CHURCH OF SCOTLAND.

BY

ARCHBISHOP OF ST ANDREWS.

IN THREE VOLUMES.

VOLUME II.



AT a Meeting of the Committee of THE BANNATYNE
CLUB, held on Monday, the 29th of March 1847.

Resolved,

That Club Paper be furnished for One Hundred and Twelve Copies of the Edition of ARCHBISHOP SPOTTISWOOD'S HISTORY OF THE CHURCH OF SCOTLAND, in three volumes, octavo, to be Edited by BISHOP RUSSELL for the Spottiswoode Society.

AT a Meeting of the Committee of THE BANNATYNE
CLUB, held on Thursday, the 31st of August 1848.

A letter from the Secretary of the Spottiswoode Society was read, explaining that arrangements were now made with Messrs Oliver & Boyd for completing the republication of ARCHBISHOP SPOTTISWOOD'S HISTORY, under the superintendence of MARK NAPIER, Esq., Advocate, in the event of the Bannatyne Club continuing their Subscription, upon the same terms, as had been agreed upon, when the Work was originally undertaken.

The COMMITTEE directed the Secretary to express their willingness to accede to the proposed arrangement, as their chief desire was to have the Work completed under the charge of an ostensible Editor, whose name might be a sufficient guarantee for the fidelity of the republication.

Extracted from the Minutes,

DAVID LAING, *Secretary.*

HISTORY

OF THE

BEGINNING THE YEAR OF OUR LORD 203, AND CONTINUED
TO THE END OF THE REIGN OF KING JAMES VI.

BY THE

ARCHBISHOP OF ST ANDREWS, AND LORD CHANCELLOR
OF SCOTLAND.

WITH

BIOGRAPHICAL SKETCH AND NOTES,

BY THE

RIGHT REV. M. RUSSELL, LL.D., D.C.L.

IN THREE VOLUMES.

VOLUME II.

EDINBURGH:

M.DCCC.LI.

THE EDITOR'S PREFACE

TO THE SECOND AND THIRD VOLUMES.



AT the commencement of the first volume, the Editing Committee of the Spottiswoode Society have recorded, with just and appropriate feeling, the unexpected deprivation that has withdrawn, from this important and much desired edition of Spottiswoode's History, the able hand which originally conducted it. The untimely death of Bishop Russell was a loss to letters, to this work, and to the Church of which he was so distinguished an ornament. When the melancholy event occurred, two volumes of the History remained to be passed through the press, and the right reverend Editor had not left any notes for their illustration. Under these circumstances, the Spottiswoode Committee honoured me with the request to assume the unfinished task, and to edit the two remaining volumes. With no slight hesitation I agreed to occupy the place of one so much better qualified, in every respect, for an undertaking of this nature. But I was somewhat relieved to find, that the most important part of that undertaking, the collation of the various manuscripts for the production of the present accurate text, had been completed by the Bishop, and that an old copy of the History, corrected by himself for the press, was at my disposal. It only remained for me, therefore, carefully to revise the proof-sheets, and to follow out my predecessor's judicious plan, of placing at the end of each Book such notes as might seem aptly to illustrate, or to supply defi-

ciencies in the text of our author. In these historical illustrations, however limited, I have endeavoured to combine popular interest with some antiquarian research. They are chiefly derived from original sources, not very accessible to the general reader.

Considering that the Bishop, as already mentioned, had completed the arduous and important task of collation, it occurred to myself to suggest, that the uniformity of the title pages ought not to be disturbed, nor the credit of the publication diminished, by withholding from the last two volumes an editorial name and authority so much more eminent and attractive than my own, which it was proposed to substitute.

In the *Life of the Archbishop* prefixed to the first volume, it was inadvertently stated (p. xlv) that the autograph letter from King Charles no longer exists. The original, however, is still preserved in the archives of the Spottiswoode family. It may also be mentioned, that the Archbishop's will (p. cxxx of the prefixed *Life*), now first published, was copied from the original, in his own handwriting, which is also preserved by the family.

MARK NAPIER.

G AINSLIE PLACE,
December 6th, 1850.

THE
HISTORY
OF THE
CHURCH OF SCOTLAND.

THE FOURTH BOOK.

THE CONTENTS.

THE THINGS THAT FELL OUT AFTER QUEEN MARY HER COMING FROM FRANCE INTO THIS KINGDOM, UNTO HER RESIGNATION OF THE CROWN TO KING JAMES HER SON.



HE queen preparing to return home was taken with the fever tertian, and forced to stay at Janville some months. In the end of June she came to Paris, where Francis, earl of Bedford (who was sent from England to condole King Francis his death), did in the name of his mistress salute her, and after some gratulatory speeches for her recovery, propone the ratification of the contract made at Leith, entreating the performance of it.¹ The queen thanking her sister for her kindness, answered, "That she was not as yet in perfect health, but hoped shortly to be well." Touching the ratification, she said, "That she remem-

¹ [Tytler, quoting "State-Paper Office, French Correspondence, 12th February 1560-1," says: "Bedford arrived at Paris on the 3d of February, and on the 15th of that month proceeded to the court at Fontainbleau, where he delivered his message to the Scottish queen."—Vol. vi. p. 211, Edit. 1842.—E.]

bered the business, but could give no resolute answer, till she had the advice of the nobles and estates of her own realm. For though the matter concerned her principally, yet the same did touch them also: and they having showed themselves displeas'd in former times, because she did not take their advice in affairs, would now be much more offended, if she should proceed in that matter not having first acquainted them therewith. But, as she trusted, the same should not be long a-doing, seeing she intended to make her voyage shortly home." The ambassador replying, that there was no cause to doubt of their consents in that particular, the Accord being made by themselves,—“It was made,” said the queen, “by some of them, not by all; and when I come amongst them, it will appear what mind they are of. But I will send,” saith she, “Monsieur d'Oysell to my sister, who shall give her, I trust, good satisfaction; and by him I will signify that I am to go into Scotland, and will require those favours of her that princes do one to another in the like cases.”

Soon after this she sent Monsieur d'Oysell into England, with a direction that, after he had done this message unto the queen, he should go into Scotland, and take order that the garrisons kept in the castle of Dunbar and the isle of Inchkeith should keep those forts until she were safely arrived. But the queen of England, taking ill the delay of the ratification, answered him in the hearing of all her attendants, “That except the queen of Scots did confirm the conditions agreed upon at Leith, wherein she found herself still frustrated, there could be no perfect amity amongst them; and if she would do that, the kindness which became a queen, her cousin and neighbour, should not be wanting on her part.” This she desired him to report, and leave his journey unto Scotland, for that she would not permit the same through her country.

The queen of Scots, highly offended with this answer, did call Nicholas Throgmorton, the ambassador legier of England, and kept a long conference with him about these matters, which out of the ambassador's own letters sent to the queen, his mistress, I shall relate. Commanding her attendants to go aside, she broke forth in these speeches: “How great soever my weakness be, I like not to have so many witnesses

of it as your queen of late had, when she talked with Monsieur d'Oysell. And now I must tell you, that nothing grieves me more than that I should have desired a thing of her that I stood in no great need of: having God's favour, I can return to my country without her leave, as I came hither against the will of King Edward her brother. Neither do I lack friends that both will and may convey me safely thither; yet I desire rather to try her friendship than any others. Oftentimes you have said, that it were good both for ourselves and for our kingdoms that we should live friends, and keep kindness one to another; but it seemeth not that she is so minded, otherwise she would never have returned me such an answer. It is like she favoureth my rebellious subjects more than me; yet she should with reason think that my subjects who have rebelled against me will never be so trusty and loving to her as I myself. My friends do marvel what her purpose could be in assisting my subjects against me; and now to hinder my return unto my own country, being a widow, I know not what it should mean. I work her no trouble, I have no meddling with the affairs of England; and yet I know there be numbers in that country who are not well contented with the present times. I require nothing of her but amity and friendship, and this I cannot have. She objects to me, that I have small experience of the world. It is true that years bring experience; yet I am of that age that I know how to carry myself towards my friends and well-willers. I will not use many speeches unworthy of her, but let me with her good leave say, that I am a queen as she is; that I have as good friends and as good a stomach as herself. But comparisons they say are odious, therefore I will contain myself.

“For that treaty at Leith wherewith she so troubleth herself, it was made whilst the king my husband was alive, to whom, according to my duty, I was in all things obsequent. That he delayed to ratify the Accord, it was his fault, not mine. After his decease the council of France left me to my own counsellors, neither would my uncles meddle in Scottish affairs, lest they should offend. The Scots that are here with me are not counsellors, neither can I deliberate with them in so weighty matters: as soon as I have consulted with the Estates of my kingdom, I shall give her a reasonable answer,

and that she may have it the sooner, I shall haste my journey homewards. But she perhaps will belay my way, and so impede her own satisfaction; and it may be she desireth no satisfaction of her demands, that there may be always some occasion of jarring and discord amongst us. She casteth often in my teeth that I am young and unadvised; and so she might justly think me, if I should treat of matters of such importance without the advice of my Estates. The wife is not bound, as I have heard, to answer for her husband's doings, either in honour or conscience; but as now I will not reason that point. This I may truly say, that I never did any thing to my sister which I would not have done to myself. I have always performed the duty of a kinswoman unto her; but she doth either not believe it, or then despiseth my friendship. Would to God I were as dear to her as I am near of blood, for this were a precious sort of kindred; but God forgive them, if there be any, that stirreth up these contentions amongst us. You are her ambassador, let me know what it is offendeth her, or in what word or action I have wronged her."

Hereunto Throgmorton answered. "Madame, I have no commission to your majesty but for the ratification of the treaty of Leith; yet if you will have me to show what I think be the cause of my mistress's offence, I will tell it in few words, but not as an ambassador. How soon the queen my mistress was crowned, you usurped the title and arms of England, which during queen Mary's reign you never attempted; and a greater injury could not be offered to a prince than that was." "But," saith she, "my father-in-law and husband, who lived both at that time, commanded me so to do: after they were deceased, and since I have been at mine own liberty, I have neither used her arms nor titles. And yet I see not what wrong it can be to me, who am a queen, and had to my grandmother the eldest sister of King Henry the Eighth, to use the arms of England, seeing others more remote in blood have done the like. The marquis of Exeter, and duchess of Suffolk niece unto Henry the Eighth by his youngest sister, did bear the arms of England, with borders for a difference; and should it be imputed as an injury to me so to do? But well I see," so she concluded, "that nothing I do is taken in good part."

The queen of England in the mean time falling in some jealousy of the lords of Scotland, because of that which the queen had said, "That the treaty of Leith was not made by all their consents, and that when she should be amongst them it would appear whether they continued in the same mind," sent a letter full of sharpness to the nobility and council; wherein, after an ample declaration of the friendship done to them in the late aid they received against the French, she complained of the delays made in the ratification of the Accord past at Leith, which, as it seemed by their queen's words, was in their default, seeing she had said, "That before she gave a resolute answer in that matter, it behoved her to know their minds;" whereof she could not be ignorant, so many of themselves being with her of late, and messengers going daily betwixt them: therefore she desired to know if they did mind to keep the peace contracted; and if they continue in that mind, that they should procure the queen to ratify it, at least to advertise her what she might look for at their own hands.

This letter was speedily answered by the council, with great attestations that it never came in their minds to break the peace contracted, for in so doing they should make themselves infamous in the world, and sin highly against their consciences. Of the delay which their queen made and the reasons thereof, they professed to be ignorant. Therefore entreated her majesty to be persuaded of them, that next to the glory of God they would study to keep the peace inviolate, and that there should be no blame in them if the ratification was not made to her contentment.

Whilst these things passed at home, the queen of Scots set forward to Calais, attended by the cardinals of Lorraine and Guise, the dukes of Guise and d'Aumall, the Grand Prior and the Marquis d'Elbeuf her uncles, the duke of Nemours, Monsieur d'Anville the constable's son, and divers others her friends and kinsmen. At Abbeville, which is in the way to Calais, she sent for the English ambassador, and asked him by what means she might satisfy Queen Elizabeth. He answered, "by ratifying the treaty of Leith." To whom she replied, "I have very just reasons to refuse it, which ought not to be interpreted as delays. For, first, that treaty should have been confirmed by my husband and me, and cannot

now be ratified unless it be concluded in my own name alone, seeing the king, then my husband, is expressly named in the Accord. Next, the most of the articles are performed, for all preparations of war are ceased and the French called back from Scotland. But the queen offendeth," said she, "that I use the title and arms of England. This I have not done since my husband's death. And if it be alleged that the same is used in the letters patents given me through France, it is known I cannot hinder that, for they who pass those letters are not my subjects. And for the articles concerning religion, I trust my own subjects shall have no cause to complain of my severity. Thus, what I may do I will, to give my sister satisfaction. And I pray you, Monsieur l'Embassadeur, do the part of an ambassador, and rather pacify the queen than exasperate her in any sort." So earnest she was to have all matters of quarrel laid aside, fearing that the queen of England should seek to intercept her by the way: and, indeed, a navy was put to sea under colour of suppressing pirates, but the taking of one of the ships, wherein were the earl of Eglinton and other passengers, made it suspected that a worse thing was meant. Always it fell out so, that the queen of Scots having a prosperous wind, passed by the English ships (the weather being foggy) unperceived, and on the sixth day after her embarking, which was the twentieth of August 1561, did safely arrive at Leith.

The fame of the queen's coming noised abroad; the nobility from all the parts of the realm assembled to congratulate her return, and besides them numbers of all sorts of people convened as unto a joyful spectacle; for they had not seen the face of their sovereign for many years, and after her marriage with the French king, had scarce any hope of a king to reside amongst them, which would most certainly have happened if any succession had followed of that marriage. For Scotland in that case would have been but an accession to France, the mightier kingdom; as Henry the Seventh foretold of England (and we have seen it verified in our days), drawing unto it the weaker and lesser crown. That the queen therefore was now returned, and they delivered of the fears of redacting the kingdom into a province, they did justly esteem it one of the greatest benefits that could happen unto

them. Then, when they called to mind the variableness of fortune, how she, left a pupil of six days old only, by the death of her father, was exposed as a prey to those that were most mighty, and partly by civil seditions at home, partly by the invasions of external enemies from abroad, even before she could have any sense of trouble, was forced to forsake her country, and relegated, as it were, into exile, having hardly escaped the hands of enemies that lay in wait to intercept her, and the violence of tempestuous and raging seas; and again, when fortune began to smile a little upon her, and she was honoured with a royal marriage, how these joys on the sudden came to be changed into extreme sorrows, being first deprived of her mother, then of her husband, a new kingdom lost, and her ancient crown which belonged to her by inheritance standing in a state very uncertain: whilst, I say, they called to mind these variable fortunes, and therewith considered the excellencies that nature had bestowed upon her, as the beauty and comeliness of her person, her mild inclination and gracious demeanour toward all sorts of people, it cannot be told what a joy and love this begat in the hearts of all the subjects.

The beginning of her government was likewise very gracious; for some few days after her arriving, in a council kept with the nobility to remove the occasions of trouble, she condescended that no change nor alteration should be made in the present state of religion; only she would use her own service, as she said, apart with her family, and have a mass in private. This was thought by many a thing not intolerable, considering she was the sovereign princess of the realm, and educated from her youth in the Roman faith, from which there was hope, by better instruction and humble and courteous behaviour, she might be reclaimed: yet the preachers in their sermons did publicly condemn that toleration as unlawful. And amongst the nobility, the earl of Arran did oppose it, taking protestation that he did neither agree to private nor public mass; which highly displeased the queen, and was thought to have alienated her affection, that before seemed much inclining towards him.

There fell out upon this an accident which was like to have caused great trouble. The queen purposing to hear mass the next day in her chapel of Halyrudhouse, whilst

the tapers and other things required to that service were carried through the court, one of the common sort invading him that bore the wax-lights, brake them all in pieces, and if by the intervention of some more moderate spirits the tumult had not been repressed, the rest of the furniture had been wholly spoiled, and that day mass disappointed. It was held a proud and insolent fact, and condemned by many; others said that the patience of men was too far tempted, and some maintained that if right were done, the priest, according to God's law made against idolaters, ought to suffer death. But this stir was quickly appeased by Lord James, much against the earl of Huntly his mind, who by this occasion thought to win credit with the queen, and, in conference with her uncles, bragged that if the queen pleased to use his service, he would reduce all the north countries to the Roman profession. But his courses being suspected, and the queen misliking all counsels that tended unto trouble, no heed was given to his offers.

The month following was spent in the entertainment of the French that had accompanied the queen homewards. They made but short stay in the country; for about the midst of September, Duke d'Aumall returned unto France by sea; the Grand Prior and Monsieur d'Anville took their journey through England; the Marquis d'Elbeuf of all that company only remained, and abode all the winter with the queen.

In this mean time was William Maitland of Lethington directed to the queen of England with letters both from the queen and from the nobility. The queen's letters were full of kindness, tending all to express the love and affection she bare unto her as to her dearest sister and kinswoman, and the desire she had to continue in true and sincere friendship with her. The letters sent by the nobility were to the same effect, but containing this more, that the surest way to preserve friendship and true amity amongst them two was, to declare the queen of Scots her nearest and lawful heir to the crown of England, in case she should have no issue. Lethington urging this last point strongly, as he was commanded, after he had used his best persuasions to that effect, was answered by the queen of England as followeth. "I did expect another message from your queen than this is

which you have brought me, and do marvel that she should forget the promise made before her coming out of France, touching the ratification of the treaty of Leith; which was, that how soon she returned to her own country, she should give me a full and resolute answer. I have long enough," said she, "suffered myself to be abused with fair speeches, and now it had been time, if she had regarded her own honour, to have made good her promises." Lethington replied, that within a few days after the queen took land he was employed in this legation, and that she had no leisure to deal in any public matters, being taken up with admitting the noblemen that came to welcome her into the realm, and with the settling of the estate of religion, which her majesty understood to be a work of no small weight; neither were all the noblemen, whose advice she must take in matters of that importance, come into the court before his parting from it. Here the queen interrupting his speech, said, "What need is there of advice or counsel to do that which by her subscription and seal she is bound to perform?" He answered, that no commission was given him in that matter, nor did his mistress think that any account thereof would have been required of him, but that she might justly excuse herself by the occasions he had mentioned. Then after a few more speeches of that purpose, the queen returning to the chief point of his legation, said, "I have observed that you have often in your discourse said, that your queen is descended of the blood-royal of England, and that I am obliged to love her, as being nearest to me in blood of any other; which I neither will nor can deny. Neither have I in any of my actions (as the world knoweth) attempted ought against the safety and tranquillity of her and her kingdom; yea they that be most inward with me can witness, that even when I had just cause of offence given me, by her usurpation of the titles and arms of England, I could never be induced to think other than that this was the politic device of some enemies, to breed dissension amongst us. But howsoever that be, I hope so long as I live she shall not bereave me of my kingdom, nor yet be able, if God shall bless me with children, to impede their succession. And if it shall happen otherwise that I be taken away, she shall never find that I have prejudged the right which she claimeth to the kingdom of England. What

a right it is, I have never been curious to know, nor do I purpose to search and examine it, but will leave the same to the cognition of those whom it concerneth. This your queen may assuredly expect at my hands, that I shall never wrong her, nor her cause, if it be just in the least point. And God I take to witness, who heareth this our conference, that, next myself, I know not any whom I would prefer to her, or who (if the title should fall to be controverted) might exclude her. You know," saith she, "who the competitors be: but, alas! what power or force have these weak creatures to attempt so great an enterprise? Always the matter itself is weighty and of great importance, which I will take time to think upon."

After some few days, calling Lethington unto her, she said, "That it seemed strange to her, how the nobility at the queen's first coming should put up such a request to her, seeing they knew there was no reparation made of former wrongs; and to desire," saith she, "that I should gratify their queen, having received so great an injury, without any amends made, is it not in effect as much as to boast and threaten me? If they will take such a course, I would have them think that I am strong enough for them at home, and lack not friends abroad that will defend and maintain my right." Hereunto he replied, that in his first speech he had clearly discovered the intention of the noblemen, how, partly out of that duty which they owed to their sovereign and the defence of her honour, partly out of a desire to confirm and assure the peace begun betwixt the two realms, they had made this motion; and that the reason why they dealt so plainly with her, was not only the experience they had of her favour in times past, but also the respect of their own safety. For if any should oppose the queen's right, and thereupon wars should arise betwixt the two kingdoms, they must needs be driven to hazard their lives and fortunes. Wherefore they thought that their motion was not to be ill taken, seeing it tended to the cutting away of all occasions of discord, and to the establishing of a solid peace.

"True," saith she, "if I had attempted any thing to the hurt of your queen's right, they might with reason have required me to amend it. But when I am yet in health and life, to desire me to prepare mine own winding-sheet, is a

thing without example, nor hath the like ever been required at the hand of any prince; yet I take in good part the meaning of your lords, and am glad of the good affection they bear to their queen, and the care they have to advance her honour. I think it likewise wisdom in them to foresee the dangers they may run into, and like well that they do abhor the shedding of Christian blood, which I confess could not be avoided if any faction should arise and lay claim to the crown. But where or what is that faction? or what force can they have? Always, leaving these things, suppose I had an inclination to satisfy their desire, think you that I would rather gratify your lords herein than the queen herself? No, I will tell you, I have many other reasons that stay me from taking such a resolution. First, I know what a dangerous thing it is to touch this string, and I have ever upon great respects abstained from bringing in question the right of the crown; for so often hath the controversy of marriage, lawful and unlawful, of legitimate and base-born children, been agitated according as men's affections and humours led them, that even in regard of those disceptations I have hitherto forborne to match with any husband. Once at my coronation I was married to this kingdom, whereof always I carry this ring for a pledge (pointing to a ring she wore on her finger); and howsoever things go, I shall be queen of England so long as I live; when I am dead, let them succeed who have the best right. If your queen hath it, I shall not wrong her in the least point; and if it belong to another, it were not reasonable to desire me to do them an open and manifest wrong. If there be any law which may bar her title, it is unknown to me, for I do not willingly think of these matters; but if there be any such, when I received the crown, I swore to my people that I should not change their laws.

“ Now, where you said that by declaring your queen my successor our affection should become more firm, I rather fear that it should be the seed of a most bitter hatred. For think you that I will behold willingly the preparation of mine own funerals? It is natural to princes to be jealous even of the children that by birthright are to succeed them. How did Charles the Seventh of France carry himself towards Lewis the Eleventh, and he again towards Charles

the Eighth, or King Francis of late towards Henry who succeeded him? And is it probable that I should be otherwise disposed towards my cousin, if once she shall be declared heir unto my crown? No, be sure I shall have the very same mind which Charles the Seventh showed to Lewis the Eleventh.

“ There is another thing which I esteem of an exceeding great weight. I know the unconstancy of the people, how they loathe always the present government, and have their eyes continually set upon the next successor; and naturally they are more that look, as it is said, to the sun rising than to the setting of the sun. To omit other examples, this I know by mine own experience. When my sister queen Mary reigned, how earnestly did a number wish to see me placed on her throne! What a desire had they of my advancement! If I had but given my countenance to their practiees, they would have refused no peril in bringing the same to effect. Now it may be, the same persons are not of the same mind towards me. As children that dream that apples are given them are greatly joyed, but in the morning when they are awaked, and find themselves deceived, they fall a-weeping; so they who loved me exceedingly when I was but called Elizabeth, and if I perhaps gave them any good countenance, thought with themselves, that how soon I was made queen, they should be rewarded rather according to their own conceit than any service done unto me, now when they find that the issue answereth not their expectation, some of them, it may be, in hope of a better fortune, would not dislike a change of the government. For the greatest wealth that ever any prince had, or can have, is not able to satisfy the unsatiabie covetousness of men. And if this be our case, that the affection of our people is so easily changed, as when we keep a greater moderation in our largesses than they think we ought, or perhaps for some other light cause, they grow discontented, what may we think shall come to pass when seditious people have a certain successor designed, to whom they may open their griefs, and betake themselves, if they be in any sort displeased? In what a peril think you I should live, having so mighty a neighbour princess to succeed me? To whose grandeur look how much I shall add by confirming her succession, so much I shall detract from mine

own security. This peril no caution can assure, nor the bonds of any laws avert. Princes also who live in expectation of kingdoms do hardly contain themselves within the limits of right and reason. Surely I myself would never think my estate assured, if once my successor were known to the world." This is the sum of that which passed at his second audience.

Not many days after getting access, he asked the queen what answer she would give to the nobility. She said, "At this time I have no answer to give, but that I approve the affection and sedulous care they have of their sovereign's good estate; but the matter is of such weight as I cannot on a sudden nor directly answer it. When your queen shall perform her promise concerning the treaty of Leith, it will be time to require a proof of my affection towards her; till then I cannot with safety of mine honour gratify her in any thing."

Lethington replied, as before, that he had no commission in that business, and that in the matter of succession he had showed more his own judgment than the mind of the queen his mistress; for he could never think the confirmation of the treaty of Leith to be a thing of that importance as for the delay or refusal of it the queen of Scots and her posterity should be excluded from the succession of the crown of England. "Neither will I now," saith he, "inquire by whom that treaty was concluded; at what time, in what manner, by what authority, and for what cause it was done; for I have no warrant to speak of these things. But this I dare affirm, that albeit the queen, following her husband's direction, had ratified the treaty, she should have found herself thereby so far interested as she would doubtless have used all means to free herself of the same. And this I say not in the queen's name, but only to make it seem that our noblemen have reason to travail that all debates and controversies may cease, and a firm and perpetual peace may be established."

This, and some other speeches interchanged amongst them touching the treaty, moved the queen of England to agree that the same should be revised by some commissioners, and corrected after this form. That the queen of Scots should thenceforth abstain from using the English arms, and from the titles of the crown of England and Ireland, during the

life of queen Elizabeth and her posterity. That on the other part, the queen of England should oblige herself, and the children begotten of her, to do nothing in prejudice of the queen of Scots her succession. These were the things acted in this legation.

Now at home, the queen, keeping a progress in the country, went from Edinburgh to Stirling, from thence to Perth, Dundee, and St Andrews, and other special burghs, where she was received with much honour and triumph; returning to Edinburgh a little before the feast of Michaelmas, at which time the burgesses are wont to elect their annual magistrates, and to set down statutes for the good of the town. Amongst other acts, one was published, inhibiting that any adulterer, fornicator, drunkard, mass-priest, or obstinate papist, should be received in the town, under such pains as the law did prescribe. The queen interpreting that to be an usurpation of royal power, did commit Archibald Douglas, provost, to the castle of Edinburgh, charging the council of the town to make a new election, which they obeyed, choosing Mr Thomas Makecalycan in his place. A proclamation was likewise made, granting liberty to all good and faithful subjects to repair and remain within the burgh at their pleasure, for doing their lawful and ordinary business.

These things ministered great offence, especially to the preachers, who seeing the queen take more liberty than she did in the beginning, keeping her masses more public, and causing them to be celebrated with a greater pomp, did mightily complain thereof in their sermons, but profited little; for some of the noblemen, who had in former times showed themselves most zealous against the toleration of idolatry, were grown a little more cold by the flatteries of the court, and all of them, emulous of others' greatness, were striving who should be in most favour with the queen.

She had some while before this taken to be of her privy council the duke of Chatelherault, the earls of Huntly, Argyle, Athole, Morton, Marshall, Glencarne, Montrose, and Erroll, Lord James her brother, the Lord Erskine, and Mr John Lesley, bishop of Ross. Huntly was created chancellor, one that in matters of religion had behaved himself very unconstantly, and to win the queen's favour was

now become altogether popish. This animated the priests and others of that faction, which before were quiet, and put them in some heart.

One Ninian Winyet, schoolmaster at Linlithgow, a man of reasonable learning, set forth a book of questions against the Confession of Faith; which went current in the court, and was much esteemed by them of his profession. Being cited, and divers conferences kept with him to make him acknowledge his errors, he continued obstinate, and was therefore sentenced by the Church; whereupon he forsook the country, and flying to Germany was preferred to be abbot of the Scottish monastery at Ratisbon, where he lived many years. The abbot of Crossraguel in the west published about the same time another faith. Whereunto John Knox having made a reply, the author, in regard of his age and quality of birth (for he was of the house of Cassils), was thought fit to be overseen.

Meanwhile the court was busied in a consultation how to supply the charge of the queen's house, which the ordinary revenues of the crown could not so honourably maintain as was required. Divers ways being thought upon, the readiest seemed to fall upon the Church-rents, and draw somewhat from the prelates and beneficed persons. To this purpose they were convened before the council, and after a long treaty, and many persuasions used, considering with themselves how they subsisted merely by the queen's favour, and that by refusing a part they might endanger the whole, they were induced to yield the third part of their benefices to be disposed of at the queen's pleasure, and assumed forth of what places her collectors should choose; her majesty securing them of the two parts during their lives, and liberating them of the ministers, with whose maintenance they were continually boasted. It carried some show of commodity this at first, but turned to little or nothing; the prelates and beneficed men undervaluing their rents, and making up a third, which did afterwards, when the number of ministers increased, scarce suffice to their provisions.

Much about this time a rumour was raised in the court, and went a while uncontrolled, that the earl of Arran intended to ravish the queen, whom he was known to love most passionately. She, whether counterfeiting a fear, or

that there was any cause given that way, it is not known, did levy a guard of horse and foot to attend her person, which put divers in fear, and opened the mouths of discontented people, as if some grounds of tyranny had been thereby laid. But she not regarding these surmises, and careful only of the country's quiet, laboured earnestly to have justice take place; and the borders then being unquiet, sent her brother Lord James thither, with a commission of lieutenantry, which he faithfully discharged, using exemplary punishment upon a number of broken men, and taking pledges of others for living obedient to the laws. For this service, at his return he was preferred first to the earldom of Mar, and a little after to the earldom of Murray: for the Lord Erskine, having claimed title to the country of Mar, was by the queen made earl of the same.

Huntly offending that these honours should have been conferred without his consent, and he thereby put from the possession first of Mar, then of Murray, which he had enjoyed since the death of King James the Fifth, and because of that long possession was reckoned to be a part of his own patrimony, resolved, since he saw his own credit and authority waning, before that of Murray's was fully settled, to undermine him by one mean or other: whereupon by scandals, detractions, and other the like courses familiar in the courts of princes, he laboured to disgrace him; and finding that these prevailed not, presented to the queen a libel written with his own hand, wherein he charged the earl of Murray with ambitious affectation of the royal authority. Yet the proofs he brought being weak, the queen made no account thereof. This also failing, he incited James Hepburn, earl of Bothwell (one that had debauched his patrimony, and had all his hopes depending upon the public disturbance), to set the earl of Murray and the Hamiltons by the ears: which he assayed to do, first by persuading the earl of Murray to ruin Duke Hamilton, who, as he said, lay waiting on the queen's death, and aimed at no less than the crown, and besides bare a particular enmity to himself. This he said could not but be acceptable to the queen, seeing, besides the natural hatred that all princes carry to their successors, she did bear a special grudge to the earl of Arran for his love to the reformed religion, and because of some

hard speeches that fell out in a conference betwixt him and her uncle the Marquis d'Elbeuf.

The earl of Murray abhorring such dishonest practices, and refusing to hearken thereto, his next address was to the Hamiltons, offering to take part with them in cutting off the earl of Murray (whose credit with the queen he knew they disliked), and showing how easily it might be done. By this means, he said, they should have the queen in their own hands, and be rid of him who chiefly stood in their way. The time and place of the murder being considered upon, Bothwell and Gawin Hamilton, abbot of Kilwinning, are said to have taken the matter in hand. The device was to kill the earl whilst the queen was at hunting in the park of Falkland, and, that performed, to carry the queen along with them for their greater surety, and the countenancing of the fact.

The earl of Arran, who had withstood the conspiracy, perceiving them resolute in that they had undertaken, and fearing it might take effect, adviseth the earl of Murray of the plot laid against his life. Murray rendering him many thanks, the letter was intercepted by some that disliked the intelligence they kept with others, and finding by the answer what advertisement he had made, persuaded the duke his father to send him with some keepers to the house of Kinneill. But he making an escape in the night came to the house of Grange in Fife, and sending to the earl of Murray to show what had happened, was the next morning conveyed by him to the queen in Falkland; and at his coming he discovered the whole practice unto her; whereupon Bothwell and Kilwinning were both apprehended, for they were come to Falkland of intent to clear themselves. Arran being brought before the council to be examined, was observed to be in some perturbation of mind, and being dimitted for that time, was at his next appearing clearly perceived by his words and countenance to be taken with a phrensy; yet when he came to himself, as he did sometimes in the beginning of the disease, he wrote to the queen and others so judiciously, as many thought he did only feign himself mad, to free his father of the conspiracy. The rest he accused so constantly and with such eagerness, that in presence of the council he made offer, since the accusation could

not be made out by witnesses, to try it in single combat with Bothwell. But the queen, misliking that form of trial, made Bothwell to be sent to the castle of Edinburgh, and the abbot of Kilwinning to the castle of Stirling, committing Arran to the custody of some persons at court.

And now Huntly imagining that he had a fair occasion to put Murray out of the way, and that he might do the same more safely, having two of the greatest families in the kingdom partners with him in the quarrel, fell into other devices; and first stirring up a trouble in St Andrews, where the queen then remained, and thinking that Murray would come forth upon the noise to pacify the tumult, he resolved by some whom he had suborned to cut him off in the fray. This not succeeding, some armed men were laid to intercept him as he came from the court at night; for the queen detaining him late, he was wont to go accompanied with one or two only in most quiet manner to his lodging. But this being likewise frustrated by advertisement given to Murray, and he having tried it to be so (for, upon the notice given him, he went and found them standing armed in the porch of the abbey, which was the place designed to him), delated the matter to the queen. Huntly excusing his men, said that they were some only of his company, who being to go home that day, had put on their arms, and being stayed by some occasion till the next morning were there attending his coming.

This excuse, albeit nought and frivolous, was accepted for the time; which gave many to think, that the queen's affection to her brother was not so great as it was commonly taken to be. And it is true that about the same time the queen had received letters from the pope, the cardinal of Lorraine, and her uncles in France, advising her to entertain Huntly, as the man most powerful and best inclined towards the advancing of the Romish religion, and to give him some hopes of her marriage with John Gordon his second son, whereby he should be made more forward in the purpose. Great promises were made besides of money and other necessary supplies for war, but so always, as these were made away that were enemies to the Catholic faith; of whose names a roll was sent unto her, and the earl of Murray placed in the first rank. But what impression these letters

made in the queen's mind, she showed the same to her brother, and used him with no less respect than before.

In the beginning of the next summer there was a great speech of the interview of the queens of England and Scotland, and messengers to and fro sent to agree upon the place, the time, and manner of the meeting. The motion came from the queen of Scots, who, as it was thought, greatly affected the same out of a desire she had to live in a firm peace with the queen of England, and make herself known to the subjects of that country. Neither was the meeting disliked of the better sort, as thinking it would serve, besides the preservation of the common peace, to bring her unto a liking of the reformed religion. But they who were popishly set, fearing greatly the conference, spake openly against it, saying, that of such interviews there was never seen any good fruit, and that it would not be safe for the queen of Scots to put herself in the power of her whose kingdom she had claimed. Not the less the treaty went on, and was concluded; York condescended to be the place of meeting, the numbers on either side agreed unto, and the time designed about the end of June. But whilst all things were in readiness for the journey, the queen of England excused herself by letters, desiring the interview should be put off till the next year; which the queen of Scots was not ill pleased to hear, for she feared if the same had held, that the French king and her uncles should have been much offended.

This journey being stayed, the queen took her progress unto the north. Being at Stirling, she was petitioned, by certain commissioners of the Church, for abolishing the mass, and other superstitious rites of the Roman religion, and for decerning some punishment against blasphemy, against the contempt of the word, the profanation of the sacraments, the violation of the Sabbath, adultery, fornication, and other the like vices condemned by the word of God, whereof the laws of the country did not take any hold. For actions of divorce, it was likewise desired that they should be remitted to the judgment of the Church, or at least trusted to men of good knowledge and conversation; and that popish churchmen might be excluded from places in session and council. To these petitions exhibited in writing, the queen, after she had perused the same, made answer, that she would do nothing

in prejudice of the religion she professed, and hoped before a year was expired to have the mass and Catholic profession restored through the whole realm; and thus parted from them in a choler.

About the midst of August she entered into Aberdeen, and was met by the Lady Huntly, a woman of an haughty disposition, wise and crafty withal in sifting the minds of others. She, knowing the mutability of princes' favours, laboured to insinuate herself in the queen's affection, using all servile flattery, extolling the power of her husband, and repeating the offer he had made for re-establishing the Roman profession in these north parts. Then falling to intercede for her son John Gordon (who had offended the queen by his escape forth of the ward in which he was put for wounding the Lord Ogilvy upon the High Street of Edinburgh), she entreated her majesty's favour for that oversight, and that he might be licensed to attend her majesty during her abode in those quarters. The queen understanding what they went about, and how they flattered themselves with a conceit of her marriage, answered, that it stood not with her honour to admit him unto her presence, unless he should re-enter himself into the place from which he had escaped. The lady, thanking her majesty, and promising obedience in her son's behalf, did only entreat that the place of his ward might be changed to the castle of Stirling, whereunto the queen having yielded, the Lord Glamis was appointed to convey him thither: and he indeed went so far on the way as to the nobleman his house of Glamis; but (whether called back by his father and friends, or of his own private motion, it is uncertain) there he changed his mind, and returned to the north, where gathering some forces, a thousand horse or thereabout, with them he drew near to Aberdeen.

The queen highly commoved with his contempt, yet dissembling her anger, did after a day or two keep on her journey towards Inverness, whither she intended. The eighth of September, the night before her setting forth, were seen in the firmament great inflammations, and lightnings extraordinary, which continued the space of two hours and above. It feared the common sort, who do always interpret such accidents to be prognostics of some trouble. But the queen contemning these things as casual, would not hear of

altering her journey ; so the first day she went to Buchan, the next to Rothiemay, and the third day being invited by Huntly to his house of Strathbogie, where great preparations were made for her receipt, she denied to go with him, or grace him in any sort, till his son gave obedience ; and so kept on her way.

The day following she came to Inverness, and thinking to lodge in the castle, the keeper, Alexander Gordon, refused to give her entry. Thereupon she began to suspect some treachery. In the townsmen she could repose no assurance, as being all vassals and dependers of Huntly. The town itself was unfenced with walls, and the country all in arms (as she was advertised) to attend his coming. Yet disposing of things in the best sort she could, order was given to keep a strong watch, to fortify the passages into the town, and have ships prepared in the road, whereunto, if need were, she might take her refuge. About midnight, some spies sent from Huntly unto the town were apprehended, who discovering his numbers and enterprise, were made fast. And the next morning, upon a rumour that went of her danger the queen stood in, there flocked out of all quarters unto her numbers of highlandmen, the Frasers and Monroes chiefly, with their followers and friendship. The clan Chattan in Huntly's company, how soon they knew that the enterprise was against the queen, forsook him, and slipping aside, came and yielded themselves unto her. She, finding her forces increased, commanded to lay siege to the castle, which rendered upon the first assault. The captain and principal keepers were executed, but the lives of the common soldiers spared. After some four days' abode in the castle, the queen returned to Aberdeen, accompanied with all the noblemen and clans of the country ; and thither came the Lady Huntly with offers of submission for her husband, but was denied access.

Huntly perceiving the world thus altered, and himself fallen into the queen's displeasure, so as there was no hope of regaining her favour, betook himself to desperate courses, and assembling his friends and others that would run hazard with him, he approached to Aberdeen, presuming much of the affection of the inhabitants. At court he had the earl of Sutherland, and John Lesly of Buchan, men of no mean power, who made him daily advertised of things that

passed there, and the small numbers that were with the queen, willing him to take the opportunity. Whereupon resolving to follow his enterprise before the forces of the queen were farther increased (for charge was gone to all that could bear arms in Lothian, Fife, Angus, Stratherne, and Mearns, to come and attend her at Aberdeen), he advanced with some eight hundred in company, looking to find no resistance. And like enough the enterprise had succeeded to his mind, but that the same morning letters were intercepted, sent by Sutherland and Buchan to Huntly, which detected all their counsels. Sutherland, upon the discovery, escaped: Buchan was pardoned upon his confession, and from thenceforth served the queen faithfully. Huntly, advertised of these things, was advised by his friends to turn back; yet hearing the earl of Murray was coming against him, he made a stay, resolving to fight.

The place of standing he choosed was naturally fenced with moss and quagmire, and so of difficult access. Three hundred they were in all, for many of his followers the night preceding were slipt from him. Neither had the earl of Murray any great number, and few whom he might trust: for howbeit, of the country about, divers gathered unto him, most of them were corrupted by Huntly, as appeared when the companies came in sight one of another, all of them, in sign of treason, and that they might be discerned by the enemy, putting a bush of heath or heather in their helmets, and how soon they came to join, giving back, and retiring in great disorder. The earl of Murray, who stood a little off with an hundred in a troop, discovering the treason, called aloud to his men, that they should bend their spears, and not suffer them that fled to enter amongst them. So forced to take another course, they went aside, leaving him and his troop where they had taken their standing. Huntly imagining upon that flight and disorder the day to be his, commanded his men to throw away their lances, and with drawn swords to run upon them as to a slaughter. But when they were come to the place where Murray with his company stood, they were borne back and compelled to fly as fast as before they followed. They who had played the traitors seeing this, to clear themselves, turned upon Huntly, and made all the slaughter which was committed that day.

There fell in the conflict, on Huntly's side, a hundred and twenty, near as many were taken prisoners; on the other party not a man died. Amongst the prisoners was the earl of Huntly himself, with two sons, John and Adam Gordon. The earl was aged and corpulent, and, by reason of the throng that pressed him, expired in the hands of his takers; the rest were carried to Aberdeen late in the night. The earls of Murray, Morton, and Lord Lindsay (for these last two had been in the field with Murray), went first into the church, where Mr John Craig, minister of that city, gave solemn thanks to God for the victory and their safety. This ended, they went unto the queen, who received them graciously, yet expressed no motion of a mind either troubled or much joyed. The next day was spent in taking counsel concerning the prisoners; the conclusion whereof was, that punishment should be taken, according to the laws, of John Gordon; that Adam his brother should be spared, because of his tender age; the other captives fined according to their wealth, and those of meaner estate banished the country. The day following, John Gordon, upon a scaffold erected in the street of Aberdeen, was publicly executed. His death was much lamented, not by his friends only, but even by strangers and persons unknown; for he was a youth of most brave and manlike countenance, of a valorous spirit, and one who by his noble behaviour had raised great expectation of himself. Abused he was with the hopes of a royal match, and, which grieved all the beholders, pitifully mangled by an unskilful executioner.

This defeat of Huntly brought the north parts in a great obedience, and mightily discouraged those of the popish faction throughout the whole realm; for all that sort had placed their hopes on him and his greatness both in the court and country. The eldest of his sons, named George, after the loss of that field, fled to the duke his father-in-law, and was delivered by him to the queen, who sent him prisoner to Dunbar. In the end of January he was accused and convicted of treason, his lands declared to be forfeited, and himself committed to prison. Shortly after, John Hamilton, archbishop of St Andrews, was committed in the castle of Edinburgh, for saying and hearing of mass. The abbot of Crossraguel and prior of Whithern were used in the like

sort, and divers priests and monks for the same cause censured. The severe proceeding against papists put many in hope that the queen should be brought to embrace the religion; which was farther assured by the countenance she gave unto the Church in the parliament kept at Edinburgh the May following, wherein divers statutes passed upon their petitions, as in the acts of that time may be seen. In this parliament was the act of oblivion (agreed unto at the treaty of Leith) first ratified; but without any respect to that treaty, which the queen would never acknowledge. Wherefore it was advised that the lords in the house of parliament should, upon their knees, entreat the passing of such an act, which accordingly was done. The rest of this summer the queen spent in hunting in the countries of Athole and Argyle.

But in August the same year there happened a thing that was like to have caused much trouble. Certain of the queen's family that remained in the palace of Halyrudhouse had a priest attending them, who did his ordinary service in the chapel; divers of the town of Edinburgh resorting unto it, great offence was taken, and the disorder complained of by the preachers. The citizens being informed that many of their people were gone thither, one day went down, and being denied entry, forced the gates. Some were taken and carried to prison, many escaped by the back way with the priest himself. The uproar was great, and advertisement going to the queen thereof, she was mightily incensed, avowing not to come to the town till some exemplary punishment were inflicted upon the doers; yet by the mediation of the earls of Murray and Glencarne she was pacified. John Knox only was called before the council, and charged to have been the author of that sedition, as likewise for convocating the subjects by his missive letters whensoever he thought meet. He answered, that he was never a preacher of rebellion, nor loved he to stir up tumults; contrariwise, he taught all people to obey their magistrates and princes in God. As to the convocation of the subjects, he had received from the Church a command to advertise his brethren when he saw a necessity of their meeting, especially if he saw religion to be in peril; and had often craved to be exonerated of that burden, but still was

refused. Then directing his speech to the queen with a wonderful boldness, he charged her in the name of the almighty God, and as she desired to escape his heavy wrath and indignation, to forsake that idolatrous religion which she professed, and by her power maintained against the statutes of the realm. And as he was proceeding, he was required by the earl of Morton then chancellor (fearing the queen's irritation) to hold his peace, and go away. After which time matters were carried more peaceably betwixt the queen and the Church, the earl of Murray always interposing himself, and proponing the petitions of the Church unto her, as likewise returning her answers to their satisfaction.

In the end of this year Matthew Stewart, earl of Lennox, by the permission of the queen, returned into Scotland, and in a parliament called to that effect in January next had the process of forfeiture laid against him, whilst the duke was governor, reduced, and so restored to his lands and possessions, after twenty-two years' exile. Henry his son followed him some months after, and came to Edinburgh in the beginning of February; a young man not past twenty-one years, of comely personage, and of a mild and sweet behaviour. He had presence of the queen in the place of Wemyss, and was received with great demonstrations of favour. Nor was it long that she was perceived to bear some affection unto him; whereupon a speech went that she would take him unto her husband. And indeed, besides the love she carried to the young nobleman, there were great respects that led her that way. He was descended of the royal blood of England, and next unto herself the apparent heir of that crown. If it should fall him to marry with one of the great families of England, it was to be feared that some impediment might be made to her in the right of succession, which she thought was a wise part in her to prevent. Again, the queen of England had advised her by Thomas Randolph her ambassador, to choose unto herself a husband in England, for the better conservation of the peace contracted betwixt the kingdoms, and had of late recommended the earl of Leicester as a worthy match to her. She therefore, as well to satisfy the queen of England's desire, in not matching with a stranger, but with some Englishman born,

as likewise to cut off all debates of succession, resolved to take the nobleman to her husband.

But no sooner was her intention discovered, than on all sides enemies rose up against her. Of the nobility at home some opposed the marriage under pretext of religion, for the earl of Lennox and his son were both esteemed to be popish. The queen of England, by Nicholas Throgmorton her ambassador, advised her not to use haste in a business of that importance; and (to interpose some impediment) charged the earl of Lennox and his son to return into England, the time being not yet expired contained in their licenses. And universally amongst the subjects the question was agitated, whether the queen might choose to herself an husband; or if it were more fitting that the Estates of the land should appoint one unto her. Some maintaining, that the liberty could not be denied unto her which was granted to the meanest subject; others excepting, that in the heirs of kingdoms the case was different, because they, in assuming an husband to themselves, did withal appoint a king over the people; and that it was more reason the whole people should choose an husband to one woman, than that one woman should elect a king to rule over the whole people. It was objected also by some that the marriage was unlawful and contrary to the canon law, Lady Margaret Douglas his mother being sister uterine to King James the Fifth her father. But for this the queen had provided a remedy, having sent William Chisholm, bishop of Dunblane, to bring a dispensation from Rome. And, to strengthen herself at home, she restored George Gordon, son to the earl of Huntly, unto his lands and honours, recalled the earl of Sutherland who lived an exile in Flanders, and Bothwell that was banished in France. This wicked man was not well returned into the country, when he devised a new plot against the earl of Murray his life, for which being called in question he forsook the country, and fled again unto France.

The only man that seemed to stand for the marriage, and used his best means to promote it, was an Italian called David Rizio, who had great credit at that time with the queen. This man had followed the Savoyan ambassador into Scotland, and in hope of bettering his fortune gave himself to

attend the queen at first in the quality of a musician; afterwards growing in more favour, he was admitted to write her French letters, and in the end preferred to be principal secretary to the Estate. It grieved many to see a stranger thus advanced. Lethington chiefly was displeas'd, for that he found his credit this way impaired; yet being one that could put on any disguise on his nature, of all others he most fawn'd on this Italian, and showing him, as it was truth, that he was the object of divers noblemen's envy, did persuade him by all means to work the match, and procure, if it could be, the consent of the queen of England thereto; wherein offering his own service (for he longed after some employment abroad), he procur'd to himself a message towards the queen of England. By him the earl of Lennox and his son did excuse their not returning into England as they were charg'd; beseeching Queen Elizabeth's favour unto the match intended, as that which might prove more profitable to her and her realm than any other course the Scottish queen should take.

Seigneur Davie (for so he was commonly call'd) did after this labour with all his power to have the marriage perfected; and as he was of a politic wit, the more to bind the young nobleman and his friendship unto him, studied to have the same finish'd before the return of the queen of England's answer; either fearing that her disassent might work some delay in the match, or that the nobleman's obligation to himself should be the less in case she consented. For this purpose a convocation of the Estates was kept at Stirling in the month of May; where the matter being propon'd, and the advice of the Estates crav'd, many did yield their consents, with a provision that no change should be made in the present estate of religion. The greater part, to gratify the queen, without making any exception, agreed that the marriage should proceed. Of the whole number Andrew, lord Ochiltrie, did only oppose, plainly professing that he would never consent to admit a king of the popish religion. Shortly after was Henry, lord Darnly, created lord of Ardmanoch, earl of Ross, and duke of Rothsay, that honoured with these titles he might be thought more worthy of the royal match. This determination of the Estates published, the earls of Murray, Argyle, Glencarne, and Rothes, assisted

by the duke of Chatelherault, whom they had drawn to be of their faction, meeting at Stirling after that the queen was parted, did join in a confederacy for resisting the marriage, pretending the danger of religion and other inconveniences that might arise to the Estate. In the town of Edinburgh the people began to mutiny, and assembling themselves in companies on St Leonard's Craigs, took counsel to put their burgesses in arms, to assign them captains, and to disarm such of the townsmen as they knew to be affected to the marriage.

The queen, highly incensed at this mutiny, did haste to the town, at whose coming the heads of the faction, Andrew Slater, Alexander Clerk, Gilbert Lauder, William Harlaw, Nicoll Rind, James English, James Young, and Alexander Guthrie fled forth of the town, and were denounced rebels. Their houses possessed by the treasurer, and their goods put under inventory, were, after some few days, at the intercession of the magistrates (so great was the queen's clemency) restored, and themselves pardoned.

The Assembly of the Church meeting at the same time in Edinburgh, presented to the queen by their commissioners the petitions following:—

1. That the papistical and blasphemous mass, with all popish idolatry, and the pope's jurisdiction, should be universally suppressed and abolished through the whole realm, not only amongst the subjects, but in the queen's majesty's own person and family; and such as were tried to transgress the same, punished according to the laws.

2. That the true religion presently received should be professed by the queen as well as by the subjects; and people of all sorts bound to resort upon the Sundays at least to the prayers and preaching of God's word, as in former times they were holden to hear mass.

3. That sure provision should be made for sustentation of the ministry, as well for the time present as for the time to come, and their livings assigned them in the places where they served, or at least in the parts next adjacent; and that they should not be put to crave the same at the hands of any others. That the benefices now vacant, or that have fallen void since the month of March 1558, and such as should happen thereafter to be void, should be disposed to persons

qualified for the ministry, upon trial and admission by the superintendents.

4. That no bishopric, abbacy, priory, deanry, provostry, or other benefice having more churches than one annexed thereto, should be disposed in time coming to any one man, but that the churches thereof being dissolved, the same should be provided to several persons, so as every man having charge may serve at his own church, according to his vocation. That glebes and manses might be designed for the residence of ministers, as likewise the churches repaired ; and an act made in the next parliament to that effect.

5. That none should be permitted to have charge of schools, colleges, and universities, or to instruct the youth either privately or publicly, till they were tried by the superintendents in the visitation of the churches, and after trial admitted to their charge.

6. That all lands founded of old to hospitality should be restored, and applied to the sustentation of the poor ; and that all lands, annual rents, or other emoluments belonging sometime to the friars of whatsoever order, as likewise the annuities, altarages, obits, and other duties pertaining to priests, be employed to the same use, and to the upholding of schools in the places where they lie.

7. That horrible crimes abounding in the realm, such as idolatry, blasphemy of God's name, manifest violation of the Sabbath or Lord's day, witchcraft, sorcery and enchantment, adultery, incest, open whoredom, maintaining of brothels, murder, slaughter, theft, reifs and oppression, with all other detestable crimes, be severely punished, and judges appointed in every province for executing the same.

8. That some order should be devised for the relief of the poor labourers of the ground, who are oppressed in their tithes by leases set over their heads, and they thereby forced to take unreasonable conditions.

To these petitions the queen made answer by writing in this sort. First, she said, that where it was desired that the mass should be suppressed and abolished as well in her majesty's own person and family as amongst the subjects, her highness did answer for herself, that she was no ways persuaded that there was any impiety in the mass ; and trusted her subjects would not press her to do against her conscience.

For, not to dissemble, but to deal plainly with them, she said, that she neither might nor would forsake the religion wherein she had been educated and brought up, believing the same to be the true religion, and grounded upon the word of God. Besides she knew that if she should change her religion, it would lose her the friendship of the king of France, and other great princes, her friends and confederates, upon whose displeasure she would be loath to hazard, knowing no friendship that might countervalue theirs. Therefore desired all her loving subjects, who have had experience of her goodness, how she had neither in times past, nor yet in time coming did intend, to force the conscience of any person, but to permit every one to serve God in such manner as they are persuaded to be the best, that they likewise would not urge her to any thing that stood not with the quietness of her mind.

As to the establishing the religion in the body of the realm, she said, that they knew the same could not be done but by the consent of the three Estates in parliament: and how soon the same should be convened, whatsoever the Estates did condescend unto, her majesty should thereto agree; assuring them in the meanwhile, that none should be troubled for using themselves in religion according to their consciences, and so should have no cause to fear any peril to their lives or heritages.

To the third and fourth articles it was answered, that her majesty did not think it reasonable that she should defraud herself of so great a part of the patrimony of the crown as to put the patronages of benefices forth of her own hands, seeing the public necessities of the crown did require a great part of the rents to be still retained. Notwithstanding, her majesty was pleased that, her own necessities being supplied, after it should be considered what might be a reasonable sustentation to the ministers, a special assignation should be made to them forth of the nearest and most commodious places, wherewith her majesty should not intermeddle, but suffer the same to come to their use.

Touching the sustentation of the poor, her majesty said, that her liberality towards them should be as far extended as with reason can be required.

And for the rest of the articles, her highness promised to

do therein as the Estates convened in parliament should appoint.

About the midst of July (the dispensation of the marriage being brought from Rome) the queen was espoused to the Lord Darnly after the popish manner in the chapel of Halyrudhouse, by the dean of Restalrig; and the next day was he by the sound of the trumpet proclaimed king, and declared to be associated with her in the government.

The discontented lords sent forth their complaints upon this, alleging, that the kingdom was openly wronged, the liberties thereof oppressed, and a king imposed upon the people without advice and consent of the Estates, (a thing not practised before at any time, and contrary to the laws and received custom of the country,) desiring therefore all good subjects to take the matter to heart, and join with them in resisting these beginnings of tyranny. But few or none were thereby won to show themselves openly of their party, so as when the queen with her husband went against them, they left the town of Stirling, where they first convened, and fled into Paisley.

The king, to make himself more popular, and take from the lords the pretext of religion wherewith they coloured their designs, took purpose to go unto St Giles's church in Edinburgh, and hear sermon. John Knox (either doubting his sincerity or favouring the faction of the noblemen) fell upon him with a bitter reproof; for which being cited before the queen and council, he not only stood to that he had spoken, but added, that, as the king for her pleasure had gone to mass and dishonoured the Lord God, so should he in his justice make her the instrument of his ruin. The queen, incensed with this answer, burst forth into tears, whereupon he was inhibited preaching by the council, and silenced for some months. Mr John Craig (who a little before was brought to Edinburgh), because of the prohibition given to his colleague, refused to do any service there, which put the people in a stir; yet upon better advice he was moved to continue in his charge.

In the end of August the king and queen, accompanied with five thousand or thereabouts, went to Glasgow to pursue the lords. They removing from Paisley to Hamilton, an herald was sent thither to summon the castle, which they

denied to render, giving out that they would try the matter in battle the next day. But the manifold distractions amongst themselves did let this resolution, and divers falling away from their side, they went to Edinburgh, where supposing to find assistance, the captain of the castle forced them by his continual playing on the town to quit it. After which they took their course to Dumfries, allured by the fair promises of John Maxwell, lord Herries.

A new expedition upon this was concluded, and the lieges warned to meet at Biggar the ninth of October. In the mid time the king and queen, leaving the earl of Lennox lieutenant in the west parts, made a progress through Fife, to punish those that had assisted the lords. The lairds of Grange, Balcomie, Pitmillie and Ramornie were fugitive, some others of meaner sort taken prisoners, and the towns of Perth, Dundee, and St Andrews fined in great sums. This done they returned to Edinburgh, and from thence went into Dumfries, where the lords had staid all that while. The Lord Herries pretending to make their peace, concluded his own, advising them to fly into England, as they did. Thither went the duke of Chatelherault, the earls of Murray, Glenearne, and Rothes, the Lord Ochiltrie, the commendatory of Kilwinning, and divers others of good note. A few days they abode in Carlisle with the earl of Bedford, lieutenant at that time in the north. Then going to Newcastle, they sent the earl of Murray to the English court, to entreat the queen's intercession for them. She incontinent despatched a gentleman of her privy-chamber, named Tamworth, with letters to the queen of Scots, requesting that Murray and the rest might be received into favour. The gentleman not vouchsafing to give her husband the title of a king, nor bringing any commission to him, was denied presence, and had his answer delivered him in writing, to this effect: That Queen Elizabeth should do well to have no meddling with the subjects of Scotland, but leave them to their princes' discretion, seeing neither she nor her husband did trouble themselves with the causes of her subjects.

The duke perceiving that by these means their peace would not be hastily made, and knowing his reconciliation to be more easy, resolved to sever his cause from the rest, and sent the abbot of Kilwinning to entreat favour to himself and

his friends, which he easily obtained, for he was known to be nothing so guilty as the others, and to have been craftily drawn upon that faction; so he returned into Scotland in December following.

In this month a General Assembly of the Church convened again at Edinburgh, where the answer made by the queen to their last petitions was presented, and replied unto by the same Assembly in this manner. First, they said, "That it was no small grief to the hearts of good and Christian subjects to hear, that notwithstanding the evangel of Christ had been so long preached in the realm, and his mercy so plainly offered, her majesty should yet continue unpersuaded of the truth of that religion which they preached and professed, it being the same which Christ Jesus had revealed to the world, which he commanded his apostles to preach, and ordained to be received of all the faithful, and firmly retained by them until his second coming; a religion that had God the Father, his only Son Christ Jesus, and the Holy Spirit for the authors thereof, and was most clearly grounded upon the doctrine and practice as well of the prophets as apostles, which no other religion upon the face of the earth could justly allege or prove. For whatsoever assurance the Papist had or could allege for his profession, the same the Turk had for his Alcoran, and the Jews more probably might allege for their rites and traditions, whether it be antiquity of time, or consent of people, or authority of princes, or multitudes and numbers of professors, or any the like cloaks they do pretend. Wherefore in the name of the eternal God (with the reverence that became them), they required her highness to use the means whereby she might be persuaded of the truth, such as the preaching of the Word of God, the ordinary mean that he hath appointed for working knowledge and begetting faith in the hearts of his chosen ones, conference with learned men, and disceptation with the adversaries, which they were ready to offer, when and where her grace should think expedient."

Next, where she could not believe any impiety to be in the mass, they made offer "to prove the whole mass from the beginning to the ending to be nothing else but a mass of impiety, and that the priest his action, the opinion which the hearers or rather the gazer upon it had of the same, were

blasphemous and grossly idolatrous." And where her majesty said, " That if she should alter her religion, she should lose the friendship of France and other princes with whom she was confederated ;" they to the contrary did assure her, " That true religion is the only bond that joineth men with God, who is the King of kings, and hath the hearts of all princes in his hands, whose favour ought to be unto her more precious than the favour of all the princes on earth, and without which no friendship or confederacy could possibly endure."

Thirdly, touching her answer to the article for sustentation of the ministry, they show, " It was never their meaning, that her majesty or any other patron should be defrauded of their just rights. Only they desired, when any benefice was void, that a qualified person should be presented to the superintendent of the bounds, to be tried and examined by him. For as the presentation belongeth to the patron, so doth the collation pertain to the Church. Otherwise, were it in the patrons' power simply to present whom they pleased, without trial or examination, there should be no order in the Church, and all be filled with ignorance and confusion."

Fourthly, to that which her majesty spake of retaining a great part of the benefices in her own hand, they answered, " That such doing was against the law both of God and man, and could not stand with a good conscience, seeing it tendeth to the destruction of many poor souls that by this means should be defrauded of instruction." And for the offer she made to provide the ministry by assignations in places most commodious, her own necessities being first supplied, they said, " That good order did require ministers first to be provided, schools for instructing the youth maintained, the fabric of churches repaired and upheld, and the poor and indigent members of Christ sustained ; all which ought to be furnished out of the tithes, which are the proper patrimony of the Church. These things done, if any thing were remaining, that her majesty and council might use it as they should think expedient." In end, giving thanks to her majesty for the offer of assignations, they humbly desired the general offer to be made more particular, and that it might please her to reform the answer given to the articles of the Church in all the aforesaid points.

After this sort did the Church insist with the queen, but

with small success. For the provision of ministers some small supply was obtained, but in the point of religion they found no contentment. During the rest of this winter matters were quiet, but the next year had a foul beginning. Seigneur Davie, who governed all affairs at court, and had only the queen's ear, being slain upon the occasion, and after the manner you shall hear. There had fallen out, a little before, some private discontents betwixt the king and queen, whereupon first she caused change the order which was kept in the proclamations and public records, placing the name of her husband after her own name, that the royal authority might be known to belong unto herself wholly. And after a little time, upon a colour that the despatch of business was much hindered through the king's absence, she had appointed, instead of his hand, a cachet to be used in the signing of letters, which was committed to the custody of Seigneur Davie. This being noted (as there are never wanting some in court to stir the coals), divers tales were brought to the king of the neglect and contempt that he was held in, and of the great respect carried to the stranger. The vanity and arrogance of the man himself was likewise so great, as not content to exceed the chief of the court, he would outbrave the king in his apparel, in his domestic furniture, in the number and sorts of his horses, and in every thing else, so as no speech was for the time more common and current in the country than that of Davie's greatness, of the credit and honour whereunto he was risen, and of the small account that was taken of the king. This the king taking to heart, he did open his grief unto his father, who advised him to assure the nobility at home and to recall those that were banished into England, which done, he might easily correct the insolency and aspiring pride of that base fellow.

A parliament being then called to meet at Edinburgh the twelfth of March, for pronouncing sentence of forfeiture against the earls of Murray, Glencarne, Argyle, Rothes, and the other noblemen that were fled into England, as the time of meeting drew nigh, the queen laboured earnestly to have the process laid against them found good, and that matters might go to her mind, she designed Davie to exercise the office of chancellor in that meeting. The earl of Morton, who after Huntly's death had supplied the place unto that

time, interpreting this as a disgrace offered unto him, dealt with the king (with whom he was grown familiar), to make him sensible of his own contempt and misregard; and finding him apprehensive enough that way, drew him to a meeting in the Lord Ruthven's lodging, upon pretext of visiting the nobleman who lay then diseased; where breaking forth in a speech of the present misgovernment, the blame of all was cast upon the king as having for the pleasure of a wicked villain chased his cousins and best friends out of the realm, and helped to raise a base fellow to such a height of credit as now himself was become by him despised. The king, that could not deny it to be his fault in a great part, professed his readiness to join with them for remedying those evils, and from thenceforth promised to do nothing but by the consent of the nobility. Yet they not esteeming it safe to trust his promises, whom they knew to be facile and somewhat uxorious, lest afterwards he should go from that agreement, did exhibit to him a bond in writing, wherein they were all sworn to join for maintaining religion, reducing the noblemen lately exiled, and making Davie out of the way. Unto this the king did willingly set his hand, and with him subscribed the earl of Morton, the Lords Ruthven and Lindsay, for he also was present and upon the plot.

The night following, because matters could not be long kept close, and needful it was to go presently through with the design by reason of the parliament approaching, they prepared to execute the same. Morton, whose forces were greatest, was appointed to guard the outer court of the palace, if perhaps any stir should be made. For there lodged within, the earls of Huntly, Athole, Bothwell, Sutherland, and Caithness, with the Lords Fleming and Livingstone, a force to have resisted any sudden attempt. The king taking the Lord Ruthven with him, who was but lately recovered of a fever, and followed with four or five men at most, entered into the room where the queen sat at supper. Ruthven seeing Davie at the table (for the queen was accustomed when she supped private to admit others to sit by her, and that night the countess of Argyle, and beneath her Davie was placed), commanded him to arise and come forth, for the place where he sat did not besecm him.

The queen, starting up hastily, went between Davie and

Ruthven to defend him; and Davie clasping his hands about her middle, the king laboured to loose them, willing her not to be afraid, for that they were come only to take order with that villain. But he, loath to quit his defence, one of the company held a pistol at her, which made him forsake his grip. Then was he dragged down the stairs to the gallery where Morton with his company was walking. There they fell upon him, and striving who should give the first stroke, killed him with many wounds.

It was constantly reported that he had warning given him oftener than once by John Damiott, a French priest, who was thought to have some skill in magic, to do his business and be gone, for that he could not make good his part; and that he answered disdainfully, "The Scots are given more to brag than to fight." Some few days again before his death, being warned by the same priest to take heed of the bastard, he replied, "That whilst he lived, the bastard should not have credit in Scotland to do him any hurt." For he took the earl of Murray to be the man of whom he was advertised to take heed. But that prediction either fulfilled or eluded, the first stroke was given him by George Douglas, base son to the earl of Angus; after whom such others as were in place, either serving their private malice or desiring to be esteemed associates in that conspiracy, inflicted every man his wound, till he was despatched. Yet had they no commandment from the contrivers so to kill him, it being their purpose to have brought him to public execution, which they knew would have been to all the people a most grateful spectacle. And good it had been for them so to have done, or then to have taken him in another place and at another time, than in the queen's presence. For besides the great peril of abortion which her fear might have caused, the false aspersions cast upon her fame and honour by that occasion were such as she could never digest, and drew on all the pitiful accidents that afterwards ensued. The queen bursting forth in many tears, after a great chiding she kept with the Lord Ruthven, sent one of her maids to inquire what was become of Davie, who, quickly returning, told that he was killed; having asked her how she knew it, the maid answered that she had seen him dead. Then the queen, wiping her eyes with her handkerchief, said, "No more tears; I will

think upon a revenge." Neither was she seen after that any more to lament.

The rumour of this deed ran soon through the town, whereupon the people did arm and go to the palace. But they were pacified by the king, who, calling to them from a window, showed that the queen and he were well, and that they needed not to fear, because that which was done was done by his own commandment. The noblemen that lodged within the palace were charged to keep within their chambers; yet the Lords Huntly and Bothwell escaped the same night by a window at the back of the palace. Athole and the rest had license to depart the next morning. Upon Tuesday thereafter (for the slaughter was committed upon Saturday the ninth of March), the earls of Murray and Rothes, with those that were exiled in England, returned to Edinburgh; and going first to the parliament-house, took documents that they were ready to answer the summons of forfeiture directed against them, and that none did insist to pursue.

In this doubtful estate of things, the queen, not knowing whom to trust, sent for her brother the earl of Murray, and having conferred familiarly a while with him, by his means had her servants and guards restored; for after the slaughter they were all put from her. The night following she went from the palace to Seaton, and from thence to Dunbar, taking the king with her in company; who repenting the fact, and forsaking the other conspirators, did openly by sound of trumpet at the market-cross of Edinburgh protest his innocency, denying that ever he gave his consent to any thing, but to the returning of the lords that were banished in England. Yet was the contrary known to all men, so as this served only to the undoing of his reputation, and made him find few or no friends thereafter to aid him in his necessity.

Upon the queen's departing, the conspirators and whosoever were thought privy thereto, fled some to England, others to the borders and highlands, and such a change you should have seen, as they who the night preceding did vaunt of the fact as a goodly and memorable act, affirming, some truly, some falsely, that they were present thereat, did on the morrow forswear all that before they had affirmed. The earl of Morton, with the Lords Ruthven, Lindsay, and

young Lethington, remained at Newcastle in England, where the Lord Ruthven falling again in the fever, departed this life. Mr James Macgill, clerk of register, with divers citizens of Edinburgh that were esteemed favourers of the fact, left the town and lurked privately amongst their friends. After some four days' stay at Dunbar, the queen returned to Edinburgh, accompanied with many of the nobility, and then began inquisition to be made for the murderers. Thomas Scot, sheriff-depute of Perth, and servant to the Lord Ruthven, with Sir Henry Yair, sometime a priest, being apprehended, were after trial hanged and quartered. William Harlaw and John Mowbray, burgesses of Edinburgh, convicted and brought to the place of execution, had their lives spared by the intercession of Bothwell. The lairds of Calder, Ormiston, Halton, Elphingston, Brunston, Whittingham, Shirrefshall, and many others being cited as conscious of the murder, for not appearing, were denounced rebels. The office of the clerk-register was conferred upon Sir James Balfour, and a conclusion taken in council that they who should be tried to have either devised or to have been actual committers of the said murder, should be pursued by order of justice, and the same executed with all severity : but that the commons and others that came to the palace accidentally, should upon their supplication be used with more clemency. In all this proceeding there was none more earnest or forward than the king ; notwithstanding whereof the hatred of the fact lay heavy upon him, nor could he ever after this time recover his former favour with the queen. The rest after a little time were reconciled ; Lethington by the means of Athole was first called home, albeit Bothwell did strongly oppose it. The barons dressed for themselves, by means of their friends that were in credit. Morton and Lindsay in the winter following were pardoned at the request of the earls of Huntly and Argyle.

Now the time of the queen's lying in drew nigh ; whereupon the council meeting to advise upon the place where her majesty should stay, made choice of the castle of Edinburgh, as the part most commodious, and ordained the earl of Arran, who was there kept prisoner, to be removed to the castle of Hamilton, with liberty to travel by the space of two miles about, providing he should do nothing to the prejudice of his

house, and enter himself upon twenty days' warning in the castles of Edinburgh, Dunbar, and Dumbarton, or any of them; for observance whereof the earls of Murray and Glencarne became sureties.

The queen at her first entry into the castle did feast the nobility, and made them all friends. Argyle, Murray, and Athole had lodgings assigned them within the castle; Huntly, Bothwell, and others of the nobility remained in the town. The nineteenth of June, betwixt nine and ten of the clock in the evening, she was brought to bed of a son, to the exceeding joy of the subjects, for which the nobles and whole people, assembled the next day in the church of St Giles, gave solemn thanks to God. Presently was Sir James Melvil sent to carry the news to the queen of England, who to congratulate her safe and happy delivery sent Sir Henry Killigrew to Scotland by post. The Assembly of the Church, convened the same time in Edinburgh, sent the superintendent of Lothian to testify their gladness for the prince's birth, and to desire that he should be baptized according to the form used in the Reformed Church. To this last she gave no answer; otherwise the superintendent and his commission were graciously accepted. The queen calling to bring the infant, that the superintendent might see him, he took him in his arms, and falling upon his knees conceived a short and pithy prayer, which was very attentively heard by her: having closed his prayer, he spake to the babe, and willed him to say Amen for himself; which she took in so good part, as continually afterwards she called the superintendent her Amen. This story told to the prince when he came to years of understanding, he always called him his Amen; and whilst he lived did respect and reverence him as his spiritual father.

The queen waxing strong went by water to Alloa, a house pertaining to the earl of Mar, and kept private a few days. In that place brake out first her displeasure against the king her husband; for he following her thither, was not suffered to stay, but commanded to be gone; and when at any time after he came to court, his company was so loathsome unto her, as all men perceived she had no pleasure nor content in it. Such a deep indignation had possessed her mind, because of the disgrace offered to her in

the slaughter of her servant Davie, the envy whereof was all laid upon the king, as she could never digest it.

Secretary Lethington (who by his subtle flatteries was crept again into favour) did wickedly foster this passion, by putting in her head a possibility of divorce from the king, which he said was an easy work, and a thing that might be done, only by abstracting the pope's dispensation of their marriage; and the Earl Bothwell (a man sold to all wickedness) did likewise by himself and by his instruments (of whom Sir James Balfour was the chief) take all occasions to incense her, and, by exaggerating the king's ingratitude towards her, wrought her mind to an hatred implacable.

In the beginning of October the queen went to Jedburgh, to keep some justice courts, where she fell dangerously sick: the king coming there to visit her, had no countenance given him, and was forced to depart. At her return from the borders, being in Craigmillar, Lethington renewing the purpose of divorce in the hearing of the earls of Argyle and Huntly, did persuade her to take some course for her separation from the king, seeing they could not live together in Scotland with security. The queen asking him how that could be done without some blemish to her honour, he replied, that none would think ill of her part therein, she being so ungratefully used by him; but that all might know the murder of Davie to have been his fact, her majesty should do well to pardon the lords that were fled to England, and call them home. "Nay," said the queen, "I will rather have matters to continue as they are, till God remedy them." Yet within few days Morton and Lindsay were recalled at the entreaty of the earls of Argyle and Huntly, as was touched before.

Preparation was then making for the baptism of the prince, who about the end of August had been transported to Stirling. To honour this solemnity the Count de Briance was sent ambassador from the French king, Monsieur le Croke from the duke of Savoy, and the earl of Bedford from the queen of England, who brought with him a font of gold weighing two stone weight, with a basin and laver for the baptism. At the day appointed for the solemnity (which was the fifteenth¹ of December) they all convened in the

¹ [The proper date of the baptism, however, is the seventeenth, according to Kuox and Bishop Keith. The latter author says "this was the 17 day of the month;

castle of Stirling. The prince was carried by the French ambassador, walking betwixt two ranks of barons and gentlemen that stood in the way from the chamber to the chapel, holding every one a priket of wax in their hands. The earl of Athole went next to the French ambassador, bearing the great sierge of wax. The earl of Eglinton carried the salt, the Lord Sempill the rude, and the Lord Ross the basin and laver: all these were of the Roman profession. In the entry of the chapel, the prince was received by the archbishop of St Andrews, whose collaterals were the bishops of Dunkeld, Dunblane, and Ross: there followed them the prior of Whithern, sundry deans and archdeacons, with the gentlemen of the chapel, in their several habits and copes. The countess of Argyle by commission from the queen of England did hold up the prince at the font, where the archbishop did administer the baptism with all ceremonies accustomed in the Roman Church, the spittle excepted, which the queen did inhibit. The earl of Bedford entered not in the chapel during the service; and without the doors stood all the noblemen professors of the reformed religion. The rites performed, the prince was proclaimed by his name and titles, Charles James, prince and steward of Scotland, duke of Rothesay, earl of Carrick, lord of the Isles, and baron of Renfrew. Then did the music begin, which having continued a good space, the prince was again conveyed to his chamber.

It was night before the solemnity took end, for it was done in the afternoon. The feasting and triumphal sports that followed were kept some days with exceeding cost and magnificence; yet the content the people received thereby was nothing so great as their offence for the king's neglect; for neither was he admitted to be present at the baptism, nor suffered to come unto the feast. To some his ill disposition was given for an excuse; others more scornfully were told that his fashioners had not used the diligence they ought in

so that I was led into the mistake of fixing this solemnity to the 15th day by the proclamation emitted on the 14, which I reckoned to have been precisely the day before the baptism, especially since Archbishop Spottiswood gives the 15th for the day. But this sure instruction contained in this letter (from Mon. le Croc, the French ambassador in Scotland, to the Archbishop of Glasgow) by naming the day of the week, is an undoubted testimony for Mr Knox, who relateth that the prince was baptized on the 17th of December."—Keith, p. vii.—E.]

preparing his apparel. Meauwhile the ambassadors had a watchword given them, not to see nor salute him. And such of the nobility as were known to bear him any favour, or out of their compassion did vouchsafe him a visit, were frowned upon by the court. His father advertised of these things, sent for him to come unto Glasgow, where he then remained ; but scarce was he past a mile from Stirling, when a vehement pain seized on all the parts of his body, which at his coming to Glasgow was manifestly perceived to proceed of poison that treacherously had been ministered unto him : for through all his body brake out blisters of a bluish colour, with such a dolour and vexation in all his parts, as nothing but death was a long time expected. Yet his youth and natural strength vanquishing the force of the poison, he began a little to convalesce, and put his enemies to other shifts, wherein shortly after (but to their own undoing) they prevailed.

The report of what passed at Stirling coming to Edinburgh, where the Assembly of the Church was then gathered, did greatly offend the better sort ; yet nothing grieved them so much, as a commission granted to the archbishop of St Andrews, whereby he was reponed to his ancient jurisdiction in confirming testaments, giving collation to benefices, and other such things as were judged in the spiritual courts. The Assembly taking this greatly to heart, ordained a supplication to be made to the nobility and lords of secret council, “ professing Christ with them, and who had renounced the Roman Antichrist,” (I use the words of the superscription) for impeding the said commission, and letting it to take effect. In this supplication they said, “ That the causes judged in these courts did for the most part pertain to the true Church ; and that howsoever, in hope of some good effect to have followed, the Church had overseen the commission granted by the queen in these matters to men who for the greater number were of their own profession, they would never be content that he, whom they knew to be an enemy to Christ and his truth, should exerce that jurisdiction, seeing under the colour thereof he might usurp again his old authority, and take upon him the judgment of heresy, in which case none could be ignorant what his sentence would be : wherefore their desire was, the queen should be informed that this

was a violation of the laws of the realm, and the setting up again of the Roman Antichrist, whose authority and usurped power in an open and free parliament had been condemned, which her majesty also at her first arriving into this realm, and since that time by divers proclamations, had expressly forbidden to be acknowledged. Hereof, they said, if their honours should plainly and boldly admonish the queen, using that reverence which was due from subjects, and doing nothing in a tumult, they did persuade themselves she would do nothing against justice, and that such tyrants should not dare once to appear in judgment. But howsoever matters went, they humbly craved to understand their minds, and what they would do, if it should happen such wolves to invade the flock of Christ." This was the sum of the supplication. I find not what answer it received, nor that the bishop made any use of his commission; but the change it seems which shortly after happened in the state did quite frustrate the same.

Master Knox being licensed at this time to visit his sons who were following their studies at Cambridge, did move the Assembly to write unto the bishops of England in favour of some preachers, who were troubled for not conforming themselves to the orders of that church. Because it will appear by the letter in what esteem our reformers did hold the Church of England, and how far they were from accounting the government thereof antichristian, I thought meet to insert the same word by word.

" The Superintendents, Ministers, and Commissioners of the Church within the Realm of Scotland, to their Brethren the Bishops and Pastors of England, who have renounced the Roman Antichrist, and do profess with them the Lord Jesus in sincerity, wish the increase of the Holy Spirit.

" By word and writing it is come to our knowledge, reverend pastors, that divers of our brethren (amongst whom some be of the best learned within that realm) are deprived from all ecclesiastical function, and forbidden to preach, and so by you are stayed to promote the kingdom of Jesus Christ, because their conscience will not suffer them to take upon them at the commandment of the authority, such garments as idolaters in time of blindness have used in their

idolatrous service; which rumour cannot but be most dolorous to our hearts, considering the sentence of the apostle, 'If ye bite and devour one another, take heed ye be not consumed one of another.' We purpose not at the present to enter into the question, which we hear is agitated with greater vehemency by either party than well liketh us, to wit, whether such apparel is to be accounted amongst things indifferent or not: but in the bowels of Jesus Christ we crave, that Christian charity may so far prevail with you, that are the pastors and guides of Christ's flock in that realm, as ye do not to others that which ye would not others did unto you.

"Ye cannot be ignorant how tender a thing conscience is, and all that have knowledge are not alike persuaded. Your conscience stirs not with the wearing of such things, but many thousands both godly and learned are otherwise persuaded, whose consciences are continually stricken with these sentences; 'What hath Christ to do with Belial? what fellowship is there betwixt light and darkness?' If surplice, corner-cap, and tippet have been the badges of idolaters in the very act of their idolatry, what have the preachers of Christian liberty and the rebukers of superstition to do with the dregs of that Romish beast? yea, what is he that ought not to fear, either to take in his hand or forehead the print and mark of that odious beast?

"Our brethren that refuse such unprofitable apparel do neither damn nor molest you who use such vain trifles: if ye shall do the like to them, we doubt not therein you shall please God, and comfort the hearts of many, which are wounded with the extremity used against those godly brethren. Colour of rhetoric or human persuasion we use none, but charitably we desire you to call to mind the sentence of St Peter, 'Feed the flock of God which is committed to your charge, caring for it, not by constraint, but willingly; not as being lords of God's heritage, but being examples to the flock.' We farther desire you to meditate upon that sentence of the apostle, 'Give not offence, either to the Jews, or to the Grecians, or to the Church of God.' In what condition ye and we both travail for the promoting of Christ's kingdom, ye are not ignorant; therefore we are the more bold to exhort you to deal more wisely than to trouble the godly for such vanities. For all things which seem lawful edify

not. If the commandment of the Authority urge the consciences of you and your brethren farther than they can bear, we pray you remember that ye are called 'the light of the world, and the salt of the earth.' All civil authority hath not ever the light of God shining before their eyes in their statutes and commandments, but their affections savour too much sometimes of the earth, and of worldly wisdom. Therefore we think that ye ought boldly oppone yourselves, not only to all power that dare extol itself against God, but also against all such as dare burden the consciences of the faithful, farther than God hath burdened them in his own word.

“ But we must confess our offence, in that we have entered in reasoning farther than we purposed and promised in the beginning. Now therefore we return to our former humble supplication, which is, that our brethren who amongst you refuse these Romish rags may find of you, who are prelates, such favour, as our head and master commandeth every one of his members to show to another : which we look to receive of your humanity, not only because ye will not offend God's majesty in troubling of your brethren for such vain trifles, but also because ye will not refuse the humble request of us your brethren and fellow-preachers ; in whom albeit there appear no worldly pomp, yet we suppose ye will not so far despise us, but that ye will esteem us in the number of those that fight against the Roman Antichrist, and travail that the kingdom of Jesus Christ may be every where advanced. The days are evil, iniquity aboundeth, and charity (alas !) is waxed cold. Therefore ought we to watch the more diligently, for the hour is uncertain when the Lord Jesus shall appear ; before whom ye, your brethren, and we must give an account of our administration. And thus in conclusion we once again crave favour to our brethren ; which granted, ye shall command us in the Lord things of double more importance. The Lord Jesus rule your hearts in his true fear unto the end, and give unto you and us victory over that conjured enemy of all true religion, the Roman Antichrist, whose wounded head Satan by all means laboureth to cure again ; but to destruction shall he and all his maintainers go by the power of our Lord Jesus, to whose mighty protection we heartily commit you. From our General Assembly at Edinburgh the twenty-seventh of December, 1566.”

To quiet the ministers, who were daily complaining of their lack of provision, the court made offer to the same Assembly of certain assignations for their present relief; which were accepted under protestation, that the same should not prejudice their right to the tithes, nor be accounted as a satisfaction for the same. For those they held to be the proper patrimony of the Church, and so justly belonging thereto, as that they ought not to be paid to any others, under whatsoever colour or pretext. But this protestation availed not, only it showeth what was the judgment of the Church in that time concerning tithes.

The queen, in January following, went to visit the king, who lay sick at Glasgow. After some complainings he made of her unkindness, and a little chiding they kept for discontents passed, they did so lovingly reconcile, as the king, though he was not as yet fully recovered, was content to be transported to Edinburgh, and had a lodging prepared in a remote place of the town, for his greater quiet, as was pretended. But he had not stayed there a fortnight, when Bothwell, having conspired his murder, did come upon him in the night, as he lay asleep, and strangled him with one of his cubiculars that lay in the chamber by him. The murder committed, the two corpses were carried forth at a gate in the town wall, and laid in an orchard near by, and thereafter the house blown up with powder; the noise whereof did awake those that were sleeping in the farthest parts of the town. The queen, not gone as yet unto her rest, convened the noblemen that lodged within the palace, and by their advice sent Bothwell with some others to inquire what the matter was (for he was returned to his chamber before the blowing up of the house, having left some to fire the train when he was past and gone away). Many of all sorts did accompany him to the place, where finding the body of the king naked, only the upper part covered with his shirt, the rest of his apparel and even his pantofles near by him, each one making a several conjecture, Bothwell would have it believed, that the violence of the powder had carried his body forth at the roof of the house unto that place. But this was against all sense, for not a bone of his whole body was either broken or bruised, which must needs have been after such a violent fall. Nor could it be perceived that either the corpse

or garments were once touched with the powder. So it was manifest that his body and all were laid there by the hands of men. Bothwell returning, showed the queen what a strange thing had happened, admiring how it could be, and who they were had committed the murder. She hearing it, retired to a private room, and went presently to bed.

Now he had provided some to carry the news unto the borders, and to give out that the earls of Murray and Morton were the chief contrivers of the murder: which rumour went current in England for a while. Yet ere a long time passed all was laid open, and he known to have been the principal actor himself. Proclamations were made promising large sums of money to those that would detect the murderers: whereunto the next night by a placard affixed on the market-cross answer was made, "That if the money should be consigned into the hands of an indifferent person, the murderers should be revealed, and the delator set to his name, and justify his accusation." No notice being taken of this offer, voices were heard in the dark of the night, crying, that Bothwell had murdered the king. Some drawing his portrait to the life, set above it this superscription, "Here is the murderer of the king," and threw the same into the streets. And there were some that in all the public places of the town affixed the names of the murderers, the principal as well as the accessaries. For the principal they named Bothwell; as accessaries, Sir James Balfour, and Gilbert Balfour¹ his brother, Mr David Chalmers, Black Mr John Spence, Seigneur Francis, Sebastian, John de Burdeaux, and Joseph the brother of Davie; which last four were of the queen's household. These things did so offend the court, as, neglecting the trial of the murder, they fell to inquire of the drawers of these portraits and the authors of the libels. All the painters and writers were called for dignoscing the letters and draughts. When nothing could be tried, to provide for afterwards against the like, by a new edict it was made capital to disperse libels for defaming any person in that sort, and to have, keep, or read any such that should happen to be affixed, or cast into the streets.

The earl of Lennox, whilst these things were a-doing,

¹ [See note to this Book.—E.]

ceased not to solicit the queen by his letters for taking trial of the murder, without delaying the same unto the time of parliament, as she had purposed. Particularly he desired the earl of Bothwell, and others named in the libels and placard affixed on the door of the senate-house, to be apprehended, and the nobility assembled for their examination. Bothwell, perceiving that he was now openly attached, did offer himself to trial, for which the twelfth of April was assigned, and the earl of Lennox cited by the justice to pursue according to the delation he had made. In the mean time, to fortify himself, he got the castle of Edinburgh in his custody, upon the earl of Mar his resignation, placing therein Sir James Balfour, whom he especially trusted. The earl of Mar for his satisfaction had the prince delivered in his keeping, and carried unto Stirling, where the earl then lay heavily sick.

The diet appointed for the trial being come, and the court fenced as use is, Bothwell was empannelled. The earl of Lennox being called, compeared Robert Cuninghame, one of his domestics, who presented in writing the protestation following. "My lords, I am come hither, sent by my master my lord of Lennox, to declare the cause of his absence this day, and with his power, as my commission beareth. The cause of his absence is the shortness of time, and that he could not have his friends and servants to accompany him to his honour, and for the surety of life, as was needful in respect of the greatness of his party. Therefore his lordship hath commanded me to desire a competent day, such as he may keep, and the weight of the cause requireth; otherwise, if your lordships will proceed at this present, I protest, that I may use the charge committed to me by my lord my master, without the offence of any man. This is, that if the persons, who pass upon the assize and inquest of these that are entered on pannel this day, shall cleanse the said persons of the murder of the king, that it shall be wilful error, and not ignorance; by reason it is notourly known that these persons did commit that odious murder, as my lord my master allegeth. And upon this my protestation I require an instrument."

The justice, by the advice of the noblemen and barons appointed to assist him in that judgment, did, notwithstanding the said protestation, grant process, whereupon the noble-

men chosen for the jury were called. These were Andrew earl of Rothes, George earl of Caithness, Gilbert earl of Cassils, Lord John Hamilton, commendator of Aberbrothock, James lord Ross, Robert lord Sempill, Robert lord Boyd, John lord Herries, Laurence lord Oliphant, John master of Forbes, with the lairds of Lochinvar, Langton, Cambusnethan, Barnbogle, and Boyne. The earl of Cassils excused himself, offering the penalty which by the law they pay that refuse to pass upon assize, but could not obtain himself freed, the queen threatening to commit him in prison; and when he seemed nothing terrified therewith, commanding him under pain of treason to enter and give his judgment with the rest. Thus were they all sworn and admitted, as the manner is; after which Bothwell being charged with the indictment, and the same denied by him, they removed forth of the court to consult together; and after a little time returning, by the mouth of the earl of Caithness their chancellor, declared him acquit of the murder of the king, and of all the points contained in the indictment, with a protestation, that seeing neither her majesty's advocate had insisted in the pursuit, nor did Robert Cunningham, commissioner for the earl of Lennox, bring any evidence of Bothwell's guiltiness, neither yet was the indictment sworn by any person, and that they had pronounced according to their knowledge, it should not be imputed to them as wilful error which they had delivered. Mr David Borthwick and Mr Edmund Hay, who in the entry of the court were admitted as his prolocutors, asked instruments upon the jury's declaration: so he went from that court absolved; yet the suspicions of the people were nothing diminished. And some indeed were of opinion, that the judges could give no other deliverance, nor find him guilty of the indictment as they had formed it; seeing he was accused of a murder committed on the ninth day of February, whereas the king was slain upon the tenth of that month. But he for a farther clearing of himself set up a paper in the most conspicuous place of the market, bearing, that albeit he had been acquitted in a lawful justice-court of that odious crime laid unto his charge; yet to make his innocency the more manifest, he was ready to give trial of the same in single combat with any man of honourable birth

and quality that would accuse him of the murder of the king. The next day in the same place, by another writing, answer was made, that the combat should be accepted, so as a place were designed wherein without danger the undertaker might profess his name.

The thirteenth of April a parliament was kept for restoring the earl of Huntly and others to their estates and honours, which was not as yet done with the solemnity requisite. In this parliament the commissioners of the Church made great instance for ratifying the acts concluded in favour of the true religion; yet nothing was obtained, the queen answering, that the parliament was called for that only business, and that they should have satisfaction given them at some other time. The parliament being broke up, Bothwell inviting the noblemen to supper did liberally feast them; and after many thanks for their kindness, fell in some speeches of the queen's marriage, showing the hopes he had to compass it, so as he might obtain their consents. Some few to whom he had imparted the business beforehand made offer of their furtherance; the rest fearing to refuse, and suspecting one another, set all their hands to a bond, which he had ready formed to that purpose.

A few days after, feigning an expedition into Liddisdale, he gathered some forces, and meeting the queen on the way as she returned from Stirling, whither she had gone to visit her son, he took her by way of rape and led her to the castle of Dunbar. No men doubted but this was done by her own liking and consent; yet a number of noblemen convening at Stirling, lest they should seem deficient in any sort of their duties, sent to ask whether or not she was there willingly detained: for if she was kept against her will, they would come with an army and set her at liberty. She answered, "That it was against her will that she was brought thither, but that since her coming she had been used so courteously, as she would not remember any more that injury."

Now this rape (as afterwards came to be known) was devised to secure the murderers of the king. For it being held sufficient, by a custom commonly received, that in remissions granted for crimes committed, the most heinous fact being particularly expressed, others of less moment might be com-

prehended in general words, they were advised to pass a remission for violence offered to the queen, and the laying of hands upon her person, then to subjoin, "And for all other crimes and nefarious acts whatsoever," under which clause they esteemed the murder of the king might be comprised, which otherwise was neither safe for them to express, nor could the queen with her honour pardon. Thus did they think both that Bothwell himself should be secured, and safety to all his partakers in the murder.

Whilst the queen was detained at Dunbar, a divorce was sued for Bothwell from Lady Jean Gordon, his wife, in two several courts. In the one sat, by commission from the archbishop of St Andrews, Robert, bishop of Dunkeld, William, bishop of Dunblane, Mr Archibald Crawford, parson of Eaglesham, Mr John Manderston, canon of the college church of Dunbar, Mr Alexander Chrichton and Mr George Cooke, canons of the church of Dunkeld; in the other court Mr Robert Maitland, Mr Edward Henryson, Mr Alexander Sim, and Mr Clement Little, judges constitute by the queen's authority in all causes consistorial: and in both courts was the sentence of divorce pronounced, but upon divers grounds. In the archbishop's court, sentence was pronounced upon the consanguinity standing betwixt Bothwell and his wife at the time of her marriage, they mutually attinging others in the fourth degree, and no dispensation granted by the pope for consummating the same. In the other court the sentence was grounded upon adultery committed by him, which these judges held to be the only lawful cause of divorce. Both the processes were posted, and such festination made in them as in the space of ten days they were begun and concluded.

The divorce passed, the queen came to the castle of Edinburgh, and the next morning Bothwell sent to ask his bans with the queen. The reader, John Cairnes, whose office it was, did simply refuse; thereupon, Mr Thomas Hepburn was directed to the minister, Mr John Craig, to desire him to publish the same. The minister likewise refusing, as having no warrant from the queen, and for that the rumour went that she was ravished and kept captive by Bothwell, upon Wednesday thereafter the justice-clerk came unto him with a letter signed by the queen, wherein she declared that

she was neither ravished nor detained captive, and therefore willed him to publish the bans. His answer was, "That he could ask no bans, especially such as these were, without the knowledge and consent of the Church." The matter being motioned in the session of the Church, after much reasoning kept with the justice-clerk, it was concluded that the three next preaching days the queen's mind should be intimated to the people.

The minister protested, "That in obeying their desire it should be lawful to him to declare his own mind touching the marriage, and that he should not be tied by that asking of their bans to solemnize the same." The first preaching day falling to be Friday, in the hearing of divers noblemen and counsellors, he showed what he was enjoined to do; "That he held the marriage betwixt the queen and Bothwell unlawful, whereof he would give the reasons to the parties themselves, if he might have hearing; and if this was denied, he said, that he would either cease from proclaiming their bans, or declare the cause of his disallowance in the hearing of all the people."

The same day, at afternoon, being called before the council, and required by Bothwell to show what reason he had to oppose his marriage, he answered, "First, that the Church had in the last Assembly inhibited the marriage of persons divorced for adultery. Next, he alleged the divorce from his wife to have proceeded upon collusion betwixt them, which appeared, as he said, by the precipitation of that sentence, and the contract made, so suddenly after his divorce, with the queen. Thirdly, he laid to his charge the rape of the queen, and the suspicion of the king's murder, which that marriage would confirm." For these reasons he most gravely admonished them to surcease and leave that course, as he would eschew the wrath and indignation of Almighty God. He desired also the lords there present to advertise the queen of the infamy and dishonour that would fall upon her by that match, and to use their best means to divert her from it.

The Sunday following, publicly he declared what he had spoken in council, and that it seemed to him they would proceed in the marriage, what mischief soever should ensue. "For himself," he said, "that he had already liberated his

conscience, and yet again would take heaven and earth to record, that he abhorred and detested that marriage as scandalous and hateful in the sight of the world. But seeing the great ones, as he perceived, did approve it, either by their flattery or by their silence, he would beseech the faithful to pray fervently unto God, that he might be pleased to turn that which they intended against law, reason, and good conscience, to the comfort and benefit of the Church and realm." These speeches offended the court extremely; therefore they summoned him to answer before the council, for passing the bounds of his commission, and calling the queen's marriage scandalous and hateful before the world. He appearing, confessed the words, but denied that he had exceeded the bounds of his commission; "For the bounds," said he, "of my commission, they are the word of God, good laws, and natural reason; and by all three I will make good that this marriage, if it proceed, will be hateful and scandalous to all that shall hear of it." As he was proceeding in his discourse, Bothwell commanded him silence, and thus was he demitted.

Not the less of this opposition the marriage went on, and was celebrated the fifteenth of May by Adam, bishop of Orkney, in the palace of Halyrudhouse, after the manner of the Reformed Church.¹ Few of the nobility were present (for the greater part did retire themselves to their houses in the country), and such as remained were noted to carry heavy countenances. Monsieur le Crock the French ambassador, being desired to the feast, excused himself, thinking it did not sort with the dignity of his legation to approve the marriage by his presence which he heard was so universally hated. His master the French king, as likewise the queen of England, had seriously dissuaded the queen from the same by their letters: but she, led by the violence of passion, and abused by the treacherous counsels of some about her, who sought only their own ends, would hearken to no advice given her to the contrary. Yet was it no sooner finished than the ill fruits thereof began to break out. For the wonted acclamations and good wishes of the people were no more heard when she came in public; and divers that had set their hands and seals to the marriage, fell now openly to condemn

¹ [See note at the end of this Book, on the bishop of Orkney.—E.]

it, "as that which ministered too just a suspicion that she was consenting to the death of the king her husband."

The earl of Athole, immediately after the murder of the king, had forsaken the court, and lived at home, waiting some occasion to be revenged of the doers; and now esteeming it fit to show himself, he came to Stirling, where, in a meeting of noblemen that were desired to come thither, upon his motion a bond was made for the preservation of the young prince, lest Bothwell getting him in custody, should make him away; as no man doubted he would, as well to advance his own succession, as to cut off the innocent child, who in all probability would one day revenge his father's death.

The principals of this combination were the earls of Argyle, Athole, Morton, Mar, and Glencarne, with the Lords Lindsay and Boyd. But Argyle, out of a facility (which was natural unto him), detected all their counsels to the queen; and the Lord Boyd, with great promises, was won to the adverse party. Bothwell, suspecting some insurrection, advised the queen, for saving her reputation in foreign parts, to acquaint the French king and her kinsmen of the house of Guise with her marriage, and the reasons thereof, desiring them, since that which was done could not be again undone, to favour her husband no less than they did herself. And to this effect the bishop of Dunblane was sent into France with letters to all her friends.

Neither did he omit to do at home what he thought might serve to fortify himself; for divers noblemen and barons were invited to court, and at their coming solicited to enter into bond for the defence of the queen and Bothwell, who should on the other part be obliged to protect them in all their affairs. Some of these being wrought to the purpose, did set their hands willingly to the bond: the rest, though they would gladly have shunned it, yet because they held it dangerous to refuse, subscribed in like sort. Only the earl of Murray, of all that were called, denied to enter in any bond with the queen; it being neither lawful for him, as he said, nor honourable for her, whom in all things it was his duty to obey. Concerning Bothwell, he said, "That he was reconciled unto him by the queen's mediation, and would faithfully keep all that he had promised; but to enter in bond with him or any other, he did not think it the part of a good

subject." Shortly after this he obtained leave, howbeit not without some difficulty, to go into France; "for he saw troubles breeding in which he loved not to have a hand."

How soon he was gone, choice was made of a new council, and the archbishop of St Andrews, with the Lords Oliphant and Boyd, received into the number: for their better and more easy attendance, they had their times of waiting particularly assigned.

The earls of Crawford, Erroll, and Cassils, with the bishop of Ross, and the Lord Oliphant, were appointed to begin, and attend from the first of June to the sixteenth of July. The earls of Morton and Rothes, with the bishop of Galloway and the Lord Fleming, were to succeed, and remain from the sixteenth of July to the penult of August. After them the archbishop of St Andrews, the earls of Argyle and Caithness, with the Lord Herries, to the fifteenth of October. And from that day to the first of December, the earl of Huntly (who was then created chancellor), the earls of Athole, Marshall, and Lord Boyd, were appointed to wait. At which time Crawford and Erroll were again to begin, and the rest to follow in their order for the same space, so as during the whole year the councillors should be tied to the attendance of three months only. It was always provided, that so many of the forenamed persons as happened to be at court should, during their abode, notwithstanding of their several assignments, be present with the others; and that it should be lawful for the queen to adjoin at any time such as she thought worthy of that honour. The same day a proclamation was given out, declaring all writings purchased from the queen, for permitting papists to use the exercise of their religion, to make no faith; her majesty being no way minded to violate the act made at her first arrival, and often since that time renewed in favours of the true religion. But this did not repress the murmurs of the people, for which it was specially intended.

Wherefore some few days after, the queen by Bothwell's persuasion, taking purpose to visit the borders, and having charged the subjects to accompany her thither with a provision for fifteen days, according to the custom, it was publicly rumoured that these forces were gathering for some other business, and that the intention was, to have the prince her

son in her own custody, and taken out of the earl of Mar his hands. So as a new declaration came forth, "To certify the people of her good affection, and that she never meant to make any novations in the kingdom by altering the laws thereof, nor do any thing in the public affairs, but by the advice of the noblemen of her council. And for her son, as she had trusted him to such a governor as other princes in former times were accustomed to have, so her motherly care for his safety and good education should be made apparent to all." But no regard was had to these declarations, and the noblemen who had combined themselves at Stirling taking arms, and being assisted by the Lord Home, environed on the sudden the castle of Borthwick, wherein the queen and Bothwell were then remaining: yet their companies not sufficing to enclose the house (for Athole did not keep the diet), Bothwell first escaped, and after him the queen disguised in man's apparel fled to Dunbar.

The lords upon their escape retired to Edinburgh, where they expected the rest of their forces would meet. There lay in the town at that time by the queen's direction, the earl of Huntly, the archbishop of St Andrews, the bishop of Ross, the abbot of Kilwinning, and the Lord Boyd. How soon they heard of the lords coming, they went to the street, offering themselves to conduct the people, and to assist them in the defence of the town; but they found few or none willing to join with them, and the people's affections wholly inclining to the lords. The magistrates gave order to shut the gates, but no farther resistance was made; so as the lords entering by the gate called St Mary Port, which was easily broke up, they made themselves masters of the town. Huntly and the rest taking their refuge to the castle, were received by the keeper (Sir James Balfour, a man much trusted by Bothwell), though at the same time he was treating with the lords for delivering the castle into their hands.

The next day, being the twelfth of June, the lords gave out a proclamation, wherein they declared, "That the earl of Bothwell having put violent hands on the queen's person, warded her highness in the castle of Dunbar, and retaining her in his power, had seduced her, being destitute of all counsel, to an dishonest and unlawful marriage with himself, who was known to have been the principal author, deviser,

and actor in the cruel murder committed upon the late king's person ; and that he was daily gathering forces, and strengthening himself by all means, of purpose, as appeared, to get in his hands the young prince, that he might murder him in like sort as he had done his father ; which the nobility of the realm had resolved to withstand, and to deliver the queen out of his bondage. Therefore did they charge all and sundry the lieges within the kingdom to be in readiness upon three hours' warning, to assist the said noblemen for delivering the queen from captivity, and bringing the said earl and his complices to underly the trial and punishment of law for the foresaid murder. Commanding all such as will not join with the said noblemen, to depart forth of the town of Edinburgh within four hours after the publication made, under the pain to be reputed as enemies," &c.

But the queen having escaped, as we showed, there resorted to her from all quarters numbers of people, so as within few hours she had an army about her of four thousand men and above, a force sufficient to oppose the enterprisers. The lords, on the other side, were cast into many difficulties ; for the heat of the common sort of people being quickly cooled, as ordinarily it happeneth, and the greater part of the nobility being either enemies, or behaving themselves as neuters, few of them came to offer their assistance : yea had they been never so many, lacking munition and other necessary provisions for the besieging of forts, they saw no way to attain to their purpose ; whereupon they began to think of dissolving their forces and quitting the enterprize, at least for that time. But the resolution which the queen took altered their counsels, and gave them the opportunity they wished for. She, partly confiding in her power and numbers, and partly animated by a sort of flatterers who made her believe that the lords would flee upon the first bruit of her coming, resolved to march with her army to Leith : whereas nothing had been so much to her advantage as a little protracting of time ; for had she remained three days longer at Dunbar, the lords without all peradventure had retired every one to his home. But where mutations are destined, the worst counsels seem ever the best, and are most readily embraced.

Being advanced so far as Gladsmuir, (where she caused

muster her forces,) a proclamation was made, bearing, " That a number of conspirators having discovered their latent malice borne to her and the duke of Orkney her husband, after they had failed in apprehending their persons at Borthwick, had made a seditious proclamation, to make people believe that they did seek the revenge of the murder of the king her late husband, and the relieving of herself out of bondage and captivity, pretending that the duke her husband was minded to invade the prince her son; all which were false, and forged inventions, none having better cause to revenge the king's death than herself, if she could know the authors thereof. And for the duke her present husband, he had used all means to clear his innocency; the ordinary justice had absolved him, and the Estates of parliament approved their proceedings, which they themselves that made the present insurrection had likewise allowed. As also he had offered to maintain that quarrel against any gentleman on earth undefamed, than which nothing more could be required. And as to her alleged captivity, the contrary was known to the whole subjects, her marriage with him being publicly contracted, and solemnized with their own consents, as their hand-writs could testify. Albeit to give their treason a fair show, they made now a buckler of the prince her son, being an infant, and in their hands; whereas their intention only was to overthrow her and her posterity, that they might rule all things at their pleasure and without controlment. Seeing, therefore, no wilfulness nor particularity, but very necessity had forced her to take arms for defence of her life, as her hope was to have the assistance of all her faithful subjects against those unnatural rebels, so she doubted not but such as were already assembled, would with good hearts stand to her defence; considering especially the goodness of her cause, promising them in recompense of their valorous service the lands and possessions of the rebels, which should be distributed according to the merit of every man."

This proclaimed, the army did set forward, the queen lodging that night in Seaton. A little before midnight word was brought to the lords in Edinburgh of the queen's approach, who without long suspense made to their armour. And at sun-rising, putting themselves in order, they marched directly to Musselburgh, a village two miles distant from

Preston. There they refreshed themselves with food and a little rest, for the queen's camp was not as yet stirring. About the midst of the day the horsemen who were sent to observe when the queen's army did advance, brought word that they were marching. The lords thereupon made haste, and drawing their companies forth of the village, ranged them in two battles. The first was conducted by the earl of Morton and the Lord Home; the second by the earls of Athole, Mar, and Glencarne, the Lords Lindsay, Ruthven, Sempill, and Sanquhar, with the lairds of Drumlanrig, Tullibardine, Cessford, Grange; and divers others of good sort were assisting, in number not much inferior to the queen's army, and in this superior, that the most part of them were gentlemen practised and of good experience in war. The queen stood with her army on the top of the hill called Carberry hill, which the lords, because of the ascent wherewith it riseth, could not come at in a direct course, but to their great disadvantage; wherefore they inclined a little to the right hand, both to find a more plain way, and to get the sun in their backs, when they should come unto the fight. This deceived the queen, who supposed they were flying towards Dalkeith, a little village pertaining to the earl of Morton; but when they were past the strait of the hill, and that she saw them making directly to the place where she with her army stood, she perceived her error.

The French ambassador, seeing them ready to join, interposed himself, and coming to the lords, desired that matters might be composed without bloodshed, for the good of both parties; saying, that he found the queen peaceably inclined, and disposed both to forgive the insurrection they had now made, and to forget all by-past offences. The earl of Morton replied, "That they had taken arms, not against the queen, but against the murderer of the king, whom if she would deliver to be punished, or then put him from her company, she should find nothing more desired of them and all other subjects, than to continue in their dutiful obedience towards her; otherwise no peace could be made. Neither are we come," said he, "to ask pardon for any offence that we have done, but rather to give pardon to those that have offended." The ambassador perceiving this to be their resolution, and judging it reasonable which they required, but

not like to be obtained, took his leave and departed to Edinburgh.

During the treaty of the French ambassador, the queen's army keeping within the trenches that the English of old had made, Bothwell advanced himself upon a strong and lusty horse, appealing any one of the adverse party to single combat. James Murray, brother to Tullibardine, (he that before had offered himself to fight, but suppressing his name, as we shewed), made answer that he would accept the challenge. Bothwell refusing to hazard with him, as not being his equal in honour and estate, William Murray his eldest brother made offer to take his place, saying, that in wealth he was not inferior to Bothwell, and for the antiquity of his house and honesty of reputation, he esteemed himself more than his equal; yet he likewise was refused, as being a knight only, and of a lower degree. Divers noblemen did thereupon offer themselves; the Lord Lindsay especially shewed a great forwardness, desiring he might be permitted to try himself with Bothwell, which he would take as a singular honour, and esteem it as a recompense of all his service done to the state. Here whenas Bothwell could not honestly shift the combat, the queen interposing her authority did prohibit him to fight. Thereafter taking a view of the army on horseback, and encouraging them to battle, she found Bothwell's friends and followers very desirous to fight; but in the rest there appeared no such willingness, some saying that the battle would prove dangerous to the queen, because howsoever gentlemen were ready to hazard themselves, the commons, who were the greatest number, seemed not to be so disposed, nor well affected to the cause. Others more plainly declaring their minds, said that it were much better that Bothwell should defend his own quarrel by combat, than to expose the queen and so many gentlemen to peril. And there were some that counselled to delay the battle to the next day, for that the Hamiltons were said to be coming, who would greatly increase her forces.

All these things the queen heard impatiently, and bursting forth in many tears, said, they were but cowards and traitors. After which, perceiving divers of the army to steal away, she advised Bothwell to look to his own safety, for she would render herself to the noblemen. Then sending for William

Kirkcaldy of Grange, she talked with him a good space, and when she thought Bothwell was past all danger, went with him to the lords, unto whom she spake on this manner. "My lords, I am come unto you not out of any fear I had of my life, or yet doubting of the victory if matters had gone to the worst; but I abhor the shedding of Christian blood, especially of those that are mine own subjects, and will therefore yield unto you, and be ruled hereafter by your counsels, trusting you will respect me as your born princess and queen." They receiving her with the wonted reverence, answered dutifully at first; but when she could not be permitted to go unto the Hamiltons (whom she had a desire to see), although she gave her promise to return, and so found her liberty restrained, she waxed angry, and fell a complaining of their ingratitude. They replied nothing, but taking their way towards Edinburgh, led her along with them, and kept her that night in Craigmillar his lodging, who was then provost of the town. It was night before they came thither, albeit the day was then at the full length, because of the stays she made by the way, either looking for some relief by the Hamiltons, as many supposed, or not liking to be gazed on by the multitude, and seen in the estate of a prisoner. The next day towards the evening she was, by the direction of the noblemen, sent to be kept in the house of Lochleven, and conveyed thither by the Lords Ruthven and Lindsay, because Balfour had not as yet transacted with the lords upon the delivery of the castle of Edinburgh, though even then he betrayed the trust which Bothwell had in him. For how soon it was known that the queen was made prisoner, Bothwell having sent one of his servants to the castle to bring a little silver cabinet which the queen had given him, and wherein he reserved all the letters she had written unto him at any time, Balfour delivered the cabinet to Bothwell's servant, but withal advertised the lords what he carried, and made him to be apprehended. These letters were afterwards divulged in print, and adjected to a libel entitled, The detections of the doings of Queen Mary, penned with great bitterness by Mr George Buchanan.

Some two days after the queen was committed, the earl of Glencarne, taking with him his domestics only, went to the chapel of Halyrudhouse and demolished the altar, breaking

the pictures, and defacing all the ornaments within the same. The preachers did commend it as a work of great piety and zeal ; but the other noblemen were not a little displeas'd, for that he had done it without direction, and before they had resolv'd how to deal with the queen ; neither did matters frame with them according to their expectation, divers of the nobility, of whose assistance they held themselves assur'd, lying back and giving no concurrence ; and those that favour'd the queen (of which number were the earls of Argyle, Huntly, and many others who were at the same time assembled at Hamilton), professing open enmity, and condemning the action as a crime of the highest treason that could be committed. The common people also, who a little before seem'd most incens'd, pitying the queen's estate, did heavily lament the calamity wherein she was fallen. In this uncertainty of things they resolv'd to write unto the lords conven'd at Hamilton, and entreat their concurrence for re-ordering the estate, and establishing of matters by a common consent. But neither would they admit the messenger nor receive their letters, so highly did they offend with their proceedings, and so confident they were to repair things by their own power.

The noblemen hereupon made a motion to the Assembly of the Church, which was then conven'd at Edinburgh, to deal with those of the other faction, and persuade them to a general meeting for matters of the Church, wherein they hop'd some good might be done, and all occasions of civil discord remov'd. The Assembly liking well the motion, condescend'd to prorogue their meeting unto the twentieth of July next, and in the mean season to direct letters to the earls of Argyle, Huntly, Caithness, Rothes, Crawford, and Menteith, the Lords Boyd, Drummond, Herries, Cathcart, Yester, Fleming, Livingstone, Seaton, Glamis, Ochiltree, Gray, Oliphant, Methven, Innermaith, and Somerville, and to the commendators of Aberbrothock, Kilwinning, Dunfermline, St Columb, Newbottle, and Halyrudhouse, who did either assist the adverse party, or then behav'd themselves as neuters. To procure the greater respect to these letters, John Knox, Mr John Douglas, Mr John Row, and Mr John Craig, were chosen commissioners, and had instructions given them to this purpose : “ That Satan by his instru-

ments had of long time and by many subtle ways laboured to hinder the progress of true religion within this realm, and that now the same was in hazard to be utterly subverted, chiefly through the poverty of the ministers that ought to preach the word of life unto the people: some being compelled to leave their vocation, and betake them to civil callings; others so distracted by earthly cares, as they could not wait upon the preaching of the Word so diligently as they wished. In consideration whereof the Assembly of the Church being convened at Edinburgh, had thought it necessary to prorogue their meeting to the twentieth of July, and to entreat and admonish all persons truly professing the Lord Jesus within the realm, as well noblemen as barons, and those of the other Estates, to meet and give their personal appearance at Edinburgh the said day, for giving their advice, counsel, and concurrence in matters then to be proponed; especially for purging the realm of popery, the establishing of the policy of the Church, and restoring the patrimony thereof to the just possessors. Assuring those that should happen to absent themselves at the time, due and lawful advertisement being made, that they should be reputed hinderers of the good work intended, and as dissimulate professors be esteemed unworthy of the fellowship of Christ's flock: considering chiefly that God in his mercy had offered a better occasion for effecting these things than in times past, and that he had begun to tread down Satan under foot." This they were willed to speak, and by all fair persuasions to move them to keep the day and place appointed.

The missive letters were for the most part to the same effect; but in these, besides the provision of the ministers, I find the poor and indigent members of Christ also mentioned, and somewhat said concerning an union to be made amongst the professors, and such a conjunction as might make them able to withstand the craft and violence of their enemies. But neither did the letters nor the credit given to the commissioners prevail with those to whom they went, all almost excusing themselves (some by word, others by letter), and saying, "That in regard of the present division caused by the queen's imprisonment, and that the town of Edinburgh, where they were required to meet, was straitly kept by a part of the nobility and some hired soldiers, they could not

come to the place appointed without trouble and danger of their lives. Not the less they did assure the Church of their willingness to every thing that might serve to advance the gospel, and further the provision of the ministers, for the better and more diligent attendance on their callings." The earl of Argyle did answer more particularly; and touching the policy, desired that no novations nor alterations should be made before a general meeting of the Estates. In like sort the Lord Boyd did by his answer promise to hold hand to the forthsetting of the policy, but with an exception, so far as it might stand with law. Yet had both the one and other ratified the book of policy by their subscriptions long before, and made no scruple either of law or custom at that time. The noblemen that remained at Edinburgh, perceiving they could not be drawn to a meeting, resolved to prosecute their purpose at all hazards, and joining with the Assembly, condescended to all the articles proponed for the good of the Church, and made great promises of performance; howbeit, having once attained their ends, they did forget all, and turned adversaries to the Church in the same things whereunto they had consented. Always the articles agreed unto were as followeth.

1. That the acts made in the parliament holden at Edinburgh the twenty-fourth of August 1560, touching religion and the abolishing of the pope's authority, should be extracted forth of the registers, and have the force of a public law; and that the said parliament, in so far as concerned religion, should be maintained and defended by them, as a parliament lawful, and holden by sufficient commission from the queen then being in France, and be ratified in the first parliament which should happen to be kept within the realm.

2. That until perfect order might be taken for restoring the patrimony of the Church, the act of assignation of the thirds of benefices for the sustentation of the ministry should be put in due execution.

3. That the act of council made with consent of her majesty, touching the conferring of small benefices within the value of three hundred marks to ministers, should be put in practice; as likewise the act for annuals, obits, and altaraiges, especially within burghs.

4. That in the first lawful parliament which should be kept, or sooner if occasion might serve, the Church of Christ within this kingdom should be fully restored unto the patrimony belonging to the same, and nothing be passed in parliament before that and other matters of the Church were first considered and approved. In the meanwhile the noblemen, barons, and other professors then present, did willingly offer and consent to reform themselves in the matter of the Church-patrimony according to the book of God, and to put the same in practice for their own parts, ordaining the refusers and contraveners of the same to be secluded from all benefits of the Church. It was farther agreed, that in the next parliament, or otherwise at the first occasion, order should be taken for the ease of the labourers of the ground in the payment of their tithes, and that the same should not be disposed to any others without their advice and consent.

5. That none should be permitted to bear charge in schools, colleges, and universities, nor allowed publicly or privately to instruct the youth, except such as should first be tried by the superintendents and visiters of the Church, who being found meet should be admitted by them to their charges.

6. That all crimes and offences committed against the law of God, should be severely punished according to the word of God, and judges deputed for execution thereof; or, if there be no laws as yet made, nor judges appointed for the punishment of such crimes, that the same should be done in the first parliament.

7. That seeing the horrible murder of the king, her majesty's husband, is a crime most odious before God, and tending to the perpetual shame and infamy of the whole realm, if the same should not be exemplarily punished, the noblemen, barons, and other professors should employ their whole forces, strength, and power for the just punishment of all and whatsoever persons that should be tried and found guilty of the same.

8. Since it hath pleased God to give a native prince unto the country, who in all appearance shall become their king and sovereign, lest he should be murdered and wickedly taken away as his father was, the nobility, barons, and others under subscribing should assist, maintain, and defend the prince against all that should attempt to do him injury.

9. That all kings and princes that in any time hereafter shall happen to reign and have the rule of the realm, should in their first entry, and before they be either crowned or inaugurated, give their oath and faithful promise unto the true Church of God, for maintaining and defending by all means the true religion of Christ presently professed within the kingdom.

10. That the prince should be committed to the education of some wise, godly, and grave man, to be trained up in virtue and the fear of God; that when he cometh to years he may discharge himself sufficiently of that place and honour whereunto he is called.

11. That the nobility, barons, and others underscribing, should faithfully promise to convene themselves in arms for the rooting out of idolatry, especially the blasphemous mass, without exception of place or person. And likewise should remove all idolaters, and others not admitted to the preaching of the word, from the bearing of any function in the Church, which may be a hindrance to the ministry in any sort; and in their places appoint superintendents, ministers, and other needful members of the Church. And farther, should faithfully bind themselves to reform all schools, colleges, and universities throughout the realm, by removing all such as be of contrary profession, and bear any charge therein, and planting faithful teachers in their rooms, lest the youth should be corrupted with poisonable doctrine in their lesser years, which afterwards would not easily be removed.

These were the articles agreed unto by a common consent, and subscribed in the presence of the Assembly, by the earls of Morton, Glencarne, and Mar, the Lords Home, Ruthven, Sanquhar, Lindsay, Graham, Innermaith, and Ochiltree, and many barons, besides the commissioners of burghs.

Upon the dissolving of this Assembly, the Lords Ruthven and Lindsay were directed to Lochleven to deal with the queen for resignation of the government in favours of the prince her son, and the appointing of some one to be regent, who should have the administration of affairs during his minority. At first she took the proposition grievously, answering in passion, that she would sooner renounce her life than her crown: yet after some rude speeches used by the Lord Lindsay, she was induced to put her hand to the re-

nunciation they presented, by the persuasion chiefly of Robert Melvill, who was sent from the earl of Athole, and Lethington, to advise her as she loved her life not to refuse any thing they did require. He likewise brought a letter from Sir Nicholas Throgmorton, the ambassador of England (who was come a few days before to visit her, but was denied access), to the same effect, declaring that no resignation made in the time of her captivity would be of force, and in law was null, because done out of a just fear; which having considered with herself a while, without reading any one of the writs presented, she set her hand to the same, the tears running down in abundance from her eyes. One of the writs contained a renunciation of the crown and royal dignity, with a commission to invest the prince into the kingdom by the solemnities accustomed. And to that purpose a procuration was given to the Lords Ruthven and Lindsay for demitting and resigning in presence of the three Estates the rule and government; and to the earls of Morton, Athole, Mar, Glencarne, and Menteith, and to the Lords Graham and Home, with the bishop of Orkney, and the provosts of Dundee and Montrose, for inaugurating the prince her son. The other writ did appoint the earl of Murray regent during the prince his minority, if at his return he should accept of the charge. And in case of his refuse, the duke of Chatelherault, the earls of Lennox, Argyle, Athole, Morton, Glencarne, and Mar, who should jointly govern and administrate the public affairs.

Both the renunciation and commission for government of the realm were the next day published at the market-cross of Edinburgh; and the third day after the publication (which was the twenty-ninth of July) was the prince crowned and anointed king in the church of Stirling by the bishop of Orkney, assisted by two of the superintendents. The sermon was made by John Knox: the earl of Morton and the Lord Home took the oath for the king, that he should maintain the religion received, and minister justice equally to all the subjects. The English ambassador, though he was in town, refused his presence to that solemnity, lest he should seem to approve the abdication of the queen's government. Now how soon the news came to France (and they came in great haste) the earl of Murray prepared to return; whereof

the archbishop of Glasgow getting intelligence (who lay there ambassador for the queen), he laboured earnestly to have him detained, informing that he was the head of the faction raised against the queen, and that he was called home to be their leader. But he had taken his leave some hours before of the court, and used such diligence, as they who were sent to stay him found that he was loosed from Dieppe before their coming.

Returning by England, he came the eleventh of August to Edinburgh, where he was received with a wonderful joy. Great instance was used to have him accept the regency; at which they said no man would grudge, he being named by the queen, and having given all good men sufficient experiments of his worth. Some few days he desired to advise, in which time he visited the queen at Lochleven, and sent letters to the noblemen of the other faction, especially to the earl of Argyle, with whom he had kept an entire friendship of a long time, showing in what sort he was pressed by the lords that maintained the king's authority, and entreating him by the bonds of kindred, the familiarity they had long kept, and by the love he bare to his native country, to appoint a place where he might confer with him, and have his counsel in that business.

To the rest he wrote according to the acquaintance he had with them, and as their place and dignity required. Of them all in common he desired that they would be pleased to design a place of meeting, where they might by common advice provide for the safety of the kingdom, which in that troubled time could not long subsist without some one to rule and govern.

But finding them all to decline the meeting, and being importuned on the other side by those of the king's faction to undertake the charge, he resolved to accept the same; and in a convention of noblemen and others of the Estates kept at Edinburgh the twentieth of August, was elected regent with a great applause of all that were present. The same day was his election published, and charge given to all the subjects for acknowledging and obeying him as regent and governor of the realm unto the king's majority.

NOTE TO BOOK IV. P. 54.

ADAM BOTHWELL, BISHOP OF ORKNEY.

[No one is more closely connected with the history of Mary, Queen of Scots, than Adam Bothwell, bishop of Orkney. He was of the number who went to France to anticipate her favour, and to escort her home. He joined her in marriage with the infamous Hepburn, earl of Bothwell. At the coronation of James VI. he anointed the infant king. He was of the commission that accused her at York. He accompanied Sir William Murray of Tullibardine, and Sir William Kirkealdy of Grange, in their desperate but unsuccessful pursuit of the Duke of Orkney. He was continually embroiled with Church and State. Yet he contrived to fare luxuriously every day, to die in his bed, and to obtain a resting-place and eulogistic tombstone in the Abbey of Holyroodhouse, which venerable name became the title of a peerage to his eldest son. The domestic history of this remarkable personage is scarcely known, and we give it here from sources not very accessible to the general reader.

His father, Francis Bothwell, was one of the most distinguished burgesses of Edinburgh in the reign of James V. For many years he presided over the counsels of his native town, and aided those of the state, both legislative and judicial, with an honest energy of character and talents that had fallen on evil times. At the crisis of the battle of Flodden, when the magistrates and citizens of Edinburgh distinguished themselves both by their devotion in the field, and by the wisdom and firmness with which they met and provided for the exigencies of a moment so fatal to Scotland, Francis Bothwell ranked foremost among his fellow-citizens. In the course of the period between the years 1514 and 1524, he passed successively through all the dignified civic offices, during the unpopular regency of Albany. The following document, from the ancient records of the city of Edinburgh, is so curiously characteristic of the times in Scotland, that we must give it verbatim:—

“17 April 1518, the 12th hour.—The quhilk, in presence of the president, baillies, counsall, and communitie, Maister Francis Bothwell producit my Lord Erle of Arane’s, principall provest, writings and charge, till *excuse him fra the office of little Johne*, to the quhilk he was chosen for this year; desyrand the samyn to be obeyit, and the tenour thairof to be incertit in this instrument; the quhilk tenour of the said writing followis: ‘President, baillies, and counsall of Edinburgh, we greet you weill; it is understand to us, that Maister Francis Bothwell, your nichtbour, is chosen to little Johne, *for to mak sports and jocosities in the toune*; the quhilk is a man to be usit in *hies and graver matters*, and als is upon his viage to pas beyond sey his neidfull erandis; quharfor we request and prayis, and als chargis you, that ye hold him excusit at this tyme; and we be this our wrytingis remittis to him the law, gif ony he has incurrit, for none excepping of the said office, discharging you of ony poynding of him tharfor. Subscrivit with our hands at Linlithgow the 12th day of April, the zeir of God 1518. Youris, JAMES, ERLE OF ARANE.’ The quhilk wrytingis the said Maister Francis allegit war nocht fulfillit nor obeyit; and tharfor he protestit that quhat

evir war done in the contrar, turn him to na prejudice; and for remeid of law, tyme and place quhar it efferis."

Thus it seems that this tyrannical mummery was forced, under severe penalties, upon the most distinguished citizens. The date of this very curious instrument is only a few years after the fatal Flodden, and doubtless the graver citizens were even yet not quite in trim for sports and *jocosities*.

" Hei mihi ! difficile est imitari gaudia falsa,
Difficile est tristi fingere mente jocum."

Not long afterwards, Francis Bothwell occupied the place of the Earl of Arran, as Provost of Edinburgh, an office then of high distinction. Subsequently he appears as commissioner for the burghs, a lord of the articles, royal commissioner, and finally, one of the original *fifteen* who composed the bench of the College of Justice when first instituted by James V. in 1532. Nisbet, in his great heraldic work, generally very accurate, records that Adam Bothwell was the second son of Francis by his first wife, a daughter of Patrick Richardson of Meldrumsheugh. On searching the records of the city of Edinburgh, however, I found that Francis Bothwell married, secondly, *Katherine Bellenden*, and by her had two children, *Adam*, afterwards bishop of Orkney, and *Janet*, who became the wife of Sir Archibald Napier of Merchiston, and mother of the celebrated John Napier, the author and inventor of the Logarithmic Canon. Hence it is that some curious letters of this prelate's are still preserved in the charter-chest of the present Lord Napier. We find a very interesting sentence relating to the great Napier, in a letter addressed to his father Sir Archibald Napier by the bishop of Orkney, and dated 5th December 1560 :—

" I pray you, Schir, to send your sone *Jhone* to the *schuyllis*; oyer to France or Flandaris; for he can leyr na guid at hame, nor get na proffeit in this maist perullus wordlc; that he may be savet in it; that he may do frendis efter honour and proffeit, as I dout not bot he will."

In this correspondence with his brother-in-law, the bishop affords some curious glimpses of the manners and state of those rude and turbulent times. He was the first reformed bishop of Orkney; but he seems to have joined the infant Church rather from a sense of the staggering state of the old religion, than because he entertained any abhorrence of its corruptions. In 1552, he succeeded his brother William, who had succeeded their paternal uncle Richard, as rector of Eskirk. From the register of the privy-seal, it appears that Adam Bothwell was preferred to all the temporalities of the see of Orkney on the 11th October 1559. He is designed bishop of Orkney in the grant, and must have been elected by the chapter previous to that date. At this time he was about thirty years of age. His immediate predecessor was Bishop Reid, a most distinguished prelate, statesman, and patron of letters, president of the College of Justice, and one of the unfortunate ambassadors who were sent to arrange the preliminaries of Mary's marriage with the dauphin. Most of these, and among the rest Bishop Reid, died, under strong suspicion of poison, on their way home in 1558. His reformed successor was continually in the midst of what he called *cummeris*, that is, vexation or turmoil. Keith says that Adam of Orkney appears never to have taken any charge of his cure. But the bishop's letters prove this to be a mistake, although he was by no means an exemplary prelate. In a letter dated 5th February 1561, he complains grievously of a conspiracy of some of the Sinclairs against him in Orkney, instigated, as he says, by the lord justice-clerk, Sir John Bellenden, who was a near relation of his own. Collecting a mob, they took and kept violent possession of his house or palace of Birsay; and it is curious to find, in a letter nearly three centuries old, the familiar complaint that factious men were creating a riot, by misleading the ignorant with false promises of freedom and independence. Henry and Robert Sinclair, he says, " beand instigat be the justice-clerk, quha maryet with thaim twa sisteris, to

loup in ane of my plaices callet Birsay, quhilk they kepit, and thaireftyr on beset the way quhairbe I was to cum haime *from my visitatioun*, with gret number off commonis, quhem thai pat than in beleiff to leiff frelie, and to knaw na superiouris in na tymis cumyn ; quhilks be Goddis graice haid na powair to hairme me, althocht thair uttir purpos was at thair hethir cumyn, to haiff alder slaine me, or taken me." This riot appears to have been connected with the reformation of religion ; papists, however, being in this instance the rioters. For the bishop adds, that there being convened " ane gret multitude of the commonis, at the first heid court eftyr Yeuil (1560), quhen thai were all gatheret and in quyret be certain off my messengeris, send to thaim to that effek, giff thai wold be *content off mutatioun off religion*, quhilk thai reffuset, and that notwithstanding I cloisset my kirk dorris, and hes thoilet na mess to be said thairin sensyne ; quhowbeit thai wer sua irritat thairbe, that eftyr thai haid requyret me sindrie tymes to let thaim in to that effek, at last gaderet together in gret multitud, brocht ane preist to ane chapell hard at the scheik of the schamber quhair I was lyan seik, and thair causset do mess, and marye certain pairis *in the auld maner*. This was doune on Sunday last, quhilk I culd not stoppe without I wold have committit slauchter." These letters are full of threats, which he soon afterwards fulfilled, of going to Frauce to pour his grievances into the royal ear. There, in the spring of the year 1561, he joined the young queen, now on the eve of embarking on that sea of troubles where her fortunes and her fame were wrecked. The most luxurious crown in Christendom had just departed from her ; and, as an earnest of that which was to replace it, on one side her bastard-brother reminded her of the ascendancy of protestantism ; on the other, John Lesley, afterwards bishop of Ross, warned her, in the name of all the saints, against the intrigues and ambition of her sinister brother ; and between whiles, that indefatigable bore, the bishop of Orkney, fatigued her with complaints against the lord justice-clerk. This latter worthy was Sir Johu Bellenden of Auchinoul, a nephew of Katherine Bellenden, the bishop's mother, she being the sister of Sir Thomas Bellenden of Auchinoul, also justice-clerk, and director of chancery to James V. Another curious family connexion is thus brought out. Katherine Bellenden, the grandmother of the inventor of logarithms, and the mother of the bishop of Orkney, was subsequently married to the notorious Oliver Sinclair, whose ill-fated elevation in the affections of James V. led to the untimely death of that monarch. This alliance accounts for these expressions in one of the bishop's letters,—“ Olyfer Sinclair, my gud-father.” Bedford and Randolph, in their letter to the council in England, narrating the particulars of the murder of Rizio, say, “ There were in this companie two that came in with the king, the one, Andrew Car of Fawdenside, whom the queen sayth would have stroken her with a dagger ; and *one Patrick Balentine, brother to the justice-clerk*, who, also her Grace sayeth, offered a dag against her belly with the cock down.” Thus, the cousin-german of the bishop, who anointed the infant James, had threatened his life before he was born. From some expressions in the justice-clerk's will, he had stood *in loco parentis* to Adam Bothwell, and seems to have ruled him throughout. Sir John Bellenden was particularly active in promoting the marriage between Mary and the earl of Bothwell ; and as great difficulty was experienced in prevailing upon a protestant clergyman to perform the office, he had procured and probably extorted the services of Adam of Orkney. “ Unus,” says Buchanan, with the severest point of his elegant latinity, “ *Orcadum Episcopus, est inventus, qui gratiam aulicam veritati præferret, cæteris reclamantibus, causasque proferentibus, cur legitimæ non essent nuptiæ cum eo, qui duas uxores adhuc vivas haberet, tertiam, ipse nuper suum passus adulterium, dimisisset,*” &c. But this brought the bishop into sad *cummer* with the Kirk, and he hastened to redeem his error by becoming conspicuous in the ranks of Mary's persecutors. Dr Barry, in his history of the Orkney Islands, says of Adam Bothwell, “ Not-

withstanding his having joined the enemies of the queen, Mary seems still to have retained for him some degree of her former favour; for when her unfortunate circumstances compelled her to resign the crown, she granted a procurator to him to inaugurate her son, the young prince, which was accordingly done at Stirling," (p. 244). This is a great mistake. Mary never even read the deed which named the bishop. It was her enemies who devolved the office upon him, not as her friend, but as their creature. Then came the coronation, where, "be the ministration of the said reverend fader, Adame, bishope of Orknay, was anointed the said maist excellent prince, in king of this realme and dominions thereof," &c. "quhairupon the said Sir John Belenden, justice-clerk, in name of the said Estaitis, and also John Knox, minister, and Robert Campbell of Kinzeancleugh, asked actis, instrumentis, and documentis." (Privy-council Records.)

It is somewhat remarkable that our author, Spottiswoode, when recording the attempt to seize the person of the fugitive and piratical duke of Orkney, makes no mention of the fact that the bishop of Orkney was a party to that dangerous enterprise, and was thereby placed in one of the most extraordinary predicaments that ever befell a bishop. This strange and graphic incident had also escaped the research of Mr Tytler.

In the Register of the Privy-council there is a charge, dated 10th August 1567, to some particular masters of ships belonging to the town of Dundee, and in general to "all masters of ships, and other mariners, indwellers within the burgh, to prepare themselves and their ships to pass with Sir William Murray of Tullibardine, the comptroller, in quest of the earl of Bothwell, within six hours after they be charged; and on the 11th day of the same month, there is a commission to Sir William Murray, comptroller, and Sir William Kirkealdy of Grange, to convey the king's lieges in warlike manner, and provide ships to pursue the earl of Bothwell, his assistars or colleagues, by sea or land, with fire, sword, and all kind of hostility, *and fence and hold courts of justice where-soever they shall think good.*"

Sir James Melville, in his very curious contemporary Memoirs, speaking of this expedition says: "Now the lard of Grange twa schippis being in rediness, he maid saill towardis Orkeney; and na man was sa *frak* (alert) to accompany hym as the lard of Tullibardin and Adam Bodowell, bishop of Orkenay." From the records of the privy-council, however, it appears that Tullibardine was commissioned by government as leader in the expedition. The presence of the bishop remains to be accounted for, as no man was more studious of his ease, or more anxious to avoid the *cummer* in which he was perpetually involved. The warlike barons, it will be observed, were not only authorized to apprehend the duke of Orkney, but to hold courts of justice wherever they might take him, obviously for the purpose of his *immediate* condemnation. It was of consequence to the Morton faction that he should be instantly put out of the way, and in a manner least likely to elicit disclosures; therefore, to countenance and aid these barons in their judicial functions, Adam Bothwell, a privy-councillor, and a lord of Session, accompanied the expedition, and doubtless had his instructions. Moreover, the keeper of the castle of Kirkwall, in which the fugitive nobleman had hoped to be able to fortify himself, was Gilbert Balfour, a dependant of the bishop's, and married to his sister, Margaret Bothwell. Upon the 19th of August 1567, their armament was complete, and set sail for the Orkneys. They had five ships, heavily armed, and carrying 400 soldiers. Even the bishop had clothed himself in weighty armour, or, as Godscroft says, a corslet of proof. It would have been singular had he presided at the trial and condemnation of the man whom he had united to his sovereign so recently before. The event was otherwise ordered. Having reached the Orkneys, they were directed by Gilbert Balfour to Shetland, in search of their prey. It was not long ere they descried two vessels cruising off the east coast

of Shetland, where currents, tides, and whirlpools threatened destruction to the most skilful navigator. These were the piratical duke's, on the look-out, and manned by desperate seamen. Grange, who commanded the swiftest of the government ships, shot ahead, and approached Bressa Sound, through which the pirates steered. Onward pressed their pursuers, and every nerve was strained on board the Unicorn, Grange's ship, to gain their object. The manoeuvre of the fugitives would have sufficed for a romance of Cooper's. So close was the chase, that when the pirate escaped by the north passage of the Sound, Grange came in by the south, and continued the chase northward. But the pirates were familiar with those narrow and dangerous seas. They knew how lightly their own vessels could dash through the boiling eddy that indicated a sunken rock, and had discerned at a glance what would be the fate of their bulky pursuers if they dared to follow in their desperate wake. They steered accordingly directly for the breakers, and though the keel grazed the rocks, their vessel dashed through the cresting foam into a safer sea. Grange ordered every sail to be set, to impel the Unicorn in the very same track. In vain his more experienced mariners remonstrated. The warrior baron, as if leading a charge of horse on the plains of Flanders, rushed on the breakers, and instantly his gallant ship was a wreck. There was just time to hoist out a boat, and by dint of great exertions to save those on board. As it was, the bishop of Orkney, encumbered with armour which he was not accustomed to wear, was left behind clinging alone to the wreck. The boat being already on its way, and deeply laden, it seemed impossible to save him. His cries reached them, but were disregarded. Another instant of delay and he would have perished, when, collecting all his energies, he sprang into the midst of the crowded boat, causing it to reel with his additional weight, "which," says Hume of Godscroft, who records the incident, "was thought a strange leap, especially not to have overturned the boat." The bishop's loup was long remembered, and the rock from which he sprang was called *the Unicorn* ever after.

It is remarkable that at the very time when the bishop of Orkney was thus zealous in the cause of the Kirk, the General Assembly entertained the highest indignation against him; and he had other breakers to pass through besides those of the Unicorn. In the Assembly held at Edinburgh on the 25th December 1567, just five months after the exploit above narrated, "Adam, called bishop of Orkney, commissioner of Orkney, being absent, was delated for not visiting the kirks of his country but from Lambmess to Hallowmess: *Item*,—That he occupied the room of a judge of the session, the sheep wandering without a paster: *Item*,—Because he retained in his own company Sir Francis Bothwell, a papist, to whom he had given benefices, and placed a minister: *Item*,—Because he solemnized the marriage of the queen and the earl of Bothwell, which was altogether wicked, and contrarie to God's law and the statutes of the Kirk." (Calderwood.) And in the acts of that Assembly we find, "Anent the mariage of the queen with the earl of Bothwell, be Adam callit bischop of Orkney, the haill Kirk finds that he transgrest the act of the Kirk in maricing the devoreit adulterer; and therefore deprives him fra all function of the ministrie, conform to the tenor of the act made thereupon, ay and quhyll the Kirk be satisfyit of the slander committet by him." Calderwood adds: "Adam, called bishop of Orkney, pretended he might not remain in Orkney by reason of the evil air and weakness of his body. He denied that he understood Francis Bothwell to be a papist, or that he placed him in the ministry." Thereafter, however, appears an act of the General Assembly restoring the bishop on the 10th of July 1568, in these terms: "Touching the bischop of Orkney's suspensione from the ministrie, the last Assemblie, and his obedience and submission, the Kirk restoris him again to the ministrie of the word, and als ordains him, on some Sunday quhen he best may for the waikness of his body, to mak an sermoun in the Kirk of Holiernidhouse, and in the end thereof to confess his offence in maricing the queene with the

erle of Bothwell ; and desire the Kirk thair present for the time, to forgive him his offence and sclander given be him in doing the fornarnit act : the quihilk he promisit to do." Shortly before the date of this act, namely, on Sunday 2d of May 1568, the queen had escaped from Lochleven ; and on the 13th of the same month was fought the battle of Langside. A scene, the most disgraceful to both countries, now occurred at the conferences held at York and Westminster, when a rebel faction familiar with the darkest crimes, and a rival queen destitute of every feminine virtue, combined to consummate the ruin of the queen of Scots. Conspicuous on the commission against her was the bishop of Orkney ; and there is one scene of those extraordinary proceedings, unnoticed by our author, wherein the *frak* bishop became ludicrously conspicuous. When the commissioners first met at York, the duke of Norfolk cast various obstacles in the way of the accusation, and, after sounding Lethington, opened a secret conference with him and the Regent Murray, the object of which was to frustrate the designs of Elizabeth. No one was privy to this counterplot except Norfolk, Murray, Lethington, and James Melville, and their plan is minutely recorded by the latter. The duke, after expressing his private astonishment and horror at the step the commissioners were about to take, in accusing their sovereign of murder before a foreign tribunal, assured them that neither his royal mistress nor himself would pronounce any decree or sentence upon their accusation ; and to test this, he advised his associates in this cabal, that whenever he required them before the council to give in their written accusation, they should demand, as a preliminary, that, upon their accusation being given in, the queen of England should immediately proceed to conviction and sentence, and that this should be guaranteed to them under her majesty's hand and seal, before they "opened their pack." The accusation here alluded to was one in writing, which Murray and his crew held in petto, denouncing Mary as a murderess, her marriage to Bothwell being urged as the principal proof, and her keenest accuser being the very bishop who had pronounced his blessing over that union. Elizabeth vehemently desired that this accusation should be presented, but unconditionally ; and when the counter-claim suggested by Norfolk was put in, the delay occasioned by communicating with her majesty caused the commission to be removed from York to Westminster. The Regent Murray, whose conduct bewildered such of his colleagues as were not in the secret, was incessantly importuned by the bishop of Orkney to give in the accusation unconditionally. At length Morton discovered the substance of what had passed between the duke and the regent, and, highly offended at the exclusion of himself from their conference, laid a plan to defeat its object. Murray's secretary, John Wood, a thorough-paced traitor, was made to disclose the whole matter to Cecil, who at their suggestion became more and more urgent. They pretended, however, to stand by the condition to which Murray had pledged himself. The secretary, Wood, said it was proper to take all the writs to the council-room, but that he would keep the written accusation in his bosom, and would not deliver it up, except the condition were fulfilled. When the council met, the duke of Norfolk asked for the accusation. The regent again desired the queen of England's assurance, under hand and seal, that she would proceed to conviction and sentence. It was answered, that her majesty was a true princess, and her word was sufficient. A general cry then arose, on both sides, against the regent's seeming to doubt the word of Elizabeth. Her secretary, Cecil, asked if they had the written accusation there. The rest of the scene is so graphically told by Sir James Melville, who was present, that we must give it in his own words : "' Yes,' said Mester Jhon Wod (with that he plucks it out of his bosom), ' bot I will not delyver it untill her majesteis handwret and seale be delyverit to my Lord.' Then *the bishop of Orkney* cleakis the wret out of Mester Jhon Wodis hands : ' Let me have it, I sall present it,' said he : Mr Jhon ran efter him as gene he wald have had it again, or riven his

clais : Forward past the bishop to the counsaile table, and gave in the accusation : Then said to him, my Lord Willyem Hauvert (Howard), chamberlan, ‘weill done Bishop Turpy ; thou art the frackest felow among them ; none of them will mak thy loup gud,’ scorned him for his louping out of the lard of Grange schip.” After some little confusion, occasioned by this harlequinade of the bishop’s, Melville adds : “The duc of Norfolk had anough ado to keip his contenance ; Mr Jhon Wod winket upon the Secretary Cecill, wha smyled again upon him ; the rest of the regentis company were lauchen upon other ; the secretary Liddingtoun had a sair hart ; the regent cam fourth of the counsaill house with a tear in his eye, and past to his lodging in Kingistoun, a myll from court, where his factious frendis had anough ado to comfort him.”

The Church was not appeased by the bishop’s ludicrous activity upon this disreputable service. The commissioners returned in the month of February 1569 ; and in the General Assembly held in June following, “Adam Bishop of Orknay was accused for not fulfilling of the injunction appointed by the Assembly in the month of July 1568.” No further notice of him appears in the acts of Assembly until the 25th of February 1570, when the following detailed accusation stands recorded against him : “Adam of Orknay being called to the office of a bishoprick, and promoted to the profits thereof, and suffered by the Kirk, receives charge to preach the Evangell, to be also commissioner of the country of Orknay, which he received and exercised for a certain space ; while now of late he made a simoniacall change with the abbacie of Halirudhous, although yet brooking the name and styled bishop of the same, contrary to all lawes, both of God and man, made against simony. *Secondly*, he dimitted his cure in the hands of an unqualified person, without the consent of the Kirk, leaving the flock destitute without a shepheard, whereby not only ignorance is encreased, but also most abundantly all vices and horrible crimes there are committed, as the number of six hundred persons convicted of incest, adultery, and fornication, beares witness. *Thirdly*, he hath given himself daily to the execution of the function of a temporall judge, as to be a lord of Session, which requires the whole man, and so rightly in naither can he exercise both ; and styles himself with Romane titles, as *Reverend Father in God*, which pertaines to no minister of Christ Jesus, nor is given to any of them in Scripture. *Fourthly*, in great hurt and defraud of the Kirk, he hath bought all the thirds of the abbacie of Halirudhous ; at least he hath made simoniacall change thereof with the rents of Orknay. *Fifthly*, he hath left the kirks partly implanted, and partly planted, but destitute of provision. *Sixthly*, some of the kirks are sheepfolds, and some of them ruinous. *Seventhly*, he hath traduced, both publickly and privatly, the ministers of Edinburgh, absented himself from preaching in that kirk, and from receiving the sacraments.”

The above is from the “Acts of the Assemblies concerning the adversaries of discipline.” Calderwood says, “The bishop presented his answers to the tenth session. Mr Knox, Mr John Craig, and Mr David Lindsay, were appointed to try the sufficiency of these answers, and to report to next Assembly ; but I find them not. Yet ye may see what thing is they judge offensive in bishops or ministers.” Adam Bothwell’s diocese comprehended the Isles, Orkney, Zetland, Caithness, and Stranaver ; and his fixed residence ought to have been Kirkwall. The simoniacal exchange of which he was accused seems to have been forced upon him rather to his disadvantage, in the year 1569, in favour of a natural son of James V., Robert Stewart, afterwards earl of Orkney ; as appears from an act of parliament 1569, entitled, “Exceptioun in favour of Adam, bischope of Orkney.” Be this as it may, our prelate continued to retain both the abbacy of Holyroodhouse and the style of bishop for the remainder of his life ; and ever after this exchange was in the habit of signing his name thus, “Adame, Bishop of Orkney, Commendatair of Halirudhous.” In an old contemporary MS. chronicle, which appears to be either the original, or a contemporary translation

of Adam Blackwood's *Martyre de Maria Stuart*, the bishop is thus characterized. Speaking of the convention of Estates after Mary's forced abdication, this writer says, "they caused thither to come, to represent the ecclesiastical estate and spiritualitie, the venerable, often perjured and foirsworne father, Mr Adam Bothwell, whom, for this purpose, they befoirhand helped to be made bischope of the Orcades, a camelion, a sorcerer, and execrable magitian." Notwithstanding his dangerous adventures, and constant *cummers*, the bishop died peaceably in 1593, and was buried near one of the pillars of the aisle of Holyrood, where his grave is yet shown to the curious stranger. If the old chronicler's characteristics of him be true, we must not say—

" In Sancta Croce's holy precincts lie
Ashes which make them holier."

Yet the bishop's letters are full of expressions of Christian piety and resignation. He is constantly, "saying with godle Job, gif we haif resaivit guid out of the hand of the Lord, quhai suld we not alsua ressaive evil,—geiffin him maist hartle thankis therefor, attesting our godle and stedfast fayth in him, quhilk is maist evident in tyme of probane." Robert Birrel, in his contemporary diary, says, "The 15 of Maii 1567, the Queine was married to the duck of Orkney, in the chappel royall of Holyrudhous, by Adam Bothwel, abbote of Holyrudhous; and his text wes the second of Genesis." It would be curious to compare the bishop's spiritual improvement of that fatal event with its immediate result, and his own concern in the catastrophe. Under the circumstances of the case, he must have found some difficulty in enlarging upon the verse, "Therefore shall a man leave his father and his mother, and shall cleave unto his wife; and they shall be one flesh." His troublesome patron and relative, the justice-clerk, was no less profuse of the lip-service of scriptural piety, while engaged in the most atrocious acts, public and private, of the times. The assassination of the Regent Murray in 1569 was caused by a tyrannical exercise of power on the part of Sir John Bellenden. In some of the interested transactions to which the struggle for life, place, and property, after the battle of Langside, gave rise, he had obtained a gift of the lauds and mansion-house of Woodhouselee. These had belonged to Hamilton of Bothwellhaugh, a man, like all of his name, devoted in the cause of Queen Mary. Under the auspices of the regent, Bellenden obtained a transference in his own favour, and took possession with such inhuman violence, as to drive Hamilton's own wife out of her house in a stormy night, which deprived her of her senses. It is well known that Bothwellhaugh took his revenge upon the regent. Yet the justice-clerk considered himself one of the elect. In his last will and testament, wherein he solemnly bequeaths to his eldest son his own worldly and nefarious policy, he speaks of "this my saule quha baith sall meit my Maister with joy and comfort to heir that comfortabill voce, that he has promiseit to resotat, saying, cum unto me thou as ane of my elect."

The bishop of Orkney made a will, whereby he left the bulk of his fortune to his nephew, John Napier, who was destined to become so celebrated. His letters frequently make mention of the fact; but, like Benedict, when he said he would die a bachelor, the bishop did not expect to live to be married. Some time before the year 1571, he married a niece of the good Regent Mar, whose wife was the cousin-german of his brother-in-law, Sir Archibald Napier of Merchiston. The eldest son of this marriage was John Bothwell, who succeeded his father both in his seat on the bench and in his abbacy. He became a great favourite with James VI.; and so little did he inherit of his grandfather's dislike to masking and mummery, that he was always ready to play the fool whenever his sovereign required him. At the baptism of Prince Henry in 1594, when his majesty entered the lists of the tournament disguised as "a Christian," the abbot of Holyroodhouse appeared at the same time as "an Amazon, in woman's

attire, very sumptuously clad." He was in possession for some time of one of the crown jewels, "ane greit rubie set in golde," which the needy monarch had impignorated to the bishop of Orkney, some time after the year 1580, for the sum of five hundred pounds Scots. This jewel is restored by his son in the month of January 1595-6, and King James "grantis and confessis us to have ressavit the same rubie set in gold in als gude estate as we delyverit the same;" but, it is added, "without payment of the said soume to him be us, whereupon the samyn was impignorate." We have here, probably, one of the circumstances which led to this commendator of Holyroodhouse being raised to the peerage by that venerable title, in the year 1607.

Those who are willing to believe that Adam, bishop of Orkney, was a good and a great man, must read no farther than his tombstone in *Santa Croce*.

"Hic jacet reconditus nobilissimus vir, dominus Adamus Bothuelius, Episcopus Orcadum et Zetlandæ, et Commendatarius Monasterii Sanctæ Crucis, Senator et Conciliaris Regis, qui obiit anuo ætatis suæ 67, Die Mensis Augusti 23, Anno Domini 1593.

Epitaphium.

"Nate senatoris magni, magne ipse senator,
Magni senatoris triplici laude parens;
Tempore cujus opem poscens Ecclesia sensit,
Amplexus est ejus cura forensis opem.
Vixisti, ex animi voto, jam plenus honorum,
Plenus opum senii, jam quoque plenus obis,
Sic nihil urna tui nisi membra senilia celat.
Teque vetat virtus vir tua magne mori,
I felix mortem requie superato supremam,
Sic patriæ et liberis fama perennis erit."

The very curious letters of the bishop of Orkney will be found in the Editor's Memoirs of John Napier of Merchiston, published by William Blackwood, Edinburgh, and Thomas Cadell, London, 1834, quarto. He will be excused for having derived from his own work these notices of a churchman who figures so conspicuously in the history of Scotland, and whose own history had never been explored. The anonymous author of a volume, entitled *Memoirs of Kirkaldy of Grange*, recently published by Messrs Blackwood, has obtained credit as a popular writer, by means, *inter alia*, of a lively and elaborated story of the bishop of Orkney's adventure in the Unicorn. 1. To exonerate himself from the possible imputation of plagiarism in the foregoing sketch, the Editor is compelled to challenge a comparison of a chapter in these *Memoirs of Kirkaldy*, entitled "The Unicorn" (p. 184), with the quarto pages 120, 121, 122, and 123, of the *Memoirs of Napier of Merchiston*. Some trifling and tawdry variations and redundancies, superinduced upon the unacknowledged original, scarcely suffice to excuse the absence of marks of quotation. Moreover, this writer concludes the elaborated anecdote with a passage which he professes to quote as the words of "a popular writer." This popular writer he does not name, but immediately directs the eye of his reader to these references: "*Edmeston's Zetland*; *Peterkin's Orkney*; *Statistical Account*; *Anderson's Collections*, &c. &c." Now, the quoted passage is actually an extract from the *Memoirs of Merchiston* (p. 122-3), where the following references occur: "*Hume of Godscroft's History of the House of Douglas*; *Edmonstone's Zetland Islands*; *Sir James Melville's Memoirs*." It happens, however, that the original details of the bishop's exploit and escape are recorded *only by Godscroft*, to whom this author does not refer. 2. In the *Memoirs of Merchiston* (p. 131), there follows an account of one Captain Melville, figuring in a story with Fairly of Braid and Napier of Merchiston, and introduced by a quotation from Spottiswoode. The proceedings and tragic fate of Melville, his relationship to Napier of Merchiston and Kirkaldy of

Grange, are there all recorded, from Bannatyne's Journal, the Pollock MS., the Historie of King James the Sext, and Sir James Melville's Memoirs, all duly acknowledged. In the Memoirs of Kirkaldy (p. 265) occurs a chapter entitled "The Exploits of Captain Melville," introduced by the same quotation from Spottiswoode, followed by the same story of Fairly of Braid, and particularly recording the relationship of Melville to Merchiston, as well as the tragic fate of the former. The references are "Bannatyne; Douglas Peerage; Hist. James Sext." Now, the fact of the relationship of *this* Melville to Merchiston is recorded in none of these; but was an inference deduced, from a comparison of the old chronicles, by the Editor himself in his Memoirs of Merchiston, p. 133. Moreover, like most plagiarists, the author in hand blunders while he borrows. His quotation from Spottiswoode is stupidly inaccurate; he misstates the relationship of Captain Melville to Merchiston; and he has even mistaken the hero of his *chapter*, whom he calls "Captain David Melville of Newmilne,"—a worthy who was alive at least ten years after the tragic fate of the captain he is thus ignorantly handling. It was Captain *James* Melville, as the very chronicles state which this writer professes to have consulted. 3. In the Memoirs of Merchiston, chap. iii. p. 133, *et infra*, are recorded, in a popular narrative referring to the contemporary chroniclers, "various sieges of the castle of Merchiston during the king and queen's wars." In particular, quoting an unprinted Latin manuscript, entitled *Ecclesie Scoticanæ Historia, per Archibaldum Symsonum, &c.*, it is there stated (pp. 133, 134), that "Grange entertained his cousin Sir Archibald Napier, when under his custody, with the agreeable pastime of battering the family fortalice," &c. In the Memoirs of Kirkaldy, in a chapter entitled "The Douglas Wars—the Leaguers of Merchiston," this popular narrative is all reproduced. In particular, it is there stated (p. 268), that Grange "entertained him (his relative) with the unpleasant pastime of cannonading his mansiou," &c.; a fact which happens only to be recorded in the Latin MS. quoted in the Memoirs of Merchiston, and is not in any of the references to which this writer directs his readers. The Memoirs of Merchiston are mentioned nowhere throughout a book redolent of its most popular chapters. The compilers of popular books are very apt to help themselves to the *researches* of others, without confessing the assistance. But when the popular writer goes so far as to take from another, without the slightest acknowledgment, popular passages, and the whole *warp and woof* of a popular narrative, even the Minerva press must blush, and "the wise convey it call." The capacious pocket of the Memoirs of Merchiston, a voluminous and costly quarto of historical biography, has been picked. We know not, and do not care, whether this has been done *directly* by the author of the Memoirs of Kirkaldy, or *indirectly* through some unacknowledged precursor in this species of appropriation. But whether, as the criminal lawyers say, this be a case of theft or reset, the identification of the articles, and the unsatisfactory account afforded of their derivation, seem to preclude the defence of innocent possession. Some Fiscal of Letters (in Blackwood's Magazine for January 1849) has been unconsciously and rashly applauding a literary conveyancer. But when he commends him for his "flashes of the old Scottish spirit," we are only reminded of the monks of Melrose, who never wanted good ale "so long as their neighbours' lasted."—E.]

THE
HISTORY
OF THE
CHURCH OF SCOTLAND.

THE FIFTH BOOK.

THE CONTENTS.

HOW MATTERS PASSED IN THE STATE AND CHURCH DURING THE GOVERNMENT OF THE FOUR REGENTS, HIS MAJESTY BEING YET MINOR.



OTHWELL after his flight at Carberry, having stayed a few days in the fort of Dunbar, for that he feared to be enclosed, made to the sea with two or three ships which he had prepared, and went into Orkney. His purpose was to have remained in the castle of Kirkwall, and if any did pursue him to take himself to the ships; but the keeper Gilbert Balfour¹ would not receive him, so as he was forced to return to sea, and there playing the pirate made spoil of

¹ [Gilbert Balfour, constable of the castle of Kirkwall, was married to Margaret Bothwell, sister of Adam, bishop of Orkney. As the bishop was with Kirkcaldy of Grange in pursuit of Bothwell at this time, there can be no doubt that the constable had received his instructions. Our historian surely had heard of the bishop's adventure in the Unicorn, mentioned in the note to last chapter. Perhaps he was ashamed of it. Gilbert was a younger brother of the well known Sir James Balfour of Pittendriech, who became president of the Court of Session in 1567, and was much involved in the dark intrigues of the times.—E.]

all that came in his way. The regent, advertised of this, sent William Kirkcaldy of Grange with five ships well manned to pursue him; who coming upon him unlooked for, as he lay in one of the creeks of Orkney, gave him the chase, and had certainly taken him, if they had not been hindered by rocks and shallow waters. The Unicorn, one of Grange's best ships, was east away upon a rock; Bothwell with his, that were not of such a burthen, escaping. Shortly after, he was taken upon the coast of Norway, and conveyed to Denmark, where being detected by some Scottish merchants, he was put in a vile and loathsome prison, and falling in a phrenzy, which kept him some ten years, made an ignominious and desperate end, such as his wicked and flagitious life had deserved.

Grange at his return had the castle of Edinburgh committed to his keeping, which a little before was sold by Sir James Balfour to the regent for the sum of five thousand pounds, and the gift of the priory of Pittenweem. At the same time Patrick Whitlaw, keeper of Dunbar Castle, being charged to render the same, did at the persuasion of his friends yield up the fort, which otherwise was held impregnable.

The lords who were convened at Hamilton, perceiving how matters went, and that all things grew strong on the regent's side, upon a new deliberation did write unto him and the rest that stood for the king's authority, desiring a conference, and offering to send the earl of Argyle with some others to any place they would appoint for meeting. But because in the superscription they gave not the regent his due title, styling him only earl of Murray, the letter was rejected by the council, and the messenger dimitted without answer. Argyle, knowing what had given the offence, resolved to go unto the regent, and taking with him the Lord Boyd and the abbot of Kilwinning, came to Edinburgh. There it being declared that the election of the regent was not made upon any contempt or misregard of the noblemen who were absent, but upon necessity to keep the realm in order, it was agreed that a parliament should be called for settling all affairs by advice and consent of the Estates, and that the same should be kept at Edinburgh the fifteenth day of December next.

When the diet appointed for parliament came, it was kept with such a frequency, as the like was not remembered to have been seen of a long time. The honours accustomed of crown, sceptre, and sword, were carried by the earls of Angus, Huntly, and Argyle, and every thing done with the greatest show of solemnity that could be used. Beginning was made at the affairs of the Church, and divers acts concluded in their favours; as an act abolishing the pope, his jurisdiction and usurped authority within the realm; another for repealing the statutes made in former times for maintenance of idolatry and superstition, with the ratifying of the Confession of Faith; and some others, which may be seen in the first parliament of King James the Sixth. The matter of policy and jurisdiction of the Church was referred to the consideration of certain lords delegated by the Estates; but for the restitution of the patrimony, which was promised to be the first work of the parliament, though the regent did what he could to have the Church possessed with the same, it could not be obtained. Only the thirds of benefices were granted to the Church, for provision of the ministers; the surplus, or what should be found remaining after the ministers were provided, being applied to the support of the public affairs of the Estate. Touching the queen, a long consultation was held what course should be taken with her. Some urged that she should be arraigned, and punished according to the law. Others reasoned, that whatsoever authority was in the kingdom was derived from her, and was revocable at her pleasure, so as she could not be arraigned or brought to trial before any inferior judge: and when it was replied, that the Scots from the very beginning of the kingdom had been in use to censure and punish their kings, in case of grievous crimes, the greater number disliking that course, it was concluded that she should be detained and kept in perpetual prison.

Some ten days after, in an Assembly of the Church, the bishop of Orkney was convened for joining the queen and Bothwell in marriage, and deposed from his function and office. The countess of Argyle being cited to appear before the same Assembly for assisting the baptism of the king, and giving her presence at the papistical rites then used, did submit herself to censure, and was ordained to make public

satisfaction in the chapel of Stirling, where the offence was committed, upon a Sunday after sermon, in such manner and at such time as the superintendent of Lothian should appoint.

In the month of January, John Hepburn called of Bolton, John Hay younger of Tallow, and two chamber-boys of Bothwell's, Powrie and Dalgleish, were brought to trial for the king's murder, and found guilty by their own confessions. The sum whereof was, that they were enticed unto that wicked fact by Bothwell, who did assure them that most of the noblemen within the realm had consented thereto, and that a contract was showed them subscribed by the earls of Argyle, Huntly, young Lethington, and others; but whether these subscriptions were the noblemen's own or counterfeit, they could not tell. They farther said that Bothwell made them believe that the lords who had subscribed would each of them have one or two of their servants present at the murder; yet were they but eight persons in all, besides Bothwell himself, that came unto the place; namely, Sir James Balfour, the laird of Ormiston in Teviotdale, Robert Ormiston his cousin, one Wilson a man of Haddington, and the four who were then to suffer. The sentence upon their conviction was, that they should be hanged, their heads cut off, their bodies quartered, and cast into the fire; a manifold execution, which the treacherous parricide they had committed did well deserve.

At the opening of the spring, the regent purposing to hold justice courts through the whole kingdom, made his beginning in the west parts, because of some broken people in the Lennox and the highlands adjoining. Whilst he remained at Glasgow, (for the first court was there affixed,) the queen made an escape from Lochleven, to the great contentment of many who stood in fear of the regent's severity or (as the vulgar called it) cruelty. And even some that were the principal workers of her imprisonment, having changed their minds, did earnestly wish her liberty. Lethington, who hating Bothwell to the death was enemy to the queen for his respect, as soon as he understood of his arresting in Denmark, and saw that he was no more to be feared, desired greatly to have her restored, as thinking his credit and safety should that way be most assured. Sir James Balfour

followed always his course. William Murray of Tullibardine, though he had showed great forwardness at the hill of Carberry, where the queen was taken, yet, being popishly set, upon some private discontents forsook the regent, and carried with him divers of his friendship. The Hamiltons were known to desire nothing more than her freedom. The earls of Argyle and Huntly, howbeit they had been present at the late parliament, and giving their assistance for establishing the king's authority, turned their coats and joined with the rest for repossessing the queen. And besides these, many others, some led with hopes of advancement, and some trusting to have their distressed estates bettered by a change, longed much to have her relieved, which by this means came to pass.

George Douglas, the regent's youngest brother, a gentleman of good spirit, who remained with her in the castle of Lochleven, allured by her courtesies and fair promises, having corrupted the keepers, although he himself upon suspicion was some days before sent forth of the isle, got her transported (whilst the rest were at dinner) in a little vessel to the side of the lake, where he with the Lord Seaton and some horsemen were attending. The first night she lodged at Niddry in West Lothian, and the next day was conveyed to Hamilton, whither repaired unto her the earls of Argyle, Cassils, Eglinton, and Rothes, the Lords Somerville, Yester, Borthwick, Livingstone, Herries, Maxwell, Sanquhar, and Ross, with many other barons and gentlemen. The lords meeting in council, the queen declared that the resignation she had made of the crown was extorted by fear; as likewise the commission granted for inaugurating the prince her son; qualifying the same by the testimony of Robert Melvill there present, and others. Thereupon was the resignation decerned void and null, and proclamations made in her majesty's name, commanding all the lieges to meet in arms at Hamilton for pursuing the rebels that had usurped the royal authority.

The news hereof brought unto Glasgow, (which is only eight miles distant,) where the regent then abode, were scarce at first believed; but within two hours or less being assured, a strong alteration might have been observed in the minds of most that were there attending. The report of the

queen's forces made divers to slide away ; others sent quietly to beg pardon for what they had done, resolving not to enter in the cause any farther, but to govern themselves as the event should lead and direct them. And there were that made open defection not a few, nor of the meaner sort. Amongst whom the Lord Boyd was especially noted, and in the mouths of all men ; for that being very inward with the regent, and admitted to his most secret counsels, when he saw matters like to turn, he withdrew himself and went to the queen.

Yet the regent nothing discouraged, and esteeming his life could not be more honourably bestowed than in the defence of the king, albeit many did advise him to retire unto Stirling, would not condescend to stir, saying, " That his retreat would be interpreted a flight, and the adversaries thereby animated, and his friends disheartened." In the mean season he sent advertisement to his friends in Merse, Lothian, and Stirlingshire. The earl of Glencarne and Lord Sempill, with the men of Lennox, and others well affected to the cause, that lay near to the city, made haste unto his succour, so as in a day or two his company increased to four thousand and above. There was with the queen a French ambassador, who had arrived a few days before, and moved the regent for access to the queen before the escape she made ; he was still posting betwixt Hamilton and Glasgow, rather to espy and observe things, than to make the peace he pretended ; for when he saw the regent's forces to be few, as at first they were, and that the queen's power was much greater, he did persuade her to take the field, and put it to the trial of a day, which she resolved to do. Thereupon warning given to make ready against the next morning, the earl of Argyle was proclaimed lieutenant, and conclusion taken to march with the army by Glasgow towards the castle of Dumbarton, where they purposed to place the queen, and either to give battle, or draw the war at length as they pleased : or if the regent (which they did not expect) should meet them in the way, to fight him, accounting the victory certain, because of their numbers.

The regent, advertised of the queen's intentions, took the field the next day early, and stood with his companies some hours in battle-array upon the moor of Glasgow, where it

was believed the queen's army should pass ; but when he saw them keep the other side of the river, he directed the horsemen to pass the fords, the water being then ebbcd, and leading the foot along the bridge went towards Langside, which lay in their way to Dumbarton.¹ This is a little village upon the water of Cart, situated at the foot of a hill towards the west : on the east and north the ascent unto it is somewhat steep, the other parts of the hill are more even and plain. Both armies contending who should first possess it, that of the regent's prevented the other by occasion of Argyle's sickness, who was on the sudden taken with a fit of the epilepsy, and so retarded the march of the queen's army. When they approached near and saw themselves prevented, they went to a little opposite hill, and there ranged themselves in two battles, placing in the first their whole strength almost ; for if they should at the first encounter repulse their enemies, the rest they made account would soon disband and take the chase. The regent had likewise put his troops in two battles, on the right hand were placed the earl of Morton, the Lords Home, Sempill, and Lindsay, with their clients and vassals ; on the left, the earls of Mar, Glencarne, and Menteith, with the citizens of Glasgow. The harquebusiers were planted in the village beneath, and within the hedges upon the highway. Before the joining, both sides played with their ordnance upon others ; but the advantage was on the regent's part, the queen's cannoniers being forced to quit their munition. His cavalry, on the other side, being much inferior to the queen's, was compelled to give ground : but when they entered upon the foot, thinking to put them in disorder, the archers from the regent's side rained such a shower of arrows upon them, as they could not hold up their faces, and were forced to turn back. The left wing of the queen's army advancing itself in the meanwhile, howbeit greatly annoyed by the harquebusiers, that beat them in the strait on both sides, got into the plain and displayed itself. Then did the armies join and enter into a hot fight, striving in thick ranks to maintain their places, and by force of spears to break and bear down one another. For the space of half an hour and more the fight continued doubtful, and so eagerly they strove, that they

¹ [There is some confusion in our author's narrative. Mr Tytler, whom the reader may consult, fights the battle of Langside more distinctly.—E.]

whose spears were broke stood throwing their poniards, stones, and what came readiest to their hands, in the faces of their adversaries. The regent's second battle perceiving that none came against them, and fearing the other should be overlaid (for they saw some in the last ranks recoiling), went unto their aid; whereupon the queen's army gave back, and so were put to rout. The regent and those on his side showed great manhood, all their hopes consisting in the victory: nor were his enemies any less courageous, but the advantage of the ground was to those of his part no small help. There were not many slain on the place, most of the slaughter being made in the chase; and unless the regent had with his presence, wheresoever he came, and by sending horsemen into all parts, stayed the fury of those that pursued, the victory had been much more bloody. The queen, who stood a mile off from the battle on a little height, perceiving the field lost, made towards the borders. The rest that escaped fled the readiest way they could find, every man to his own home. The number of the slain was about three hundred; many were taken prisoners; amongst whom the most eminent were the lords of Seaton and Ross, the masters of Cassils and Eglinton, Sir James Hamilton of Avondale, and the sheriffs of Ayr and Linlithgow. Of the regent's side one only was slain, the Lords Home and Ochiltree wounded. All the rest, a few excepted that followed the chase too far, returned with him to Glasgow; where they went first to church, and gave thanks to God for the victory they had obtained almost without any effusion of blood. This conflict happened upon the thirteenth of May, the eleventh day after her escape from Lochleven. The French ambassador, who had conceived an assured hope of her prevailing, perceiving things fall out otherwise, took horse, and made away to England, not once saluting the regent, to whom, as he pretended, he was sent. By the way he fell in the hands of some robbers that rifled all his baggage; which the laird of Drumlanrig, for the respect he carried to the title of an ambassador, caused to be restored.

The rest of that day the regent bestowed in taking order with the prisoners. Some he freely dimitted, others upon surety; but the principals were retained (they especially of the surname of Hamilton), and committed to several prisons.

The next day, taking with him five hundred horse, he rode into Hamilton, and had the castle thereof, with the house of Draffan, another stronghold belonging to the duke, rendered in his hands. Such a terror this defeat wrought, that the whole inhabitants of Clyde did relinquish and forsake their houses. Upon the like fear did the queen, against the counsel of her best friends, take sea at Kirkcudbright, and sail into England, landing at Workington in Cumberland, near to the mouth of the river Derwent; from which place she sent a letter to Queen Elizabeth, declaring that she was come into her kingdom upon hope of aid and assistance from her, requesting she might be conducted to her with all speed, because of her present distress. John Beaton, one of her domestics, was some days before sent with the diamond she had received from the queen of England for a token of kindness, to signify her purpose of coming into England, if she should be farther pursued by her subjects; who did shortly return with large promises of love and kindness, if she should happen to come. But as soon as her coming was known, the directions sent by Sir Francis Knowles were not so loving; for by him she was desired to go unto Carlisle, as a place of more safety, whither the lieutenant of the country should conduct her, and stay there till the queen was informed of the equity of her cause.

This direction did much displease her, and then began she to see her error; but seeming to take all in good part, she sent the Lord Herries to entreat the queen for a hearing in her own presence, where she might both clear herself, and show how injuriously she had been dealt with by those whom at her intercession she had recalled from exile; or if that could not be obtained, to crave that she might be permitted to depart forth of England, and not detained as a prisoner, seeing she came willingly thither, in confidence of her kindness often promised, and confirmed as well by letters as messengers. Queen Elizabeth, moved with these speeches, said that she would send to the regent, and desire him to stay all proceeding against the subjects that stood in her defence, till matters were brought to a hearing. For the regent at the same time had called a parliament to the twenty-fifth of June, for proceeding against those that had accompanied the queen in the field, by course of law. They of the queen's faction

were in the meantime preparing to hinder the meeting ; and whenas the diet drew near, the earl of Argyle with his forces met Lord Claude Hamilton at Glasgow ; the earl of Huntly brought from the north a thousand foot, with as many horsemen almost, and came as far as Perth, but was not permitted to cross the river of Tay, the channels and passages being all guarded by the Lord Ruthven, and such in those quarters as maintained the king's authority. So being forced to return home, the earl of Argyle and other lords, not seeing how they could hinder the meeting of the parliament, dissolved their companies, and returned to their own country.

At this time came the letters promised by the queen of England, whereby the regent was desired to delay the parliament, and not to precipitate the giving of sentence in those matters, till she was rightly informed of the whole cause.

But the regent, considering that the delay of the parliament would be construed to proceed of fear, resolved to keep the diet. At the meeting it was long disputed whether all they that had taken arms against the king, and not sued for pardon, should be forfeited ; or if sentence should be given against a few only, to terrify the rest, and hope of favour left unto others upon their obedience. Secretary Lethington, who did secretly favour the other faction, maintained the calmest course to be the best, and, by the persuasions he used, wrought so as the process against the better sort was continued, and some of meaner note only proscribed, which was interpreted, even as the regent conceived, to proceed of fear, and not of a mind to reclaim them. The earl of Rothes only of all the noblemen of that side reconciled himself, accepting three years' exile for his punishment. Some others of meaner sort the regent received into favour, and such as stood out he pursued by force of arms, making an expedition into the countries of Nithsdale, Annandale, and the lower parts of Galloway, where he put garrisons in the castles and strong forts that were judged necessary to be kept ; others he demolished and threw to the ground, and had in a short space (as it was thought) reduced the whole country to his obedience, if he had not been stayed by other letters by the queen of England. For she offending that he should have gone on in that manner, whereas she had willed

him to defer all things till she was informed of the whole cause, sent by one of her servants, called Middlemore, a sharp letter unto him, declaring, that she would not endure the sacred authority of kings to be in that sort abused at the appetite of factious subjects ; and howsoever they had forgot their duties to their sovereign, she would not neglect her sister and neighbour queen. Therefore willed him to direct certain commissioners to inform her how matters had passed, men that could answer the complaints made by the queen of Scotland against him and his complices, which if he failed to do, she would restore her to her kingdom with all the power she could make.

The regent took it grievously, that matters determined in parliament should be brought again in question, and to plead before foreign judges he held it dishonourable ; yet considering the adversaries he had, (the cardinal of Lorraine abroad, who swayed all things in the French court, and at home many of the nobility,) and that if he did offend the queen of England, his difficulties should be every way great, he was glad to yield to the conditions required, though against his will. Thus it being condescended that commissioners should be sent, whenas they could not agree upon the persons (the principal noblemen refusing the employment), the regent himself offered to undertake the journey ; and to accompany him, choice was made of the bishop of Orkney and abbot of Dunfermline for the spiritual estate ; of the earl of Morton and Lord Lindsay for the temporal ; and of Mr James Macgill and Mr Henry Balnaves, senators of the college of justice ; besides these, there went with him Secretary Lethington and Mr George Buchanan. The secretary had long withstood the sending of any commissioners thither, and simply refused to go in that journey ; yet the regent not holding it safe to leave him at home, whom he knew to be a busy man, and a practiser under-hand with the other party, did insist so with him as in end he consented.

The commission was given in the king's name, under the great seal, to the regent, the earl of Morton, the bishop of Orkney, the abbot of Dunfermline, and Lord Lindsay, or to any three of them, " for convening with the deputies of the queen of England at York, or any other place or places they should think expedient, there to make plain and ample de-

clarations to them (I keep the very words of the commission), for informing his good sister of the true causes whereupon divers of the nobility and good subjects, during the time that the queen his mother was yet possessor of the crown, took occasion to put on arms, to take, detain, and sequestrate her person for a time, with all causes, actions, circumstances, and other their proceedings whatsoever towards her or any other subjects of the realm since that time unto the day and date of the said commission, or that should fall out until the return of the said commissioners; whereby the justice of their cause and honourable dealing might be manifested to the world: as likewise to commune, treat, determine, and conclude with his said sister, or her commissioners having sufficient authority, upon all differences, causes, or matters depending betwixt the subjects of either realm, or for farther confirmation or augmentation of any treaty of peace heretofore made and concluded betwixt the realms; or for contracting and perfecting any other treaty or confederation, as well for maintenance of the true religion publicly professed by the inhabitants of both the realms, as for resisting any foreign or intestine power that might be stirred up within the same, to disturb the present quietness that it hath pleased Almighty God to grant unto both the kingdoms in the unity of the said religion, and for increase of amity, peace, and concord betwixt him and his said sister, their realms, dominions, people, and subjects. And generally to do and conclude all things which by them, or any three of them, should seem convenient and necessary for the premises, or any part thereof; promising to hold firm and stable," &c. This commission is of the date at Edinburgh the eighteenth of September 1568.

In July preceding there was an Assembly of the Church kept at Edinburgh, wherein Mr John Willock, superintendent of the west, being elected to moderate the meeting, made difficulty to accept the place, unless some better order was observed than had been in former times; for even then the multitudes that convened, and indiscreet behaviour of some who loved to seem more zealous than others, did cause a great confusion. Obedience being promised by the whole number, he assumed the charge. And there it was enacted, that none should be admitted to have voice in these Assemblies but superintendents, visiters of churches, commissioners

of shires and universities, and such ministers as the superintendents should choose in their diocesan synods, and bring with them, being men of knowledge, and able to reason and judge of matters that should happen to be proponed. And that the Assembly should not be troubled with unnecessary business, it was ordained, that no matters should be moved which the superintendents might and ought to determine in their synods. Some acts of discipline were also concluded, as, that papists continuing obstinate after lawful admonitions should be excommunicated; and that the committers of murder, incest, adultery, and other such heinous crimes, should not be admitted to make satisfaction by any particular church, till they did first appear in the habit of penitents before the General Assembly, and there receive their injunctions. A supplication also was put up to the regent and council, wherein amongst other particulars it was desired, that the persons nominated in Parliament for the matter of policy or jurisdiction of the Church, should be ordained to meet at a certain day and place for concluding the same. This was promised, and the eighth of August appointed to that effect; but the diet did not hold, and so these matters continued unresolved as before. In the end of the Assembly the bishop of Orkney, who had been deposed from all function in the Church for the marriage of Bothwell with the queen, was upon his submission reponed to his place; and, for removing the scandal, he was enjoined in his first sermon to make public acknowledgment of his fault, and crave forgiveness of God, the Church, and Estate, which he had offended.¹

About the end of September, the regent and those that were joined with him in commission took their journey into England, and came to York the fifth of October.² The same day and almost the same hour came Thomas Howard duke of Norfolk, Thomas earl of Sussex, and Sir Ralph Sadler chancellor of the duchy of Lancaster, having com-

¹ [See note at end of Book IV.—E.]

² ["*Nota.* Fra the hinderend of August 1568 to the second day of Merch in the samin year, na dyettes of Justiciarie halden, be ressoun of *the pest*, and regentis being in England."—*Justiciary Records, MS., Advocates' Library.* It must be kept in mind, that until the beginning of next century, the 25th of March was New Year's Day. See note at the end of this volume as to the pest by which Edinburgh was scourged in 1568.—E.]

mission from the queen of England to hear and determine all questions, controversies, debates, and contentions betwixt her sister the queen of Scots and the subjects adhering to her, on the one part, and the earl of Murray and others refusing to acknowledge her authority and adhering to the prince her son, on the other; as likewise to decide all matters depending betwixt themselves two, to confirm the peace before that time contracted, or establish a new confederation betwixt them, their people and subjects, as they should think most convenient. Some two days after John Lesley bishop of Ross, William Lord Livingstone, Robert Lord Boyd, Gawan commendator of Kilwinning, and James Cockburn of Skirling, commissioners for the Scottish queen, came to the city, where being all convened, and the commissions exhibited, an oath was presented to both parties by the commissioners of England, by which they were required to swear, That they should proceed sincerely in that conference and treaty, and neither for affection, malice, or any other worldly respect, propone any thing before the commissioners which in their consciences they did not hold to be true, just, godly, and reasonable; as also not to withdraw, hide, or conceal any matter fit to be opened and declared for the better knowledge of the truth in the controversies standing amongst them.

The commissioners of the queen of Scotland, before they took the oath, protested, "That although the queen their mistress was pleased to have the differences betwixt her and her disobedient subjects considered and dressed by her dearest sister and cousin the queen of England, or by the commissioners authorized by her; yet she did not acknowledge herself subject to any judge on earth, she being a free princess, and holding her imperial crown of God alone." This their protestation they desired to be put on record, lest the queen or her posterity should be prejudiced in their sovereignty by the present proceedings.

The commissioners of England did contrariwise protest, "That they did neither admit nor allow that protestation in any sort, to the hurt or prejudice of that right which the kings of England have claimed, had, and enjoyed as superiors over the realm of Scotland; which superiority they protested should belong and appertain to the queen their mis-

dress in the right of the crown of England." These protestations made, both parties took the oath in manner as was required; and this was the act of the first meeting.

The next day the commissioners of the queen of Scotland presented a declaration in writing, bearing, "That James earl of Morton, John earl of Mar, Alexander earl of Glen-carne, the Lords Home, Lindsay, Ruthven, Sempill, Cathcart, Ochiltrie, and others their assistants, had levied an army in the queen's name against the queen, taking her most noble person, used her in vile manner, and thrust her into prison in Lochleven, and forcibly broken her minthouse, taken away the printing irons, with all the silver and gold coined and uncoined which was in the house for the time, and going to the castle of Stirling, had made a fashion to crown her son the prince, being then but thirteen months old. That James, earl of Murray, taking upon him the name of regent, had usurped the royal authority, and possessed himself with the whole forts, castles, munition, jewels, and revenues of the kingdom. And when it had pleased God to relieve her out of that prison (wherein she was so straitly detained by the space of eleven months, as none of her friends and true subjects could once be permitted to see or speak with her), and that she had publicly declared by a solemn oath, in the presence of divers of the nobility, at Hamilton, that whatsoever was done by her in prison was extorted by force, threats, and fear of death; she, out of that natural affection which she carried to her realm and subjects, did appoint the earls of Argyle, Eglinton, Cassils, and Rothes, to agree and make a pacification with the said regent and his partakers; but they were so far from admitting any peaceable treaty, as they did invade her, in her passing to Dumbarton, with the men of war whom she had hired with her own moneys, killed divers of her faithful subjects, led others away prisoners, and banished some of good note, for no other cause but for serving faithfully their lawful princess; and so after a great many injuries had forced her to fly into England, to request the help of Queen Elizabeth her dearest sister, and in blood the nearest cousin she had in the world, for restoring her into her former estate, and compelling her rebellious subjects to acknowledge their

due obedience unto her majesty, which they in her highness' name did most instantly entreat."

The day following, which was the ninth of October, the regent and rest of the commissioners for the young king appearing, before they would give any answer to the preceding writ, craved first to be resolved, Whether the duke and those that were appointed with him for hearing their controversies, had power to pronounce in the cause of the king's mother, guilty or not guilty; and if according to the same they meant to give sentence without farther delay: As likewise, if it should appear by the declaration they were to make that the queen of Scots was guilty, whether she should be delivered in their hands, or detained in England; and if the queen of England would from thenceforth maintain the authority of the king, and the regency established in the person of the earl of Murray? Which points they desired to have cleared before they could enter into the accusation intended. The duke of Norfolk replied, that they would proceed according to the commission given unto them, and render an account to her who had trusted them therewith. Lethington upon this turning himself to the regent said, That it seemed the English had no other purpose but to defame and disgrace the reputation of the queen their king's mother; therefore willed him and his associates to consider what hate and danger they should draw upon themselves, by accusing her in such a public form, not only with those of her own nation that loved the queen, but also with other Christian princes, especially with her cousins in France, and what they could answer unto the king, when he being of ripe years should esteem that manner of doing dishonourable to himself, his mother, and to the whole kingdom.

They notwithstanding went on, and presented their answer, conceived in the terms following. "That King Henry, father to their sovereign lord the king now reigning, being horribly murdered in his bed, James, sometimes earl of Bothwell, who was known to be the chief author thereof, entered in such credit with the queen, then their sovereign, as, within two months after the murder committed, he openly attempted a rape of her person, and carried her to Dunbar Castle, where he did keep her as captive a certain space,

causing a divorce to be led betwixt him and his lawful wife, and upon the conclusion thereof did suddenly accomplish a pretended marriage with the queen; which insolent proceedings, together with the shameful report that passed in all nations of the king's murder, as if the whole nobility had been alike culpable thereof, so moved the hearts of a good number of them, as they thought nothing could be performed more honourable to themselves in the sight of all the world than, by punishing the said earl who had committed the murder, to free themselves of the vile reports spread everywhere; to set the queen at liberty from the bondage of that traitor, who had so presumptuously enterprised the rape and marriage of her, whose lawful husband he could not be; and to preserve the innocent person of the king from the hands of him that had murdered his father. For which purpose they taking arms, when the said earl came against them with forces, leading in his company the queen to defend his wickedness, they offered, for sparing the blood of innocent men, to decide the quarrel in a single combat, whereof himself by cartel and proclamation had sundry times made offer. But after many shifts he in end directly refused the same, and the queen preferring his impunity to her own honour, that he might have leisure to escape, came willingly to the noblemen that were in arms, and conferred with them a certain space; after which they conveyed her to Edinburgh, informing her of the true causes that moved them to that form of dealing, and did humbly entreat her majesty to suffer the said earl and others, the king her husband's murderers, to be punished according to the laws, and the pretended marriage, wherein she was rashly entered, to be dissolved, as well for her own honour, as for the safety of her son and quietness of the realm and subjects. But having received no other answer but rigorous threats against the noblemen, and she avouching to be revenged upon all those that had shown themselves in that cause, they were driven by necessity to sequestrate her person for a season from the company of Bothwell, and the keeping of any intelligence with him, until punishment might be taken of him and of the murderers of the king her husband. In the mean time she finding herself wearied with the troubles of government, and perceiving by things that had passed before that time betwixt her and the

people, that neither could she well allow of their doings, nor they like of her forms, upon these and other considerations she voluntarily resigned her kingdom, and transferred the same unto her son, appointing the earl of Murray (who was at that time absent forth of the realm) to be regent during her son's minority, and in case of the said earl's decease or not acceptance of the said office, divers other noblemen, whose names are expressed in the commissions signed by herself, and sealed with the seals of the kingdom. The king hereupon being duly, rightly, and orderly crowned and anointed, and the earl of Murray after his return lawfully placed and admitted regent, all those things were ratified and confirmed by the three Estates of parliament, most of those that had withdrawn themselves of late from the obedience of his authority being present and giving their consents to the same. Not the less, whenas matters were thus established, and the king's authority universally obeyed without contradiction, certain persons, envying the public quietness, had by their subtle practices first brought the queen out of Lochleven, and afterwards by open force, against their promised fidelity, gone about to subvert the government received; wherein as they were proceeding, it pleased God to disappoint their enterprise, and give unto the king and those who stood for his authority a notable victory upon the thirteenth day of May last. Wherefore their desire was, that the king and his regent might peaceably rule and govern the subjects according to the authority they had received of God, and that the same might be conserved and established against the factions of turbulent subjects."

The commissioners of the queen of Scots having seen this answer, made a long and particular reply to all the points thereof, wherein, adhering to their former protestation, first they said, "That the pretext of taking arms against the queen, because Bothwell (the author of her husband's murder) was in such favour with her, could not warrant their rebellion, since it never was made known to the queen that he was the murderer. But to the contrary, Bothwell being indicted, and orderly summoned to underly the trial of law, he was by the judgment of his peers absolved, and the same absolution ratified by the authority of parliament, where the principals that now accuse him, and have withdrawn them-

selves from her majesty's obedience, were present, and not only consented to his purgation, but solicited the queen to take him to her husband, as the man most worthy to bear rule of any other in all the realm, giving their bonds to defend him against all that should pursue him for the said crime, as their subscriptions would testify : and so neither before the marriage with Bothwell nor after did they or any of them (which had been the duty of true subjects) so much as in word utter their dislike of it, or advertise her majesty of the suspicions that were taken of him, until they had drawn the keeper of the castle of Edinburgh and the provost of the town unto their faction. Then secretly putting themselves in arms, they suddenly under silence of night environed the castle of Borthwick, where her majesty remained ; and after she had escaped to Dunbar, levied an army, under pretence to defend the queen, wherewith invading her person in the way betwixt Dunbar and Edinburgh, they did take her majesty captive."

And where they allege, that her majesty, preferring the impunity of Bothwell to her own honour, made him to be conveyed safely away ; " The same was most untrue, for they themselves sent the laird of Grange to her majesty, desiring her to cause Bothwell pass out of the fields as suspected of the king's murder, till the same might be tried, and that she would go with them and follow the counsel of the nobility, which if she would do, they would honour, serve, and obey her as their princess and sovereign ; whereunto her majesty, for the love she bare unto her subjects, and to avoid the effusion of Christian blood, did willingly assent. In verification whereof, the said laird of Grange took the earl of Bothwell at the same time by the hand, and willed him to depart, giving his word that no man should pursue him. So as nothing is more clear than that he passed away by their own consents ; for if they had been minded against him only, would they not have pursued him so long as he was in the country, for he remained a great space after that in his own house, and might more easily have been taken there than upon the seas, where they in a coloured manner did pursue him ? Hereby (said they) may all men of sound judgment perceive that they cared not what became of him, if so they might advance their own ambitious purposes and designs."

Thirdly, where she is charged to have used them with threats and menacings; "That (they said) was not to be thought strange, considering their undutiful behaviour, and the rude and vile usage her majesty suffered by them. For when the earl of Morton, at her highness' first coming to them, had reverently, as it became him, said, Madam, here is the place where your grace should be, and we will honour and serve you as truly as ever the nobility of the realm did any of your progenitors in former times, ratifying thereby the promise made by the laird of Grange in their names to her majesty, and that she trusting their speeches had gone with him to Edinburgh; they, first lodging her in a simple burgh house, contrary to their promises did most rudely entreat her; whereupon she sent Lethington her secretary, and made offer unto them, that for any thing wherein they or any of the subjects were offended she was content the same should be reformed by the nobility and the Estates of the realm; her highness being present, and permitted to answer for herself; yet would they not hearken once to the motion, but in the night secretly and against her will carried her to Lochleven, and put her in prison."

As to that they say, that she, wearied with the molestations of government, did make a voluntary resignation of the kingdom in favours of the prince her son, appointing the earl of Murray his regent during his minority, "the falsehood thereof did (as they said) many ways appear. For, first, her majesty is neither decayed by age, nor weakened by sickness, but (praised be God) both in mind and body able to discharge the most weighty affairs. As also the truth is that the earl of Athole, the lairds of Tullibardine and Lethington (who were of their counsel) sent Robert Melvill with a ring and some other tokens to her majesty, advising her to subscribe the letters of resignation, and what else should be presented unto her, to save her own life, and avoid the death which was assuredly prepared for her if she should happen to refuse the same; and at the same time the said gentleman did bring unto her majesty a letter written by Sir Nicholas Throgmorton, ambassador of England, requesting her highness to set her hand to whatsoever thing they should desire of her, because nothing she did, being captive and prisoner, could prejudice her. To whom

her majesty answered, that she would follow his counsel; praying him to declare to her dearest sister, the queen of England, how she was used by her subjects, and that the resignation of the crown made by her was extorted by fear, which her highness doubteth not but the said Nicholas performed.

“ Farther, it is notorious that the Lord Lindsay, at the presenting of the letters of resignation unto her majesty, did menace to put her in close prison if she refused to set her hand to the same, adding, that in that case worse would shortly follow; and that her highness never looked what was in the writings presented, but signed the same with many tears, protesting that, if ever she should recover her liberty, she would disavow that which he compelled her at that time to do. And to testify that the said resignation was made against her will, the laird of Lochleven, who was then her keeper, refused to subscribe it as witness, and did obtain a testificat under her majesty’s own hand, declaring that he refused to be present at the said resignation.

“ Neither can that renunciation be sustained by any reason, considering that no portion of revenue was reserved for her to live upon, neither was her liberty granted, or any security given her of her life. All which, weighed in the balance of reason, will to men of indifferent judgment make manifest that the alleged dimission, so unlawfully procured, can never prejudice her majesty in her royal estate; especially considering that at her first escape out of prison she did revoke the same, and in the presence of a great part of the nobility at Hamilton, by a solemn oath, declared that what she had done was by compulsion, and upon just fear of her life.”

For the pretended coronation of her highness’ son, they said, “ That the same was most unorderly done, because there being in the realm above an hundred earls, bishops, and lords having voice in parliament, (of whom the greatest part at least ought to have consented thereto, it being an action of such consequence,) four earls and six lords, (the same that were present at her apprehension,) with one bishop, and two or three abbots and priors, were only assisting; and of the same number some did put in a protestation, that nothing then done should prejudice the queen or her successor, by reason she was at that time a captive. Nor can any man think that if the dimission had been willingly made by her

highness, she would ever have nominated the earl of Murray regent, there being many others more lawful, and that have better right thereto than he; of whom some have been governors of the realm in former times, and during her majesty's minority had worthily exerceed that place."

It is to as little purpose what they object of the parliament, and the ratification made therein, "seeing the principals of the nobility disassented, and put in their protestations, both to the lords of the articles and in the open parliament, against their proceedings, affirming that they would never agree to any thing that might hurt the queen's majesty's person, her crown and royal estate, farther than her highness' self being at liberty would freely approve." Lastly, where they would have it seen that the authority established by them was universally obeyed in the realm, and all things well and justly administered; "both these are alike untrue. For a great part of the nobility have never acknowledged another authority than that of the queen, keeping and holding their courts in her majesty's name. And for the administration of affairs, it is apparent that wickedness did never reign more and with less controlment in the realm, murder, bloodshed, with theft and robbery, every where abounding; policy destroyed, churches thrown down, honourable families ruined, and true men bereft of their goods, for satisfying the soldiers hired by them to maintain the regent's usurped government, the like whereof hath not been seen nor heard for many ages before. In regard whereof they in behalf of the queen of Scotland, their mistress, did earnestly request the support and assistance of the queen of England her cousin, for restoring her to her crown, and suppressing the rebels that had attempted against her."

The English commissioners having perused the writings of both sides, declared, that as yet they were not satisfied with any thing the regent had showed, requiring him to produce some better and more sound reasons for the severity they had used against their sovereign, otherwise they could not but think she had been too hardly dealt with, and report so much to the queen their mistress. The regent (who disliked nothing more than to be drawn into the accusation of the queen his sister) answered, that he could not be more particular till he should be assured that the queen of Eng-

land would undertake the protection of the young king, and relinquish the cause of his mother. The commissioners replying, that they had no warrant to promise any such thing, he besought them to try the queen's mind, that her pleasure being known he might sooner resolve what to do. Letters hereupon were sent to the queen, who willed the regent to direct some one or more of his side to court for her better information. To this effect Secretary Lethington and Mr James Macgill, clerk of the rolls, were sent thither, with whom the queen having conferred a little time, she gave order to recall her commissioners, and advertise the regent himself to come unto her. At his coming the queen laid to his charge the proceeding against his sister the queen of Scots, saying, that "she did not see how he and the rest of his faction could well be excused, and that unless matters were better cleared on their parts, she could not deny the help and assistance that was required at her hands." The regent, according to the condition proposed at York, answered, "That if she would take upon her the defence of the king, they should be more particular in their reasons for rejecting the queen's authority, and clear every thing they should speak sufficiently; otherwise to accuse his sister and queen, would be held odious in the judgment of all men."

Whilst these things were a-doing in England, the queen's faction at home sought all occasions to make trouble, abusing the popular sort with rumours they dispersed: sometimes giving out that the regent was made prisoner in the Tower; at other times, that he had promised to subject the kingdom of Scotland to the English, to deliver the young king to be brought up in England, and put all the forts and strongholds in the realm into their hands. Nor was any man more busied in dispersing such lies, and using all means else for stirring up tumult, than Sir James Balfour, instigated thereto by advertisement from the secretary, as was commonly thought. For by his advice it was that the Scottish queen at the same time sent commissions of lieutenantry to divers noblemen for erecting again her authority; like as all the while he remained in England he did ever keep intelligence with the bishop of Ross and others the queen's agents, and was one of the chief plotters of the match intended betwixt her and the duke of Norfolk, which came shortly after

to be detected. The regent, who was not ignorant of these secret workings, did find there was a necessity of his returning home, to prevent the commotions that were breeding, before they grew into a greater ripeness: and fearing to offend the queen of England, if he should depart without giving her satisfaction in the particulars she desired to be informed of touching the queen of Scots, resolved to do it, but with a protestation, which he presented in writing to the council at Westminster the twenty-eighth of November, in this form.

“ Albeit our whole proceedings from the beginning of our enterprise, directed only for the punishment of the king’s murder, and the purging of our nation from the scandal of that abominable fact, may let the world see how unwilling we have been to touch the queen our sovereign lord’s mother in honour, or to publish unto strangers matters tending to her infamy, yet shall it not be amiss upon the present occasion to show briefly what hath been, and still is our meaning therein. Such and so great was our devotion toward her, as well for private affection, whereby every one of us was led to wish her well, as for public respects, that rather than we would blemish her honour with the foreknowledge of that detestable murder, we choosed to wink at the shrewd reports of the world, and let ourselves be blazoned as rebels and traitors to our native prince; which had been easy for us to have wiped away with the uttering of a few words, if the desire we had to save her reputation had not made us content that the world should still live in doubt of the justice of our quarrel, and speak every one as their affections were inclined. So when we were urged by the queen’s majesty of England, and the French king’s ambassadors, to give a reason why we detained our queen at Lochleven, we gave no other answer, but that her affection was so excessive towards Bothwell, the committer of that odious murder, that she being at liberty it would not be possible to punish him, and that it behoved us for a season to sequestrate her person, till he might be apprehended and punished. In what danger this dealing brought us we have no need to show. From France we had nothing to expect but open hostility, and by keeping up the chief causes of her rejection we had reason to fear that the queen of England should call the justice of our proceedings in doubt, and so leave us destitute of her majesty’s aid, at

whose hands we principally look to receive comfort in time of danger. This course not the less we would still have kept, if the importunity of our adversaries had not forced us to take another way. For remembering what a person she is whom we are brought to accuse, the mother of our king and sovereign lord, a lady to whom in particular the greatest part of us are so far obliged for benefits received, that if with the perpetual exile of any one, or of a number of us, forth of our native country, we could redeem her honour without the danger of the king and whole Estate, we would willingly banish ourselves to that end. And therefore ere we dip further in the matter which to this hour we have shunned, we solemnly protest, that it is not any delight we take in accusing her, but a necessity that is laid upon us to purge ourselves, that draws us unto it. For if our adversaries would have rested content with our former answer, which they know to be true, no farther would be needed: but against our hearts, in defence of our just cause, they compelled us to utter the things which we wish were buried in perpetual oblivion. So, if our doing seem hateful to any, let those bear the blame who force us to the answer, which they know we may, and in the end must give. One thing only we desire, that they who have brought us to this necessity may be present and hear what is said, that, if we speak any untruth, they may refute the same, for even in point of greatest moment we will use their own testimony."

This being communicated with the agents of the Scottish queen, they answered, "That they did not force them to any accusations; and if they did utter any untruths, or calumniate the queen in any sort, they would not patiently hear it. That all their desires were to have their queen restored to her kingdom, from which by force of arms she was expulsed; or if it should please the queen of England to hear any more of that matter, they requested that the queen of Scots might be sent for, and permitted to speak for herself."

Meanwhile by a new patent there were joined to the other commissioners, Bacon keeper of the great seal, the earls of Arundel and Leicester, with the lord admiral, and Sir William Cecil, and a time assigned to the regent for producing the reasons of the queen's rejecting. When the day was come, he presented the confessions of some that were

executed for the king's murder; the statutes of parliament ratifying her resignation of the crown and her son's coronation, subscribed by divers of her own party; certain amatory verses and epistles written to Bothwell (as they said) with her own hand; three several contracts of marriage betwixt her and Bothwell; with a number of presumptions, likelihoods, and conjectures, to make it appear that she was privy to the murder Bothwell had committed.¹

The queen of England, having seen and perused all these, stood doubtful what to do: for albeit she was content to have some blot rubbed upon the queen of Scots, as many supposed, yet the pity of her misfortune made her sometimes to think of composing matters betwixt her and her subjects. The terms besides wherein she stood with the French king, who was daily by his ambassadors soliciting the queen of Scots' liberty, made her uncertain what course to take; for if she should simply deny his request, it would be esteemed a breach of friendship; and to yield unto his desire, she thought it scarce safe for her own estate. Therefore keeping a middle course, she resolved to suspend her declaration unto another time, and willed the regent, seeing he could make no longer stay, to leave some of his company to answer the criminations, which possibly his adversaries would charge him with after he was gone. But he replying, said, "That he was not so desirous to return home, but he would willingly stay to hear what they could allege against him. Nor was he ignorant of the rumours they had dispersed, and what they had spoken both to some of the council and to the French ambassador; which were more convenient to be told whilst he was himself in place and might make answer, than to belie and calumniate him in his absence: wherefore he did humbly entreat her to cause them utter the things plainly that they muttered in secret. Hereupon were the queen of Scots' commissioners called, and it being inquired, whether they had any thing to object against the regent which might argue his guiltiness of the king's murder;" they answered, "That when the queen their mistress should bid them accuse, they would do it, but for the present they had

¹ [Our author does not record the incident of the bishop of Orkney snatching the written accusation from the hands of Secretary Wood, and presenting it at the council table. See note at end of Book IV.—E.]

nothing to say." The regent replied, "That if the queen or any other would accuse him, he should ever be ready to give an account of his actions, and neither decline place nor time; but in the meanwhile till she should intend her accusation, it was reason they should declare if they themselves had any thing to lay unto his charge." After divers subterfuges, in end they professed that they knew nothing which might make him or any of his associates suspected of the murder.

The regent now at the point to depart, a new let was made by the duke of Chatelherault, who coming from France by England, drew himself into a contestation for the government; pleading that the same did belong to him, as being the nearest of blood, and lawful heir of the crown next after the queen of Scots and her succession.

This he said was the law and practice of all nations, and a custom perpetually observed in Scotland; for proof whereof he alleged the regency of Robert Stewart, uncle to King James the First, with that of his son Duke Murdoch, after the father's death; the government of John duke of Albany in the minority of King James the Fifth, and his own regency in the nonage of the present queen. Contrary to which custom, a few rebels (as he complained) had most injuriously to his disgrace, and (which was most unsufferable) to the contempt of the lawful blood, preferred one base born unto the supreme dignity; which honour if it should be restored to him, the civil troubles, he said, would cease, and the queen without any tumult be restored to her content. Whereupon he requested the queen of England's favour, and that by her authority the earl of Murray might be caused cease from his usurped government.

To this in behalf of the regent it was replied, "That the duke's petition was most unjust, and contrary to the custom and laws of the country, which provided that at such times as the crown should fall into the hands of minors, one or more of the most sage and powerful in the Estates should be elected for the administration of affairs unto the king's ripe age. This course, they said, the Scots had constantly kept the last six hundred years, and thereby secured the kingdom, and transmitted the same free and safe to their posterity. As, for instance, after the death of King Robert Bruce, Thomas Randolph, earl of Murray, was elected

governor ; upon his death, Duncan earl of Mar ; after him, Andrew Murray, and then Robert Stewart, who were all chosen regents one after another. In the minority of King James the Second, Sir Alexander Livingstone was elected, a man neither of blood to the king nor a noble man of degree, but for his worth and wisdom preferred. In like sort, King James the Third had four tutors appointed to him by the Estates, none of them for any respect of propinquity.

“ And for the examples adduced of Duke Murdoch and John duke of Albany, they made nothing to the purpose. The last of the two in the minority of King James the Fifth being called to the government by the nobility, and confirmed therein by the Estates. And to show that in his election no respect was had to nearness of blood, his elder brother Alexander was then alive, who would not have been passed, if propinquity or kindred had carried the sway. How Duke Murdoch and his father before him came to govern, it was well known. King Robert the Third, waxing infirm and unable to rule by himself, did substitute his brother (called Robert likewise) his lieutenant in the kingdom, commending his two sons, David and James, to his care. But the kindness he showed to them was, that the elder of the two was starved to death in the palace of Falkland, and the younger forced to fly for his life, he being detained prisoner in England. After the father's death, the uncle usurped still the place wherewith he was possessed, and at his dying left the same to Murdoch his son. As to that he speaks of his own regiment, they said he had done more wisely not to have mentioned it, considering his preferment proceeded rather of hatred borne to the cardinal, who had supposed a false testament, than of any favour carried to himself : and that being possessed in the place, he sold both it and the young queen to the French, which had bred a great deal of trouble. And granting the custom had been such as he pretends, will any man in reason judge it safe to commit the tuition of an innocent child to him, whose family hath entertained so long enmity with that of which the king is descended, and will ever be waiting and wishing the death of his pupil ? None will think it.” This was the substance of the reply ; which when the queen of England heard, she directed certain of the council to show the duke, that he was

not to look for any help from her in that business, and to prohibit his journey into Scotland, till the regent was parted and gone home.

About the same time there were letters of the queen of Scots intercepted, sent to the noblemen of her party in Scotland, wherein she complained, "That the queen of England had not kept promise unto her; yet desired them to be of good heart, because she was assured of aid by some other means, and hoped to be with them in a short time." These letters sent from Scotland to the regent, he delivered to the queen of England, who, from thenceforth, was much estranged from the queen of Scots, as well for that she charged her with breach of promise, as because it appeared she leaned to some others besides herself.

The regent presently after took his journey homewards, and being attended by the sheriffs and gentlemen of the country at the queen of England's direction, came safely to Berwick the first of February, and the day following to Edinburgh. Within a few days he went to Stirling, and in a convention of the Estates having related the proceedings in England, had all ratified and approved.

The twentieth of the same month, the duke of Chatelherault returned, and being made deputy by the queen of Scots, caused publish his letters, prohibiting the subjects to acknowledge any other sovereign than the queen. Hereupon the regent gave forth proclamations, charging the lieges in the king's name to meet him in arms at Glasgow the tenth of March. The duke in the mean time sent to the Assembly of the Church, convened at that time in Edinburgh, a prolix letter, wherein he signified, "That being in France, and hearing what troubles were moved at home, the love he carried to his native country made him return with intent to pacify these stirs at his utmost power. And, howbeit, in his absence he had suffered wrong, yet he assured them that his own particular did not grieve him so much as the danger wherein the kingdom was brought by the diversity that had happened betwixt the queen their native sovereign and a part of her subjects, which he wished to be removed in some quiet and peaceable manner; and that the Estates convening might (after they had considered the ground and beginning of these troubles, which he conceived to be the murder of the queen's

late husband,) with one consent agree upon some reasonable course to be followed for redress thereof, and of the evils which thence had proceeded; whereunto he, and all the nobility continuing in the obedience of the queen their sovereign, should be found pliable. Which he did not write (as he said) because of the proclamations made by the earl of Murray to convene people in Glasgow the tenth of March:¹ for since these troubles began he was not in the country; and if all Scotland were gathered, he would trust for his own and his predecessors' good deserving to find such favour as, if the earl of Murray would invade him and his friends, he should not be assisted by any of them to do him wrong. Therefore desired them in God's behalf (so the letter beareth) to make his mind and intention known to the people; or if they did not think his desires and offers reasonable, that they would come and reason with himself, whom they should find easy to be ruled in all matters according to God's word and equity."

To this letter, dated at Hamilton, the twenty-seventh of February 1568, the Assembly answered, "That they would communicate the letter with the regent, and know his pleasure, whether or not they should send any of their number to the duke in commission to treat with his grace." Which accordingly they did, appointing the superintendents of Lothian and Fife, with Mr John Row, to go unto the regent, and, having obtained his license, to pass to the duke and noblemen that were in his company, and use all means possible for reconciling them to the obedience of the king and his regent.

They had also certain petitions given them to be presented to the regent in name of the Church; as to desire, "That beneficed persons not bearing function in the Church, and

¹["Spottiswoode and Buchanan represent the regent's order to assemble troops as issued after the Convention, and after the duke of Chatelherault had arrived in Scotland; but Lord Hunsdon, who had received a letter from the regent himself, states, that the gathering of the forces was by the appointment of the Convention, and there can be little doubt that this was the case. His last letter is dated twenty-first February. In it he says that he had received a letter from Murray, on the twentieth, mentioning that forces were ordered to join him by the tenth of March. But the duke did not come to Scotland till the twentieth of February, and consequently the orders must have been issued before his arrival. Indeed, it is not likely that the regent, contemplating as he did much opposition, would not solicit the Convention's approbation of the strong measures which he judged it prudent to adopt."—Cook's History of the Church of Scotland, vol. i. p. 47.—E.]

subject only in payment of thirds, should be compelled to contribute for sustentation of the poor : that remedy might be provided against the chopping and changing of benefices, diminution of rentals, and setting of tithes in long leases, to the defrauding of ministers and their successors ; that they who possessed plurality of benefices might be caused dimit all saving one ; that the jurisdiction of the Church might be separated from the civil ; and that they might, without his grace's offence and the council's, use their censures against the earl of Huntly for deposing the collectors of the Church, and placing others in their rooms, by his own authority." Such a respect was carried in that time to civil power, as the Church could not proceed in censures against men in prime places without their knowledge ; the neglect whereof in after times brought with it great troubles both to the Church and State. I find in the same Assembly, the university of St Andrews ordained to meet, and form such orders as they should think fit for giving degrees in divinity, whereby it appeareth that our first reformers were not enemies to degrees, either in schools or in Church.

But to return to the State : by the travels of the superintendents, matters for that time were transacted betwixt the regent and the duke in this manner. " That the duke should come to Glasgow, and submit himself to the king's authority. That he and his friends should be restored to their honours and possessions. That he should give surety for his and their continuing in the king's obedience ; and that the rest who were joined with him in that cause should be all accepted upon the same conditions." This transaction not contenting the earls of Argyle and Huntly, they refused to be comprised under it ; either thinking to obtain better or more easy conditions of the regent, or animated by the queen of Scots' letters, who had then conceived some hopes of liberty.

The duke, hearing that they would not accept the conditions, did forethink what he had done, and at the day appointed for giving in his surety, though he came himself to Edinburgh, made divers shifts, desiring that all matters might be continued to the 10th of May, when the two earls were expected, and the queen's mind would be better known. It was told him, " That the earls were treating severally for themselves, so as he needed not to wait on their coming.

And for the queen's approbation, being asked, if she should deny it, what in that case would he do?" More ingeniously than profitably for himself he answered, " That he was drawn against his will to make the promise he had made, and that if he were freed of it, he would never consent to the like." Thereupon was he and the Lord Herries (who accompanied him, and was thought had diverted him from his former resolution) committed in the castle of Edinburgh.

The earls of Argyle and Huntly, who were at the same time making their own appointment, had a day assigned them at St Andrews, whither Argyle came first; and with him the difficulty was not great, because in the last tumults he had carried himself more moderately than others; wherefore of him no more was craved, but that he should swear obedience to the king and authority in time coming, as he did. The business with Huntly was greater, for he during the regent's absence had usurped the royal power, placing lieutenants in the countries of Angus, Mearns, and Stratherne, and committed great spoils upon the subjects in those parts. Therefore whenas divers of the council did advise to put all things past in oblivion, it was by others opposed, " That the example of such impunity would prove hurtful: for when they that had continued in the king's obedience, and sustained loss in their goods, should perceive the rebels after a manner rewarded, and no regard taken of their losses, they would undoubtedly grudge, and, if troubles should afterwards arise, be more slack to do service; yea, granting there were no such inconvenience to be feared, yet neither the regent nor yet the king himself could by law remit the robbing of another man's goods, unless restitution was made of that which was spoiled." And whereas some did object his greatness, and that his lying out might cause great inquietness, it was replied that " it was an idle fear: for was not his father, a man of greater wealth and wisdom, easily brought under foot, when he set himself against the authority? And shall he, who hath not as yet repaired the calamities of his house, be able to withstand the forces of a whole kingdom? It is more foolish, they say, that he will seek to some foreign prince, and so endanger the country; for whom shall he find? Princes are not wont to make account of strangers, farther than may serve to their own commodity. To accept him in

favour, they said, was sufficient, albeit he gave satisfaction to the subjects whom he had wronged." This opinion prevailing, it was concluded that, after trial of the complaints, he should satisfy those that he had wronged, at sight of the council.

But then arose another question, "Whether all that had assisted him in these last troubles should be comprised in his remission, and power given him to compone with them for satisfying such as complained; or that they should be severally called, and every man fined as he should be tried to have offended." They who thought the earl too rigorously used in the point of satisfaction, held that to be the smallest favour which could be done to him, to remit his followers to himself. But to the contrary it was answered, "That in civil wars nothing was so much to be looked unto as the weakening and dissolving of factions, which is the most easily wrought, when the prince reserves to himself the power of pardon and punishment." It was farther said, "That a several examination was necessary, because all had not offended alike; and that no man was so unfit to take that trial as the earl himself, because in all probability they should find most favour at his hand who had been most forward in his service, and so the least guilty should bear the heaviest punishment." Upon these considerations it was thought meet to convene his followers severally, remitting his domestics only to be used by him at his pleasure. And thus was he received into grace; which done, the regent made an expedition into the north, where having kept justice-courts at Aberdeen, Elgin, and Inverness, he settled all those parts in peace, and for observing the same took pledges of Huntly, and the principal clans of the country.

In his return the Lord Boyd, who was lately come from England, did meet him at Elgin with letters from both the queens, and some others written by his private friends in the English court. The queen of England in her letters made offer of three conditions in behalf of the queen of Scots, requiring one of the three to be accepted. These were, "That she should either be absolutely restored to her royal dignity; or be associated in the government with her son, and in all letters and public acts honoured with the title of a queen, the administration of affairs continuing in the regent's hands

till the king should be seventeen years of age; or, if none of these could be granted, that she might be permitted to return unto her country, and live a private life, having honourable means appointed for her entertainment." The queen of Scots desired "that judges should be appointed for cognoscing the lawfulness of her marriage with Bothwell, and if the same was found contracted against the laws, it might be declared null, and she made free to marry where she pleased." From private friends, especially by a letter of Sir Nicholas Throgmorton, the regent was advertised, that the marriage of the duke of Norfolk with the queen of Scots was concluded, and that they did wait only the opportunity of performance. Wherefore he wished him to concur with his best friends in that matter, and to do it with such expedition and good affection, as it might not appear either to the queen his sister, or others who had interest in the business, that his consent was extorted, and not willingly given. To this effect he advised him to send the laird of Lethington to England with speed, as the wisest and most sufficient man he could choose, who would provide for him and the rest that had assisted him, substantially and assuredly. "His conscience," he said, "and some over precise objections might perhaps trouble him; but if he could have espied any other thing than his overthrow in resisting, he would not have written so peremptorily unto him." Then concluded with these words, "No man's friendship will be more embraced than yours, no man's estimation be greater if you shall conform yourself, and concur with your friends in this: contrariwise, if you withstand, or become an adverse party, you will be so encumbered both from hence, from thence, and all other places, as no man can advise you what to do. Therefore God send you to direct your course for the best."

This letter was accompanied with another from Sir Nicholas to Lethington, wherein he showed, that according to his advice he had written to the regent with a great zeal and care of his well doing, (these were the words he used,) and requested he should hasten his coming to court for that business, the same being as yet concealed from the queen, till he as the fittest minister might propone the same in behalf of the regent and nobility of Scotland, whereunto he held it assured the queen would assent, as preferring her

own surety, the tranquillity of her kingdom and conservation of her people, before any device that might proceed from the inconsiderate passions of whomsoever. And that he might be the more encouraged, he did inform him particularly of the duke of Norfolk's consent, and the approbation of the earls of Arundel, Pembroke, Leicester, Bedford, Shrewsbury, and the rest of the noblest, wisest, ablest, and mightiest of that realm. And it was truth that he wrote of their consenting, howbeit with a condition, so that the queen of England was not against it: yea, besides these, divers well affected both to religion and state did wish the purpose a good success; for perceiving no inclination in the queen of England herself to take a husband, they feared the queen of Scots, who was her undoubted heir, by matching with some foreign prince, might endanger both religion and state; and therefore desired the marriage with the duke might take effect, he being a nobleman of England, beloved of the people, and educated in the protestant religion. For by this match, as they made account, if it should happen the young king to die, the two kingdoms might be united in a prince of the English nation; or if he lived unto a ripe age, he might be married with the duke's youngest daughter, who was near of the same age, and that way the two crowns be made one. But these devices proved idle and vain, as we shall hear.

The regent, for answering these letters, did appoint a meeting of the Estates at Perth in July thereafter. At which time an Assembly of the Church was also kept in Edinburgh, and from it commissioners directed to the Convention, to renew the petitions made the year preceding, that as yet had received no answer. And farther, to desire "that a portion of the tithes might be allotted for sustentation of the poor; the labourers of the ground permitted to gather the tithes of their proper corns, paying for the same a reasonable duty; and that the thirds of benefices, being really separated from the two other parts, the collectors of the Church might peaceably intromit therewith, for the more ready payment of ministers according to their assignments." But these petitions, in regard of the more weighty business, were deferred to another time.

And the Convention falling to consider the letters sent from England, did hardly accord upon an answer. Begin-

ning with that of the queen of England, they judged the first condition so derogatory to the king's authority, as they did simply reject it. The second, of association, was held dangerous; and the third only thought reasonable, and meet to be accepted. But when they came to speak of the queen of Scots' desires, the contention was great. They that stood for the king's authority taking exception, first, at her imperious form of writing, and that she did command them, as though she were their absolute queen; then at the desire itself they excepted, not holding it safe to condescend unto the same before the queen of England should be acquainted therewith; for they conceived some other thing to be lurking under that purpose of divorce than was openly pretended. Such as affected the queen, and were privy to the marriage intended with Norfolk, excusing the form of writing, and laying the blame upon her secretaries, made offer to procure new letters in what terms they pleased, so as judges were named to proceed in the divorce: and when they saw this not to be regarded, in a chafing mood they said, "That it was strange to think, how they that, not many months passed, seemed to desire nothing more than the queen's separation from Bothwell, should now when it was offered decline the same." It was answered again in heat, "That if the queen was so earnest in the divorce, she might write to the king of Denmark, and desire him to do justice upon Bothwell for the murder of the king her husband. That done, the divorce would not be needful, and she freed to marry where and when she pleased."

The Convention breaking up, and neither the queen's faction obtaining what they desired, nor Lethington the employment which he affected, new suspicions began to rise on all sides, and, as in the most secret practices somewhat always is bursting forth, a rumour went rife amongst the common sort, that some great enterprise was in hand, which would bring with it a wonderful change in both kingdoms. Mr John Wood, one of the regent's domestics, being sent with the answer of the Convention, did signify to the queen of England the business made about the divorce, and what was done concerning it; but she, not seeming to regard the matter, professed that she was not satisfied with the answer of the Convention, and desired they should think better of the conditions proposed.

The truth was, that she held not the gentleman of sufficient quality to deal in such businesses; for otherwise she was not ignorant of the cause wherefore the divorce was sought, and had warned Norfolk to take heed on what pillow he laid his head; yea, she took so ill the queen of Scots' carriage in that matter, as shortly after she caused her to be removed to Coventry, more within the country, and gave her in custody to George Talbot, earl of Shrewsbury, and Edward Hastings, earl of Huntingdon.

The regent, upon his servant's return, convened the nobility again at Stirling, where in effect the same answer, that of before, was given to the propositions made by the queen of England; and herewith Robert Pitcarne, abbot of Dunfermline, a man of good sufficiency, was directed, who was willed to say for the point of association, "That the same could not be granted, as tending to the utter overthrow of the king's authority, and the endangering of his person. For besides that the participation of a crown was obnoxious to many perils, there could be no equality of government betwixt an infant king and a woman of mature age, who would find a thousand ways, being once possessed with a part of the rule, to draw the whole unto herself. And if it should fall that she matched with some foreign prince, or other great personage who must needs be partner with her in the government, the danger would be so much the greater." These and the like reasons he was willed to use for the queen of England's satisfaction. But, before his coming to court, the face of things was quite changed; the duke of Norfolk committed to the Tower, and the bishop of Ross put in the keeping of the bishop of London. After which brake shortly forth that rebellion in the north part of England, whereof Thomas Percy, earl of Northumberland, and Charles Nevil, earl of Westmoreland, were the heads. A rebellion that in the beginning caused great stir, and put the queen of England in such fear, as once she resolved to send the queen of Scots by sea to the regent; but the sudden dispersing of the rebels altered that resolution.

The two earls fleeing into Scotland, Northumberland was, not long after, put out by some borderers to the regent, and sent to be kept in Lochleven: Westmoreland found the means to escape into Flanders, where he lived long in a poor and contemptible estate.

Lethington, perceiving all his devices frustrated, and being conscious to himself of divers ill practices, remained for the most part with the earl of Athole at Perth; who being sent for to come to the regent, made divers excuses, and when he could not shift his coming any longer, entreated Athole to accompany him, that if need was he might use his intercession. Being at Stirling in council, Captain Thomas Crawford, servant to the earl of Lennox, did openly charge him with the king's murder, whereupon he was committed in a chamber within the castle of Stirling. And at the same time were certain directed to apprehend Sir James Balfour, who was guilty of the same crime; but he made an escape. Lethington was sent prisoner to Edinburgh (where he was to have his trial) under the charge of Alexander Home of North Berwick, a trusty gentleman.

Having stayed some days in lodging not far from the castle, the laird of Grange, counterfeiting the regent's hand, came about ten of the clock at night, and presented a warrant for receiving the prisoner in his keeping. The gentleman, taking no suspicion, obeyed, for he knew no man to be more inward with the regent than was Grange. And he, indeed, unto that time did carry the reputation of an honest man, nor was any one thought more sure and fast than he was. But from thenceforth he became hated of all good men, and was in no esteem, as having abused his credit and deceived the regent, to whom he was many ways obliged. For, besides other benefits, he had preferred him before all his own friends to be keeper of the castle of Edinburgh. The next day, being sent for to come to the regent, he refused. Not the less, the day following (so careful the regent was to reclaim the man) he went himself to the castle, and conferred a good space with him, accepting the excuse he made, and contenting himself with a promise to exhibit Lethington when he should be called to his trial.

After which, keeping his journey to the borders, which he had intended, he went by the Merse, and, as he was accustomed, took up his lodging in the castle of Home. But there he was coldly received, the lord of the place having changed his party, and taken himself to the contrary faction. From thence he went to Teviotdale; and though he was advised by his friends, because of his small company, to return, and

defer his journey to another time, he would needs go on, and had great obedience showed in all the parts to which he came.

All the time of this expedition he had warning given him daily of some practices against his life, wherein Grange was ever named as one of the principals. But he, not trusting these informations, sent the copies of all his advertisements to Grange; whose purgations were so slender, as he was ever after that time held suspected. Soon after the regent's return from the borders, the abbot of Dunfermline came home from England, showing that the queen had taken in good part the answer of the council, and was specially pleased with the taking of Northumberland, which she promised to remember with all kindness.

And now the diet approaching of Lethington's trial, because of the numbers that were preparing to keep the day, the regent, disliking such convocations, and for that he would not have justice outraged, did prorogate the same for some months.

The adverse faction finding his authority daily to increase, and despairing of any success in their attempts so long as he lived, resolved by some violent means to cut him off; and to bring the matter to pass, one James Hamilton of Bothwellhaugh did offer his service. This man had been imprisoned some time, and being in danger of his life, redeemed the same by making over a parcel of land in Lothian, called Woodhouselee, that came to him by his wife, to Sir James Bellen-den, justice-clerk. How soon he was let at liberty he sought to be repossessed to his own, and not seeing a way to recover it (for the justice-clerk would not part therewith), he made his quarrel to the regent, who was most innocent, and had restored him both to life and liberty. The great promises made him by the faction, with his private discontent, did so confirm his mind, as he ceased not till he found the means to put in execution the mischief he had conceived against him; and having failed the occasion which he attended at Glasgow and Stirling, he followed the regent to Linlithgow, where lurking privily in the archbishop of St Andrews his uncle's lodging, the next day, as the regent did pass that way, he killed him with the shot of a bullet, that entering a little beneath the navel, and piercing the bowels, did strike dead the horse of a gentleman who was riding on his other side. The

regent had warning given him the same morning, that one did lie in wait for his life, and had the house designed where the man did lurk ; but giving small ear unto it, answered, that " his life was in the hands of God, which he was ready to yield at his good pleasure." Only he resolved to pass out of the town by the same gate at which he entered, and to turn on the back of the town unto the way that led to Edinburgh, whither he was purposed. But when he had taken horse, either that he would not seem fearful, or then hindered by the throng of horsemen that attended, and thinking to ride quickly by the house that was suspected, he changed his resolution ; but the throng there working him the like impediment, the murderer had the occasion to execute his treachery.

How soon the regent perceived himself stricken, he lighted from his horse, and returned on foot to his lodging. The chirurgeon at the first inspection of his wound did affirm it not to be deadly, yet after a few hours his pain increasing he began to think of death. They who stood by saying, that he had lost himself by his clemency, having spared that miscreant whose life he might justly have taken ; he answered, that " they should never make him forthink any good he had done in his life." Thereafter giving order for his private affairs, he seriously commended the care of the young king to such of the nobility as were present, and died a little before midnight. This fell out the twenty-third of January 1569, being a Saturday.

The murderer escaping by the postern-gate of the garden came the same night to the town of Hamilton, where at first he was welcomed with many gratulations and made much of ; yet shortly after, to decline the envy of the fact, which they heard was universally detested, they gave him a little money and sent him away into France. Thuanus writeth in his story, that, not long after he came thither, he was solicited to undertake the like enterprise against Gasper Colignie, that worthy admiral of France ; and that he did answer, that " he had no warrant from Scotland to commit murders in France ; and howbeit he had taken revenge of the wrong done to himself, he was not either for price or prayer to undertake other men's quarrels." Whether this was so or not, I leave it upon the credit of the writer.

The death of the regent was by all good men greatly lamented, especially by the commons, who loved him as their father whilst he lived, and now mourned grievously at his death. The great things he had wrought in his life (having in the space of one year and a little more quieted the state, which he found broken and disordered) made his very enemies speak of him after his death with praise and commendation. Above all his virtues, which were not a few, he shined in piety towards God, ordering himself and his family in such sort, as it did more resemble a church than a court. For therein besides the exercise of devotion, which he never omitted, there was no wickedness to be seen, nay, not an unseemly or wanton word to be heard. A man truly good, and worthy to be ranked amongst the best governors that this kingdom hath enjoyed, and therefore to this day honoured with the title of The Good Regent.

There fell out the next day after his death a thing which I thought was not to be passed. He was killed on the Saturday, and died (as I have said) a little before midnight. The word of his death coming to Edinburgh, Thomas Maitland, a younger brother of Lethington (this is he whom Buchanan makes his collocutor in the dialogue *De Jure Regni*), knowing what esteem John Knox made of the regent, and loving none of the two, caused a writing to be laid in the pulpit where John Knox was that day to preach, to this sense, and almost in the same words; "Take up the man whom you accounted another god, and consider the end whereto his ambition hath brought him." John Knox finding the paper, and taking it to be a memorial for recommending some sick persons in his prayers, after he had read the same, laid it by, nothing as it seemed commoved therewith; yet in the end of the sermon, falling to regret the loss that the church and commonwealth had received by the death of the regent, and showing how God did often for the sins of the people take away good rulers and governors, "I perceive," said he, "albeit this be an accident we should all take to heart, there be some that rejoice in this wicked fact, making it the subject of their mirth; amongst whom there is one that hath caused a writing to be cast in this place, insulting upon that which is all good men's sorrow. This wicked man, whosoever he be, shall not go unpunished, and shall die where none shall be to lament

him." The gentleman was himself present at sermon, and being come to the lodging, asked his sister, who was also there, if she did not think John Knox was raving to speak so of the man he knew not. But she weeping said, "that she was sorry he had not followed her counsel; for she had dissuaded him from that doing. None of this man's denunciations," said she, "are wont to prove idle, but have their own effect." Shortly after, the troubles of the country increasing, the gentleman betook himself to travel, and passing into Italy died there, having no known person to attend him. This I thought not unworthy of record, being informed thereof by the gentleman's sister to whom these speeches were uttered, and who was privy to the whole purpose, for an advertisement to all persons, not to make a light account of the threatenings of God's servants. The gentleman was a youth otherwise of great hopes, learned and courteous, but miscarried with affection, and not to be excused in this, that he took pleasure in the fall of him whom he judged an enemy; a thing inhumane, and abhorred of the very heathen.

The word of the regent's death carried in haste to England, the queen sent Thomas Randolph, master of her posts, ambassador into Scotland, partly to confer with the council upon the surest means to keep affairs in the state wherein they were, and partly to complain of the incursion lately made in England. For the very night after the regent's murder, Walter Scot of Buccleuch and Thomas Ker of Farnherst had invaded the country bordering upon them, and practised greater hostility than was accustomed, of purpose to embroil the two kingdoms in a public war, which they of the Scottish queen's faction most earnestly desired. The ambassador was no sooner come, but he had hearing given him by the council; to whom after he had spoken a few words concerning her majesty's good affection to the realm in general, and in her name commending to their care the preservation of religion, the safety of the young king, and the punishment of the late murder, he did much aggravate the insolence of the borderers, and the spoil they had made in England, saying, "That his mistress knew sufficiently that these things were not done by public allowance, and therefore meant not to make quarrel to the country, but take herself to the actors, whom if they by themselves could not

suppress, her majesty would either join her power to theirs, or, if they thought meet, send an army into Scotland, which, without doing harm to any good subject, should only punish the committers of that insolence."

The council returning many thanks to the queen for her kind ambassage, excused themselves by the present troubles, that no determinate answer could as then be given to his propositions, and therefore besought him to have patience unto the first of May, at which time the Estates of the realm were to meet, by whom her majesty should receive all satisfaction. The Estates convening at the day, William Douglas of Lochleven, brother uterine to the late regent, preferred a petition to the council for some course to be taken in the revenge of his brother's murder, considering he was taken away in the defence of the common cause of the realm, and not upon any private quarrel. The petition was held reasonable by all that were present, every one consenting to the pursuit and punishment of the murderer and his complices. But in the manner they agreed not. Some advising that not the murderer only, but all who were suspected to have had a hand in the treachery, should be called to underlie the ordinary trial of law at a certain day. Others esteeming such a form of process unnecessary with them who had already taken arms to maintain the fact; and that the best course were, to pursue with all hostility both these that were delated of the recent crime, and such as had been forfeited in the parliament preceding. Many inclined to the last course, yet because it was opposed by divers of special note, there was nothing concluded in the business; which was generally ill taken of the people, who construed the delay to proceed of some private favour carried to the enemies, and to be done of purpose, that either with time the hatred of the murder might be lessened, or the adversaries might have leisure to make themselves more strong.

The Assembly of the Church in the meanwhile (which was then convened at Edinburgh), to declare in what detestation they had the murder committed, did ordain the murderer to be excommunicated in all the chief burghs of the realm, and whosoever afterwards happened to be convicted thereof to be used in the same manner. In this Assembly divers constitutions were made for discipline, and amongst

others an act for the public inauguration of ministers at their entry, whereunto the revolt of some preachers gave occasion, that, forsaking the pulpit, took them to the pleading of causes before the lords of Session. It was then also condescended, that forth of the thirds, five thousand marks should be yearly paid for the furnishing of the king's house, and the Church burdened with no farther duty.

Some few days after, the principals of the queen's faction being convened at Glasgow, the earl of Argyle and Lord Boyd did write to the earl of Morton, and offer to join with the rest of the nobility in the trial and punishment of the regent's murder, so as the meeting were appointed at Stirling, Falkirk, or Linlithgow, for to Edinburgh they would not come. This letter (as he was desired) he communicated with the secretary, who was after the regent's death come forth of the castle, and by the earl of Athole brought again unto the council, having first purged himself of the accusation laid against him, and promised to submit himself unto the most severe trial that could be taken. His advice to the earl of Morton was, that the noblemen should all be brought to Edinburgh, which for those of the queen's party he undertook to do, and to that effect he sent letters unto the principals of that faction, showing that they had no cause to fear, being in forces superior to the others, and having the lord of Grange on their side (for he had then plainly declared himself for the queen), who was both provost of the town and commanded the castle. Thus, about the midst of March, the earls of Huntly, Athole, and Crawford, with the Lords Ogilvy, Home, and Seaton, did meet at Edinburgh. The earl of Argyle, the Hamiltons, and the Lord Boyd came as far as unto Linlithgow; but by occasion of a tumult raised amongst some soldiers, they were forced to disperse their companies, and return home to their dwellings. Within a few days the earls of Mar and Glencarne came likewise to Edinburgh; after whose coming the lords of both factions meeting to confer, did think fit to continue all things till the earl of Argyle was advertised, whose authority was great in those times. And when it was known that he was gone back from Linlithgow, the earl of Huntly followed to persuade his return; but he would not consent. They write the secretary should have privily dissuaded him, as one who

loved to keep all things loose ; but I do not see what advantage he could expect that way, and think rather that, as his estate then stood, he did earnestly desire to have matters accorded. The true cause of Argyle's declining that conference seems to have been the averseness of his brother and others of his friendship, who refused to follow him in that quarrel, and carried a constant affection to the maintaining of the king's authority.

Whenas the other noblemen perceived that Argyle would not come, they began to treat of the choice of a regent in place of him who was taken away. Here first they fell to question their own power and authority, which some maintained to be sufficient, because of the patent the queen had given at first for the administration of affairs in her son's minority, in which seven noblemen were named, besides the late regent, and that of this number they might choose, as they said, any one. Others reasoned that no respect ought to be had to that patent, the same being expired by the creation of the last regent, for which only at the time it was granted. The more moderate gave their opinion, that all proceeding in that business should be delayed till the convention of the Estates in May next. This was likewise opposed by a number that esteemed the protracting of time dangerous, and thought that it concerned the noblemen who had first assisted the coronation of the king, and continued firm in his obedience, to nominate a regent that would be careful of the young king his preservation, and of the quiet and tranquillity of the realm. But this opinion, as tending to the fostering of discord, was rejected. So that meeting dissolved without any certain conclusion.

At the same time one Monsieur Verac, cubicular to the French king, landed at Dumbarton, bringing letters to the noblemen of the queen's faction, full of thanks for the constant affection they had showed in maintaining her cause, and promises of present succours. This did so animate them, as in a frequent meeting, kept the first of April at Linlithgow, they began to discover the intention, which before they had concealed, of making war upon England ; for this, as they judged, would serve to obliterate the late regent's murder. And to give the more authority to their proceedings, they took purpose to remove to Edinburgh, using all means to

draw the town to be of their party, which they thought would be easily obtained by reason of Grange his commandment; and if they should once compass this, they put no doubt to draw the rest of the country their way in a short time. But first they resolved to advertise the town of their coming, and to entreat their favour. The magistrates answered, that their gates should be patent to all that professed themselves subjects to the king; but they would neither receive the English rebels (meaning the earl of Westmoreland and Lord Dacres, who were in company with the lords), nor the Hamiltons and others suspected of the regent's murder, nor yet permit any proclamations to be made derogatory to the king's authority.

These conditions seemed to them hard, yet, hoping by conversation to win the people to their side, they came forward. The next day after their coming to the town, they gave out a proclamation, "Declaring their good affection towards the maintenance of true religion, their sovereign, the liberty of the country, and the settling of the present divisions, which must, as they said, unless timeous remedy were provided, bring the realm to utter destruction. They desired therefore all men to know, that they had esteemed the enterprise taken by some noblemen against the earl of Bothwell, for revenging the murder of the king and setting of the queen at liberty, both good and honourable, whereunto they would have given their assistance if the same had been duly required. And for the things that had intervened, which they did forbear to mention lest they should irritate the minds of any, their desire was the same might be in a familiar and friendly conference calmly debated, and a peaceable course taken for removing the differences. Meanwhile, because they understood that some unquiet spirits gave out, that their present convening was for the subversion of the religion presently professed,—as they could not but give notice to all the subjects, that they who were now assembled were for the most part the first and chiefest instruments in advancing religion, and had still continued in professing the same, with a resolution to spend their lands and lives in maintenance thereof,—so they desired to have it known, that their meeting at that time did only proceed from a desire they had to see a perfect union and agreement established

in the realm, for which they were ready to meet with those of the nobility that differed from them in judgment, and condescend (after the ground of the differences was ript up) upon such overtures as should be found agreeable to the setting forth of God his honour, the strengthening of the royal succession, the preservation of the young prince, the entertaining of peace with foreign nations, and the settling of concord amongst the noblemen and other subjects. This they declared to be their sole intention; and rather than the same should not take the wished effect, they were content to yield unto any conditions that should be thought reasonable; under protestation, that if this their godly and honest purpose for the re-union of the state was neglected and despised, the inconvenients that ensued might be imputed to the refusers, and the noblemen presently convened be discharged thereof before God and man." This was the substance of the proclamation, in the end whereof the lieges were charged to concur with them in forthsetting that godly purpose, and a prohibition made, under great pains, to join with any others that should attempt, under the cloak of whatsoever authority, to hinder the same.

But neither did this declaration, nor the great travail taken by the earl of Athole at the same time, prevail with the other noblemen to bring them to this meeting, for still they excused themselves by the Convention appointed in May, "which," they said, "there was no necessity to prevent; or if any extraordinary occasion did require it, the same being signified to the earl of Morton, who lay at Dalkeith, upon his advertisement they should be ready to meet." So finding their hopes this way disappointed, by advice of the secretary (whose directions only they followed) they took purpose to deal with the earl of Morton apart. To this effect the earl of Athole, the prior of Coldingham, brother to the secretary, and the Lord Boyd, were selected to confer with the earl of Morton and abbot of Dunfermline; but they could come to no agreement. For the earl of Morton (of whom they had conceived some hope) would not hearken to any conditions, except they did acknowledge the king for their sovereign. Hereupon they fell to other counsels: and first, seeking to have the town of Edinburgh at their direction, they craved the keys of the gates to be delivered; which being refused,

they resolved to contribute moneys for hiring of soldiers, and to draw so many of their friends and followers thither as, with help of the castle, might command the town. But as they were about these devices, advertisement was brought of an army come to Berwick under the command of the earl of Sussex, which troubled all these projects. To remain in Edinburgh they held it not safe; yet lest it should be thought that they left the town upon fear, the magistrates were privately desired to entreat them to depart, lest the English should fall upon the town and make a spoil of it. So making a show to please the town, by whom they had been very courteously used, they went to Linlithgow, and abode there the rest of that month. Before their parting, they gave a warrant to the laird of Grange for fortifying the castle, and dimitting the Lords Home and Herries, who had been committed by the late regent. The duke of Chatelherault was some days before put to liberty. The Lord Home had a part of the moneys which were contributed for levying of soldiers given him to defend his bounds against the English; but when the lairds of Buccleuch and Farnierst desired the like, they were refused, and went away in great discontent.

About the end of April, the army of England entering into Teviotdale, burnt the towns of Hawick and Crawling, with the castles of Farnierst and Branxholm, and divers other houses belonging to the Kers and Scots; and in their return to Berwick, besieged the castle of Home, which was rendered by the keepers to Sir William Drury, at the Lord Home his direction, for he reposed much in his friendship. The Lord Scroope, at the same time invading the west borders, made a great spoil upon the Johnstons and others who had accompanied Buccleuch in his incursion. The lords that kept together at Linlithgow having advertisement of these proceedings of the English, and suspecting they had some other intentions than the spoiling of the borders, sent a gentleman to the earl of Sussex to request a truce, till they might inform the queen of England of the estate of things, and receive her majesty's answer. The earl opening the letters that were directed to the queen (for he had warrant so to do), and seeing them to be full of vain and idle brags (for, to show the strength of the faction, they had set down a roll of all the noblemen of their party, inserting therein both some of

their opposites, and some that had carried themselves neuters in all these broils), returned answer by the messenger, that he would do as he was directed, and not grant any truce nor keep the army at their pleasure without employment.

The time of the Convention approaching, they who favoured the king his authority came in great numbers to Edinburgh. At their first meeting it was thought convenient, seeing the adverse party professed a desire of peace, to make trial of their disposition; and thereupon a gentleman was sent with this message, "That if they would join for revenge of the murder of the king's father, and regent, and would acknowledge the king for their sovereign, whatsoever else in reason they could crave should be granted unto them." The answer was short and peremptory on their part; "That they would acknowledge none for their sovereign but the queen, and that she having committed the government of affairs to the earls of Arran, Argyle, and Huntly, they would follow and obey them in her service." Then they caused proclaim the queen's authority, with the several commissions of their lieutenandries, and in the queen's name indicted a parliament to be kept at Linlithgow in August ensuing.

The Estates, perceiving there would be no agreement, gave forth a proclamation to this effect; First, they said, that it was not unknown to all the subjects in what a happy case the realm stood under the government of the late regent, and what calamities it was fallen into by his death, divers lords, and other subjects conspiring with them, having presumed to erect another authority, under the name of the queen his majesty's mother. But as such treasonable attempts had been often taken in hand, and as often through God's favour disappointed, to the shame and ignominy of the enterprisers, so they wished all men should understand what sort of people they were that had massed themselves together in the present conspiracy.

The conspirators they ranked in three orders. The principals, they said, were the authors of the cruel murders of the king his father and regent; others were manifestly perjured, as having bound themselves by their oaths and subscriptions to defend the king his authority, which now they impugned; a third sort were such as had servile minds, and without regard to conscience or honour did follow those

to whom they had addicted themselves : all which did pretend the maintenance of true religion, the liberty of the country, and the preservation of peace both abroad and at home : but with what probability, any man of judgment might consider ; for neither could he who was known to have been a persecutor of the truth, and now carried the chief sway amongst them, (meaning the archbishop of St Andrews,) be thought a maintainer of religion ; nor could they be esteemed favourers of their country and the quietness thereof, who without any just provocation had invaded the neighbour realm of England, and publicly entertained the queen's rebels, professed enemies to God and religion. As to the care they professed of the king's preservation, any man might conjecture how he should be preserved by them who exiled his grandfather, murdered his father, did wickedly counsel his mother, led her on courses that had brought her to shame and dishonour, and now at last had unworthily cut off his uncle and regent, by suborning a meschant to kill him treacherously. Is it like, said they, that they will be content to live subjects to a king descended of that house which they have so long a time persecuted ; and will they not fear, if God shall bring him to perfection of years, that he will be avenged of his father's and uncle's murder ? Neither can any be ignorant what the hope of a kingdom will work in ambitious spirits, especially when they find themselves in a possibility to succeed unto the present possession. And these are the men, said they, who seek to rule and command under the name of her whom they have undone by their wicked practices. Of this they thought fit to advertise the subjects, and to inhibit them from giving any assistance to the said conspirators under pain of death. Such as of simplicity or ignorance had joined with them they commanded to separate and return to their houses within the space of twenty-four hours, promising in that case impunity and pardon for their by-past defection ; those only excepted who were suspect of the foresaid murders, and had reset the queen of England's rebels, and violated the public peace betwixt the two realms.

This proclamation was indited with much passion, and matters now reduced to these terms, that each side prepared to maintain their quarrel with the destruction of their adver-

saries. The queen's faction despatched Verac to France, to inform how matters went, and to farther the supply promised.

The Lord Seaton was sent to Flanders, to entreat the duke of Alva (at that time governor of the Netherlands for the king of Spain) for some aid of moneys and men, and to impede the traffic of the Scottish rebels (so they termed them that acknowledged the king's authority) in those parts. For the point of traffic the duke excused himself, saying, "That he could not inhibit the same, it being against the liberty of the Low Countries; but in other things he would do his best to farther the queen of Scots' cause."

Like as shortly after he sent Mr John Hamilton, parson of Dunbar, (who lay agent with him for the Scottish queen,) to the earl of Huntly with great store of armour and gunpowder, and the sum of ten thousand crowns to levy soldiers. The Lord Seaton in the mean while, who could not be idle wheresoever he was, and had a great desire to approve himself by some service to the king of Spain, dissembling his habit, went into the United Provinces, and dealt with Scottish captains and under-officers to make them leave the service of the Estates, and follow the king of Spain; which being detected, he was apprehended, and by sentence of the council of war condemned to ride the cannon; yet by some help he escaped, and fled to the duke of Alva, who sent him home loaden with promises, and rewarded with some little present for himself, because of his good affection.

The lords on the other side who stood for the king's authority sent to the earl of Sussex, entreating the assistance of his forces, or some part thereof, because of the common danger: and to move him the more, they advertised that the earl of Westmoreland and other English rebels were with the lords convened at Linlithgow in arms, of intention, as it seemed, to work some mischief, which had need for the good of both realms to be quickly prevented, which they doubted not (so the letters bear) having his assistance to do, and to put them off the fields; whereas if supply were not sent in time, and that matters should happen to be put to a day amongst themselves, the issue might prove dangerous. Answer was made, "That the forces should be sent upon sufficient hostages for their surety during their remaining in Scotland."

Withal he craved, "That the English rebels whom the lords had in their hands, and such others as should happen to be apprehended, might be delivered to him, as the queen's lieutenant, and left to her majesty's disposition." For the hostages, it was condescended that the chief noblemen should deliver some of their friends to remain in England during the abode of the English forces, and their safe return assured, the chance and fortune of war only excepted, which should be common and alike both to the Scots and them. But touching the delivery of the English rebels, the lords entreated that the same might be continued unto the return of her majesty's answer to the instructions sent by the abbot of Dunfermline, who was upon his journey, and had warrant from them to satisfy her majesty in that point. To this the earl consented, providing the noblemen would give their bonds for the safe custody of the rebels, and the performance of that which her majesty and the ambassador should agree unto.

The laird of Grange and Secretary Lethington, who as yet made a show to desire peace, laboured by their letters to keep back the English forces, offering what satisfaction the earl of Sussex, in name of her majesty, would require. The earl answered, "That if the lords at Linlithgow would disannul the proclamation of the queen of Scots' authority, and discharge all capitulations for aid out of France and all other parts beyond the sea, remitting the present dissension to the hearing and ordering of the queen his mistress, and obliging themselves by their subscriptions to stand at her majesty's determination, he should stay his forces and detain them with himself, till he received new direction from her majesty."

Though these answers did in no sort please them, yet to gain some time they gave hopes that, after conference with the lords at Linlithgow, he should receive all satisfaction. But he smelling their intentions, after he had received the bonds and pledges from the noblemen of the king's party, sent Sir William Drury, governor of Berwick, with a thousand foot and three hundred horsemen into Scotland. How soon the lords that were convened at Linlithgow heard of their coming, and that the earl of Lennox was in their company, they departed towards Glasgow, and besieged the

castle, purposing to raze it, lest it should be useful to the earl of Lennox, who was now returned from England. But the house was so well defended by a few young men (they passed not twenty-four in all), that the siege, after it had continued the space of five or six days, broke up upon the rumour of the noblemen and the English forces their approaching. The duke of Chatelherault went with the earl of Argyle into his country, the earl of Huntly and the rest into the north.

The noblemen assisted with the English forces coming to Glasgow, after a short stay marched to Hamilton, and laid siege to the castle, which, at the sight of the ordnance that was brought thither for the battery, was yielded to the English by Andrew Hamilton of Meryton, captain, upon promise to have their lives spared. The castle was set on fire and pitifully defaced, as also the duke's palace within the town of Hamilton, and divers other houses in Clydesdale. In their return to Edinburgh they destroyed the houses and lands pertaining to the Lords Fleming and Livingstone, with the duke's lodging in the town of Linlithgow, the houses of Kinneill, Pardovy, Peill of Livingstone, and others that appertained to the Hamiltons in that shire. This done, the English forces returned to Berwick, and were accompanied thither by the earl of Morton, who received again the hostages that were delivered in England.

Whilst these things were a-doing at home, the abbot of Dunfermline was following his legation in England. His instructions from the noblemen of the king's party were, "First, To show the queen, that by the delay of her majesty's declaration in the cause of the king's mother all these commotions had been raised, and therefore to entreat her majesty plainly to declare herself, and take upon her the protection of the young king. Secondly, To inform her of the difficulties they had in electing of a regent, and crave her opinion therein. Thirdly, To show what a necessity there was of entertaining some forces of foot and horse, till the present troubles were pacified; and in regard of the public burdens, to request her for moneys to maintain 300 horse, and seven hundred foot, which was esteemed sufficient for repressing the adversary's power. Lastly, Concerning the rebels of England who were in hands, to give her majesty assurance

that they should be safely kept, and to beseech her highness, if she would have them delivered, that some respect might be had to their credit, and mercy showed so far as could stand with her majesty's safety and the quiet of the realm. For the other rebels that were as yet in the country, he was desired to promise in their name all diligence for their apprehension; and if it should happen them to be taken, that they should be committed in sure custody till her majesty's pleasure was known."

These things proponed to the queen, she answered; "That having heard nothing from the lords since the late regent's death, and being daily importuned by foreign ambassadors, she had yielded to a new hearing of the controversies betwixt them and their queen, and that she intended to have a meeting of the commissioners of both parties ere it was long; therefore desired them to cease from using farther hostility, and not to precipitate the election of a regent, the delay whereof would work them no prejudice."

This answer reported to the lords did trouble them exceedingly: for on the one part, they saw a necessity of accommodating themselves and their proceedings to the queen of England's pleasure; and, on the other, they did find a great hurt by the want of a regent, the adverse faction having thereby taken occasion to erect another authority, and divers of their own partakers falling back from their wonted forwardness, as not knowing on whom they should depend. After long consultation this expedient was taken; that a lieutenant should be appointed, for a certain time, with full authority to administrate all affairs, and notice sent to the queen of England of the necessity they stood in of a regent, and that there was no other way to keep the subjects in obedience. Choice accordingly was made of the earl of Lennox, grandfather to the king, and a commission of lieutenandry given him to endure to the eleventh of July next; at which time the Estates were warned to meet for the election of a regent. Letters were also directed to the queen of England, requesting her advice in the choice, and an answer to the other petitions moved by the abbot of Dunfermline.

The queen, who was put in hope that Westmoreland and the other rebels of England, entertained by the queen of

Scots' faction, should be delivered unto her, had showed herself very favourable unto them, but hearing that they were escaped, she made answer as follows: "That she did kindly accept the good will of the noblemen, testified by their seeking her advice in the choice of a regent, being a matter of such importance, and so nearly touching the estate of their king and realm. That her mind once was, they should do best to continue the election for a time; but now considering the disorders that were raised, and possibly thereafter might arise, if some person was not placed in that charge, she did allow their resolution. And seeing the abilities of men for that place were best known to themselves, she should be satisfied with their choice whatsoever it was. Howbeit, out of the care she had of the young king, she would not dissemble her opinion, which was, that the earl of Lennox her cousin, whom, as she was informed, they had made lieutenant of the realm, would be more careful of his safety than any other. But in any case desired them, not to think that in so doing she did prescribe them any choice, but left it free to themselves to do what was fittest. Farther, she desired them to rest assured, notwithstanding of the reports dispersed by their adversaries, that she had neither yielded nor would yield to the alteration of the state of their king and government, unless she did see a more just and clear reason than had yet appeared. For howbeit she condescended to hear what the queen of Scots would say, and offer, as well for her own assurance as for the good of that realm, (a thing which in honour she could not refuse,) yet not knowing what the same would be, she meant not to break the order of law and justice, either to the advancing or prejudging of her cause. Therefore finding the realm governed by a king, and him invested by coronation and other solemnities requisite, as also generally received by the three Estates, she minded not to do any act that might breed an alteration in the estate, or make a confusion of governments; but as she had found it, so to suffer the same to continue, and not permit any change therein so far as she might impede the same, except by some evident reason she should be induced to alter her opinion. In end, she desired them to beware, that neither by misconceiving her good meaning towards them, nor by the insolent brags of their adversaries, they should take any course that

might hinder or weaken their cause, and make her intentions for their good ineffectual."

This letter communicated to the Estates convened at Edinburgh the twelfth of July, and a long discourse made to the same effect by Mr Thomas Randolph her ambassador, they were exceedingly joyed. So following the advice given them, they made choice of Matthew, earl of Lennox, declaring him regent and governor of the realm unto the king's majority, or till he were able by himself to administrate the public affairs. This was done with the great applause of all that were present, and published the next day at the Cross of Edinburgh.

In an Assembly of the Church kept the same month, there was some business moved by Mr James Carmichael, then master of the grammar-school of St Andrews, against Mr Robert Hamilton, minister of the city, for some points of doctrine delivered by the said Mr Robert in pulpit. The points are not particularly expressed, but in the sixth session of that Assembly, Mr James Macgill, clerk of the register, Sir John Bellenden of Auchnoule, justice-clerk, and Mr Archibald Douglas, one of the senators of the College of Justice, were directed from the chancellor and council to require them "to forbear all decision in that matter, seeing it concerned the king's authority, and contained some heads tending to treason (so is it there said) which ought to be tried by the nobility and council, willing them not the less to proceed in such things as did appertain to their own jurisdiction; which was judged reasonable, and agreed unto by the Church. So far were they in those times from declining the king and council in doctrines favouring of treason and sedition, as they did esteem them competent judges thereof. In the same Assembly, commission was given to Mr David Lindsay and Mr Andrew Hay to travail with the duke of Chatelherault, the earls of Argyll, Eglington, and Cassils, the Lord Boyd, and other barons and gentlemen in the west parts, for reducing them to the obedience of the king and his authority. The like commission was given to the laird of Dun for the earl of Crawford, the Lord Ogilvy, and their assisters in Angus; and certification ordained to be made unto them, that if they did not return to the king's obedience, the spiritual sword of excommunication should be drawn against

them; which I cannot think was really intended, considering the quality and number of the persons.

The regent immediately upon his creation, and oath taken according to the custom, for maintaining true religion, and observing the laws and liberties of the realm, prepared to keep the diet appointed at Linlithgow by the lords of the queen's party, who were said to be gathering forces for holding the parliament they had indicted. And because much depended upon the success of that business, he sent to the earl of Sussex for assistance of his forces, and to the laird of Grange (with whom he kept some correspondence) for some field-pieces, and other things belonging to their furniture. Grange at first made fair promises, but shifting those who were sent to receive the munition, said, "That his service should not be wanting to the making of concord, but he would not be accessory to the shedding of the blood of Scottish men." The earl of Sussex deferred his answer likewise, till the queen should be advertised. Not the less the regent observed the diet, accompanied with five thousand gentlemen, none of the adverse party appearing.

Thereafter a parliament was indicted to hold at Edinburgh the 10th of October; and the regent understanding that the earl of Huntly had sent a hundred and sixty soldiers to Brechin, and given orders for providing victuals to the companies who were there to meet him, made a hasty expedition thither, and having sent the Lords Lindsay and Ruthven, with Sir James Haliburton, provost of Dundee, a little before himself, went nigh to have intercepted the earl of Crawford, the Lord Ogilvy, and Sir James Balfour, who were there attending Huntly. But they escaping, the soldiers fled to the steeple of the church and castle, which they had fortified. The steeple, at the regent's first coming, did yield, and so many as were therein had their lives saved; the castle held out some days, till they heard the cannon was at hand, and then rendered at discretion. Captain Cowts with thirty of his soldiers were executed, because they had once served the king and made defection. The rest were pardoned, upon surety not to carry arms against the present authority. This expedition ended, the regent returned to Edinburgh.

In the month of August, by letters from Denmark it was

advertised, that Colonel John Clerk, who had served the king there in his wars with Sweden, was imprisoned by the suggestion of some of his countrymen that laboured for Bothwell's liberty. Whereupon Mr Thomas Buchanan, brother to Mr George Buchanan the king's tutor, was sent in ambassage to Denmark, to require that Bothwell might be delivered and sent into Scotland, to the effect justice might be done upon him, or then that he might be judged there, for the detestable murder committed upon the person of the king's father, and receive his due punishment. This had before that time been often desired, but was delayed by divers occasions; and now the report of Bothwell's greater liberty, and that he had been permitted to accuse Colonel Clerk, a gentleman well esteemed, and of good reputation for his service done both at home and in parts abroad, the regent and council took occasion to put that king in remembrance of their former requests; and if any doubt was made in those parts of Bothwell's guiltiness, they offered to clear the same by evident probation, and thereupon entreated him, by the communion of blood and nigh kindred betwixt him and the king of Scotland, that he would not suffer such a nefarious person to escape. In the same letters they requested that the colonel might be set at liberty, and restored to the king's wonted favour, or then be licensed to return into Scotland, where there was present use of his service. This ambassage was not without fruit, and put Bothwell out of all credit; so as, desperate of liberty, he turned mad, and ended his wicked life some years after (as before was touched) most miserably.

All things now went ill with the queen's faction, neither saw they a way to subsist but by labouring an abstinence, which the secretary earnestly went about, and prevailed so far with the two liegers of France and Spain, as they brought the queen of England to a new treaty with the Scots queen, and to hearken unto some overtures which she did make both for the queen's assurance, and for the settling of a perfect peace betwixt her and her son, and those that stood in his obedience. This moved to the regent, he did greatly oppose it; yet the queen of England would needs have him agree to the abstinence for the space of two months, in which it was thought the treaty should take an end. Great dispute

there was about the tenor and form of the abstinence, which at last was accorded in these terms. "That the regent should oblige himself and his partakers to cease from arms, and not to molest any that pretended obedience to the king's mother, during the space of two months, which should be understood to begin the third day of September; providing that no innovation should be made in the government, and all things continue in the same estate wherein they were at the death of the late regent: as also that the ordinary administration of the law and justice in parliament, session and other courts, with the punishment of thieves and trespassers, might proceed in the mean time by law or force in the king's name and under his authority, without any opposition." This granted, by a second letter the queen of England signified, "That she had appointed Sir William Cecil her principal secretary, and Sir Walter Mildmay chancellor of the exchequer, to repair to the queen of Scots, who then lay at Chattesworth in Derbyshire, and learn what offers she would make for her majesty's surety, and the not disturbing the realms, if she should be put to liberty. In which treaty she minded not to neglect the surety of the young king, and the estate of the nobility adhering to him, whereof she would be no less careful than of what concerned herself most. But in regard that treaty could take no good effect, if the regent and the nobility on his side should do anything to the prejudice of the queen of Scots and her party, she desired that no parliament should be kept during the time of the treaty; or if it had taken beginning before the receipt of the letter, that nothing should pass therein which might give her cause to complain. And for the abstinence taken unto the third of November, seeing there was no likelihood the treaty should take an end in so short a time, he was farther desired to prorogue the same for other two months." The letter, dated at Windsor the seventh of October, was brought to the regent the thirteenth, some two days after the parliament was begun.

This treaty did much perplex the regent; for albeit he was advertised before of the queen of England's condescending to hear what the Scottish queen would say in her own cause, yet he did not expect any such sudden dealing, or that it should have begun without his knowledge. But making

the best construction of all things, he answered, "That the parliament had taken a beginning before her majesty's letters came to his hand, and for the reverence he did carry to her, he had abstained from all proceeding in any matters, only his office of regiment was confirmed, and the parliament adjourned unto the month of January, before which time he hoped the fruit of that treaty would appear." For the prorogation of the abstinence, "he had declared at the first how hurtful the same was to the king his affairs, and that there was no true meaning in the adverse party, as did manifestly appear by the arresting of the ships and goods of the Scottish merchants professing the king his obedience, in the kingdom of France, and other divers insolencies practised at home, since the granting thereof. That howsoever he was persuaded her majesty had not a mind, under colour of the abstinence, to ruin the young king and those that stood in defence of his authority; yet they had received more hurt thereby than they could have done if open hostility had been professed. Therefore he desired that before he was urged with a farther cessation, the ships and goods stayed in France might be set free, the injuries committed at home repaired, and all things innovated in the government since the late regent's death disannulled by proclamation; which things performed, he should willingly obey her majesty's desire." Upon this last part of the letter many debates arose amongst the parties, and divers particulars on either side were exhibited in writing to the earl of Sussex, for verifying a breach of the abstinence against others. That which I find most insisted upon was the denouncing of Secretary Lethington rebel, who, being cited to appear at a certain day before the regent and council, was for his contumacy sentenced to lose his office, and have his goods confiscated. The regent challenged of this point made answer, "That the secretary could claim no benefit by the abstinence, seeing he was the king's subject, and stood to the defence of the king's cause both in England and Scotland, professing himself as much displeased with the proclamation of the queen's authority as any man else. And howbeit of late he had accompanied the contrary faction, yet he never declined his subjection to the king. That being required to attend his office he had refused, whereupon the same was

justly taken from him ; and for the confiscation complained, if he would yet declare on what side he was, he should be reasonably used."

The secretary, who had often changed his party, finding that he must declare himself on the one side or the other, sent to the earl of Sussex this answer, " That he did think it strange the regent should inquire on which side he was, seeing his speeches, writings, and actions, had declared the same. Always now he would plainly profess, that he was not of the lord regent's side, nor would he acknowledge him for regent. That he was of that side which would perform their duties to the queen of Scotland and to her son, so as neither of them should have cause to find fault with him that he was of that side which wished to either of them the place which in reason and justice they ought to possess ; and that he was of that side which requested the queen of England to enter into good conditions with the queen, whereby Scotland might be brought in a union, and she restored to her liberty and realm. He confessed that he did not allow of the proclaiming of the queen's authority, nor of the parliament indicted by those of her part, because he foresaw the same would impede the treaty betwixt the two queens, and might do hurt many ways, and hinder the good he was about to do. But that would not infer an allowance of their doings. And this (he said) might give the regent to understand on what side he was."

This answer, neither expressing a reason of his falling away from the king's obedience, nor discovering plainly, as was desired, of what side he should be esteemed, being delivered to the regent, received this reply. " That it was no marvel he should refuse to acknowledge him for regent, having deserved so ill at his hands, and being attainted of the foul and cruel murder of his son, the king's father. That his declaration did not satisfy that which was demanded ; for where he made a show to observe a duty both to the queen and to her son, and would have it appear that he was about the effecting of great matters, the duties he had done to either of them were well enough known, neither could any man look for any good to proceed from him. Therefore, howsoever he had against his promise and subscription declined from the king's party, he must still be subject to an-

swer such particulars as should be laid against him in the king's name. And seeing it was neither her majesty's meaning, that any person guilty of the king's murder should enjoy benefit by the abstinence, he that was challenged thereof in the late regent's time, and had in council offered himself to the severest trial that might be taken, could not complain of the breach of abstinence for any thing done or intended against him. But that neither this particular nor any other should be an occasion to dissolve that treaty begun, he said, that he was content the notes of all injuries, alleged on either side, should be delivered in writing to the earl of Sussex, and the trial or redress thereof continued, till it should appear what effect the treaty brought forth." The prorogation of the abstinence in the mean time, as was desired by the queen of England, was yielded unto, and subscribed the fourth of November, with this provision, that the ships and goods of the Scottish merchants arrested at that time in France should be released, and no stay made of such as should happen to repair thither during the time of the abstinence.

Whilst these things were debating, the copy of the articles proponed by the commissioners of England to the queen of Scots for the surety of their queen were sent to the lords of her faction to be considered, which were as followeth.

1. That the treaty of Leith should be confirmed; and that she should not claim any right nor pretend title to the crown of England during the life of Queen Elizabeth.
2. That she should not renew nor keep any league with any prince against England, nor yet receive foreign forces into Scotland.
3. That she should neither practise nor keep intelligence with Irish or English without the queen's knowledge, and, in the meantime, cause the English fugitives and rebels to be rendered.
4. That she should redress the harms done by her faction in the borders of England.
5. That she should not join in marriage with any Englishman without the consent of the queen of England, nor with any other against the liking of the Estates of Scotland.
6. That she should not permit the Scots to pass into Ireland without license obtained from the queen of England.

7. That for the performance of these articles, her son should be delivered to be brought up in England, and six other hostages, such as the queen of England should name, should be sent thither ; the castles of Home and Fast-castle, kept by the English for the space of three years, and some fort in Galloway or Cantire be put in the Englishmen's hands, for restraining the Irish Scots from going into Ireland.
8. That she should do justice according to the law upon the murderers of her husband and the late earl of Murray.
9. That she should set her hand, and cause the commissioners to be appointed by her party set their hands and seals, to these articles.
10. And, lastly, that all these particulars should be confirmed by the Estates of Scotland in parliament.

Now albeit divers of these articles were misliked by the lords of her faction, yet conceiving thereby some hope of her restitution, they dispersed certain copies in the country, to encourage those that professed her obedience, holding back such of the articles as seemed most hard, trusting to obtain a mitigation thereof in the conference. And she indeed, I mean the Scottish queen, showed herself pleased withal ; only she remitted the full answer to her commissioners that should come from Scotland. The rumour of the accord held good a few days, and amused the regent and other noblemen not a little, till a letter directed by Sir William Cecil from Chatterworth in Derbyshire, where the queen of Scots then lay, did otherwise inform, which was to this effect : " That he was put upon that employment much against his heart, and yet had not dealt therein but with a great regard of the safety of the young king and whole estate, and that all he had done touching Scottish affairs was under protestation, that it should be in the power of those whom the queen and regent should send in commission to change, diminish, or augment the articles at their pleasures. Therefore did he advise the regent to send a nobleman with some other well learned and practised in the affairs of the country, to deal in these matters ; taking care that the persons he choosed were constant and firm, and such as would not be won from him, nor from the cause." This letter of the date the thirteenth

of October 1570, written in so friendly and familiar a manner (for therein he named some whom the regent had lately employed, of whom he willed him to beware), gave him to understand that matters were not so far gone as his adversaries did brag.

After a few days the earl of Sussex advertised the regent, "That the lords of the other faction had made choice of certain commissioners to attend the treaty begun betwixt their queen and the queen of England, desiring that no trouble nor molestation should be made to them and their train in that journey; as also to send some special persons instructed with commission from the king and the nobility of his side, to give their best advice for the surety of the king and his dependants, if matters should happen to be accorded. And if it fell out otherwise, to consider what should be the most sure course for continuance of amity betwixt the two realms, the preservation of the young king, the reducing of the subjects to his obedience, and the defence of the isle against foreign invasions. These commissioners he desired to be sent with expedition, for that her majesty longed to have an end of the business, and could not grow to any resolution till she had conferred with them, and understood their minds."

This he did by direction from the queen his mistress, as he wrote, howbeit he himself had thought of some particulars that he held convenient to be thought upon, both for the king's security and theirs, if his mother should be set at liberty, wherein he prayed him familiarly to show what was his opinion. As first, "If she should happen to be restored to her crown, and the king be made to dimit the authority, it might be upon condition that in case of her death, or the breach of the present agreement, he might re-enter to the kingdom without any solemnities to be used. Next, That a council of both parties might be provided to her by the queen of England, for avoiding all sorts of practices. Thirdly, That the young king should be educated in the realm of England, under the custody of such persons as the nobility of his party should appoint; which would be the greatest surety for those that depended on him, and tie his mother to the performance of the articles. Fourthly, That a new act of parliament should be made for the establishing of true reli-

gion, and oblivion of all injuries committed on either side. Fifthly, That the queen should give some principal men of her side hostages to remain in England for fulfilling the heads of the agreement. Lastly, He advised the regent to send with the commissioners that should be employed in that errand, a writing signed and sealed by all the noblemen of the king's party, to show who they were that stood on that side; because, besides the credit it would bring to the cause, the same would be to good purpose howsoever matters went. For if the treaty should break off, it would be seen who would maintain and defend the king; or if otherwise an accord were made, it would be known for what persons the queen of England was to provide a surety."

Whether these propositions were made (as he gave out) of his own head, or, which would rather appear, that he was set on by the queen of England to try the regent and nobility's mind, he answered very advisedly, and beginning at the last, he said, "That he held his opinion good touching the sealing of a writing by the nobility of the king's party, whose number would not be found so great as he wished, because there were divers neuters that adhered to no side, and many that desired to keep things loose, some for impunity of crimes whereof they were suspected, and others hoping to better their condition in an unquiet time; yet he trusted to obtain the subscriptions of a sufficient number who had sincerely continued in the profession of true religion and his majesty's obedience, and from their hearts abhorred the murderers of the king his son and the late regent. For the other points, he said that he could not give his private opinion in matters so important, by reason of his oath made at the acceptation of the government to have no dealing in matters of that kind without the knowledge of the nobility and council. And touching the commissioners which the queen required to be sent, there should be diligence used therein, how soon they understood of what quality the others were that the lords of the queen's party did choose. Neither should any molestation be made to them in their journey, so as their names, the number of their train, and the way they minded to take were notified: for otherwise, as he said, the king and estate might receive hurt, and some that were culpable of those odious murders steal away privately in their company. Meanwhile,

he showed, that till commissioners might be chosen by the advice of the noblemen then absent, the council had appointed the abbot of Dunfermline ambassador to the queen of England, and given him such instructions as they held needful for the time, by whom she should be more fully advertised of their minds in all matters."

About the midst of November, the abbot of Dunfermline (then made secretary) went into England. He was desired to show the queen, "How it was the expectation of all the good subjects in Scotland, that she would never forget the motherly care she had professed to have of the innocent person of their young king; nor yet be unmindful of the noblemen and others professing his obedience, who had studied to maintain peace betwixt the two realms ever since her majesty's entry to the crown: and that they being required, as well by letters from her lieutenant in the north, as by her ambassador resident amongst them, to direct some special persons towards her for communicating such things as they thought requisite for the surety of their king and themselves, although they had resolved upon a number sufficient for that legation, yet they deferred to send any till they should understand who were nominated for the lords of the other party, to the end they might equal them in birth and quality. That in the mean time, lest they should be thought more negligent than became them in a matter of such importance, they had laid upon him the charge to come and signify to her majesty the opinion that was held in Scotland of the articles framed at Chattesworth, which the adversaries gave out to have been craved by her majesty, and esteemed a sufficient surety for the queen of Scots. And if he did find her majesty inclining thereto, then to remember her with what a person she had to do; a princess by birth, in religion popish, one that professed herself a captive, and as joined with a husband (suppose in a most unlawful conjunction), and that any one of these would serve for a colour to undo whatsoever thing she agreed unto at the present: for her majesty could not be ignorant, how after her escape out of Lochleven, she revoked the dimission of the crown, made in favours of her son (though the same was done for good respects), upon a pretext of fear, and that she did the same being a captive. As likewise, she knew the papists' maxim of not keeping faith

to heretics, which would serve her for a subterfuge to break all covenants when she saw her time ; and that to dimit her upon any surety, would prove no less dangerous to her majesty's own estate than to Scotland, considering the claim she had made in former times to the crown of England, and the attempts of her rebels at home, not yet well extinct, upon the same grounds. In regard whereof, there was nothing could assure the quiet of both realms, in their opinions, but her detention under safe custody, which could not be esteemed dishonourable, the just causes and occasions being published and made manifest to the world. As to the power of foreign princes whereof they boasted, the same was not much to be feared, so long as her person was kept sure ; and if war for that cause should be denounced, the peril should be less than if she were set at liberty and restored to the crown ; for so she should have her forces and friendship ready to join with other princes in all their quarrels, against which no hostages could serve for assurance."

This was the sum of his instructions. He had presence of the queen the penult of November, and perceiving that none of these articles were concluded, he did communicate all his instructions unto her, as he was desired. She having perused them, and reasoned thereupon with her council, returned this answer : " That she found in his instructions divers things worthy of consideration, which behoved to be farther debated and gravely weighed, because of their importance ; therefore desired some men of credit to be directed unto England, that an end might be put to that business. For as to the restitution of their queen, seeing it appeared they had reason to oppose it, she would not have the regent or those of his party to think that she intended to wrong them in any sort ; for if they should make it appear that nothing was done by them but according to justice, she would side with them and maintain their quarrel. And otherwise, if they were not able to justify their cause by such evident reasons as might satisfy her majesty in conscience, and make her answer the world in honour, she would nevertheless, for that natural love she bare to the king, her near kinsman, and the good will she carried to the noblemen that stood for his authority, leave no means unprovided for their safeties. But in regard a great part of the time appointed in the last prorogation of

the abstinence was already spent, she required the same to be prorogated unto March next; and would desire them to agree thereto, in regard they that stood for the queen had condescended to the same, and as much more time as she should think fitting." This answer, of the date at Hampton Court the seventh of December, came unto the regent the fifteenth, who thereupon advertised the noblemen to meet at Edinburgh with all diligence for taking deliberation of things desired.

The laird of Grange, whether to impede the meeting, or to divert the council from trying a conspiracy which was then discovered, and said to have been devised in the castle against the regent's life, it is uncertain, raised a great trouble in the town of Edinburgh about the same time. One of his servants, called James Fleming, being imprisoned by the magistrates for a slaughter committed by his direction, he in the evening, whilst all men were at supper, made the garrison of the castle to issue forth, and break open the prison doors, playing all the while upon the town with the cannon, to terrify the inhabitants from making resistance. This being complained of to the regent, he was cited to answer for the riot, but refused to appear, and presently brake out in open rebellion, fortifying the castle, and conducting a number of soldiers, who did afterwards greatly annoy the citizens.

The nobility notwithstanding did keep the meeting, and made choice of the earl of Morton, the abbot of Dunfermline, and Mr James Maegill, to go unto England; withal they agreed to the abstinence required, adjourning the parliament to May thereafter. How soon these commissioners were come to London, the earls of Leicester and Sussex, the lord keeper, the chamberlain, Sir William Cecil, secretary (then made Lord Burleigh), Sir Walter Mildmay, and Sir Francis Knollys, were appointed to confer with them. These meeting in the secretary's chamber at court, after salutations and some general speeches, the Lord Burleigh said, "That they were desired to come into England upon occasion of a treaty begun betwixt the two queens, and that her majesty did now expect to receive from them such evident reasons for their proceedings against their queen, as wherewith she might both satisfy herself, and with honour answer to the world

for that which she did: Or if they could not be able so to do, that matters might be composed in the best sort for their safeties, which her majesty would by all means procure." The commissioners answered, "That they had before that time imparted the truth of all things to her majesty, which they thought might satisfy to clear them from the crimes objected; yet if she stood doubtful in any point, the same should be cleared, and their doings justified by most evident reasons." Nothing farther was said at that time, but all continued to the next day. And then having again met, the earl of Morton made a long discourse of the reasons and grounds of their proceedings, answering the objections which he thought could be made against what he had spoken. His discourse ended, they were desired to put their reasons in writing; which was with some difficulty yielded unto, and under condition, "that if the reasons proponed by them did not content her majesty, the writing should be re-delivered, and no copy taken thereof; otherwise, if her majesty did like and allow them, they were content the same should be put in record, if so it pleased her highness."

The last of February (for albeit the twentieth of that month they came to London), they presented a number of reasons for justifying the deposition of their queen, and cited many laws both civil, canon, and municipal, which they backed with examples drawn forth of Scottish histories, and with the opinions of divers famous divines. The queen of England, having considered their reasons, was not a little displeased both with the bitter speeches, and with the liberty they had used in depressing the authority of princes, and thereupon told them, "That she was in no sort satisfied with their reasons, willing them to go unto the second head, and devise what they thought meetest for the safety of their king and themselves. But they refusing, said, That they had no commission to speak of any thing that might derogate from the king's authority; and if such a commission had been given them, they would not have accepted it."

In these terms matters continued some days, till the commissioners for the king of Scots suiting to be dimitted were sent for to Greenwich, where the queen had a long speech, tending all to declare what a good will she had carried to the young king, and to those that professed his obedience,

and wondering they should be so wilful as not to deliberate of such things as served to their own safety. The commissioners answering, that they believed the reasons produced would have satisfied her majesty touching their proceedings, which (as they esteemed) were sufficient to prove that they had done nothing but according to justice; "Yet I (saith the queen) am not satisfied neither with your reasons, nor laws, nor examples; nor am I ignorant of the laws myself, having spent divers years in the study thereof. If ye yourselves will not propone any thing for your own sureties, yet I would have you hear what my council is able to say in that matter, and I hope it shall content you."

They answered, "That their respect to her majesty was greater than to refuse any good advice which she and her council should give them; but that they had no power to consent to any thing that might infer an alteration of the present state, or diminish the king's authority."

The next day the articles following were given them, and they desired to consider the same, and set down their answer in writing.

1. That in regard her son had been crowned king by virtue of her dimission, and his coronation ratified by the three Estates of parliament, and that since that time a great number of the subjects had professed obedience to him and his regents, which was to be interpreted in the best part, as done out of duty, and not out of any ill mind towards their queen, the obedience so yielded to the king and his regents should be allowed from the time of the dimission of the crown made by her, unto the resumption of the same. And all manner of acts done since that time in the administration of justice and for government of the state should be reputed good and lawful, or at least reviewed, and confirmed in the next parliament, after consideration taken of the same by twelve lords, whereof six should be named by the queen and her commissioners, and the other six by the commissioners for the king's part.

2. That all statutes and ordinances made concerning matters of religion and the ministers thereof, since the said time, should be observed by all the subjects of Scotland, and no pardon nor dispensation granted in time coming to any person not observing the same, without consent of the said twelve lords.

3. That all processes, sentences, and judgments given either in causes civil or criminal since the said time, wherein the order of the laws of the realm had been observed, should remain in force, and only such sentences as had been pronounced either in the name of the king or queen against any person for not obeying or acknowledging either of their titles be rescinded; the sentences always pronounced against the earl of Bothwell or any others for the murder of the queen's husband standing good and valid.

4. That all ecclesiastical benefices and temporal offices, which have usually continued in the person of any during term of life, should remain with the same persons that held them at the time of the queen's dimission; such excepted as may be proved to have consented to the murder of her husband, or that have left them upon recompense and with their own consents, in which cases the present possessors should enjoy the same, unless they were incapable, and declared by the twelve lords to be such.

5. That all strengths, castles, and houses appertaining to the crown should be restored to the possession of those who held them at the time of the queen's dimission, except they had parted therewith upon agreement: in which case the queen, with consent of the said twelve lords or the most part of the council, should dispose thereof.

6. That the jewels, plate, moveables and implements of houses belonging to the queen at the time of her dimission should be restored, provided the moneys which any had laid out for the same were repaid. And for such as had been put away by the direction of the regents or council, that recompense should be made by the queen to the party according to the just value.

7. That a law should be established in parliament for oblivion and remission of all things done since that time, after the same manner that was done in the year 1563: Providing not the less, that the comptroller, treasurer, and other receivers of the crown-revenues, should give an account to the queen of all sums of money or other profits which had not been expended *bona fide* for the affairs of the realm, or by order and warrant from the regent and others trusted with those affairs; neither should the remission be extended to any that had taken by force any houses, castles, lands, or

heritages belonging to others, but restitution should be made thereof to the party dispossessed, or to his heirs, till the same by order of law were justly recovered. In like manner concerning goods moveable taken away from the owners against their wills, and being yet in their own nature extant, that restitution should be made thereof. And because many doubts might arise upon this article, the same should be determined by the foresaid twelve lords, or otherwise, as was devised for the execution of the act made *anno* 1563.

8. That, for the more quiet government of the realm, there should be appointed a privy council, which should consist of twelve lords spiritual and temporal, besides the other ordinary officers that do usually attend. And that the said council should be established with the like provisions that were made at the return of the queen out of France, *anno* 1561; so many as were then councillors, and yet alive, being counted of that number; and that the earl of Lennox, because he was most bound by nature to take care of the king, should be one of the council, and have place therein according to his degree.

9. That for the greater safety of the king's person, he should be brought into the realm of England, and there governed by such noblemen of Scotland as depend of him; so as he may be ever ready to be restored to the crown, if the queen his mother break the covenants agreed betwixt her and the queen of England.

10. That for his entertainment he should not only have the revenues which the princes of Scotland in former times possessed, but also the rents and offices belonging sometime to the earl of Bothwell.

11. And last, That a convenient number of hostages, being all noblemen, and of those who have adhered to the queen, and solicited her delivery, should enter in England to remain there for assurance of observing the conditions made both to the king of Scots and the subjects under his obedience, and to the queen of England for the peace and quiet of her dominions; and that the said hostages should be entered in England before the queen of Scots shall be put to liberty.

These Articles delivered to them were answered the next day as followeth. "We have seen and considered the note of the heads which we received from your lordships for paci-

fyng the controversies between the queen our sovereign's mother, and the king her son and his subjects, touching the title of the crown of Scotland, if it be found that her dimission either was or may be lawfully revoked by her; and therewithal having diligently perused our commission and instructions, to know how far we might enter in treaty upon the same heads for satisfaction of the queen's majesty and your lordships to whom the hearing of the cause is committed, we find ourselves no way able nor sufficiently authorized to enter into any treaty or conference touching the king our sovereign his crown, the abdication or diminution of the same, or yet the removing of his person from the place where he abideth. For as we profess ourselves his highness' subjects, and have all our power and commission from him, to treat in his name, in matters tending to the maintenance of true religion, his honour and estate, and for the continuance of amity betwixt the two realms, so we cannot presume to abuse our commission in any thing that may prejudice him, wherein we trust your lordships shall allow and approve us."

At the same time, and whilst these things were a-doing with the king's commissioners, some others were appointed to confer with those of his mother's party: and to them it was proposed, "That, for the security of the queen of England, and the noblemen that followed the king of Scots, the duke of Chatelherault, with the earls of Huntly, Argyle, the Lords Home, Herries, and any other nobleman they pleased to name, should be delivered as pledges, and the castles of Dumbarton and Home be put in the hands of Englishmen, to be kept for three years." The answer they gave was, "That she, who of her own motive committed herself to the protection of the queen of England, would most willingly give her satisfaction in all things which conveniently might be done; but to deliver those great men and the fortresses required, was no other thing but to spoil and deprive the distressed queen of the succour of her most faithful friends, and the strength of those places. Yet if in all other points they did agree, they made offer that two earls (one whereof should be of the number nominated) and two lords should enter as hostages, and remain in England for the space of two years; but for the holds and castles they could not, be-

cause of the league with France, be put in the hands of Englishmen, unless others were put also in the hands of the French."

The queen of England, perceiving that there were on both sides great impediments, sent for the king's commissioners, and told them how she had considered that the Articles proponed could not be resolved but in a parliament; and therefore leaving the treaty for a time, seeing she understood there was a meeting of the Estates appointed in May next, she held it meetest they should return, and in that meeting condescend upon an equal number of both parties that should have power to compose matters; the abstinence in the mean time being renewed, in hope that all differences should be taken away, and matters peaceably agreed. This she would cause signify to the agents of their queen, and doubted not but they would assent thereto. Yet when it was moved unto them, they refused to agree to any delay, till they should know what was her own mind. Hereupon the king's commissioners were commanded to stay till her answer should be returned.

In this time the bishop of Galloway and the Lord Livingstone, trusting to speed better by conference with the earl of Morton and the rest, sent to desire a meeting of them; which was yielded unto, provided the bishop of Ross came not in their company, for him they would not admit, as being the king's rebel. Having met, they talked kindly one to another. But that the queen should be restored to her authority, in no condition (though divers were proponed) could be admitted. Which when she heard, and that the queen of England had taken a course to delay things, she grew into a great choler, and inhibited her commissioners to treat any more. This reported to the queen of England, she sent for the earl of Morton and his associates, and told them, that their queen took in evil part the motion she had made: "and seeing it is so," saith she, "I will not detain you longer, ye shall go home, and if afterwards she be brought to agree to this course, as I hope she shall, I have no doubt but you will, for your parts, do that which is fitting." Thus were they dimitted.

Whilst these things were doing in England, the factions at home, notwithstanding of the abstinence, were not idle, but taking their advantage of others. Lord Claud Hamilton

ejecting the Lord Sempill his servants forth of the house of Paslay, placed therein a number of soldiers, and by them kept all those parts in fear. The regent upon this, gathering some forces, besieged the house, and had it rendered to him within a few days. The soldiers were conveyed to Edinburgh, and hanged on the gallows without the town. Not long after, upon intelligence that the castle of Dumbarton was negligently kept and might easily be surprised, he sent three companies, under the command of Captain Crawford, Captain Home, and Captain Ramsey, to give the attempt. Ladders and other necessaries for scaling being prepared, they went thither in the night, conducted by a fellow that had served in the house, and as then had quit his service upon a private discontent. A little before day, carrying the ladders with the least noise they could make, they placed the same in the most commodious part for ascent, and, notwithstanding of sundry difficulties that happened, got up in the end to the top of the rock. There having a wall of stone likewise to climb, Captain Alexander Ramsey, by a ladder which they drew up after them, was the first that entered, and for a short space defended himself against three watchmen that assailed him. Crawford and Home following quickly with their companies, the watchmen were killed, and the munition seized. The Lord Fleming, who commanded the castle, hearing the tumult, fled to the nether Balze, (so they call the part by which they descend to the river,) and escaped in a little boat. The soldiers and other servants yielding, were spared, and freely dimitted. Within the castle were the archbishop of St Andrews, Monsieur Verac the Frenchman, the Lady Fleming, John Fleming of Boghall, Alexander Livingstone, son to the Lord Livingstone, and John Hall an Englishman, who were all made prisoners. The next morning the regent came thither (for he was lying at Glasgow), and using the lady honourably, suffered her to depart with her plate, jewels, and all that appertained either to her or to her husband. Verac was sent to be kept at St Andrews, and permitted afterwards to depart. The Englishman Hall was delivered to the marshal of Berwick. Boghall and the Lord Livingstone's son were detained. The archbishop was sent to Stirling, and the first of April publicly hanged on a gibbet erected to that purpose.

This was the first bishop that suffered by form of justice in this kingdom. A man he was of great action, wise and not unlearned, but in life somewhat dissolute. His death, especially for the manner of it, did greatly incense his friends, and was disliked of divers, who wished a greater respect to have been carried to his age and place. But the suspicion of his guiltiness in the murders of the king and regent made him of the common sort less regretted. It is said, that being questioned of the regent's murder he answered, "That he might have stayed the same, and was sorry he did it not." But when he was charged with the king's death, he denied the same. Yet a priest called Thomas Robinson, that was brought before him, affirmed that one John Hamilton (commonly called Black John) had confessed to him on his death-bed that he was present by his direction at the murder. Whereunto he replied, "That being a priest he ought not to reveal confessions, and that no man's confession could make him guilty." But for none of those points was he condemned, nor the ordinary form of trial used, though he did earnestly request the same; only upon the forfeiture led against him in parliament he was put to death, and the execution hastened, lest the queen of England should have interceded for his life.

They who stood for the queen, upon advertisement that the treaty was dissolved, and that she had recalled the bishop of Galloway and the Lord Livingstone, did presently take arms. The laird of Grange, to keep the town of Edinburgh under command, did plant in the steeple of St Giles some soldiers, and transport all the armour and munition which was kept in the town house to the castle. After a few days the duke of Chatelherault came thither, with the earls of Argyle and Huntly, the Lords Herries, Boyd, and divers others, to stay the holding of the parliament, which had been adjourned to the fourteenth of May. At their coming they compelled the clerks and keepers of the register to deliver the books of council and parliament, and seized on every thing which they thought might hinder the states to convene. The ministers were commanded in their public prayers to make mention of the queen their sovereign princess, which they refused. John Knox withdrew himself,

and retired to St Andrews, Alexander bishop of Galloway preaching in his place.

The regent on the other side, with the nobility that adhered to the king, came unto Leith, with a resolution to hold the parliament, whatsoever should follow ; and because it would be a difficult work to recover the town, conclusion was taken to keep the parliament in that part of the Canongate which is subject to the town's jurisdiction ; the lawyers having resolved, that in what part soever of the town the Estates should convene, their meeting would be found lawful. Thus on Monday the fourteenth of May, which was the diet appointed, the parliament according to the custom was fenced in a house without the gates, yet within the liberties of the town. The Saturday preceding, the regent had by advice of the council sent some men of war to possess that part of the town, who were assisted by certain noblemen voluntaries that joined in the service. And notwithstanding the continual playing of the ordnance upon that part from the castle, both that day and all the time the parliament sat, not a man (a thing most strange) of the regent's side was either hurt or killed. There were cited to the parliament young Lethington, his brother Mr John Maitland, prior of Coldingham, Gavin Hamilton, abbot of Kilwinning, with his eldest son, and a base son of the late archbishop of St Andrews, who were all declared culpable of treason ; young Lethington, because of his foreknowledge and counsel given to King Henry his murder ; the rest for their rebellion against the king and his regents. As in such a troubled time the parliament was very frequent ; for of the nobility were present the earls of Morton, Mar, Glencarne, Crawford (who some months before had forsaken the queen's faction, and submitted himself to the king), Buchan, and Menteith, the Lords Keith and Graham, as proxies for their fathers, the earls of Marshal and Montrose, with the Lords Lindsay, Ruthven, Glamis, Yester, Methven, Ochiltree, Cathcart, two bishops, nine abbots and priors, with twenty commissioners of burghs. The forfeiture pronounced, the Estates took counsel to dissolve, because the danger was great, and prorogued the parliament to the third of August, appointing the same to meet at Stirling.

A new civil war did then break up, which kept the realm

in trouble the space of two years very nigh, and was exercised with great enmity on all sides. You should have seen fathers against their sons, sons against their fathers, brother fighting against brother, nigh kinsmen and others allied together as enemies seeking one the destruction of another. Every man, as his affection led him, joined to the one or other party; one professing to be the king's men, another the queen's. The very young ones scarce taught to speak had these words in their mouths, and were sometimes observed to divide and have their childish conflicts in that quarrel. But the condition of Edinburgh was of all parts of the country the most distressed, they that were of quiet disposition and greatest substance being forced to forsake their houses; which were partly by the soldiers, partly by other necessitous people (who made their profit of the present calamities), rifled and abused.¹ The nineteenth day of May the regent and other noblemen leaving the Caungate went to Leith, and the next day in the afternoon took their journey towards Stirling, where the ordinary judges of Session were commanded to sit for ministering justice to the lieges. As they were taking horse, the forces within Edinburgh issued forth, making show to fight, yet still they kept themselves under guard of the castle. The earl of Morton parting from the regent at Corstorphine, had the foot-soldiers left with him to withstand the enemy, if he should make any sudden attempt. Nor did there many days pass when the earl of Huntly and Lord Claud Hamilton with their forces enterprised the burning of Dalkeith. Morton, who remained there, being forewarned of their coming, took the fields, and entertained a long fight with them, though in number he was far inferior. Divers on either side were killed, twenty-five of the earl of Morton's men taken prisoners, and of the adverse party Captain Haekerston. Neither had the conflict ended so soon, if they had not been separated by an accident that happened in the time. The earl of Huntly and Lord Claud had carried with them a great quantity of powder, wherewith the soldiers striving to furnish themselves, and one of the matches falling amongst the powder, it took fire, and with a terrible noise overthrew all that stood by. Captain James Melvill and a number of his company were thereby killed in

¹ [See note at the end of this Book.—E.]

the place; many died a few days after of the hurt they received at that time.

The earl of Morton by this invasion being taught to look unto himself, did hire a band of soldiers that was lately come from Denmark under the command of Captain Michael Wemyss, or, as others write, Captain David Wemyss. The lords that remained at Edinburgh, thinking to intercept him and his company, as he crossed the river of Forth, employed Mr James Kirkealdy, brother to the laird of Grange (who a few days before was come from France with a supply of money and arms), and Captain Cullen, a man well skilled in sea affairs, to lie in wait for their landing. But the purpose being detected to the earl of Morton, he came upon them at Leith as they were taking boat so unexpected, as sixteen of the number were taken prisoners; which served to redeem certain of Captain Wemyss's company, that were the next day taken at sea, for he himself with the greatest part arrived safely at Leith.

The regent having advertised the queen of England of those troubles, and by the common danger of both the realms entreated that she should no longer remain a neuter, she sent Sir William Drury, marshal of Berwick, to try the estate of things, the power that the regent had, and the means whereby the castle of Edinburgh might be recovered. And perceiving by the information returned, that without her assistance neither could that strength be regained, nor the waged soldiers be kept long together, because as yet she held it not fit to declare herself for the king, she began of new to treat with both parties for a surceasance of arms, and that the town of Edinburgh might be freed of the soldiers, and left patent for the court of justice, the captain of the castle having in the meantime a convenient revenue (for guarding the house) allowed unto him. But this turned to no effect, for the conditions for the surceasance required could not be agreed unto by either side. For the regent would have the town of Edinburgh put in the estate wherein it was at the going of the commissioners to the court of England in January preceding, and Grange to content himself with such an ordinary garrison as other keepers of the castle were accustomed to entertain. The other faction was content to leave the town patent, but so, that neither the regent nor the earl of Morton

should come unto it. And for the surety of the castle, they would have Grange to retain a hundred and fifty soldiers besides the ordinary guard, who should lodge in that part of the town which was nearest unto the same.

The conditions of either side rejected, they of Edinburgh, not to be wanting of the authority of a parliament, kept a public meeting in the town-house the twelfth day of June (to which day they had indicted a parliament), where a supplication was presented in name of the queen, bearing, "That it was not unknown how certain of her rebellious subjects having imprisoned her person in the tower of Lochleven, did hereafter constrain her to make a dimission of the crown in favours of her son, which by the advice of Mr John Spence of Condy, her advocate, she had lawfully revoked; albeit otherwise the same could not subsist, being done without the consent and advice of the Estates, and upon a narrative of her inability and weakness, which any of mean judgment might consider to be a mere forgery, seeing her weakness to govern cannot be esteemed so great as is the weakness of an infant lying in the cradle, neither can he who hath the present administration of affairs compare with her in any sort for aptness and ability to govern. Therefore was it desired that the nobility and Estates there convened, after they had examined the grounds of the said dimission, and found them in reason naught, should discern the same to be null in all time coming."

The supplication once or twice read, as the custom is, it was pronounced as followeth: "The lords spiritual and temporal with the commissioners of burghs presently assembled, being ripely advised with the supplication presented, have by authority of parliament ordained the said pretended dimission, renunciation, and overgiving of the crown by the queen, consequently the coronation of her son, the usurped government of his regents, and all that hath followed thereupon, to have been from the beginning null and of no force nor effect, for the reasons contained in the said supplication, and other considerations notour to the whole Estates. And therefore commands all the subjects to acknowledge the queen for their only sovereign, notwithstanding the said dimission, and as it had never been in *rerum natura*." Herewith to conciliate the favour of the church and people, by another

statute they ordained, "That none should innovate, alter, or pervert the form of religion and ministration of sacraments, presently professed and established within the realm; but that the same should have free course, without any let or impediment to be made thereto." And therewithal the superintendents, ministers, exhorters, and readers in churches, were commanded in their public service to pray for the queen as their only sovereign, the prince her son, the council, nobility, and whole body of the commonwealth. These statutes they caused to be proclaimed at the market-cross the day following, which was the thirteenth of June.

Sir William Drury finding his labours unprofitable, and preparing to depart, the lords of Edinburgh would needs in courtesy bring him on the way. The earl of Morton, who lay then at Leith pained with a cholick, hearing that they were in the fields, and taking it to be done for ostentation of their power, arose from his bed, and putting his men in order, marched to Restalrig, which way they were to pass. Sir William Drury perceiving the companies of Leith in the way, and sorry that his convoy should have given the occasion, travelled between them, and by his persuasions made them both consent to retire. But then the question fell who should first retire; and for this Sir William proponed, that he should stand between the companies, and upon a sign to be given by him both should turn at one instant. The earl of Morton accepted the condition, lest he should offend the gentleman who had taken such pains amongst them; the others refused, giving forth great brags, that they should make them leave the fields with shame if they did it not willingly. How soon Morton was advertised of the difficulty they made, he cried aloud, "On, on, we shall see who keeps the fields last," and therewith gave so hard a charge upon them, as they disordered both the horse and foot. The chase held towards the Watergate, where by reason of the strait and narrow passage many were killed and trod to death; but the number of prisoners were greater, for there were a hundred and fifty taken, amongst whom were the Lord Home and Captain James Cullen; the abbot of Kilwinning was killed, a gentleman of good worth, and greatly lamented, for he was of all that faction esteemed most moderate. There died some fifty in all, most of them common

soldiers and of mean account. On Morton's side Captain Wemyss with one only soldier was slain. This conflict happened on Saturday the twenty-eighth of June 1571.

Advertisement hereof sent to the regent, he came the next day to Leith, where first order was taken with the prisoners, and the Lord Home sent to Tantallan. But he stayed not long there, for the laird of Drumlanrig being intercepted by Sir David Spence of Wormiston, as he was making homewards, an exchange was made of the Lord Home with him. Captain Cullen, a man infamous, and who in the last wars had used great cruelty, was hanged on a gibbet. The rest upon promise not to serve against the king were dimitted. Resolution then was taken for the regent's abode at Leith, and the country's attendance upon him by quarters, to keep the adversaries busied, and hinder the victualling of the town. During which time no day passed without one conflict or other, wherein sometimes the regent, and sometimes the queen's party had the better. At this time, upon a report carried to the laird of Grange that he was commonly called by those of Leith the traitor, he sent a trumpet to appeal any one of their side to combat that should dare to affirm so much. The laird of Garlies offering to maintain it, time and place were appointed for the fight; and when all were expecting the issue of it, Grange excused himself by the public charge he bare, saying, "That it was not thought convenient he should hazard the cause in his own person."

Notwithstanding of this great heat amongst the parties, the queen of England ceased not to mediate an accord, and by a letter to the marshal, dated the nineteenth of July, willed him to move them of new for an abstinence, offering to send persons of authority and credit to the borders, who should travail to agree them, and remove all differences as well concerning the title of the crown as other private matters. And because it was given her to understand that both parties had indieted parliaments to August next, she desired that no proceeding should be made therein, either by making of laws, or by denouncing of any persons forfeited, and that only they should authorize certain persons to meet with her commissioners for consulting upon the best means to conclude a solid peace. There was also a letter of safe conduct sent for any one that Grange would direct unto England (for this he

had desired), Lethington excepted, and those that were suspected of the late king's murder. But whether this exception gave the cause, or the daily encouragements sent by the French, none was directed thither.

The regent by his answer of the twenty-seventh excused his not yielding to the abstinence, which, he said, "without evident prejudice to the king's cause could not be granted so long as Edinburgh was detained." For other points he answered, "That by himself, without the consent of the nobility and Estates, he could say nothing; but at their meeting in August her majesty should receive all reasonable satisfaction." The adversary party in the mean time, nothing relenting of their course, did keep a form of parliament at Edinburgh the twenty-second August; and though they were but five persons in all present that had any voice in the state, to wit, two bishops and three noblemen, they pronounced above two hundred persons forfeited. The regent advertising the queen of England how they had proceeded, and with what disorder, did show the necessity whereunto they that lived in the king's obedience were brought, and how it concerned him and the rest to prosecute what they had justly intended, in regard of their enemies' precipitation. So in the parliament kept at Stirling the twenty-eighth of the same month, sentence of forfeiture was pronounced against the duke of Chatelherault, his two sons, the abbot of Aberbrothock and Lord Claud, the earl of Huntly, the laird of Grange, and some others. And for satisfying the queen of England's desire, the earls of Morton, Mar, and Glencarne, the Lords Sempill, Ruthven, and Glamis, with the bishop of Orkney, the abbots of Dunfermline and St Colme's Inch, Sir John Bellenden, justice-clerk, and Mr James Macgill, clerk of register, were nominated by the Estates, and commission given them, or to any four, three, or two of that number, to treat with such as the queen of England should appoint upon the differences arisen amongst the subjects by occasion of the late troubles, and for contracting a league offensive and defensive betwixt the two realms. Of all that did the regent give notice to the queen, beseeching her not to press them with any thing that might seem to call the king's authority in question. But before these letters came to her hands, he was killed, as ye shall hear.

Lord Claud Hamilton having intelligence given him of the security wherein the regent and nobility lived at Stirling, and how as in a time of settled peace they did not so much as keep a watch by night, took resolution to invade them, and was therein greatly encouraged by Captain George Bell (a man born in Stirling, and one that knew all the passages and streets), who made offer to put him and the company he should bring with him safely in the town. This he communicated to the earl of Huntly, Walter Scot of Buccleuch, and David Spence of Wormiston, who were all content to join in the enterprise. The second of September they went from Edinburgh a little before sunsetting, accompanied with two hundred horse and three hundred foot; and, lest their journey should be suspected, they made the rumour go that they went towards Jedburgh, to compose a discord fallen out betwixt the town and the laird of Farnihurst. To ease the footmen they had taken all the horses which came the day before to the market, and as many as they could otherwise purchase by the way; and so marching with a wonderful confidence (for by the way all their discourse was whom they would kill, and whom they would save), they came about the dawning of the day to the town, and found all things so quiet, as not a dog was heard to open his mouth and bark: whereupon having planted the soldiers in the most commodious parts of the town, and enjoined them to suffer no person to come unto the street, they went to the noblemen's lodgings which were designed unto them, and found there little or no resistance. The earl of Morton defended the lodging wherein he was some little time, but fire being put to the house he rendered to the laird of Buccleuch. The regent was taken with less ado, his servants making no defence. In like sort were the earls of Glencarne and Eglinton made prisoners, with divers others. The earl of Mar hearing the noise, issued forth of the castle with sixteen persons only, and entering the back of his new lodging, which was not then finished, played with muskets upon the street, so as he forced them to quit the same. The townsmen and others, upon this taking courage, gathered together and put the enemy to flight, pursuing them so hotly as they were constrained to quit their prisoners, and some to render themselves to those they were leading captive. The regent, who was Wormis-

ton's prisoner (for to him he had rendered), being carried a little without the port, when they saw the rescue coming, was shot by Captain Calder, and with the same bullet Wormiston (who did what he could to save the regent) was stricken dead.

The death of this gentleman was much regretted of both factions, for that he was for manly courage and other virtues, as well of body as mind, inferior to none of his time. There fell at this time on the regent's side some twenty-four, amongst whom the most eminent were George Ruthven, brother to the Lord Ruthven, and Alexander Stewart of Garlies. Of the other side as many were slain, and divers taken prisoners; amongst whom were the two Captains Bell and Calder, who were executed as traitors. The Lord Claud with the earl of Huntly and the rest escaped, and had all been taken if there had been horses to pursue them; but the borderers that followed Buccleuch, men accustomed with such practices, had emptied the stables at the first entry into the town. It was certainly a bold enterprise, whereof we will not find many the like in story. So few men leaving their strength to take so long a journey, and enter upon a town full of enemies (for there were in it 5000 able and resolute men at least, besides the inhabitants), was a great audaciousness; and then to get in their hands the chief of their adversaries, whereby they were once in a possibility to have returned absolute victors; yea when the course altered, to have saved themselves with so little loss, was held strange, and made the enterprise to be counted no less fortunate than it was bold and venturous.

It was also observed, and is worth the reporting, that the young king, who was brought from the castle to the parliament house at their first sitting, after a short speech which they had put in his mouth, espying in the table-cloth, or, as others have said, in the top of the house, a little hole, cried out, that there was a hole in the parliament. An ominous speech, and so interpreted by some that were present, which the event made the more remarkable; for before the parliament was at an end a great hole was made in it by the death of him that began the same. The regent, though his wound was mortal, did not light from his horse till he came to the castle. By the way when his friends did encourage him, he

still answered, if the babe be well (meaning the king) all is well: and being laid in bed and his wound dressed, after they had told him that his bowels were cut, calling the nobility he spake unto them a few words to this effect:—

“I am now, my lords, to leave you, at God his good pleasure, and to go into a world where is rest and peace. Ye know it was not my ambition, but your choice, that brought me to the charge I have this while sustained; which I undertook the more willingly, that I was persuaded of your assistance in the defence of the infant king, whose protection by nature and duty I could not refuse. And now, being able to do no more, I must commend him to Almighty God, and to your care, entreating you to continue in the defence of his cause (wherein I do assure you in God’s name of your victory), and make choice of some worthy person, fearing God and affectionate to the king, to succeed unto my place. And I must likewise commend unto your favour my servants, who never have received benefit at my hands, and desire you to remember my love to my wife Meg (so he was accustomed to call her), whom I beseech God to comfort.” This said, he took leave of them all one by one, requesting them to assist him with their prayers, in which he himself continued some hours, and so most devoutly ended his life. A man he was of noble qualities, tried with both fortunes, and if he had enjoyed a longer and more peaceable time, he had doubtless made the kingdom happy by his government.

It is time that we return to the Church, and consider what the estate thereof was amidst the civil dissensions. In the countries where the queen’s faction ruled, the ministers in their prayers did always recommend the queen as sovereign, serving the affection of those that commanded in the bounds, albeit the Assembly of the Church had otherwise appointed. John Knox, as we showed, had left the town of Edinburgh, and was gone to St Andrews, where he had strong opposition made him by Mr Archibald and Mr John Hamilton, professors of philosophy in the new college, who stood fast to the queen’s cause, and drew many of the students after them. This, together with the grief he conceived of the present troubles, did cast him in a sickness, whereof he never perfectly recovered. And at this time hearing that the Assembly of the Church was met at Stirling, he sent unto them

a letter, which I thought worthy to be here insert: it was as followeth. "Because the daily decay of natural strength doth threaten me with a certain and sudden departing from the misery of this life, I exhort you, brethren, yea in the fear of God I charge you, to take heed to yourselves and to the flock over which God hath placed you ministers. What your behaviour should be, I cannot now, nor have I need, as I think, to express; but to charge you to be faithful, I dare not forget. And unfaithful ye shall be counted before the Lord Jesus, if with your consent, directly or indirectly, you suffer unworthy men to be thrust into the ministry of the Church, under whatsoever pretext. Remember the judge before whom we must give account, and flee this as ye would eschew hell-fire. This will be a hard battle I grant, but there is a second will be harder, that is, to withstand the merciless devourers of the Church-patrimony. If men will spoil, let them do it to their own peril and condemnation; but communicate not ye with their sins, of what estate soever they be, neither by consent nor silence, but with public protestation make known to the world that ye are innocent of such robbery, and that ye will seek redress thereof at the hands of God and man. God give you wisdom, strength, and courage in so good a cause, and me a happy end. From St Andrews the thirteenth of August 1571."

In this meeting the churchmen began to think somewhat more seriously of the policy of the Church than before; for the first draught being neither liked universally among themselves, nor approved by the council, they saw it needful to agree upon a certain form of government that might continue. Unto this time the Church had been governed by superintendents and commissioners of countries, as they were then named. The commissioners were alterable, and were either changed or had their commissions renewed in every Assembly. The superintendents held their office during life, and their power was episcopal; for they did elect and ordain ministers, they presided in synods, and directed all church censures, neither was any excommunication pronounced without their warrant. They assigned the stipends of ministers, directing the collectors (who were then chosen by the General Assembly) to distribute the thirds of benefices amongst them, as they thought convenient. If any surplus-

age was found in the accounts, the same was given by their appointment to the supply of the public state; and in such respect were they with all men, as, notwithstanding the dissensions that were in the country, no exception was taken at their proceedings by any of the parties, but all concurred to the maintenance of religion, and in the treaties of peace made, that was ever one of the Articles; such a reverence was in those times carried to the Church, the very form of government purchasing them respect. But the Church considering that things could not long continue in that estate, the superintendents being grown in years, and most of them serving upon their own charges, which burden it was not to be hoped others, when they were gone, would undergo, thought meet to intercede with the regent and Estates, for establishing a sure and constant order in providing men to those places when they should fall void, and settling a competent moyen for their entertainment. To this effect commission was given to the superintendents of Lothian, Fife, and Angus, and with them were joined Mr David Lindsay, Mr Andrew Hay, Mr John Row, and Mr George Hay. These were appointed to attend the parliament, and deal with the regent and Estates, that some course might be taken in that business. But the regent's death and the troubles which thereupon ensued made all to be continued for that time.

The regent's funerals performed with such solemnity as the time would suffer, and his corpse interred in the chapel of the castle of Stirling, the next care was for choosing a governor in his place. Archibald earl of Argyle (who was then returned to the king's obedience), James earl of Morton, and John earl of Mar being put in lites, the voices went with the earl of Mar. The fifth of September the election was made, after which the parliament went on; wherein, besides the confirmation of the regency, certain other acts passed in favours of those that should happen to be slain in defence of the king his authority. And the regent bending all his thoughts to the besieging of Edinburgh, brought an army thither about the midst of October, with nine pieces of artillery taken forth of the castle of Stirling. Having battered the walls of the town on the south side, but to small purpose, because of the ramparts and ditches which the defendants had cast up within, he retired himself and his army to Leith.

The rest of the winter was spent in light skirmishes, wherein none of the parties did suffer any great loss. They in Edinburgh had the advantage ; for the castle being situated in a high place, and having a long prospect into all the parts about, gave them warning by a certain sign when their enemies did issue forth, so as seldom they came to hand-strokes : once only it happened that in an ambush laid by them of Leith, two captains, Hackerton and Michell, who served the lords in Edinburgh, with sixty of their companies, were taken prisoners. This made them of Edinburgh more circumspect in their outgoing ever after that time.

In the north parts, Adam Gordon (who was deputy for his brother the earl of Huntly) did keep a great stir, and, under colour of the queen's authority, committed divers oppressions, especially upon the Forbeses. Arthur Forbes, brother to the Lord Forbes (commonly called Black Arthur), a man both of wisdom and courage, had from the beginning of the civil wars always followed the king's party, and was at that time labouring to pacify quarrels amongst those of his name (for they were striving still one with another), that they might be the more able to withstand their enemies. In end he prevailed so far, as he brought his friends to condescend upon a time and place of meeting for taking up their controversies, and binding them together in a sure friendship. Adam Gordon smelling his purpose, and fearing the consequence of it, used many policies to keep them still divided ; but when he perceived the meeting would keep, he resolved to come unto the place, and one way or other to impede the agreement. At his coming he found them treating upon matters, and standing in two companies a good space one from another, and, as if he had been ignorant of the purpose, sent to inquire wherefore they made such convocations. They answered, that they were doing some private affairs, wherein he had no interest. And being commanded to separate and return to their houses, they refused ; whereupon he invaded them, and falling on that part where Arthur Forbes stood, in the very joining killed him. The rest seeing him fall took the flight, and in the chase many were slain ; they reckon a hundred and twenty to have died at that time. Not long after, he sent to summon the house of Towy pertaining to Alexander Forbes. The lady refusing to yield

without direction from her husband, he put fire unto it, and burnt her therein, with her children and servants, being twenty-seven persons in all. This inhuman and barbarous cruelty made his name odious, and stained all his former doings; otherwise he was held both active and fortunate in his enterprises.

The Lord Forbes having escaped in the conflict, came to the regent, and complained for a present supply. He had granted to him two hundred footmen under the conduct of two captains, Chisholm and Wedderburn, with letters to the noblemen of the country that lay adjacent to assist. Forbes gathering his friends, and thinking himself strong enough with the supply he had obtained, made out to search and pursue his enemies. Adam Gordon lay then at Aberdeen, and being advertised that the Forbeses were drawing near to the city, he went forth to meet them. The encounter at the beginning was sharp and furious; but the Forbeses were young men, for the greatest part, of small experience, and not under command; and the soldiers not being well seconded by them, after they had fought a while, gave over and yielded. The slaughter was not great, for the conflict happened in the evening, which helped many to escape. Captain Chisholm with most of his company, and some fifteen of the name of Forbes, were killed; the master of Forbes and some others were taken prisoners.

This good success of the queen's party in the north gave hearts to all the faction, and now they began everywhere to take new courage. In the south the lairds of Farnherst and Buecleuch did assail Jedburgh, a little town, but very constant in maintaining the king's authority. Lord Claud Hamilton belayed Paisley. The castle of Broughty on the river of Tay was surprised by Seaton of Parbroath. And in divers other parts, troubles were raised of purpose to divide the regent's forces, and to withdraw him from Leith, that the town of Edinburgh, which was then in some scarcity of victuals, might be relieved.

In the month of January an assembly of the Church convened at Leith, where, after great instance made with the regent and council for settling the policy of the Church, it was agreed that six of the council and as many of the Assembly should be selected to treat, reason, and conclude upon that

business. For the council James, earl of Morton, chancellor ; William, lord Ruthven, treasurer ; Robert, abbot of Dunfermline, secretary ; Mr James Macgill, keeper of the rolls ; Sir John Bellenden, justice-clerk ; and Colin Campbell of Glenorchy were named ; and for the Church, John Erskine of Dun, superintendent of Angus ; Mr John Winraime, superintendent of Fife ; Mr Andrew Hay, commissioner of Clydesdale ; Mr David Lindsay, commissioner of the west ; Mr Robert Pont, commissioner of Orkney ; and Mr John Craig, one of the ministers of Edinburgh. These twelve convening, after divers meetings and long deliberation, grew to the conclusions following :

1. That the archbishoprics and bishoprics presently void should be disposed to the most qualified of the ministry.
2. That the spiritual jurisdiction should be exercised by the bishops in their dioceses.
3. That all abbots, priors, and other inferior prelates, who should happen to be presented to benefices, should be tried by the bishop or superintendent of the bounds, concerning their qualification and aptness to give voice for the Church in parliament, and, upon their collation, be admitted to the benefice, and not otherwise.
4. That to the bishoprics presently void, or that should happen thereafter to fall, the king and the regent should recommend fit and qualified persons, and their elections to be made by the chapters of the cathedral churches. And forasmuch as divers of the chapters' churches were possessed by men provided before his majesty's coronation, who bare no office in the Church, a particular nomination should be made of ministers in every diocese to supply their rooms until the benefices should fall void.
5. That all benefices of cure under prelacies should be disposed to actual ministers, and to no others.
6. That the ministers should receive ordination from the bishop of the diocese, and where no bishop was as yet placed, from the superintendent of the bounds.
7. That the bishops and superintendents at the admission of ministers should exact of them an oath for acknowledging his majesty's authority, and for obedience to their

ordinary in all things lawful, according to the form then condescended.

Order also was taken for disposing of provostries, college-churches and chaplainries, and divers other particulars most profitable for the Church, as in the records extant may be seen; which were all ordained to stand in force until the king's majority, or till the Estates of the realm should otherwise appoint.

In August thereafter, the Assembly of the Church meeting again at Perth, report was made of these conclusions, and exception taken by some at the titles of archbishop, dean, archdeacon, chancellor, and chapter, as being popish and offensive to the ears of good Christians. Whereupon it was declared, that by using these titles they meant not to allow of popish superstition in any sort, wishing the same to be changed in others not so scandalous. As the name of bishop to be hereafter used for archbishop, the chapter to be called the bishop's assembly, the dean to be called the moderator of the said assembly; and for the titles of archdeacon, chancellor, abbot, and prior, that some should be appointed to consider how far these functions did extend, and give their opinion for the interchange thereof with others more agreeable to the word, and the policy of the best reformed churches, reporting their opinions at the next Assembly. But I do not find that any such report was made: like it is the wiser sort esteemed there was no cause to stumble at titles, where the office was thought necessary and lawful. A protestation always was made, that they received these articles for an interim, till a more perfect order might be obtained at the king his regent and the nobility's hands. According to these conclusions, Mr John Douglas, provost of the New College of St Andrews, was provided to the archbishopric of that see, Mr James Boyd to the archbishopric of Glasgow, Mr James Paton to the bishopric of Dunkeld, and Mr Andrew Grahame to the bishopric of Dunblane.

About the end of January, the regent, advertised of the peril wherein the town of Jedburgh stood, and of the great preparation that Farnherst and Buccleuch made to surprise it, (for they had, besides their own forces, drawn all the people of Esk, Ewes, and Liddesdale to join with them, in hope of

spoil, and from the English borders divers that were given to robbery, to the number of three thousand and above,) sent the Lord Ruthven with some forces to defend them. Before his coming, Walter Ker of Cessford, a man of good worth, who had ever assisted the king's party, was joined with them. Their enemies not the less esteeming themselves strong enough by reason of their numbers, went forwards with an assurance of victory. The Lord Ruthven having notice given him by the way of their diet, and the time they had appointed to invade the town, did use the more speed, and came in sight thereof just as the enemies appeared. They, fearing to be enclosed betwixt the town (who showed themselves in the fields ready to fight), and the forces the Lord Ruthven brought with him, did presently retire and give back. Farnherst and Buccleuch went to Hawick, and were followed the next day by the Lord Ruthven, who came upon them so unlooked for, as they were cast into a great fear. The principals that had horses fleeing away, the rest betook them to a little bush of wood, where, being environed on all sides, they yielded at discretion. The prisoners were many, of whom some few were retained as pledges, and the rest dimitted upon promise to enter themselves at a certain day. The rest of the winter and all the next spring was spent in light skirmishes, with small loss on either side; for they of the queen's faction did seldom come to the open fields, or if they showed themselves at any time, upon the first onset they took the flight, and retired to the town.

Whilst matters did thus proceed in the queen of Scots' quarrel at home, the bishop of Ross in England renewed the purpose of marriage with the duke of Norfolk, and practised with divers for setting the queen at liberty. This being discovered, the duke was committed to the Tower of London, and being arraigned at Westminster Hall the sixteenth of January, was convicted of treason and condemned to die, yet was the execution delayed to the June after. The bishop of Ross, called also in question, defended himself by the privileges of his ambassage, saying, " That he had done nothing but what his place and duty tied him unto, for procuring the liberty of his princess; and that he came unto England with sufficient authority, which he had showed, and was at the

time accepted." When it was replied, "That the privileges of ambassadors could not protect them who did offend against the majesty of the prince they were sent unto, and that they were not to be reputed other than enemies who practised rebellion against the state:" he answered, "That he had neither raised nor practised rebellion; but perceiving the adversaries of his princess countenanced, and her out of all hope of liberty, he could not abandon his sovereign in her affliction, but do his best to procure her freedom. And that it would never be found that the privileges of ambassadors were violated *via juris*, by course of law, but only *via facti*, by way of fact, which seldom had a good success." After long altercation, he was sent to the Isle of Ely, and from thence brought and imprisoned in the Tower, where he remained nigh two years. Some ten days after Norfolk's execution, the queen of England directed certain of her council to the queen of Scots, to expostulate with her for making suit to the pope and king of Spain, and for receiving letters from the pope, together with a sentence declaratory published against herself; whereunto (after protestation that she was a free queen and subject to none) she answered, "That she had indeed by letters solicited both the pope and king of Spain for restoring her unto her kingdom, which was no prejudice to the queen of England, that she had received godly and consolatory letters from the pope. But for the sentence given by him, she never knew thereof till a printed copy was brought unto her, which after she had read she did cast into the fire." These answers did not satisfy the queen of England, who having understood that she had entered in a secret confederacy with the Spaniard, kept her from that time in a more strict custody than before.

Yet, at the request of the French king, she sent of new Sir William Drury into Scotland to treat for peace; and if that could not be wrought, to procure a cessation of arms for a certain space. But he prevailed nothing, the wars being then very hot, and the parties mightily incensed against others. No quarters were given, nor interchange of prisoners made, but all that were taken on either side presently executed. This device was held to proceed from the earl of Morton, who thought the troubles would not hastily cease if a greater severity were not used towards them who withstood

the king's authority. But whose device soever it was, it proved exceeding hateful. The common sort taking it to have come of Morton, called the wars of that time the Douglas' wars. This form of doing continued from the sixteenth of April to the eighth of June; at which time both parties, wearied of execution daily made, were content to cease from such rigour, and use fair wars, as in former times. In the north, Adam Gordon, after the Forbeses were defeated, found no resistance, and following his fortune, reduced all beyond the river of Dee to the queen's obedience. To impede his proceedings (for he had entered then into the country of Mearns, and was besieging the house of William Douglas of Glenbervie) the regent directed the earl of Crawford and Buchan, with the Lord Glamis, and master of Marshal. These noblemen meeting at Brechin, and waiting there till their forces should assemble, Adam Gordon came upon them in the night, and killing the watches that were placed at the bridge on the north side of the town, had very nigh taken them all in bed: but they, wakened by the noise of the trumpets, escaped. Many were taken prisoners, and some thirty-nine persons slain within the city. This done, he besieged the town of Montrose, and forced them to pay a great sum of money; which put the town of Dundee in such fear, as they were driven to seek aid of their neighbours in Fife.

At the same time the castle of Blackness, a fort on the south side of the river of Forth, was sold by the keeper to the Hamiltons, and thereby the navigation betwixt Leith and Stirling barred. At Edinburgh were daily skirmishes betwixt them and the companies that lay at Leith, and (which was greatly lamented of both parties) the Lord Methven killed by a shot of cannon from the castle. The duke in the meantime having proclaimed a justice-court at Hamilton, cited divers persons within the sheriffdom of Renfrew and Lennox to answer to certain crimes whereof they were delated: the regent prepared to keep the diet, and leaving the earl of Montrose and the Lord Lindsay to follow the service at Leith, took journey to Glasgow, and from thence to Hamilton. But neither the duke nor any in his name appearing to hold the court, he appointed the Lord Sempill lieutenant in those west parts for the king, and returned to Stirling.

He had intended an expedition into the north, but upon advertisement that two ambassadors were arrived at Leith, he turned thither; the one was Monsieur de Croc, employed by the French, the other Mr Randolph, by England, who professed both of them to be sent for negotiating a peace amongst the parties; yet was it thought the French did not much affect the peace. For even then the Lord Fleming came from France with moneys to pay the soldiers that served the lords at Edinburgh. This nobleman some ten days after, walking in the street, was unhappily wounded in the knee by the shot of a harquebuss, whereof he died the sixth of September. As to the queen of England, howbeit she desired peace to be made, yet she would have it in such manner as both factions might depend on her; and so she had carried herself in all the late treaties, as however she favoured the king's party most, the other faction did never despair of her good will.

The two ambassadors having tried the minds of both parties, they found them more tractable than they expected, and after some travail taken amongst them, obtained a cessation of arms for the space of two months, (continuing from the first of August to the first of October,) upon the conditions following.

1. That the regent, nobility, and all other subjects of the realm, partakers with them in the present troubles, should faithfully promise during the said space to abstain from all hostility.
2. That before the expiring of the said abstinence, the nobility and Estates should convene and advise upon the best means to establish a final peace; and if any difficulty should arise in the said treaty which amongst themselves could not be composed, that the same should be remitted to the determination of the most Christian king and the queen of England.
3. That the town of Edinburgh should be set at liberty, and made patent to all the subjects, and no place thereof be withholden or fortified with garrisons, the castle only excepted, which, before these troubles arose, was accustomed to be kept and guarded with soldiers.
4. That all the subjects, of whatsoever quality and condition

they were, should freely converse together without trouble or molestation to be offered them by word or deed, excepting such as should be found guilty of the murder of the king, his father, and regents, the thieves and broken men of the borders and highlands, with the disturbers of the public peace betwixt the realms of Scotland and England; none of which should be comprised in the present abstinence, but remitted to the trial and censure of the common law, and, wheresoever they might be apprehended, presented to underlie the same.

5. And last, because there were divers persons who in the time of these troubles had possessed themselves in other men's lands, and the fruits whereof in that season were to be collected; to the effect no impediment should be made to the peace intended, it was agreed that the corns and fruits growing upon the said lands should be gathered and put in granges, or stalked upon the fields, and not applied to any private use, before the expiring of the abstinence.

These articles were published the first day of August both at Edinburgh and Leith, and the same day the duke with the earl of Huntly and their followers departed from Edinburgh, leaving the town free and patent, as was agreed. This beginning of peace joyed not a little the good subjects, for which public thanks were given in all the churches, and solemn prayers made for the continuance and perfection thereof. At this time, or much about the same, the earl of Northumberland, who had been kept a long time at Lochleven, was delivered by the earl of Morton to the Lord Hunsdon, governor of Berwick, and shortly after beheaded at York. Hereat many did offend, esteeming the fact dishonourable, and a discredit to the whole nation; others did excuse it by the necessity of the time, and the inconvenience that the public affairs might receive, if the queen of England should be in any sort displeased. But so much the worse it was taken, that, as the rumour went, Morton received for his delivery in England a great sum of money, and so the nobleman thought rather to be sold than delivered.

The next day after the publication of the abstinence, the regent and nobility adhering to the king did enter into Edinburgh, where the ambassadors, after thanks given them for

the pains they had taken, were courteously dimitted. It was the twenty-seventh of September, some three days only before the expiring of the abstinence, that the noblemen did meet (as was appointed) to consult upon the means of a perfect peace. Whereupon it was first agreed that the abstinence should be prorogated unto January next. After that, falling to treat of the business itself, they agreed in many points, and even then had made a final accord, if the laird of Grange had not marred the same with his petitions. These were as followeth :—

1. He craved a discharge to himself and all that were in the castle of all things which they or any of them had committed since the beginning of the troubles, and that all acts, decrees, and sentences pronounced against them, either in parliament, secret council, or before the justice-general and his deputies, might be declared null and of no effect.
2. That they should be repossessed in their rooms, heritages, and possessions, without any challenge to be made thereafter of the same by whatsoever person or persons.
3. That the heirs of the Lord Fleming, the laird of Wormiston, and others who were slain in the queen's cause, might enter to their heritages and rooms, as though they had never been forfeited.
4. That the castle of Edinburgh should be consigned in the hands of the earl of Rothes, with the whole furnishing, munition, and rent belonging thereto; the captain making an account of the jewels and other goods which he received with the house; as also restoring all the goods of the people of Edinburgh that were put in his custody, which he was content to do, he being freely discharged of all, and secured by act of parliament.
5. That the castle of Blackness should be put in the keeping of some one of their side, and the rents appertaining thereto assigned for the entertainment of a garrison within the same.
6. In respect of the great debt he had contracted in these wars, he craved the sum of twenty thousand marks to be given him for satisfying his creditors.
7. That the earl of Morton should resign the superiority of the lands of Grange and other lands annexed thereto, to be holden of the crown in all time coming.

And lastly, that the lords within the castle might be licensed to go into the kingdom of France, or any other country they pleased forth of Scotland; and that the earl of Rothes should be surety for the accomplishment of the whole premises.

These articles being presented to the regent and council, were for the first three judged reasonable: but to commit any places of strength to others than those who had constantly adhered to the king, they esteemed it not safe; and to give him any recompense that was known to be the author of all the last troubles, they said it would be a matter of ill example. For the license craved to those of the castle to go out of the country, they held the petition very suspicious, and could not think there was a sound meaning in them that had moved the same: yet was it not thought meet to answer him by a simple denial at that time, but rather to keep him in hope, and appoint a new diet for pursuing the treaty begun. Thus by consent the abstinence was prorogued, and the last of October assigned for a new meeting at Perth.

The delay grieved the regent exceedingly, and (as it was supposed) partly for this, and partly for the crossings he found in the public affairs, he contracted a sickness, whereof he died at Stirling the eighth of October. The adversary faction, flattering themselves in their own conceits, made the like construction of his death which they had made of the other regents that preceded, saying, "That it was an evident sign of God's displeasure with the present courses, and that none of those who joined in the enterprise against the queen could prosper better." But to measure God's love or hatred by these outward accidents is folly, seeing they fall out alike to all, both good and wicked: and for this nobleman, howsoever he was taken away to the country untimely, he died happily for himself, and well reported of all. Before his dying, he commended the care of the king's person in most earnest manner to his lady, and to Alexander Erskine his brother, appointing him keeper of the castle till his son should be grown up and be of a perfect age; and giving most wise directions both for the one and the other, ended his days in great quietness and in the assurance of that better life.

In the next month, John Knox, who had returned a little

before to Edinburgh, departed this life. The reader will pardon me if here I make a little digression, to show what a man this was both in his life and death; the rather because some malicious and wicked spirits have studied by many forged lies to deprave his fame, only out of hatred of true religion, whereof he was a zealous promover. He was born in Gifford within Lothian, of a mean, but honest, parentage, and being put to school, made such profit in his studies under that famous doctor, Mr John Major, as he was held worthy to enter into orders before the years allowed. By reading the ancients, especially the works of St Austin, he was brought to the knowledge of the truth, and for the profession thereof endured many troubles, as well in the cardinal's life as after his death. Having happily escaped these dangers, he went into England, and became a preacher of the gospel, making his chief abode in the towns of Berwick and Newcastle. In the beginning of Queen Mary's persecution he fled in the company of some other ministers to Geneva, and served with them in an English congregation, which was there gathered, until the year 1559; at which time he was called home by the noblemen that enterprised the Reformation, and, how soon the Church got liberty, placed minister at Edinburgh: in this charge he continued to his last, for the civil troubles which forced him to leave the town ceased no sooner than he returned to the place. But his body grown infirm, and his voice so weak as people could not hear him, teaching in the ordinary place, he made choice of another more commodious within the town, reading to his auditory the history of the Passion, in which he said it was his desire to finish and close his ministry. Thus he continued preaching, though with much weakness, two months and more after his return; and knowing that he was not to remain a long time with them, he was instant with the council of the town to provide themselves of a worthy parson to succeed in his place. Mr James Lawson, who at that time professed philosophy in the college of Aberdeen, being commended for a good preacher, commissioners were directed from the superintendent of Lothian, the church of Edinburgh, and Mr John Knox himself, to desire him to accept the charge. To the letter that the commissioners carried, after he had set his hand, he added this postscript,—*Accelera, mi frater,*

alioqui sero venies,—"make haste, brother, otherwise you come too late;" meaning that if he made any stay, he should find him dead and gone. These last words moved Mr Lawson to take journey the more quickly. When he was come to the town, and had preached once or twice to the good liking of the people, order was taken by the superintendent for his admission, and the diet appointed, at which John Knox himself would be present and teach, though he could scarce walk on foot to the chair. At no time was he heard to speak with greater power and more content to the hearers; and in the end of his sermon, calling God to witness that he had walked in a good conscience amongst them, not seeking to please men, nor serving either his own or other men's affections, but in all sincerity and truth preached the gospel of Christ, with most grave and pithy words he exhorted them to stand fast in the faith they had received; and having conceived a zealous prayer for the continuance of God's blessings upon them, and the multiplying of his spirit upon the preacher who was then to be admitted, he gave them his last farewell. The people did convey him to his lodging, and could not be drawn from it, so loath they were to part with him; and he, the same day in the afternoon, by sickness was forced to take bed.

During the time he lay (which was not long) he was much visited by all sorts of persons, to whom he spake most comfortably. Amongst others to the Earl of Morton, that came to see him, he was heard say, "My Lord, God hath given you many blessings, he hath given you wisdom, riches, many good and great friends, and is now to prefer you to the government of the realm. In his name I charge you that you use these blessings aright, and better in time to come nor ye have done in times past. In all your actions seek first the glory of God, the furtherance of his gospel, the maintenance of his Church and ministry; and next be careful of the king, to procure his good and the welfare of the realm. If ye shall do this, God will be with you and honour you; if otherwise ye do it not, he shall deprive you of all these benefits, and your end shall be shame and ignominy." These speeches the earl nine years after, at the time of his execution, called to mind, saying, that "he had found them to be true, and him therein a prophet."

HIS LAST SPEECH TO THE MINISTERS.

A day or two before his death he sent for Mr David Lindsay, Mr James Lawson, and the elders and deacons of the church, to whom he said, “the time is approaching for which I have long thirsted, wherein I shall be relieved of all cares, and be with my Saviour Christ for ever. And now God is my witness, whom I have served with my spirit in the gospel of his Son, that I have taught nothing but the true and solid doctrine of the gospel, and that the end I proponed in all my preaching was, to instruct the ignorant, to confirm the weak, to comfort the consciences of those who were humbled under the sense of their sins, and bear down with the threatenings of God’s judgments such as were proud and rebellious. I am not ignorant that many have blamed, and yet do blame, my too great rigour and severity; but God knows that in my heart I never hated the persons of those against whom I thundered God’s judgments; I did only hate their sins, and laboured at my power to gain them to Christ. That I forbear none of whatsoever condition, I did it out of the fear of my God, who had placed me in the function of his ministry, and I knew would bring me to an account. Now, brethren, for yourselves I have no more to say, but to warn you that you take heed to the flock over whom God hath placed you overseers, and whom he hath redeemed by the blood of his only begotten Son. And you, Mr Lawson, fight a good fight, do the work of the Lord with courage and with a willing mind; and God from above bless you, and the church whereof you have the charge. Against it, so long as it continueth in the doctrine of truth, the gates of hell shall not prevail.”

This spoken, and the elders and deacons dimitted, he called the two preachers unto him, and said, “there is one thing that grieveth me exceedingly; you have sometime seen the courage and constancy of the laird of Grange in God’s cause, and now, unhappy man, he hath cast himself away. I will pray you two, take the pains to go unto him, and say from me, that unless he forsake that wicked course wherein he is entered, neither shall that rock in which he confideth defend him, nor the carnal wisdom of that man whom he counteth half a god (this was young Lethington) make him help, but shamefully he shall be pulled out of that nest, and his carcass

hang before the sun. The soul of that man is dear unto me, and, if it be possible, I would fain have him to be saved." They went as he had desired, and conferred a long space with Grange, but with no persuasion could he be diverted from his course; which being reported he took most heavily.

The next day he gave orders for making his coffin, wherein his body should be laid, and was that day (as through all the time of his sickness) much in prayer, ever crying, "Come, Lord Jesu; sweet Jesus, into thy hands I commend my spirit." Being asked by those that attended him if his pains were great, he answered, "that he did not esteem that a pain which would be to him the end of all trouble, and beginning of eternal joys." Oftentimes, after some deep meditations, he burst forth in these words; "O serve the Lord in fear, and death shall not be terrible unto you. Blessed is the death of those that have part in the death of Jesus." The evening which was to him the last of this wretched life, having slept some hours together, but with great unquietness (for he was heard to send forth many sighs and groans), Robert Campbell, Kinyeancleugh, and John Johnston (called of Elphingston), which two gave diligent attendance upon him, asked after he awaked how he did find himself, and what it was that made him in his sleep mourn so heavily: to whom he answered, "in my life I have often been assaulted by Satan, and many times he hath cast in my teeth my sins, to bring me into despair, yet God gave me to overcome all his temptations; and now that subtle serpent, who never ceaseth to tempt, hath taken another course, and seeks to persuade me that my labours in the ministry, and the fidelity I have showed in that service, hath merited heaven and immortality. But blessed be God who brought to my mind these scriptures, 'What hast thou, that thou hast not received?' and, 'Not I, but the grace of God in me.' With which he is gone away ashamed, and shall no more return; and now I am sure my battle is at an end, and that without pain of body or trouble of spirit I shall shortly change this mortal and miserable life, with that happy and immortal life which shall never have end." The prayers which ordinarily were read in the house being ended, it was inquired if he heard them, he answered, "would to God you had heard them with such an ear and heart as I have done;" adding, "Lord Jesu, receive my spirit." After which words, without any motion of hands

or feet, as one falling asleep rather than dying, he ended his life. He was certainly a man endued with rare gifts, and a chief instrument that God used for the work of those times. Many good men have disliked some of his opinions, as touching the authority of princes, and the form of government which he laboured to have established in the Church: yet was he far from those dotages wherein some that would have been thought his followers did afterwards fall; for never was any man more observant of church authority than he, always urging the obedience of ministers to their superintendents, for which he caused divers acts to be made in the Assemblies of the Church, and showed himself severe to the transgressors. In these things howsoever it may be he was miscarried, we must remember that the best men have their errors, and never esteem of any man above that which is fitting. As to the history of the Church ascribed commonly to him, the same was not his work, but his name supposed to gain it credit: for, besides the scurrile discourses we find in it, more fitting a comedian on a stage than a divine or minister, such as Mr Knox was, and the spiteful malice that author expresseth against the queen regent, speaking of one of our martyrs, he remitteth the reader to a farther declaration of his sufferings to the Acts and Monuments of Martyrs set forth by Mr Fox, an Englishman, which came not to light some ten or twelve years after Mr Knox his death. A greater injury could not be done to the fame of that worthy man, than to father upon him the ridiculous toys and malicious detractions contained in that book. But this shall serve for his clearing in that particular. He died the twenty-seventh of November, in the sixty-seventh year of his age, and had his body interred in the churchyard of St Giles.

In the end of this month the Estates convening to elect a regent, made choice of the earl of Morton, as the man in that time of greatest courage and counsel. The oath accustomed being ministered unto him, because through the last regent's death the meeting appointed at Perth had failed, first, a conclusion was taken for calling a parliament at Edinburgh, the twenty-sixth of January; next the custody of the king and castle of Stirling was confirmed to Alexander Erskine, the earl of Mar being then under age, and he enjoined to receive none within the house that was known to be popishly affected, or of the queen's faction; for others, it was

ordained, that an earl accompanied with two servants only, a baron with one, and private persons them alone (but all unarmed) should have access permitted, when their occasions required. To the regent himself it was enjoined: "That if any place or office should fall void, he should prefer none thereto but such as was sound in religion, and for other qualities apt and worthy. That during his regency he should grant no respites nor remissions for heinous crimes. That he should not transport the king forth of the castle of Stirling, without the advice of the council. That he should grant no favour to the murderers of the king's father and regents. That he should neither enter into league with foreigners nor denounce war without the consent of the Estates. And that he should be careful to entertain the amity contracted with the queen of England." The Estates, on the other part, did promise to assist him with all their power against the king's enemies, and to join with him in the reformation of whatsoever abuses crept in by occasion of the late troubles, without offending at the execution of justice upon their nearest and dearest friends. Order was also taken for the entertaining of the king's house, the settling of a resident council, and the advancing of the revenues of the crown to the best profit. And these were the things done in that meeting.

Soon after came Sir Henry Killigrew, ambassador from England, partly to declare the content which the queen had received in the choice of the earl of Morton to be regent, and partly to renew the abstinence which was then near the expiring. Herein he prevailed so far with the duke and Huntly, as they were brought not only to prorogate the abstinence, but also to name certain noblemen who should meet for them at Perth, with such as the regent, by advice of the council, should nominate, for concluding a perfect peace. The laird of Grange and those that remained with him in the castle refusing to be comprehended in that treaty, went on in victualling and fortifying the house; for impeding whereof the regent did levy some companies of soldiers to enclose the castle; and because the time of parliament was approaching, he caused erect bulwarks in divers places of the street, to secure the people at their meetings to sermon, and the judges that convened to the ministration of justice. Grange, finding himself thus pent up, did by a proclamation from the castle

wall command all the queen's subjects to depart forth of the town within the space of twenty-four hours.

The time expired, he made the cannon thunder upon the town, to the great terror of the inhabitants; yet there was no great hurt done that way, which when he perceived, he hired one of his soldiers to set fire in the night-time to some houses under the wall, which destroyed a number of tenements; for a strong western wind blowing in the time, the fire did so rage, as from St Magdalen's Chapel westward all was consumed, none daring to put hand to quench the fire, because of the cannon that played still on the part where they saw any concourse of people. This made him extremely hated, and even they that otherwise wished him well were greatly offended with this doing.

The parliament not the less kept, and therein divers acts were made, partly for maintaining the king's authority, partly for preservation of true religion; which causes were held in those days so conjoined, as the enemies of the one were likewise esteemed enemies to the other. Therefore was it then enacted, "That none should be reputed loyal and faithful subjects to the king or his authority, but be punished as rebels, who made not profession of the true religion. And that all such as made profession thereof, and yet withstood the king's authority, should be admonished by their teachers to acknowledge their offence, and return to his majesty's obedience; and if they refused, that they should be excommunicated, and cut off from the society of the Church, as putrid and corrupted members."

The parliament breaking up, the regent by advice of the council directed to the meeting at Perth, the earl of Argyle, then created chancellor, the earl of Montrose, the abbot of Dunfermline secretary, the Lords Ruthven, Boyd, and Sir John Bellenden, justice-clerk. There met with them the earl of Huntly, and Lord John Hamilton, commendator of Aberbrothock, authorized by the rest that maintained the queen's authority. The English ambassador assisting them, after some days' conference they were brought to agree upon these articles.

1. That all persons comprehended in the present pacification should acknowledge and profess the true religion esta-

blished and professed within the realm, and maintain the preachers and professors thereof against all opposers, specially against the confederates of the Council of Trent.

2. That the earl of Huntly and Lord John Hamilton, with their friends and followers, should submit themselves to the king, and to the government of the earl of Morton, his regent, and his successors in the same, acknowledging themselves the king's subjects by their oaths and subscriptions.

3. That they should confess all things done by them, under colour of any other authority, since the time of his majesty's coronation, to have been unlawful, and of no force nor effect.

4. That an act of parliament should be made with all their consents, ordaining that none of the subjects should assist, fortify, supply, or show any favour, directly nor indirectly, to those who should happen to practise against the religion presently professed, the king's person, his authority, or regent: And if they should be tried to do any thing to the contrary, the remissions granted to them, with all other benefits of the pacification, should be null, and they pursued for their offences past, as if they had never obtained pardon for the same.

5. That all persons professing his highness' obedience, who had been dispossessed during the late troubles, should be reponed to their houses, lands, livings, benefices, and whatsoever goods belonging to them, if so the same were extant in the hands of the intromitters; horses and armour only excepted.

6. That the master of Forbes, James Glen of Barre, and all other persons should be set at liberty; as likewise the bonds given by the Lord Sempill and others for entry of prisoners, or for payment of any ransoms, be discharged.

7. That the earl of Huntly and Lord John Hamilton should dimit, and cause all soldiers hired or maintained by them or any of their party to be forthwith dimitted.

8. That all processses of forfeiture which had been led, especially the sentences given against the earl of Huntly, Lord John Hamilton, and Lord Claud his brother, William, bishop of Aberdeen, Alexander, bishop of Galloway, Adam Gordon of Auchindown, and the rest of their friendship, for any crimes or offences done in the common cause against the king and his authority since the fifteenth of June 1567, or

for any other cause contained in the summons of forfeiture raised against them, should be declared null and of no force, without any other special declaration. And that the foresaid persons should have liberty given them to reduce the said forfeitures as they should please.

9. That all persons then returning or who should return to the king's obedience, and for any crime committed in the said common cause, since the time foresaid, had been dispossessed of their lands, heritages, benefices, pensions, heritable offices and other profits whatsoever, whether the same had proceeded upon sentences of forfeiture or barratry, or any other way, should be effectually restored, and rehabilitated to their bloods and honours; to the end they might enjoy the same as freely as if the said troubles had never happened.

10. That all actions, crimes, and transgressions, committed by them and their followers since the fifteenth of June 1567 (incest, witchcraft, and theft excepted), should be freely remitted, so as the same did not extend to the murder of the first and second regents, which are matters of such importance as the regent now in place would not meddle with. And yet in respect of the present pacification, if the same should be moved to the queen of England by the committers thereof, whatsoever she should advise to be done therein should be confirmed in parliament, and the remission under the hand of the clerk of the rolls be as sufficient as if the same were passed the great seal. And if any of them should crave a pardon for other crimes committed before the said fifteenth day, the same (upon notice given of the persons and crimes) should be granted; the murder of the king's father, fire-raising, theft, and the reset of theft, with incest and witchcraft, being excepted.

11. That all civil decrees given since the said fifteenth of June, wherewith the said persons or any of them do find themselves grieved, should be reviewed by the ordinary judges that pronounced the same, and the parties upon their supplications be heard to propone any lawful defence, which they might have used in the time of the deduction of the process; providing the supplications be presented and their petitions exhibited within six months after the date of these articles.

12. That all persons comprehended in the pacification,

after publication thereof, should indifferently be received in all parts of the realm as his majesty's good subjects; and that nothing done or that hath occurred during the troubles should be esteemed a cause of deadly feud and enmity, nor admitted as an exception either against judge, party, or witnesses.

13. That the heirs and successors of persons forfeited, and now departed this life, who are comprehended in this pacification, should be restored to their lands and possessions: and that it should be lawful for them to enter thereto by breves, as if their fathers and predecessors had never been forfeited, and had died at the king's peace; specially the heirs of John, sometime archbishop of St Andrews, Gavin, commendator of Kilwinning, Andrew Hamilton of Cocknow, and Captain James Cullen.

Unto these articles some other particulars were added, which were all confirmed by the oaths and subscriptions of the commissioners and noblemen in presence of the English ambassador, and a time given to Grange and those of the castle to accept or refuse the benefit of the peace. But that none excepted in the former abstinence, nor any at that time forth of the realm should think themselves comprehended therein, it was declared, that the benefit of the present pacification should not be extended to them. This was done to exclude the archbishop of Glasgow and bishop of Ross, ambassadors for the Scottish queen, the one in France, and the other in England, against whom the sentence of barratry had been pronounced.

About this time Sir James Kirkcaldy, brother to Grange, who had been directed to France for supply of those within the castle, returned, bringing with him a year's rent of the Scottish queen's dowry; but finding the house enclosed, and that there was no safe access thereto, he went to Blackness, which then professed to hold for the queen. The captain had betrayed the same, as we showed before, to the Hamiltons; and now turning his coat to make his peace with the regent, he offered to put in his hand both the man and the money. The bargain made, the money was given to the regent, and Kirkcaldy detained as prisoner. A few days after, the captain going abroad to do some business, Kirkcaldy enticeth the soldiers by great promises to join with him,

and lay hands upon the captain's brother and a few gentlemen left to attend him, which they, following their captain's example, were easily induced to do. Thus the house was possessed in Kirkcaldy's name, and he of a prisoner turned to be chief commander. But he did not long enjoy this place, for his wife being come thither to visit him, when she was the next morrow to depart, desired the convoy of some soldiers for a mile or two, fearing, as she pretended, to be robbed by Captain Lambie, who lay with a company at Linlithgow not far from thence; and as he, to save her, went forth himself to bring her on a part of the way, suspecting no treachery, he was in his return intercepted by Lambie, and carried first to Linlithgow, then to Dalkeith, where he was kept some days, and afterwards dimitted. In this sort did fortune sport herself with that gentleman, changing his condition up and down three several times within the space of a few days.

Peace now made with the chief noblemen of the queen's faction, it was supposed that Grange and his partakers would likewise be moved to embrace it. Whereupon the ambassador, taking with him the subscribed articles, went to the castle, and, showing how things had passed, used many persuasions to make them content to be comprehended therein. But they would not, affirming the conditions to be shameful, and so far to the prejudice of their queen, as, till they were allowed by herself and by the French king, they should never admit them. After the ambassador had ceased to treat with them, the earl of Rothes and Lord Boyd travailed to the same effect, representing the danger and inevitable ruin they should fall into if they did not yield in time. But they scorned these threats, thinking the strength they were in impregnable, and looking still for some succours from France and the duke of Alva; or if that should fail, they made no doubt to obtain their peace at easier conditions than the noblemen had accepted.

The regent offended with their obstinacy, discharged all farther dealing with them, and sent to the queen of England for a supply of men and munition; which was granted, and Sir William Drury, marshal of Berwick, commanded to join with him in besieging the castle. How soon the regent understood that the direction was given to the marshal, the

Lord Ruthven was sent to confer with him of the order that should be kept in the service. They meeting at the church of Lamberton in Merse, for preventing all debates that might arise, did agree as followeth :

1. That neither the regent nor the general should, without the advice and consent of the other, transact or make any composition with the besieged.
2. That if it happen the house to be taken by assault, the munition, plate, jewels, and household stuff, pertaining to the king, with the registers and public records of the kingdom there reserved, should be all delivered to the regent within three days after the house was recovered, and the rest of the spoil distributed amongst the soldiers.
3. That, so far as might be, the persons within the castle should be reserved to the trial of law, wherein the regent should proceed by the advice of the queen of England.
4. That the regent should provide the English forces with victuals and all other things necessary during the siege, as likewise assist them with a convenient power of horse and foot.
5. That recompense should be given, at the general's sight, to the wives and nearest friends of the English soldiers who should happen to be killed.
6. That if any of the ordnance should break or be otherwise spoiled, the same should be changed with other pieces of the like quantity within the castle.
7. That the English general should not fortify within the ground of Scotland without the regent's advice, and the service finished should immediately retire his forces.
8. And lastly, that for the safe return of the soldiers and munition, (the loss which fortune of war should make being excepted,) hostages of noblemen's sons should be delivered to the English, and entertained in the parts most adjacent to Scotland.

These conditions made, and the masters of Ruthven and Sempill, John Cunningham son to the earl of Glencarne, and Douglas of Kilspindie, being entered in Berwick as pledges, Sir William Drury marched with his forces into Scotland, and came to Edinburgh the twenty-fifth of April.

The regent giving out a proclamation (wherein was showed the care that the queen of England had taken for the peace of the realm in times past, and the liberal succours she had granted at the present for the expugnation of the castle, treasonably detained and fortified by the laird of Grange) did require and charge all good subjects to carry themselves as became them towards the English general and his company, and not to injure them either by word or deed, except they would be esteemed enemies to the peace, and partakers with the traitors in their rebellious attempts.

The next day the castle was summoned, and offer made of their lives if they should yield before the planting of the cannon; but the captain, instead of answer, set up on the top of the highest tower his ensign for a token of defiance. Then the pioneers were put to work, and begun to cast trenches, and raise mounts for planting the artillery. The besieged made all the hinderance they could, playing with their ordnance upon the workmen, and killing divers ere the mounts were brought to perfection. How soon they were erected, (being five in all, and entitled by the names of their several commanders,) the artillery was planted, thirty-one pieces in number, more and less. All things prepared, and the parliament finished, which the regent had called to the last of April for ratifying the articles of pacification, the battery began the seventeenth of May. On the twenty-fifth the castle was made assaultable, the cannon having made great breaches in the fore and back walls; and the tower called David's Tower being also demolished. The twenty-sixth, early in the morning, the assault was given in two places. At the west part, where the ascent was most difficult, the assailers were repulsed after an obstinate fight that continued three hours, and twenty-four persons killed. On the east side the Blockhouse called the Spur was taken with less resistance, which put the defendants in fear, and made them demand a parley. This granted, a truce was taken for the space of two days, in which time the English general used many persuasions to the captain to make him render the house: neither was he then unwilling, so as the lives and honours of these within might be saved; but the regent would give no condition, and have him simply to yield. The captain seeing nothing but extremity, resolved to stand to his utmost

defence: yet when he came back to the house, he found them all within divided, and the greater part so discouraged as they refused to undergo the hazard of a second assault. This forced him to other counsels, and so following Lethington's advice, upon the twenty-ninth of May being let down by a rope over the wall, he and Pittadrow, his constable, did yield themselves and the house to the English general in the name of his queen, whose discretion (misknowing the regent) they were willing to abide. The general made them to be attended to his lodging, whither all that were of any note in the castle were brought. Thereafter they were committed to several places, most of them transported to Leith, and some detained in Edinburgh, till the queen of England should signify her will concerning them. The ladies and gentlewomen were licensed to depart, as likewise the private soldiers, and others of meaner sort.

It was thought that the queen, in regard of the render made to her lieutenant, would take a favourable course with them, and save their lives; but she gave direction to put them all in the regent's hands to be used as he thought meet: which when Lethington heard, either despairing of life, or not willing to enjoy it by the mercy of an enemy, he died at Leith so suddenly, as he was thought to have made himself away by poison. A man he was of deep wit, great experience, and one whose counsels were held in that time for oracles; but variable and inconstant, turning and changing from one faction to another, as he thought it to make for his standing. This did greatly diminish his reputation, and failed him at last; which should warn all counsellors to direct their courses by the lines of piety and true wisdom, without which the most politic prudence will prove nothing but folly in the end. His brother, Mr John Maitland, who came afterwards to great honours, had his life spared, and was imprisoned in Tantallan. George Crichton, bishop of Dunkeld, was sent to Blackness, and the Lord Home detained in the castle, which the regent gave to his brother, George Douglas, in custody. Grange himself, with his brother Sir James Kirkcaldy, and two goldsmiths, James Mosman and James Cockey, were publicly hanged in the market street of Edinburgh. Such was the end of Sir William Kirkcaldy of Grange, a man full of valour and

courage, who had sometime done good service to his country against the French, and purchased by that means great honour; but seeking ambitiously to raise his fortunes, and hearkening to perverse counsel, he broke his faith to the regent, who had put him in trust, and thereby lost all his former esteem, and drew upon himself these troubles wherein he perished. His part was foul in the death of the cardinal, and for it, when he was in his best estate, many did foredeem that he should not escape some misfortune. Yet herein he was happy, that at his death he expressed a great sorrow for his sins, and departed this life with a constant and comfortable assurance of mercy at the hands of God.

By this defeat of the Castilians (so they were commonly named) the queen's faction fell quite asunder, nor did it ever after this time make head. The bishop of Ross (who had followed her business as ambassador in England) being at the same time put to liberty, and commanded to depart forth of the kingdom, went privately to France; for he feared the earl of Southampton, and Lord Henry Howard, brother to the duke of Norfolk, whom he had touched in his examination. When he came to France, to mitigate the anger they had conceived, he published an apology for the depositions he had made, and whilst he lived ceased not to do the duty of a faithful subject and servant to the queen, soliciting both the emperor and pope, the French king and other catholic princes in her behalf; who gave many good words, but performed nothing. So little are the promises of strangers to be trusted, and so uncertain their help to princes that are once fallen from their estates. At home the regent applying himself to reform the disorders caused by the late war, began with the borderers, who had broken out into all sorts of riot, and committed many insolences both on the Scottish and English side. Thither he went himself in person, where meeting with the English wardens he took order for redress of bypast wrongs; and, to secure the peace of the country, caused all the clans deliver pledges for the keeping of good order, and made choice of the fittest and most active persons to rule and oversee those parts. Sir James Home of Cowdenknows was made guardian of the east marches, the Lord Maxwell of the west, and Sir John Carmichael of the middle; who, by the diligence and strict justice they

observed in punishing ressetters and entertainers of thieves, reduced the country to such quietness as none was heard to complain either of theft or robbery.

The next care he took was to order the revenues of the crown, and recover such lands as had been alienated from it, or in any sort usurped; the jewels impignorated by the queen he relieved by payment of the moneys for which they were engaged. He caused repair all the king's houses, especially the castle of Edinburgh, and furnished the same with munition and other necessaries; and by these doings did purchase to himself both love and reverence, with the opinion of a most wise and prudent governor.

Yet was it not long before he lost all his good opinion by the courses he took to enrich himself. Breaking first upon the Church, he subtly drew out of their hands the thirds of benefices, offering more sure and ready payment to the ministers than was made by their collectors, and promising to make the stipend of every minister local, and payable in the parish where he served. To induce them the more willingly unto this, promise was made, that if they should find themselves in any sort hurt or prejudged, they should be reponed to their right and possession whensoever they did require the same.

But no sooner was he possessed of the thirds, than the course he took for providing ministers was, to appoint two, three, and four churches in some places to one minister (who was tied to preach in them by turns), and to place in every parish a reader, that in the minister's absence might read prayers, who had allowed him a poor stipend of twenty or forty pounds Scots. As to the ministers, they were put in a much worse case for their stipends than before: for when the superintendents did assign the same, the ministers could come boldly unto them, and make their poor estate known, and were sure to receive some comfort and relief at their hands; but now they were forced to give attendance at court, begging their assignations and precepts for payment, or, as their necessities grew, seeking augmentation, which seldom they obtained; or if any petty thing was granted, the same was dearly bought with the loss both of their time and means. The superintendents were no better used, the means allowed to them for their service being with-

holden; and when they complained, they were answered, that their office was no more necessary, bishops being placed in the dioceses, and the ecclesiastical jurisdiction belonging to them.

These things lost him the Church, which then growing sensible of their oversight in denuding themselves of the thirds, craved to be reponed according to promise. But herein divers shifts were made; and after sundry delays, it was directly told them, that seeing the surplus of the thirds belonged to the king, it was fitter the regent and council should modify the stipends of ministers, than that the Church should have the appointment or designation of a surplus. They, not able to help themselves, did, in the next Assembly, take order that the ministers, who were appointed to serve more churches than one, should take the charge of that only at which they resided, helping the rest as they might, without neglect of their own charge. And because the placing of bishops was taken for a pretext to withhold the superintendents' means, the bishops were inhibited to execute any part of the ecclesiastical jurisdiction within the bounds where the superintendents served, without their consent and approbation. This crossing of one another's proceedings did set the Church and regent so far asunder, that, whilst he continued in office, there was no sound liking amongst them.

The discontents of the country were so great by the Justice Aires (as they called them), that went through the country and were exercised with much rigour, people of all sorts being forced to compone and redeem themselves from trouble by payment of moneys imposed. The merchants, called in question for the transport of coin, were fined in great sums, and warded in the castle of Blackness, till they gave satisfaction. Nor left he any means unassayed that served to bring in moneys to his coffers, which drew upon him a great deal of hatred and envy.

I find at this time a motion made for compiling a body of our law, and making a collection of such ancient statutes as were meet to be retained in practice; which were ordained to be supplied out of the civil law where was any necessity, to the end judges might know what to determine in every case, and the subjects be foreseen of the equity and issue they might expect of their controversies. This was entertained a

while, and of good men much desired as a thing beneficial to the country, and like to have cut off the occasion of many pleas. But it sorted to no effect, by the subtle dealing of those that made their gain of the corruption of law.

It happened John Ormiston (commonly called Black Ormiston, because of his iron colour) to be apprehended and brought to trial at the same time for the murder of the king's father. This man was thought to be privy unto all Bothwell's doings, and a more particualar discovery expected by him of the form and manner of that murder. Yet at his execution he did only confess that Bothwell had communicated the purpose to him, and showed him the subscriptions of the earls of Argyle, Huntly, Secretary Lethington, and Sir James Balfour, testifying their consents to that wicked fact. Not the less the regent, to the offence of many, did suffer the said Balfour to enjoy the benefit of the pacification, and passed an act thereof in open council. Whether the subscriptions of Argyle and Huntly were counterfeit or not, it was uncertain; but of the other two it was easily believed, as being men universally hated. Argyle died in September following, in whose place the Lord Glamis was created chancellor.

In the same month, Adam Heriot, minister at Aberdeen, departed this life, a man worthy to be remembered. He was sometime a friar of the order of St Austin, and lived in the abbey of St Andrews, an eloquent preacher, and well seen in scholastic divinity. The queen regent coming on a time to the city, and hearing him preach, was taken with such an opinion of his learning and integrity, that in a reasoning with some noblemen upon the article of real presence, she made offer to stand to Heriot's determination. Warning of this being given, and he required to deliver his mind upon that subject in a sermon which the queen intended to hear, he did so prevaricate, as all that were present did offend and depart unsatisfied. Being sharply rebuked for this by some that loved him, he fell in a great trouble of mind, and found no rest till he did openly renounce popery, and join himself to those of the congregation. Afterwards, when order was taken for the distribution of ministers amongst the burghs, he was nominated for the city of Aberdeen (in which there lived divers addicted to the

Roman profession), as one that was learned in scholastic divinity, and for his moderation apt to reclaim men from their errors. Neither did he fail the hope conceived of him, for by his diligence in teaching both in the schools and church he did gain all that people to the profession of the truth. Fourteen years he laboured among them, and in end was forced by sickness to quit his charge. He died of the apoplexy, the twenty-eighth of August, in the sixtieth year of his age, greatly beloved of the citizens for his humane and courteous conversation, and of the poorer sort much lamented, to whom he was in his life very beneficial.

The next summer there fell out an accident which was like to have caused great trouble, and divided the two kingdoms. Sir John Forrester, warden of the English side, and Sir John Carmichael of the Scottish, meeting in the borders at a place called the Red Swyre, for redressing some wrongs that had been committed, it fell out that a bill (so they used to speak) was filed upon an Englishman, for which Carmichael, according to the law of the borders, required him to be delivered till satisfaction was made. Sir John Forrester, either wearied with the multitude of business, or desiring to shift the matter, answered, that enough was done that day, and at the next meeting the complainer should have satisfaction. Carmichael urging a present performance, they fell foul in words, which made the companies that attended draw to their weapons. A great tumult there was; and at first the Scots, being inferior in number to the English, gave back. But as they were fleeing, they met with a company of Jedburgh men, who were come to attend the warden. This giving them new courage, they turned upon the English and made them flee. The chase held the space of two miles. Sir George Heron, warden of Tindale and Rhedesdale, with twenty-four English, was killed; the warden himself, Francis Russell, son to the earl of Bedford, Cuthbert Collinwood, James Ogle, Henry Fenwick, and many others of good note, were taken prisoners. When the regent heard it, he was sore displeased, knowing the queen of England would be much offended; whereupon he sent for the prisoners, and using them with all courtesy, excused what was done, and permitted them to return home. And the queen, indeed, at the first report was much incensed, and thereupon sent Mr

Killigrew to the regent to require the delivery of Carmichael, which divers of the council withstood. Yet such was the regent's care to please the queen, as he caused him enter into England, where he was a while detained. But the provocation being tried to have been made by the English, the queen dimitted him honourably, and not without rewards. At his return, the regent meeting the earl of Huntington, the English commissioner, at Foulden, some two miles from Berwick, all things were peaceably composed.

This year the duke of Chatelherault ended his life; a nobleman well inclined, open, plain, and without all dissimulation and fraud, but too easily led by them he trusted, which bred him much trouble; yet, by the goodness of God, who doth always favour the innocent and honest minded, he went through all, and died honourably and in peace. Not long after, his son, Lord John Hamilton, riding to Aberbrothock, accompanied only with his ordinary train (for he held himself secured by the pacification), was pursued by William Douglas of Lochleven, who did lie with a number in his way, of intention to kill him. As he was refreshing himself at Cupar, he was advertised of the danger, and presently resolved to single himself from his company and flee to the castle of Leuchars, deeming (as also it fell out) that they would follow the greater company, which he directed to keep together, and take the south of the river of Eden. Neither had they passed far when they were invaded by a troop of horsemen, and forced to yield themselves. The nobleman beholding this from the other side of the river, and knowing how soon they found themselves deceived that they would make haste to overtake him, changed his first resolution, and fled to the house of Dairsie, where he was received. Lochleven belayed the house, and kept him enclosed all that night and the day following. But being charged by a herald of arms to dissolve his forces, and hearing that the nobleman's friends were gathering for his release, he departed home.

Being called before the council for his insolence, and charged with the breach of the pacification, he alleged the exception of the first regent's murder; but that being found no warrant, and he refusing to give assurance for keeping peace, was committed to the castle of Edinburgh, where he remained till surety was given.

In the Church this year began the innovations to break forth that to this day have kept it in a continual unquietness. Mr Andrew Melvill, who was lately come from Geneva, a man learned (chiefly in the tongues), but hot and eager upon any thing he went about, labouring with a burning desire to bring into this Church the presbyterial discipline of Geneva; and having insinuated himself into the favour of divers preachers, he stirred up John Dury, one of the ministers of Edinburgh, in an Assembly which was then convened, to propound a question touching the lawfulness of the episcopal function, and the authority of chapters in their election. He himself, as though he had not been acquainted with the motion, after he had commended the speaker's zeal, and seconded the purpose with a long discourse of the flourishing estate of the church of Geneva, and the opinions of Calvin and Theodore Beza concerning church government, came to affirm, "That none ought to be esteemed office-bearers in the Church whose titles were not found in the book of God. And for the title of bishops, albeit the same was found in Scripture, yet was it not to be taken in the sense that the common sort did conceive, there being no superiority allowed by Christ amongst ministers; He being the only Lord of his Church, and all the rest servants in the same degree, and having the like power." In end he said, "That the corruptions crept into the estate of bishops were so great, as unless the same were removed it could not go well with the Church, nor could religion be long preserved in purity."

This his discourse was applauded by many, and some brethren set apart to reason and confer upon the question proponed. For the one part, Mr David Lindsay, Mr George Hay, and Mr John Row were nominated. These three sustained the lawfulness of episcopal function in the Church. For the other part, Mr James Lawson, Mr John Craig, and Mr Andrew Melvill, were choosed to impugn the same. After divers meetings and long disceptation amongst themselves, they presented their opinions to the Assembly in writing as followeth:—

1. First that they did not hold it expedient to answer the questions proponed for the present; but if any bishop was

chosen that had not qualities required by the Word of God, he should be tried by the General Assembly.

2. That they judged the name of a bishop to be common to all ministers that had the charge of a particular flock; and that by the Word of God his chief function consisted in the preaching of the word, the ministration of the sacraments, and exercise of ecclesiastical discipline, with consent of his elders.
3. That from among the ministers some one might be chosen to oversee and visit such reasonable bounds, besides his own flock, as the General Assembly should appoint.
4. That the minister so elected might in those bounds appoint preachers, with the advice of the ministers of that province, and the consent of the flock to which they should be admitted.

And fifthly, that he might suspend ministers from the exercise of their office upon reasonable causes, with the consent of the ministers of the bounds.

There were present in this Assembly the archbishop of Glasgow, the bishop of Dunkeld, Galloway, Brechin, Dunblane, and Isles, with the superintendents of Lothian and Angus; all of them interested in that business. Yet neither were they called to the conference, nor doth it appear by the register of those proceedings that they did so much as open their mouths in defence of their office and calling. What respect soever it was that made them keep so quiet, whether, as I have heard, that they expected those motions should have been dashed by the regent, or otherwise that they affected the praise of humility, it was no wisdom in them to have given way to such novelties, and have suffered the lawfulness of their vocation to be thus drawn in question.

In the next Assembly I find the same matter moved of new, and put to voices, but with a little change of the question, which was thus formed; whether bishops as they were then in Scotland had their function warranted by the word of God. The Assembly, without giving a direct answer, after long reasoning, did for the greatest part (so the records bear), approve the opinions presented in the last meeting, with this addition, that the bishops should take themselves to the service of some one church within their diocese, and conde-

scend upon the particular flocks whereof they would accept the charge.

The regent hearing how the Church had proceeded, and taking ill the deposition of Mr James Paton, bishop of Dunkeld, who was in the former Assembly deprived for dilapidation of his benefice, sent to require of them whether they would stand to the policy agreed unto at Leith; and if not, to desire them to settle upon some form of government at which they would abide. The Assembly taking the advantage of this proposition answered, that they were to think of that business, and should with all diligence set down a constant form of church-policy, and present the same to be allowed by the council. To this effect they nominated Mr Andrew Melvill, Mr Andrew Hay, Mr David Cunningham, Mr George Hay, Mr Alexander Arbuthnot, Mr David Lindsay, and a number more. The archbishop of Glasgow was named among the rest, but he, being urged to take the charge of a particular flock, excused himself, saying, "That he had entered to his office according to the order taken by the Church and Estates, and could do nothing contrary thereto, lest he should be thought to have transgressed his oath, and be challenged for altering a member of the Estate. Yet that it might appear how willing he was to bestow the gifts wherewith God had endued him to the good of the Church, he should teach ordinarily at Glasgow, when he had his residence in the city, and when he remained in the sherifffdom of Ayr, he should do the like in any church they would appoint; but without astringing himself unto the same, and prejudging in any sort the jurisdiction he had received at his admission." This his declaration made, he was no more troubled with that employment.

Meanwhile the see of St Andrews falling void by the death of Mr John Douglas, the regent did recommend to the chapter his chaplain Mr Patrick Adamson for the place. The chapter continuing the election till the Assembly of the Church did convene, imparted to them the warrant they had received: and Mr Patrick being inquired (for he was present at the time), whether he would submit himself to trial, and receive the office with those injunctions the Church would prescribe, answered, that he was discharged by the regent to accept the office otherwise than was appointed by mutual

consent of the Church and Estate. Hereupon the chapter was inhibited to proceed. Not the less upon a new charge given them they convened and made choice of him; which did so irritate the Church, as in the next meeting they gave commission to the superintendent of Lothian, Mr Robert Pont, Mr James Lawson, and David Ferguson, to call him before them, and prohibit him to exerce any part of his jurisdiction, till he should be authorized thereto by the Assembly.

A form of church policy was in the meantime drawn up and presented to the regent by Mr David Lindsay, Mr James Lawson, and Mr Robert Pont. In a short preface set before it, they protested, "to wish nothing more, than as God had made him a notable instrument in purging the realm of popery, and settling the same in a perfect peace, that he would also honour him with the establishing of a godly and spiritual policy in the Church; entreating his grace to receive the articles presented, and if any of them did seem not agreeable to reason, to vouchsafe audience to the brethren whom they had named to attend. Not that they did account it a work complete, to which nothing might be added, or from which nothing might be diminished; for, as God should reveal farther unto them, they should be willing to help and renew the same." The regent reading the preface, though he did not like the purpose they were about, gave them a better countenance than in former times, and named certain of the council to confer with them, and make report of the heads whereupon they agreed. But the conference was not well begun, when it brake off by occasion of troubles that arose.

The discontents in the country were great and daily increasing by the regent's severe proceedings. One against Adam Whitford of Milneton, did open the mouths of many men against him. This gentleman was accused as one set on by John Lord Hamilton of Aberbrothock, and Lord Claud his brother, to have killed the regent. The suspicion did arise of some rash and boasting speeches uttered by John Sempill of Beltrees, out of his spleen against the regent for an action intended against him concerning some lands belonging to the crown, which had been given by the queen to Mary Livingstone, his wife, one of her maids of honour. His words were the more taken hold of, because he was

Milneton's uncle, and upon offer of the torture he was brought to confession; upon which also he was arraigned and condemned to death, and the scaffold prepared for the execution, but was pardoned; which did manifest that which before was suspected, that by underhand promise of favour he was induced to this confession. The same means were tried with Milneton, to have furnished evidence against these noblemen for their forfeiture, which was the chief end of this trial. But he, upon his uncle's confession, being put to the torture, valuing more his honour nor his safety, endured it with such resolution, showed both by his words and countenance, as was in all men's opinion taken for an undoubted argument of his innocence, and the other's testimony nothing regarded, but the regent much blamed for such rigorous proceeding against him upon a false or faint hearted man's confession extorted by fear, or drawn from him by other base respects; wherefore he was detested of his nearest kinsmen, as the other was honoured in all men's estimation for his courage and constancy. Amongst other processes he had intended for helping the revenues of the crown, one was for the recovery of a parcel of ground which the queen had gifted to Mary Livingstone, one of her maids. The gentleman's husband, called John Sempill, made the best defence he could, and fearing the regent's rigour, had burst forth in some passionate speeches, avowing that if he did lose the lands, he should lose his life also. This reported to the regent, brought him to be suspected of some plot, for a speech was given out that Lord John Hamilton and his brother Lord Claud were discontented with some of the regent's proceedings, and had instigated this gentleman, with his nephew, Adam Whitford of Milneton, to kill him as he went down the street towards the palace with an harquebuss. Sempill, called in question for this and his other rash speeches, upon representation of the torture confessed all, for he was a fearful man and of no courage. Milneton being apprehended in the Isle of Bute, and brought to his examination, denied that any such motion had been made to him, and being put to the torture, endured the same patiently, not confessing any thing. His constancy and the resolution he showed both in words and countenance made the other's confession not to be credited, every one interpreting the same to have proceeded

of weakness and want of courage. The gentleman's case was much pitied, and the mouths of many opened against the regent for using such rigour, only upon the confession of a fearful and faint hearted man : but the troubles we mentioned did arise by another occasion.

In the Highlands one Allaster Dow Macallan, a notorious thief, who had committed many robberies, was apprehended by the earl of Athole, who minding to put him to a trial was inhibited by the council, and charges directed against him for exhibition of the man. The fellow being presented, after he had stayed a while in prison, was upon Argyle's desire set at liberty, and, falling to his accustomed depredations, committed divers insolencies in the bounds of Athole. The earl, to repair this wrong done to his people, prepared to invade Argyle, and he making to defend his country, all those parts were in an uproar. This reported to the regent, a messenger of arms was sent to discharge those convocations, and cite them both before the council; but they disobeyed, and by the mediation of friends were shortly after reconciled.

This trouble was no sooner pacified, than upon an injury done by the Clandonald to the earl of Argyle, he took arms; and being charged to dissolve his forces, instead of obeying he laid hands on the messenger, tore his letters in pieces, and made him and his witnesses swear never to return into Argyle for the like business. This insolency, whereof the like had not been seen nor heard since the regent's acceptance of the government, incensed him mightily; but not knowing how to overtake him in that season (for it was done in the beginning of winter), he resolved to use the course of law, and proclaimed him rebel.

Alexander Erskine, who attended the king, having his own discontents, and trusting to better his condition by a change of the government, dealt secretly with the two earls, Argyle and Athole, after he understood them to be agreed, and advised them to come, one after another, but much about one time, and mean their case to the king, to whom he promised they should find access. Argyle coming first complained of the regent's extreme dealing, in that he had denounced him rebel to his majesty, whose true and faithful servant he had always been, and requested his majesty to assemble the

nobility, and do him right according to the laws; withal he entreated that he might be permitted to remain with his majesty, till the nobility should meet for trial of his complaint. The earl of Athole came some two days after, to whom the king did communicate Argyle's complaint, craving his advice in the business. And he, as though he had known nothing of the matter, answered that the nobleman's petition seemed reasonable, and that his majesty could not take a better course than call the nobility, and by their advice take order for preventing the troubles that might arise by their dissensions. The king, liking the advice, commanded letters to be written for all the noblemen in the country to meet at Stirling the 10th day of March: yet the advertisement went only (the two earls having the direction of the letters) to those that were their own friends, and enemies to the regent. Amongst others, the Lords Maxwell and Ogilvy were invited to come; of whom the first had been lately displaced from his office of wardentry in the west marches, and committed in the castle of Blackness; the other had of a long time been confined in the city of St Andrews.

How soon the regent was advertised of Argyle and Athole's being with the king, and that they had moved him to call the nobility to a meeting upon a pretext of trying Argyle's complaint, he sent the earl of Angus, the Lord Glammis, chancellor, and the Lord Ruthven, treasurer, with a letter and certain notes under his hand to be communicated to the king. In the notes, he made a particular relation of the contempt done by the earl of Argyle to his majesty's authority, and of his practices with Athole to disturb the common peace, desiring to know his majesty's pleasure concerning them; "That if his highness would allow him to follow the course of law, he might do his duty; if otherwise his majesty thought fit to oversee their disobedience, that he would be pleased to disburden him of his office, and not suffer his own name and authority to be despised in the person of his servant: for, as he had at sundry times made offer to dimit the regiment whensoever his majesty was pleased to take it in his own hands, so will he now most willingly resign the same, so as a substantial course were taken for the preservation of his highness's person, the ordering of his majesty's house, and the dispensing of the revenues of the

crown." Herewith he recommended the keeping of the peace contracted with England, because of the danger that a war might bring, not only to the realm, but also to his highness's title and right of succession in that kingdom. And having recounted the services done by himself from his majesty's birth unto that present, specially his assistance at the king's coronation, the danger whereunto he exposed himself and his friends in Langside field, and at the siege of Brechin, the legations which he had undertaken to England, the recovery of the castle of Edinburgh, the pacification of the realm, which, at his entry to the government, he found in great trouble, the redeeming of the jewels and moveables pertaining to the crown, and the restoring of the royal patrimony to some reasonable estate; in regard of all these services he craved no more but an allowance of what he had done in his office, and a discharge of his intrusions by the Estates of parliament.

These notes being showed to the noblemen who were about the king (for numbers were come upon the rumour of a change that was in hand), they did all advise him to take hold of the offer of dimission made by the regent, and accept the government in his own person, after which he might deliberate upon such things as the regent had moved. Some were of opinion that the king should write to the regent, and require of him a dimission; but the greater part misliking delays, did reckon it more sure to do that which was meant at once, and not to protract time with a communing, such as that manner of proceeding would necessarily breed. The king liking best the persuasions that were given him to reign (a thing natural to princes), resolution was taken to discharge the regent of his authority, and publish the king's acceptation of the government.

This conclusion was the same day imparted to the regent, who thereupon sent the laird of Whittingham to desire the king, before any innovation was made, to reconcile those of the nobility that were in variance with others, thinking this way to hold off the publication intended, at least for some days. But it availed nothing, for immediately were the chancellor and Lord Herries sent with this commission to him in writing: "That his majesty considering the dislike which many had of his government, and the apparent troubles

to fall upon the realm, had, by the advice of the nobility, determined to accept the rule in his own person; and because delay of time might breed some farther grudge and inconvenience, he did therefore require him to send his declaration in writ with all speed, for testifying his obedience and allowance of what was done, and to abstain from all farther administration or exercise of the office of regency. As concerning his desires for the surety of his majesty's person, the ordering of his house and revenues of the crown, with preservation of the peace with England, and the settling of the borders and highlands, his highness should omit nothing that lay in his power to do for effecting the same, and therein would follow the counsel which he and the rest of the nobility should give unto him. And for the discharge of his administration, he should have all granted which with reason he could require; the form whereof his majesty did will him to draw up, that he might deliberate with his council what was fit to be done therein, assuring him that he should be well and graciously used." With this commission they did likewise carry a letter written by the king himself in very loving terms, declaring, "That because he saw no other way to maintain concord amongst his subjects, he had accepted the government in his own hands, and that he was confident to have the defects of his age and experience supplied by his nobility, especially by himself, whom he would ever love and acknowledge as his trusty cousin, most tender to him in blood," (these be the words of the letter,) "and one of his true and faithful counsellors."

In the meantime the king's acceptation was published at Stirling, and the next day, being the twelfth of March, proclaimed at Edinburgh, where the regent himself was assisting, and took instruments of his dimission in the hands of two notaries. It grieved divers of his friends that he had so easily condescended to quit the place, which they thought he might with good reason have kept till a parliament had been called for that purpose. Amongst others the Lord Boyd, who was most entire with him, and came to Edinburgh some few hours after his dimission, did chide him bitterly, speaking to this effect: "That he did presume too much of his own wit, who in a matter of so great moment would not once ask the opinion of his friends; and that in a short time

he should find that he had done unwisely to forsake the place committed to him by the whole Estates of the kingdom at the pleasure of his enemies. For it is sufficiently known," said he, "that the king is a child, and that these motions have not proceeded from himself. Now when he hath assumed the government, and ye left the place intrusted to you, shall he not be governed by those that are about him, whom you know to be your enemies? But ye perhaps do promise ease and safety to yourself in a private life, as if you might descend without any danger from the place which ye have held. Wise men have observed that between highest and nothing there is not a mean; and it fears me you have wronged yourself in imagining the rest you shall never find. If you had kept your place, they should have seen the faces of men, and not carried things thus at their pleasure; but having forsaken yourself, there is nothing left to your friends but to lament your misfortune, and God grant that this be the worst of things." This said, he went aside, and burst forth in tears. The regent (whom we will no more call so) excused his doing by the instance that the king made for his dimission, saying, that his refuse would have made a great commotion in the realm; yet did he perceive his error, and in his secret thoughts, which he covered so well as he could, blamed his own rash and precipitate yielding. But there being no place left to resile, the next best he thought was to secure himself and his friends, by discharge of all things that might be laid to him or them during his administration; and therein he employed the earl of Angus and the chancellor, whom he did constitute his procurators to compear before the king, and make dimission of his office with such solemnities as by law were requisite.

This done, the discharge was given him in most ample form. Therein, after a general approbation of his service, he was declared not to be accusable of any manner of crime, of whatsoever greatness or weight without exception, that might be alleged to have been committed by him in times past: which declaration was ordained to be as valid and sufficient in all respects, as if the highest crime that could or might be imputed to any person had been specially expressed in the same. He was also exonerated of all sums of money, rents, and profits, as well of property as casualty intrmitted

with by him or his factors and servants since his acceptation of the regiment, (the jewels of the crown, the furniture of his majesty's house, munition and artillery only excepted). A provision was adjected, "That the present discharge should not prejudice the king and his successors in the revocation or reduction of whatsoever enfeoffments given of the property during his highness's minority, or of whatsoever lands, lordships, offices, or dignities, fallen in his majesty's hands by forfeiture, recognition, bastardy, or by any other right and privilege of the crown." In all other points the discharge was ordained to stand firm and sure for him, his heirs and successors, and the same never to be revoked, or anything attempted to the contrary; and for his greater assurance, the same was promised to be confirmed by the Estates of parliament in their first convention and meeting. The noblemen and others of the Estates then present with the king did likewise bind themselves, their heirs and successors, to see all the foresaid points truly fulfilled, under the pain of five hundred thousand pounds. So as nothing was omitted which he could devise for his securing; yet in all this he found no assurance; to teach men that it is not to be had in any worldly thing, but to be sought of God alone. All men are compelled to acknowledge so much in the end, though often too late; which was the case of this nobleman, as we shall hear. But better late, as the saying is, than never.

NOTES TO BOOK V.

NOTE I. P. 93.

THE PEST OF 1568.

[While the Regent Murray was in England, upon the mission narrated in the text, Edinburgh was visited with a severe infliction of the plague, or "the pest," to which our modern scourge, the cholera, is comparatively mild. I find, among the many curious notices contained in the ancient Protocol Books of the city of Edinburgh, that, on the 5th of October 1568, the regent, on the eve of his departure, sent a letter to the town council desiring them to continue their magistrates, lest through the refusal, or their inexperience of persons newly chosen, the rigorous measures adopted against "the pest" should be obstructed. This the council obeyed under protest. Upon the 8th of April 1568, William Smyth, and "his spous Black Meg," are *capitally* condemned for "concealing the pest in their house." In the town council register of this year appear some very stringent regulations on the subject, which ought to reconcile us to the present milder condition of the plague and its penalties. "That with all diligence possible, sa sone as ony hous sall be infectit, the hail household, with thair gudds, be descescit to the Mure, the deid buriel, and, with like diligence, the hous clenzit." "That na maner of persoun pass to the Mure for vesiting of thair friends thair, quhill [until] eleven hours before none, in companie with the officar appoyntit for that day, *under the pane of deid.*" The Moor referred to in these orders is the well-known Borough-moor, to the south-west of the city. There was a great cauldron established there for boiling the clothes of the infected, and a few miserable hovels erected to house them. And upon this waste the poorer class of the sufferers were driven out, like droves of cattle, to grovel and to die. Yet if they were supposed to have "concealed the pest" in their own dwellings, they were hanged or drowned. Hard by the Borough-moor stood, and still stands, the baronial castle of Merchiston, the principal seat of Sir Archibald Napier, father of the inventor of logarithms. He and his family appear to have run no small risk at this period. Exactly a century later, Newton was driven from Cambridge by the plague which then ravaged England. It appears from the Privy Council Records that Sir Archibald had incurred the displeasure of the regency for his loyalty, and was ordered to confine himself within the burgh of Edinburgh, or his house of Merchiston, and to compare before the council when called for, under a penalty of two thousand pounds. This order is dated 12th August 1568. His brother-in-law, the bishop of Orkney, of whom some account is given in the note to Book IV., was about that time on the point of accompanying the Regent Murray in his mission into England, when he wrote the following very curious letter to the laird of Merchiston, which is yet preserved in the Napier charter-chest. It is interesting to find so familiar a record of the state of the times in Edinburgh nearly three centuries ago, and from an historical character like the bishop of Orkney. It will be observed that the bishop mentions *as* places within a mile of Edinburgh, Gray-Cruik, Innerleith,

and Weirdie, which I take to be the places yet so well known by the names of Craigcrook, Inverleith, and Wardie.

“ Richt Honorabill Schir and Bruther, I haired, the day, the rigorous answer and refus that ye gat, quhairof I wes not wele apayit : Bot always I pray you, as ye arr sett amidis betwix twa grete inconvenientis, travell to eschew thame baith : The ane is maist evident ; to wit, the remaining in your awin place where ye ar ; for, be the nummer of seik folk that gais out of the toun, the muir is abill to be ovirspreed ; and it cannot be bot, throw the nearness of your place, and the indigence of thame that are put out, thai sall continewally repair aboutte your roume, and throw thair conversation infect sum of your servandis, quairby thai sall precipitat yourself and your children in maist extreme danger : And, as I se, ye hef forsene the same for the young folk, quais bluid is in maist perrell to be infectit first, and therefor purposis to send thame away to Menteith, quhair I wald wiss at God that ye war yourself, without offence of authoritie, or of your land, sua that your houss gat na skaith. Bot yit, Schir, thair is ane midway quhilk ye suld not omit, quhilk is, to withdra you fra that syid of the toun to sum houss upon the north syid of the samin ; quhairof ye may hef in borrowing, quhen ye sall hef to do ; to wit, the Gray-Cruik, Innerlethis self, Weirdie, or sic uther placis as ye culd chose within ane myle ; quhairinto I wald suppois ye wald be in les danger than in Merchanstoun : And close up your houssis, your grangis, your barnis, and all, and suffer na man cum therin, quhill it plesit God to put ane stay to this grete plague ; and in the mein tyme maid you to leve upon your penny, or on sic thing as comis to you out of the Lennos or Menteith : Quhilk gif ye do not, I se ye will ruine yourself ; and howbeit I escape in this wayage, I will nevir luik for to se you again, quhilk war some mair regrate to me than I will expreme be writing. Always besekis you, as ye luif your awin wele, the wele of your houss, and us your freindis that wald your wele, to tak suir order in this behalf ; and howbeit your evill favoraris wald cast you away, yit ye tak better keip upon yourself, and mak not thame to rejoce, and as your freindis to murne baith at anis : Quhilk God forbid, and for his guidnes preserve you and your posteritie from sic skaith, and manteine you in holie keeping for evir.

Of Edinburgh, the 21st day of September 1563, be

Your Bruther at power

The Bischop of Orknay.

“ To the Richt Honorabill
and our weilbelovit Bruther,
the Laird of Merchanstoun.”

This laird, however, and all his children, escaped the plague. He died at a very advanced age in 1608, after having been for many years Master of the Mint, or, as it was then termed in Scotland, “ General of the Cunziehous.” Robert Birrell, in his contemporary diary, notes, “ that upon the 10th of September 1604, the General Maister of the Cunziehous tuik shipping to Lundone, for the defence of the Scottis cunzie before the counsell of England, quha defendit the same to the uttirmost ; and the wit and knowledge of the General *wes wunderit at* be the Englishmen.” This event seems to have created a great sensation at the time, and the manner in which it is noted by contemporary chroniclers implies that scientific talent was hereditary in his illustrious son. Sir James Balfour also records : “ 10th September 1604, Napier, laird of Merchistoun, General of the Cunziehous, went to London to treat with the English commissioners anent the cunzie, who, *to the great amazement of the English*, carried his business with a great deal of dexterity and skill ; and, having concluded the business he went for, he returned home in December thereafter.”

It was in the midst of the fearful devastation to which the bishop of Orkney refers, in the letter above quoted, that the celebrated George Bannatyne col-

lected the poetry of Scotland. His patriotic industry has obtained a grateful commemoration, and illustrious monument, from the institution of the "Bannatyne Club," and the compilation of his memoirs, by its first President, Sir Walter Scott. I have seen a curious pamphlet entitled, "Ane breve description of the Pest, quairin the causis, signis, and sum speciall preservatioun and cure thairof are contenit, set furth be Maister Gilbert Skeyne, Doctour in Medicine, imprentit at Ediuburgh be Robert Lekpreck, 1568." The doctor strongly advises to take "conseill" of "weil lernit phisicians, for," says he, "in this pestilenciall diseis everie ain is mair blind nor the moudeuart in sic thingis as concernis thair awin helth; and besyde that, everie ane is becnm sa detestable to uther (quhilk is to be lamentit), and speciale the pure in sight of the riche, as gif they var not equall with tham twichand thair creatioun, but rather without saule or spirite, as beistis degenerate fra mankynd."

It is to be feared that the very melancholy picture of the times, afforded by this worthy physician, is but too true.—E.]

NOTE II. P. 158.

THE KING AND QUEEN'S WARS.—SIR WILLIAM KIRKCALDY OF GRANGE.—SIEGES OF MERCHISTON CASTLE.

[Spottiswoode is curiously and amply confirmed in this melancholy passage by all the quaint contemporary chroniclers of the period. At the time of the king and queen's wars, during the latter half of the sixteenth century, there were many fine old residences of the Scottish lairds or lesser barons, in the neighbourhood of the capital, which were turned into garrisons, or otherwise dilapidated and ruined. Some of these were the seats of learning, and one at least of science; and their owners, as our author remarks, entirely disposed to peace and quietness. Yet nothing could save them, or their houses, from the prevailing storms. Indeed the quiet men generally suffered most; for they were alternately suspected and annoyed by either party. During these turmoils, the English ambassador, Sir William Drury, went a progress through Scotland, to inspect the strongholds of the king's party; and in pursuance of his advice, the Regent Mar, whose humane and gentle dispositions soon sank under the policy he was constrained to pursue, endeavoured to reduce the town of Edinburgh to absolute famine. With this view, says the Pollock manuscript, "the regent and the king's favouraris, *stuffit* (garrisoned) the houssis of Craigmillar, Merchingstoun, Sclatfurd, Reidhall, Corstorphine, and the college thairof, and the abbey, with all places about the town of Edinburgh." And also "all inhabtouris within two myles to Edinburgh wer constranit to leave thair houssis and landis, to that effect Edinburgh sould have na furneissing; and *damnit poor men and women to the deid*, for inbringin of victuallis to Edinburgh." Other parts of Scotland suffered the same infliction. After the battle of Langside, the privy-council of the regent issued letters charging certain barons to yield up their strongholds to the bearers of the letters, "to be kept be thame, and to devoid and red thamessellis, thair servandis and gudis, furth of the samyn, within sex houris, under pains of treason;" and this because the owners were *queen's men*; "that is to say, Andro Hamiltoun of Cochno, the tour and fortalice of Cochno;" and, after many others named, "James Streueling of Keir, the house and fortalice of Keir: the said James Streueling of Keir, the tour and fortalice of Cadder." These places are still in possession of the families of Hamilton and Stirling respectively. At this very time the eldest son of Sir Archibald Napier of Merchiston, who became so distinguished in science, was married to the daughter of Sir James Stirling of Keir and Cadder; and as the family mansions of both the

bride and bridegroom were then continually in a state of siege, it is difficult to conceive where such a ceremony as a family wedding could come off. Yet, although the king and queen's wars visited every roof-tree in the richest districts of Scotland, the families intermarried and begot sons and daughters as usual. It is more surprising, that, amidst all this turmoil, in which he was no passive spectator, John Napier pursued and brought to perfection those mathematical studies which, at the commencement of the following century, bestowed so great a boon upon the world, and earned for his country so proud a place in the annals of science.

And here we must notice what seems to be a very extraordinary mistake,—with regard to the social condition of Scotland at a period even later than that under consideration,—committed by Mr Macaulay in his recent *History of England*. He is speaking of the more modern era, when the union of the crowns had placed the resources of three kingdoms at the command of one monarch; and he contrasts the conditions, intellectual and social, of Scotland and Ireland. “In mental cultivation,” says Mr Macaulay, “Scotland had an indisputable superiority. Though that kingdom was then the poorest in Christendom, it already vied in every branch of learning with the most favoured countries. *Scotsmen*, whose *dwellings and whose food* were as wretched as those of the Icelanders of our time, wrote Latin verse with more than the delicacy of *Vida*, and made discoveries in science which would have added to the renown of Galileo.” (Macaulay's *Hist.* vol. i. p. 65).

Such has been the progress of improvement throughout the world, that we scarcely know if “the Icelanders of our time” are equally suggestive of whale-ribs for roof-trees, and blubber for food, as the Icelander “of auld.” Poetry formerly flourished very much in Iceland; and Egil Skallagrimson, Kormack Ormundson, Glum Geirson, and Thorlief Iarlaa, were celebrated as poets,—whether equal to *Vida* we cannot say. But who were these “Scotsmen” that lived like savages, and at the same time wrote with the pens of immortality, at the commencement of the reign of James the Sixth in England? Mr Macaulay proceeds to tell us, “Ireland could boast of no *Buchanan* or *Napier*.”

Somewhat poor, no doubt, was Scotland then,—not over-rich now. Many a hovel among the retainers, and many a rough and Runic board among the barons, bore witness to the slow march of improvement and civilisation there. But those who trust to the brilliant generalizations of this popular and lively historian, and suppose that they have here the true characteristics of an age and country compressed into a pointed sentence, will be misled. Whoso treats such generalizations as oracular truths, and attempts to elongate them, like the precious web from the fairy's nutshell, or to explore the depths and sources of these sparkling productions, will find that they have but killed the bird that laid the golden egg. *Buchanan* (whom, however, we must leave with his rival *Vida*) might have dated his poetry from a palace; and many were the regal tit-bits, the savoury crumbs of pasties and preserves, the savoy-amber, the pistache-amber, and the fennel, that adhered to the liquorish beard of the royal dominie. *Napier*, on the other hand, inhabited a stately castle of his own, which had stood innumerable sieges, which is standing and inhabited to this hour; and the only Icelandish parts of the structure are the modern additions. It is to the *father* of *Napier*, that the bishop of Orkney addresses the letter on the subject of the plague of 1568, as given in the previous note. He there speaks of the outhouses, the granges, and the barns, which formed the outworks of the castle of Merchiston, all indicative of a great and substantial dwelling. Moreover, he recommends a temporary retreat to the places of Gray-cruik, Innerleth, and Weirdie, as a choice of friendly residences less infected with the prevailing epidemic. The laird's children had been sent, for salubrious air, to the Lennox and Menteith, where *Napier* possessed more than one family mansion very far removed from the condition of an Icelandish cave. We take the instance which the historian quotes. He says,

unequivocally, that the "Scotsmen," who, such as *Napier*, raised their country in science to a comparison with that of Galileo, were the same "whose dwellings and whose food were as wretched as those of the Icelanders of our time." The historian's proposition is lame in both of its limbs. *Napier* is a solitary instance of science in Scotland. He was a century and more before his time there. He is no characteristic of the *intellectual* condition of Scotland of his day. In regard to that, he is a rose in the wilderness,—a spring in the desert. On the other hand, neither in dwelling nor in feeding were his habits *Icelandish*. He dwelt within walls, wherein he could be married, and put to bed, while his cousin, *Kirkcaldy of Grange*, was battering them with great guns from the castle. He and his father were great *store-farmers*, as well as deeply versant in science. They had their beeves and their oxen; and their voluminous beards grew out of the best of beef and mutton. The lower classes, no doubt, were poorly lodged and fed. Many are so still. But that is not what the historian says or means. Let him look at the catalogue of family dwellings that were "stuffed" *i. e.* garrisoned by one or other of the contending parties, during the king and queen's wars. Not to mention the great places of the higher nobility, were the houses of *Merchiston*, *Braid*, *Craigmillar*, *Barnbougall*, *Keir*, *Cadder*, *Cochno*, *Gray-Cruik*, *Weirdie*, *Innerleth*, *Grange*, *Edinbellie*, *Gartness*, *Nydrie*, *Seytoun*, *Slateford*, *Reidhall*, *Corstorphine*, *Wrychtishoussis*, *Dundas*, and scores of others, all "dwellings of Scotsmen" long prior to the period to which *Mr Macaulay* refers,—were these like caves of the savage *Icelander*, only rich in the ribs of whales, and redolent of blubber?

Two notable examples of "quiet men," whose high characters and means and substance would have made them very acceptable to either faction, was *Sir Archibald Napier* and his immediate neighbour in the Lothians, *Fairley of Braid*. Like *Merchiston*, the laird of *Braid* was a staunch friend to the Reformation, but not one of those of the church militant who were leagued with factions and grasping violence. *Richard Banuatyne*, the secretary of *John Knox*, in his journal of the period, affords an anecdote which well illustrates *Spottiswoode's* account of the turmoil and distress which these unhappy was brought upon the most peaceably disposed families. Upon Friday, the 25th of May 1571, *Fairley of Braid* was sitting quietly at supper, his own miller bearing him company (and *Mr Macaulay* may be assured that the board savoured not of Iceland), when a dozen soldiers attacked the miller's house. This last rushed from his supper with the laird to the rescue, but was overpowered by the soldiers, who dragged him back to the gate of *Braid*, and there insulted the laird himself with vociferous and contumelious speeches. They bade him come out to *Captain Melville*, or they would "burn the house about his juggis." The laird "being a *quyet* man," told them to depart; and that if *Captain Melville* had wanted him, he would not have sent such messengers. But immediately, seeing his miller ill used, this quiet laird sallied out with a huge two-handed sword, followed by a few domestics, and lustily laid about him among the soldiers. His escape was miraculous. Their "hagbutteris," some of them loaded with three bullets, were repeatedly discharged at the laird of *Braid* without effect. Meanwhile he had struck one of the soldiers to the ground with the flat of his two-handed sword, and immediately made him his prisoner; but upon the body of this unfortunate soldier the bullets intended for *Braid* took deadly effect. The soldiers then fled to *Edinburgh*, and alarmed their captain with the report that this quiet laird was marshalling a powerful array of men-at-arms. "So the alarm struck, and all come furth to the querrell-holes; bet hearing the truth, were staid by the laird of *Merchiston*, who shaw *Captane Melving* that there were uther men cuming from *Dalkeyth* for the lardis relief, as that they did with speid."

This "*Captane Melving*" was one of eight sons of *Helen Napier* of *Merchis-*

ton (aunt to the above mentioned laird) and Sir John Melville of Raith, who were all devoted to Queen Mary. He was consequently the cousin-german of Sir Archibald Napier. Very shortly after the above incident, Melville was blown into the air by the igniting of a barrel of gunpowder, which he was in the act of dealing out to his soldiers on Craigmillar Hill. There was great lamentation by the queen's party for his death. All the nobility of his friends followed him to the grave, over which his nephew, the renowned and no less unfortunate Kirkcaldy of Grange, pronounced a funeral oration to his soldiers. His brother, David Melville, was placed in his command. He is not mentioned in the peerage (Leven and Melville), but these facts may be gathered from a comparison of the contemporary journals of Bannatyne, Sir James Melville, and the Pollock MS.

The castle of Edinburgh was then in possession of Sir William Kirkcaldy of Grange, whose character and sad fate are recorded by Spottiswoode (*supra*, p. 193). He too was a near relative of Merchiston's, his mother being the daughter of Helen Napier and Sir John Melville. Grange had participated in the murder of Cardinal Beaton, the only stain upon a shield which dazzled even the chivalry of France with the valour of a Scottish knight. An exile for that crime, he served in the wars of the Low Countries, about the year 1553, under Henry II. and the high constable Montmorency. His nephew, James Melville, was then the favourite secretary of the constable, and at his side in battle. Melville narrates that his illustrious master, one not likely to be astonished by deeds of arms, or to waive his dignity, uncovered when he addressed Grange; and Henry II., who took the proud style of "Protector of the liberties of Germany and its captive princes," and while victorious over Charles V., pointed to this young Scotsman, in the presence and hearing of his uncle, James Melville, with these memorable words: "Yonder is one of the most valiant men of our time."

Sir James Melville also says, that Henry II. commonly chose Grange on his side at their sports, "and because he schot faire with a gret schaft at the buttis, the king wold have him to schut twa arrowes, ane for his pleasour; and the gret constable of France wold not speak with him oncoverit: he was humble, gentill, and meak lyk a lamb in the house; but lyk a lyon in the feildis; a lusty, stark, and weill proportionate personage, hardy and of magnanyme courage," (p. 257). Such was he upon whom these miserable king and queen's wars in his own country brought the fate of the meanest felon. Having escaped the gibbet for a deed of his youth which richly merited such a fate, he was doomed to that ignominious death, after a career in arms that rivalled the chivalry of Europe, for fidelity to his trust, and devotion to his queen. In vain Drury himself pledged his honour for the life of Grange. In vain did a hundred of his kin offer suit and service to Morton, and a pension of three thousand merks, if he would spare the hero. He was ruthlessly executed, along with his brother Sir James, under the walls of the castle which he had so long kept, and so gallantly defended against the power of Elizabeth. With Sir William Kirkcaldy of Grange fell the last hopes that enlivened the captivity of Mary. (See *Memoirs of Napier of Merchiston*, p. 78-138.)

In the year before this sad catastrophe, Sir Archibald Napier of Merchiston was placed under the custody of his cousin Grange, in the castle of Edinburgh. The Pollock MS. states, that upon the 18th of July 1571, "Naper of Merchingstone, knycht, was tane and brocht to Edinburgh Castell be the laird of Mynto and his company." This was not that he was a king's man, but because he was a "quiet man," and his castle of Merchiston the most important strength in the neighbourhood of Edinburgh, and was held per force for the king's faction against the queen's faction in the castle. It formed the key of the south approach to the city, which the former faction was endeavouring to reduce to famine. An old manuscript history, preserved in the Advocates' Library, and which is entitled, *Ecclesiæ Scoticanæ Historia per Archibaldum Symonum, &c.*, after

narrating the death of Lennox, and the appointment of Mar in 1571, adds, that Sir William Kirkcaldy bombarded the house of Merchiston with iron balls from the great guns, because certain soldiers, hirelings of the king's party, occupied it, and intercepted the provisions coming to the castle and town. The words are: *Gulielmus Kirkaldy arcis præfectus, tormento majori terreis globulis domum Merchistoniam oppugnat, propterea quod conductitii milites a Regis partibus ibi residentes, viatica, unde arx et oppidani alantur, intercludant.* Thus it appears that Grange entertained his cousin Sir Archibald, when under his custody, with the agreeable pastime of battering the family fortalice. By this time Merchiston's first wife, the sister of the bishop of Orkney, and mother of the great Napier, was dead, and the laird was again married to a daughter of Mowbray of Barnbougle,—now named Dalmeny Park, and the property of the earl of Rosebery. During the period when fire and sword and iron bullets were incessantly visiting the impregnable walls of Merchiston, the paternal mansion of Lady Napier was undergoing a similar fate. At the commencement of the year 1572, the laird of Dundas was entertaining, at his castle in the neighbourhood of Barnbougle, Sir Richard Maitland of Lethington and his lady. Notwithstanding the presence of so stanch a queen's man as "auld Maitland," that faction had determined to take the castle of Dundas, at the suggestion of Grange. Robert Mowbray, Lady Napier's eldest brother, undertook the adventure. He obtained from Edinburgh thirty mounted soldiers, whom he concealed under an embankment near the iron gate of Dundas. Two men, disguised in ragged garments, with pistols under them, lurked close to the gate, while Mowbray and a comrade, also disguised and armed, stationed themselves in the village of Dundas hard by. It chanced, however, that the laird of Dundas's servant, one David Ramsay, going "to get a morning drink," entered the very house, and detected the adventurers. Starting off to give the alarm, he was pursued by Mowbray and his companion, who fired their pistols at him without effect. Thus the enterprise failed, and Sir John Mowbray, in consequence of this escapade of his son, was summoned before the regent and council, confined in prison for some days, and only released upon finding security that he would not suffer "the rebellis," *i. e.* the queen's party, to occupy his castle of Barnbougle. Immediately afterwards, however, the regent turned Barnbougle into a garrison for the king, and again committed the laird to confinement in the town of Ayr.

Upon the 5th of May 1572, the queen's troops issued from the town to besiege Merchiston. After a desperate struggle they made themselves masters of the outworks, and finally of the castle, with the exception of its "donjon keep," to which the regent's garrison had retreated, as a place impregnable. The besiegers followed up their advantage with the most determined ferocity. They set fire to the outhouses, "thinking to have smokit the men of the dungeon out." But the king's party in Leith, well aware of the importance of the fortalice, marched in great force to raise the siege. The guns of Edinburgh Castle commenced to play upon these new assailants, and fired more than forty shots to cover the besiegers, who were commanded by one Captain Scougall. But nothing could resist the charge of the laird of Blairwhain, who drove the queen's cavalry back into the town, his own horse being shot under him. Captain Scougall was mortally wounded. Among the incidents of this hot affair, "ane cannon bullet dingis the revell, the spurre, and the heill of the sock and hose, off ane of the horse-men's leggis, without stirring the hyde."

Upon the 10th of June following, another desperate attempt was made to win the castle of Merchiston from the king's men. This attack was led on by the earl of Huntly. The assailants battered the tower with cannon, while their cavalry, scouring the fields to the south, betwixt the fortalice and the hills of Braid, brought in forty head of sheep and cattle. Mr Macaulay may be assured that the Scotsmen, who rivalled Vida and Galileo, had no lack of

strong dwellings and good food. The difficulty was to be able to dwell in them, or to arrange the dinner hour. This siege commenced at two o'clock in the afternoon, and the cannon played upon the tower until four o'clock, and "maid greit slappis in the wall." But an accidental diversion turned the day, after some slaughter on both sides, in favour of the garrison in Merchiston. Upon this occasion the earl of Huntly's horse was killed under him.

A conflict yet more bloody occurred at Merchiston on the last day of the same month. A party of twenty-four mounted soldiers had been sent to forage for the town, which was nearly reduced to famine. The well stocked fields in the neighbourhood of Merchiston were the constant scene of enterprise; and upon this occasion the foragers collected many oxen, besides other spoil, which they were driving triumphantly into the town. They were pursued, however, by Patrick Home of the Heucht, who commanded the regent's light horsemen. The foraging party, whom hunger rendered desperate, contrived to keep their pursuers, amounting to four score, at bay, until they were passing the gate of Merchiston, when the garrison issued forth, and drove back the cattle. The Edinburgh horsemen instantly dismounted, suffered their horses to go loose, and "faucht crenallie." A strong body of infantry quitted the town, to support this brave little band, and turned the fight in their favour. All the loss fell upon the king's men. Home of the Heucht, their leader, Patrick Home of Polwarth, besides four other gentlemen, were killed. Of the queen's men a few were wounded, and only one foot-soldier lost his life, who was killed by a shot from the battlements of Merchiston.


Shortly afterwards occurred a truce. The French and English ambassadors used some exertions to put an end to the savage and unnatural warfare, which desolated the heart of Scotland, and threatened Edinburgh with absolute destruction, from the number of houses that were daily pulled to pieces for firewood. Their influence, cordially aided by the good earl of Mar, brought about a cessation of hostilities for two months, from the 1st of August 1572, which was signed by each party, at Leith and Edinburgh, on the last day of July of that year.

Such were the king and queen's wars; and amid these storms in and around his paternal abodes, and under these auspices, John Napier invented and calculated the LOGARITHMS.—E.]

THE
HISTORY
OF THE
CHURCH OF SCOTLAND.
THE SIXTH BOOK.

THE CONTENTS.

THE THINGS THAT HAPPENED AFTER HIS MAJESTY'S ASSUMING OF THE GOVERNMENT IN HIS OWN PERSON, UNTO HIS HAPPY SUCCESSION TO THE CROWN OF ENGLAND.

 HE king was not yet twelve years complete, when in the manner ye have heard they moved him to assume the government; yet did he show more judgment in his very beginning than could be expected from one of his years. The earl of Morton's enemies, not satisfied with his displacing, were still casting how to bring him into the king's dislike. And first showing that there was a necessity of the king's residing at Edinburgh, where was the place of justice, they desired he should be charged to render the castle. Then informing that he had amassed a great treasure in the time of his regiment, they moved the king to require of him some moneys for supporting the charges whereunto he would be put at his first entry. They did farther talk of the mint-house, and the commodity he reaped thereby. And,

to denude him of all power, they desired the state of the borders to be looked unto, and the office of lieutenandry, which the earl of Angus his nephew had in those parts, discharged. To one or other of these they conceived he should be unwilling, and so they should find some matter against him.

But the king, refusing to use him with charges, took a more moderate course, and sent the chancellor and treasurer to feel his mind in those things. He lay then at Dalkeith, and having heard their propositions, howbeit he knew those motions did proceed from his adversaries, and was not ignorant what they intended, he answered calmly, "That the jewels and moveables appertaining to the crown being received of his hand, and he and his deputies discharged, the castle should be rendered most willingly. But for the advancing of moneys he excused himself, saying, that it was not unknown how he had received his office in a time full of trouble, and when the country was embroiled in a civil war, the burden whereof he sustained upon his private charge; and that since the troubles ceased, he had paid a great many debts, repaired his majesty's houses and castles, and put them in a better case than for many years before they had been: that the entertainment of his majesty's house, and maintaining of his own, as regent, was a matter of no small charge, which the ordinary revenues of the crown would hardly do; yet when his majesty should be of perfect age, and his honourable occasions did require it, he should not be wanting according to his ability, and bestow all his means for his majesty's honour. Concerning the mint-house he said, that he had kept it in the best order he could, and having now no more charge of it, he wished the king to do therewith as he thought best. For the affairs of the border, that he had moved the earl of Angus to undertake that service for the quietness of the country; but seeing he had no lands in those quarters, and that the offices of wardenry might suffice to hold those parts in order, he would advise the king to dispose them to the most sufficient that could be found.

The noblemen returning with these answers, the king did rest well satisfied. But a pitiful accident that fell out in the time gave an hinderance to these businesses. The chancellor going to the castle to make his report to the king, as he re-

turned to his lodging did encounter the earl of Crawford in the street called commonly the Schoolhouse Wynd. There had been an old grudge betwixt the two families, whereupon the noblemen passed by other without salutations. The street being narrow, and the companies of each side great, when they were almost parted, two base fellows fell a struggling for the way, and by thrusting one at another raised a tumult, in the very beginning whereof the chancellor was killed with the shot of a pistol. It was certainly known that the noblemen did purpose no harm to others; for Crawford did call to his followers to give way to the chancellor, as he on the other side called to give way to the earl of Crawford; yet by this unhappy accident were the old dissensions that had long slept revived, and a fresh enmity raised, which turned to the great hurt of both. The death of the chancellor was much lamented, falling out in the time when the king and country stood in most need of his service. He had carried himself with much commendation in his place, and acquired great authority. Most careful was he to have peace conserved both in the country and church, and laboured much to have the question of church policy settled; upon which subject he interchanged divers letters with Theodore Beza. Some have blamed him of too great curiosity in that matter, but his intention certainly was pious and commendable.

Upon his death the earl of Athole was preferred to be chancellor, at which the church did mightily offend: as likewise with the admission of the earls of Caithness and Eglington, with the Lord Ogilvy, upon the council, who were all thought to be popishly inclined. This being meant to the king, was in some sort satisfied by their promises and subscriptions to the articles of religion; yet the suspicions of their unsoundness still continued. And now began they who longed for the change of Morton's government to repent the alteration that was made; for howsoever he did not favour the novations in church policy urged by some ministers, he kept a severe hand over papists, permitting none to enjoy any public office who was not sincerely affected to the truth.

The first of April the castle of Edinburgh was delivered to the Lords Ruthven and Lindsay, who were appointed by the king to receive the house, and a discharge given to the earl of Morton of the jewels, munition, and moveables within

the same. And the same day John Seaton of Touch, and John Cunningham of Drumwhassill, received the keys in name of Alexander Erskine, uncle to the earl of Mar, upon a warrant directed to them for that effect. The earl of Mor-ton resolving to live private, and to have no more meddling in public affairs, retired to Lochleven, where he stayed not long, being recalled to court by this occasion. The friends of the house of Mar, of whom the principals were the abbots of Dryburgh and Cambuskenneth, out of some jealousy they conceived of Alexander Erskine his courses, and a fear that the young nobleman, who was then grown to some years, might be prejudged of his right in keeping the castle, practised secretly to exclude him, and entering one morning with a number of their followers, seized upon the keeper of the gate, took the keys from him by force, and putting him and his men forth, placed others in their rooms, whom they caused swear fidelity to the earl of Mar.

How soon the council (which then remained at Edinburgh) was advertised of this change, they prepared to go to Stirling, and for their greater security were furnished with some companies of men by the town of Edinburgh; but by letters from the king they were stayed. In these letters the king showed that it was a private dissension only that had happened betwixt the friends of the house of Mar, which he would have peaceably composed, and therefore desired them to come unto him after a day or two in quiet and sober manner, and assist the reconciliation. They obeyed, and coming to Stirling, in a frequent council, kept the third of May, the controversy was in these terms composed: That the earl of Mar being now come to a reasonable age, he should attend the king's person, and have the custody of the castle of Stirling; and that the master, his uncle, should remain captain of the castle of Edinburgh, and, when he came to court, have his table kept as before, and enjoy the place of a gentleman of his majesty's chamber. The conditions prescribed to the earl of Mar were: That he should guard the castle, attend the king's person therein, and not remove him to any place whatsoever without the knowledge and consent of the council: That he should not receive any within the house whom he knew not to be well affected to the king, admitting an earl with two only in train, a lord with one, and gentlemen

single: That Mr George Buchanan and Mr Peter Young should continue his instructors, and no others be admitted without the council's consent, nor any religious exercise kept within the castle but that which the parliament had approved. For the observing of these articles, the earls of Athole, Angus, Argyle, and Montrose, with the Lords Ruthven and Lindsay, became sureties. For the master his uncle, and his fidelity in keeping the castle of Edinburgh, with the jewels, munition, and other moveables, the earls of Athole, Argyle, Montrose, and the Lord Ruthven gave their bond and obligation. Some days after this broil, the captain, his eldest son (called Alexander), a youth of great hopes, departed this life, as it was thought of a grief he conceived for the indignity done to his father.

This agreement being made, and the lords being then to return to Edinburgh, the king did signify unto them, that, because the parliament was indicted to the tenth of July, he would, before that time, call a number of every estate together for the preparing of matters; and that, all emulations laid aside, they might concur and join their counsels for the public good of the realm. The diet for this meeting he appointed at Stirling the tenth of June. The convention at the time was frequent; of the clergy, eight bishops and as many abbots were present; of the nobility, nine earls and eleven lords, and divers commissioners of burghs. The earl of Morton, at the king's earnest entreaty, came also thither, and at his coming was admitted upon the council, having the precedency allowed him, with the consent of the rest, because of the regency he had a long time sustained.

In the first meeting the king, after he had given thanks to the whole number for the readiness they had showed to convene in that place, proponed two things. One was touching the parliament and the place where it should hold; the other concerned an ambassage which he intended to send into England. For the parliament, he said that he longed to see a meeting of the Estates, and would have the time to which it was called precisely observed, wishing them all to address themselves thereto in time, and to come in a peaceable manner, as men disposed to do good, and seeking the common profit of their country. And for the place, seeing his own presence was necessary, and that he could not conveniently

remove from Stirling, he desired the parliament to be fenced at Edinburgh at the day appointed, and then prorogated some four or five days, and brought to Stirling. For the ambassage, he gave divers reasons. First, that having assumed the government in his own hands, he was bound in courtesy to visit the queen of England, and give her thanks for the kindness he had received of her in his minority. Next, that the disorder lately fallen out in the borders (for about that time some borderers had entered into England and committed great robberies), laid a necessity upon him to clear the country of that fact, and make offer of redress. Thirdly, that he had a private business which touched him nearly, his grandmother, the Lady Lennox, being newly deceased, and he being her only heir, it concerned him, he said, to inquire what her last will was, and to see that no prejudice was done to him in his succession to the lands she possessed in England. Lastly, if they did think meet (but this he remitted to their wisdoms), he showed that he could like well to have a motion made of a more strict league betwixt the two realms during the queen's life and his.

It grieved the ordinary counsellors much that the place of parliament should be changed, who therefore laboured to dissuade the king from it; but perceiving him resolved that way, they gave their consents, though most unwillingly. When they came to speak of the ambassage to England, they acknowledged the necessity thereof; but took exception at the league, pretending the ancient league with France. It was replied, That the case of things was much altered from that in former times; that England and Scotland had now the same enemies because of their common profession, so as, for their own safety, it was needful they should join together in strict friendship; and that the league with England might be so contracted as the old amity with France should remain inviolate. The king farther declared, that he did not mean to give power to his ambassador for concluding a league, wherein he would do nothing rashly, nor without the advice of the Estates; only he desired the same should be moved, and upon the report of the queen's liking thereof, that the conditions of the league should be well and gravely advised. After long reasoning, the matter being put into voices, it was by plurality agreed, that the same should be made one of the

ambassador's instructions; against which the earls of Argyle, Montrose, and Caithness, the Lords Lindsay and Innermaith, with the commendatory of Deir, took public protestation.

These things bred a new heart-burning amongst the noblemen, for they took Morton to be the deviser of all, and that he was craftily drawing back the administration of affairs unto himself; which, albeit they dissembled for the present, broke forth after a few days in an open dissension. The citizens of Edinburgh were much offended with the king's remaining in Stirling, and the removal of the parliament from their town; and, as it happens in such times of discontent, rumours were dispersed that the king was detained captive, and was shortly to be sent into England, and the ancient league with France dissolved. This being in the mouths of all men, and talked of not in corners, but in open and public meetings, a proclamation was given out the sixth of July, "Declaring the falsehood of those rumours, and that the same were raised by some seditious spirits that could not live quiet under any sort of government. For, as to the king's detention, it was known to be most false; and that it was his own choice to remain at Stirling, attended by those whom the council by common consent had appointed for the safe custody of his person. And for the parliament, which they said was to treat of the dissolution of peace with their old confederates, and to make up new leagues with others, there was no such matter; it being his majesty's only purpose to have such things intreated in that meeting as might tend to the advancement of God's honour, the safety of his royal person, and the establishment of good laws for the quietness of the realm; whereof if any made doubt, they might be resolved at their coming to the parliament, which was now approaching. Therefore were all good subjects advertised not to believe those seditious reports, nor suffer themselves to be led by such wicked suggestions into rebellion."

This declaration prevailed little with the most part, for the minds of men were much exasperated; and the time of parliament come, the lords that remained at Edinburgh took counsel not to go thither, but to send of their number one or two to protest against the lawfulness of it. The earl of Montrose and Lord Lindsay were chosen to that purpose, who, coming to Stirling, show the king the noblemen's ex-

cuse, and declared all they had in commission to say; wishing his majesty to prorogate the parliament unto a better time, and make choice of a fitter place. But he resolved, by the counsel of those that were present, to go on; and coming the next day, which was the sixteenth of July, to the great hall where the Estates were advertised to meet, he made a short speech touching the liberty of parliaments, and the necessity he had to keep one at that time and in that place, assuring all persons who had any thing to move or propone, that they should have free access, and receive satisfaction according to justice. After the king had closed his speech, the earl of Montrose and Lord Lindsay arose, and in the name of the council and others of the nobility adhering to them, protested against the lawfulness of the parliament, in so far as it was kept within the castle, whither they could not safely repair, the same being in their enemy's power. The king, offended with the protestation, commanded them to keep their lodgings, and not to depart forth of Stirling without his license, which the Lord Lindsay obeyed; but Montrose the next day early in the morning went away, and returned to Edinburgh, where it was given out that he had brought from the king a secret direction to the lords to convene the subjects in arms, and liberate him out of Morton's hands.

Thereupon a declaration was published, bearing, "That his majesty having assumed the government in his own person, because of the enormities committed in the time of Morton's regiment, had appointed the council to remain at Edinburgh for the better ministration of justice; and that by the care they took of affairs, all things had gone well and peaceably till Morton, out of his ambitious desire to rule, did suborn some instruments to surprize the king's house and person at Stirling, injuriously displace the captain, and put his family and servants to the gates. Of which seditious enterprise although he did pretend ignorance, yet the progress of his actions continually since that time did show that he was the chief plotter of that business; for after his coming to court, and admission to be one of the council, he had disordered all things, thralling the king so far, that his best subjects could have no free access unto him, and usurping the jurisdiction of his majesty's ordinary council, in translating the parliament from Edinburgh, the principal city of the

realm, unto the castle of Stirling. Likeas, to bear out his wicked and violent designs, he had of late presumed to levy soldiers at the king's cost and charge, intending thereby to maintain his usurped authority, and oppress his majesty's obedient and lawful subjects. In consideration of which abuses, and lest his notorious presumptions should by their continual patience grow to a farther height, they had resolved, laying aside all difficulties, to withstand the violences practised by him under the title of the king's authority, and to hazard their goods, lives, and lands for the delivery of his majesty's person out of his thralldom; protesting that the inconveniences which should ensue upon the present troubles should not be imputed to them, inasmuch as they were forced unto it for their own just and necessary defence, the restitution of their native prince to liberty, and the delivering of the Church and commonwealth from the tyranny of such as have ever sought, and still do seek, the ruin and overthrow of both."

This declaration published, all parts of the realm were in a commotion. Soldiers were levied on either side, horse and foot; and proclamations sent to the sheriffdoms of Edinburgh, Haddington, Linlithgow, Clackmannan, Kinross, Perth, Fife, Forfar, Lanark, Dumbarton, and to the bailiarics of Kyle and Cunningham, to prepare themselves with victuals for fifteen days, and be in readiness to follow the king or his lieutenants upon six hours' warning, as they should be directed. Herewith a commission of lieutenandry was given to the earl of Angus for convocating the subjects, and pursuing the rebels who had usurped the king's authority with all sort of rigour. Charges were also directed to command the earls of Athole and Argyle to depart forth of Edinburgh within the space of twenty-four hours, and return to the places of their dwelling, under the pain of treason. The magistrates of Edinburgh were enjoined to apprehend the persons that had taken arms within their town, and not to suffer any armed men to enter in the same, except such as should have direction from his majesty. Which, when the provost (Archibald Stewart) came to excuse, as not being in the town's power to withstand the forces of the noblemen, he himself was sent prisoner to the castle of Doune.

The parliament in this mean time went on, and all things proceeded therein as in a time of most secure peace. Upon their dissolving, when it was told the king that the lords were gathering forces, and that they gave out the same to be done by warrant from him, he commanded, by a new proclamation, all that were assembled in arms to separate and return to their dwellings within the space of six hours, promising pardon to such as obeyed. And lest any should be deceived with the rumours of his captivity and secret warrants from himself, he again declared, "That it was his own desire to remain at Stirling and be served by the earl of Mar, with whom he knew his surety was greater than if he should be at the devotion of those that caused the present troubles, whose meaning towards him could be no better than it had been in times past. For the warrants they pretended, he called God to witness, that they had neither word nor writ from him; therefore willed all his good subjects to live quiet, and not to be misled by such false informations." This proclamation the lords would not suffer to be published at Edinburgh, but, making the greater expedition, drew together their companies and marched towards Stirling. The first night they camped at Linlithgow, and the day following having mustered their army, which they found to be about 4000, they went to Falkirk.

The earl of Angus, as lieutenant for the king, took the fields, and displaying the royal banner made towards them. In number he did not equal the others, but they were gentlemen all, active and resolute. Sir Robert Bowes, the English ambassador, riding betwixt the armies, travailed earnestly to bring them to an agreement, and by his entreaties and the proponing of honourable conditions did keep them from joining. In which time one Tait, a follower of Cessford, who as then was of the lords' party, came forth in a bravery, and called to the opposite horsemen, asking if any among them had the courage to break a lance for his mistress. He was answered by one Johnston, servant to the master of Glamis, and his challenge accepted. The place chosen was a little plain at the river of Carron, on both sides whereof the horsemen stood spectators. At the first encounter Tait, having his body pierced through, fell from his horse, and presently

died. This was taken by those of Morton's side for a pre-
sage of victory. But by the ambassador's travails the parties
were drawn to the conditions following :—

1. That the forces on either side should presently separate,
and a few horsemen only be retained upon his majesty's
charges, who should be employed for quieting the borders,
and not against the lords convened at Falkirk, or their
adherents in the present action.
2. That the proceedings of the lords and other partakers
with the chancellor, since the tenth of July last, should be
allowed as good service done to the king, in respect his
majesty was assured of their good affection towards his
own person.
3. That the chancellor and earl of Argyle should have their
lodging within the castle of Stirling, with the like num-
bers that were permitted to other noblemen.
4. That all noblemen, barons, and other gentlemen who
pleased to come unto the king, should be freely admitted to
his presence, and have liberty to propone their own affairs.
5. That the earl of Montrose and Lord Lindsay should be
received into the number of the council.
6. That the king calling to himself eight noblemen, that is,
four for each party, to be nominated by themselves, should
consider the griefs and offences of either side, take order
for removing the same, and make up a perfect reconcile-
ment amongst the nobility.
7. That the commission of lieutenandry granted to the earl
of Angus should be discharged.
8. And last, that the captains of the castle of Edinburgh and
Dumbarton should enjoy their offices till the reconciliation
intended was brought to an end.

These articles being signed by the king, and subscribed by
the principals of both parties, the accord and heads thereof
were published at Stirling and Falkirk the fourteenth of
August, upon which the armies dissolved. No stir in our
memory was more happily pacified; for should it have come
to the worst, as it was not far off, such was the heat and hate
of both factions, that the mischief could not but have been
great which would have ensued.

The place and time of the noblemen's meeting for considering the grievances of both parties being left to the king's appointing, because delay might breed greater difficulties his majesty did assign the twentieth of September to meet at Stirling; whereof he caused the ambassador to give the chancellor notice, and to desire him to name the four noblemen whose advice he and the rest would use in that treaty. The chancellor answered by letter, "That neither he nor Argyle could agree to meet at Stirling, nor could they design the four noblemen whom they would use, because death, sickness, and other accidents might hinder one or more of them to convene; but if it should please the king to appoint the place of meeting at Edinburgh, about the end of November, they should keep the day, and for the present nominate ten, of which number they should choose some four at that time as arbiters for their party." The ten they named were, the earls of Montrose and Caithness, the Lords Lindsay, Maxwell, Herries, Ogilvy, and Innermaith, the abbot of Newbottle, and the lairds of Bargenny and Drumwhassill. Herewith he desired three things to be granted. One was, that license might be given to such an one as they would choose to pass into England; next, that they who were dispossessed of their places and offices since the tenth of July might be restored, namely, Mr Mark Ker, son to the abbot of Newbottle, master of requests, and William Cunningham, son to the laird of Drumwhassill, gentleman of the king's bedchamber; thirdly, that none should be called in question for their absence upon the late proclamations, seeing all they who came not to Stirling must be understood to have been their adherents.

This answer communicated to the king did highly offend him. First, that they should usurp the appointing of the time and place of meeting, which was left in his power; next, that they would presume to send a message into England, they being his subjects, and neither acquaint him with the person nor the message. For the other petitions he judged them impertinent, and more fit to be proponed at the meeting of the noblemen; wherefore, in a letter sent by Mr William Erskine to the chancellor, he showed, that since they had delayed to nominate the four noblemen, he himself would make choice of four of them whose names they had

given to the ambassador; to wit, the Lords Lindsay, Ogilvy, Innermaith, and Herries; to whom he would join the earls of Rothes and Buchan, with the Lords Ruthven and Boyd; and by their advice proceed in the reconciliation by him intended; which if they should refuse, he would notify to the queen of England and other Christian princes the care he had taken to perform all things as they had been lately accorded.

To this letter no answer was given, but that they should advise with their friends, and afterwards signify their minds; wherewith the king being discontent, he summoned the noblemen to meet at Stirling, the twentieth of September, warning all the subjects whom that business concerned to address themselves thither against the day. At the day none of them appeared, and the more careful the king was to have peace made, the more they seemed to draw back, protracting time upon frivolous excuses. Wherefore the king for the last diet appointed the twentieth of October, which most of them kept. Being all assembled, the king spake to them to this effect: "Ye do all understand what an earnest desire I have that you should join in friendship one with another, which cannot be more contentment to me than it is a benefit to yourselves. Although I have many occasions given me to fall from that desire, yet I abide in the same mind, and shall wish you to lay aside your needless jealousies and suspicions. For as to me I will study to be indifferent, and bestow my favours impartially, and never repose myself upon any one so much as to deny others the regard which is due to them. Ye that are noblemen have a special interest in me, and unless there be a correspondence of wills and minds amongst you, I shall never find that concurrence that ought to be for mine honour and the good of the commonwealth. It is not long since, at your own desires, I accepted the government of the realm, being persuaded by you that this was the only way to cease all grudges; but now that I see them increased, it repents me to have yielded to your desires, and entangled myself in such businesses. What should let you be reconciled, and become perfect friends, I know not. If there be any grief or offence that hath exasperated your minds, will ye show it? I am here with the advice of my lords to remove it, and see satisfaction made by those that have done the wrong. I hope

you do not carry minds irreconcilable. Ye professed that ye laid down arms for the love ye bare to your king; by the same love I entreat you to lay aside jealousies and suspicions, which ye will doubtless do, except ye mind to expose your country and yourselves to utter ruin."

The lords, moved with this speech, professed themselves willing at his majesty's desire to bury all discords; and that their agreement might be the more sound, they were required to set down in writing the injuries and unkindness whereof they complained, that satisfaction might be made at the sight of the king and noblemen whom he had named. Hereupon the chancellor and Argyle presented their grievances in some short articles, bearing the unkindness they had received from the earl of Morton in the time of his regiment. Whereunto he answered, first generally, that what he did in that time was done by order of law, and that they themselves had allowed his proceedings, and were sureties for ratifying the same in Parliament. Then replying more particularly to every article, he gave the king and other noblemen full satisfaction, and made it seen, that on the part of the other lords there was a great mistaking: for what he did he could not leave undone, without a manifest violation of justice. Yet for himself, he said, "although he had been ill rewarded by them for his pains taken in the public service, and received more unkindness at their hands than he had deserved, he would freely remit all at the king's desire." After some days spent in such reckonings, they were brought in end to join hands.

During these contentions in the state, Mr Andrew Melvill held the Church busied with the matter of policy, which was put in form, and presented to the parliament at their sitting in Stirling. The Estates having no leisure to peruse it, gave a commission to divers of their number to meet and confer with the commissioners of the Church, and if they did agree, to insert the same among the acts of parliament. How these affairs went, and what effect the commission took, because of the great business that afterwards was made about the same, is necessary to be known; wherefore I thought meet to set down the form of policy as it was presented, with the notes of their agreement and disagreement, as they stand in the original, which I have by me.

Heads and Conclusions of the Church; and First of the Policy thereof in General, wherein it differeth from Civil.

1. The Church of God is sometimes largely taken for all them that profess the evangel of Jesus Christ; and so it is a company and fellowship not only of the godly, but also hypocrites, professing outwardly one true religion. 1. Agreed.

2. At other times it is taken for the elect only and the godly; and sometimes for them that exercise the spiritual function amongst the congregation of them that profess the truth. 2. Agreed.

3. The Church in this last sense hath a certain power granted by God, according to which it useth a proper jurisdiction and government, exercised to the comfort of the whole Church. 3. Agreed that the Church is sometimes taken for them that exercise the spiritual function in particular congregations.

4. This power ecclesiastical is an authority granted by God the father, through the mediation of Jesus Christ, unto his Church gathered, and having the ground in the word of God, to be put in execution by them unto whom the spiritual government of the Church by lawful calling is committed. 4. Continued to farther reasoning, and when it is said this power floweth from God to his Church, whether this should be understood of the whole Church or of the office-bearers, and whether it floweth mediately or immediately.

5. The policy of the Church flowing from this power is an order or form of spiritual government, which is exercised by the members appointed thereto by the word of God; and therefore is given immediately to the office-bearers, by whom it is exercised to the weal of the whole body. 5. Referred to farther reasoning.

6. This power is diversely used; for sometime it is severally exercised (chiefly by the teachers) sometime conjunctly by mutual consent of them that bear office and charge, after the form of judgment: the former is called *potestas ordinis*, the other *potestas jurisdictionis*. 6. The last words of the article are thought not necessary, and therefore to be delete.

7. These two kinds of power have both one ground, one final cause, but are different in the form and manner of execution, as is evident by the speech of our Saviour in the 16th and 18th of St Matthew. 7. Agreed.

8. This power and policy is different and distinct in the own nature from that power and policy which is called the civil power, and appertains to the civil government of the commonwealth, albeit they be both of God, and tend to one end, if they be rightly used, that is, to advance the glory of God, and to have godly and good subjects. 8. Agreed.

9. Say instead hereof, For this power is spiritual, not having— deleting the other words.

10. Agreed.

11. Agreed.

12. Agreed, changing these words, they should not be called lords over their flock.

13. Change the last words of ecclesiastical government, and say ecclesiastical discipline, according to the word of God.

14. Referred to for their reasoning, when the order of bishops shall be discussed.

15. Referred till they come to the attribution of the power.

16. Agreed as the words are conceived.

17. Deferreth this to be resolved with the 15.

18. Referred.

9. For this power ecclesiastical floweth from God immediately, and the mediator Jesus Christ, and is spiritual, not having a temporal head in the earth, but only Christ, the only spiritual king and governor of the Church.

10. It is a title falsely usurped by Antichrist, to call himself the head of the Church, and ought not to be attributed to angel or to man, of what estate soever he be, saving to Christ the head and only monarch of the Church.

11. Therefore this power and policy of the Church should lean upon the word immediately as the only ground thereof, and should be taken from the pure fountains of the scriptures, hearing the voice of Christ the only spiritual king, and being ruled by his laws.

12. It is proper to kings, princes, and magistrates, to be called lords and dominators over their subjects whom they govern civilly; but it is proper to Christ only to be called lord and master in the spiritual government of the Church, and all others that bear office therein ought not to usurp dominion, nor be called lords, but ministers, disciples, and servants: for it is proper to Christ's office to command and rule his Church universally, and every particular church, through his spirit and word, by the ministry of men.

13. Notwithstanding, as the ministers and others of the ecclesiastical state are subject to the magistrate civilly, so ought the person of the magistrate be subject to the Church spiritually, and in ecclesiastical government.

14. And the exercise of both these jurisdictions cannot stand in one person ordinarily.

15. The civil power is called the power of the sword, the other power the power of the keys.

16. The civil power should command the spiritual to exercise and to do their office according to the word of God; the spiritual rulers should require the Christian magistrate to minister justice and punish vice, and to maintain the liberty of the Church, and quietness within their bounds.

17. The magistrate commands in things external for external peace and quietness among the subjects; the minister handleth external things only for conscience cause.

18. The magistrate judges external things only and actions done before men; but the spiritual ruler judges both the affection and external actions in respect of conscience, by the word of God.

19. The civil magistrate getteth obedience by the sword and other external means ; but the minister by the spiritual sword and spiritual means.

20. The magistrate ought neither preach, minister the sacraments, nor execute the censures of the Church, nor yet prescribe any rule how it should be done, but command the minister to observe the rule prescribed in the word, and punish transgressors by civil means ; the minister again exercises not the civil jurisdiction, but teaches the magistrate how it should be exercised according to the word.

20. Agreed that neither ought the magistrate preach, nor minister the sacraments, nor execute the censures of the Church, which is to be understood of excommunication, and referreth the second part of this article to farther reasoning.

21. The magistrate ought to assist, maintain, and fortify the jurisdiction of the Church ; the ministers should assist their princes in all things agreeable to the word, providing they neglect not their charge in involving themselves in civil affairs.

21. Referred.

22. Finally, as ministers are subject to the judgment and punishment of magistrates in external things, if they offend : so ought the magistrates submit themselves to the discipline of the Church, if they transgress in matter of conscience and religion.

22. Referred.

CHAP. 2.—*Of the Parts of the Policy of the Church, and Persons or Office-bearers to whom the Administration is committed.*

1. As in the policy civil the whole commonwealth consists in them that are governors or magistrates, and them that are governed and subjects ; so in the policy of the Church some are appointed to be rulers, and the rest of the members are to be ruled and obey according to God's word, and the inspiration of his spirit, always under one head and chief governor Jesus Christ.

1. The name of the Church in this article is taken for the Church in the first signification, to wit for the whole Church. Agreed with the rest of the articles.

2. Again, the whole policy of the Church consists in three things chiefly, in doctrine, discipline, and distribution ; with doctrine is annexed the ministration of the sacraments.

2. Referred.

3. And according to this division arises a sort of threefold officers in the Church ; to wit, ministers or preachers, elders or governors, and deacons or distributors ; and all these may be called by one general word, ministers of the Church.

3. Referred.

4. For albeit the Church of God be ruled and governed by Jesus Christ, who is the only king, high priest, and head

4. Agreed.

thereof; yet he useth the ministry of men as a necessary middest for this purpose.

5. Agreed. 5. For so he hath from time to time, before the law, under the law, and in the time of the evangel, for our great comfort, raised up men endowed with the gifts of his spirit for the spiritual government of his Church, exercising by them his own power through his spirit and word, to the building of the same.

6. Referred to reasoning of the head of visitors. 6. And to take away all occasion of tyranny, he wills that they should rule with mutual consent of brethren and equality of power, every one according to their functions.

7. Referred. 7. In the New Testament and time of the evangel he hath used the ministry of the apostles, prophets, evangelists, pastors, and doctors, in administration of the word; the eldership for good order and administration of discipline; the deaconship to have the cure of ecclesiastical goods.

8. Referred. 8. Some of these ecclesiastical functions are ordinary, some extraordinary, or temporal. The extraordinary are the apostles, prophets, and evangelists, which are not perpetual, and now have ceased in the Church, except when it pleases God extraordinarily for a time to stir up some of them again.

9. Referred. 9. There are four ordinary offices or functions in the Church of God; the pastor, minister, or bishop, the doctor, the presbyter or elder, and the deacon.

10. Referred. 10. These offices are ordinary, and ought to continue perpetually in the Church, as necessary for the government and policy of the same; and no more offices ought to be received or suffered in the true Church of God, established by his word.

11. Referred. 11. Therefore all the ambitious titles invented in the kingdom of Antichrist and his usurped hierarchy, which are not one of those four sorts, together with the offices depending thereupon, ought in one word to be rejected.

CHAP. 3.—*How the Persons that bear Ecclesiastical Functions are admitted to their Offices.*

1. Agreed. 1. Vocation or calling is common to all that should bear office in the Church, which is a lawful way by which qualified persons are promoted to any special office in the Church of God.

2. Without this calling it was never lawful for any person ^{2. Agreed.} to meddle with any ecclesiastical function.

3. There are two sorts of calling, one extraordinary by ^{3. Agreed.} God immediately, as were the apostles and prophets, which in a Church established and already well reformed hath no place.

4. The other calling is ordinary, which beside the calling ^{4. Agreed.} of God, and the inward testimony of a good conscience, hath the lawful approbation of men according to God's word, and the order established in the Church.

5. None ought to presume to enter in any office ecclesiastical, unless he have a good testimony in his conscience ^{5. Agreed.} before God, who only knoweth the hearts of men.

6. This ordinary and outward calling hath two parts, ^{6.} election and ordination.

7. Election is the choosing out of one man or person to the ^{7. Referred.} office that is void, by the judgment of the eldership and consent of the congregation to whom the person presented is to be appointed.

8. The qualities in general required in all them who ^{8. Agreed with the generality hereof.} should have charge in the Church consist in soundness of religion and godliness of life, according as they are set forth in the word.

9. In this ordinary election it is to be eschewed, that no ^{9. Agreed.} person be intruded in any of the offices of the Church, contrary to the will of the congregation to whom they are appointed, or without the voice of the eldership.

10. None ought to be intruded or placed in the ministry ^{10. Agreed.} in places already planted, or in any room that is not void, for any worldly respect, and that which is called the benefice ought to be nothing but the stipend of the minister who is lawfully called.

11. Ordination is the separation and sanctifying of the ^{11. Agreed.} person appointed by God and his Church, after that he is well tried and found qualified.

12. The ceremonies of ordination are fasting, prayer, and ^{12. Agreed.} imposition of the hands of the eldership.

13. All these, as they must be raised up by God, and ^{13. Agreed.} made able for the work whereunto they are called, so they ought to know that their message is limited within God's word, without the bounds whereof they ought not to pass.

14. Agreed. 14. These should take the names and titles only (lest they be exalted and puffed up in themselves) which the scripture gives them, as those which import labour, travail, and work, and are names of offices and service, and not of idleness, dignity, worldly honour or pre-eminency, which by Christ our master is expressly reprov'd and forbidden.
15. Agreed. 15. All these office-bearers should have their own particular flocks, amongst whom they ought to exerce their charge: and should make residence with them, taking inspection and oversight of them, every one in his vocation.
16. Agreed. 16. And generally ought to respect two things; that is, the glory of God, and edifying of his Church, by discharging their duties in their callings.

CHAP. 4. *Of the Office-bearers in Particular, and First of the Pastors and Ministers.*

1. Agreed, saving the word bishop is referred to the place of visitation. 1. Pastors, bishops, or ministers, are they who are appointed to particular congregations, which they rule by the word of God, and over which they watch: in respect whereof sometimes they are called pastors, because they feed their congregation; sometimes *episcopi* or bishops, because they watch over their flock; sometimes ministers, by reason of their service and office; sometimes also presbyters or seniors, for the gravity in manners which they ought to have, taking care of the spiritual government, which ought to be most dear unto them.
2. Agreed. 2. They that are called to the ministry, or offer themselves thereto, ought not to be elected without one certain flock to be assigned to them.
3. Agreed. 3. No man ought to ingyre himself, or usurp this office without a lawful calling.
4. Agreed. 4. They who are once called by God, and duly elected by men, having once accepted the charge of the ministry, may not leave their functions; and the deserters ought to be admonished, and, in case of disobedience, excommunicated.
5. Referred. 5. No pastor may leave his flock without license of the provincial assembly; which if he do, after admonition not obeyed, let the censures of the Church strike upon him.
6. Agreed. 6. To the pastor belongeth the preaching of the word of God in season and out of season, publicly and privately, al-

ways to edify and discharge his conscience, as God hath prescribed. And unto them only appertains the ministration of the sacraments; for both these are appointed by the word of God as means to teach us, the one by the ear, and the other by the eyes and other senses, that by both, knowledge may be conveyed to the mind.

7. By the same reason it pertains to pastors to pray for the people, and namely for the flock committed to their charge, and to bless them in the name of God, who will not suffer the blessings of his faithful servants to be frustrate. 7. Agreed.

8. He ought also to watch over the manners of his flock, that he may the better apply his doctrine to them, in reprehending the dissolute, and exhorting the godly to continue in the fear of the Lord. 8. Agreed.

9. It appertains to the minister, after lawful proceeding of the eldership, to pronounce the sentence of binding and loosing upon any person, according to the power of the keys granted to the Church. 9. Agreed, that the minister of the Word may pronounce the sentence of excommunication, after lawful proceeding.

10. It belongs to him likewise, after lawful proceeding in the matter by the eldership, to solemnize marriage betwixt those that are contracted, and to pronounce the blessing of the Lord upon them that enter in that bond in the fear of God. And generally, all public denunciations that are made in the church before the congregation, concerning ecclesiastical affairs, belong to the minister's office, for he is the messenger and herald betwixt God and the people in all these affairs. 10. Agreed with the present orders concerning marriage.

CHAP. 5. *Of Doctors and their Offices, and of Schools.*

1. One of the two ordinary and perpetual functions that labour in the word is the office of doctor, who may also be called prophet, bishop, elder, and catechiser, that is, the teacher of the catechism and rudiments of the religion. This whole chapter referred to farther reasoning.

2. His office is to open up the mind of the Spirit of God in the scriptures simply, without such application as the minister uses, to the end that the faithful may be instructed in sound doctrine, the purity of the gospel taught, and not corrupted through ignorant or evil opinions.

3. He is different from the pastor, not only in name, but in diversity of gifts; for to the doctor is given the gift of knowledge, to open up by simple teaching the mysteries of

faith; to the pastor the gift of wisdom, to apply the same by exhortation to the manners of the flock, as occasion craves.

4. Under the name and office of doctor we comprehend also the order in schools, colleges, and universities, which have from time to time been carefully maintained, as well amongst Jews and Christians, as among profane nations.

5. The doctor being an elder, should assist the pastor in the government of the Church, and concur with the elders his brethren in all assemblies, by reason the interpretation of the word, which is only judged in matters ecclesiastical, is committed to his charge.

6. But to preach unto the people, to minister the sacraments, and celebrate marriages, pertains not to the doctor, unless he be otherwise called ordinarily; yet may the pastor teach in schools, as he who hath the gift of knowledge oftentimes, which the example of Polycarpus and others testifies.

CHAP. 6. *The Elders and their Office.*

1. Passed over.

1. The word elder in the scripture is sometimes the name of age, sometimes the name of office; and when it hath the name of office is sometimes taken largely, comprehending as well the pastors and doctors, as those who are called seniors or elders.

2. Agreed, that name of elders be joined with ministers.

2. In this our division, we call those elders whom the apostle calleth presidents or governors; whose office as it is ordinary, so it is perpetual, and always necessary in the Church of God, and a special function, as is the ministry.

3. The perpetuity of elders referred to farther deliberation.

3. Elders once lawfully called to the office, and having gifts of God fit to exercise the same, may not leave it again; yet such a number of elders may be chosen in certain congregations, as one part may relieve another for a reasonable space, as was amongst the Levites under the law in serving the temple.

4. Agreed.

4. The number of elders in every congregation cannot be limited, but should be according to the bounds and necessity of the people.

5. Referred.

5. It is not necessary that all elders be teachers of the word, albeit chiefly they ought to be such, and so worthy of double honour.

6. Referred.

6. What manner of persons they ought to be, we remit it

to the express word, and the canons set down by the apostle St Paul.

7. Their office is as well severally as conjunctly to watch with diligence over the flock committed to their charge, both publicly and privately, that no corruption of religion or manners grow amongst them. 7. Agreed.

8. As the pastors and doctors should be diligent in teaching and sowing the seed of the word, so the elders should be careful in seeking the fruits of the same among the people. 8. Agreed.

9. It pertains to them to assist the pastor in examining those that come to the Lord's table, and in visiting the sick. 9. Agreed.

10. They should cause the acts of the assemblies, as well particular as general, to be put carefully in execution. 10. Agreed.

11. They should be diligent in admonishing all men of their duties, according to the rule of the word. 11. Agreed.

12. Things that they cannot correct by private admonitions they should bring to the eldership. 12. Agreed.

13. Their principal office is to hold assemblies with the pastors and doctors, who are also of their number, for establishing good order and execution of discipline; unto which assemblies all persons are subject that remain within the bounds. 13. Agreed.

CHAP. 7. *Of Elderships, and Assemblies, and Discipline.*

1. Elderships are commonly constitute of pastors, doctors, and such as we call commonly elders that labour in the word and doctrine, of whom and of their power we have spoken. 1. Agreed that ministers and elders may judge spiritual things within their own bounds.

2. Assemblies are of four sorts; for either they are of a particular congregation, or of a province, or of a whole nation, or of all and divers Christian nations. 2. Agreed.

3. All ecclesiastical assemblies have power to convene lawfully together, for treating of things concerning the churches pertaining to their charge. 3. Agreed that synods be kept twice in the year by him that hath the charge of visitation.

4. They have power to appoint times and places to that effect, and every assembly to appoint the diet, time and place for another. 4. General assemblies once yearly, his majesty's authority being interposed, and from the general assembly, noblemen and such as please to come shall not be excluded, providing that fifteen only, with his majesty's commissioner, have voice therein.

5. In all assemblies a moderator should be chosen by common consent of the whole brethren convened, who should propose matters, gather voices, and cause good order to be kept. 5. Agreed.

6. Referred. 6. Diligence ought to be taken chiefly by the moderator that only ecclesiastical things be handled in the assemblies, and no meddling be with any thing pertaining to civil jurisdiction.
7. Referred. 7. Every assembly hath power to send forth of their own number one or more visitors, to see how all things are ruled in their jurisdiction.
8. Deferred to the head of bishops, and their reformation. 8. Visitation of churches is not an ordinary office ecclesiastical in the person of one man, neither may the name of a bishop be attributed to a visitor only, neither is it necessary to abide in the person of one man always, but it is in the power of the eldership to send out qualified persons to visit *pro re nata*.
9. Agreed. 9. The final end of all assemblies is first to keep the religion and doctrine in purity without error and corruption; next to keep comeliness and good order in the Church.
10. Agreed, joining in the end of the article these words, in spiritual things only. 10. For this order's cause, they may make rules and constitutions pertaining to the good behaviour of all the members in the Church in their vocation.
11. Agreed, that as they make acts in spiritual things, so they may alter the same as the necessity of time requires. 11. They have power also to abrogate and abolish all statutes and ordinances concerning ecclesiastical matters that are found noisome and unprofitable, and agree not with the time, or are abused by the people.
12. Referred. 12. They have power to execute discipline and punishment ecclesiastical upon all transgressors and proud contemners of the good order and policy of the Church, so as the whole discipline is in their hands.
13. Referred. 13. The first sort and kind of assemblies, although they be within particular congregations, yet they exerce the power, authority, and jurisdiction of the Church with mutual consent, and therefore bear sometimes the name of the Church.
14. Referred. 14. When we speak of the elders of particular congregations, we mean not that every particular parish church can or may have their particular elderships, especially to landward; but we think three or four, more or fewer, particular churches may have a common eldership to them all, to judge their ecclesiastical causes.
15. Referred. 15. Albeit it is meet that some of the elders be chosen out of every particular congregation, to concur with the rest of their brethren in the common assemblies, and to take up the delation of offences within their own churches, and bring them to the assembly.

16. This we gather of the practice of the primitive Church, ^{16. Referred.} where elders, or colleges of seniors, were constitute in cities and famous places.

17. The power of the particular eldership is to give diligent labour, in the bounds committed to their charge, that the churches be kept in good order; to inquire of naughty and unruly persons, and travail to bring them in the way again, either by admonition and threatening of God's judgments, or by correction. ^{17. Referred.}

18. It pertains to the eldership to take heed that the word of God be purely preached within their bounds, the sacraments rightly ministered, discipline maintained, and the ecclesiastical goods uncorruptly distributed. ^{18. Referred.}

19. It belongs to this kind of assembly to cause the ordinances made by the assemblies provincial, national and general, to be kept and put in execution; to make constitutions which concern τὸ πρότερον, for the decent order of those particular churches which they govern; providing they alter no rules made by the provincial and general assemblies, and that they make the provincial assemblies foreseen of those rules they make, and to abolish such constitutions as tend to the hurt of the same. ^{19. Referred.}

20. It hath power to excommunicate the obstinate. ^{20. Referred.}

21. The power of election of them who bear ecclesiastical charge pertains to this assembly within their own bounds, being well constitute, and erected of many pastors and elders of good ability. ^{21. Referred.}

22. By the like reason their deposition also pertains to this assembly, as of them that teach erroneous doctrine; that be of a scandalous life, and after admonition desist not; that be given to schism or rebellion against the Church, manifest blasphemy, simony, and all corruption of bribes, falsehood, perjury, whoredom, theft, drunkenness, fighting worthy of punishment by the law, usury, dancing, and such dissoluteness as imports civil infamy; and all other that deserve separation from the Church. ^{22. Referred.}

23. Those also who are altogether found unable to execute their charge ought to be deposed, and other churches advertised thereof, lest they receive the persons deposed. ^{23. Referred.}

24. But they who through age or sickness, or any other accident, become unmeet to do their office, their honour ^{24.}

should remain to them, and others be provided to their office, the Church maintaining those who are by that occasion disabled.

25. Referred. 25. Provincial assemblies we call lawful conventions of the pastors, doctors, and other elders of any province gathered for the common affairs of the churches thereof; which may also be called the conference of the Church and brethren.
26. Referred. 26. These assemblies are institute of weighty matters to be intricated by mutual consent, and assistance of the brethren within the province, if need be.
27. Referred. 27. This assembly hath power to redress, order, and handle all things committed or done amiss in the particular assemblies.
28. Referred. 28. It hath power to depose the office-bearers of that province, for good and just causes deserving deprivation. And generally these assemblies have the whole power of the particular elderships whereof they are collected.
29. Passed over. 29. National assembly, which we call general, is a lawful convention of the whole Church of the realm or nation where it is gathered, for the common affairs of the Church; and may be called the general eldership of the whole Church within the realm.
30. Passed over. 30. None are subject to repair unto this assembly for giving voice but ecclesiastical persons, to such a number as shall be thought good by the same assembly; not excluding other persons that will repair to it for propounding, hearing, and reasoning.
31. Answered before. 31. This assembly is institute, that all things either committed or done amiss in the provincial assemblies may be redressed, and things generally serving for the good of the whole body of the Church within the realm may be foreseen, entreated, and set forth to God's glory.
32. The last part of the article referred to the head of bishops. 32. It should take care that churches be planted in places where they are not planted, and prescribe a rule for the proceeding of the other two sorts of assemblies in all things.
33. Deferred. 33. This assembly should take heed that the spiritual jurisdiction and civil be not confounded nor abused; and generally touching all weighty affairs that concern the good order of the churches within the realm, it ought to interpose authority thereto.
34. Agreed in spiritual matters. 34. There is besides these another more general assembly,

which is of all nations, and of all estates of persons within the Church, representing the universal Church of Christ, which may be properly called the general assembly, or general council of the whole Church of God.

35. These assemblies were appointed and called together specially when any great schism or controversy in doctrine did arise in the Church, and were convocated at the command of godly emperors, being for the time for avoiding of schisms within the universal Church of God; which, because they pertain not to the particular state of our realm, we pass by. 35. Referred.

CHAP. 8. *Of Deacons and their Office, the last ordinary Function in the Church.*

1. The word *διάκονος* is sometimes largely taken, as comprehending all them that bear office in the ministry and spiritual function in the Church; but as we now speak, is only taken for them to whom the collection and distribution of the alms of the faithful and ecclesiastical goods do belong. 1. The chapters of deacons and patrimony of the Church are thought meet to be suppressed till the head of corruptions be reasoned.

2. The office of deacon so taken is an ordinary and perpetual function in the Church. Of what properties and duties they ought to be that are called thereto, we remit to the scriptures.

3. The deacon ought to be called and elected as the rest of the spiritual officers; and their office and power is to receive and distribute the whole ecclesiastical goods to whom they are appointed.

4. This they ought to do according to the judgment and appointment of the presbyteries or elderships, of the which the deacons are not, that the patrimony of the Church and poor be not converted to private men's uses, nor wrongfully distributed.

CHAP. 9. *Of the Patrimony of the Church, and Distribution thereof.*

1. By the patrimony of the Church we understand whatsoever thing hath been at any time before, or shall be hereafter, given, or by universal consent or custom of countries

professing christian religion, applied to the public use and utility of the Church.

2. So that under the patrimony of the Church we comprehend all things given or to be given to the Church and service of God; as lands, buildings, possessions, annual rents, and the like, wherewith the Church is endowed either by donations, foundations, mortifications, or any other lawful titles of kings, princes, or any persons inferior to them, together with the continual oblations of the faithful.

3. We comprehend also all such things as by laws, custom, or use of countries have been applied to the use and utility of the Church; of which sort are tithes, manses, glebes, and the like; which by the common and municipal laws and universal custom are possessed by the Church.

4. To take any part of this patrimony by unlawful means, and convert to the particular and profane use of any person, we hold it a detestable sacrilege before God.

5. The goods ecclesiastical ought to be collected and distributed by deacons, as the word of God appoints, that they who bear office in the Church may be provided for, without care or solicitude.

6. In the apostolic Church the deacons were appointed to collect and distribute whatsoever was collected from the faithful to the necessity of the saints, so as none amongst them did lack.

7. These collections were not only of that which was gathered by way of alms, as some suppose, but of other goods moveable and unmoveable, of lands and possessions, the price whereof was brought and laid at the apostles' feet.

8. This office continued in the deacons' hands, who intruded with the whole goods of the Church till the estate thereof was corrupted by Antichrist, as the ancient canons bear witness.

9. The same canons make mention of a fourfold distribution of the patrimony of the Church; whereof one part was applied to the pastor, or for his sustentation and hospitality; another to the elders and deacons, and the whole clergy; the third to the poor, sick persons and strangers; and the fourth to uphold the edifice of the Church, and other affairs specially extraordinary.

10. We add hereunto the schools and schoolmasters, who

ought and may well be sustained of the same goods, and are comprehended under the clergy : to whom we join clerks of assemblies, as well particular as general, procurators of the Church affairs, takers up of psalms, and other officers of the Church, who are necessary.

CHAP. 10. *Of the Offices of a Christian Magistrate in the Church.*

1. Although all members of the Church are holden, according to their vocation, to advance the kingdom of Christ Jesus so far as lies in their power; yet chiefly Christian princes, kings and other magistrates are holden to do the same, for they are called in the scripture nurses of the Church, because by them it is, or at least ought to be, maintained and defended against all those that would procure the hurt thereof.

1. For this whole chapter, it is thought meet that an article be presented to his majesty and estates, craving a punishment to be appointed for those that put violent hands on ministers, and likewise to desire such immunities and privileges to them as shall be thought convenient.

2. So it pertains to the office of a Christian magistrate to fortify and assist the godly proceedings of the Church, and namely to see that the public estate and ministry thereof be maintained and sustained, as appertains to the word of God.

3. To see that the Church be not invaded or hurt by false teachers and hirelings, nor the rooms thereof occupied by dumb dogs or idle bellies.

4. To assist and maintain the discipline of the Church, and punish them civilly that will not obey their censures, without confounding the one jurisdiction with the other.

5. To see that sufficient provision be made for the ministry, schools, and poor; and if they have not sufficient to await upon their charges, to supply their indigence with their own rents.

6. To hold hand as well to the safety of the persons from injury and open violence, and their rents and possessions, that they be not defrauded, robbed, and spoiled thereof; and not to suffer the patrimony of the Church to be applied to profane and unlawful uses, or to be devoured by idle bellies, and such as have no lawful function in the Church, to the hurt of the ministry, schools, poor, and other godly uses upon which the same ought to be bestowed.

7. To make laws and constitutions agreeable to God's word for the advancement of the Church and policy thereof, with-

out usurping any thing that pertains not to the civil sword, but belongs to the offices merely ecclesiastical; as the ministry of the word, sacraments, or using the ecclesiastical discipline, and spiritual execution thereof, or any part of the spiritual keys, which the Lord Jesus gave to the apostles and their true successors.

8. And although kings and princes that be godly, sometime by their own authority, when churches are corrupted and all things out of order, do place ministers and restore the true service of God, after the ensample of some godly kings of Judah, and divers godly emperors and kings also in the days of the New Testament: yet where the ministry of the Church is once well constitute, and they that are placed do their office faithfully, all godly princes and magistrates ought to hear and obey their voice, and reverence the majesty of God speaking by them.

CHAP. 11. *Of the present Abuses remaining in the Church, which are desired to be reformed.*

1. As it is the duty of the godly magistrate to maintain the present liberty which God hath granted by preaching of the word and the true ministration of the sacraments within this realm; so it is to provide that all abuses which as yet remain in the Church be removed and taken away.

2. Therefore first the admission of men to papistical titles of benefices, such as serve not nor have any function in the reformed Church of Christ, as abbots, commendators, priors, prioresses, and other titles of abbeys, whose places are now by the first judgments of God demolished, and purged of idolatry, is plain abusion, and not to be received in the kingdom of Christ amongst us.

3. Let his majesty and estates be supplicated for dissolution of these prelacies, that ministers may be provided to the severall churches, at least after the death of the present possessors.

4. Passed over.

3. In like manner, seeing they that were called of old the chapters and convents of abbeys, cathedral-churches, and the like places, serve for nothing now but to set feus and leases of church-lands (if any be left) and tithes, to the hurt and prejudice thereof, as daily experience teaches, the same ought to be utterly abolished and abrogated.

4. Of the like nature are the deans, archdeacons, chantors, subchantors, thesaurers, chancellors, and others, having the

like titles, which flowed from the pope and canon law only, and have no place in the reformed church.

5. The churches also which are united and joined together by annexation to benefices ought to be separated and divided, and given to qualified ministers, as God's word requires: neither ought such abusers of the patrimony of the Church have voice in parliament, nor sit in council in name of the Church and churchmen, to the hurt and prejudice of the liberty thereof, and laws of the realm made in favours of the reformed church.

5. Passed over.

6. Much less is it lawful that one person amongst these should have five or six, ten or twenty churches, all having the cure of souls, and enjoy the patrimony thereof, either by admission of the prince or of the Church in this light of the gospel; for it is but mockery to crave reformation where the like have place.

6. Answered by the act of dissolution.

7. And albeit it was thought good, for avoiding greater inconveniences, that the old possessors of such benefices who embraced the religion should enjoy by permission the two parts of the rents which they possessed before, during their lifetime; yet it is not tolerable to continue in the like abuse, and give these places and other benefices of new to men, as unmeet, or rather unmeeter, who have no mind to serve in the Church, but live an idle life, as others did who enjoyed the same in time of blindness.

7. An act to be sought for disposing these united churches to ministers after decease of the present possessors.

8. And whereas, by the order taken at Leith, 1571, it appears that such may be admitted, being found qualified; either that pretended order is against all good order, or else it must be understood not of them that are qualified for worldly affairs, or to serve in court, but such as are qualified to teach God's word, and have their lawful admission of the Church.

8. Referred.

9. As to bishops, if the name be properly taken, it is all one with the name of minister, as was before declared; for it is not the name of superiority or lordship, but of office and watching. Yet because in the corruption of the Church this name hath been abused, and is like to be, we cannot allow this fashion of these new chosen bishops, nor of the chapters that are their electors to such an office.

9. The last part of the article deferred.

10. True bishops should addict themselves to one particular flock, which divers of them refuse; neither should they

10. Agreed that bishops have a particular flock.

usurp lordship over their brethren and the inheritance of Christ.

11. and 12. Let the diocese be divided in such sort as a man may reasonably visit; and for the perpetuity of visitors it is referred to farther reasoning.

11. Pastors, in so far as they are pastors, have not the visitation of more churches joined to the pastorship, unless it be committed to them.

12. It is a corruption that bishops should have farther bounds to visit nor they may conveniently overtake; neither ought any man to have the visitation of churches but he that is chosen by the presbytery.

13. Passed over.

13. The elderships well established have power to send out visitors with commission to visit the bounds within their eldership, and after account taken be either continued or changed from time to time, being subject always to their elderships.

14. Agreed.

14. The criminal jurisdiction in the person of a pastor is a corruption.

15. Passed over.

15. It agrees not with the word of God, that bishops should be pastors of pastors, or pastors of many flocks, and yet be without a certain flock, and no ordinary teacher; nor doth it agree with the scripture, that they should be excoemed from the correction of their brethren, and the discipline of the particular elderships of the church where they shall serve; neither that they usurp the office of visitation of other churches, nor any other function besides that of other ministers, unless the same be committed to them by the Church.

16. Passed over.

16. Heretofore we desire the bishops that now are, either to agree to that order which God's word requires, and not to pass the bounds prescribed by the general Church, either in civil or ecclesiastical affairs, or to be deposed from all function in the Church.

17. Agreed.

17. We deny not in the mean time that ministers may and should assist their princes, when they are required, in all things agreeable to the word of God, whether it be in council or parliament, or out of council: providing always they neither neglect their own charges, nor through flattery of princes hurt the public estate of the Church.

18. Referred.

18. But generally we say, that no pastor under whatsoever title of the Church, and specially the abused titles in popery, of prelates, chapters, and convents, ought to attempt anything in the Church's name, either in council or parliament, or out of council, without the commission of the reformed church within this realm.

19. It is provided by act of parliament, that the papistical church and jurisdiction shall have no place within this realm, and that no bishop nor prelate should use any jurisdiction in time coming flowing from the pope's authority : and likewise that no other ecclesiastical jurisdiction should be acknowledged within this realm, but that which is and shall be in the reformed church, and flowing from the same. And such we esteem the chapters holden in papistical manner, either of cathedral-churches, abbeys, colleges, or other conventual places, usurping the name and authority of the Church, to hurt the patrimony thereof, or using any other act to the prejudice of the same since the year 1560, by abusion and corruption, contrary to the liberty of the Church and laws of the realm ; which therefore ought to be annulled, reduced, and in time coming utterly discharged.

19. Agreed that an act be made that none hurt or diminish the patrimony of the Church.

5. Agreed.

20. The dependences also of the papistical jurisdiction are to be abolished, of which sort is the mingled jurisdiction of the commissars, in so far as they meddle with ecclesiastical matters, and have no commission of the Church thereto, but were elected in time of our sovereign's mother, when things were out of order. It is an absurd thing that divers of them, having no function in the Church, should be judges in deposing ministers from their places. Wherefore they would be either discharged to meddle with ecclesiastical matters, or it would be limited to them in what matters they might judge, and not hurt the liberty of the Church.

20. That the Church advise what matters are fit to be treated by the commissars.

21. They also that before were of the ecclesiastical estate in the pope's church, or that are admitted of new to the papistical titles, and now tolerated by the laws of the realm to possess the two parts of their ecclesiastical rents, ought not to have any farther liberty, but to intromit with the portion granted and assigned to them for their lifetimes, and not under the abused titles which they carry to dispoise the church-rents, setting in feus and leases the same at their pleasure, to the great hurt of the poor labourers that dwell upon the church-lands, and the prejudice of the Church, contrary to good conscience and all order.

21. Answered before.

CHAP. 12. *Special Heads craved to be reformed.*

1. Whatsoever hath been spoken of church offices, the several power of office-bearers, their conjunct powers, and

1. Agreed.

last of the patrimony of the Church, we understand it to be the right reformation which God requires, but because something would be touched in particular concerning the estate of the country, and that which we crave presently to be reformed in the same, we have collected them in the heads following:—

2. Agreed. 2. Seeing the whole country is divided in provinces, and these provinces in parishes, as well to landward as in towns, in every parish and reasonable congregation there would be placed one or more pastors, and no pastor or minister be burdened with the charge of more churches than one allenarly.
3. Agreed. 3. And because it will be thought hard to find out ministers to all the parish churches of the realm, we think, by the advice of such as the prince or Church may appoint, parishes in small villages, or to landward, may be united, and the principal or most commodious church, at which the minister resides, repaired sufficiently; the rest that are not found necessary being suffered to decay, and the church-yards reserved for burial-places. As also where the congregation is too large, the same would be divided.
4. Agreed. 4. Doctors would be appointed in universities, colleges, and other places needful for opening the scriptures, and teaching the rudiments of religion, who would also be sufficiently provided.
5. Deferred until the joining of churches. 5. As to elders, there would be in every congregation one or more appointed for censuring of manners, but not an assembly of elders, except in towns and famous places, where men of judgment and ability may be had: And these to have a common eldership placed amongst them, to treat of all things that concern the congregations of whom they have the oversight.
6. Agreed as depending on the former. 6. And as there ought men to be appointed for the dividing or uniting of parishes, as need and commodity requires; so by the general Church, with the consent of the prince, some that fear God, and know the estate of the countries, would be chosen to design the places where the particular elderships should convene; taking consideration of the dioceses, as they were divided of old, and of the estate of the countries and provinces.
7. Passed over in the article of provincial assemblies. 7. Likewise concerning provincial and synodal assemblies, consideration would be taken how many, and in what places

they should convene, and how often ; the same must be referred to the liberty of the general Church.

8. The national assemblies, called commonly the general, ought to be maintained in their liberty, and have their own place, with power to the Church to appoint times and places of meeting ; and all men, as well magistrates as subjects, be subject to their judgment in causes ecclesiastical, without reclamation or appellation to any judge, civil or ecclesiastical.

8. Agreed as before.

9. The liberty of electing persons to ecclesiastical functions, observed without interruption so long as the Church was not corrupted by Antichrist, we desire to be restored and retained within this realm ; so as none be intruded upon any congregation, either by the prince or any other inferior person, without lawful election and the assent of the people over whom the person is placed, according to the practice of the apostolic and primitive church.

9. Agreed to the general.

10. And because this order cannot stand with patronages and presentation of benefices used in the pope's church, we desire all those that truly fear God to consider that patronages and benefices have no ground in the word of God, but are contrary to the same, and to the liberty of election of pastors, and ought not now to have place in the light of reformation. And therefore whosoever will embrace the light of God's word, and desires the kingdom of his son Jesus Christ to be advanced, would also embrace and receive the policy which the word of God craves, otherwise it is in vain that they have professed the same.

10. Referred.

11. Notwithstanding, for other patronages of benefices not having *curam animarum*, such as chaplainries, prebendaries, founded upon temporal lands, annuals, or such like, they may be reserved to the ancient patrons, and be disposed by them to scholars, bursars, when they fall void, as they are required by act of parliament.

11. To be sought of the parliament.

12. As to the church-rents in general, we desire that order be maintained and admitted which may stand with the sincerity of God's word and practice of the Church of Christ in the purest times thereof : that is, that the whole patrimony of the Church (the small patronages before mentioned being excepted) may be divided in four portions, one thereof to be assigned to the pastor for his entertainment and keeping hospitality ; another to the elders, deacons, and other officers of

12. Referred to the head of deacons.

the Church, as clerks of assemblies, takers up of psalms, beadles, and keepers of the Church, so far as they are necessary, joining therewith the doctors of schools, for help of the old foundations where need requires; the third portion to be bestowed upon the poor members of Christ; and the fourth upon the reparations of churches, and other extraordinary charges, that are profitable to the Church and commonwealth.

13. We desire therefore the ecclesiastical goods to be uplifted and faithfully distributed by the deacons, to whose office the collection and distribution belongeth, that the poor may be answered of their portion, the ministers not distracted from their callings, and the rest of the thesaurie of the Church bestowed upon the right uses.

14. If these deacons be elected with such qualities as God's word requires, there is no fear to be taken of their abuse; yet because this vocation appears to be dangerous to many, let them be obliged, as they were of old, in an yearly account to the pastors and eldership; and, if the Church and the prince think expedient, let surety be found for their fidelity, and that the church-rents shall no way be dilapidated.

15. And to the effect this order may take place, all other intromitters with the church-rents, collectors general or special, whether by the appointment of the prince or otherwise, must be discharged of farther intromission, and suffer the church-rents hereafter to be wholly intromitted with by the deacons, and distributed to the uses before mentioned.

16. And also to the effect that the ecclesiastical rents may suffice to these uses, we desire all alienations by feus or leases of the rents of the Church, as well lands as tithes, in diminution of the old rentals, to be reduced and annulled, and the patrimony of the Church fully restored. As likewise that in time coming the tithes be set to none but to the labourers of the ground, as was agreed, and subscribed by the nobility, or then not set at all.

CHAP. 13. *The Conclusion, showing the Utility that shall flow from this Reformation to all Estates.*

1. Seeing the end of this spiritual government and policy is, that God may be glorified, the kingdom of Jesus Christ

advanced, and they who are of his mystical body live peaceably, keeping a good conscience; we do boldly affirm that all who have true respect to these ends will even for conscience cause gladly agree, and conform themselves to this order, advancing the same so far as lies in them; that their conscience being set at rest, they may be replenished with spiritual gladness in giving full obedience to God's word, and refusing all corruption contrary to the same.

2. Next, this realm shall become an example and pattern of good and godly order to other nations, countries, and churches professing the same religion; that as they have praised God for our continuing in the sincerity of the word without all errors, so they may have the like occasion when we shall conform ourselves to that discipline, policy, and good order which the same word and purity of reformation craves at our hands: otherwise that fearful sentence may be justly said to us, "That servant that knoweth the will of his Master, and doth it not," &c.

3. Moreover, if we have any pity or respect of the poor members of Jesus Christ, who so greatly increase and multiply amongst us, we will not suffer them to be longer defrauded of that part of the patrimony of the Church that justly belongeth to them. And by this order, if it be duly put in execution, the burden of the poor shall be taken off the country, and the streets cleansed of their cryings and murmurings, so as we shall not be any more a scandal to other nations, as we have hitherto been.

4. Besides, it shall be a great ease and commodity to the whole commons, relieving them of the building and repairing of their churches, bridges, and other like public works; it shall be a relief to the labourers of the ground in payment of their tithes, and all other things wherein they have hitherto been rigorously used by them that were falsely called churchmen, and their taskmen, factors, chamberlains, and extortioners.

5. Finally, to the king's majesty and estate this profit shall redound, that the affairs of the Church being sufficiently provided according to the foresaid distribution, the *superplus* may be liberally bestowed for the supporting of the prince's estate, and the affairs of the commonwealth.

6. So to conclude, all being willing to apply themselves to

this order, the people suffering themselves to be ruled according thereto, the princes and magistrates not exempted, and they that are placed in the ecclesiastical estate ruling and governing rightly, God shall be glorified, the Church edified, and the bounds thereof enlarged, Christ Jesus and his kingdom advanced, Satan and the kingdom of darkness subverted, and God shall dwell in the midst of us to our comfort in Jesus Christ, who with the Father and Holy Ghost abideth blessed in all eternity. Amen.

This was the form of policy presented to the parliament, and the effect of the commission granted for the same. Such general heads as did not touch the authority of the king, nor prejudge the liberty of the estate, were easily agreed. The rest were passed over or deferred, as we have seen, to farther reasoning; which could not after this time be obtained of the council, one excuse or other being still pretended. The ministers perceiving they would not speed this way, did in their next Assembly resolve to put their conclusions in practice, without insisting any more for ratification thereof. And beginning with Mr James Boyd, archbishop of Glasgow, whom they hoped to find most tractable, he was desired to submit himself to the Assembly, and to suffer the corruptions of the episcopal estate to be reformed in his person. After long reasoning kept with him by the moderator David Ferguson and some others, he presented this answer in writing.

“ I understand the name, office, and reverence given to a bishop to be lawful and allowable by the scriptures of God; and being elected by the Church and king to be bishop of Glasgow, I esteem my calling and office lawful, and shall endeavour with all my power to perform the duties required, submitting myself to the judgment of the Church, if I shall be tried to offend, so as nothing be required of me but the performance of those duties which the apostle prescribeth. As to the rent, living, and privileges granted to me and my successors, I think I may lawfully and with a good conscience enjoy the same. And for assisting the king with my best service in council and parliament, as my subjection ties me thereto, so I esteem it no hurt, but a benefit to the Church, that some of their number should be always present at the

making of laws and statutes; wherein for myself I neither intend, nor by the grace of God shall ever do anything but that which I believe may stand with the purity of the word of God, and the good of the Church and country.”

This answer read in open Assembly was judged insufficient, and he required to bethink himself better, and be present in the afternoon. But he excusing himself, returned not to the Assembly: whereupon commission was given to Mr Andrew Hay, Mr Andrew Melvill, and some brethren in the west, to urge his subscription to the act made at Stirling for reformation of the estate episcopal; and, if he did refuse, to proceed against him with the censures of the Church. The bishop taking grievously these proceedings, and having received about the same time a great wrong at the hands of his cousin Robert Boyd of Baldineth, by the demolishing of the house of Lockwood, which is in the barony of Glasgow, contracted a melancholy, whereof he died not long after at Glasgow. Nothing did more grieve him than the ingratitude of Mr Andrew Melvill and his uncourteous forms. He had brought the man to Glasgow, placed him principal in the college, bestowed otherwise liberally upon him, and was paid for this his kindness with most disgraceful contempt. In private and at the bishop's table (to which he was ever welcome) no man did use him with greater respect, giving him his titles of dignity and honour; but in the public meetings, where he owed him greatest reverence, he would call him by his proper name, and use him most uncivilly. The commission of the Assembly he exercised with all rigour, and by threatening the bishop with the censures of the Church, induced him to set his hand to certain articles which, as he professed in his sickness, did sore vex his mind; yet being comforted by Mr Andrew Polwart, sub-dean of Glasgow, he departed this life in great quietness. He was a wise, learned, religious prelate, and worthy to have lived in better times than he fell into. His corpse was solemnly buried in the quire of the cathedral, and laid in the sepulchre of Mr Gavan Dunbar, one of his predecessors.

The small respect carried to bishops in these assemblies of the Church made them to dishaunt and come no more unto the same. Yet matters went on; and because the archbishop of St Andrews did absent himself, commission was

given to certain of their number to call him before them, and charge him to remove the corruptions in the estate of bishops in his own person, which they reckoned to be seven; ordaining him, and the bishops that would submit themselves to correction, to set their hands to the conditions following:—

1. That they should be content to be ministers and pastors of a flock.
 2. That they should not usurp any criminal jurisdiction.
 3. That they should not vote in parliament in name of the Church, unless they had a commission from the General Assembly.
 4. That they should not take up, for maintaining their ambition, the rents which might maintain many pastors, schools, and poor, but content themselves with a reasonable portion for discharging their office.
 5. That they should not claim the title of temporal lords, nor usurp any civil jurisdiction, whereby they might be withdrawn from their charge.
 6. That they should not empire over presbyteries, but be subject to the same.
 7. That they should not usurp the power of presbyteries, nor take upon them to visit any bounds that were not committed to them by the Church.
- Lastly, it was provided, that if any more corruptions should afterwards be tried, the bishops should agree to have them reformed.

What troubles hereupon arose, both in the Church and country, we shall afterwards hear.

In Glasgow the next spring there happened a little disturbance by this occasion. The magistrates of the city, by the earnest dealing of Mr Andrew Melvill and other ministers, had condescended to demolish the cathedral, and build with the materials thereof some little churches in other parts, for the ease of the citizens. Divers reasons were given for it; such as the resort of superstitious people to do their devotion in that place; the huge vastness of the Church, and that the voice of a preacher could not be heard by the multitudes that convened to sermon; the more commodious service of the people; and the removing of that idolatrous

monument (so they called it), which was of all the cathedrals in the country only left unruined, and in a possibility to be repaired. To do this work, a number of quarriers, masons, and other workmen was conduced, and the day assigned when it should take beginning. Intimation being made thereof, and the workmen by sound of a drum warned to go unto their work, the crafts of the city in a tumult took arms, swearing with many oaths, that he who did cast down the first stone should be buried under it. Neither could they be pacified till the workmen were discharged by the magistrates. A complaint was hereupon made, and the principals cited before the council for insurrection: where the king, not as then thirteen years of age, taking the protection of the crafts, did allow the opposition they had made, and inhibited the ministers (for they were the complainers) to meddle any more in that business, saying, "That too many churches had been already destroyed, and that he would not tolerate more abuses in that kind."

A little before this time the abbot of Dunfermline, being returned from England, related in council the effects of his negotiation, and was approved by all. For that which he had in commission touching the Lady Lennox, he remitted the answer to the queen's own letters delivered to the king. Concerning the disorders fallen out in the borders, the queen, he said, did accept the excuse he made in good part, saying, she was assured that both the king and council were offended therewith, and that she was content the same should be redressed by the advice of the wardens on both sides; only desired that in time coming the king would make choice of wise and experienced men, inclined to peace and justice, to command in those parts. As to the league, he declared that the queen had a good inclination unto it, holding the same a most sure means to repress the practices of enemies both at home and abroad: But in regard he had no warrant to descend into particulars, he had abstained from any dealing therein, and could not but testify that he saw in her a great care of the king his good estate, and that both he and his message were most kindly accepted.

The king in this meantime, to pacify the borders which were broken loose, chiefly in the west parts, gave the Lord Ruthven a commission of lieutenandry, which he discharged

with great commendation ; and bringing with him the Lord Maxwell, who was warden of the bounds, returned to Stirling the twentieth of January. A frequent council was there kept for the time, wherein the Lord Maxwell being challenged of negligence in his office, did answer, " That he had only the title of a warden, and that the limitations of his charge, and the exemptions granted to the gentlemen of the country, made the office needless and contemptible. But if the king should be pleased to discharge the exemptions, and give him a free commission, such as his predecessors were wont to have, he should strive to do his best service to his majesty and the country." This answer was not well taken, and the Lord Herries (as one known to have greatest experience in these matters) being desired to give his opinion, delivered the same in a long speech to this purpose. " Your majesty," said he, " hath in deliberation a business of great importance, whereof it were more fitting any man should give his opinion than I, by reason of the suspicion I stand in with the present warden ; for what I say will be interpreted to proceed of spleen, and of a desire to have the charge taken from him, and not of any care I take of your majesty's service, or the good and benefit of the country : yet seeing your majesty commands me to speak, I will rather hazard on such misinterpretings, than keep back anything which I know to be useful and necessary for the errand. And what I speak, I desire it to be understood of the west marches only, to which my experience chiefly reacheth. But because the evils would first be known, I will begin at them, and then propone the fittest and most easy remedies to my conception. Sire, a little before the death of your majesty's noble grandfather, King James the Fifth, some few disloyal subjects of this realm fleeing into England, did plant themselves in a parcel of waste ground that lies opposite to the west borders of Scotland, and being maintained by the English grew unto such numbers, and became so insolent, as they made daily incursions upon the country. Your majesty's grandfather did hereupon employ certain forces against them, intending to sack and destroy their houses, and make them unable from thenceforth to annoy his subjects. But these forces not being rightly governed, and lacking the provision that was required for such an enterprise, were put to the worse, and shamefully

discomfited. At that time, what by ransoming prisoners, what by the spoil they got, they gained above one hundred thousand marks, wherewith, and by the depredations they have made since that time, they are become wealthy, have built eight or nine strong houses upon the frontiers of your realm, that no warden's power is able to force. They have joined in alliance with divers of our own borderers, as wickedly disposed as themselves, and are so feared, that every man is glad of their friendship, without which none is thought to have any surety either of life or goods. When your grandfather departed this life, which was in the year 1542, they did not exceed the number of twenty or thirty men at most. Now they are grown to three or four hundred, dwell nigh to others, are well armed, have good horses, and upon a simple shout are ready to join in defence one of another. The borderers on the Scots side are not in this condition; for the space of twenty miles there is not a strength in which an honest man may sleep safe, no town nor stronghold to retire unto in time of necessity, neither is the country populous, nor is it fruitful, the ground being a pasture ground, barren, and profitable only for bestial; the people that inhabit the same poor, unruly, and not subject to order. So what for the number of these wicked men that live in the English borders, what for the ill disposition of our own, it is a charge most difficult to guard these marches, and to contain the people from doing or receiving wrong. The only remedy in this time of peace is, to keep our own countrymen in awe and fear of justice, so as neither they break loose themselves, nor have any dealing with their neighbours under hand in their wicked practices. And how this may be done most surely, your majesty and this honourable council is to think; my opinion I have set down in some articles, which I humbly submit to your majesty's and council's censure."

Having thus spoken, he presented a writing containing these heads:—

1. That the warden should make his residence in Lochmaben with his family; and if in the winter season he made his stay in Dumfries, he should depute a sufficient gentleman for holding courts of justice weekly, according to the ancient form.

2. That the warden should be assisted with five or six of the wisest men in the country, of which number two should be of the name of Johnston ; and lest their chief should think the warden's proceedings against his followers partial, and done out of old rancour, that a moderate course should be kept in the confiscation of their goods, the half being allowed to the wives and children of them that should happen to be convicted and executed, and the other half disposed to the laird of Johnston himself.
 3. That the barons and landed men within the bounds should present their tenants and servants as they should be required, and no man be excused or exempted.
 4. That the Lords Carlisle and Herries, the lairds of Drumlanrig, Applegarth, Lagge, and Johnston, should remain nigh to the warden ; and when the Lord Maxwell hath not the charge, that he be obliged to dwell in the house of Langholm ; or if he be warden himself, that he maintain a captain therein with twelve horsemen to be ready upon all occasions.
 5. That the warden be allowed a guard of twenty-four horsemen with their captain, who shall be laid in the town of Annan.
 6. That the king's houses of Lochmaben and Annan, with the watch-tower called Repentance, be repaired, a great bell and fire-pan put into it, with some honest man to watch and give warning to the country where the fray is, and a husband land allowed him for his service.
 7. That the lands called the debateable lands be visited, that it may be known how much thereof is claimed by the broken men of the country to be their steadings, and security taken of them for keeping good order.
 8. That days of truce be kept every forty days once, or within two months at least, and such as shall be found to be robbed of their goods be redressed to the double, and with safer, according to the law of marches.
- Lastly, that his majesty every year in the month of September send one or two of the council to try the estate of the country, what duty the warden doth, and if the barons and landed men do give their assistance ; that where any defect is found the same may be punished.

At these articles the Lord Maxwell took exception, espe-

cially at the first and second: for the house of Lochmaben he said was his own, as heritable steward of Annandale; and that any part of the escheats should be given to the laird of Johnston, he held it prejudicial to the warden's office, and said it would be an occasion for other barons to suit the like. But that which did most displease him (though this he dissembled) was, that any should be joined with him as assisters, for he would needs be absolute in these parts, and have all to depend of him; which ambition he still nourished, and thereby in end wrought his own ruin. Yet the king, not willing to displace him (for he understood his power to be great in these marches), made offer to continue him in the charge, and to allow him a company of twenty-four horsemen with a captain for repressing the outlaws, upon three conditions. First, that he should take the advice of the barons of the country in all affairs, and proceed in the ministering of justice by their counsel. Next, that none should be declared fugitives but by their consents. And, thirdly, that the servants of landed men should not be apprehended, till their masters were first charged to exhibit them, unless they were taken in the fact, and, as they speak, with the red hand. He excusing himself, and professing a great willingness to give his attendance to any other whom his majesty should appoint, the Lord Herries was chosen warden, and the custody of the west marches committed to him.

In the beginning of this year (to wit, upon the twenty-fourth of April) the earl of Athole died at Kincardine of a sickness contracted in Stirling, where he and some other noblemen had been feasted by the earl of Morton; and, as report speaketh always the worst of great men's deaths, so the rumour at this time went, that Morton had made him away by poison; which his lady and friends did so strongly apprehend, as when the council was examining the physicians that embalmed his corpse, whether they perceived any sign of poison at his unbowelling, they took open protestation, that the trial of the council should not prejudge the criminal pursuit which they intended before the justice. And albeit the physicians did, upon their oaths, declare that his death was not caused by any extraordinary mean, yet the scandal was fostered a long time by a sort of rhying libels, which were afterwards tried to be composed by one Turnbull,

a schoolmaster at Edinburgh, and another called William Scot, who were executed for the same at Stirling in the end of the summer.

A consultation was held at the same time in Stirling for punishing the murderers of the two regents, which by the edict of pacification was delayed unto the king his assuming of the government in his own person. Touching the form of proceeding, the opinions of those that were privy to the business were different: for some thought that the persons who were suspected should be summoned to a day, and form of process kept with them; others judged that there needed no such formality, seeing the authors were known, and the sentence of forfeiture pronounced against them stood unreduced. To use a citation, they said, was to give them warning to flee, whereas, otherwise they might be taken unprovided, and brought to their censure. At last it was agreed that a commission should be given to some noblemen that had power, and affected the business, to apprehend them. This commission was given to the earls of Morton, Mar, and Eglinton, and to the lords of Ruthven, Cathcart, and Boyd; which was not so closely carried, but advertisement went to the Lord Hamilton and his brother Lord Claud, so as they escaped. The Lord Hamilton, going on foot through the most part of England in the habit of a seaman, fled into France. Lord Claud, after he had lurked a while amongst his friends at home, found refuge in the north parts of England. Others of their friendship who stood in fear saved themselves where best they could.

Upon the report of their escape, charges were directed for rendering the houses of Hamilton and Draffan, which belonged to the earl of Arran their elder brother, and were possessed by the Lord Hamilton as administrator to his brother, because of his decease. The earl of Arran himself they had kept in the castle of Draffan, attended by some servants, and he was known to have no part in any of these facts wherewith they were charged, so as by way of justice his estate could not fall under forfeiture; yet some colour of right behoved to be made for bringing the same under the court's disposing. To this effect it was devised, that a complaint should be preferred in the name of the earl of Arran and his majesty's advocates, bearing the miserable condition

of the said earl, and how he was detained in close prison by his two brothers without fire, air, and the company of his honest friends; his living violently possessed by the commendator of Aberbrothock, his sheriffship of Lanark usurped, himself denied the benefit of marriage, and debarred from succession against all law: for if he was an idiot or furious (as they gave out), he ought to have had curators given him by the king; and if he was *mentis compos*, it was an intolerable wrong to use him in that sort. Therefore desired letters to be directed for his exhibition before the council, that it might be known in what estate he was, and an honourable provision appointed unto him, such as befitted his birth and condition. This desire being judged reasonable, summons were directed against the two brothers that were fled, and they not appearing at the day were denounced rebels. But this not sufficing to work their ends, the disobedience of the keepers in not rendering the strengths, when they were charged, was made the earl's crime, and he found to have incurred the pain of treason; an act of the greatest injustice that could be done. Not the less upon this ground were both the castles at that time demolished, and Captain James Stewart afterwards preferred to the earldom of Arran.

Whilst these things were doing, Monsieur Nau, a Frenchman, secretary to the queen of Scots, came to Stirling with letters and some presents to the king; but, because in the superscription of the letters he was only entitled prince of Scotland, the messenger was denied access, and neither his letters nor presents received. The rest of this summer was spent for the most part in summoning the gentlemen of the name of Hamilton, and putting them under surety, that they should not give supply to the fugitives, and be always ready to answer before the council when they should be called. Dame Margaret Lion, countess of Cassils, who not long before had married the commendator of Aberbrothock, was suffered to possess the jointure she had by her first husband upon the like condition. And because many were put in fear by this proceeding, that the pacification of Perth should be altogether annulled, his majesty made a public declaration, "That what was done in the present pursuit, was only for punishing the murder of his father and regents (unto which both in honour and conscience he was tied), and that no

article of the pacification should be infringed or called in question.

In the beginning of July the earl of Athole's funerals were performed with great solemnity, and his body interred in the church of St Giles at Edinburgh; after which Colin, earl of Argyle, was created chancellor in his place. The king then resolving to show himself to his people, and to fall into the exercise of his princely authority, caused proclaim a parliament to be kept at Edinburgh the twentieth of October.

Whilst things were preparing for his remove, the Lord D'Aubigny arrived from France of purpose to visit the king, as being nigh of blood, and cousin-german to his father. The king receiving him kindly, after a few days' entertainment at Stirling took him in company to Edinburgh, when he grew into such favour by his courteous and modest behaviour, as the king would not permit him to return unto France; and moving his grand-uncle to resign in his favours the earldom of Lennox, he gave to him in recompense, the title of the earldom of March. Soon after the abbacy of Aberbrothock, which was fallen by Lord John Hamilton's forfeiture, was bestowed on him, and he preferred to be one of the privy-council.

This sudden and unexpected preferment got him much hatred, and being of the Roman profession, his enemies filled the country with rumours that he was sent from France only to pervert the king in his religion. Not the less in the parliament, which held at the time appointed, divers good acts were made in favour of the Church; but the matter of jurisdiction, which the ministers did chiefly urge, was put off to a new commission. Some months before, the king had required them, by a letter directed with John Duncanson his minister, to abstain from making any novation in the church-policy, and to suffer things to continue in the state wherein they were unto the parliament approaching, without prejudging the decision of the Estates by their conclusions. But they, neglecting the letter, went to examine the conference kept at Stirling the year preceding; and whereas in that conference divers heads were remitted to a farther consultation, they ordained nothing to be altered either in form or matter of that which amongst themselves was concluded. They farther called the archbishop of St Andrews in question for granting

collations upon some benefices, and for giving voice in parliament, not being authorized thereto by the Church. This did so displease the king, as from that time forth he did not countenance the ministers as in former times, and upon the complaint of persons who otherwise deserved not much regard (that the Church might find in what need they stood of his favour), he suffered divers sentences to pass in council, suspending their censures and excommunications.

This dissension betwixt the king and the Church brought with it many evils; for, upon the notice of it, divers jesuits and priests did resort into the country, and at home such as were popishly affected began openly to avow their profession. In St Andrews, Mr Nicholl Burn, professor of philosophy in St Leonard's College, made open apostasy from the truth; as Mr Archibald and John Hamilton, regents in the new college, had (not long before) done. In Dumfries, Mr Ninian Dalzell, schoolmaster, did read to his scholars the Roman catechism; and in Paisley a number of papists assembling together, did in derision sing a soul-mass for the ministers, as if they and their religion had been utterly gone. These things being complained of, and not much hearkened to, the ministers in their sermons fell to regret the countenance given to papists in the court, and the dangers wherein both the king and country were brought by the secret practices of the French.

The king, to stay these declaimings, which he knew to be made against the earl of Lennox, called the ministers to Edinburgh, and showed them what travail he had taken to convert his cousin, and how he had obtained his consent for taking a minister in his house, which would be to good purpose, and serve both to debar jesuits from access to the nobleman, and win him by conference to a greater liking of the truth, desiring therefore that one of their number might be appointed for some short space to attend him. Mr David Lindsay, then minister at Leith, being held the fittest, as well for his skill in the French tongue as for his moderation otherwise, was with the king's approbation nominated to this service; by whose labours the nobleman was brought in a short space to join himself to the Church, and openly in St Giles to renounce the errors wherein he had been educated. Yet did not this remove the jealousies of the people, which

were increased by the intercepting of certain dispensations sent from Rome; whereby the catholics were permitted to promise, swear, subscribe, and do what else should be required of them, so as in mind they continued firm, and did use their diligence to advance in secret the Roman faith.

These dispensations being showed to the king, he caused his minister Mr John Craig form a short confession of faith, wherein all the corruptions of Rome, as well in doctrine as outward rites, were particularly abjured, and a clause inserted (because of these dispensations) by which the subscribers did call God to witness, that in their minds and hearts they did fully agree to the said confession, and did not feign or dissemble in any sort. This confession the king, for an example to others, did publicly swear and subscribe; the like was done by the whole council and court; and observers appointed to take notice of those that did not resort to sermon, or behaved themselves in any sort scandalously. So careful was the king to have the Church satisfied, and the rumours of the court's defection from religion repressed.

After this all things continued quiet for a while, till by a bruit suddenly raised, none knew by whom, the earl of Morton was taxed for keeping secret intelligence with the queen of England, and a purpose he had to put the king in her hands. Morton complaineth of this in council, and desireth a trial; but the king, not willing to make business for a tale whereof the author would hardly be found, put it off, saying that he knew it to be a lie, and a malicious invention of enemies, and thereupon sent forth a proclamation against lies and carriers of tales, tending to breed discord betwixt him and his nobility. Yet, as if some such thing had been feared, a motion was made some days after in council for guarding the king's person, and electing of a high chamberlain (which office none had borne for many years in this kingdom), who should have twenty-four to attend him, all of them the sons of barons or noblemen, and be ever at hand to accompany the king whithersoever he went.

The motion was applauded of all, and after some ten days' deliberation the earl of Lennox preferred to the place. Alexander Erskine, captain of the castle of Edinburgh, was chosen to be his deputy, and a roll made of the gentlemen that should give attendance. These were the masters of Marshal, Rothes,

Cassils, Lindsay, Livingstone, Elphingston, Herries, and Ogilvy, the lairds of Cowdenknows, Bargenny, Bomby, Kilsyth, Minto, Strathlurd and Moncrieff, Mr Mark Ker of Preston Grange, George Douglas of Rungavy, Captain James Stewart son to the Lord Ochiltrie, Alexander Ruthven the commendator of Inchaffray, the prior of Coldingham, Alexander Home of North Berwick, and James Chisholme. As extraordinaries, the Lord Maxwell, the lairds of Cessford, Alexander Home of Manderston, and William Stewart of Caverston, were added to the number. All these took the oath of fidelity to the king, and obedience to his chamberlain, in the things they should be directed for his majesty's service.

The earl of Morton, albeit he was much displeas'd with these courses, did carry a fair countenance, and concealing his discontents waited still on the king, and was assisting in council and public meetings. Once he minded to have withdrawn himself from court, and to have lived privately; but was detained by a dissension that fell out in the time betwixt the Lord Ruthven and master of Oliphant, who had married a daughter of Lochleven; whom whilst he laboured to protect, he drew upon himself the hatred of the Lord Ruthven, and thereby was laid more open to the malice of his enemies. Sir Robert Bowes being sent at the same time ambassador from England, to charge the earl of Lennox with some practices against the peace of the two realms, the blame as well of his employment as his sudden departing was laid upon him: for the ambassador's commission and instructions being questioned, and he desired to exhibit the same before the council, he refused to show them but to the king himself; which not being admitted, he went away complaining that the queen had deserved better than thus to have her ambassage misregarded.

His sudden departure amazed the court not a little, wherefore to excuse the king, and try what the accusations were wherewith Lennox should have been charged, Alexander Home of North Berwick was sent in commission to England: but the queen denying him access, he was remitted to the lord treasurer, who courteously told him, "That the queen had refused him presence, not for any dislike she had of himself, whom she knew to be sound in religion, and one that loved his king and his country; but because the king had

not used her well, calling in question the credit of her ambassador, and requiring him to show his instructions, which was strange, he keeping himself within the bounds of his commission. But your king," saith he, "is young, and misled by new counsellors, whose fault the queen knoweth it to be; I should therefore advise your king to hearken to her majesty's counsel, who carrieth to him a true motherly affection, and make more account of her than of his French cousin, who is subject to the French king, matched with a French woman, addicted wholly to that faction, and, what profession soever he maketh, a papist in religion. The Hamiltons," saith he, "being now exiled, he hopeth to be designed successor and heir to the crown; but let your king know that ambition hath no limits, and that the troubles which the French made in Scotland are not yet forgotten, which would have perilled the liberty of that kingdom, if the queen by her prudence and power had not prevented the same."

The gentleman professing his thankfulness for her majesty's good opinion of him, answered, "That if he should be permitted to speak with the queen, he would satisfy her majesty in that point which concerned her ambassador. And for the king his master, albeit he was young and of few years, yet God had given him great wisdom and understanding; and that he would never willingly do the thing that might displease the queen, nor hearken to any that should otherwise advise him, for he knew her majesty's good affection, and would not forget the care she had of him in his tender age. That he could not be justly blamed for favouring his cousin; but as the noblemen (he believed) would never advise the king his master to any thing that might prejudice the amity with England, so he was persuaded that his credit did not extend so far as to make any public breach with the queen." "But there," are more dangerous plots in hand," saith the treasurer, "than your king is wary of, and it is no wisdom to put too much confidence in any one person. Always time will discover the truth of every thing; at the present you must have patience, for the queen will not see you." Thus was he dimitted.

Upon his return, and report of the conference he had with the treasurer, the king was easily made to believe that all proceeded from the earl of Morton and his intelligence in the

court of England, which by one way or other was held needful to be stopped. After some consultation taken about this, it was resolved to charge him with the murder of the king's father; for a rumour had gone in former times that he was conscious and privy unto it. Captain James Stewart (a man eager to win credit by what means soever) takes the matter in hand, and coming one day as the king was sitting in council at Halyrudhouse, desired to be heard. Being admitted, he fell upon his knees, and directing his speech to the king, he said, "Out of the duty I owe to your majesty, I am come hither to reveal a wickedness that hath been long obscured. The earl of Morton, who sitteth there in a place unseemly for him, was one of those that conspired your father's death; and how dangerous it is to your majesty's person that he should be so near unto you, let the noblemen here present consider. For me, I shall make good what I speak, only let him be committed and put to trial."

The earl rising up with a disdainful smile, answered, "By whose instigation this gentleman cometh to accuse me I know not, and I wonder what grounds he buildeth upon in charging me with this crime; for none that ever suffered for it did touch me therewith, and it is known what diligence and severity I used against those that were suspected of that murder. If I pleased I could many ways decline this challenge, but my innocency is such as I fear not the most rigorous trial. Sir (with this he turned himself to the king and said), do in it as you please; either here or before any other judge I shall be ready to answer, and when my innocency is cleared, your majesty will think what the malice of those that have set on this man to accuse me deserveth."

Captain James, sitting all this time on his knees, replied, "That by no man's instigation, nor out of any private grudge of his own, did he intend this accusation, but his detestation of the fact, and the love of his majesty's safety and honour, had only incited him thereto. For that he speaks of his diligence and severity, let me but ask him," said he, "how and why he did prefer Mr Archibald Douglas, his cousin, to the place of a senator in the college of justice, who was known to have been an actor in that murder, if he himself had no part in it." As the earl was about to answer, the king com-

manded the captain to go forth, and the earl being likewise removed, after a short deliberation taken with the council he was committed in a chamber of the palace, where he abode two nights. The third day he was conveyed to the castle with a company of his own friends, who did earnestly move him to make an escape. But he chiding them with great bitterness said, "That he had rather die ten thousand deaths than betray his innocency in declining trial." After a few days he was removed to Dumbarton castle, that he might be farther off from his friends, and kept from all intelligence with them. The king had sent privily to apprehend Mr Archibald Douglas, who dwelt then at Morham; but he, having notice of the earl's committing, fled into England.

In the July preceding, the Assembly of the Church had convened at Dundee, where it was concluded, that the office of a bishop, as it was then used and commonly taken within the realm, had neither foundation, ground, nor warrant in the book of God: and thereupon an ordinance was made, that all persons either called to the said office, or that should be called thereto at any time thereafter, should be charged to dimit and forsake the same, as an office whereunto they are not called by God; as also to desist and cease from preaching, ministering the sacraments, or using in any sort the office of a pastor, till they should be admitted of new by the General Assembly, under the pain of excommunication. In the end of the act it was directed, that concerning the patrimony of the Church possessed by the bishops, the next Assembly should reason and advise upon the disposing thereof.

Whether the folly or iniquity of this ordinance was greater, it can hardly be said; for granting that the office of a bishop had been as they judged unlawful, there was no reason to discharge them of using the ministerial office till they should be received of new. And what a foolish thing was it to think that the prince and Estates would permit the rents of the bishops to be disposed at their appetites! They saw what was done with the other prelacies, and how the abbots and priors were no sooner declared to be no office-bearers in the Church, but presently they turned temporal lords, and carried the rents with them quite away from the Church. And could they look for other dealing with the bishoprics?

Sure it was, if the titulars themselves did not find the credit to enjoy them, that others of the laity would have invaded the same, as afterwards also they did.

But to pass this, the earl of Lennox desiring by all means to win the favour of the Church, sent to this Assembly Sir William Stewart, a brother of Traquair, with a letter to this effect: "That it was not unknown to them, how it had pleased God to bring him since his coming into the country to the knowledge of the truth, which he esteemed more than all worldly happiness, and that he had made open profession thereof, first in St Giles's Church at Edinburgh, and afterwards subscribed the Confession of Faith at Stirling, and was yet, if any farther was thought needful, ready to perform whatsoever should be required; assuring them of his best service in all things tending to God his glory, and to the good of the Church, requesting, together with the assistance of their prayers, that he might continue in their good favour." But all this could not remove their suspicions of his counterfeiting; still he was taxed in public sermons, and made odious to the people. Neither was it long after this Assembly dissolved, that John Dury, one of the ministers of Edinburgh, was called before the council, and committed in the castle for certain speeches of that kind uttered by him in pulpit; but upon the supplication of his fellow ministers, and promise of forbearing, he was after a short stay in the castle licensed to return to his charge.

In October following, Mr John Row, minister of Perth, departed this life, who for his piety and singular moderation deserveth here to be mentioned. In his younger years having applied his mind to letters, and taking the degree of a master in arts, he became a pleader in the consistory of St Andrews (a judicatory then much frequented), and grew to be so skilled in the canon law, as he was chosen to negotiate the affairs of the Church in the court of Rome. Julius the Third did then govern that see, of whom he was well accepted, and in possibility to have attained unto some preferment if he would have stayed there; for he gained the favour of all to whom he was known, and was in special grace with Guido Ascanius Sfortia, cardinal of Sancta Flora, who made such account of his skill and knowledge in the laws, that he would have him pass doctor in the university whereof he was chan-

cellor. After some eight or nine years' abode in those parts, coming home to visit his country, and giving account of the affairs wherewith he had been trusted, he found the state of the Church quite overturned, and the country all in tumult by the Reformation which was then in hands. Thereupon doubting what course to take, and minding to return to Rome, he was dissuaded by the prior of St Andrews, who held him in good esteem, and afterwards induced by the persuasion of John Knox to betake himself to the ministry, which he exercised a certain space at Kennoway in Fife, till by the General Assembly he was translated to the town of Perth. There he continued unto his death, which happened in the year of our Lord 1580, and of his age the fifty-fourth. A man whilst he lived well respected, and much lamented at his death by the people whom he served.

In January next Sir Thomas Randolph came ambassador from England. His errand was to intercede with the king for the earl of Morton his liberty; to which purpose, having called to mind the services done by the nobleman in his majesty's minority, and chiefly the diligence he had used in finding out and punishing the murderers of his father, which by the malice of his adversaries was now laid to his charge, he requested in the name of the queen his mistress, that the nobleman might be released from his ward, declaring that her majesty would esteem it a singular kindness done unto her, and otherwise would take it ill to be denied in so just and reasonable a matter. The king, after he had heard him patiently, made answer, "That the many good offices he had received from his sister the queen did tie him to a thankful requital, but in that particular which touched him so nigh (the trial of his father's murder), he knew she would excuse him; always, because of her intercession, he would be the more careful to have the trial rightly carried, and as liberty had been given to his adversaries to accuse, so the like and greater should be allowed him for his defence."

The assembly of the Estates being called at the same time, and the ambassador pretending that his instructions concerned them in a part, did in the hearing of them all charge the earl of Lennox as one that had travailed to divert the king's mind from keeping friendship with England, and done besides many ill offices since his coming to Scotland, both to the

king and kingdom. "For he hath put," said he, "the king's most faithful subjects and servants from their places, brought in others nothing so trusty, stirred up the king against the ministers of God's word, making no other account of them than as of seditious railers and turbulent persons; he hath loosed the borders," said he, "and made justice there to cease, and hath practised with foreign princes for the invading of England;" which he offered to manifest by letters intercepted and brought to the queen his mistress. "But this beyond all measure doth grieve her, that a prince of such hopes, joined in such nearness of blood, and for whom she had taken so great care, should be thus misled and abused by wicked devices. If such a person ought to be tolerated to possess the king, him alone, and rule all things at his pleasure, your honours may judge." This discourse moved few or none, the wiser sort esteeming the letters he produced counterfeit, as afterwards also was known.

This course not prevailing, he dealt privately with the friends of Morton, and those that he knew envied Lennox his credit, to take arms, and procure both Morton's liberty and the banishment of the earl of Lennox; assuring them of aid both of men and moneys from the queen of England; and by his persuasions brought the earls of Argyle, Montrose, Angus, Mar, and Glencarne to enter into a confederation for performance both of the one and other. But this combination held not long, being quickly discovered and broken. Of all the number Angus and Mar only stood firm, resolving to hazard all rather than Morton should perish.

The queen of England, to make good her ambassador's promise, sent down at the same time certain forces to the borders; which troubled the court a little, but was to no purpose, only it gave occasion to hasten Morton's trial and execution. The king, not to be taken unprepared if invasion should be made by England, sent forth proclamations, commanding all the subjects to be in readiness for resisting such attempts; and withal levied some companies of horse and foot to guard his person against any sudden assault. Next, a course was taken for confining those of Morton's friendship in some remote parts of the realm, and the earl of Angus charged to keep ward beyond the river of Spey, the laird of Lochleven being benorth the water of Cromarty. The lairds

of Mains and Carmichael, with Morton's two natural sons, James and Archibald, were cited to appear before the council. The laird of Johnston was discharged of his wardenship in the west marches, and the Lord Maxwell put in his place. Angus, for not entering within the time prefixed, was denounced rebel, and prohibitions made to reset or supply him in any sort under pain of treason. Mains, Carmichael, and Morton's two sons not appearing before the council, were likewise proclaimed rebels.

This rigorous proceeding, and a fear the ambassador took that his practices were discovered, made him to depart secretly to Berwick. Sir John Seaton, master of the horse, was thereupon directed to complain both of his dealings and of the forces sent unto the borders in a time of peace; but he was stayed at Berwick, and not suffered to go any farther. Then order was taken for bringing Morton to his trial, and commission given to the earl of Montrose and Captain James, who was then first styled earl of Arran, to make his convoy to Edinburgh. When the commission was showed to the earl of Morton, and that he found named in it James earl of Arran, he wondered what man he was, for he knew the earl of Arran to be deceased, and had not heard that Captain James did assume that title. Thereupon, asking the keeper of the castle who was earl of Arran, when it was answered that Captain James was the man, after a short pause he said, "And is it so? I know then what I may look for;" meaning, as was thought, that the old prophecy of the falling of the heart by the mouth of Arran should then be fulfilled. Whether this was his mind or not, it is not known; but some spared not at the time when the Hamiltons were banished, in which business he was held too earnest, to say, that he stood in fear of that prediction, and went that course only to disappoint it. But if so it was, he did find himself now deluded, for he fell by the mouth of another Arran than he imagined. Howsoever it was, this is sure, that the news did at first perplex his mind not a little, and that, after this time, he gave over all hope of life.

Being brought to Edinburgh, his process was made the first of June. The indictment charged him with conspiring and concealing the murder of King Henry, and of being art and part (as the phrase is) in committing the same. He

denied all, and pleaded not guilty. The jurors being called, he excepted against Argyle, the Lord Seaton, and the laird of Waughton; yet they were all received upon their purgation, that they had not given any counsel to his hurt or prejudice. This done, and they all sworn according to the custom, they went apart, and after they had consulted a while, returning into the court, the earl of Montrose, chancellor of the assize, declared him convict of counsel, concealing, and being art and part in the king's murder. At these last words he showed himself much grieved, and beating the ground once or twice with a little staff he carried in his hand, said, "Art and part, art and part! God knoweth the contrary." When doom was given that he should be taken to the place of execution, hanged on the gibbet, have his head cut off, his body quartered and affixed in the most public places, he uttered not a word, nor did he seem to be moved therewith; and because it was drawing towards night, he was conveyed back to the lodging wherein he was kept.

In the morning Mr James Lawson with two or three other ministers did visit him. They asking how he had rested that night, he answered, that of a long time he had not slept more soundly: "Now I am," saith he, "at an end of my troubles; some nights before my trial I was thinking what to answer for myself, and that kept me from sleep, but this night I had no such thoughts." Then falling to speak of his present case and the sentence pronounced against him, they said that he should do well to unburthen his mind, and declare what his part was in the king's murder. He answered with a great attestation that he never gave consent to that wicked fact. "The Earl Bothwell," said he, "upon my return from England (where I remained a while, because of Seigneur Davie's slaughter), came to me in Whittingham, and after a long discourse brake the matter unto me, saying that the queen would have the king taken away, for that she blamed him more of Davie's murder than all the actors; and asked what would my part be therein. I made him this answer, that being newly relieved of a great trouble, I would not willingly enter into another, and that I would have no meddling in that business. He, not satisfied with my answer, insisted to have me consent, saying, the queen would have it done. If so be, said I, bring me the queen's handwriting,

that I may know that it is her mind. This he never did; and if he had brought it, I was fully resolved to have turned my back upon Scotland, and banished myself, till I saw better times." Next, they inquired whether Mr Archibald Douglas had any dealing with him in that purpose. Whereunto he answered, that Mr Archibald (being at that time a depender upon Bothwell) did bring him (he being then at St Andrews) a letter from Bothwell, containing credit, and that he travailed to persuade him to give his assistance to that fact; but he excused himself, because he saw no warrant from the queen, as Bothwell had promised. After the murder committed, he said that Mr Archibald came again unto him, and told him that he did accompany Bothwell and Huntly to the place, and was assisting to the fact. "Therefore can I not deny," saith he, "that I foreknew and concealed the same; but to whom should I have revealed it? for the king, when he was advertised of the danger, would not believe it. But they have condemned me of art and part," said he, "which is more than concealing; but as I wish God to be merciful to me now at my last, I never gave counsel nor consent thereto." The ministers replying that he could not justly complain of the sentence, being guilty of foreknowledge and concealing by his own declaration, he acknowledged the same to be true: but, saith he, "it would have gone alike with me if I had been as innocent as St Stephen, or as guilty as Judas. But of that I am not to complain, nor will I stand to my justification, being assured, howsoever men have carried themselves in it, God hath dealt justly with me; and that I am to suffer nothing but that which I have merited, yea worse."

This confession reported to the king, the rigour of the sentence was mitigated, and order given that he should be beheaded only, and his body committed to burial. In the afternoon, when it was told him by his keeper that the time was come, and all things were in a readiness, he said, "I praise God I am also ready;" and making forth was met by the earl of Arran in the very entry, who desired him to stay and subscribe his confession. He answered, "I pray you trouble me not, for I am now to prepare myself for death, and cannot write in this estate." The earl ceasing to urge that point any farther, desired he might be reconciled with him, protesting that he had done nothing upon any particular

grudge. He answered, "It is no time to reckon quarrels, I forgive you and all others." When he was come to the scaffold, which was erected in the public street, he repeated the substance of his confession; and in some few words exhorted the people to continue in the profession of true religion, and maintain it at their power, entreating them to assist him with their prayers to God. The chief minister did then conceive a prayer, during the time whereof he lay prostrate upon his face, and was greatly moved, as appeared by the rebounding of his body with many sobs and sighs. The prayer ended, divers came to be reconciled with him, whom he received very kindly: all the rest that were on the scaffold he took by the hand, bidding them farewell, and going towards the block, laid down his head, and cried aloud, "Into thine hands, O Lord, I commit my spirit: Lord Jesus receive my soul." Which words he was still uttering whenas the axe fell and cut off his head. His corpse left on the place lay from the hour of execution to the sun-setting, covered with a beggarly cloak, every man fearing to show any kindness, or so much as to express a sign of sorrow. His corpse was afterwards carried by some base fellows to the common sepulture, and his head fixed on the Tolbooth.

Never was seen a more notable example of fortune's mutability. He who a few years before had been revered of all men and feared as a king, abounding in wealth, honour, and numbers of friends and followers, was now at his end forsaken of all, and made the very scorn of fortune; to teach men how little stability there is in honour, wealth, friendship, and the rest of those worldly things which men so much admire. He was of personage comely, of a mean[middle] stature, a graceful countenance, and singular courage, whereof in the civil troubles he gave many proofs; wise and able for government, a lover of justice, order, and policy; but inclined to covetousness, which the wants and necessity he endured in his younger years was thought to have caused; and given too much to the pleasures of the flesh, as at his dying he acknowledged with a great remorse. In this lastly most happy, that though his death in the world's eye was shameful and violent, yet did he take it most patiently, quitting this life with the assurance of a better.

The day following, the earl of Arran in council made a

discourse of his proceedings in the trial of Morton, declaring what he had done, and how, to come to the knowledge of the fact for which he had suffered, he was forced to use some rigorous dealing towards his servants, and put certain of them to the torture : lest this should be imputed to him as a crime; his desire was to have his majesty's and the council's approbation. This was easily obtained, and an act made ratifying all that he had done in that business, as good service to his majesty and the estate. Yet was it well enough known, that the inquisition he made upon Morton's servants was to find out where his gold and money was hidden, and for no purpose else. Near about the same time he took to wife the earl of March his lady, a woman intolerable in all the imperfections incident to that sex. She had forsaken her husband not long before, and obtained sentence against him for alleged impotency ; yet was she known to be with child even then by Arran, which made the process on her part more shameful. Nor was his part a whit better, nay rather much worse, having been a long time entertained in the nobleman's house, and furnished by him in every thing necessary, whilst his estate was but yet mean ; to have repaid the nobleman so dishonourably, was accounted a vile ingratitude. The marriage always went on, and their unlawful love held that way legitimated.

In August next, the earl of Lennox was created duke of Lennox, Lord Robert Stewart, uncle to the king by his mother, made earl of Orkney, William lord Ruthven earl of Gowrie, and John lord Maxwell earl of Morton. Arran, although he had assumed the title before, would then also be created earl, which was done with great solemnity, and the first place bestowed on him, for he would not endure to be second to any, and took so ill the credit which he saw the duke carried with the king, as he spared not to affront him at all occasions. The laird of Farnherst was then newly returned from France, where he had lived divers years in exile, and by the duke's favour, to whom the king could deny nothing, had a respite given him for certain crimes committed in the king's minority. As it was passing in council, the earl of Arran did protest against it, alleging an oath made at Stirling by the counsellors, not to give way to respites or remissions granted to the king's enemies. Herewith the duke offended, and a great heart-burning grew amongst them,

which in the parliament kept at Edinburgh in the month of October following burst forth in an open breach. The question was about some privileges belonging to the chamberlain in time of parliament, which Arran would not acknowledge, taking upon him, as captain of the guard, to place near unto the king whom he pleased. The duke not enduring this insolency, absented himself from parliament; which did so irritate the king, as the next day he went to Dalkcith, taking the duke with him, and charged Arran not to come towards court. Many were glad to see them thus committed amongst themselves, and for a while matters went so hot, as it was not expected the discord should be suddenly appeased. The duke had the advantage of the king's favour; Arran strengthened himself with the common cause, giving out that the quarrel was for religion, and for opposing the duke's courses, who craftily sought the overthrow thereof. And all the time the frowning of the court continued, you should have seen him and his lady repair so devoutly to sermon and prayers, that the people believed this to be the ground of the dissension, and that he was only disliked for his sincerity in religion. But Arran knowing this would not long bear out, and fearing to lose the king's favour altogether, he employed some friends to make offer of satisfaction to the duke; and in end, things were so composed as Arran did quit the commandment of the guard, and the charge thereof was given to the duke.

To return to the matters of the Church. There was a general synod this year kept at Glasgow in the month of April, wherein the question of bishops was again agitated; and because of the scruples which some brethren had at the act concluded at Dundee the year preceding, especially where it was said that the office of a bishop had no warrant of the word of God, the Assembly declared, that their meaning was to condemn the estate of bishops as they were then in Scotland. A number of the more wise and moderate sort interceded that the conclusion of that matter might be for a time deferred, because of the inconveniences it would draw upon the Church; but they were cried down by the multitude. Amongst others, one Mr Robert Montgomery, minister at Stirling, was so fervent in the cause, as he would have the Assembly censure those that had spoken in defence of that

corrupted estate. Yet before the end of that year this zealous man did suffer himself to be more pitifully corrupted, the story whereof shall now be related. The see of Glasgow being then void, it was suggested to the duke of Lennox by some flatterers, that he had a fair occasion presented to make himself lord of that city, and of the lands pertaining to that see, if he should only procure a gift thereof to some one that would make a disposition of the same to him and his heirs. The offer was made to divers, who refused all, because of the condition required. At last the agents in that business fell upon this Montgomery, who was content to accept it. A gift was thereupon formed, and a bond given by him, "That how soon he was admitted bishop, he should dispoſe the lands, lordships, and whatsoever belonged to that prelacy, to the duke and his heirs, for the yearly payment of one thousand pounds Scots, with some horse-corn and poultry." A vile bargain it was, for which justly he ought to have been repulsed. But the Church passing this point, made quarrel to him for accepting the bishopric, which the king would not acknowledge to be a reason sufficient. "If they could charge him with any fault in doctrine or life, he was content they should keep their order; but to challenge him for accepting the bishopric, he would not permit the same, having lately ratified the acts agreed upon at Leith, anno 1571, touching the admission of bishops, and ordained the same to stand in force until his perfect age, or till a change was made thereof in parliament."

This related to the Church, they did appoint Montgomery his life and doctrine to be inquired upon, if possibly they could find any matter against him: which done, an accusation was framed, and he cited to answer in the next Assembly. The Articles laid to his charge were these:—

1. That he, preaching at Stirling, had proponed a question touching the circumcision of women, and affirmed they were circumcised in the skin of their forehead.
2. That, teaching in Glasgow, he should say, the discipline of the Church was a thing indifferent, and might stand this or that way.
3. That he called the ministers captious, and men of curious brains.

4. That he laboured to bring the original languages in contempt, abusing the words of the apostle in the 1 Cor. 14, and jestingly asked, In what school were Peter and Paul graduated?
5. That to prove the lawfulness of bishops in the Church, he had used the examples of Ambrose and Augustine.
6. That in his doctrine he said it was sufficient to baptize in the name of the Father only, or in the name of the Son, or in the name of the Holy Ghost, seeing they are all one God; and to that effect alleged the nineteenth of the Acts.
7. That he should have called matters of discipline, and the lawful calling of the Church, trifles of policy.
8. That he charged the ministry with sedition, warning them not to put on or off crowns; for if they meddled therewith, they would be reprovèd.
9. That he condemned the particular application of Scripture, disdainfully asking, In what Scripture they found a bishop for a thousand pounds, horse-corn, and poultry, &c.
10. That he oppugned the doctrine of our Saviour, speaking of the number of the wicked and them that perish.
11. That he denied any mention to be made in the New Testament of a presbytery or eldership.
12. That he accused the ministers of pasquils, lying, back-biting, &c.
13. That the Church being traduced with infamous libels, he did not only not find fault therewith, but seemed to approve the same, having used in his preaching the very words of the libel cast in the king's chamber against the ministers.
14. That these three months past he had been negligent in doctrine and discipline, and given no assistance to the eldership.

The articles were sent to the king by some ministers, who were desired to show his majesty that the accusation was not founded upon the accepting of the bishopric, but upon erroneous points of doctrine. The king answered, "That whatsoever colour they gave to the process, he knew that his yielding to accept that place was the true quarrel; and for himself, albeit he loved the religion, and agreed fully therewith, he allowed not divers heads of their policy; always,

for the particular in hands, he would leave the man to make his own answer." This reported to the Assembly, they went on with the accusation, and Montgomery being called, Mr Andrew Melvill became his accuser. The articles upon his denial were admitted to probation, but few of them were verified; yet the conclusion of the Assembly was, that he should continue in his ministry at Stirling, and meddle no more with the bishopric under pain of excommunication. Meanwhile the presbytery of Stirling (for they had now erected presbyteries in divers places of the country) was enjoined to try his conversation, and how he did exercise discipline, if possibly any thing might be found against him that way.

It fell out at the same time, that Mr Walter Balcanquel, one of the ministers of Edinburgh, did utter some reproachful speeches in a sermon against the duke of Lennox, saying, "That within these four years popery had entered into the country and court, and was maintained in the king's hall by the tyranny of a great champion, who was called Grace. But if his Grace continued in opposing himself to God and his word, he should come to little grace in the end." The king, advertised of this, sent James Melville his servant to complain to the Assembly, requiring some order to be taken therein. The minister being put to his answer, said, "That he praised God for two things: first, that he was not accused for any thing done against his majesty and the laws; secondly, that he perceived the Church had obtained some victory; for when he was last questioned for his sermon, the council did make themselves judges of ministers' doctrine; now that he saw the complaint remitted to the Assembly, he was glad, and willingly submitted his doctrine to their trial: only, that he should not give advantage to his enemies, he desired the apostolic canon to be kept, which prohibiteth an accusation to be received against an elder but under two or three witnesses."

Mr Thomas Smeton and David Ferguson were upon this directed to show the king, that the Assembly was willing and ready to try the complaint, but withal, that the liberty craved by the person accused could not be denied, he being a presbyter. So, if it should please his majesty to send an accuser assisted by two or three witnesses, the accusation

should be received, and justice done. The king not liking this answer, for he knew the difficulties he should have to find out an accuser, followed the business no more: but the minister, not contenting that the cause should thus desert, would needs have the judgment of the Assembly whether or not he had uttered in his sermon any scandalous or offensive words; for they had been all auditors of that he spake. This being put to voices, the Assembly declared his doctrine to have been good and sound, and that he had given no just offence thereby to any person. When this was told the king, he was much offended; for not many days before, when as the same minister, with his colleague John Dury, was called to give account of some speeches they had uttered in pulpit, it was excepted, "That the king and council could not be judges of their doctrine;" and now, saith he, having complained to themselves, and they being auditors of the speeches, when he expected some censure to be inflicted, they had justified all that was spoken, and so would force him to take other courses than he desired to follow.

But to return to Montgomery his cause, the ministers of Stirling, as they were enjoined, made a visit of the church, to try what they could find against him. All they got delated was, that he had baptized some children begotten in fornication, not calling the offenders before his session. Upon this delation he was cited to appear, and because he kept not the diet, suspended from his function. He not the less preached still, and exercised all the parts of his ministry, as in former times, which they took to be a high contempt, and therefore did summon him to the Assembly which was shortly to meet at St Andrews, to hear their sentence approved, and to answer to such other things as in that meeting should be laid to his charge: and because they understood, that against the inhibition of the last Assembly he was still labouring to secure himself in the bishopric of Glasgow, and had cited the chapter before the council for refusing to convene to his election, they likewise charged him to compare before the synod of Lothian, to hear the sentence of excommunication pronounced against him.

The king being informed of this, caused warn the synod to appear the twelfth of April at Stirling, discharging in the mean time all proceeding in the business. Mr Robert Pont,

and with him a few others, compearing at the day, he in name of the rest protested, "That albeit they had compeared to testify their obedience to his majesty, yet they did not acknowledge his majesty and council judges in that matter, the same being a cause ecclesiastic, and that nothing done at that time should prejudice the liberties of the Church and laws of the realm." This protestation the council rejected, inhibiting the ministers to use any proceeding against Montgomery; which, because of the General Assembly's approaching, they yielded unto, only they caused charge him to appear before the Assembly. When the diet came he appeared, and first protesting for remedy if they should use him wrongfully, he said, that the process of Stirling could not be allowed, for that he was never lawfully summoned to hear any sentence given against him. The presbytery of Stirling remitting themselves to the process, the Assembly declared the same to be rightly deduced, and ratified the suspension pronounced. As they were proceeding to his censure for contempt of the sentence, Mr Mark Ker, then master of requests, presented a letter from his majesty, inhibiting them to trouble the bishop for any thing that concerned the bishopric, or whatsoever cause preceding; for that the king would have those things heard and handled in his own presence. The Assembly answered, that, because of his majesty's request, they should look more carefully to the business, and see all things carried rightly and according to justice.

The master of requests replying that his majesty had willed them by his letter to desist, and treat no more of that business, Mr Andrew Melvill, who presided for the time, answered, "That they did not meddle with things belonging to the civil power, and for matters ecclesiastic, they were warranted to proceed in these, specially with one of their own number." He perceiving that, notwithstanding of his majesty's letter, they would proceed, caused a messenger of arms, whom he had brought with him, charge them under pain of rebellion to desist. Then was Montgomery called to see if he would abide by the charges used at his instance; but he was retired to his lodging, and could not be found, and the night drawing on, was appointed to be summoned to the next morning to receive his censure. At the hour ap-

pointed, one William Montgomery having procuration from him appeared, and appealing from the Assembly to the king and council, gave this for a reason amongst others, "That he who was his accuser in the last Assembly was turned to be his judge." But the Assembly rejecting the appellation, fell presently a-reading the *enorm crimes* (so they called them) whereof he was guilty; nor was there any thing omitted that served to aggravate the same; corruption in doctrine, dissoluteness of life, contempt of the Church's sentence, falsehood and breach of promise, lying, perjury, moving of sedition, and stirring up certain of the nobility against the Church. Of all these he was declared culpable, and ordained therefore to be deprived, and cast forth of the Church.

How soon he heard that this conclusion was taken, his courage, which seemed before high and resolute, began to cool; whereupon presenting himself to the Assembly, he renounced his appeal, desiring conference of some godly and learned brethren: which granted, he was induced by them to confess his offence in divers particulars, submitting himself to the will of the Assembly, and in end, to promise solemnly in the presence of the whole number that he should meddle no farther with the bishopric of Glasgow, and neither accept of it nor of any other office in the Church, without the advice and consent of the General Assembly. Yet this gave not an end to the business; for how soon he returned to the court, and perceived the king's countenance cast down upon him for that he had done, he undertook of new to settle himself at Glasgow, and had letters from his majesty to the gentlemen of those parts to assist him. At his coming to Glasgow with purpose to preach the Sunday following, a number of the students in the college entered into the church on Saturday night, and excluding him, did keep the chair for Mr Thomas Smeton their principal; who taking for his theme that saying in the gospel, "He that enters not by the door, but by the window, is a thief and a robber," inveighed against the bishop for his simoniacal entry, and the levity he had showed in all his proceedings. The next Sunday the bishop with a great convocation of gentlemen came to the church, and displacing the ordinary preacher, Mr David Wemyss, made the sermon himself. The presbytery of Glasgow intending process against him for molestation of the

church, and usurping the place of the ordinary preacher, Matthew Stewart of Minto, provost of the city, came and presented a warrant from the king to stay all proceedings against the bishop, willing them to desist. Mr John Howeson, minister at Cambuslang, moderating in his course (as the custom then was), and replying somewhat peremptorily, that notwithstanding his warrant they would proceed, some words of offence passed, whereupon the provost, pulling him from the seat, made him prisoner in the Tolbooth.

The rumour of this fact ran quickly through the kingdom, and a solemn fast being kept by the appointment of the former Assembly, the causes whereof were made to be the abundance of sin, the oppression of the Church, the dilapidation of the rents, and the danger wherein the king stood by the company of wicked persons, who did seek to corrupt him in manners and religion, the insolency committed at Glasgow was likewise adjected, and furnished matter of long discourse to the preachers. Amongst others John Dury did exclaim mightily against the duke of Lennox, upon whom the blame of all things was laid, and thereby did so irritate the king as he would needs have him removed forth of the town. Charges to that effect were directed, commanding the magistrates within the space of twenty-four hours to remove him; who not daring disobey, yet being unwilling to use their minister in that sort, travailed with him to depart quietly, and leave the town. The minister proponing the case to the General Assembly (for upon advertisement given by the ministers of Edinburgh they were there convened), desired their advice: "For to leave his flock at the pleasure of the court," he said, "might work a prejudice to the Church; and to depart privately, as the magistrates advised him, might be imputed to fear, or then make him to be thought guilty of some fault." The brethren after a short consultation did advise him to stay till he should be commanded to depart, and then obey. Meanwhile Mr Thomas Buchanan and David Ferguson were sent to the king, who was then at Stirling, to entreat his majesty's favour unto him, and therewith to request a continuation of the diet for the appearing of the ministers of Glasgow at Perth. The king, desiring to have matters quieted, answered the last proposition first, saying, "That if the Assembly would delay the process

which they had against the provost of Glasgow and his assisters, he would likewise dispense with the appearing of the ministers at the appointed time." And as to John Dury he said, "that upon his supplication, how soon the duke returned to court, whose interest was greatest in that business, order should be taken with him, and consideration had of the Assembly's request." But they not satisfied herewith, striving to make good what they had taken in hand, went on with the process of Glasgow, and leading probation against Minto and the rest, decerned them to be excommunicated and cast forth of the society of the Church; only the pronouncing of the sentence was delayed, till they saw what course was kept with their brethren before the council.

Mr John Davidson, then minister at Liberton, pretending a warrant from the Church, had in his private parish pronounced Bishop Montgomery excommunicate, which (albeit done against all form) was allowed, and intimated in all the churches of the country. The duke of Lennox notwithstanding did still entertain him in his company, and at some occasions had made him to preach publicly. Thereupon Mr Alexander Arbuthnot and Mr Adam Johnston were directed by the Assembly to intimate unto the duke his excommunication, and the acts of the Church against such as kept excommunicate persons in their company. The duke taking them up somewhat hotly, asked, "Whether the king or the Church were superiors;" and thereafter answered them directly, "That he was commanded by the king and council to entertain him, which he would not forbear to do for any fear he had of their censures." This amongst other grievances of the Church was ordained to be represented to his majesty by the commissioners appointed to attend the council at Perth. But touching this the king answered, "That the excommunication was null, and declared such by the council, as being pronounced against equity and all lawful form, no citation being used, nor any admonition preceding, which all laws and even their own discipline appointed to be observed." To their other grievances they received general answers; and for the brethren of Glasgow, their trial was continued to the tenth of September next.

Before which time the surprise of the king's person at Ruthven fell out, which altered the state of all affairs. Some

of the nobility combining themselves for defence of religion and the liberty of the kingdom (as they pretended), upon notice of the duke and Arran's absence from the court, placed themselves about the king, and detained him some days at the house of Ruthven. The principals in this attempt were John earl of Mar, William earl of Gowrie, Patrick lord Lindsay, Robert lord Boyd, the masters of Glamis and Oliphant, the abbots of Dunfermline, Paisley, Dryburgh, and Cambuskenneth, the lairds of Lochleven, Easter Wemyss, Cleish, and the constable of Dundee. The king at their first coming suspected there was some practice in hand, yet dissembled the matter, thinking to free himself the next day when he went abroad to his sport. But as he was about to go, the master of Glamis stepped to the door of the parlour, and told him he must stay. The king asked the reason; he answered, he should know it shortly. When he saw it to be so, and found his liberty restrained, he grew into a passion, and after some threatening speeches burst forth into tears. The master seeing him weep, said, "It is no matter of his tears, better that bairns should weep than bearded men." Which words entered so deeply into the king's heart, as he did never forget them. The news went quickly of the noblemen's being at court in such numbers; which made the earl of Arran to haste thither; for he held himself assured of the earl of Gowrie's friendship, as being of his alliance, and having kept one course in the pursuit of the earl of Morton; his only fear was, that he should be stayed by the way, therefore having crossed the ferry, he singled himself from his company, and taking one only servant with himself, directed his brother, William Stewart, to keep the highway with the rest. By this mean he did escape those that lay in wait for him, and came in the evening to Ruthven. When he had entered the gate he asked what the king was doing, as meaning to go directly to him; but was conveyed to another room, and told that he must have patience, and think his fortune good that he was come to that place with his life saved; and so he himself judged, when a little after he heard that the horsemen which lay in wait of him, and encountered his brother nigh unto Dupplin, after divers wounds given him, had taken him prisoner.

A day or two after some noblemen employed by the duke

of Lennox, who remained then in Dalkeith, came to court, but were not permitted to speak with the king, nor see him, except in council. Being examined what their business was, they told that the duke of Lennox had sent them to learn of the king in what condition he was; and that if he was detained against his will, as the rumour went, he might, with the assistance of other good subjects, see him made free. The king presently cried out that he was captive, which he desired all his subjects to know, and that the duke should do what he might to procure his liberty. The lords prayed his majesty not to say so, "for that he should not be denied to go whither he pleased, only they would not permit the duke of Lennox and earl of Arran to mislead him any longer, and oppress both church and kingdom, as they had done. Wherefore he should do well to cause the duke retire himself quietly to France, otherwise they would be forced to bring him to an account of his doings, and proceed against him with rigour of law." This they willed the same noblemen whom he had sent to signify unto the duke, and that they were resolved to maintain what they had undertaken, at the utmost hazard of their lives and estates.

After they were gone, the king's anger being somewhat assuaged, and fearing the duke's case more than his own, he was moved to send forth a proclamation to this effect: "That for pacifying the present commotions, and removing some differences fallen out amongst the nobility, his majesty had thought it expedient to interpose himself a mediator; and for the better working of a union amongst them, had resolved to make his residence in Perth for a time, till he saw what good effect his travails might produce. And lest his stay in those parts should be interpreted to be a detention of his person, because of the noblemen and others that had lately repaired to court, his majesty declared, that it was his own free and voluntary choice to abide there; and that the noblemen and others who did presently attend had done nothing but what their duties obliged them unto, and which he took for a good service performed both to himself and to the commonwealth: therefore inhibited all the subjects to attempt any thing that might tend to the disturbance of the realm; commanding them also that had levied any forces upon pretext of his majesty's restraint, to dissolve the same

within six hours under the pain of death." This proclamation was dated at Perth the twenty-eighth of August, some six days after the surprise of his person at Ruthven.

The duke in the mean time was gathering forces, and grown to be strong by his friends and others that repaired unto him; when a letter came from the king, signifying that it was his pleasure he should leave the realm, and depart forth thereof before the twentieth of September. The letter he communicated to his friends, who did all advise him to retire unto Dumbarton, where he might with more safety stay a while, and if he found not an opportunity to right himself, should have good occasion of shipping for France. When he was come thither, the resort of noblemen, barons, and others was so great unto him, that the nobility offending therewith, directed letters, charging him to live more private with his ordinary retinue, and all others that were in his company to return to their houses within twelve hours after the charge, and not to come nigh the part where he remained, or should happen to reside, during the time of his abode in the country.

The bruit of this change being carried to England, the queen sent Sir Henry Cary and Sir Robert Bowes unto the king, to advise him, in regard of the danger he was fallen into by the perverse counsels of the duke and earl of Arran, to take in good part the lords' enterprise, and restore the earl of Angus, who had lived exiled in England since the time of Morton's execution. This last they obtained with no great difficulty, so as the nobleman was soon after reconciled and accepted in favour. But to the first point, the king having a suspicion that the attempt was not made without the queen of England's knowledge, he gave good general answers, whereby it was hoped that upon the nobleman's good behaviour in a short time his offence would be mitigated. The king also conceiving that a gentle usage would bring them to reconcile with the duke of Lennox, began to give them a more gracious countenance than before. But he found them untractable, and not without great instance did purchase their consents to a few days' prorogation of his departing, upon promise that he should be pursued as a rebel if he went not away at the time appointed, wind and weather serving. Yet was his going put off upon divers occasions till the midst of

December, at which time he was forced to depart, as we shall hear.

The lords in the mean while, careful to strengthen themselves, brought the king to Halyrudhouse in the beginning of October; knowing that the people of Edinburgh did affect their enterprise; as appeared by the reducing of John Dury their minister immediately upon the news of the king's restraint, and the triumph they made, singing as they went up the street the hundred and twenty-fourth psalm, "Now Israel may say," &c. They understood also that the Assembly of the Church was to convene in the same town the ninth of that month, and doubted not to find them favourable enough. To this Assembly Mr William Erskine (styled then commendator of Paisley) was sent by the noblemen, to declare that the causes moving them to that enterprise were the evident peril they perceived the religion was brought unto, with the disorders and confusions introduced into the state: whereof having discoursed a while, he came in end to desire the Assembly's approbation of their proceedings, as that which would encourage them much, and dishearten the common adversary. This proposition made, first it was voiced, whether the dangers of the Church and disorders of State were such as in their hearing were related; which being affirmatively answered by the whole Assembly, Mr James Lawson, Mr David Lindsay, and Mr John Craig, were appointed to signify unto the king what the Assembly had found, and to require his own judgment therein. The king, esteeming it most sure for himself to temporize, said, "That he believed religion was in hazard, and indirect courses taken to overturn the same, wherewith he acknowledged his own danger to be conjoined; and for abuses crept into the commonwealth, as they were too many, so he expected that all good subjects, and they for their own parts, would help to remove the same." This answer returned to the Assembly, they concluded an act in this form.

"Forasmuch as the noblemen and others joined with them in the late action of reformation, out of a desire to have the Church and whole professors of the true religion understand the grounds and occasions moving them to repair towards the king's majesty, to seek redress of the disorders fallen out in the commonwealth, have made public and solemn attestation

to the whole Assembly, that the motions and grounds of their enterprise were, and are, to deliver the Church of God within this realm, and the true religion therein professed, from the evident peril and danger wherein all men perceived the same to stand; as likewise to guard and preserve the innocent person of the king his majesty and estate, being in no less hazard than the other, and to remove the corruptions and confusion entered into the body of the commonwealth: wherein as they are well persuaded themselves to have done good service to God, and to have performed their duty to their sovereign and country, so they wished all that feared God should judge and esteem well of their action, especially that the brethren of this Assembly should declare their good liking and approbation thereof, and ordain all the pastors and ministers within the realm to publish in their particular churches the causes and grounds moving them to the said enterprise; exhorting all noblemen, barons, and other faithful subjects to give their best concurrence and assistance thereto. The Assembly, having weighed the said desire with the whole circumstances thereof, have in the fear of God, after mature deliberation, resolved, found, and voted, no man gainsaying, that not only the Church of God within this realm, and true religion professed in the same, but also the king his most noble person and royal estate, were and stood in extreme danger and hazard, besides the manifold gross abuses that had invaded the commonwealth, before the late enterprise, which his majesty had acknowledged and professed to the commissioners of the present Assembly: And that therefore the said brethren could not but think their Honours, employing themselves hereafter for averting the like dangers, to have done good and acceptable service to God, their sovereign, and native country; and that the prosecution thereof, all partiality set aside, will be acceptable to all that fear God, and tender the preservation of the king's person, and prosperous estate of the realm. And to the effect the same may be made the more manifest and notorious, it is thought expedient that all the ministers within the realm, upon the first occasion, shall publicly declare unto their particular flocks the peril wherein the Church of God and true religion, the king his most noble person and estate, stood, with the grounds that moved the said noblemen unto the late action, recom-

mending the same to the consideration of all good subjects, exhorting them, as they tender the glory of God, and love the preservation of the king and country, faithfully to concur and join with the said noblemen in prosecuting the said grounds, to the full deliverance of the Church, and perfect reformation of the commonwealth. And if any should be found either by word maliciously, or violently by way of deed, to oppose themselves to that good cause, they shall be called before the particular elderships, and order put unto them by the censures of the Church; and, in case of their wilful and obstinate continuing therein, be delated to the king and council, to be punished for their offence civilly."

This act, of the date the thirteenth of October 1582, was published in all the churches of the realm, to the offence of many good men, who were grieved to see a bad cause thus coloured and defended. But the lords, knowing that this approbation could not secure them, had laboured the king to convocate the Estates for the same purpose. The eighteenth of the same month being appointed for their meeting, there came to the convention for the church estate, the archbishop of St Andrews, the bishops of Dunkeld and Orkney, the abbots of Dunfermline, Newbottle, Paisley, Dryburgh, Cambuskenneth, Culross, Inchaffray, Coldingham, and Pittenweem. Of the nobility, there were present the earls of March, Erroll, Marshal, Bothwell (who some few months before returned from beyond sea), Mar, Rothes, Glencarne, Eglinton, Gowrie, and Morton, the Lords Lindsay, Home, Ogilvy, Herries, Boyd, Cathcart, and Sinclair. But from the burghs there came not any commissioners, nor could they be moved to countenance that action in any sort; conceiving, as it fell out, that how soon the king obtained his liberty, he would censure and condemn the fact as treasonable.

To these, always, that convened, the king had a speech much to this effect: "That of all the vexations he had tried since his acceptance of the government in his own person, the distraction of the nobility was the greatest, and at the present did grieve him most; for the removing whereof he had called them together, and expected their best counsel and help. In other things, he said, that needed reformation, he would be willing to follow their advice." One of the lords, I find him not named, made answer, "That the dissensions

of the nobility were caused chiefly by some that, having his majesty's ear, did abuse his favours, ruling all things at their pleasure, and disdainig the advice of other fellow-counsellors." Then falling into particulars, he said, " That the duke of Lennox and earl of Arran had misgoverned all affairs, and brought divers abuses into the state, which, unless some noblemen had taken a course to remedy by their repairing to his majesty, both religion and state in a short time had been subverted." After this, the earls of Mar, Gowrie, and Glencarne, who had been the chief actors in that attempt, rose up, and having declared the cause which moved them to take that action in hand, did humbly offer to submit themselves to the censure of his majesty and the Estates; and thereupon removing themselves forth of the convention, it was found and declared, " That in their repairing to the king upon the twenty-second of August last, and abiding with him since that time, they had done good, thankful, and necessary service to the king and country. Also that their taking of arms, making of conventions, entering in conflicts, taking and detaining of prisoners, contracting of leagues and bonds, and all other deeds done by them, which might appear to be against his majesty's authority, in so far as the same was done without his highness's warrant, should be reputed and esteemed good service done to the king and state; and that they and their partakers should be exonerated of all action, civil or criminal, that might be intended against them, or any of them, in that respect: inhibiting therefore all the subjects to speak or utter any thing to the contrary, under the pain to be esteemed calumniators and dispersers of false rumours, and to be punished for the same accordingly."

This declaration passed, it was ordained that the earl of Arran should be detained in the castle of Ruthven till the duke was gone out of the realm, after which he should be confined on the north of the water of Earn: and that four companies should be levied upon the public charges, two of horsemen and as many foot, to guard the king and noblemen who did attend him, till the present troubles were quieted. Then were some grievances proponed in name of the Church, but these were laid by till another time, the lords not willing to irritate the king for such matters, having once secured themselves.

The duke, to keep the word which the king had given for his departing, took shipping in the west parts about the midst of October, and being hindered by contrary winds, fell sick at sea. The king, advertised of his ill disposition, advised him to travel through England in regard of the winter season, and to remain at Blackness till a safe conduct was procured from the queen. He had not stayed many days there, when a rumour was raised, as was thought, by his enemies, that he was to be brought again to court, and the lords turned out, or used with more violence. This made a new stir; whereupon the Lord Herries was sent to command him to begin his journey, and to be in Berwick the twenty-second day of December. He craved to see the king and be permitted only to salute him; but this being denied, he departed in great heaviness.

In the beginning of January two ambassadors arrived, sent by the French king, the one named Monsieur la Motte, the other Monsieur Menevil: La Motte came by England (with whom came amongst Mr Davidson, ambassador from Queen Elizabeth), the other by sea; both having the same instructions, which were, to work the king's liberty in the best sort they could, to confirm his mind in the love he bare to the French, and to renew the purpose of association. This last business was set on foot the year before, and almost concluded in this sort: "That the Queen of Scots should communicate the crown with her son, and both be joined in the administration of affairs; that so he might be acknowledged for a lawful king by all Christian princes, and all domestic factions suppressed." But upon the duke's sequestering from court, it was left off and not mentioned again till now. The Assembly of the Church in the last meeting had made this one of their special grievances, and complained of it as a most wicked practice. And now the ministers of Edinburgh, hearing that purpose to be moved of new by the French ambassadors, declaimed bitterly against them in their sermons; especially against La Motte, who, being a knight of the order of St Esprit, did wear the badge of a white cross upon his shoulder. This they called "The badge of Antichrist," and him "The ambassador of the bloody murderer," meaning the duke of Guise, who, they said, procured him to be sent hither.

It grieved the ambassadors much to hear these outcries which daily were brought unto them; but perceiving the king's authority not able to restrain the liberty which the preachers had taken, they did not complain, but urged earnestly their dimission. The king, desirous to entertain the ancient amity betwixt the two nations, and dimit them with some contentment, desired the magistrates of Edinburgh to give them a feast before their parting. To impede this feast, the ministers did on the Sunday preceding proclaim a fast to be kept the same day on which the feast was appointed; and to detain the people at church, the three ordinary preachers did one after another make a sermon in St Giles's church, without any intermission of time, thundering curses against the magistrates and other noblemen that waited on the ambassadors by the king's direction; nor stayed their folly here, but, the ambassadors being gone, they pursued the magistrates with the censures of the Church, and were with difficulty enough stayed from proceeding with excommunication against them, for not observing the fast they had proclaimed.

Of all this the king seemed to take no notice, for he saw not a way to repress these disorders; and much perplexed he was with the report of the duke of Lennox his death, who, partly of grief, partly through the long and troublesome journey he made in that cold and rainy season, contracted a fever at his coming to Paris, whereof after a few days he died. Some hours before his expiring, there came to him a priest or two, to do their accustomed service; whom he could not admit, professing to die in the faith of the Church of Scotland, and to keep the oath he had given to the king inviolate. This the king made to be proclaimed at Edinburgh, that the people might see what wrong the duke had sustained during his abode in the realm, by the uncharitable suspicions both of ministers and others. But this belongs to the year following.

Meanwhile the king ceased not to think of his own liberty, using all means to put the lords that attended him out of an opinion that he had any meaning to free himself. And the duke being gone, whom they feared most, they esteemed the danger the less; for Arran was not well loved because of his violent courses; and Morton, who had the greatest follow-

ing, was put from his charge in the borders, and the same given to the laird of Johnston. The king had likewise by their advice sent Colonel Stewart and Mr John Colvil in a joint commission to the Queen of England, to move her for restoring the lands in that kingdom which appertained to his grandfather, the earl of Lennox, and the Lady Margaret his grandmother, together with the by-run profits introritted by the treasurer or master of wards; as likewise to communicate unto her the course he had taken for quieting the realm, and to desire her aid and assistance therein. Some instructions besides were given them to propone; as touching the king's marriage, the matters of the border, and the contracting of a defensive league; by all which they held themselves secured of his majesty's favour. But for the negotiation it sorted to no effect, by the contrary courses the two commissioners took after their coming to the court of England. The king foreseeing the same when they were first employed, had moved Mr David Lindsay, preacher at Leith (a man wise and moderate), to accompany them and pacify the contentions which possibly might arise amongst them; but their emulations were so great, as all he could do scarce served to keep them from open discord.

Before I enter upon the accidents of the next year, the death of Mr George Buchanan, which happened in the end of September, must not be passed; a man so well deserving of his country, as none more. He was of an excellent wit, and learning incomparable, born nigh to the Highlands, within the parish of Killearn, and of the house of Drummakill. His uncle by the mother, called Herriot, took care to have him trained up in letters, perceiving his inclination to be set that way, wherein he profited so much, as he went beyond all his instructors; nature, it seems, having formed him thereunto. In the year 1539, being called in question by the Franciscan friars upon a malice they bare him for some bitter verses written against them and their profession, which he did to please King James the Fifth, whom they had in some things offended, he was committed as suspected of Lutheranism; but made an escape to France, where he lived a long time, and became acquainted with many learned men, with which that country did then abound. His paraphrase

of the psalms, a rare work, and other poems, he wrote for most part whilst he stayed abroad; and for his learning and quick ingenue was admired of all men. Returning into Scotland about the year 1560, after he had professed philosophy some years in St Leonard's College within the university of St Andrews, he was chosen to attend the king, and bring him up in letters. In his age he applied himself to write the Scottish history, which he penned with such judgment and eloquence as no country can show a better. Only in this is he justly blamed, that led by the factions of the time, and to justify the proceedings of the noblemen against the queen, he went too far in depressing the royal authority of princes, and allowing their controlment by subjects: his bitterness also in writing of the queen and troubles of that time all wise men have disliked. But otherwise no man did merit better of his nation for learning, nor thereby did bring to it more glory. He died in a great age at Edinburgh, and was buried in the common burial-place, though worthy to have been laid in marble, and have had some statue erected for his memory. But such pompous monuments in his life he was wont to scorn and despise; esteeming it a greater credit, as it was said of the Roman Cato, to have asked "why he doth lack a statue, than to have had one, though never so glorious, erected."

The summer following the king found the occasion to free himself of his attenders. For being at Falkland, and pretending to visit his uncle the earl of March, who did then reside in the abbey of St Andrews, after he had taken some little refreshment, he went to take a view of the castle, accompanied with Colonel Stewart, captain of the guard, to whom he had communicated his purpose; and having entered into the castle, commanded the gates to be shut, and those that followed to be excluded. The earls of Argyle, Marshal, Montrose, and Rothes, came thither the next morning, and were all welcomed by the king. Of the noblemen that had waited on him since his restraint at Ruthven, only the earl of Gowrie was admitted into the castle by the colonel's means; for he had sometimes followed him as a servant. The earl how soon he came in presence fell on his knees, and craving pardon for the fact of Ruthven, did humbly submit himself to the king's mercy, who, after he had checked

him in some few but grave speeches for his ingratitude to the duke of Lennox, accepted him in favour, upon condition of a more loyal behaviour in time coming.

Some few days the king abode in the castle, and in a council kept there the second of July, made choice of the earls of March, Argyle, Gowrie, Marshal, Montrose, and Rothes, to remain with him, as noblemen that he held of best judgment, most indifferent and freest of faction; the rest he commanded to retire to their houses, till he should take farther order. In the same meeting was Colonel Stewart's service approved, and a proclamation ordained to be made, charging all the subjects to contain themselves in quietness, and prohibiting any to come towards court accompanied with a greater number than was appointed; to wit, fifteen with an earl, as many with a bishop, ten with a lord, and as many with an abbot or prior, with a baron six; and all these commanded to come in a peaceable manner, under great penalties.

Then the king, to show himself at liberty, went to Edinburgh, and from thence he returned to Falkland, then to Perth, where he remained some weeks. Being there, the earl of Arran, by Gowrie's procurement, was brought again to court, after whose coming a declaration was published by the king to this effect.

“ We, with the advice of the lords of our privy council, having thought expedient to notify unto the world, but especially to all our good and loving subjects, our true mind touching the things that fell out in the year past, declare the same to be as followeth. That is, howsoever, for preserving of public quietness, we did patiently endure the restraint of our person at Ruthven, with the secluding of our counsellors from us, and all that ensued thereupon, yet did we take it deeply to heart, and did account no otherwise of it than a fact most treasonable, attending till it should please God to restore us to our former estate and liberty; which having now by his goodness obtained, to make known our indifferent disposition towards all our good subjects, and that we do not seek the harm and ruin of any one whomsoever, we have resolved to forgive and forget all offences bygone, especially that which was committed in August last, and hath been since that time strongly maintained, providing the

actors and assisters do show themselves penitent for the same, ask pardon in due time, and do not provoke us by their unlawful actions hereafter to remember that attempt. Willing all our subjects, by the example of this our clemency, (whereof some already have made proof), to discharge all quarrels amongst themselves, and not to malice one another for whatsoever cause bygone, all which we will have buried in oblivion ; and to this effect have ordained publication to be made hereof in all the principal burghs," &c.

The discontented lords, notwithstanding of this declaration, were still convening, and making the best provision they could for their own surety. For at Arran's hand, who had now the disposing of all things, they expected no good. The king hereupon took purpose to confine some of the principals in several countries, and to commit others who were reckoned most turbulent. The earl of Angus was confined beyond Spey ; John Livingstone of Dunipace and Patrick Drummond of Carnock, in the country of Galloway ; Lochleven and Buchan, in Inverness ; the master of Glamis, abbot of Dunfermline, and laird of Cleish, were charged to enter themselves in the castle of Dumbarton ; William, commendator of Paisley, in Blackness ; and Mr John Colvil, commanded to keep ward in Edinburgh. The whole (Angus only excepted) disobeying the charge, were denounced rebels ; and proclamations made, commanding all the subjects to be in readiness for resisting the practices of seditious subjects. An oath also was taken of all the king's domestics, that they should not keep intelligence with any of the rebels or others known to be in his majesty's malgrace. And at this time was Mr John Maitland, who came afterwards to be chancellor, admitted counsellor of estate.

The queen of England being advertised of this alteration in court, sent Sir Francis Walsingham, her principal secretary, to the king, to challenge him for breach of promise in re-admitting the earl of Arran, and casting off the noblemen who had maintained his authority, and hazarded their lives and estates in defence of his crown. The king answered, " That he was a free prince, and in ruling his affairs might follow the course which he thought to be most convenient ; that the queen would not take it well, if he or any other should direct her in matters that concerned her

subjects:" and for the promise alleged, he said, "it was made in time of his restraint, to the performance whereof he was not tied." As to these subjects of whom the queen seemed so careful, he said, "that he had freely offered to pardon them, upon the acknowledgment of their offence and promise of amendment, which he would faithfully observe; expecting of the queen his sister that neighbourhood which became princes living in amity and friendship, and that she would not countenance his subjects in their rebellion."

The ambassador replying, "Sir, the queen my mistress will never meddle with your affairs, but to work your good and quietness; yet she taketh it unkindly, that the promises made unto her are so lightly regarded. One Holt an English jesuit, who is thought to have a hand in Throgmorton's treason that was of late detected, being in your prison, at the request of the French ambassador was permitted to escape; whereas the queen my sovereign looked daily to have him delivered in England, as was promised." "Nay," said the king, "it was not promised that he should be delivered; but, as the queen did answer my ambassadors, when I desired Mr Archibald Douglas to be rendered, who is known to be guilty of my father's murder, I said that the man was charged with certain suspicious practices in my kingdom, which I behoved first to try; and if the queen had been pleased to have delivered my subject to me, whom I had more than reason to demand, I would have made no delay in the rendering of Holt. But for his dimission, or my connivance at his escape, there is no such thing; and if you know or can learn that any indirect means have been used for letting him go, the trial and punishment of the doers shall clear my part." This said, the ambassador (who was a most worthy and discreet gentleman) declaring that he was satisfied, fell to speak of the preservation of peace betwixt the two kingdoms, and of a new league to be made with the queen; whereof the king did show a good liking, and in these terms they left for that time.

In October next, the Church Assembly convened at Edinburgh, where great regrets were made and presented in certain articles to the king. "First, they complained that the benefit of pacification was extended to Mr David Chal-

mers, a professed enemy to religion, and suspected of the murder of his majesty's father. Next, that papists were grown too familiar in court, and namely the laird of Fintry, who had made defection from the true religion, in which he was educated. 3. That Holt, a wicked papist, sent to the country to traffic against religion and the state, was suffered to escape, and no trial taken of the workers thereof. 4. That his majesty seemed to favour too much the enemies of the truth both in France and at home. 5. That he had received in his service men of dissolute life, and who had never given any testimony of their good meaning either to religion or the state of the country; and put others from his service that were known to be zealous in God's cause, and faithful to his majesty's self from his very tender age. 6. That since his acceptation of the government, the Church had received many fair promises without any performance; and that, to the contrary, the liberties and privileges thereof were daily infringed. 7. That the thirds were set in tacks or leases, in defraud of the Church. 8. That abbacies were disposed against the Acts of Parliament, and no care taken for provision of the ministers that served at the churches annexed. 9. That spiritual livings were conferred on children, and erected into temporal lordships. 10. That there were no punishments for incest, adultery, witchcraft, and the like abominations. 11. That there was a universal murmur, that no man could be assured of his lands and life, the laws of the country being wholly perverted. 12. That his majesty did interpose his authority to stay the execution of the Church's acts in matters properly ecclesiastical. Lastly, they regretted the division of the nobility, one part seeking the ruin and overthrow of another, for which they did entreat his majesty to call unto himself the most wise and indifferent amongst them, and by their advice to take some moderate course for uniting the hearts of all good subjects, to the maintenance of God's truth, the preservation of his highness's person and estate, and the comfort of all that were grieved at the present division."

The king, desiring to give the Church satisfaction, made answer the next day to all these particulars. And first, concerning Mr David Chalmers, he said, "that he was only forfeited for the common action of being at Langside field,

for which pardon had been granted to many ; so as it should not be thought strange to give him the like benefit, especially at their request who had moved him therein ; and that he no ways intended to grant oversight to him or any others that should be found culpable of his father's murder, or yet professed themselves adversaries to the religion. Touching Fintry, he said, that he had not impeded the proceedings of the Church against him or any other popishly affected, nor had he been countenanced at court, if the ministers of Edinburgh had not testified that he was willing to conform. That for Holt's escape he had satisfied the English ambassador, and that it was no uncouth thing to see a prisoner deceive his keepers. Concerning the intelligence he kept with foreign princes, for the entertaining of civil peace, that he did not think the Assembly would disallow it, seeing diversity of religion made not leagues of friendship unlawful. And that they should meddle with the choice of his servants, he held it strange ; this he hoped they would remit to himself, and not to be too curious in examining the occasions of their placing or displacing. And where they complained, that since his accepting of the government, the liberties of the Church had been infringed, he said, that since that time more good and profitable laws had been made for the advancement of true religion than ever before ; and if any thing lacked in the execution, the fault was not his. For that which concerned the Church rents, he answered, that those things must be helped in parliament, and that he should assist the reformation thereof at his power. As to the punishment of the abominations mentioned, that the fault could not be imputed to him, since he was willing to give commission to such as the ministers should judge most fit for the execution of laws. And for ecclesiastical acts which his authority was said to impede, he knew none of late, only he had staid the remove of Mr Alexander Arbuthnot from the college of Aberdeen to be minister of St Andrews ; which, being rightly considered, would not be found prejudicial to the Church, nor impertinent for him to deal in. Lastly, for the murmur of people, perverting of laws, and difference amongst the nobility, his majesty said, that he was ready to hearken to any good advice for reformation of that which should be found amiss."

The answers were all most reasonable, and proceeding from the king, ought to have been well taken; but the discontent they had received for the late change in court made everything distasteful, and still the displeasure betwixt the king and Church did grow, as we shall hear.

In the beginning of November, Lodowick (eldest son to the late duke of Lennox) arrived at Leith, and was conveyed by the earls of Huntly, Crawford, and Montrose to the king, who lay then at Kinneill. Soon after the advertisement of the nobleman's death, the king had sent the master of Gray into France, to bring home all his children; but Lodowick excepted (who then was thirteen years of age), the rest were young, and not able to endure so long a journey. The king receiving him with great expressions of love, did presently invest him in his father's lands and honours, committing the trust of his affairs to the earl of Montrose, till he should grow up to maturity. For his education in letters, Mr Gilbert Moncrieff, the king his principal physician, was appointed to attend him, a man wise and of good learning. Some years after, two of his sisters were brought into the country: Henrietta the eldest was married to George earl of Huntly, Mary, the younger of the two, to John earl of Mar. To the third the king had provided an honourable match, but she having vowed herself to God, would not be won from the cloister by any persuasion. A younger son came to the king, after he went into England, and was by him advanced to great honours. Thus the untimely loss of their father did turn to the children's benefit, by the constant and unmatchable kindness of a loving king.

In the country, matters grew daily more and more troubled. Those that disobeyed the charges given them for entering in ward, pretended the time assigned for their entry to have been so short, and the distance of the place so great, as there was no possibility in them to obey; yet underhand they were still seeking to strengthen themselves, and associate others to be of their faction. To take from them this pretext, the first of December was allowed them for their entering in ward, and so many as should find surety to obey, had favour promised them. The laird of Braid, Colluthy, Mr David Lindsay, and Mr Andrew Hay, were licensed also to confer with them, and with all that had any part in

the attempt of Ruthven, for informing them of his majesty's gracious inclination towards all of that number who should acknowledge their offence, and live obedient and peaceably from thenceforth. But little or nothing was wrought this way; whereupon the king took purpose to convene the Estates the seventeenth of December: and having expounded his whole proceedings in that business, an act was passed by a universal consent, of this tenor.

“ Albeit the late surprise and restraint of our person, perpetrated in August bygone a year, was a crime of *læsa majestatis*, heinous in itself, of dangerous sequel, and most pernicious example, meriting the more severe punishment, because the committers thereof for the most part, besides the allegiance and common duty of subjects, were specially bound to us by particular favours and benefits bestowed on them, yet, out of our natural disposition to clemency, we resolved to reduce them by all gentle means to their duties, and not only forbore to use them with rigour, but made offer of pardon and mercy to such as would acknowledge their offence, and continue thereafter in a dutiful obedience; satisfying ourselves with that moderate declaration which tended not in any sort to their detriment, and prorogating days and months, to see what they would perform. Hereof we gave our promise to the queen of England, which was certified to them by divers, and of late by certain ministers and well-disposed gentlemen, whom we licensed to confer with them, for persuading them of our sincere meaning, behaving ourselves in all this as a kind father that seeketh to recover his children, and not as a prince that respected his estate. But our lenity not having produced the effects which we wished, we took counsel to assemble our Estates, and make them witnesses of our clemency, whatsoever might happen to their persons hereafter: and now by their advice we have determined to prosecute with all rigour such of that number as shall continue in their disobedience, and shall not embrace the offers of pardon made unto them. In the execution whereof, our nobility and Estates convened have solemnly promised their assistance, and for the greater authority both we and our said Estates have subscribed this act with our hands. Farther, by their advice, we have ordained, and ordain the act of council past in October 1582, touching the

attempt at Ruthven, to be delete forth of the books, inhibiting all and sundry of whatsoever estate, quality, and degree, to allow by word, writing, or otherwise, the foresaid fact, which we (being now at liberty) and our Estates have so publicly condemned."

This act made, the earl of Rothes protested, that his subscription to the act in October 1582, approving the attempt of Ruthven for good service, should not be laid to his charge, seeing he did the same unwillingly, and by his majesty's special command and direction, likeas soon after the committing of the fact he had testified his dislike thereof. The king, acknowledging the same to be of truth, made his protestation to be admitted. Then began all the faction to fall asunder, every man suing his pardon; which was granted, upon condition they should depart forth of the realm, and not return without his majesty's license. The earl of Mar, the master of Glamis, with the abbots of Dryburgh and Cambuskenneth, went unto Ireland; the Lord Boyd, Lochleven, and Easter Wemyss, unto France; others of the meaner sort were confined within certain bounds. The earl of Gowrie, notwithstanding he was reconciled to Arran, fearing to be troubled, obtained license to go into France; but whilst he delays to go, and putteth off his journey from day to day, he falleth into new practices, which brought him unto his end.

The rest of the winter was quiet, but now and then the court was kept in exercise by the sermons of some preachers, who were therefore called in question. John Dury, minister at Edinburgh, had in one of his sermons justified publicly the fact of Ruthven; for which being cited before the council, he stood to the defence of that he had spoken; yet, after advice taken with Mr James Lawson his colleague, he was moved to submit himself to the king, who continued the declaration of his pleasure, till he had proof of his better behaviour. The business with Mr Andrew Melvill was greater; for he being cited to answer for certain speeches uttered by him in a sermon preached at St Andrews, declined the judgment of the king and council, affirming, "That what was spoken in pulpit ought first to be tried and judged by the presbytery; and that neither the king nor council might, *in prima instantia*, meddle therewith, though the

speeches were treasonable." When by no persuasion he could be induced to submit himself, and that the king and council, finding themselves judges, did proceed to examine the witnesses, he burst forth in undutiful speeches against the king, saying, "He perverted the laws both of God and man." Which unreverent words proceeding from a divine, in whom moderation and humility should chiefly have appeared, did greatly offend the council. Thereupon was he charged to enter his person in Blackness within the space of ten hours; but instead of obeying, he turned his back, and fled that night unto Berwick. Then did all the pulpits sound, and every day were the ministers exclaiming, "That the light of the country for learning, and he that was only most fit to resist the adversaries of religion, was exiled, and compelled for safety of his life to quit the kingdom."

Pity it is to think how the king was then used; for though he cleared himself by proclamations, showing that the man's flight was voluntary, and that he meant not to have used him with any rigour, yet nothing was believed, and everywhere people began to stir. Hereupon charges were directed, commanding those who had obtained leave to depart out of the realm to use the benefit of their licenses, and inhibiting all intelligence by letters or otherwise with those that were already gone. This wrought not much; only made those that travelled to and fro with advertisements the more wary and circumspect. The earl of Gowrie, to liberate himself of suspicion, came to Dundee, and conducing a ship, gave out that he would forthwith depart; yet still he lingered, attending the return of the earl of Mar and the master of Glamis from Ireland, at which time he and others of that faction were to join and take arms for reformation of abuses, the securing of religion, and preservation of the king his person and estate; for that was made the pretext.

The king, having notice given him of these practices, sent Colonel Stewart, captain of the guard, to apprehend the earl of Gowrie, who was suspected because of his lingering. The colonel coming upon him unexpected as he lay in the house of William Drummond, burgess of Dundee, he made to defend the lodging, and stood to it some space; but the town concurring with the captain, he was forced to yield, and the next day conveyed to Edinburgh, and committed to

the custody of Arran. A night or two after, the earls of Angus and Mar, with some of their friends and followers, surprised the town and castle of Stirling, intending there to fortify themselves; but the sudden expedition which the king made compelled them to flee into England, and leave the castle victualled for some days, and in it a few gentlemen whom they promised to relieve. Such a readiness the king found in his subjects at that time, as upon a short warning a greater army and better appointed was in no man's memory known to have been assembled. The town of Edinburgh showed a great forwardness; for both they advanced moneys to levy soldiers, and put divers of their own inhabitants in arms to attend the king. It was the nineteenth of April when knowledge was given first of the taking of Stirling, and before the twenty-fourth all the army was in readiness to march. The same day advertisement came of the rebels' flight; whereupon the wardens and keepers of the marches were directed to pursue them. The king himself with the army marching towards Stirling, Alexander, master of Livingstone, was sent to enclose the castle, which yielded upon the hearing of his majesty's approach, and was delivered in keeping to the earl of Arran.

The earl of Gowrie, after he had been kept some days in Kinneill, was brought to Stirling. Before his transporting from Edinburgh, the earl of Montrose, the Lord Down, and Sir Robert Melvill were directed to examine him, and hopes given that he should find favour if he would discover the conspiracy, and what the rebels had intended to do. He, upon promise that what he declared should not be made an indictment against himself, disclosed all the plot, setting down the same with his own hand as followeth.

“Perceiving his majesty's favour altered towards me, by misreport of my unfriends, and my life and my living aimed at, I was of necessity forced to seek my relief by concurring with others of the nobility who laboured to secure themselves and their estates. And hearing that there was some traffick-ing betwixt the noblemen in Ireland and others at home, I used all means, though I was suspected by them, to know what their courses and hopes were. After some diligence I made that way, I met with Mr James Erskine, who travelled to and fro betwixt them. And he at first obscured himself

from me, and would not be plain, till I promised my assistance; then he showed me that he had been with the earl of Angus, whom he found cold, and in some hope to make address for himself, and so less careful of their relief who were absent. Yet he believed, if the nobleman saw any good concurrence of others, he would give his assistance; but refused to deal in these matters, till they should return, and things be determined with a common consent. This I likewise thought fittest; but in the mean time I prepared to depart, and would have been gone, if contrary winds had not stayed me. The same gentleman came afterwards unto me, and showed that they were returned, and would shortly be seen at Stirling. This moved me to remain, albeit doubting of a sufficient concurrence of noblemen. I was not resolved what course to take, and lay in a careless security at Dundee, more inclined to go than to stay. I protest always before God, that I never heard nor was in counsel of any plot against his majesty's person, crown, or estate, but only studied to keep myself from ruin by the assistance of others. At our meeting together, unto which time all was deferred, it was thought that a course should be taken by common advice for securing ourselves in his majesty's favour. And whereas I am asked what noblemen were privy to the enterprise, and what was looked for from England, I will truly declare all, upon the firm assurance I have of his majesty's clemency. At home it was expected, that all those who subscribed the bond in that first alteration would join themselves with us, and besides those divers others; namely, the earls of Marshal and Bothwell, with the Lord Lindsay, and some of the west parts. So it was affirmed to me, but how truly I cannot say. From England we expected a supply, but no certain time was appointed; and it was said, that the queen minded to intercede for restitution of the Hamiltons, if she found the king tractable. This is all I know, and if there be any other particular tending to his majesty's well or hurt which I do not at the present remember, I shall plainly reveal the same, whosoever be offended therewith."

At his coming to Stirling he sent to the king a letter penned in this form. "Please your majesty, it is neither diffidence nor despair of your highness' favour and clemency towards me, nor any desire I have to live in this world, that

moves me to require some short audience of your majesty. But there is a purpose of weighty importance, which I desire to impart unto your highness, which might have endangered the life and estate of your mother and yourself, if I had not stayed and impeded the same, the revealing whereof may avail your majesty more than the lives and living of five hundred such as myself. Most humbly therefore I beseech your highness that my petition may be granted. I assure myself of your majesty's gracious answer. Stirling the last of April, 1584." In a postscript this was added, "The matter I have to speak is not the concealing of treason, but the revealing of a benefit."

This petition was denied, and the same made a part of his indictment: for being brought to his trial the fourth of May, Mr John Graham sitting as justice, and assisted by Sir John Gordon of Lochinvar; Alexander master of Livingstone, Alexander Bruce of Airth, and James Edmonstone of Duntreath, he was indicted of four points. First, that, in the beginning of February, Mr David Home, servant to the earl of Mar, came to him privately in the town of Perth, under silence of night, and communicated to him the treasonable device of surprising the burghs of Perth and Stirling, at least of one or other of them; and that he agreed to the taking and fortifying of the said towns; whereby he had incurred the crime of treason, as well in concealing, as consenting to that wicked purpose. 2. That understanding Mr James Erskine to be a trafficker betwixt Mar, Angus, and others, he did betray the ways, to the end he might speak with him, and after meeting kept conference with him touching the surprise of the castle of Stirling, and the furnishing thereof with men and munition. 3. That being charged in Dundee by his majesty's letters to render himself to the Lord Pittenweem, his majesty's chancellor, and captain of his highness' guard, he did enter into the house of William Drummond, burgess of Dundee, and with his complices defended the same by the space of six hours, making exclamations to the people that he was pursued for religion, and desiring them to aid and assist him. 4. That he being obliged to maintain his majesty's person, life, honour, and crown, and having intelligence of a most weighty purpose that concerned the life and estate of the king and the queen his mother, he had treasonably

concealed the same, and did as yet keep up the specialties thereof; albeit he professed he knew it so perfectly, that in his letter written to the king he saith, that it had not failed to have taken effect, if he had not stayed and impeded the same.

The indictment read, he first excepted against Lochinvar, that he could not be assessor to the justice in his trial in regard of the deadly enmity betwixt Gartland (who had married his lady's sister) and him. This exception was repelled, because the propinquity alleged was only *affinitas affinitatis*. Then he complained that the noblemen who were sent to examine him had not kept their word, having promised, that whatsoever he confessed should not be laid to his charge. It was answered, that the noblemen's word could not warrant him. Thirdly, he said, that being indicted for treason, he ought to have been cited upon forty days, and a delation made by some accuser, which was not observed. The advocate replied, that, in matters of treason, the king might arrest any person upon the space it pleased him. Fourthly, he alleged the license granted him to depart the country. This was found nought, except he did therewith produce a respite or remission. To the last point of the indictment he said, that what he offered to reveal tended to his majesty's benefit if he had vouchsafed him hearing, and was no matter of treason. It was answered, that the concealing of that which might tend to the hurt of the king's life and his mother's was treason.

So the indictment was found relevant, and the persons of the jury called. These were, Colin earl of Argyle, David earl of Crawford, John earl of Montrose, James earl of Glenearne, Hugh earl of Eglinton, James earl of Arran, George earl of Marshal, Alexander lord Seaton, Hugh lord Somerville, James lord Down, William lord Livingstone, Patrick lord Drummond, James lord Ogilvy, Alexander master of Elphingston, and John Murray of Tullibardine. They retiring themselves, as the custom is, and returning within a short space, pronounced him guilty; whereupon sentence was given, that he should be taken to the market-cross, have his head cut off, and be dismembered as a traitor. The last part thereof was dispensed, and he in the evening beheaded. His servants were permitted to take the head with the body, and bury it. This was the end of that noble-

man, who in his life was much honoured, and employed in the chief offices of court : a man wise, but said to have been too curious, and to have consulted with wizards touching the state of things in future times ; yet was he not charged with this, nor seemed he to be touched therewith in his death, which to the judgment of the beholders was very peaceable and quiet. He was heard to make that common regret which many great men have done in such misfortunes, “ That if he had served God as faithfully as he had done the king, he had not come to that end ;” but otherwise died patiently, with a contempt of the world, and assurance of mercy at the hands of God.

The same day Archibald Douglas (called the constable), and Mr John Forbes, servant to the earl of Mar, were executed. The rest who were taken in the castle had their lives spared, and were banished the country ; and David Home of Argaty, and one John Shaw, were pardoned.

The king after this returned to Edinburgh, where he gave order for charging the houses of the fugitive lords and their friends ; and upon information made that certain of the ministry had dealing with the rebels, summons were directed to charge Mr Andrew Hay, parson of Renfrew ; Mr Andrew Polwart, subdean of Glasgow ; Mr Patrick Galloway, and Mr James Carmichael, ministers ; to compear before the council. Mr Andrew Hay compeared, and nothing being qualified against him, was upon suspicion confined in the north. The other three not compearing were denounced rebels, and fled into England.

The parliament declared current at the time, for the more speedy despatch of business, convened the twenty-second of May. In it his majesty’s declaration concerning the attempt of Ruthven was ratified ; the king his authority over all persons in all causes confirmed ; the declining of his majesty’s judgment and the council’s in whatsoever matter declared to be treason ; the impugning of the authority of the three Estates, or procuring the innovation or diminution of the power of any of them, inhibited under the same pain ; all jurisdictions and judicatories, spiritual or temporal, not approved of by his highness and the three Estates, discharged ; and an ordinance made, “ that none, of whatsoever function, quality, or degree, should presume privately or publicly, in

sermons, declamations, or familiar conferences, to utter any false, untrue, or slanderous speeches, to the reproach of his majesty, his council and proceedings, or to the dishonour, hurt, or prejudice of his highness, his parents and progenitors, or to meddle in the affairs of his highness and estate, under the pains contained in the acts of parliaments made against the makers and reporters of lies."

Whilst these statutes were in framing, the ministers, who were informed thereof, to work at least a delay, sent Mr David Lindsay to entreat the king that nothing should pass in act concerning the Church, till they were first heard. Arran getting intelligence of this, caused arrest him, as one that kept intelligence with England; so as he was not permitted to come towards the king. The first night he was kept in Halyrudhouse, and the next morning sent prisoner to Blackness, where he was detained forty-seven weeks. Mr James Lawson and Mr Walter Balcanquel, ministers of Edinburgh, hearing that he was committed, forsook their charge, and fled into England, leaving a short writing behind them, to show the reasons of their departing.

John Dury some weeks before was removed and confined in the town of Montrose, so as Edinburgh was left without any preacher. Mr Robert Pont, minister of St Cuthbert's, and one of the senators of the college of justice, because of the misregard of the Church, as he pretended, in concluding these acts (as the heralds were proclaiming them according to the custom), took instruments in the hands of a notary of the Church's disassenting, and that they were not obliged to give their obedience thereto; which done, he likewise fleeing was denounced rebel, and put from the place in session.

Rumours hereupon being dispersed that the king was declined to popery, had made divers acts to hinder the free passage of the gospel, and abolish all order and policy in the Church, command was given to form a brief declaration of his majesty's intention in those acts that concerned the Church, and to publish the same for detecting the falsehood of those rumours. In this declaration the occasions that enforced the king to the making of these statutes were particularly set down, and the equity thereof maintained by divers reasons. Amongst the occasions were reckoned the allowance of the fact of Ruthven by the Assembly of the

Church; Mr Andrew Melvill his declining of the king and council; the fast kept at the feasting of the French ambassadors; general fasts indicted through the realm without the king his knowledge; the usurping of the ecclesiastical jurisdiction by a number of ministers and gentlemen; the alteration of the laws at their pleasure, and a number of like abuses. And for satisfying good people, strangers as well as subjects, touching his majesty's good affection towards the maintenance of religion, certain articles were drawn up and subjoined to the said declaration, to make it appear that his majesty had intended nothing but to have a settled form of policy established in the Church.

But these things gave not much satisfaction (so great was the discontent), and were replied unto in pamphlets, defamatory libels, and scurrile poems, which daily came forth against the court, and the rulers of it. To furnish the vacant places of Edinburgh, till some were moved to undertake the charge, the king did appoint his own ministers, Mr John Craig and Mr John Duncanson; the archbishop of St Andrews supplying the ordinary preaching at court. Soon after there came a letter from the ministers, directed to the session of the Church at Edinburgh, and to the council of the town, of this tenor.

“ That seeing they were assured many calumnies would be forged against them for absenting themselves from their flock, they had thought good to write unto them the true causes thereof; which were, as they said, the great indignation conceived against them by the rulers of the court, for resisting the dangerous courses then in hand; the acts made in the late parliament repugnant to the word of God and doctrine by them oftentimes preached; the iniquity committed in the passing of the said acts, and violence wherewith they were defended; the articles penned and presented to some ministers for submitting themselves to the tyrannical regiment of bishops, whom they called gross libertines, belly-gods, and infamous; the charge given to the provost and bailiffs of Edinburgh, to take and apprehend all ministers that should convene to the eldership, and those that in sermon should utter anything against the acts and present unhappy course; with the insolent words cast forth against them, that if they followed the course they were in, though

their heads were as great as haystacks, they should be laid at their heels. These things, they said, did cast them in a grievous temptation: for to go from their good course they could not, unless they would be traitors to God; to continue in it and stay would be counted treason against the king, and be hazardous to their flock, that was charged to apprehend them, in case of condemning those acts; which they could not but do; and that after a long wrestling they had resolved to depart, and reserve themselves to better times; which they were assured was the pleasure of God, and that he would make the world understand that he had his own work in it. In end, beseeching them to stand to these things which they had heard from them, and embraced as the truth of God, they forewarned them of wolves that should intrude themselves, teachers that sought themselves and not Christ Jesus; which often they had foretold the contempt of the truth would work: and concluded with a hope that they should sustain the present cross patiently, and be united to them again in God his good time."

The king hearing of this letter sent for the same, and offering greatly thereat, would have the session and council to answer them in this form.

"We have received and read your letter, for the which offence we have humbly craved his majesty's pardon, and not only obtained the same, but have likewise purchased liberty to write unto you this present, wherein we use you more charitably then ye have used us, remitting to learned men and your own consciences to show you, seeing you are not blinded with ignorance nor lack learning (at the least some of you), how far ye have strayed from the right way in your letter lately sent to us, unreverently affirming his highness' acts of parliament to be repugnant to the word of God: we tell you that the same do fully content and satisfy us, seeing we can find no part of scripture that is contrary thereto. And since we see by the first act, the liberty of preaching the word, as the same is presently professed, and ministration of the sacraments ratified and allowed, and that we know there are wise men and fearing God amongst the Estates who concluded these acts, we are resolved to follow the apostle's counsel in Rom. xiii., whereunto you did seldom exhort us. And now in respect you have so contemptuously

slandered these good and necessary laws established by his majesty and the Estates, and laboured so far as you can to draw men unto dislike thereof, fled out of the realm unchallenged and unpursued, and thereby have not only declared yourselves guilty, but also misbehaved yourselves to us your late flock, first, in leaving us without our knowledge, against your duty, and the conditions made unto us, next, in drawing upon us his majesty's suspicion that we foreknew your departure, which of new ye have confirmed by sending a letter to us, you being his majesty's rebels and fugitives; in respect, we say, of all the foresaid causes, we by these presents discharge ourselves unto you, esteeming ourselves no longer your flock, nor you any more our pastors; and thanking God, the revealer of secrets, that he hath made you manifest to your shame, and relieved us of wolves instead of pastors. Thus hoping his majesty will provide us of good and quieter-spirited ministers, we commit you to God's mercy, who may give you to repent of your foresaid offences."

This letter sent to the council and session of the Church to be subscribed made a great business. The town feared to displease the king; and to discharge with their ministers in such a form, laying upon them the reproaches of fugitives, rebels, wolves, and the rest, they thought would be ill taken of all good men: yet after much ado, sixteen of the principals put their hands unto it, and so was it despatched. The ministers having received and read the letter were mightily grieved, especially Mr James Lawson, who had taken greatly to heart the troubles of the Church, and the advertisements which were given him of the success of matters at home; and now perceiving by this letter that some, who professed themselves very forward in the cause had turned their backs upon it, he fell in a great sorrow, and thereby contracted a sickness, whereof he died at London in October following. A man he was of good learning and judgment, of a pious and peaceable disposition, but carried too much with the idle rumours of the people. After his course of studies passed in the university of St Andrews, he was employed by the countess of Crawford, a noble lady, to attend her three sons, whom she sent to France; and upon their return, to show his gratitude unto the school wherein

he was educated, gave himself to read the Hebrew tongue to some youths in the same university. From thence he was called to be principal in the old college of Aberdeen; and after three years profitably spent in that place, was brought, as we showed before, to Edinburgh, where he continued preacher the space of twelve years, in great esteem and reputation, until these unhappy times, which bereft this church and country of him and his labours. He died in the forty-sixth year of his age, and was buried in the new church-yard of London, at the side of Master Dearing, a famous preacher in that church.

His death bringeth to mind other two learned men in this church, Mr Alexander Arbuthnot, and Mr Thomas Smeton, the one principal of Aberdeen, and the other of Glasgow college, who, in the end of last year nigh about the same time, departed this life, to the great loss both of the country and Church. The first, a gentleman born of the house of Arbuthnot in Mearns, being trained up in the study of letters, and having passed the course of philosophy in the same college with Mr Lawson, went to France at the age of twenty-three years; there applying himself to the laws, he lived five years an auditor of that great doctor Cujacius, and being made licentiate, returned to Scotland in the year one thousand five hundred and sixty-six, of purpose to follow that calling. But God otherwise disposing, in the year 1569 he was made principal of the college of Aberdeen, where, by his diligent teaching and dexterous government, he not only revived the study of good letters, but gained many from the superstitions whereunto they were given. He was greatly loved of all men, hated of none, and in such account for his moderation with the chief men of these parts, that without his advice they could almost do nothing: which put him in great fashery, whereof he did often complain. Pleasant and jocund in conversation, and in all sciences expert; a good poet, mathematician, philosopher, theologue, lawyer, and in medicine skilful; so as in every subject he could promptly discourse, and to good purpose. He died in the forty-fifth year of his age, much lamented, and was buried in the college church at Aberdeen the twentieth of October 1583.

Within some few days he was followed by Mr Thomas Smeton. This man, born in Gask, a little village not far

from Perth, studied philosophy in St Salvator's College at St Andrews, under Mr William Cranston, at that time provost of the house, by whose persuasion he went beyond sea; and after he had remained a while at Paris, took journey to Rome, where entering the society of the Jesuits he abode three years. Thereafter coming home for some private business, when he had settled the same, he returned to Paris, and kept still in that society. In the year 1571, Thomas Maitland, travelling through France into Italy, did request his company in that journey; whereunto he yielded, and went with him to Italy. But the gentleman contracting sickness by the way and dying, he returned by Geneva, and was there confirmed in the religion to which a little before he was inclining. When he came to Paris, after he had revealed himself to some principals of the society, he forsook their profession, and was in danger to have been killed at the massacre which fell out at the same time; but by the favour of Sir Francis Walsingham, the English ambassador, he was saved, and came in his company to England. Five years he remained at Colchester in Essex, teaching some youths of the country, and in the year 1578 returned unto Scotland. In the year 1580, upon the remove of Mr Andrew Melvill to the new college of St Andrews, he was chosen principal of the college of Glasgow, and taught the controversies there some three years with great profit. He was a man learned in the languages, and well seen in the ancient fathers, the reading of whose works he did ever seriously recommend to the youth. The answer he penned in defence of this church against Mr Archibald Hamilton, and other dictates which are yet in the hands of his disciples, do show his worth, and the loss this church received by his death. He deceased at Glasgow the sixth of December 1583, in the forty-seventh year of his age, and was buried in the cathedral church.

These deaths falling so quick one after another were taken to be a presage of great troubles in the Church, nor was it long before these stirs happened of which we have spoken. All this summer the same continued, the ministers being daily called before the council, and a great business made of their subscription to certain articles which concerned their obedience to the bishops: they who refused had their sti-

pends sequestrated, which caused a great outcry amongst the people, and made the rebels to be more favoured. The king, to rid himself of these vexations, did call the principal ministers, and having showed that all his desire was to have the Church peaceably governed, and a decent policy established, he willed them to set down in writing the reasons which moved them to refuse subscription, that he might consider the same, and satisfy their doubts. They choosing rather to propound the same by mouth, were after some conference induced to set their hands to the articles; this clause being added, "agreeing with the word of God."

Yet new occasions of trouble were still breaking forth. Upon information that Mr Nicoll Dalgleish, minister at St Cuthbert's, did in his public prayers remember the exiled brethren, he was called before the council, and accused of praying for the king's rebels, as also for keeping intelligence with them by letters. The minister confessed his praying for the brethren, maintaining the same to be lawful, but the intelligence he denied; only granted that he had seen a letter written by Mr Walter Balcanquel to his wife, wherein he was kindly remembered. The king, offended with his answers, commanded the advocate to pursue him criminally; which was done the next day. At his appearing before the justice, when he heard the indictment, he said, "That he ought not to be questioned for one and the same fact before two judicatories; and that having answered these points before the council, he should not be put again to it." The advocate replying that the council's proceeding could not stay the criminal judge, he was commanded to answer, and to do it advisedly, seeing it concerned his life. "If I must answer," said he, "I do not think that I have offended in praying for my brethren who are in trouble; and for the letter I saw, if the concealing thereof be a fault, I submit myself to his majesty's will." The jury proceeding declared him guilty of treason; yet the sentence was continued, and he sent to the Tolbooth, where he remained some months, and in end, upon his supplication, was pardoned and put to liberty.

In the same court, David Home of Argathy, with Patrick Home his brother, were condemned to die for keeping intelligence with the commendator of Dryburgh, and in the afternoon executed. Yet was it no matter of state, but some

private accounts that rested undischarged at his parting forth of the country, wherein they had interchanged one or two letters. This severity was universally disliked, but that which shortly after ensued was much more hateful. To breed a terror in people, and cause them abstain from communicating in any sort with the exiled lords, a proclamation was made, "That whosoever should discover any person offending in that kind, should, besides his own pardon, receive a special reward." Hereupon did one Robert Hamilton, commonly called Robert of Ecclesmachan, delate Malcolm Douglas of Mains and John Cunningham of Drumwhassill for having conspired to intercept the king at hunting, and detain him in some stronghold, till the lords might come and receive him. A mere forgery,—yet gladly hearkened unto by those that desired to be rid of them; for they were both gentlemen of good respect, and mistrusted of the court, Mains especially, because of his valour and manhood. To make out the accusation, it was devised that Sir James Edmonstone of Duntreath, who had lived in great familiarity with them, should be charged with the said crime, and upon his confession to be pardoned; which, by the policy of the accuser, to his own perpetual discredit, he was menaced to yield unto.

Matters thus dressed, Colonel William Stewart was sent to apprehend them, who finding them in their own houses, did, without any resistance, bring them prisoners to Edinburgh. The ninth of February they were presented before the justice, Mr John Graham sitting as deputy, and Mr Edward Bruce as his assessor. Beginning made with Duntreath, he was indicted for conspiring with Mains and Drumwhassill, the accuser Hamilton, and others, for taking and detaining the king in the manner aforesaid, which was said to have been plotted by the earl of Angus, and imparted to him and the rest on pannel by John Home, commonly called Black John. He, without making any defence, confessed all, betaking him to the king's mercy. Drumwhassill, accused of the same conspiracy, and of consulting with Duntreath thereupon at the churches of Strathblane and Killearn, was farther charged with the treasonable attempt of Ruthven, whereof he had been partaker. What he answered, I find not in the process; but when Mains his indictment was

read, he denied all, and so cleared himself by the unlikelihood and their impossibility to compass a business of that importance, to all that were present, as in their hearts they did pronounce him innocent. Notwithstanding, they all three were convicted, and declared guilty of treason. Doom was only pronounced against Drumwhassill and Mains, and they the same day hanged in the public street of Edinburgh. The gentlemen's case was much pitied, Mains his case especially. Hamilton, who made the delation, lived after this in a continual fear, and abhorred of all men: he kept still in the company of Arran, unto the alteration of court at Stirling; at which time James Johnston of Westraw, pretending a vow that he had made to revenge Mains his death, did kill him as he was flying through the park on the south side of the town.

These cruel and rigorous proceedings caused such a general fear, as all familiar society and intercourse of humanity was in a manner lost, no man knowing to whom he might safely speak or open his mind. Arran in the mean time went on, drawing into his own hands the whole managing of affairs, for he would be sole and supreme over all. The earl of Argyle having departed this life the year preceding, he was created chancellor. The office of secretary he gave to Mr John Maitland, Lethington's son, having banished the abbot of Dunfermline, who formerly possessed the same. The castles of Edinburgh and Stirling he took to himself in custody, then made himself be chosen provost of the town; and as if all this had not been enough, he was declared general lieutenant over the whole kingdom. In a word, whatsoever he pleased was done, and without him nothing could be done. This stirred up great emulation against him in court. The master of Gray, a great favourite at that time, did take it disdainfully that everything should be governed by him; Sir Lewis Bellenden, justice-clerk, a man of brave spirit, did also hardly endure it; and Mr John Maitland, though he had followed him still from Morton's execution to that time, began to fall away and work his own credit. These things were cunningly dissembled as among courtiers, and all outward respect given him by those that were plotting his ruin.

To his felicity nothing, as he thought, was wanting but the

friendship of England : this he was advised by the master of Gray to seek by the Lord Hunsdon's means, who lay then governor at Berwick. A meeting is hereupon wrought betwixt them, and at Foulden, some three miles from Berwick (whither Arran went), matters so dressed as, upon the assurance of his service to the queen of England, it was promised that the exiled lords, who lay near the borders waiting to raise some stirs, should be called to London, and upon verification of the conspiracy wherewith Mains and the rest were charged, put forth of England. In this hope, the master of Gray is sent into England, and commission given him for remanding the fugitive rebels ; or, if that could not be obtained, for removing them farther off from the borders of Scotland. More privately he was desired to use all means for winning the queen's favour to the earl of Arran : and for preparing the way to his legation, the archbishop of St Andrews was sent some weeks before to inform the queen of the king his sincerity in religion, because of the rumour which the ministers who fled thither had dispersed to the contrary. The queen, professing to have received great content by his information, recommended to the king above all things constancy in his profession, assuring him in that case of her unchangeable friendship.

The master of Gray at his coming had favourable acceptance, though he was known to be a catholic Roman ; and for the point of remanding was answered, that she did not think those gentlemen whom the king called rebels intended any harm to his person, but if the contrary was made to appear, they should not be suffered to remain in her kingdoms : and for that the king required touching their farther remove from the borders, the same was promised, and the lords accordingly called from thence, and commanded to stay at Norwich. This answer reported to the king by the master of Gray at his return, drew another legation, wherein Sir Lewis Bellenden, justice-clerk, was employed. The thing committed to him was the accusation of the banished lords, and verifying against them the conspiracy for which Mains and Drumwhassill had suffered.

The lords upon this were brought from Norwich to London, and there challenged by the ambassador, who, as appeared, insisted with great fervour against them. But the

master of Glamis, answering for the rest, made their innocency in that particular to be clearly seen, which was heard no less willingly by the judges than delivered by the speaker. Neither was the accuser any worse minded towards them, for all the show he made; and at the same time were grounds laid both for their restitution and Arran his subversion; the queen and council of England being privy to all, and secretly advancing their enterprise. Arran in the meantime had assurance given him of the queen's friendship, and supposing all things to be right, went on in his accustomed manner, not caring what enmity he drew upon himself. The earl of Athole, the Lord Home, and master of Cassils were committed to prison. The first, because he refused to divorce from his wife (a daughter of the earl of Gowrie) and entail his lands to him; the next, for that he denied him his part of the lands of Dirleton; and the third, for denying him a loan of some moneys, which it was thought he might spare.

His last falling out in that kind was with the Lord Maxwell, for an excambion of the barony of Mearns and the lands of Maxwellheugh with the barony of Kinnell, which he possessed by the forfeiture of the Hamiltons. Maxwell, not liking to change his old inheritance with such a new and uncertain purchase, excused himself, and would not hearken to the change: but he thinking to force him thereto by some indirect means, travaileth with the Lady Johnston, who gave attendance at court, to cause her husband to accept of the provostry of Dumfries, and moveth the king to write unto the town to elect Johnston their provost, for that he, being warden of the west marches, would thereby be made more able to keep good order in these parts. Maxwell interpreting this to be done, as it was, to his disgrace, at the time of election convocated his friends, and debarring Johnston from entering the town, procured himself to be continued in the office. Hereupon informations were made to the king, that there could no quietness be expected in these parts unless Maxwell his power was curbed. Charges were also directed to cause him present certain of the name of Armstrong, for whom he was obliged; which he not performing was denounced rebel, and commission given to the laird of Johnston to pursue him; for whose better enabling he had

two companies of hired soldiers allowed him, under the charge of two captains, Lamby and Cranston. Maxwell hearing of these preparations gathered his forces, and with a part thereof sent his natural brother Robert Maxwell to intercept the two captains ere they should join with Johnston. They encountering in the moor of Crawford, after a sharp conflict the captains were defeated, Lamby and most of his company killed, and Cranston with divers others taken prisoners.

Johnston, lest he should be thought to do nothing, did then make an incursion upon Maxwell's lands, raising fire, and carrying away great spoil; which Maxwell repaid with the burning of the house of Lockwood, and the slaughter of some of the Johnstons in Annandale. And thus did they make war one upon another, till it happened that Johnston in a certain conflict was taken by Maxwell, and made prisoner. The grief of this overthrow gave Johnston, shortly after he was liberated, his death: but the wrath of the court still continuing, a convention of the Estates was called to suppress Maxwell, and a subsidy granted of twenty thousand pounds for levying of soldiers to pursue him. Thereafter all that could bear arms, dwelling on the south of Forth, were commanded to be in readiness for attending the king in an expedition that he intended towards those parts. But the plague breaking out in Edinburgh did rage so vehemently all that summer as nothing could be done; so the expedition was put off for certain months.

Meanwhile there fell out an accident which did quite alienate the favour of the queen of England from Arran. Sir John Forrester and Thomas Ker of Farniherst, wardens of the middle marches, being met for restoring some goods taken from the English, a tumult fell out, wherein Sir Francis Russell, son to the earl of Bedford, was killed. This was laid upon Farniherst, and he said to have done it by Arran's instigation, for they two were at that time in great friendship. And when the queen did require Farniherst to be delivered, Arran did strongly oppose it: yet the king for her satisfaction did confine them both, the one in St Andrews, and the other in Aberdeen. Arran after a little time was relieved to his house at Kinneill; the other contracting sickness kept bed a long space, and, as was thought, died of displeasure at

Aberdeen. A man he was of a haughty spirit, and had endured much trouble in the service of the king's mother, which he esteemed should have made him better respected than he conceived he was.

Shortly after this accident Sir Edward Wotton was employed in an ambassage from England, for contracting a league offensive and defensive with the king in the cause of religion. For then came that holy league, as they called it, to be discovered, which the pope, the Spanish king, with the Guises and others had made, to extirpate the reformed religion. The queen of England understanding herself to be principally aimed at, found nothing better than to make a counter-league with the princes reformed: and to that effect sent Sir Thomas Bodley to treat with the king of Denmark and the protestant princes in Germany, and at the same time employed Sir Edward Wotton towards the king. The motion did so please him, as presently he called the Estates at St Andrews, and having in a long and pithy speech expressed the dangers threatened to religion, with the necessity that the reformed princes had to unite themselves strongly together, procured the act following to be concluded.

“ We the nobility and Estates presently convened, understanding that divers princes and potentates, who term themselves catholics, have joined under the pope's authority in a most unchristian confederacy against the true religion and professors thereof, with full intent to prosecute their wicked resolution not only within their own estates and dominions, but likewise in other kingdoms, where they can pretend no lawful power nor authority; a purpose long since projected, and hitherto cunningly carried, but now openly manifested, and in divers parts begun to be executed with hard and cruel effects; and considering withal how it hath pleased God to bless this realm with the sincerity of the gospel (the defence whereof is the most just and lawful cause that Christians can maintain), we have thought it requisite not only to unite ourselves, and join the whole forces which God hath granted us under our most religious and Christian sovereign, for the better assurance of our own estates, and the more peaceable enjoying of so great a benefit, but also, for withstanding the dangerous course intended against all the professors of the truth, we have judged it needful that a general league and Chris-

tian confederacy of princes and states, professing the true religion, should be opposed to the ungodly confederacy of the enemies thereof; especially that the two crowns of Scotland and England, which nature, blood, habitation, and the profession of one religion hath joined, may be inseparably united by a more firm and strict league than hath been betwixt any princes their progenitors in times past. For which effect we under subscribing for ourselves, and in name and behalf of the whole Estates of this realm, whose body in this Convention we represent, have given and granted, like as we by the tenor hereof do give and grant, to our sovereign lord, King James the Sixth, his council or such of them as his majesty shall please to nominate, our full power, privilege, assent, and authority whatsoever, competent to us and to the three Estates of this realm, to treat or cause to treat, confer, transact, and conclude a Christian league betwixt his majesty and his highness's dearest sister and cousin, the queen of England, and to nominate and appoint commissioners for that purpose, who shall meet at such time and place as his highness shall agree upon with the commissioners to be directed from his said dearest sister, the nomination and election of whom we have remitted and do humbly remit to our dread sovereign lord, faithfully promising for us, and in behalf foresaid, to ratify, approve, and confirm, in the first parliament, whatsoever thing his majesty shall agree unto, or his highness's commissioners in his name shall contract, indent, subscribe, or seal concerning the said league, with all heads, clauses, and articles thereof, which we do and have the more willingly done, because of the trust we repose in his majesty's wisdom, circumspection, and earnest zeal to maintain the truth of God against all that shall happen to attempt any thing to the contrary. Providing always that the league do not infringe or prejudice in any sort any former alliances and leagues betwixt this realm and any other ancient friends and confederates thereof, except only in matter of religion, concerning which we do fully consent that the said league be made offensive and defensive, avowing, and by our solemn oaths swearing, neither to spare life, lands, houses, goods, nor whatsoever it hath pleased God to grant unto us, in defence and maintenance thereof."

This act was passed on the last of July with a great consent,

and was subscribed by the archbishops of St Andrews and Glasgow, the bishop of Dunkeld, the commendators of Culross, Balmerinoch, Dryburgh, Kinloss, Lindores, Blantyre, and Pittenweem, representing the spiritual Estate; by the earls of Arran, March, Athole, Montrose, Marshal, and Rothes, the Lords Oliphant, Thirlstane, Gray, Sinclair, Down, and Fleming for the nobility; and by the commissioners of burghs, and all the officers of estate, amongst the rest by the master of Gray, who, though he did profess himself a Roman catholic, would in nothing that the king affected be thought refractory.

It was thought that the ambassador did rest well satisfied with the king's forwardness towards the league, and that he should have presently returned; but he had some other business in trust, which was carried more closely. This was to make friends to the exiled lords, and labour their restitution, as had been concluded in England. To this effect he kept divers private meetings with the master of Gray, the secretary, and justice-clerk; giving the lords intelligence from time to time of his proceedings. Among other means it being found expedient that they should reconcile their private quarrels with the Lord Hamilton and his brother Claud, who were likewise exiled and lived then in England. He wrought so as they were brought, as it seemed, to a perfect accord, promising to take one course, and join all in the same cause. But Claud fearing either the event of the enterprise, or not having buried his former grudges, did afterwards separate, and by discovering their purpose procured to himself liberty to return; yet did he not find that acceptance which he expected, being shortly after his coming confined in Aberdeen, and within a little while commanded to leave the country, and go into France.

There came this summer from Denmark certain ambassadors to redeem, as they pretended, the Isles of Orkney and Shetland, alienated of old from that crown; yet the true errand was to propone that marriage unto the king which was some four years after happily perfected. The king receiving them kindly, and excusing himself for the matter of Orkney, because of the pestilence which raged as then in Edinburgh (where the registers of the kingdom were kept), promised, how soon commodity served, to give all reasonable

satisfaction, and to send some in commission to treat of those matters.

How soon they were dimitted, the king went unto Stirling, and from thence to Hamilton, to recreate himself as he was accustomed, where he received advertisement that the banished lords were come down to the borders, and that Maxwell was to join his forces with them. Hereupon he returneth to Stirling, and sending for Arran, made proclamations to go through the country, commanding all the subjects to meet him at the castle of Crawford the twenty-second of October, for resisting the attempts of the rebels. But things were so prepared at court by the English ambassador, as the lords did prevent the king in this expedition. They had appointed their rendezvous at Linton in Tweeddale; and meeting there, did solemnly swear not to separate, nor give over the prosecution of their enterprise, till the king should be moved to accept them in favour, and put Arran forth of his company. Maxwell brought with him three hundred soldiers that had served against Johnston, and about seven hundred horsemen: all the others did scarce equal that number, though Bothwell, Home, Yester, Cessford, Drumlanrig, and others had joined with them. To justify their proceedings, they gave forth a proclamation in all the places they came unto, declaring the causes of their enterprise to be, "The defence of the truth, the deliverance of the king from corrupt counsellors, and the preserving of amity with England. In this proclamation nothing was left unsaid that might make Arran odious and hateful; amongst other things he was charged to have bragged of his descent from Duke Murdock (who was beheaded in the time of King James the First), and to lay claim to the crown by that title, calling himself King James the Seventh. It is true that in the parliament held the year preceding, he took protestation in open court, that he renounced any title that he might pretend to the crown that way, which I suppose he did to purge himself of that aspersion: but the protestation was laughed at in the time by the wiser sort, and gave them to think that such a folly had once possessed his mind.

The proclamation did often mention him and Colonel Stewart as abusers of the king. Of the rest of the counsellors there was no speech, which increased Arran's jealousy

of them. Now, how soon the ambassador heard that the lords were entered in the country, fearing that some notice should be taken of his dealing, he left Stirling and went in haste to Berwick, without saluting any man. The king sent a post after him with a letter, desiring to know the cause of his sudden departure, and whether he was directed by the queen his sovereign to go away in such sort. Being overtaken at Alnwick, he answered, that he had no such direction from the queen when he was first employed, but that of late he had received a command to retire, because she saw no hope of the delivery of that wretched Farniherst. This he made the pretext of his departure; yet in reason he could not allege it, Farniherst lying bedfast at the time in Aberdeen, where he was committed, which was notified to him, and he knew to be a truth. In the conclusion of his letter he said, "That he would not grant that he had departed *insalutato hospite*, seeing he performed that office both with his heart and hand, and that he should by all possible means endeavour that his departure should rather help to maintain than dissolve the amity betwixt his sovereign and him." That which he speaketh of his hand was a letter that he left to be given to the king the day after he was gone, in which he laid the cause upon Arran's credit, without whom he saw nothing could be obtained. Arran seeing the letter that he left to be given to the king, began to think that all was not sound, and accused the master of Gray as being privy to the ambassador's departure, which he denied; yet all that time nothing was done that was fitting either for the king's safety or reputation, and not so much as the castle furnished with victuals, which might have easily been provided.

Neither were the lords ignorant of this, which made them use the greater speed, marching directly to Falkirk, and the next day, which was the last of October, to Stirling. At the church called St Ninians (a half mile or less from the town), they put themselves in order of battle, and stood so till night fell; at which time, upon warning given them by their friends within the town, they advanced, and knowing all the passages, entered by a certain back way without any resistance.

Arran had taken upon him to watch that night, and was keeping the town gate, when a cry was raised that the town

was taken. The earl of Crawford, who watched with him, fled to the castle; but he escaped by the bridge, of which he kept the keys. Some weak resistance was made by Colonel Stewart at the head of the market street, but he was soon put back with the slaughter of one or two of his company. The borderers, according to their custom, fell upon the stables and made prey of all the gentlemen's horses, whereof they found good store. The spoil otherwise was not great as of a town not very rich in merchandise.

In the morning betimes the castle was enclosed, which they knew could not long hold out, for it was unfurnished, and scarce provided with victuals for one day. In this extremity the king was advised to employ two of his council towards the lords, to ask what they intended. Choice was made of the secretary and justice-clerk, as men whom they would willingly hear. At the first meeting the secretary was rough enough with them, saying, "That such violent forms were not to be approved, and to deal in that manner with their king they would find it unsure; for what was extorted from him by force or fear, he would soon find means to undo, and never want men to serve him in that whereunto his will was bent; that humble petitions became subjects, and had been more fitting than to come in the manner they did." The lords answered, "That it grieved them sore to be reduced to that necessity, nothing being more dear to them than the king's honour and safety. But what could they have done? they were banished from their country, put from their livings, their friends used with cruelty, the king not permitted to hear them in their just defence, and always shut up from presenting their petitions. That their coming in that manner was not to dishonour nor force the king, to whom they would be most humble supplicants, and upon their knees, if they should find access, beg mercy at his hands. All they did was to save themselves from ruin, and to be secured from their adversaries, who had wronged them and the whole states of the kingdom. Wherefore they besought them, as their countrymen and friends, to intercede with his majesty, that they might be accepted in favour, and all things composed in the most quiet and honourable manner for the king and state that could be devised."

This reported to the king did mitigate his mind a little.

“ For myself,” said he, “ I did never like that man’s violence (meaning Arran), and howbeit, I cannot but offend with their doings, yet for the country’s sake and preservation of public quietness, I can pardon and overpass all: but one thing I desire you that have been in conference with them to look to; this is, that none in my company receive any harm. I know there are quarrels betwixt the earl of Crawford and the master of Glammis; that the earl of Angus doth not like Montrose; and I believe that Colonel Stewart is not well beloved for things done in my service. These I cannot see with mine honour hurt. Provide for that, and that they may be in safety, and I shall willingly admit them.”

When this was showed the lords, they said, “ That they had not taken arms for any private quarrel, nor would they mix their particulars with the public; but it should be good, for eschewing such inconveniences as might happen, that the noblemen (whom the king had named) were put in custody with some special persons, and that the colonel should be discharged from his office of the guard, and the same conferred to another.” This being declared to the king, he gave his consent to receive them.

Being brought unto his presence, they fell all upon their knees, and the Lord Hamilton (who had the precedency in regard of blood) taking the speech, said, “ that they were come in most humble manner to beg mercy, and his majesty’s love and favour.” The king answered, “ My lord, I did never see you before, and must confess that of all this company you have been most wronged: you were a faithful servant to the queen, my mother, in my minority, and when I understood not, as now I do, the estate of things, hardly used. The rest of you that have since that time been exiled, and put from your livings, cannot say but it was your own fault, and that your misbehaviour procured the same. But (turning himself to Bothwell) what should have moved thee, Francis,” said he, “ to take this course, and come in arms against me? Did I ever thee any wrong? or what cause hadst thou to offend? I wish thee a more quiet spirit, and that thou mayst learn to live as a subject, otherwise thou wilt fall in trouble. To you all who, as I truly think, have not meant any harm to any person, I am pleased to give both my hand and my heart, and will remember nothing that is past, pro-

viding you carry yourselves from henceforth as becomes men of your places, and behave yourselves as dutiful subjects." So they arose one by one, and kissed his majesty's hands. It was observed that he received the Lord Hamilton with greatest kindness, and gave him more respect than any others. This was done the day after their entering into Stirling.

Two days after in council the king, renewing his promise, did by public act confirm the pardon granted to them and their assisters, which was by sound of trumpet proclaimed. The earls of Crawford and Montrose were commended to the Lord Hamilton, who used them honourably, and Colonel Stewart suffered quietly to depart. Arran after his flight went unto Kyle, and lived private amongst his friends, deprived of all his honours. The charge of the guard was given to the master of Glamis, the castle of Dumbarton put in the Lord Hamilton's custody, Stirling restored to the earl of Mar, and the castle of Edinburgh delivered to Sir James Home of Cowdenknows. In this manner did the banished lords recover his majesty's favour, and return to their places; albeit Thuan, deceived by some information, hath otherwise related the same.

How soon the noblemen's peace was proclaimed, Duntreath, who had touched them in his deposition against Mains (saying that he was told by one John Home, the lords had hired every one of them two men to kill the king), compared before the council undesired (so the act of council beareth), and confessed that he was suborned by Captain James (who is henceforth to be so named, the title of Arran being returned to the right owner) to make that deposition, which in itself was false and untrue, out of fear, and to save his life. For verifying whereof, and to show that he did not confess this to please the noblemen whom he had wronged by such a confession, he declared that for the space of eight weeks before their return he had revealed the same to the master of Gray, and to the provost of Lincluden; both which upon oath testified no less to the king. The council, for clearing the noblemen, ordained his confession to be published; which was not very needful (for no man did believe the delation), only it served to discover the falsehood of the suborner.

In December following, a parliament was held at Linlithgow for ratifying the peace and abolishing the memory of things past. In this meeting the ministers who returned in company of the lords did earnestly urge the repealing of the acts concluded the year preceding against their discipline: which the king did utterly refuse, ordaining that none should either publicly declare or privately speak or write in reproach of his majesty's person, estate, or government, as is to be seen in the first act of that parliament. The ministers offending greatly therewith, especially with the lords who had promised to see these statutes repealed, stirred up one Mr William Watson, in his preaching before the king, to complain of the neglect that was made of the Church, and condemn the acts above mentioned.

This young man the bishop of St Andrews had placed in Edinburgh, after the departing of the ministers to England, and he to this time had carried himself very orderly. But now, either fearing that his admission by the bishop should be questioned, or to insinuate himself this way in the favours of these ministers, who he thought would rule all matters of Church as they pleased, he took the boldness to reprove the king to his face. This his unseasonable and insolent doing was by all wise men condemned, and he therefore committed to the castle of Blackness. Not the less another of the same humour, called James Gibson, minister at that time in Pencaitland, usurping the pulpit of Edinburgh, where the sickness was somewhat relented, fell out in the like impertinent railing, saying, "That Captain James, with his lady Jesabel, and William Stewart (meaning the colonel), were taken to be the persecutors of the Church; but that now it was seen to be the king himself, against whom he denounced the curse that fell on Jeroboam,—that he would die childless, and be the last of his race." This man called before the council confessed the speeches, and proudly maintained the same; for which he was likewise committed. Watson, upon promise to amend and behave himself more dutifully, was suffered to return to his charge; but the business with the other took a longer time, as we will afterwards hear.

A few days before this parliament deceased Mr John Spottiswoode, superintendent of Lothian, a son of the house of Spottiswoode in Merse, within the barony of Gordon,

of which surname it seems his first progenitors were by the arms they have common with the Gordons. His father was killed at Flodden, in the unfortunate battle wherein King James the Fourth died, and he left an orphan of four years old. When he was come to some years, his friends put him to school in Glasgow, where he took the degree of a master of arts; and having a purpose to study divinity, which he most affected, was wholly diverted from following the same by the persecutions he saw used against those they called heretics. So leaving the country he went into England, and there falling in familiarity with Archbishop Cranmer, was by his means brought to the knowledge of the truth. Soon after the death of King James the Fifth, he returned to Scotland, and stayed a long time with Alexander, earl of Glenearne, who was known to be affected that way. In his company he came to be acquainted with Matthew, earl of Lennox, and was by him employed towards King Henry the Eighth, at the time that France did cast him off by the cardinal's dealing, as we touched before. Matters succeeding to the earl of Lennox his mind, and he settled in England, he remained with him some months; after which, longing to visit his friends, he returned, and being known to Sir James Sandilands of Calder, a man of great authority in those times, he was by him moved to accept the parsonage of Calder, which fell then void. And living sometimes with him, sometimes with the prior of St Andrews, in whose company he went to France at the time of the queen's marriage, he made no great stay in any one place, till the work of Reformation began; at which time he took himself to reside in Calder, and was, how soon those troubles ended, chosen superintendent of the churches of Lothian, Merse, and Teviotdale, which by the space of twenty years he governed most wisely. His care in teaching, planting of churches, reducing people and persons of all sorts into the right way, was great, and so successful, as within the bounds of his charge none were found refractory from the religion professed. In his last days, when he saw the ministers take such liberty as they did, and heard of the disorders raised in the Church through that confused parity which men laboured to introduce, as likewise the irritations the king received by a sort of foolish preachers, he lamented extremely the case of

the Church to those that came to visit him, who were not a few, and of the better sort. He continually foretold, that the ministers by their follies would bring religion in hazard, and, as he feared, provoke the king to forsake the truth; therefore wished some to be placed in authority over them to keep them in awe; "for, the doctrine," said he, "we profess is good, but the old policy was undoubtedly the better; God is my witness, I lie not." And that these were his ordinary speeches some two years before his death, many then alive could witness. He was a man well esteemed for his piety and wisdom, loving, and beloved of all persons, charitable to the poor, and careful above all things to give no man offence. His happy life was crowned with a blessed death, which happened the fifth of December 1585, in the seventy-sixth year of his age.

But to return to the history. The king having settled with the noblemen, was very desirous to be at rest with the Church, and for that effect called some of the principal ministers to a conference, wherein certain articles were agreed for the better ordering of all ecclesiastical affairs; the full determination thereof being remitted to the General Assembly of the Church, which was appointed to meet at Edinburgh the tenth of May following. In the mean time, Maxwell, puffed up with the victory at Stirling, the praise whereof he ascribed wholly to himself, grew so insolent, as that the next Christmas, taking with him a company of lewd and dissolute persons, he went in procession from Dumfries to the College Church of Lincluden, and caused a mass to be said. Complaint being made to the king, he was brought before the council, and committed to the castle of Edinburgh, where he remained some months. This gave occasion to the proclamations which followed against priests, Jesuits, and trafficking papists, who were all commanded to leave the country before a certain day, under pain of death.

Whilst these things were adoining, Mr Andrew Melvill, to be revenged of the bishop of St Andrews, who had devised, as he imagined, the acts made in the parliament 1584, and penned the declaration thereafter published, did in a synod holden at St Andrews raise a new stir, calling a number of barons, gentlemen, and ministers together, as to a synod. Mr James Melvill, his cousin, made the exhortation, in

which, after a bitter invective against the devisers of the foresaid acts, he admonished the assembly to censure him that was known to have had a chief hand therein, meaning the bishop. The exhortation ended, Mr Robert Wilkie, professor of philosophy in St Leonard's, was chosen moderator; and the doctrine, as their manner was, being approved, it was proponed that, according to the admonition given them, they should proceed in censuring the bishop. The opinions were divers; some holding it dangerous, and doubting what might be the consequence of it; others inquiring if he was cited to the diet; a third sort, more zealous than the rest, cried out that it was the cause of God, in which no man ought to forecast or fear any danger, and that a citation needed not where the iniquity was so manifest; or if that was thought necessary, that he might be warned to the next session, being then in the city. This course was held most formal, and so was he ordained to be cited.

In the afternoon he compeared, and protesting that he did not acknowledge that judicatory, desired to understand what they could charge him with, that he might justify himself. They, misregarding the protestation, did accuse him of devising the statutes made in the year 1584; of penning the declaration published thereafter by his majesty; of traducing the brethren that fled into England in the time of his ambassage, and a number the like. To this the bishop, repeating his protestation, answered, "That the statutes were not of his devising, but when they were proponed, he gave his opinion that they were good and lawful acts, and therein had served his conscience." At this word a confused clamour was raised, that he was a man of no conscience, the very second act of that parliament being an express confirmation of popery, in so far as by it the dignity and authority of the three Estates was ordained to stand unaltered according to the ancient custom of the realm. "This," said they, "is a ratifying of the episcopal jurisdiction, according as it was in time of popery." The bishop replied, "That the bishops were not by themselves an Estate, but they represented in a part the Estate of the Church, which was ever reputed the first Estate of the realm since the kingdom became Christian; and that in the act alleged, no jurisdiction was established; howbeit for the episcopal power there was enough to be said, if the

time and place were fitting. But if they had no farther to say, he would leave them, putting them again in mind that they were not his judges, and that these were matters too high for subjects to meddle in." At last, perceiving they would proceed with the censures, he appealed to his majesty, the council, and three Estates of the realm, or any other lawful assembly convened by his majesty, and so departed.¹

When he was gone, they entered into consultation what to do. Many were of the judgment, that after appellation there could be no proceeding; others thought that the appellation was not to be regarded. The matter being put to voices, it was concluded only by two voices more that he should presently be excommunicated. The moderator by his place was to pronounce the sentence; but he refused, albeit he was no friend to the bishop at that time; nor would any other of the assembly take on them to do it. In end when all were dissolving, and a great part gone forth out of the schools (for the assembly was kept in St Leonard's), a young fellow named Mr Andrew Hunter willed them to stay, professing that he was warned by the Spirit to pronounce the sentence; and so ascending the chair he read the same out of the book, a few only remaining as witnesses.

This scornful and disorderly proceeding was the next day requited in a form nothing better. Two of the bishops' servants going to the church at the time of prayer, caused one Mr Samuel Cunningham, cousin to the bishop, go into the reader's seat, and pronounce the same sentence against Mr Andrew and Mr James Melvill, and some others of the ministers of Fife, who had been most eager and forward against the bishop.

The appellation was sent by the bishop to the king, wherein first he excepted against the synod as being unlawfully convened; next, against their unjust proceedings. The first he proved, saying, "That convention was express against the statutes of parliament, and neither convoked by his majesty's letters, nor by the bishop of the diocese; moderated by a laick person, that had no imposition of hands; made up

¹ [In the former editions of this history, the sentence (p. 338) beginning "At this word," &c. is left out, and the bishop of St Andrews is made to assert in a tone of approbation that the "very second act of that parliament is an express confirmation of popery." This assertion was made by the ministers opposed to him—the followers of the two Melvills—and is, in fact, part of their charge against him.—E.]

of a company of barons, gentlemen, masters of schools and colleges, who bare no function in the Church, and ought not to have any suffrage in ecclesiastic assemblies, and no sufficient number of ministers assisting; who, though they had been present, by the apostles' rule were subject to the bishop's censure, and he not to theirs. The injustice of their proceeding he qualified, first, by their citation, which neither contained a lawful cause, nor did allow him a reasonable time for his appearing. 2d. That at his compearing (which was under protestation that he did in no sort acknowledge that judicatory) they accused him for defending his majesty's authority in matters ecclesiastic, and for his consent given to the statutes made in parliament 1584, which were the laws of the king and three Estates, which they ought not to take on them to condemn. 3d. That they transgressed the order set down in their own assemblies, which appoints admonitions and prayers to be used for persons before the sentence be pronounced. 4th. That the conclusion they took to excommunicate him passed not with consent of those who were present, and was carried only by the voices of two ignorant ministers. 5th. That the moderator of the pretended synod refusing to pronounce the sentence, one Hunter, servant to Mr Andrew Melvill, had taken on him to do the same, alleging he was moved thereto by the Spirit of God; which was a conceit of the anabaptists, and ought to be severely punished. And 6th. That ministers in their synods, were they never so lawfully convened, may not excommunicate any person without consent of the Church whereof he is a member. Saint Paul (on whose example they grounded their excommunications) not presuming by himself to cast forth the incestuous man, but writing to the Church of Corinth, that when they were convened together they should do the same. In end he entreated his majesty, whom it specially concerned, to take cognition of their unruly and tumultuous proceeding, and to consider how dangerous a thing it was to put the spiritual sword in the hands of such men, who might possibly attempt the like against his majesty's self and others of the council."

When the king heard of this business, he was greatly commoved; yet, because the diet of the Assembly was approaching, he thought best to continue the matter to that

time ; where, instead of examining the process, or discussing the bishop's appellation, a transaction was made in this sort. That the bishop, by his handwriting or personal appearance in the Assembly, should deny that ever he publicly professed or meant to claim any supremacy, or to be judge over other pastors and ministers, or yet avowed the same to have a ground in God's word ; and if so he had done, it had been an error against his conscience and knowledge. That he should also deny, that in the last synodal assembly he did claim to be judge of the same ; and if he had done it, that he erred therein, and in his imperious behaviour and contempt of the said synod. That, thirdly, he should promise to behave himself better in time coming, and crave pardon for any oversight by him committed, claiming no farther than justly he might by God's word : and in all other things carry himself as a moderate pastor ought, labouring to be the bishop described by St Paul, submitting his life and doctrine to the judgment and censure of the General Assembly, without any reclamation, provocation, or appellation from the same in any time coming. That the Assembly on the other part, for his majesty's satisfaction, and to give testimony of their willing minds to obey his highness so far as they could, and in conscience they might, and for the good hope they had of his majesty's favourable concurrence in building up the house of God, should hold the said process and sentence as undeducted, and not pronounced, and restore the bishop, in so far as concerned the said process and sentence, to the estate wherein he was before the pronouncing of the same ; especially because the said process was led and deduced during the time of the conference, whereupon his majesty had conceived offence, with this proviso always, that the bishop should observe what he promised in the premises, and carry himself dutifully in his vocation in all times thereafter.

What should have moved the king to hearken to a mediation so prejudicial both to his own authority and the episcopal jurisdiction which he laboured to establish, cannot well be conjectured ; except we will think, that by yielding to the Church's advice in this particular, he hoped to win them in end to those things which served for his peace and their own quietness ; or, which I rather believe, that he did only temporize, not seeing another way how to come by his ends, and

was content to keep them in any tolerable terms, till he should find himself of power sufficient to redress these confusions. Whatsoever the reason was, the bishop did set his hand to the conditions proposed by the Assembly, and received that declarator for an absolution. Yet did not this satisfy the adverse party, who peremptorily urged the justifying of their process, with the confirmation of the sentence they had pronounced; which when they could not obtain, the same Hunter that pronounced the sentence protested publicly against the Assembly's proceeding, and that, notwithstanding the absolution granted, the bishop should still be esteemed as one justly delivered to Satan, till his conversion were seen to be true and effectual: unto which protestation Mr Andrew Melvill and Mr Thomas Buchanan did adhere.

A motion was made in the same Assembly for censuring the ministers that had allowed the acts concluded in the parliament 1584 by their subscriptions; but they were found to be so many, as it was feared the urging thereof would breed a schism and division in the Church: wherefore after some altercation the matter was left, and all the ministers exhorted to judge charitably one of another, notwithstanding their diversity of opinions.

The articles agreed upon in the conference with certain ministers, wherof the determination was remitted to this Assembly, made more ado; for they having condescended to accept bishops, and to give them a chief hand in the government of church affairs, they always being subject to the censure of the General Assembly, it was strongly opposed, and after a long dispute concluded, that in respect the bishop was a pastor, as other ordinary pastors are, he should for matters of life and doctrine be tried by the presbytery and synod, and for his commission otherwise in church affairs be subject to the General Assembly. The secretary, justice-clerk, with the lord privy seal and other commissioners for the king, disassented, and made protestation, that seeing the Assembly had gone from the articles agreed upon in the conference, nothing either then, or at the present, concluded should stand in force. And thus were they like to dissolve, but that Masters Robert Pont, James Martin, and Patrick Galloway, being directed to inform his majesty of the differ-

ence, things were drawn to this middest, that the bishops and others having commission to visit churches should be only subject to the trial of the General Assembly, and such as had power from them, till farther order was taken. And that where bishops and commissioners were resident, they should preside in the meetings of presbyteries and synods, Fife only excepted, where Mr Robert Wilkie was appointed to moderate the presbytery of St Andrews until the next synod. In the mean time was the order of the presbyteries set down, and their power defined, the king taking no notice of their doings in that kind.

The secretary, who then supplied the place of chancellor, perceiving the king so vexed with the affairs of the Church, and the ministers so refractory and unwilling to be ruled, did advise him to leave them to their own courses, saying, "That in a short time they would become so intolerable, as the people would chase them forth of the country." "True," answered the king, "if I were purposed to undo the Church and religion, I should think your counsel not ill; but my mind is to maintain both, therefore can I not suffer them run into these disorders that will make religion to be despised." This answer did show the king's love to the Church, and his care of the good estate thereof, which in this place I thought was not to be passed.

In the Estate matters went not much better at this time, and amongst others nothing gave more offence than the acquitting of Mr Archibald Douglas by form of assize. This man was known to be guilty of the murder of the king his father, and had fled into England six years before. The earl of Morton at his death, and one Binny, Mr Archibald's own servant, who was executed about the same time, did both declare that he was present at the doing of that wicked fact, for which the king had often by his letters and ambassages entreated the queen of England to have him delivered, yet could not obtain it. At this time a remission being purchased to him for the concealing of that murder, with a letter of rehabilitation, whereby he might stand in judgment and plead against his forfeiture, he was in a jury, held the twenty-sixth of May, declared innocent, and absolved of the crime.

This was done by the procurement of the prior of Blantyre, who had intruded himself in the parsonage of Glasgow,

whereof Mr Archibald had been titular, and otherwise than by his restoring could have no right in law to retain it. Many were grieved to see justice in that sort abused for maintaining a sacrilegious possession; but to have sent him back to England, with a commission to reside there as ambassador for the king, which likewise was done, was an error inexcusable: and how he and the master of Gray, who was chief man in that led assize, carried themselves in the queen of Scotland's business, wherewith they were trusted, we will hear in the end of this year.

In the isles this summer there arose great trouble betwixt M'Neill and M'Lean, two principal men in those parts. M'Lean, by his education in the continent, had learned civility and good manners, and living accordingly, was in great respect both with his own people and all his neighbours about. M'Neill out of an emulation made many quarrels to the other, and in end laid a plot to murder him (though he had married his sister), which he went about in this manner. He sent a message to M'Lean, offering to visit him at his house, and to stay some days, providing he would come back, and make merry with him in his country, that the world might see all injuries were forgotten, and that they loved one another as brethren and good neighbours ought to do. M'Lean answered, that he should be welcome, but for his going back with him they should talk at meeting. M'Neill receiving this answer, came the next day, and was received very kindly by M'Lean. Some four or five days he stayed, using the fairest shows of amity that could be wished, and being to part homewards, entreated M'Lean to go with him, saying, that he would leave his eldest son and a brother-german pledges for his safety. M'Lean upon his importunity yielded to go, but refused the pledges, lest he should seem to distrust him, and so went, taking with him of the trustiest of his kindred and servants some forty-five.

They arrived in Kintyre early in the morning, and all that day were welcomed with liberal feasting, according to that people's custom. At night when they were gone to rest, M'Neill beset the house wherein M'Lean and his people lay, with a number of men, and called him to come forth and drink; he answered, that of drink they had too much, and that it was then time to rest. "Yet it is my will," said M'Neill, "that ye

arise and come forth." M'Lean hearing this began to suspect some bad dealing, and dressing himself and his men, did open the door; where perceiving a company in arms, and M'Neill with his sword drawn, he asked what the matter was, and if he meant to break his faith. "No faith," said he; "I gave none, and must now have an account of you and your friends for the wrong I have received." M'Lean had taken that night his nephew, a little child, to bed with him, and being put to his defence, kept the child upon his left shoulder in manner of a targe. The child cried for mercy to his uncle; wherewith M'Neill moved, did promise to spare his life, providing he would render his weapons, and become his prisoner. M'Lean, seeing no better, was content, and thereupon was conveyed with some keepers to another house; all the rest (two excepted) upon the like promise rendered themselves. The two whom he refused to spare defended the door so desperately as neither he nor his men durst enter, whereupon fire was put to the house, and they burnt within the same. The others that rendered, notwithstanding the promise given them, were all beheaded in M'Lean's sight, some of them the next morning, and the rest the days following. M'Lean himself had gone the same way, but that it happened M'Neill by a fall from his horse to break his leg, by which accident his execution was prolonged. In the mean time, upon notice given to the king of that barbarous fact, a herald was sent with a charge to deliver M'Lean to the earl of Argyle: but this availing not, he was still detained and compelled to yield unto most unreasonable conditions before he got his liberty; which was no sooner obtained than M'Lean, to revenge himself, fell upon M'Neill's bounds, burning and killing man, wife, and child, without mercy, and so took a cruel revenge of the other's treachery.

A little before this trouble in the isles, Hugh Montgomery, earl of Eglinton, a young nobleman of good expectation, was likewise treacherously killed by certain Cunninghams, who envying the nobleman's worth (otherwise they could pretend no just quarrel), did conspire his death. The chief actors were David Cunningham of Robertland, Alexander Cunningham of Aiket, and John Cunningham of Corsell, who were set on work by the earl of Glencarne, upon promise

that he should maintain them ; which afterwards he disclaimed. This unhappy fact did cost much blood, and was afterwards honourably revenged by Robert, master of Eglinton, the nobleman's brother.

In the month of June was the league with England concluded, which the year preceding had been carefully laboured, and, by commissioners sent from both princes, in a meeting at Berwick accorded in this form.

1. That both their majesties, finding by the course of the present proceedings in foreign parts, that divers princes, terming themselves catholics, and acknowledging the pope's authority, were joined in confederacy for extirpating true religion, not only within their own states and dominions, but also in other kingdoms, lest they should seem to be less solicitous for the defence thereof than were their enemies who thought to overthrow the same, have thought it necessary, as well for the preservation of their own persons, on whose safety doth the weal of their subjects depend, as for the better maintenance of the true ancient Christian religion which they now profess, to join and unite themselves in a more strict league than hath been between any princes their progenitors.

2. That they should labour and procure by their best endeavours to draw the princes, professing the same religion, to join and concur with them in the like defence thereof.

3. That this league should be offensive and defensive against all that should attempt to disturb the exercise of true religion within their kingdoms, notwithstanding of any former leagues of friendship or amity contracted with the said attempters.

4. That if any prince or state whatsoever should invade the realms and dominions of either of their majesties, or attempt any injury against their persons or subjects, upon notice thereof given or received, neither of them should yield aid, counsel, advice, or support, directly or indirectly, to the said invader, notwithstanding any consanguinity, affinity, league, or treaty made or to be made.

5. That in case of invasion they should aid and assist each other in manner and form following. That is to say, if the realm of England should be invaded by any foreign forces in

parts remote from the realm of Scotland, the king, upon signification made unto him by the queen of England, should furnish two thousand horsemen and five thousand footmen, or a lesser number, as it shall please the said queen to require, and should cause them to be conducted from the borders of Scotland into any part of the realm of England, upon the charges of the said queen. And in case the said realm of Scotland be invaded in any part remote from the borders of England by any foreign force, the queen of England, upon requisition made to her by the king, should furnish three thousand horsemen and six thousand footmen, or a lesser number, at the option of the said king, and shall cause them to be conducted to any part of the realm of Scotland, upon the king's charges.

6. That in case the invasion should be upon the north parts of the realm of England, within sixty miles of the borders of Scotland, the king, being required by the queen, should gather all the forces he could make, and join with the English power for pursuing of the said invaders, and keep them together for the space of thirty days, or so much longer (if it be required) as the subjects of Scotland are usually accustomed to stay in the fields for the defence of their own kingdom.

7. That upon any invasion or trouble arising in the realm of Ireland, the king, upon notice given to him thereof, should not only inhibit the repair thither of any of the inhabitants of Argyle, isles, and places adjacent, or any other parts of his dominions; but also, if it shall happen them, or any of them, to go into Ireland with a number extraordinary, and in hostile manner, the king, upon signification of the same, should denounce them his rebels, and pursue them as traitors.

8. That neither of their majesties should hereafter aid, supply, assist, or entertain the rebels or adversaries of the other, nor permit them to reside either privately or publicly in any part of their dominions; but upon the first requisition of the prince to whom they are rebels they should undelayedly be delivered according to the old leagues and treaties, or then expelled forth of their dominions, and redress made for any injuries they should happen to commit during their abode in the same.

9. That all controversies about matters of borders or

wrongs committed in the marches since the time of the king's accepting the government in his own person, and by the space of four years preceding, should be friendly determined and satisfied at the sight of commissioners to be appointed on both sides, who should meet at the confines within six months after the date of the presents, and decide thereupon.

10. That neither of their majesties should enter into any league or treaty (without the consent of the other, by letters signed with their hands under their privy signet) with any other prince or state whatsoever, to the prejudice of the present treaty.

11. That all former treaties betwixt their majesties' progenitors and both realms, notwithstanding any discontinuance thereof, should stand in full force, so far as they should not be found derogatory to the present treaty; and that this treaty should not infringe any league made by either of their majesties or their progenitors with other their friends and confederates in any time bygone, the cause of religion only excepted, wherein the present league is declared to be offensive and defensive.

12. That both their majesties should confirm the league by their oaths and great seals, which should be interchanged, and mutually delivered to others.

13. Lastly, that the king, at his coming to the perfect age of twenty-five years, should cause the present league to be ratified by the States of the kingdom; likeas the queen at the same time should cause it to be confirmed in her parliament of England.

These were the articles of the league concluded at Berwick, and signed by Francis Earl Bothwell, Robert Lord Boyd, and Sir James Home of Cowdenknows, commissioners for the king; as likewise by Edward earl of Rutland, William Lord Evers, and Sir Thomas Randolph, commissioners for the queen of England.

It was believed that this amity contracted with such deliberation should have continued firm; for, besides the public league, the queen had sent to the king a letter under her own hand, wherein she did faithfully promise to suffer nothing to be done that might derogate or prejudge his right and

title to the crown of England; and, for a farther demonstration of her kindness, had presented him with a gift of annuity answerable to the lands possessed by the Lady Lennox in her time, which the king by divers ambassadors had formerly required as due to him. Yet a few months after, brake out a business that put them in worse terms than before, and was with no small difficulty pacified; the story whereof shall next be related.

The queen of Scots being touched in the trial of Babington's conspiracy, as having interchanged divers letters with him, a consultation was kept concerning her, and what was fittest to be done; for they considered that all the conspiracies made against the queen of England, being chiefly intended in hope of the Scottish queen her succession, so long as she lived, their sovereign should never be secured, and that therefore the surest course was to put her out of the way; but how this should be done, the opinions were different. The earl of Leicester advising to despatch her secretly by poison, Secretary Walsingham did mightily oppose it, as that which would draw upon the queen both danger and dishonour, and besides in itself was a thing unjust, and no better than a cruel murder. Wherefore his opinion was, that the course of law should be kept, and commission given for making her process, and, as the trial should prove, for giving sentence and judgment. This opinion prevailing, certain noblemen, counsellors, and judges, were chosen for the business, who meeting at the castle of Fotheringay (where the queen of Scots was kept) the cleventh of October, and calling her before them, did charge her with the said conspiracy, and intercourse of letters. She refusing to answer and be tried as a subject, being herself an absolute queen, they not the less went on, and finding her guilty, pronounced the sentence of death, which was shortly thereafter confirmed by the Estates of parliament, and a supplication therewith delivered to the queen for putting their decree in execution.

How soon the king was advertised hereof, he sent William Keith, gentleman of his chamber, to the queen, with a letter to this effect. "That howbeit it seemed strange to him that the nobility and counsellors of England should take upon them to give sentence upon a queen of Scotland, and one descended of the royal blood of England; yet he would

think it much more strange, if she should stain her hands with the blood of his mother, who was of the same royal condition with herself, and of the same sex: which as he could not believe would enter into her heart to do, so if it should be, he desired her to consider how much it touched him in honour, that was both a king and a son, to suffer his mother, an absolute prince, to be put to an infamous death."

No answer being returned to this letter, upon new advertisement that the queen was like to be drawn by the importunity of her Estates to give way to the execution, he wrote to William Keith more sharply, "requiring him to show the queen how unjust he held that proceeding against his mother, and that it did neither agree with the will of God, who prohibiteth to touch his anointed ones, nor with the law of nations, that an absolute prince should be sentenced and judged by subjects; and if she would be the first to give that pernicious example of profaning her own and other princes' diadems, to remember her, that both in respect of nature and honour it concerned him to be revenged of so great an indignity; which if he should not do, he should peril his credit and reputation both at home and abroad, and therefore willed him for to labour for a delay, until he should send an ambassador with overtures that might content and satisfy her majesty." For, by a letter, sent from Mr Archibald Douglas, that stayed as lieger in England, he found him not well disposed in the business, and thereupon resolved to employ a more honourable person, and one of greater trust.

William Keith having entreated the queen for a delay, when as he could not obtain the same, did show her the direction he had received from the king: at which she grew into such a passion, that if Leicester and others of the council, who stood by, had not pacified her (saying that the king did only request that his mother might be well used, which was a thing natural, and in him an honourable part, and that some ill-affected persons possibly had stirred him up to write so sharply), she had simply refused him any more hearing. But after she had calmed a little she said, "That she would give no answer in anger, and would think of it to the next morning." At which time calling him again, she said, "that no precipitation should be used, and if any did come from the king within a few days, she would stay all proceeding to

that time, and be glad to hear such overtures as might save the queen of Scots' life, and assure her own."

The king, advertised of this, and conceiving some hope that matters would draw to an agreement, wrote of new to the queen, and showed, "he was sorry to understand that his letter sent to William Keith had been construed as if he did threaten her and her Estates, whereas his purpose was only to inform her of the rumours going in the country, and how much his subjects were moved at those forms of proceeding with their queen. That for himself, he knew well enough how hardly she was pressed, by objecting unto her the peril of her own life; and that he never blamed her directly for any thing that was done. Therefore prayed her to account him her most honest and steadfast friend, since he never had nor should deserve any other at her hand, and that for his sake she would continue any proceeding against his mother till his overtures should be heard, which the master of Gray should bring with him, who was to take journey on the Saturday following."

This letter was speedily carried to the queen, which gave her some content; for thereby she perceived the rumours to be vain which were dispersed, that he was minded to break the league, and denounce war. The king in the mean time having convocated the Estates, and imparted to them the case wherein his mother stood, had very liberal promises given him, and a present supply of money granted for despatch of his ambassador. And being advised by the Estates to join Sir Robert Melvill in commission with the master of Gray, as one that had served his mother long and was truly affected unto her, the commission was given to them both, and they put in equal trust. So parting from Halyrud-house the twentieth of December, they came to London the penult of the month.

The next day Mr Archibald Douglas being sent to desire audience, the same was refused, upon information that they had been with Monsieur Belleure, the French ambassador, who was employed in the same errand, and had parted from the queen in wrath; yet the contrary being showed, and that they refused to make any visit till they had presence of her majesty, they had access granted the first of January. At their first meeting she quarrelled the letter sent to William

Keith, asking if they were sent with the like threats. They answering that his majesty's letter might receive a good construction; and that he had interpreted himself by another directed since that time to her majesty's self, she brake forth into these speeches: "I am unmeasurably sorry that there can be no means found to save the life of your king's mother and assure mine own: I have laboured to conserve the life of us both, but now I see it cannot be done." The ambassadors replied, that the case was nothing so desperate, and that means would be found to put her majesty in assurance; yet because they perceived her to be somewhat commoved, they did not think meet to enter at that time more deeply in the business.

At their second audience, which was on the tenth day, the queen begun with them in this sort: "A thing long looked for should be good when it cometh; I would now hear what are your king's offers." The master (as having the first place) answered, "No man makes offer, but for some cause. If it like your majesty, we desire to know if the person be extant for whom we offer (for the rumour went constantly that the execution was past.)" "As yet," said the queen, "I think she be; but will not promise you an hour." "Nay," said the master, "we come not to shift, but to offer from our sovereign whatsoever in reason can be required; specially that he shall interpose his credit in behalf of his mother, and give the chief of his nobility for pledges, that no plot nor practice should be contrived against your majesty with her knowledge or privity: or if that be not sufficient, and that it shall please your majesty to set her at liberty, and send her into Scotland, a course shall be taken for securing your majesty from all such attempts by her occasion."

The queen calling the earl of Leicester, with the lords admiral and chamberlain, who were nigh by, repeated in their hearing these offers, setting them all at nought. Whereupon the master took occasion to ask, "What should move any man to attempt against her majesty for the queen of Scots?" "Because," said the queen, "they think she shall succeed to me, and that she is a papist." "And if these means shall be taken away," said the master, "apparently the danger will cease." "This," says the queen, "I would be glad to understand." "If her right of succession to Eng-

land shall be made over in our sovereign's person," said he, "papists will have no more hope; and this I think the queen his mother will dimit and resign to him." "But she hath no right," said the queen, "for she is declared incapable of succession." "And if she have no right," said the master, "the hope of papists ceaseth, and so it is not to be feared that they will enterprise for her." "But the papists," said the queen, "do not allow our declaration." "Then let it fall," said he, "in the king's person by her assignation."

The earl of Leicester objecting that she was a prisoner, and could not dimit, the master answered, "That the dimission being made to her son, with the advice of all the friends she hath in Europe, in case (as God forbid) the queen by any attempt should be cut off, she would have none to partake with her against her son, all the princes her friends standing obliged for her resignation, that it should be valid and effectual to her son." The queen making as though she did not understand him, the earl of Leicester said, that the ambassador's meaning was, that the king should be in his mother's place. "Is it so?" says the queen, "then I put myself in worse case than before. By God's passion (this was her oath) that were to cut mine own throat; he shall never come in that place, and be party to me." The master answered, "that he would be more party if he should come in his mother's place through her death." "Well," said the queen, "tell your king what I have done for him, to keep the crown on his head since he was born, and that for my part I mind to keep the league that stands betwixt us, which if he break, it shall be a double fault." And with these words she made away. Sir Robert Melvill following her, requested for some eight days' continuance of the execution; whereunto she answered, "Not an hour."

The king advertised of this conference, and that nothing but extremity was to be expected, wrote with his own hand to the master of Gray as followeth: "Reserve yourself no longer in your dealing for my mother, for you have done it too long, and think not that any thing will do good if her life be lost, for then adieu with farther dealing with that state. Therefore if you look for the continuance of my favour, spare no pains nor plainness in this case, but read my letter written to William Keith, and conform yourself wholly

to the contents thereof; and in this let me reap the fruits of your great credit there, either now or never. Farewell."

But before this letter came unto the master, he was drawn upon another course, and made more cold in the business, and (as the fame went) had taken upon him to pacify the king, though the execution proceeded. Meanwhile the earl of Leicester wrote to the king a letter, wherein not obscurely showing what was resolved, he advised him to deal more moderately in that matter of his mother, her cause not being worth the losing of such a friend as the queen his sovereign was. "For, albeit, no man," said he, "can blame your majesty to speak for the safety of your mother's life; yet, under your favour, your majesty being a prince and a king, you ought to weigh without partiality the case of other kings and princes, as if it might be your own. Justice should in the bosom of all princes have such place, that howsoever affection may draw them, if the thing which any of them doth for the preservation of their own life and estate be warranted, it ought to be borne withal by others." And proceeding in this manner, he said, "Let the case of the queen my sovereign be made your majesty's, and that any king or prince being in your hands, claiming title to your crown, would raise war within your realm against you, or conspire with traitors within your court or country to kill you; in that case I would fain know what would be thought fit by any faithful or good subject of yours, that you should do to such a one. Nay, give me leave, I humbly beseech you, to ask even of yourself, what you would think fit in such a case? There is no other difference, but that this offence is done to the queen's majesty by your mother;" and then after a little (for the letter is long), "if my plain speech may be without offence to your majesty, I would wish you to think well of this case; remember how near it is to you, and how much nearer it may be to you; it is seen to all the world wherefore the life of our mistress is sought, whose death may be as far out of your way as your mother's liberty hath heretofore been dangerous to your own estate. And if it be true which I have heard, your majesty's self, by her will, had as well been dispossessed of the possession of that you have, as defeated of any remainder she thought to have interest in. And therefore as kings be and ought to be jealous chiefly of their own

estate, so I doubt not but your majesty will deeply consider of this case of your mother's, wherein you may perform both the office of a son and of a king. And as I have always advised you, so do I still, except for a just cause (which I am persuaded you shall never have), give not her majesty any cause to conceive a breach of love and friendship on your part. She is the person and prince in the world that may do you most good or most harm; let no persuasion or device make you think otherwise—the world is full of practice, and the worst heads most busy," &c.

At the same time Secretary Walsingham writing to the Lord Thirlstane, the king's secretary, with whom he kept intelligence, declared, "that it was wondered by all wise and religious men in England that the king should be so earnest in the cause of his mother, seeing all the papists in Europe that affected the change of religion in both realms did build their hopes altogether upon her; and that she had showed herself so passionate in point of religion, as she had transferred her pretended right to both the crowns unto the king of Spain, in case the king, her son, should persist in his profession."

It is true that such informations were given out amongst the papists, to divert the king from constancy in his profession; but that any such translation was made by her it is not probable, and a thing not to be believed, her declaration at the time of her death being far other, as we shall hear: albeit, a popish abbot, describing the life of Laurens the cardinal, who was at that time protector of the Scottish nation, affirmeth the foresaid translation to have been in his hands, and to have been delivered to him by Count Olivarez, the Spanish ambassador at Rome. But that doth merit little credit: such forged titles would perhaps have served, if the enterprise of eighty-eight had succeeded, but they are now of little purpose.

The king perceiving by all these letters that the death of his mother was determined, called back his ambassadors, and at home gave order to the ministers to remember her in their public prayers, which they denied to do, though the form prescribed was most christian and lawful; which was, that it might please God to illuminate her with the light of his truth, and save her from the apparent danger wherein she was cast.

Upon their denial, charges were directed to command all bishops, ministers, and other office-bearers in the Church to make mention of her distress in their public prayers, and commend her to God in the form appointed. But of all the number only Mr David Lindsay at Leith and the king's own ministers gave obedience. At Edinburgh, where the disobedience was most public, the king purposing to have their fault amended, did appoint the third of February for solemn prayers to be made in her behalf, commanding the bishop of St Andrews to prepare himself for that day ; which when the ministers understood, they stirred up Mr John Cowper, a young man not entered as yet in the function, to take the pulpit before the time and exclude the bishop. The king coming at the hour appointed, and seeing him in the place, called to him from his seat, and said, " Mr John, that place is destined for another ; yet since you are there, if you will obey the charge that is given, and remember my mother in your prayers, you shall go on." He replying, " that he would do as the Spirit of God should direct him," was commanded to leave the place : and making as though he would stay, the captain of the guard went to pull him out ; whereupon he burst forth in these speeches : " This day shall be a witness against the king in the great day of the Lord : " and then denouncing a wo to the inhabitants of Edinburgh, he went down, and the bishop of St Andrews entering the pulpit did perform the duty required. The noise was great for a while amongst the people ; but after they were quieted, and had heard the bishop, (as he was a most powerful preacher,) out of that text to Timothy, discourse of the duty of Christians in praying for all men, they grieved sore to see their teachers so far overtaken, and condemned their obstinacy in that point. In the afternoon Cowper was called before the council, where Mr Walter Balcanquel and Mr William Watson, ministers of the town, accompanying him, for some idle speeches that escaped them at this time, were both discharged from preaching in Edinburgh during his majesty's pleasure, and Cowper sent prisoner to Blackness.

The queen of Scots some months before having notice given her of the sentence pronounced against her, and being willed to prepare herself for death, was nothing thereby dejected, but thanking God for that her sorrowful life was now

to end, entreated the queen of England by her letters for three things. "First, that her body might be carried by her servants into France, to be buried beside her mother. Next, that she should not be put to death secretly, but in the presence of her servants and others, who might bear witness of her dying in Christ, against the false rumours which her adversaries might disperse of her. Thirdly, that her servants might have leave to go whither they would, and enjoy the mean legacies she had bequeathed unto them in her testament." Which things she requested in the name of Jesus Christ, by the soul and memory of Henry the VII., progenitor to them both, and by the royal honour and title which she had carried. In the same letters she complained of the indignity done unto her in the taking away of her royal furniture, and that her keepers did use her without that respect which was due to her estate and birth. But to none of these desires was any answer given, the queen of England dissembling that she had received any such letter.

Yet was she much perplexed and doubtful what to do, whether to take her out of the way or not. If she should be spared, she doubted the noblemen who had given sentence against her would take it ill, and perhaps run other courses to free themselves from her malice; and to take her away, she knew it would be interpreted a great cruelty on her part, as likewise that the king her son would be sore displeased. For, albeit, that the master of Gray at his parting from her had in private given hopes that the king's title being reserved, and no prejudice made thereto by the sentence given against his mother, her death would be forgotten; yet Sir Robert Melvill, who was joined in commission with him, had assured her, if rigour were used, that friendship would no longer be kept. Debating thus with herself some days upon the most expedient, she signed a warrant for the execution, and gave it to Davison, one of her secretaries, to be passed the great seal: which was no sooner done than, repenting the direction, she told him that she would take another way. But he having before communicated the warrant with the council, they presently sent Beal, their clerk, with the mandate and letters to the earls of Shrewsbury, Kent, Derby, and Cumberland, to see the same performed.

The earls, accompanied with the sheriff of the shire and

justices of peace, came to Fotheringay on Tuesday the seventh of February, and having signified the cause of their coming, willed the queen to prepare herself to die, for that she was to suffer the next morning. She was no way moved, as it seemed, and said, "I did not think that Queen Elizabeth, my sister, would have consented to my death; but since it is so, death is to me most welcome. That soul is not worthy of heaven's joys, whose body cannot endure one blow of the hangman. Only I will request," said she, "that I may speak with my confessor and Melvill my steward." It was answered that her confessor would not be permitted to come unto her, but she should have the bishop or dean of Peterborough, who were nigh by, to give her comfort. She replied, "They are of another profession, and cannot be fit comforters to me; but since you will not allow my confessor to come at me, I will comfort myself in God."

Some other speeches passed amongst them touching Babington, and her secretaries No and Curle, who had both confessed the interchange of letters with Babington; after which the earls departed, and she calling for supper, commanded her servants to make haste, that she might have leisure to set things in order. Having supped sparingly (as her custom was), she made an inventory of her goods and moveables, setting down the names of those for whom she appointed them; and unto some she gave money with her own hand. This done, she wrote unto her confessor, entreating him to pray unto God for her, and a few lines to the French king and duke of Guise in behalf of her servants. At the ordinary time she went to bed, and slept some hours quietly; after which having awaked, she spent the rest of the night in prayer.

The day beginning to break, she apparelled herself as she was wont to do on the festival-days, and calling together her servants, showed unto them her will, desiring them to take in good part the legacies she had bequeathed unto them, since her means were at the time no better; and then gave herself wholly to devotion. About eight of the clock the sheriff of the shire, named Thomas Andrews, entered the chapel, where she was praying on her knees, and told her that all was ready; "And I am likewise," said she. Thus arising, she came forth to her chamber of presence, where she

made a short speech to her servants, willing them to fear God and live virtuously : and so kissing her women, and giving the men-servants her hand to kiss, she bade them farewell.

The earls and other gentlemen meeting her, she showed a most cheerful countenance, nothing dejected, but looking grave and devout, with a crucifix of ivory in her hands. As she was going towards the hall, where she was to suffer, when Andrew Melvill her steward did bewail his mishap, in that he should be the carrier of the news of his lady's death into Scotland, she said, " Do not lament, but rather be glad, for thou shalt straightway see Mary Stewart delivered from all her cares : you may tell them that I die constant in my religion, and firm in affection towards Scotland and France. Hitherto thou hast served me faithfully ; and howbeit I take thee to be in religion a protestant, and I myself am catholic, yet seeing there is but one Christ, I charge thee, upon thine account to him, that thou carry these my last words to my son, and show that I pray him to serve God, to defend the catholic church, and govern his kingdom in peace, and never to put himself in the power of another, as I have done. Certify him that I have done nothing prejudicial to the crown of Scotland, and will him to keep friendship with the queen of England ; and serve thou him faithfully." With these words, some tears falling from her eyes, she bade him farewell.

After this, she was brought to the hall, in the midst whereof, over against the chimney (where was a great fire), a scaffold was erected of two feet high and twelve feet broad, having two steps to ascend : the scaffold was railed about almost a yard high, and all covered with black cloth, as were the chair, stools, and block, and cushions to kneel upon. Before she went up, turning to the earls, she requested that her servants might stand by at her death. They answered, that their passionate weeping would disquiet her, and do no good else. " Nay," said she, " I will promise for them, they shall not do so : it is but a small favour, and such as Queen Elizabeth would not deny me, to have my maids present." She named Melvill her steward, Burgoin her physician, her apothecary and chirurgeon, with two maids.

Being on the scaffold, and silence made, the clerk of the

council did read the commission, which she listened to as it had been some other matter. That ended, the dean of Peterborough began to remember her of her present condition, and to comfort her in the best sort he could. She, interrupting his speech, willed him to hold his peace, for that she would not hear him. And when excusing himself that what he did was by command of her majesty's council, he began again to speak. "Peace, Mr Dean," said she; "I have nothing to do with you, nor you with me." The noblemen desiring him not to trouble her farther, she said, "That is best, for I am settled in the ancient catholic religion wherein I was born and bred, and now will die in the same." The earl of Kent saying, that as yet they would not cease to pray unto God for her, that he would vouchsafe to open her eyes, and enlighten her mind with the knowledge of his truth, that she might die therein, she answered, "That you may do at your pleasure, but I will pray by myself." So the dean conceiving a prayer, and all the company following him, she likewise prayed aloud in the Latin tongue: and when the dean had finished, she, in the English language, commended unto God the estate of his afflicted Church: prayed for her son, that he might prosper and live happily, and for Queen Elizabeth, that she might live long, and govern her subjects peaceably; adding, that she hoped only to be saved by the blood of Christ, at the feet of whose picture presented on the crucifix she would willingly shed her blood. Then lifting up the crucifix and kissing it, she said, "As thy arms, O Christ, were spread abroad on the cross; so with the outstretched arms of thy mercy receive me, and forgive me my sins."

This said she rose up, and was by two of her women disrobed of her upper garments. The executioners offering their help, and putting to their hands, she put them back, saying, "She was not accustomed to be served with such grooms, nor dressed before such a multitude." Her upper robe taken off, she did quickly loose her doublet, which was laced on the back, and putting on her arms a pair of silken sleeves, her body covered with a smock only, she kissed her maids again, and bade them farewell. They bursting forth in tears, she said, "I promised for you that you should be quiet; get you hence, and remember me." After which, kneeling

down most resolutely, and with the least token of fear that might be, having her eyes covered with a handkerchief, she repeated the psalm, *In te, Domine, confido; ne confundar in æternum*. Then stretching forth her body with great quietness, and laying her neck over the block, she cried aloud, *In manus tuas, Domine, commendo spiritum meum*. One of the executioners holding down her hands, the other at two blows cut off her head, which falling out of her attire seemed to be somewhat gray. All things about her were taken from the executioners, and they not suffered to carry their aprons, or any thing else with them that her blood had touched; the clothes and block were also burned, her body embalmed, and in solemn manner buried in the cathedral church at Peterborough; and after many years taken up by the king her son, and interred at Westminster amongst the rest of the kings.¹

This was the end of Queen Mary's life; a princess of many rare virtues, but crossed with all the crosses of fortune, which never any did bear with greater courage and magnanimity to the last. Upon her return from France, for the first two or three years, she carried herself most worthily; but then giving ear to some wicked persons, and transported with the passion of revenge for the indignity done unto her in the murder of David Rizzio her secretary, she fell into a labyrinth of troubles, which forced her to flee into England, where, after nineteen years' captivity, she was put to death in the manner you have heard. Nigh unto her sepulchre at Peterborough was affixed at the time, by some friend that bewailed her death, this inscription:—

“ Maria Scotorum regina, regis filia, regis Gallorum vidua, reginæ Angliæ agnata et hæres proxima, virtutibus regiis et animo regio ornata, jure regio frustra sæpius implorato, barbara et tyrannica crudelitate, ornamentum nostri seculi, et lumen vere regium extinguitur; eodemque nefario judicio et Maria Scotorum regina morte naturali, et omnes superstites reges plebei facti morte mulcantur. Novum et inauditum tumuli genus, in quo cum vivis mortui includuntur, hic extat. Cum sacris enim divæ Mariæ cineribus, omnium regum atque

¹ [See note at the end of this Book.—E.]

principum violatam atque prostratam majestatem hic jacere scito. Et quia tacitum regale satis superque reges sui officii monet, plura non addo, viator."

That is,

"Mary queen of Scotland, daughter of a king, widow of the king of France, kinswoman and next heir to the queen of England, adorned with royal virtues and a princely spirit, having often, but in vain, implored to have the right due to a prince done unto her, the ornament of our age, and mirror of princes, by a barbarous and tyrannical cruelty is cut off; and by one and the same infamous judgment, both Mary queen of Scotland is punished with death, and all kings living, as common persons, are made liable to the same. A strange and uncouth kind of grave this is, wherein the living are included with the dead; for with the ashes of this blessed Mary, thou shalt know that the majesty of all kings and princes lies here depressed and violated. But because the regal secret doth sufficiently admonish all kings of their duty, traveller, I will say no more."

The author was not known, nor could be found out, so it was taken away. But as soon as it was told the queen that the execution was done, she grieved exceedingly, and put on a mourning habit, laying all the fault upon Secretary Davison, to whom she had said that she would take another way. Meanwhile, she sent Mr Robert Cary, one of the Lord Hunsdon's sons, to the king, with this letter of her own handwriting.

"MY dear brother, I would you knew, though not felt, the extreme dolour that overwhelmeth my mind, for that miserable accident which far contrary to my meaning hath befallen. I have sent this kinsman of mine, whom ere now it hath pleased you to favour, to instruct you truly of that which is too irksome for my pen to tell you. I beseech you that as God and many more know how innocent I am in this case, so you will believe me, that if I had bid it, I would have abode by it. I am not so base-minded, that the fear of any living creature should make me afraid to do what is just, or done, to deny the same; I am not so degenerate, nor carry

so vile a mind ; but as not to disguise fits most a king, so will I never dissemble my actions, but cause them show as I mean them. This assure yourself for me, that as I know it was deserved, if I had meant it, I would never lay it on another's shoulders ; and to impute to myself that which I did not so much as think of, I will not. The circumstances you will be pleased to hear of this bearer ; and for my part, think you have not in the world a more loving kinswoman and more dear friend, nor any that will watch more carefully to preserve you and your state. And if any would otherwise persuade you, think they bear more good will to others than to you. Thus, in haste, I leave to trouble you, beseeching God to send you a long reign.

“ Your most assured loving sister and cousin,
“ ELIZABETH R.”

The king denying him presence, and refusing to receive his letters, he advertised the queen, who willed him, if he could not find access to his majesty, to deliver his message and letters to some of the council, if it should be the king's pleasure to take information from them. This after the delay of a few days was yielded unto, and with the letters a writing delivered to be showed his majesty of this tenor.

“ WHEREAS the queen's majesty, my mistress, desiring to have your majesty certified aright of the death of the queen your mother, and in what sort the same was done, hath commanded me, since I am denied your presence, to declare my message to certain of your council. I have thought best to put it in writing, because words may be mistaken, and my charge this way better performed. First she commanded me to assure your majesty, that it never entered in her thought to put the queen your mother to death, notwithstanding the daily persuasions of her council, the supplications of the nobility, knights, and gentlemen, and the hourly outcries of her poor people and commonalty, wherewith she was wearied, and out of measure grieved to see their determination fixed that way. And that upon advertisements coming every day unto her of the preparation of ships and men both in France and Spain to invade her realm, and reports of the breaking open of Fotheringay Castle, and the queen your

mother's escape ; lest she should in any extremity be unprovided, she had signed a warrant to her council for doing what they thought best with your mother ; which warrant she delivered to her secretary Mr Davison to be kept, not intending it should be given out of his hands, except some invasion from abroad or insurrection of rebels at home were made to procure her liberty. But her secretary, otherwise than she had purposed, having showed the warrant to two or three of the council, they called the whole number together, and presently sent a mandate for her execution ; which was done, she protests to God, before she knew of it. Hereupon the secretary is committed, and will not escape her high displeasure. This is the effect of my message ; which if I could express so lively as I did hear her utter it with a heavy heart and sorrowful countenance, I think your majesty would rather pity the grief which she endureth, than in any sort blame her for the fact whereunto she never gave consent."

This declaration gave the king no content, for he could not think that her council would have presumed without her own knowledge to take the life of his mother ; and for the censure of the secretary, he did esteem it but a mockery, and not a repairing of the wrong he had received. Neither wanted he persons about him to sharpen him to take revenge ; some out of a desire to have all things troubled, others out of the hatred they bore to religion, and some truly resenting the injury as done to the whole nation. Which when the queen understood, and that her messenger was returned without audience, she laboured by her ministers, of whom she was ever well furnished, to pacify his mind, and divert him from the war he had intended. These working privately with the king's chief counsellors, and such of his chamber as he was known to affect, dealt so as they kept off things from breaking forth unto open hostility, which was every day expected. Secretary Walsingham first by a long letter directed to the Lord Thirlstane, who was then in most credit, and had the chief administration of affairs, proponed divers weighty and important considerations that should keep the king from taking any such resolution. Because the letter contained the very true reasons that in end moved his

majesty to forbear violence and take a more calm course, I thought meet to set it down word by word, as it standeth in the original.

“ Sir,—Being absent from court when the late execution of the queen your sovereign’s mother happened, I did forthwith upon my return impart to Mr Douglas some things concerning the course was conceived here, by your said sovereign’s best friends, fit to be holden in this remediless accident, for continuance of peace and amity between the two crowns, as a thing for the weal of both nations to be desired. But finding him unwilling to meddle therewith, I have thought good to write to the same effect unto yourself. The rather for that I presently understand, by some advertisements out of that country, that the death of the queen is likely to breed so strange an alienation of his majesty’s mind towards this realm tending (as is reported) wholly to violence, and revenge of that which hath been so necessarily done by the whole body of the same; whereof as for mine own part I should be right sorry, so it is generally hoped that his majesty, being of that singular judgment himself, by the good help and advice of such as you are in credit and authority about him, men of wisdom and experience, whom he will hear, this mischief will notwithstanding be carefully and prudently prevented, considering how every way, all things being rightly weighled, this course will be found prejudicial as well to your said sovereign’s estate as to his reputation, if he resolve to persist therein.

“ For, first, the enterprise will undoubtedly be condemned in the sight of all such as shall not be transported with some particular passion: for that they shall see that he takes arms for revenge of an action, besides the necessity wherein it is grounded, full of so honourable and just proceedings, as howsoever the effect was contrary to their liking, the manner thereof by the late queen’s great favourers could not but be approved and allowed. And as on the one side, the king your sovereign oppugning the course of justice, of so unlawful, unjust, and desperate a quarrel, cannot be expected any other thing than a most unhappy and miserable issue; so we, being assured that in the defence of justice the assistance of his mighty arm will not fail us whose judgment this was,

need not to fear whatsoever man shall attempt to the contrary against this realm.

“ But not to stand upon the justness of the quarrel, which every man perhaps will not so much regard, it would be considered what means your sovereign shall have to go through with such an enterprise, if he take it in hand. For the forces of his own realm being so far inferior to these in England, no man is so simple but seeth it were no way safe for his majesty, trusting only thereto, to make head against the power of this land; neither is it thought that any man will be found so unadvised as to wish him so to do.

“ But as it may be that a great number, for lack of understanding, are carried away with such vain discourses, as some without solid ground imagine of what might be done in this case by a king of Scotland backed and assisted (as they conceive in the air) with the French and Spanish aid; so it is likely enough there shall not want those that, either for satisfaction of their private passions, or supply of their necessities, or better effectuating some other their private designs, would be content to serve themselves of this present public occasion and opportunity; who will propound, and promise also, more to his majesty of such foreign assistance than they know in their consciences can be performed, if he would declare himself enemy to this realm; which that he should (though to his own ruin) the enemies of both realms will do what they can to procure.

“ But men of wisdom and understanding, laying before their eyes as well the accustomed delays, and after long solicitation and pursuit the simple supplies and support commonly found at these foreign potentates' hands; as also, how doubtful and uncertain the success of war may prove, England (God be thanked) being so prepared, and in case to defend itself, both otherwise and by the conjunction of Holland and Zealand's forces by sea, in respect whereof this realm need not fear what all the potentates of Europe being banded against us can do for to annoy the same; due consideration, I say, being taken hereof, you will easily judge and find how vain it were for your sovereign upon so uncertain hopes to embark himself and estate in an unnecessary war. But much more if you shall consider what a sequel and train of dangers and hazards this war draweth therewith, the consequence

whereof reacheth to whatsoever your sovereign possesseth or hopeth for in this life. For escaping to be slain in field, if he should happen to be taken prisoner, or be constrained to retire himself out of the realm (things that have fallen out oft in experience), and then, having incensed this whole realm against him, he should be disabled from any right in the succession of this crown (as authority is given to do it by the same statute whereby they proceeded against his mother) for attempting the invasion of this land, what extremity should he be reduced unto!

“ And truly it could not otherwise be, the ancient enmity between the two nations, now forgotten, being by drawing blood one of another again likely to be in such sort revived, as it would be impossible to make them like of a prince of that nation, and specially him who had been, upon so unjust a ground, the author of that unfortunate breach.

“ Besides that the greatest part of the ancient nobility, by whose judgment the late queen was condemned, and the rest of the principal gentlemen of the realm, who confirmed the same in parliament, should have just cause to adventure any thing, even to the marching over their bellies, rather than to yield to his government, who, carrying such a vindictive mind, they might doubt would one day call their lives and honours in question.

“ And as for the remedy and relief which he might attend (standing in these terms) of foreign princes, there are many examples of the former ages, and within fresh memory. As the king of Navarre's grandfather by the mother's side, and Christiern, king of Denmark, both were allied to Francis the First and Charles the Fifth, two of the mightiest potentates that reigned in long time. And that this present Don Antonio may suffice for ensample to teach all princes, if they can avoid it, to beware how they fall into that state whereby they shall be enforced to seek their own by other potentates' means. Princes are not so ready in these days to embrace other men's quarrels, but where they are extraordinarily interested in their own fortunes.

“ Wherefore I doubt not but it will be seen by men of judgment, not transported with passion, or led away with private respects, that it should be every way the only best course for your sovereign, by a good and kind usage of her

majesty, and by showing that princely moderation, as well in this grievous accident of his mother's death, as his whole proceeding with this realm (which the excellency of his highness's education seemeth to promise), to seek to win the hearty good will of this realm, as the chief and principal assurance he can in any sort obtain. For to trust or depend either upon the French king or the king of Spain, as if by their assistance he might attain to the present possession of this crown, which be indeed the only two potentates whom he must have recourse unto, if he reject the amity of England; whosoever shall so counsel your sovereign, as things presently stand, shall, in the judgment of men of best understanding, bewray great want either of fidelity or judgment, drawing his majesty unto so untoward and desperate a course.

“For it is no way safe for any prince to repose his trust and strength upon their favour and assistance to whose desires and designs his greatness may yield any impeachment and hinderance: so were it clearly against common reason to expect other support and assistance from them than might stand with their own commodities and pretensions, in respect whereof neither of the two foresaid kings can simply and roundly join with your sovereign to his good.

“First, his religion being odious to them both, and likely to prove most prejudicial to the catholic cause, he growing so great as he should be made by the union of the two crowns; the consideration whereof caused his mother's affairs to stick a long time, and made her now in the end leave him quite out of the reckoning, ordaining the king of Spain her heir, if her son became not catholic.

“Next, it is merely repugnant to the policy of France, were it but in respect of the ancient claim England maketh to that crown, to suffer the uniting of this island under one prince.

“They have been content in former times, when England had a footing in France, to serve themselves of your nation, therewith to annoy this realm, by the means of diverting or dividing the forces thereof; and so perhaps the politics of France can be content to wish at this day, by your sovereign's quarrel or any such like, to be eased of the burden and miseries of the present war wherewith they are plagued, by transporting the same into this island. But as this realm hath good means to prevent that mischief if it were intended,

so were your sovereign to look, when all were done, but to be made an instrument, as his predecessors have been, of the effusion of much Scottish blood for French quarrels, and the desolation of that realm.

“And as things stand presently in France, it is not thought that you should find the king ready to hearken to any enterprise against this land; the said king being most desirous to live in peace both with his neighbours abroad and his subjects at home, but that he hath been forced, full sore against his will, by the practice of them of the house of Guise, to countenance with his authority the civil war raised in that realm; which maketh him, whatsoever show he maketh of the contrary, to hate them in his heart.

“Neither would it be held sound counsel to be given him by any that depends upon his fortune, to farther the advancement of a king of Scots, so nearly allied to that family which he hath discovered and greatly feareth to level at his own crown, with an intention to depose him, which by the greatness of a king of Scots they should be so much the sooner and better able to effect.

“The king of Spain’s assistance, being now in war with this realm, were more likely to be obtained, but far more dangerous to be used in respect of his insatiable ambition, deep practices, and power, accompanied in this case with a colour of right; wherein how far he would seek to prevail, any opportunity or advantage being offered, it may justly be doubted by the experience that sundry states have had, which upon slender grounds of title have been extorted and wrung from the true inheritors, and annexed to his own kingdom; as Navarre, Portugal, and all he possesseth in Italy hath been.

“It is believed that the king of Spain, considering his years and unsettled estate every way, would willingly incline to peace, if it were offered with reasonable conditions, and not over readily at this present embark himself in any new enterprises.

“But otherwise it is well known, that as he had fancied to himself an empire of all this part of Europe, so he had an eye to this realm ever since he was king in right of his wife. The conquest was intended under colour of religion, as was discovered by some that were of his own privy council at that time. His pretension to be the heir of the house of

Lancaster, and, since the late queen's death, the first catholic prince of the blood royal of England, as also the donation of this crown made him by the queen of Scots in her letters, with a promise to confirm it by testament (things blazed abroad by the said king's ambassador at Paris), ought to breed jealousy and suspicion in your sovereign's head, and give him to think how he should be used at such an assistant's hand. Auxiliary forces have ever been reputed dangerous, if they either in number or policy were superior to them that called them in. The assistance therefore of Spain and France being of this nature, as your sovereign hath need of neither, so he shall do well to forbear them both, and so shall it be most for his ease.

“It may be some will pretend, that by change of his religion your sovereign shall better his condition in regard of these foreign princes, besides a great party within this realm that thereby shall be drawn wholly to depend upon his fortune. But the poor distressed estate of Don Antonio, being a catholic prince spoiled by a catholic, and receiving so little succour at catholic princes' hands, shall be a sufficient bar to all that can be alleged in that behalf.

“As for the catholic party in England, in his mother's life it was never so united as they drew all in one line, much less will they be brought suddenly to rely upon him if he should alter his religion (as God defend), which would be his utter discredit and overthrow both with the one and the other party, neither having cause to repose any confidence in him; the protestants, because he had renounced the religion wherein he was with great care brought up; the papists, because they could not be assured in short space that he was truly turned to their faith. Yea, all men should have reason to forsake him who had thus dissembled and forsaken his God.

“And where it was given out, that divers do insinuate unto your sovereign, that his honour and reputation is so deeply interested herein, as it must necessarily turn to his perpetual ignominy and reproach, if he give not some notable testimony to the world of the affection and dutiful love he bare to his mother; your king, being of that singular judgment that he is thought to have, cannot be ignorant how far true honour ought to possess a christian prince; that is, not whither passion or fury used to carry men, but whither reason and

wisdom have laid the bounds, that is, within the compass of possibility, decency, and justice. If the late queen had been innocent, revenge had been necessarily just and honourable; but being culpable, contrary. In all reasonable men's judgments, he hath sufficiently discharged the duty of a son in mediating for his mother so long as she was alive, and so far as he was able to prevail. They which require more at his highness's hands, may be presumed not to regard what becometh his place and dignity, but to seek the satisfaction of their own particular passions and desires.

“ And whosoever persuadeth his highness, that the mediation used by him for his mother, contrary to the humble pursuit of the whole parliament, hath already given that offence to the nobility and people of this land, as it behoveth him of force to have recourse to foreign supports, doth greatly abuse both his highness and this realm; for as they were not ignorant what nature might and ought to move his highness unto, so long as there was any hope of her life, so they do not doubt but that reason will induce him to leave sorrowing and thinking of her in due time.¹

“ Thus have I troubled you with a long discourse, whereunto the desire I have of the continuance of amity between the two crowns hath carried me unawares farther than I purposed; all which I refer to your good consideration, not doubting but you will afford most readily and willingly all good offices that shall lie in your power, to the end that a happy conclusion may ensue hereof, which shall tend to the common good of the whole island. And so I commit you to God. From the court at Greenwich, the fourth of March 1586.

“ Your Lordship's assured Friend,

“ FRA. WALSINGHAM.”

This letter, showed to the king, served much to allay his anger, as afterwards appeared. In the May after, the Estates being assembled at Halyrudhouse, they show a great forwardness, all of them, for assisting the revenge of his mother's death, every man offering to spend his goods and life in that quarrel: yet the business was so timed out that summer by the private dealing of certain counsellors, as hopes were given

¹ “ Now that she is dead.” Spottiswoode MS., No. 1.

to the queen that matters should compose, and a more peaceable course be taken.

It was at this time that Sir William Stewart, brother to Captain James, returned again to court, and gave his attendance upon the master of Gray. The master was then plotting a change of court, and had conspired with the Lord Maxwell to kill the Lord Thirlstane, Sir James Home of Cowdenknows, and Mr Robert Douglas, collector, whose power with the king he greatly envied. This he reveals to Sir William as one that he believed would take part in the business; and to make him the more forward tells, that it was Thirlstane, the justice-clerk, Blantyre, and himself that brought in the lords at Stirling, and put his brother from court; which he repented, and would help so far as he could to recall him. Sir William knowing the man's nature, and that he was not to be trusted, gave him some hopes of joining with him, but in the mean time related all to the king. This coming to Thirlstane's knowledge, he complaineth thereof in council, and desireth a trial. The master denied that any such purpose had passed betwixt them: whereupon Sir William was called, and standing to that he had told the king, they two fell a contesting. After some bitter speeches, Sir William taking him up roundly, said, "that he deserved no credit, as having abused his ambassage to England, and treacherously consented to the death of the king's mother."

There had a rumour gone of a letter written by the master to the queen of England after his parting from that court, advising her to put the queen of Scots out of the way; and the words he had used, *Mortui non mordent*, dead folks bite not, were in every man's mouth: and now the challenge being made public, the council moved the king to put the master to trial, and commit both the one and the other. So were they both the same night sent to the castle of Edinburgh. The Lord Thirlstane, and those others that were touched with the enterprise of Stirling, made great instance to be cleared in that point: but the king, not liking to search too deeply in those businesses, said, "That their own purgation, with the declaration of the noblemen that came home at that time, was sufficient." There were present of that number the Lord Hamilton, the earls of Mar and Bothwell, who upon oath declared, "that they had no assurance from any

about the king at the time of their coming, till they were received by his majesty in favour." The like purgation was made by the Lord Thirlstane, the justice-clerk, and the rest, and so that business ceased.

After some two or three days the master of Gray and his accuser were brought again before the council, where the same things that before we heard, being repeated by Sir William Stewart, he added farther, that he knew the master to be a trafficker against religion, and that he had written divers letters to the king of France and duke of Guise, declaring that the king was to seek their assistance in revenge of his mother's death, but entreated them not to grant him any help, unless he did grant toleration to the catholics for exercise of their religion. The master being desired to answer, and, as he looked for any favour, to deal ingenuously, and confess the truth, said "That he could not deny his dealing for toleration of catholics, and that he disliked some of the officers of state, and could have wished an alteration; but that he never had so much as a thought against his majesty's person; beseeching him to impute these things wherein he had offended to his youth and foolish ambition." Being inquired touching the letter sent to the queen of England, he confessed, "that when he perceived her inclining to take the queen of Scots' life, he advised her rather to take her away in some private way, than to do it by form of justice;" and acknowledged the words "mortui non mordent" to be his, but not used by him to the sense they were detorted.

His confession did liberate his accuser, who was presently set at liberty, and he himself sent to the Tolbooth of Edinburgh to attend his arraignment, which was made a few days after. There, having repeated the same things in effect, he submitted himself to the king's mercy; who thereupon gave order to the justice to banish him the realm, and in case he did return without license to pronounce the sentence of death. Meanwhile he was prohibited to go either into England or Ireland, under the like pain; a punishment too mild, as many at that time judged, for crimes so hateful and odious. But the innated clemency of the king, and his unwillingness to use rigour towards them whom he had once favoured, did not suffer him to inflict the punishment which the offence had merited.

Captain James, who since the enterprise of Stirling had lurked amongst his friends, did now begin to show himself, and importune the king with delations of Thirlstane and some other counsellors, as being accessory to his mother's death, and having a purpose to deliver him into England. These informations he sent enclosed in a letter to the king by Harry Stewart of Craighiehall. The king communicating the same to the council, direction was given to charge him to enter his person within the palace of Linlithgow, and remain there till the truth of these delations should be tried; certifying him, that if he failed to obey, process of forfeiture should be led against him, as a sower of discord betwixt the king and his nobility. When at the time prefixed he entered not, the office of chancellary, whereof as yet he used the title, was declared void, and bestowed upon the Lord Thirlstane.

The king being now twenty-one years complete, a parliament was indicted to be holden at Edinburgh the twenty-ninth of July. For a preparation thereto, and that the king might find the better assistance, the noblemen were sent for, they especially betwixt whom there were known to be any quarrels. At their coming the king did press them with a submission of all controversies, and having obtained their consents made them all friends. Only William Lord Yester, refusing to reconcile with Traquair, was committed and sent to the castle of Edinburgh, where he was detained some months, till that variance was also composed. Such content the king conceived of their agreement, that he did feast them all royally at Halyrudhouse, and thereafter caused them walk in hands two and two in form of procession from the palace to the Market-cross of Edinburgh, where they sealed their concord by drinking healths one to another, to the exceeding great joy of all the beholders.

A General Assembly was then also called by his majesty's proclamation to the twentieth of June, where the king did purpose to have all matters settled betwixt him and the Church; but this meeting had not the like success. For the chancellor and justice-clerk being sent thither with certain articles, of which two specials were to desire satisfaction for the offences committed by James Gibson and Mr John Cowper, ministers, and that Mr Robert Montgomery might be received without any ceremonies into their fellowship; answer

was made, "That if the petitions of the Church in the approaching parliament should be granted, they would labour to bring matters to such a middest as might best agree with the honour of the ministry, satisfy the offence of the godly, and the conscience of their brethren, against whom his majesty had taken offence. And for Mr Robert Montgomery, they should dispense with some ceremonies used in admitting excommunicants, in case the king was willing to remit somewhat of the satisfaction craved of the other two brethren." This answer did so displease the king, as refusing to enter into any such capitulations, he left off all farther treating with them at that time.

But Montgomery being redacted to great necessity, and not knowing what course to take (for the duke of Lennox his agents having possessed themselves in the bishopric, he was no more acknowledged), did resign his title in favour of Mr William Erskine, parson of Campsie, a friend and follower of the earl of Mar. This gentleman being well beloved of the ministry, and otherwise of good parts, obtained the consent of the presbytery of Glasgow, and was admitted thereto by them, although he was a laick, and bare no charge in the Church. They being called to an account of this their doing in the next Assembly, excused themselves, saying, "That since churchmen were not permitted to enjoy the bishopric, they esteemed it better he should be in title of it than any other; and that he had given his bond to renounce the same, in case the General Assembly did not allow of his admission." The excuse for the time was accepted, yet their doing was disallowed, and they ordained to pursue him upon his bond for disannulling the admission: but he found means to retain the same, till bishop James Beaton (who lived in France) was restored. Montgomery his resignation being then made public, he was shortly after as informally absolved as he was excommunicated, and placed at a church in Cunningham, where he lived in a poor estate to his death.

The parliament keeping at the time appointed, Mr David Lindsay, Mr Robert Pont, and some others, having commission from the Church, did present themselves in the Parliament house at the first sitting, and in name of the Church desired the prelates that were present to be removed, as having no authority from the Church, and the

most of them no function or charge in it at all. Mr Edward Bruce, abbot of Kinloss, rising up and directing his speech to the king, made a long discourse of the right they had to sit and give voice for the Church in these meetings; complaining that the ministers had most disorderly shut them forth of their places in the Church, and that now they thought to exclude them from their places in the estate, which they hoped his majesty would not suffer, and would punish as a presumptuous arrogancy on the part of the petitioners. Mr Robert Pont replying somewhat bitterly, the king willed them to be quiet, and present their petitions orderly to the lords of articles, where they should be answered according to reason. When it came to the articles, this being in the front of their petitions was simply rejected. Some other petitions were passed as they had desired, for ratifying all laws made in the king's minority in favours of the Church, for trying and censuring the adversaries of true religion, and for the punishment of such as did menace or invade the ministers of the Church.

It was in this parliament that the temporality of benefices was annexed to the crown, upon a pretext of bettering the patrimony thereof, and that the king might have means to bear forth the honour of his estate, and not burthen his subjects with taxations for his support. This was the public pretext, and the king made to believe that the reservation of the prelates' houses and precincts, with the tithes of the churches annexed to their benefices, would suffice to maintain their dignity and estate. But privately to such of the ministry as sought the subversion of episcopal government it was whispered, that this was the only way to undo the prelacy; for there being no livings to maintain them (as in this case there would be little or nothing remaining, most of the bishoprics being founded on temporal lands, and having but few churches annexed), none would be found to accept those places; which also proved true. Hopes besides were given to those ministers, that they should have the tithes to use and dispoise at their pleasure. Yet was it not long ere the king did find himself abused, the temporalities formerly dispoised (which were not a few) being all in the same parliament confirmed, and those that remained, in a short time begged from him, and given away to the followers of court,

so as nothing was left to benefit or reward any well-deserving servant. When as he saw this, and that the spiritual estate was by this mean utterly decayed, the priors and abbots being all turned temporal lords, he did sore forthink the passing of the act, calling it¹ a vile and pernicious act, and recommending to the prince his son the annulling thereof. The ministers that looked for restoring the tithes, perceiving themselves likewise deluded, began also to exclaim and condemn the course, howbeit somewhat too late.

In the same parliament an act was made in favour of the small barons, giving them by their commissioners a voice in parliament and conventions with the other Estates. The earl of Crawford did strongly oppose, and in name of the nobility, protested against their receiving. That which the king intended by this was, to free the barons of their dependence upon noblemen, and have the Estates more particularly informed at their meeting of the abuses in the country. But so far was he from obtaining these ends, as to the contrary they did work him great business in all the ensuing parliaments.

Soon after the Estates dissolved, the Lord Hunsdon, governor of Berwick, sent to entreat presence of the king; who yielded the more willingly, because he of all the nobility of England had meddled least in the proceedings against his mother. The nobleman proposing the same reasons in effect which Walsingham had used in his letter to the chancellor, and laying before the king the danger wherein he might bring his title and right of succession (which otherwise was undoubted), if he should enter into open war with England, did earnestly beseech him, "seeing that which was done could not be undone, to give place unto necessity, promising (because it was still beaten into the king's ears that the execution of his mother did bar his succession), to bring unto him a declaration under the hands of all the judges of England, that the sentence given against his mother was no hurt to his right, nor could work any prejudice to his succession."

This conference did break the king very much from his resolution; yet the outcries of the country were great, and their desires so vehement for revenge, that he parted with

¹ Βασιλικον Δῶρον, lib. ii. p. 43.

Hunsdon in doubtful terms. But when the declaration of the judges, which he had promised, was brought unto him, and therewith the sentence given against Davison in the Star Chamber (whereby it appeared that the execution was done without the queen's knowledge), he became more appeased, and suffered proclamations to go out, inhibiting all that dwelt in the borders to make incursions upon England, as they were begun to do.

About the same time did Patrick Vans of Barnbarroch and Mr Peter Young his majesty's eleemosynar (who had been sent unto Denmark to treat of the marriage¹) return,² making report of their agreement: whereupon conclusion was taken, that in the opening of the spring, a nobleman should be directed to accomplish the ceremonies, and bring home the young queen. But the death of King Frederick, her father, who departed this life in the month of April next after, with other occasions that intervencd, made the business to be delayed certain months.

In the end of the year there came from beyond sea divers Jesuits and priests, to deal with the catholic noblemen for assisting the Spanish armada, which was then preparing to invade England, if possibly they should take land in Scotland; for their hope was to find the king favourable, because of the queen's proceedings against his mother, and that he should join his forces with the Spanish for revenge of that wrong. But he considering his own danger, if strangers should set foot in the isle, and not trusting that the Spaniard would take the pains to conquer for him the crown of England (for that also was proffered), refused to give ear unto such motions. Mr James Gordon, Jesuit, and uncle to the earl of Huntly, had been all the summer before in the country, and was overseen because of his nephew, whom the king intended to match with the duke of Lennox, his eldest sister; neither was he much feared, as being a simple man, and not deeply learned. Mr Edmond Hay, brother to Peter Hay of Megginch, a Jesuit also, but of greater account and more politic and wise, did thereafter arrive, pretending that he came to take his farewell of his friends; and after him came divers others, which made the king give out a proclamation against the resettlers, and for apprehending their persons.

¹ 15th May.

² Latter end of August.

In this proclamation, besides Mr James Gordon and the said Mr Edmond Hay, I find named Mr Gilbert Brown, abbot of Newabbey, Mr John Dury, son natural to George Dury, sometimes abbot of Dunfermline, Mr Alexander Mackwhirry, Mr James Cheyn, Mr Alexander Meldrum, Mr William Crichton, Mr James Seaton, and Mr John Morton; most of these upon their supplications, and sureties given to depart in the first ships, obtained a protection unto the last day of January, which did so offend the ministers, as they did call a number of noblemen, barons, and commissioners of burghs to meet at Edinburgh the sixth of February, for advising upon some remedy against the present dangers. The meeting was frequent, and Mr Robert Bruce, by the suffrages of all, chosen to preside. He had preached ordinarily at Edinburgh, a year or somewhat more, and was in great respect with all sorts of people, but had not entered as yet into the ministerial function.

Certain assessors chosen according to the custom, the first thing proposed was touching the dangers threatened to religion, and the readiest means for quenching of the fire of papistry kindled through the whole country, which they were all gravely exhorted to take to heart, and to consider what course was best to obviate these dangers. And to the end things might be done advisedly, the noblemen were desired to meet apart, the barons and commissioners of burghs likewise apart, to set down their advice in writing, and present the same to the whole Assembly the next session.

The day following, all being convened, the advice of the noblemen and barons was presented, containing three heads. 1. That the laws of the country should be prosecuted against Jesuits, seminary priests, idolaters, and the maintainers thereof. And for the more speedy effectuating of the same, that the names of all such should be enrolled and delivered to the thesaurer, with the names of their reseters and entertainers, to the end citations might be directed against them. 2. That in regard of the danger so imminent, his majesty and council should be earnestly solicited to proceed in execution of the laws against the principal Jesuits and their maintainers without delay. 3. That the noblemen, barons, ministers, and whole Assembly should go together to his majesty, and regret the peril whereunto the Church

and kingdom was brought by the practices of Jesuits, making offer of their lives, lands, and friendship to be employed at his majesty's direction for preventing their wicked devices.

This advice being approved, command was given to meet at two of the clock in the afternoon, that all might go together from the place of the Assembly to the palace of Halyrudhouse, where the king then remained. When this was told to the king, and that they were to present themselves in such numbers, he grew into choler, and said, They meant to boast him with their power, and force the execution of their demands. Therefore refusing access to the multitude, some few of the principals only were called, to whom he uttered his dislike of those irreverent and tumultuary forms. Yet because he did acknowledge their complaint to be just, and that there was need of a remedy to the evils complained of, he promised to appoint six of the council to meet with such as the Assembly should design, for advising upon the best remedies.

This reported to the Assembly, they did nominate the lords of Wedderburn, Colluthie, Caprington, Ormiston, and Whittingham John Johnston, commissioner for Edinburgh, Oliver Peblis for Perth, and William Menzies for Aberdeen; Mr Robert Pont, David Lindsay, Andrew Melvill, and Peter Blackburn to attend. These convening the next day, with the chancellor and some others of the council, did urge in name of the Church, That Mr James Gordon and Mr William Crichton, Jesuits, who were known to be in town, should be apprehended; and that the reseters of Jesuits and priests, none excepted, whether they were noblemen or others of an inferior degree, should be punished according to the laws. For the noblemen, the chancellor answered, that the king did mean to use them more calmly, and as he had begun with the earl of Huntly (of whose conversion there were good hopes), so he would proceed with others of that degree. For the two Jesuits, it was promised that order should be taken for their despatch forth of the country.

The Assembly, no ways pleased with the report of this conference, resolved to present their griefs to his majesty in writing, and insist for a more direct answer to their desires,

as they did, exhibiting therewith the names of Jesuits, priests, and their reseters, such as had been delated to the Assembly. Among others they complained of the Lord Herries, and the disorders committed by him at Dumfries, where he had openly erected mass, and forced the ministers to leave the town. The king having considered the griefs, made answer, "That albeit they had no warrant from him to assemble at that time, yet (as he had signified before to the noblemen that were sent unto him) he was glad to hear that they were convened in so frequent a number, the business being of such importance, and that he should do what became him as a king to do, neither should any of those that he found unreclaimable have credit or countenance of him. For the Lord Herries," he said, "that he was more offended with him than any of themselves, and had resolved to take journey in the beginning of March unto Dumfries, for punishing that and other insolences committed by him."

This answer reported by the chancellor gave some content; thereafter as he was directed he showed the Assembly that the king did expect a reparation of the offence committed by the minister James Gibson, for he had obtained his liberty upon promise that he should give satisfaction at the Church's sight. Hereupon the minister was called, who acknowledged his offence, and was enjoined the next sermon-day to preach, and publicly acknowledge the speeches complained of to have been unadvised and rashly uttered. This he promised to do; yet when he came to the place, he made no mention at all of that business; and being immediately charged for not doing that he had promised, he answered, "that out of infirmity and weakness he had confessed a fault, albeit his conscience did tell him he had not spoken any thing that might give just offence." The chancellor perceiving the man's inconstancy, and that he had been diverted by some ill-disposed persons, required the judgment of the Assembly, whether or not they did esteem it an offence to call the king a persecutor of the Church, and to affirm in pulpit that he should be the last of his race? The question was a while declined; yet in end being put to voices, it was found that the speeches were slanderous and offensive, and that he ought therefore to be censured.

It being then twelve of the clock, the defining of the censure

was continued to the afternoon, and the minister warned to attend. The hour come, and he not appearing, the business was greater than before: some alleging that citation must be used ere any censure was inflicted; others excusing his absence upon just fear, being pursued by so great personages. Hereto it was replied, "That there was no fear of any indirect or violent course to be taken; the king, who by his own authority might have punished him, having, for the regard he carried to the Church, choosed to complain to the Assembly, and remit the offender to be censured by themselves." Next for the citation required, it was answered, "that the warning given him in the face of the Assembly was sufficient, and that by his not appearing he had added contumacy to his offence." These answers being held sufficient, and the voices asked touching his censure; by the greater number he was ordained to be suspended from the ministry during the pleasure of the Assembly. Yet this did not end the business; for in August thereafter another Assembly being convened, the minister appearing declared, "That the reason why he withdrew himself in the former Assembly was not any contempt or stubbornness on his part, but the care he had of the Church's peace, the affairs whereof, as he was informed, had been cast off if he had compeared, and not been punished." Upon this declaration, without once acquainting the king, he was purged of contumacy, and thereby a way made to his reponing. The king, as he had reason, being greatly offended with these proceedings, and intending to right himself otherwise, the minister fled to England, and remained there a long space, entertained by the factious brethren in those parts, who were labouring at that time to bring in the holy discipline, as they termed it, into that church.

The Lord Herries in the meantime, being certified of the king's intended expedition into the west marches, prevented him and came to court, offering himself to trial. Nothing being found but certain neglects in the administration of his office (for the complaint of erecting mass at Dumfries, and compelling the minister to leave the town, was not verified), upon promise to amend, and surety given that he should resort to sermons, and suffer nothing to be done within his wardenry to the prejudice of religion, he was sent back to his charge.

Soon after the Lord Maxwell, who had been licensed to go abroad, and had remained some months in Spain, having seen the preparation made for the invading of England, by the advice of some Scottish catholics returned into the country (notwithstanding the assurance he had given not to return without license), taking land at Kirkeudbright (a port of Galloway), about the end of April. It was then expected that the navy should take their course to the west parts of Scotland, where they might land more safely, and with the assistance of Maxwell and others that would join with them enter into England by the borders; which if they had done, would doubtless have been more to their advantage; but they took other counsels, as we shall hear.

Upon Maxwell's return numbers of broken men and country people resorted unto him, conjecturing there was somewhat in hand which would give them work. The Lord Herries, not able to command them, and fearing if any disorder arose the same should be imputed to him, came and showed the king what appearance there was of trouble. Charges were incontinent directed for Maxwell's appearing before the council; but he disobeyed, and fortifying his houses and other strengths that he had in custody, began to levy some companies of foot and horse; which being told to the king, he with such forces as he could have on a sudden took journey to Dumfries, and came upon him so unexpected, as he had almost surprised him in his house at Dumfries. But upon warning given him, an hour before the king's coming he escaped, and went to Galloway. Some little resistance was made at the port, which gave him leisure to escape, and was excused by the town's ignorance of the king his being there in person.

The next morrow, which was the twenty-eighth of May, the houses of Lochmaben, Langholm, Treve, and Caerlaverock, were summoned to render; all which obeyed, the castle of Lochmaben excepted. This was kept by one Mr David Maxwell, who trusting foolishly to the strength refused to yield, though the king himself going thither did call him by name (for he knew the man), commanding him to render. Upon his disobedience the house was enclosed; and because there was no munition at hand whereby to batter it, a post was directed to borrow some ordnance from the English

warden, which was quickly conveyed thither, and a company of soldiers sent to guard the same. These began no sooner to play than the keepers, terrified with the noise, craved a parley. Sir William Stewart, brother to Captain James, being employed to confer with them, they yielded, upon promise, as was said, that their lives should be spared. But the captain, because he had refused the king himself at first, was hanged; the rest were pardoned, and suffered to depart.

The king returning the same night to Dumfries, directed Sir William Stewart to try what course Maxwell had taken, and to do as he found occasion. Having learned that he had taken sea in a small bark, he followed in a ship rigged forth by the town of Ayr, and overtaking him some miles off, brought him back and delivered him prisoner to the king, who was then returned to Edinburgh. It was no small piece of service, and by all men so esteemed. But the countenance which the king gave him made the man so swell, as falling in a contest for I know not what matter with the Earl Bothwell, he used some uncivil speeches to the nobleman, who meeting him a few days after in the High Street of Edinburgh, did in a sudden conflict kill him outright.

The news of the Spanish navy being then divulged, and the king advertised of their setting forth, he called the Estates to a meeting at Edinburgh, and imparting to them the advertisements he had received, did ask their advice how he should carry himself in that business. "For howbeit," said he, "I have no great occasion for myself to fear, being under league and friendship with all christian princes and estates; yet the case of England ere it be long may turn to be our own, and we forced to share with them in their troubles. The intention of Spain, I know, is against England; and considering the right I have to that crown after the queen's death that now reigns, I see not how it shall be safe for me to let another possess himself of that kingdom; nor will any man make me to think, that the king of Spain, if he shall chance to prevail, will part with it, and give place to my right, having once made conquest thereof. As now whilst the event is doubtful, they speak fair and make liberal promises; but if matters succeed to

their minds, we shall hear other words. They take religion for a pretext of their invasion, but it is the kingdom they seek ; and granting that religion were the true cause, are not we ourselves in the same case with England ? The prosecution of the holy league will strike no less upon us than them. But for myself, I have ever thought mine own safety and the safety of religion to be so conjoined, as they cannot well be separated ; neither desire I to live or reign any longer than I may serve to maintain the same. I am not ignorant what the opinion of many is, and that they think I have now a fair occasion to revenge the wrong and unkindness I received by the death of my mother. But whatsoever I think of the excuses which the queen hath made to me, I will not be so foolish as to take the help of one that is mightier than myself ; nor will I give such liberty to mine own passions, as therefore to neglect religion, and cast in hazard both this kingdom and those others that belong to me after her death. By this you see what my mind is, and the reasons that lead me to it. I have called you that I may have your counsel and assistance at this time, and therefore desire to hear of you what is the best both for you and me to do."

This speech was seconded by the chancellor, who did out of his reading adduce divers histories to make good what the king had said ; " That it was no way expedient to side with Spain in that invasion, or suffer him to possess himself of England ; yet since the queen had not required any aid from him, his opinion was, that he should strive to assure his own kingdom, and not to permit them to take land in his bounds. That a general muster should be taken in the whole realm, and some noblemen named unto whom, upon occasion, the subjects might resort, watches appointed at all the seaports, and beacons erected in the highest places, for advertising the country if any fleet was seen at sea ; and that the king and council should stay at Edinburgh to attend the success of things, and direct the subjects accordingly." His opinion was applauded of all, Bothwell excepted, who was earnest to have the occasion embraced of invading England, and therein was so forward, that upon his own charges he had levied soldiers to serve under him, if the resolution which he expected should have been taken. But the king willing him

to look unto the sea (for he was admiral by his office), and to take care that the ships within the country were ready for service, he acquiesced.

A little after the convention dissolved, Colonel Sempill, who had betrayed the town of Lire to the Spaniard some six years before, and remained for the most part with the prince of Parma in Flanders, arrived at Leith, pretending a commission from that prince to the king. But the matters he proponed were of so small importance, as the king apprehending the commission to have been given him rather for a colour to his practices with some ill-disposed subjects, than for the business pretended, commanded Sir John Carmichael, captain of the guard, to have an eye upon him unto his return (for he was then going to Falkland), and if he perceived any letters brought unto him in the mean time, to take and present them to the council. Carmichael getting notice that a pinnace was arrived in the frith, and a passenger landed, went straight to the colonel's lodging in Leith, and finding him unsealing the letters, showed what he had in charge, and that it concerned him to present the same to the lords. The colonel offering to go himself to the council, the earl of Huntly, who did then reside in a lodging nigh to the palace of Halyrudhouse, with his young lady whom he had married a few days before, upon notice of his apprehension, did meet Carmichael in the way, and forced him to quit his prisoner, saying that he would enter him to the council. Advertisement going of this to the chancellor, who was then at the evening service in St Giles (for it was a time of public humiliation), he came forth, and, being followed by a great number of people, made towards Huntly, and had certainly taken back the colonel, if the king, who was then come from Falkland, had not happened to encounter him as he went down the street, with whom he returned to the lodging within the city, where at that time, and most of the winter, the king did keep his residence.

There the chancellor declared what had fallen out, and whither he was going, entreating his majesty to take some order with the insolency committed. Huntly being called, after some frivolous excuse, did promise to present the colonel the next morning; but he escaping the same night was not any more seen. The king did highly offend at his escape,

yet was loath to use the nobleman with rigour, having matched him so lately to his cousin; only he discharged him to come in his presence, neither was he admitted unto it till the news were brought of the dissipation of the navy; and then, as in a time of public joy, that fault was overseen and pardoned.

The queen of England in the mean time hearing what course the king had taken, how he had committed Maxwell to prison, and was preparing to resist the Spaniard, sent Sir Robert Sidney to give him thanks for his good affection, and to make offer of her assistance if the Spaniard should happen to land in Scotland. The king received him graciously, and as he was discoursing of the ambition of Spain, and his purpose to take in England, said, "that the king needed not to expect any greater kindness at his hand, if he prevailed." The king merrily answered, "That he looked for no other benefit of the Spaniard in that case than that which Polyphemus promised to Ulysses, namely, to devour him after all his fellows were devoured." Neither did Sidney sooner return than a fresh advertisement was sent from the queen of their overthrow.

Of this navy and the destruction that befell it many have written so particularly as nothing can be added. Yet because the benefit redounded to this church and kingdom no less than others, and that the spoils of that wreck fell for some part on our northern isles, we shall touch it a little. The navy consisted of a hundred and thirty-four sail, a great part whereof were galleasses, and rather like castles pitched in the seas than ships. The vessels carried eight thousand sailors, twenty-two thousand soldiers and above, besides the commanders and voluntary adventurers, who were reckoned a hundred and twenty-four: and for provision they had abundance of whatsoever was necessary either at sea or at land. Their direction was to join with the prince of Parma and his forces, who were appointed to meet them in the narrow seas, and to invade England together. But whether the prince had not time sufficient to prepare himself, or that he was kept in by the Holland fleet, he came not as was expected. At Plymouth the English had the first sight of the navy, and kept combat with them till they anchored in the road of Calais. Before they came thither they lost the galleon

wherein Don Pedro de Valdez and divers other noblemen were, which was taken in fight and sent to Plymouth. Another galleon commanded by Don Michael de Oquendo took fire, and therein many were burnt to death; yet the nether part of the ship being saved, was likewise sent thither. The galleasse of Naples, commanded by Don Hugo de Moncada, perished in the sands of Calais; where, whilst they lay at anchor, Captain Drake by a stratagem put them in great confusion: for choosing out eight small ships that were least useful, he filled them with pitch, brimstone, gunpowder, and the like combustible matter, and charged the ordnance with bullets, stones, broken iron, and chains. The ships driven with the wind and tide into the midst of the navy, and the trains taking fire, put the Spanish in such fear (the same falling out in the night season), as having no leisure to weigh their anchors, they were forced to cut their cables, and make to the sea.

The next morning, ranging themselves again in order, they approached to Gravelines; but no supply coming from Parma, and the English ships hotly pursuing them, they were compelled to pass by. In this conflict perished the galleon of Biscay, and two other great ships. Two galleons of Portugal, the one called St Philip, the other St Matthew, having lost their tackling, and being torn with shot, made towards the coast of Flanders, and were taken by the Zealanders. Once, as it seemed, the general with the rest of the navy bent their course towards Scotland; but not knowing what favour they should find there, and the wind blowing fair, they resolved to make home by the North isles. The general himself with the best provided vessels took the main ocean towards Biscay, and arrived safely in Spain. The rest seeking to take in fresh water, partly in the isles, and partly in Ireland, were so tossed with tempests and contrary winds, that forty and above were cast away in those seas. A ship of Florence, driven upon the west coast of Scotland, was spoiled and set on fire by certain highlanders. Shortly, the destruction was so great, as of the hundred and thirty-four ships that set sail from Lisbon, fifty-three only returned to Spain; of the soldiers, besides the mariners, thirteen thousand five hundred were lost by one way or other. And, as they write, there was not a family in Spain of any note

which suffered not in this expedition, having lost either a son, or brother, or some nigh kinsman. Such was the success of the Spanish navy, which had been four years in preparing with no small cost, and in a few days was thus overthrown; one English ship only being lost, and about a hundred men in all. The king caused solemn thanks for this deliverance to be given to God in all the churches of the kingdom, beginning in his own court for an ensample to others.

This was the marvellous year, talked of so long before by the astrologues, which this defeat and the accidents that fell forth in France about the end of the same year did in a part make good. In this kingdom (which we ought ever to remember with thankfulness to Almighty God) happened no disaster for which we had cause to be grieved, the death of Archibald earl of Angus excepted, who deceased in the month of July; a nobleman, as in place and rank, so in worth and virtue, above other subjects, of a comely personage, affable and full of grace, a lover of justice, peaceable, sober, and given to all goodness, and, which crowned all his virtues, truly pious. A long time he lived in exile in England, not through his own fault, but the misfortune of his friends, whom he could not well forsake. After he was restored to the king's favour, no man did carry himself in better sort, and in that time which was full of factions he kept himself free of all partakings. Being employed in the lieutenantry of the borders, he discharged himself to his majesty's great content, and to the liking of all the subjects; and not long after fell into that disease whereof he died, leaving no heir male, and one only daughter by his second marriage, who did not long survive him. Never died any nobleman with greater regret; and so much the more was his death lamented, that, as it was then thought, and afterwards confessed, he was taken away by sorcery and incantation. In the time of his sickness when the physicians found his disease not to proceed of any natural cause, one Richard Graham, who was executed some years after for witchcraft, being brought to give his opinion of it, made offer to cure him, saying, as the manner of these wizards is, that he had received wrong. But when he heard that the man was suspected to use unlawful arts, he would by no means admit him, saying, "That his life was not so dear unto him, as for

the continuance of it some years he would be beholden to any of the devil's instruments; that he held his life of God, and was willing to render the same at his good pleasure, knowing he should change it for a better." Thus, after a long and languishing disease, he died at Smeton near to Dalkeith, and was buried in Abernethy, in the sepulchre of his progenitors. The houses of Angus and Morton, which within his person were conjoined, went by provision of tail to the lairds of Glenbervie and Lochleven.

The hopes that our catholics conceived of the Spanish navy being now frustrated, they had lost heart quite, but that the prince of Parma did of new encourage them by his letters, showing that the loss was nothing so great as it was given out to be, and giving them hopes of another army that should set out more timely, and be with them the next spring. These letters were sent by one Mr Robert Bruce, and delivered to Huntly to be communicated with the rest of that faction. Shortly after came one John Chisholm, bringing with him ten thousand crowns, which were delivered to Bruce, to be used as he thought most fit for advancing the cause. The earl of Huntly made instance to have the third part of the sum; Lord Claud Hamilton pleaded for as much; and Maxwell, lying then in prison, held no less to be due to him. But Bruce excused himself by the charge he had to dispoise the money by the advice of David Graham of Fintry, who was warded at the same time in Dundee, and paid them all with one answer. The Lord Claud, more covetous than the rest, because he could not come by any part of the money, grew more cold in the business. Maxwell had some sent him, for his consolation in the prison. But Huntly, having at the king's desire subscribed the Confession of Faith, and reconciled himself to the Church, was wholly neglected.

This he excused afterwards by a letter to the prince of Parma, professing, "That after the escape of Colonel Sempill he found himself so busied on all hands, and in such sort pressed by the king, as it behoved him either to yield, or depart out of the country, or then to have taken the fields; which well he could not do, all hope of help being taken from him by the return of the navy to Spain: but in what he had failed he should endeavour to amend by some good service tending to the advancement of the cause of God, who had put him (he

said) in such credit with the king, as he had broken his former guards, and made him establish others about his person, by whom at all occasions he might assure himself, and be master of the king, and so, when the support promised should arrive, spoil the heretics of his authority, and make sure the catholics' enterprises. Therefore besought him to be persuaded of his unchangeable affection, albeit in outward action he was forced to accommodate himself to the necessity of the time." This letter was dated at Edinburgh the twenty-fourth of January 1589.

Another of the same date was sent by the earl of Erroll (whom Mr Edmond Hay, the Jesuit, had seduced and brought on that course) to Parma, bearing, "That since his conversion to the catholic faith he did ever think himself obliged to procure the advancement of the catholic king's enterprises, tending principally to that end, and to another civil cause which had great affinity and conjunction with things at home, in regard whereof he said that ever before his conversion he had been in his affection one of his friends and servitors; and that religion, which was the greatest and most important cause of the world, being now joined to the other, he was become altogether his. This he did entreat his highness to signify to his catholic majesty, and to assure him that in Scotland he had not a more affectionate servant than himself." The like he did profess to the prince, remitting his intentions to be more fully declared by him that should deliver these letters.

There went other letters at the same time from the earls of Huntly, Crawford, and Morton (so did the Lord Maxwell style himself) to the king of Spain, wherein after they had expressed their great regret for the disappointment of his preparations, they said, "That if his naval army had visited them, the same should have found no resistance in Scotland, and with the support they would have made given enough ado to England; but that it seemed the English catholics who had their refuge in Spain, out of an unchristian enmity, did extenuate the means of the Scottish aid, to magnify their own, and to have it thought that they were able to do all by themselves. Therefore they prayed his majesty to make such account of the one, as he neglected not the other, and to serve himself with them both, to the ends he did aim at."

Then remitting to the declaration of some of his own subjects, who had been in those parts, the commodity and advantage of landing an army in Scotland; they said, "That having six thousand men of his own in the country, with money to levy as many more, they might within six hours after their arrival be well advanced in England, to assist the forces that he should send thither, and that the expense bestowed upon one galliasse would profit more being so employed, than many of them put to sea could do. Withal they advised him not to make any more armies by sea, but to send a part of his forces to Scotland, and another by the back of Ireland towards England, and so divide the English forces, which should be partly attending at sea, partly employed in Scotland, where they should believe all his forces to be landed. A farther declaration hereof they remitted to Colonel Sempill; and so praying God to give him a full accomplishment of all his holy enterprises, they took their leave."

Neither were the Jesuits that lurked in the country in this mean time idle. Of these the principals were Mr Edmond Hay and Mr William Crichton, who had been prisoners some months in the Tower of London. They advising the popish lords to attempt somewhat by themselves, which would make the king of Spain more earnest to give succour, a plot was laid to take the king out of the chancellor and thesaurer's hands, by whose counsel they thought he was only ruled, and that the pretence should be the neglect of the nobility, and the ill managing of public affairs. This way they hoped to procure the assistance of other noblemen that were discontented, and that no mention being made of religion, the country would be more cold in resisting their enterprise. The time and place of meeting being condescended on, Fintry undertook to bring the earl of Montrose to the party, and of Bothwell they held themselves assured, as well for the malice he professed to the queen of England, as because in a conference with Bruce the Spanish agent he had promised, if the catholics should assure him of the two abbeys of Coldingham and Kelso, which he possessed, he should presently turn to their side.

To bring about this their purpose the device was, that they should meet all at the Quarrel Holes betwixt Edinburgh and Leith, and go from thence to Halyrudhouse, and settle them-

selves about the king, secluding those two counsellors; or if they found them with the king, that they should presently kill them. But this device was overthrown by the king's remaining in Edinburgh, who, suspecting some plots against the chancellor, did for his security stay in the same lodging with him. Bothwell abode at that time in his house at Crichton, and kept about him the soldiers that he had conducted, pretending a journey to the isles, and the collecting of the king's duties in those parts. Crawford and Erroll came with their friendship to the North Ferry. Montrose feigned a visit of his cousin Mr John Graham at Halyards, some six miles from Edinburgh; and upon advertisement that the king did keep lodging within the town, advanced no farther. But Huntly, who resided then with his lady at Dunfermline, presuming much of the king's affection, held on his way, and in the evening on which they had appointed to meet, came unexpected to the king's lodging, where he found him in conference with the chancellor.

The king seeing him break off his purpose, asked whence he came, and how he fell to be so late; and from that falling into another discourse, the chancellor stept aside to the window. Huntly had brought with him the laird of Kinfauns, brother to the earl of Crawford, and some of Erroll's men, that were esteemed of best courage and action. These filling the presence, and looking as men that had some purpose in hand, the chancellor's friends began to suspect the worst; whereupon the laird of Ormiston, Carmichael, and the provost of Lincluden drew nigh and stood by him. After the king had talked a while with the earl, he retired to his cabinet, and staying somewhat longer than was expected, the chancellor asking the usher if it was time of supper, and he answering that it was more than time, then said he, let us go; and with those three that kept fast by him passed forth of the chamber, and through the company that stood in the presence (all of them making way) to his own lodgings, which were just above the king's rooms. How soon he came there, he sent one to show the king how unseemly it was to fill the presence with such companies, and men armed as they were, saying, that he would not have permitted the same if he had been alone in the lodging, nor have cast himself in such danger.

Presently the rooms were ushed, and the earl with his company went forth. The next morning the king sent for him, and at his coming began to examine wherefore he came to town, and why in that manner; his answers not satisfying, he was committed in the castle. By advertisement given the same day of the companies that were with Crawford and Erroll at the North Ferry, and there dissolving, the whole purpose was discovered; whereupon the earls of Erroll and Bothwell were cited to appear before the council, and for their disobedience denounced rebels. Montrose and Crawford were not called, having excused themselves, as it was said, and promised to meddle no more in that business. Huntly, upon the like promise, after a few days obtained his liberty, and went into the north. In his going thither, whether of purpose or by accident, it is uncertain, the earl of Crawford did meet him at Perth; where at first they concluded to fortify the town as a place most convenient for drawing forces together from all quarters; but doubting how they should make good the enterprise, they gave it over, and getting intelligence that the thesaurer was come to Angus, and had appointed a meeting with some friends at the church of Meigle, they belayed the ways, and gave him the chase unto the house of Kirkhill, where he was received. Being desired to render, upon his refuse fire was cast to the house, and he forced to yield himself, as he did, to his cousin the laird of Auchindown, who kept him some weeks prisoner in the north.

The letters written to the king of Spain and prince of Parma, whereof we made mention, and some others from Mr Bruce directed to the same prince, being about this time intercepted, laid open all the practices of these noblemen; which being reported to the queen of England, she wrote to the king a sharp letter, wherein complaining of his remissness in punishing these treacheries, and of the entertainment he gave to the Spaniards that had fled into Scotland after their wreck in the Irish seas, she besought him not to overslip such happy occasions as it had pleased God to offer him by revealing these practices; as likewise to rid the realm of those strangers, and send them away with speed. Hereupon order was taken for their despatch, and ships conduced to transport them unto West Flanders. The Hollanders, adver-

tised of their coming, set forth some ships to intercept them, and meeting them some two miles from the coast of Flanders, took one of the vessels, and put to the sword all the Spaniards that were therein: the rest ran their vessels on ground, where a number, seeking to save themselves by swimming, were pitifully drowned.

A proclamation was likewise renewed against the Jesuits, and their resettlers, and Mr Edmond Hay, Mr William Crichton, Mr Robert Bruce, and David Graham of Fintry, commanded under pain of death to depart the realm. But they, contemning the charges, did stir up the earls of Huntly, Crawford, and Erroll, to make open insurrection. These three taking arms, and assembling all the forces they could gather, came to Aberdeen in the beginning of April, where they made proclamations in the king's name, declaring that he was held captive, and forced against his mind to use his nobles more rigorously than he desired; requiring all the lieges to concur and assist them for setting his person at liberty. Their hopes were that Bothwell with his friendship in the south should make the king such business, as they needed not to fear any sudden pursuit; but the king, having caused denounce Bothwell and the chief of his followers rebels, resolved to begin with them, and leave him to his return. So charges being directed to warn all the subjects remaining on the south of Aberdeen to accompany the king, and they gathering somewhat slowly, he made forward with those he had in his company towards the middle of April, and having advanced as far as Cowie (a little village some ten miles from Aberdeen), was there advertised that the earls were three thousand strong, and marching directly towards him.

The king, nothing dismayed, called the noblemen that were in the army together, and spake cheerfully unto them, saying, "That they had a great advantage of their enemies, the better cause, and the king on their part. Neither oaths nor subscriptions," said he, "can assure these men; and if benefits or good deeds could have made them loyal and obedient, I have not been sparing to them all. Now that I am drawn against my will by their open rebellion to use force, I do assure myself of your fidelity, and that you will not forsake me. I shall desire you stand no longer than ye see me

stand : and howbeit I do not think they dare set their faces against me, yet I shall pray you to dispose all things in the best order you can."

This speech he delivered with such a grace, as thereby the noblemen and others that stood by were greatly encouraged, every one avowing to do their uttermost for his majesty's honour. But a question falling betwixt the Lord Hamilton and the earl of Angus for leading the vanguard, was like to have caused some trouble; Angus claiming the place by the privileges granted to his predecessors, and the Lord Hamilton alleging that none ought to contend with him in honour, because of his proximity to the royal blood. But the king interposing his authority, gave the leading of the vanguard for that time to the Lord Hamilton, reserving the rights and privileges of the house of Angus, whereunto nothing done at that time should work any prejudice.

All that night the king did watch himself, and kept his army on foot. In the morning early he was advertised that the rebels were dispersed, and gone back: for Huntly understanding that the king was resolved to put it to a day, declined the fight, because of the danger that might come to the king's person; Crawford for the same reason seemed not very bent; but Erroll insisting to have them go forward, when he saw they would not be moved, parted from them at the bridge of Dee in great wrath. The king came the same day to Aberdeen, and calling the magistrates, did threaten them sharply for receiving the rebels into their city. They excused themselves by their weakness, and the want of power to resist so great forces: which was admitted, upon promise that they should look better to their town in after-times. Whilst the king stayed there, the noblemen and barons of the country came in and made offer of their service, giving surety not to reset nor intercommune with the rebels, and to concur with his majesty's lieutenant when they should be required.

This done, the king returned to Edinburgh, for he was then about the directing of the Earl Marshal to Denmark for the accomplishing of his marriage, and bringing home the queen. There went with him Andrew lord Dingwall, Sir James Scrymgeour of Dudap, Mr John Skeen, advocate, and Mr George Young, archdeacon of St Andrews. For

defraying the ambassador's charges a subsidy of an hundred thousand pounds was granted by the council, according to a warrant given them in the parliament 1587, whereof the subjects made ready payment, so great was their desire to have the king matched, and the royal succession established in his race.

The enterprise of the rebels being in this sort defeated, the thesaurer was put to liberty, and, at his coming to court, did solicit the king in favours of the earls of Huntly and Crawford, who forthinking the attempt they had made, did offer to enter their persons in ward, and submit themselves to the punishment his majesty should be pleased to impose. The chancellor made the like intercession for Bothwell; but for Erroll none did speak. After the king had thought a little of it, he was content they should enter, and present themselves to the justice; but would give no conditions. For this effect the twenty-fourth of May was assigned. At the day Mr Edward Bruce, Mr William Oliphant, and Mr James Wardlaw sitting judges in the criminal court by commission, the three earls compeared. Of noblemen and others charged to pass upon their assize, there were present the Lord Hamilton, the earls of Angus, Morton, Athole, Mar, and Marshall, the Lords Seaton, Somerville, Dingwall, and Cathcart, the lairds of Pittarrow, Closeburn, Lagge, and the constable of Dundee.

These taking oath as the manner is, the indictment was read, which consisted of seven or eight points. First, they were charged for practising with Jesuits, seminary priests, and other strangers against religion; receiving of Spanish gold, and hiring soldiers therewith to disturb the quiet of the realm. 2. That they had entered in bond and confederacy with the earls of Erroll, Montrose, and others contrary to the laws, kept conventicles, and treasonably surprised the town of Perth, of purpose to have fortified the same against his majesty. 3. That they had conspired to take the king prisoner at Halyrudhouse, and kill his servants and counselors, especially Sir John Maitland of Thirlstane, chancellor. 4. That they had besieged the house of Kirkhill, put fire to the same, and forced the master of Glammis, thesaurer, to render himself captive. 5. That they had convocated the subjects by open proclamation, and given out that the king was detained prisoner against his will. 6. That they came with dis-

played banners to the Bridge of Dee, of mind to invade the king, whom they knew to be upon an expedition to the north parts. 7. That they had taken the king's herald at arms in the city of Aberdeen, spoiled him of his coat and letters, when he was about to proclaim them. The eighth and last point concerned Bothwell particularly, who, besides the rest, was charged to have hired soldiers, as well strangers as men within the country, entertaining them in Dalkeith, and threatening to invade the town of Leith at his majesty's being in the north.

Bothwell confessing that he had waged soldiers, and entered in bonds with other noblemen, did therefore put himself in his majesty's will; the rest of the points he denied, remitting himself to the trial of his peers. Crawford confessed that he was in the fields at the taking of Kirkhill, and with the earl of Huntly in Aberdeen; but denied the other points. Huntly came in will for the whole. The assize removing by themselves, found Bothwell guilty of the enterprise at the Quarrel Holes, besides that which he had confessed. They filed Crawford of surprising the town of Perth, and coming in arms to the Bridge of Dee. Huntly by his own confession was found guilty in all. The sentence upon the king's warrant was suspended, and they committed in divers places; Bothwell in Tantallan, Crawford in Blackness, and Huntly in the castle of Edinburgh.

In June following, the Assembly of the Church convened at Edinburgh, where the king giving his presence, after he had spoken a little of his good affection towards the Church, showed that he was come to desire Mr Patrick Galloway to be appointed one of his ministers. The Assembly by the mouth of their moderator rendering his majesty humble thanks for the beginnings he had made in suppressing the enemies of religion, did entreat him to prosecute the business, and made offer of their humble service and assistance to the uttermost of their power. As to that which he desired, they acknowledged that his majesty might command any minister, wheresoever he served, to attend himself and his court; and so ordained Mr Patrick Galloway to leave his charge at Perth, and wait upon the king.

It was a good beginning this, and gave no small content to all well-disposed men. But things continued not long in that case, for, before that meeting took an end, a fresh offence

was given. The year preceding, the king having contracted his cousin the duke of Lennox his sister to the earl of Huntly, had caused the bishop of St Andrews celebrate the marriage, at which the ministers of Edinburgh taking exception, they complained of the same in a preceding Assembly, and had obtained a commission to the presbytery for calling and censuring the bishop according to the acts of the Church. Whether the bishop would not acknowledge them for judges, or that he esteemed his majesty's command a warrant sufficient for what he had done, whilst as he neglecteth their proceedings, they pronounce him deprived from all office and function in the Church; and presenting the process in this Assembly, the same was found formal, the sentence ratified, and ordained to be published in all the churches of the kingdom, only to make the bishop hateful and contemptible. He complaineth to the king, who showed himself extremely displeased with their doings; but what course he should take he was doubtful, for every day he was expecting the arrival of his queen, and loved to have all things quiet and settled at her coming, especially in the Church, with whom it grieved him not a little to be still in question: but espying no better way, he resolved in end to dissemble his anger towards them, and to take the imprisoned lords in favour, lest he should make himself too great business. Thereupon he returneth to the north, gives Erroll a pardon, putteth Crawford to liberty and fully remits him; Huntly and Bothwell he freeth from imprisonment, but, to hold them in awe, he defers the declaration of his will concerning them. The Lord Maxwell, upon his bond not to practise against religion under the pain of an hundred thousand pounds, is likewise dimitted.

And in this case stood things when advertisement came that the marriage was accomplished, and the queen ready to take sea. All diligence was thereupon used to prepare for her reception, and nothing left undone that was required for so great a solemnity. But a second and unlooked for message cometh shortly after, showing that the navy appointed for her conduct was driven by a tempest into Norway, and that it was thought she should stay in those parts unto the spring. The king taking this impatiently, concludeth with himself to go thither in person; and because he

knew many impediments would be made if his purpose were known, he giveth out that he would send the chancellor and justice-clerk to transport her in Scottish vessels, if the Danes would not adventure theirs in that season. How soon the ships were prepared for their journey, no man expecting any such matter, he taketh sea himself,¹ leaving direction to the council for the government of affairs during his absence, with the following declaration written all with his own hand, but not seen to any till he was gone.

“ In respect I know that the motion of my voyage will be at this time diversely scanned, and misinterpreting may be made as well to my dishonour as to the blame of innocents, I have thought fit to leave this declaration, for resolving all good subjects, first, of the causes that moved me to undertake this voyage, then in the fashion in which I resolved to make the same. As to the causes, I have been generally blamed by all men for deferring my marriage so long, being alone, without father, mother, brother, or sister; and yet a king not only of this realm, but heir apparent of another. This my nakedness made me weak, and mine enemies strong; for one man is no man, as they speak, and where there is no hope of succession, it breeds contempt and disdain; yea, the delay I have used hath begot in many a suspicion of impotency in me, as if I were a barren stock. These and other reasons moved me to hasten my marriage, from which I could yet have longer abstained, if the weal of my country could have permitted. I am not known to be rash in my weightiest affairs, neither am I so carried with passion as not to give place to reason; but the treaty being perfected and the queen on her journey, when I was advertised of her stay by contrary winds, and that it was not like she should perfect her voyage this year, I resolved to make it on my part possible which was impossible on hers.

“ The place where I first took this resolution was in Craigmillar, none of my council being present; and as I took it by myself, so I bethought me of a way to follow the same. And first I advised to employ the earl of Bothwell in the voyage, in regard he is admiral; but his preparations took so long a time, that I was forced to call the council, and send for the chancellor and justice-clerk, who were then in Lau-

¹ 22d October.

der. When as they met, they found so many difficulties in sending forth a number of ships for the queen's convoy (for so I gave it out), and who should be the ambassadors, that I was compelled to avouch, if none should be found to go, I should go myself alone in a ship: adding, that if men had been as willing as became them, I would not have needed to be in these straits. This the chancellor taking to touch him (for he knew he had been slandered all that time of impeding my marriage) partly out of zeal to my service, and partly fearing that I should make good my word if no better way could be found, made offer to go himself in that service. This I embraced, keeping my intention from all men, because I thought it enough for me to put my foot in a ship when all things were ready, and from the chancellor himself (from whom I never kept any of my weightiest businesses), for two reasons. First, because if I had made him of my counsel in that purpose, he had been blamed for putting the same in my head (which had not been his duty), for it becomes no subject to give his prince advice in such matters; withal considering what hatred and envy he sustained unjustly for leading me by the nose as it were to all his appetites, as though I were an unreasonable creature, or a child that could do nothing of myself, I thought pity to heap more unjust slanders on his head. The other reason was, that I perceived it was for staying my journey that he made offer to go; so was I assured, if he had known my purpose, he would either have stayed himself at home, or, thinking it too heavy a burden for him to undertake my convoy, he would have lingered so long as there should not have been a possibility for making the voyage. This I thought meet to declare (and upon my honour it is the truth), lest I should be esteemed an imprudent ass, that can do nothing of myself, and to save the innocency of that man from unjust reproaches. For my part, besides that which I have said, the shortness of the way, the surety of the passage, being clear of all sands, forelands, and such other perils, safe harbours in those parts, and no foreign fleets resorting in those seas, it is my pleasure that no man grudge at this my proceeding, but that all conform themselves to the directions I have given to be followed unto my return, which shall be within twenty days, wind and weather serving; and

if any shall contravene these, I will take it as a sufficient proof that he bears me no good will in his heart; as, to the contrary, I will respect all that reverence my commandments in the best sort I may. Farewell."

This declaration, written and signed with his majesty's own hand, was the next day after he shipped presented to the council by Alexander Hay, clerk of register, together with the directions mentioned in the end thereof, which were thus conceived.

"Seeing it hath pleased Almighty God to bring us to man's age, and that nothing hath been more earnestly wished by all our good subjects than to see us honourably matched, so that the crown might descend to our own succession after so many worthy progenitors,—We, to satisfy their desires, having resolved upon a personage that for blood and other commodities of alliance could not be thought but most worthy, did enter into contract with the daughter of Frederick king of Denmark lately deceased, and by advice of our council directed our ambassador to solemnize the marriage, and conduct her into this realm: But having intelligence that by contrarious winds she and her company were driven to Norway, and that, it being remitted to her choice whether she would return unto Denmark or make stay there until the opening of the spring, she had embraced the last condition, as the best and most liking to her desire; albeit hitherto we have not behaved ourself dissolutely, but patiently attended the good occasion that God should offer, yet now taking to heart her pains and danger, with the difficulties that have occurred in her transport, we could find no contentment till that we enterprised to make a voyage towards her, and bring her home, which we are in good hope to do within the space of twenty days, wind and weather serving.

"Yet fearing the time of my stay may be longer at God's good pleasure, lest any looseness during our absence should fall into the government, we have of our own motion, and not counselled by any, left a declaration with the clerk of register, and willed no man to grudge at our absence, seeing in former times the kingdom hath wanted a governor longer than we trust in God it shall want us; as, namely, from the death of our grandmother the queen regent, unto the arrival

of our dearest mother from France, the space of fourteen months, during which time, for the reverence and love carried unto her, albeit a woman and minor in years, no violence was committed by any person, and greater peace and quietness observed than was before or since that time known to have been kept. And notwithstanding our expectation is nothing less of the good behaviour of our subjects in this our absence, we have taken order, for the better government of the public affairs, that our privy council should reside at Edinburgh, and ordained the duke of Lennox our nephew to be president thereof, and to be assisted by our cousin Francis earl Bothwell, whom we appoint to attend him, with the other officers of state, namely the thesaurer, comptroller, master of requests, privy seal, the captain of the castle of Edinburgh, advocate and clerk of register, who shall ever be present, five of them at least, with our said nephew.

“ We have likewise given order that some noblemen in their courses shall attend at Edinburgh the space of fifteen days; the earls of Angus and Athole, with the Lords Fleming and Innermaith to begin, and the next course to be kept by the earls of Mar and Morton, with the Lords Seaton and Yester. The barons of Lothian, Fife, Stirlingshire and Stratherne, we appoint to attend as they shall be warned and directed by the council. For the south parts we have made the Lord Hamilton our lieutenant, that is, within the three wardenries and sheriffdom of Lanark, and to be assisted, when need is, by the Lords Boyd, Herries, Maxwell, Home, Cessford, and other chief barons within the marches; his residence to be at Dumfries or Jedburgh, and his charges to be furnished out of the readiest of the taxation by Mr John Colvill, collector thereof. And that peace and quietness may be the better observed, we discharge all conventions for any cause whatsoever unto our return. Finally, we require the ministers and preachers of the word to exhort the people to peace and obedience, and commend us and our journey in their prayers to the protection of Almighty God. As this is our desire, so we expect that all our good subjects will follow the same, especially they who have tried our favour of late, and that they will persist in the loyalty promised by them: certifying those that do in the contrary,

that they shall incur our high displeasure, and be punished with all rigour, as, on the other part, we shall remember the peaceable and obedient thankfully, when occasion presents."

By another missive, presented at the same time to the council, the Earl Bothwell was declared second to the duke of Lennox, Sir Robert Melvill, vice-chancellor, Alexander Hay, secretary for the Scottish language, and Mr James Elphingston for the Latin and French.

The king having thus provided for the public affairs took with him in company Sir John Maitland, chancellor, Sir Lewis Bellenden, justice-clerk, Mr Robert Douglas, provost of Lincluden, the gentlemen of his chamber, and other ordinary officers of the house. He took also with him Mr David Lindsay, minister at Leith, leaving Mr Patrick Galloway his ordinary preacher to attend the council; and, having a prosperous wind, arrived safely in a sound or haven of Norway (not far from Upsal, where the queen remained) the fourth or fifth day after his embarking.

The Sunday following he solemnized the marriage in his own person, Mr David Lindsay performing the ceremony in the French language. After which, consultation being taken for his return unto Scotland, because it was held dangerous to go to sea in that season, and that the counsellors of Denmark did oppose the journey, advising him rather to visit the queen's mother, and her son Christiern elected king of Denmark, he was easily induced to follow their advice, and send back the Scottish ships with Sir James Scrymgeour and Mr John Skeen. Whilst the king lay at Upsal, the Earl Marshall in council made report of his proceedings in the ambassage, and how according to the contract past, and interchangeably sealed and signed, the marriage was completed, and a form of attestation taken touching the isles of Orkney, bearing, that the king and regents of Denmark should supersede all claim of right to the said isles unto the king's perfect age, reserving to each kingdom their own right, which by that treaty should not be prejudged; as the copy thereof, subscribed by the four governors, presently exhibited, did show. Together with the attestation, he produced the form of an oath given by him and his associates for his majesty's performing of all

things promised on his part concerning the marriage; and was in all and every one of these found to have done good service, and have carried himself honourably according to his commission.

Soon after this came certain ambassadors from Denmark to invite the king thither, who parting from Upsal with his queen the twenty-second of December, came to Bahouse (a castle standing in the borders of Norway and Sweden) the first of January. There he remained seven days, attending a safe conduct from the king of Sweden, which Captain William Murray was employed to bring from Stockholm, where that king kept his residence. The conduct brought, he removed from Bahouse the eighth of January, and was met by a captain of Sweden upon the river then frozen, with four hundred horsemen, and by the space of two Dutch miles conveyed unto the land of Denmark. The next day he went to the castle of Wartbury, where he remained five days, and from thence journeying by Falkenburg, the town of Homestad, and castle of Cowholm, he came to Elsingbourg, where he was stayed some three days from crossing the ferry by tempest of weather; and on the twenty-first of January was received at Cronenburg Castle by the queen-mother, the young king, the duke of Holstat, his brother, and the four regents of the realm, with all magnificence possible. There he remained to the end of February, royally entertained; and because he was to stay upon the marriage of his queen's eldest sister with the duke of Brunswick, which was appointed in April next, he directed home William Shaw, master of work, to advertise the council of the reason of his stay, and to cause some ships and expert pilots be sent with all diligence for his more safe convoy. The council upon this advertisement employed Colonel William Stewart, with six well furnished ships to go thither; and with him, Mr Patrick Galloway, the king's minister, was sent to further his majesty's return. They arriving at Elsinore about the middest of April, in the very time that Brunswick's marriage was solemnizing, did signify to the king the longing that the subjects had for his return, and the peace that had been observed since his going from Scotland. For all that while (which considering the feuds of the country was strange) two riots only did happen, one committed by Archi-

bald Wauchope of Niddry, a wicked and insolent man; another by the clan Gregor in Balquhiddel. It rejoiced the king to hear that the subjects had been so quiet, as he did likewise account it a great happiness that in his own company there had no quarrels fallen out, either amongst themselves or with the strangers; whereas it is hard for men in drink, at which they were continually kept, long to agree. A little strife at his first coming to Upsal arose betwixt the chancellor and Earl Marshal for priority of place: the earl thinking it due to him, because of the honour he had in the espousal of the queen; and the chancellor excepting, that his ambassage ceased in regard of the king's presence, and that the same precedency belonged to him by virtue of his office in those parts, being with the king, that he had at home. But this was pacified without any noise by the king's determination, who declared the place to belong to the chancellor.

Brunswick's marriage and solemnity thereof finished, the king convoyed with many great ships took journey homewards, and arrived with his queen at Leith, the twentieth of May, where he was received with a wonderful joy and a great concourse of people. After his landing, he went first to church, and caused public thanks to be given to God for his safe and happy return; thereafter to the noblemen and council he gave many thanks for the care they had taken in administration of affairs, and the quietness they had maintained in the country. The Earl Bothwell, besides the rest, was received with a most gracious countenance, for that, contrary to all men's expectations, he had carried himself orderly all that time. And he, indeed, soon after the king's departing (whether to purchase the opinion of a reformed man, or that, as he pretended, remorse of conscience did move him), in a conference with James Gibson, minister, who was then privately returned from England, did offer, for removing the many scandals he had given by his dissoluteness, to acknowledge publicly his offence, and make any satisfaction the Church should enjoin; which also he performed, appearing (as he was appointed) in the church where Mr Robert Bruce did ordinarily preach, and making confession of his sins, promised to live more regularly, and not to give offence thereafter to good Christians. But it was not long

after the king's return that, falling to his wonted forms, he became more disordered than ever, and there through procuring the king's displeasure, wrought his own undoing, as we shall hear.

The next day after the king's arrival the council assembled to advise upon the queen's coronation. The king determining to have it done in most solemn manner, because none of the bishops were present, nor could conveniently be brought against the day, made choice of Mr Robert Bruce to perform the ceremony. The ministers that were in town being therewith acquainted, some of the number, more curious than wise, did except against the ceremony of unction, saying that it was Jewish, and abolished at the coming of Christ, introduced into christian kingdoms by the pope, and not to be used. The chief of this opposition was one Mr John Davison, an idle and turbulent man, who as then had no charge in the Church, but had gained some credit with certain foolish people, that would be thought more holy and zealous than others. Mr Andrew Melvill sided with him at first, reasoning for the same opinion. It was showed them, "That the ceremony could not be Jewish, seeing it neither had the beginning from the Jews, nor was it used by that people only. That the anointing of kings was mentioned in the book of Judges, which, albeit uttered in a parable, did show that it was a custom received in creating of kings; and that it was practised in other kingdoms besides that of Judea, was a thing manifest; for Hazael, king of Aram, was anointed by Elias, and Cyrus, king of Persia, is called by Isaiah, God's anointed. Both these were strangers to the law and people of the Jews, yet were they anointed; wherefore the ceremony could not be Jewish. Then where they said that the rite was introduced by the pope of Rome, as that could not be made out, so no reasonable man would think that every rite used amongst papists was to be rejected; for in that case we should be forced to remove many things that are both of good institution and use. Seeing therefore the function and authority of princes continueth the same, and is alike in all free monarchies, their anointing could no more be excepted against than their crowning, and the bearing of the sword and sceptre before them, which have all the like warrant." Thus they were reasoned with, but nothing could remove their scruples:

which the king hearing, he called them before him, and finding them obstinate in their opinions, told them, "That he would not have the rite of unction omitted, and if Mr Robert Bruce would not do it (for they had threatened him with church censures), he would prorogue the day of coronation, and stay till one of the bishops came, who would not refuse." Upon this they fell to a second deliberation, and Mr Andrew Melvill, altogether misliking that a bishop should be employed in the action, divided from the others, so that by a plurality of voices, in end it was concluded that the ceremony should be used. Thus, the Sunday following, the queen was solemnly crowned, and all the rites accustomed performed by Mr Robert Bruce, in the abbey church of Halyrudhouse.

On Tuesday thereafter, she made her triumphant entry into the town of Edinburgh, where nothing was omitted that might serve to express the love and affection of the people. The rest of the month and much of the next was spent in banquets and royal shows, for the entertaining of the strangers. These finished, and order taken for administration of the rents assigned to the queen, the strangers were dimitted, and had rich presents given them both from the king and queen.

How soon they were gone, the king, upon information that the ministers of Edinburgh and Dalkeith had permitted James Gibson to preach in their churches, notwithstanding he was silenced by the General Assembly, caused cite them before the council. They answered, "That his silencing, as they took it, was only to the time of his appearance before the Assembly, and that he was purged of contumacy." But the act being produced, and bearing that he was silenced during the pleasure of the Assembly, which as yet was not declared, they confessed their oversight, and promised that he should not have place amongst them till his majesty was satisfied. The king, constructing their answer to the best, gave order to summon Gibson for his contempt; and he not appearing was denounced rebel.

At the same time there was a marriage treated betwixt the earl of Erroll and a daughter of the earl of Morton, at which the king took exception, and did inhibit the same, as not liking that he who had so lately rebelled, and was not

yet reconciled to the Church, should be strengthened by such an alliance. Not the less, the marriage went on, for which the earl of Morton being called before the council, answered, that he could not restrain the affection of his daughter, and was forced to give way unto it. The council finding him to have failed in his duty, did remit his censure to the king himself, who, as he was a prince most tractable, did pass it, upon the earl his submission.

In the month of June, the Assembly of the Church convened at Edinburgh, which the king did honour with his presence. Mr Patrick Galloway, elected to preside in name of the Church, did put up three petitions to his majesty. "One for establishing the Church's jurisdiction, and the abolishing of all acts made to the contrary. Another for purging the country of Jesuits, seminary priests, and excommunicate persons trafficking against religion. The third was for providing a competent maintenance to ministers forth of the tithes of the parishes where they served, and applying what was above to the sustentation of schools, maintaining of the poor, repairing of the fabric of churches, and other the like necessary uses." To the first his majesty answered, "That in all parliaments the first act that was concluded did concern the liberty of the Church, which he should have care to see observed as in times past." For the second he said, "That it was known what pains he had taken therein before his journey to Denmark, and that he would do what lawfully could be done for purging the country of papists." And touching the third, because many were interested therein, he did advise them "to make choice of the most discreet of their number to meet with such of the council as he should appoint, for conferring upon the readiest means to effectuate that which they desired." Thereafter his majesty falling to speak of the barbarous feuds which were entertained in the realm, and the many odious murders there-through committed, did seriously commend to them (as those who should of all others most study to make peace) the removing of such barbarities so far as in them lay, wishing them in their sermons to strike on that point, and make people understand how sinful it was, and how shameful to the whole nation; as likewise to employ the most wise amongst them for reconciling the variances that abounded in the

country. "For myself," said he, "I will employ all the power I have that way; and if you shall apply yourselves in your places to do the like, my work shall be the more easy and have the better success." This was greatly applauded of all; and indeed after that time he took such pains, partly calling those that were at variance before the council, and causing them submit their quarrels, partly making strict laws against the troublers of the common peace, as he never ceased till he got the feuds wholly abolished.

Yet this was not wrought but after some time and with much difficulty, new troubles daily arising in sundry parts of the country. In the north a dissension broke out betwixt the earls of Huntly and Murray, that kept those parts a long time in trouble, the occasion whereof was this. John Gordon, brother to Sir Thomas Gordon of Cluny, having married the widow of Grant of Ballindalloch, it happened in a private quarrel one of Gordon's servants to be killed by the tutor of the house. Gordon pursuing him before the justice, for not appearing he was denounced rebel, and commission given to the earl of Huntly as sheriff of the county to apprehend him. The earl making search for him cometh to the house of Ballindalloch, and after some resistance taketh it by force, but findeth not the tutor. This the family of the Grants interpreting to be done in their disgrace, they betook themselves to the patrociny of the earl of Murray, and with them the clan Chattan and divers of the surname of Dunbar did join. Huntly offending that any in those parts should make head against him, and having understood that the earls of Athole and Murray were to meet these clans in Forres, for making up a confederacy, did assemble his friends, and went thither to dissolve the meeting; but before his coming they had severed, and the earl of Murray was returned to his house of Darnaway. Huntly taking that way home, and some of his company riding about the house in manner of a bravado, they within discharging some muskets upon them, it happened the same Gordon that had married the widow to be killed. To be revenged of this affront, Huntly gathereth forces to invade the earl of Murray; and he, assisted by the earl of Athole his cousin, prepareth to defend. The convocations were great on either side; whereof the king receiving advertise-

ment, charges were directed to command Athole home, and inhibit Huntly from coming by west the river of Spey, and Murray not to come on the east of Findhorn. This course did restrain them for a time, but gave not an end to those troubles.

A little after this fell out the slaughter of William Kerr of Ancrum, a gentleman of great sufficiency, who was killed in Edinburgh under night by Sir Robert Ker apparent of Cessford. There had been a long and old emulation betwixt the two families of Cessford and Farnierst for the wardenry of the middle marches, and the provostry of Jedburgh. But Farnierst being then deceased, and the heir left young, this gentleman, as descended of the house, did what he could to maintain the reputation of it, which was an eyesore to the other. It happened also some little time before, this gentleman, in the trial of goods stolen from England, to find out the committer of the theft, and when the same was denied (for the matter was brought before the council), to verify the same by clear testimonies; which was taken to be done out of spleen, and to rub some infamy upon Cessford, who was then warden; for the man accused was one of his followers. This the Lady Cessford, a woman of a haughty spirit, did apprehend so deeply, as she never ceased till she had moved her son, being then very young, to bereave the gentleman of his life. A hateful fact it was, both for the manner in which it was done, and for the loss the country received by the gentleman's death; for he was a man generally well given, wise, of great courage, and expert beyond others in the laws and customs of the borders. The king was highly offended, and was resolved to use exemplary justice upon the actor. But he eschewing, and living a fugitive some months, was pardoned, upon satisfaction made to the gentleman's children, as was thought by the chancellor's intercession, who afterwards married him to his niece, a daughter of Lethington.

Most of this winter was spent in the discovery and examination of witches and sorcerers. Amongst these Agnes Samson (commonly called the wise wife of Keith) was most remarkable; a woman not of the base and ignorant sort of witches, but matron-like, grave and settled in her answers, which were all to some purpose. In her examination she de-

clared, "That she had a familiar spirit, who upon her call did appear in a visible form, and resolve her of any doubtful matter, especially concerning the life or death of persons lying sick." And being asked what words she used when she called the spirit, she said her word was, *Holla, master*, and that he had learned her so to do. She farther confessed, "that the earl Bothwell had moved her to inquire what should become of the king, how long he should reign, and what should happen after his death; and that the spirit having undertaken to make away the king, after he had failed in performing, and was challenged by her, confessed it was not in his power, speaking words she understood not, but, as she did take them, the words were, *Il est homme de Dieu.*" Richard Graham, another notorious sorcerer, being apprehended at the same time, made the like confession of Bothwell, which was the cause of his committing in April following; for such curiosities are not thought to possess the minds of those that wish well to their prince, and hath proved the cause of many men's ruin.

In the end of the year died John Erskine of Dun, superintendent of Angus and Mearns, a man famous for the services performed to his prince and country, and worthy to be remembered for his travails in the Church, which out of zeal to the truth he undertook, preaching and advancing it by all means. Before the Reformation, his house was to those who in that time were called heretics a special place of refuge; afterwards such was the scarcity of ministers that he took upon him the charge, and was chosen with the first to have the oversight of the churches in these north parts, which he governed to his death most wisely and with great authority, giving no way to the novations introduced, nor suffering them to take place within the bounds of his charge whilst he lived. A baron he was of good rank, wise, learned, liberal, of singular courage, who for divers resemblances may well be said to have been another Ambrose. He died the twelfth of March, in the eighty-second year of his age, leaving behind him a numerous posterity, and of himself and his virtues a memory that shall never be forgotten.

Bothwell had not stayed above a month in ward, when, seducing his keeper, he made an escape, and thereby increased the suspicion of his guiltiness; whereupon the king gave

order to pronounce the doom of forfeiture against him according to the conviction passed in May 1589, and causing denounce him traitor, did inhibit by proclamation all the subjects to intercommune or keep intelligence with him. And lest the proceeding should have been thought too rigorous, it was declared in the proclamation, "That he being tender in blood to his majesty, and advanced by him to sundry honours and offices, had out of his ungodly and unnatural humour, after divers slaughters committed by him and overseen, taken arms against the king, and practised with strangers for subversion of religion, and endangering his majesty's crown, whereof being convicted in a justice court holden in Edinburgh the twenty-fourth of May 1589, the doom and sentence was superseded in hope of his amendment. And that notwithstanding all these favours he continued in his wicked course, and heaping treason upon treason, had now at last consulted with witches and necromancers for bereaving his majesty of his life (as was manifest by the confession of some that had already suffered, and others yet alive who were shortly to be executed), and for the same being committed in the castle of Edinburgh, he had broken ward, and thereby taken the crime upon him; whereupon the doom which at that time was delayed being now pronounced, his majesty did will all his subjects to acknowledge him for no other but a rebel and traitor."

Bothwell taking the course of all rebels, which is to turn their pretences against some about the king, laid the blame of all upon the chancellor, and drew together some companies of men, as intending to be revenged of him. With him the Lord Home and divers others did join, but to little purpose; for Home upon better advice forsook him, and submitted himself to the king; and others, following his example, used their best means to obtain pardon; so as Bothwell was compelled to flee into England with some few that went with him.

In the Assembly of the Church that convened this summer at Edinburgh fell out a great contest betwixt them and the lords of session, upon this occasion. Mr John Graham, one of the senators, had intended in right of his wife an action of removing against certain feuars of Halyards, within the parish of Kirkliston, and to bear out the plea suborned a notary in Stirling, called Robert Ramsay, to give him forth

an instrument that made for his purpose. The defendants having offered to improve the instrument, did in the mean time, upon a private warrant obtained from his majesty, apprehend the notary, who confessed that the instrument which he subscribed was brought, formed, to him by William Graham, brother to Mr John, and that he knew nothing of the business; and being pursued criminally, was upon his confession condemned of falsehood, and executed to the death. The pursuer, as he was a man bold and impudent, to maintain the truth of the instrument, did intend action against Mr Patrick Simpson, minister at Stirling (who had dealt with the notary to bring him to a confession), alleging that he had seduced the man, and made him deny the instrument. The minister complaineth to the Assembly, and thereupon Mr John Graham was summoned to answer for the scandal raised upon one of their members. He compearing, answered, "That he would prove what he had alleged before the judge competent." The Assembly replied, "That he must qualify it before them, otherwise they would censure him as a slanderer." Hereupon was the Lord Provand, president, with the lords of Culross and Barnbarroch, two of the senators, sent to desire the Assembly not to meddle in causes proper to their cognition, especially in the cause depending before them, at the instance of the Lord Halyards (so they styled him) against Mr Patrick Simpson. The Assembly answered, "That what they did was no way hurtful to the privileges of Session, nor were they minded to meddle in any civil matter, but in the purging of one of their own members they might proceed without the prejudice of the civil judicatory; therefore wished them not to take ill the Church's dealing in the trial of one of their own number."

The lords dimitted with this answer, Mr John Graham was called, who excepted against the judgment, affirming the cause to be civil, and that the judgment thereof belonged to the lords of session *primario*, in regard the same was depending before them. The Assembly repelling the declinature, found themselves judges in the cause: therefore willed him to say what he could in his own defence, otherwise they would give process and minister justice. But he taking documents of their interlocutor, and protesting for remedy of law, departed. The lords esteeming this an encroachment upon their privi-

leges, and that upon such grounds all actions that touched any minister might be drawn from their judicatory, resolved to send a prohibition to the Assembly, and discharge their proceeding: but by the mediation of some well-disposed persons, that did not like to have questions of jurisdiction moved, the business was settled, and both actions ordained to cease. Not the less the instrument was sustained by the lords and judged to make faith, which turned in end to the pursuer's undoing.

In this Assembly certain articles were presented subscribed by the archbishop of St Andrews, allowing the presbyterial discipline, and condemning the government episcopal, which were afterward imprinted under the title of Mr Patrick Adamson's recantation. The bishop lay bedfast at the time, and was fallen into great necessity by his own misgovernment; whereof his adversaries taking advantage, it was devised that he should be visited by some of the brethren, and desired to leave a testimony under his hand of his opinion of matters of discipline. This being moved unto him, he said, "That he did not trouble himself with such thoughts at that time, and had never allowed of any other bishop in the Church but St Paul's bishop, which he would willingly set his hand to." Upon this his answer were these articles drawn up and subscribed by him. Whether he knew what was contained in them, or that he was induced thereto by a poor collection they gave him in the time (for so the report went), or otherwise, it is uncertain: but when it was told him that such a recantation was published in his name, he complained heavily of the wrong that was done him, and, committing his cause to God, ended his days in the end of this year. A man he was of great learning, and a most persuasive preacher, but an ill administrator of the Church patrimony, which brought him to the misery that is pitiful to think of. Divers works he left, of which some are extant, that show his learning; but his prelections upon the epistles to Timothy, which were most desired, falling into the hands of his adversaries, were suppressed.

In the same Assembly a general revocation was made in name of the Church by Mr Robert Pont of all things done in prejudice of the rents and patrimony thereof, either by ministers that were beneficed, or by others bearing the title

of churchmen. This, in the opinion of wise men, was esteemed to be a good way for pleading restitution, according to the privilege of ancient laws; but was derided and scoffed at by those that had filled their hands with the spoils of the Church. And folly sure it was to think they could enjoy any benefit by these privileges, having destroyed the estate and dignity of the Church, by which these privileges should have been preserved.

Soon after this meeting there happened a great division in the presbytery of St Andrews, for planting the church of Leuchars. The pretenders were Mr Patrick Wemyss and Mr Robert Wallace. Mr Andrew Melvill with some few that followed him stood for Mr Wallace, Mr Thomas Buchanan and the rest for Mr Patrick Wemyss. The matter after a hot contention being put to voices, Mr Thomas Buchanan and some nineteen or twenty with him gave their suffrages to Mr Wemyss; Mr Andrew and other six that adhered to him gave their voices to Mr Robert Wallace. Mr Andrew, taking it impatiently to be thus overpowered, left the place where the presbytery did meet, and with his six went to the schools of the new college, and made up another presbytery. Mr Thomas and the rest abode in the place, and, according as they had voiced, appointed Mr Patrick Wemyss on the next Sunday to be received minister of Leuchars. Mr Andrew with his company gave forth the like ordinance for Mr Robert Wallace, and thus both were instituted and admitted ministers to the church upon one day. The gentlemen of the parish went likewise in factions, some holding with the one and some with the other, which caused a great scandal. There being none to pacify the strife, Mr Andrew Lamb (then minister at Burntisland) was directed from the synod of Fife to entreat some of the ministers of Lothian to take the pains of bringing them to an agreement. For this effect, Mr David Lindsay, Mr Robert Bruce, and Mr J. Spotswood were chosen; who coming to St Andrews in the month of October, called the parties before them, to understand the reasons of their dissension. Mr Andrew did plead for the one party, and Mr Thomas Buchanan for the other. It was laid to Mr Andrew his charge, "That he had made a secession, forsaken the place of meeting and the fellowship of his brethren, and with some six only that followed

him presumed to overturn the conclusion of the greater number." His defence was, "That albeit he and his followers had left the place, yet they could not be judged to have made secession, by reason the others had given the cause, and conspired to prefer a person in worth not comparable to him whom they had elected." As to the number of voices, he said, *quod suffragia essent ponderanda, non numeranda*, that voices ought not to be numbered, but to be weighed and pondered. Two days they continued reasoning, and in end the mediators finding no other means of their agreement, took course to displace both the young men, and to appoint a third person for the service of the Church : and for eschewing such contentions thereafter, which were feared because of the heat betwixt Mr Thomas and Mr Andrew, they did appoint the presbytery to be divided in two, a part to sit at Cupar, and the rest to abide at St Andrews. Thus was that strife pacified, which many held to be ominous, and that the government which in the beginning did break forth into such schisms would not long continue ; for this every man noted, that of all men, none could worse endure parity, and loved more to command, than they who had introduced it into the Church.

But, to leave the matters of the Church for a while, whenas the king did think that all was quiet, and Bothwell so weakened as he could not make any trouble, (for Buccleuch his son-in-law was by license gone into France, and all the gentlemen of the south parts, who were of any worth, had given surety to have no meddling with him,) there were found in the court itself instruments apt enough to serve his turn. For of the duke of Lennox his retinue some that envied the chancellor's credit with the king, and others whose hopes wholly depended upon the trouble of the state, did by secret messages incite Bothwell to enterprise somewhat for himself ; offering to bring him within the king's palace unperceived, where with a few hands he might make himself master of the king and all the court. Bothwell is easily drawn to condescend, and the conspiracy so ordered, that he with his followers should under night be let in at a back passage that lay through the lord duke his stables ; and first they should seize upon the gates, take the keys from the porter, and go after that to the king's chamber, and

make him sure. Within the palace were divers privy to the conspiracy, especially Colonel William Stewart, John Nasmith chirurgeon to the king, and James Douglas of Spott, who was brought to take part in that enterprize by this occasion. Some days before it happened George Home of Spott his father-in-law to be killed by certain Mersemen of the surnames of Home and Craw. Sir George Home, nephew to Spott, and one of the masters of the king's escurie, did charge James Douglas as author or accessory to the murder, because of a fear he had conceived that his father-in-law should by a new right possess his nephew, Sir George, in some part of the lands to which he had right by his marriage. Upon this suspicion three of his servants were apprehended and detained prisoners within the palace, till they should be tried by torture. The chancellor, on whom James Douglas depended, laboured all he could to free his servants from that extraordinary form of trial, but the presumptions being pregnant, the king would have them to be tortured; which when Spott understood, and saw that the same would not be eschewed, he thrust himself desperately in the action which but a few hours before was communicated to him by one of the associates.

This fell out happily for the king, and was it that marred the whole conspiracy; for when Bothwell with his company had entered by the way named, and was come to the inner court of the palace, James Douglas, that minded nothing but the relief of his servants, drew a number to break open the doors where they were detained, and, by the noise thereof, all in the palace were put upon their guard. The king was then at supper, and being told that armed men were in the nether court, leaving the rooms wherein he lodged, went up to the tower as to a place of greater surety. Bothwell, having directed some to enclose the chancellor's lodgings, lest he should escape, made towards the queen's rooms, where he expected to find entry, and perceiving all shut upon him, called to bring fire. But ere they could find any, Sir James Sandilands, one of his majesty's chamber, who had supped without the palace, with a number of the people of Edinburgh, entering by the Church of Halyrud-house, did beat him and his company from the doors, and was in possibility to have taken them all, if there had been

any lights; but those being all extinguished, Bothwell with the principals of his company made shift in the dark, and escaped, returning by the same way that he entered. In his outgoing he was encountered by a gentleman of the escurie, named John Shaw, whom he killed with a pistol, yet lost some nine of his followers, men of small note, who were executed the next morning.

The enterprise thus defeated, Bothwell went into the north, looking to be supplied by the earl of Murray his cousin-german; which the king suspecting, Andrew Lord Ochiltrie was sent to bring Murray unto the south, of purpose to work a reconcilment betwixt him and Huntly. But a rumour being raised in the meanwhile that the earl of Murray was seen in the palace with Bothwell on the night of the enterprise, the same was entertained by Huntly (who waited then at court), to make him suspected of the king, and prevailed so far, as he did purchase a commission to apprehend and bring Murray to his trial. The nobleman not fearing that any such course should be used, was come to Donibristle, a house situated on the north side of Forth, and belonging to his mother the Lady Down. Huntly being advertised of his coming, and how he lay there secure, accompanied only with the sheriff of Murray and a few of his own retinue, went thither and beset the house, requiring him to render. The earl of Murray refusing to put himself in the hands of his enemy, after some defence made, wherein the sheriff was killed, fire was set to the house, and they within forced by the violence of the smoke and flame to come forth. The earl stayed a great space after the rest, and the night falling down, ventured among his enemies, and breaking through the midst of them did so far outrun them all, as they supposed he was escaped; yet searching him among the rocks, he was discovered by the tip of his head-piece, which had taken fire before he left the house, and unmercifully slain. The report went that Huntly's friends fearing he should disclaim the fact (for he desired rather to have had taken him alive), made him light from his horse, and give some strokes to the dead corpse. This done, Gordon of Buckie was despatched to advertise the king what had happened, and Huntly himself took journey northwards in such haste as he left Captain Gordon his

cousin, that was lying on the ground wounded, behind him. This captain was brought the next day to Edinburgh, and publicly executed.

The death of the nobleman was universally lamented, and the clamours of the people so great, especially against the chancellor, upon whom all the blame was laid, that the king, not esteeming it safe to abide at Edinburgh, removed with the council to Glasgow, where he remained until Huntly did enter himself in ward in Blackness, as he was charged. But he stayed not there many days, being dimitted upon caution to answer before the justice whensoever he should be called. The corpses of the earl and sheriff of Murray were brought to the Church of Leith in two coffins, and there lay divers months unburied, their friends refusing to commit their bodies to the earth till the slaughter was punished. Nor did any man think himself so much interested in that fact as the Lord Ochiltrie, who had persuaded the earl of Murray to come south, whereupon he fell afterwards away to Bothwell, and joined with him for revenge of the murder.

The parliament, which had been now twice prorogued, did keep in the month of June. In behalf of the Church it was there petitioned, 1. That the acts of parliament made in the year 1584 against the discipline of the Church and liberty thereof should be abrogated and annulled, and a ratification granted of the discipline whereof they were then in practice. 2. That the act of annexation should be repealed, and restitution made of the Church's patrimony. 3. That the abbots, priors, and other prelates bearing the titles of churchmen, and giving voice for the Church, without any power and commission from the Church, should not be admitted in time coming to give voice in parliament or convention, in their name. And 4. That a solid order might be taken for purging the realm of idolatry and blood where-with it was miserably polluted. The second and third petitions rejected, consultation was taken about the other two; and for satisfying the last, it was condescended, "That saying of mass, receiving of Jesuits, seminary priests, and trafficking papists against the king's majesty and the religion presently professed, should be a just cause to infer the pain and crime of treason against Jesuits, mass-priests,

trafficking papists, and their reseters;" with a provision, "That if the Jesuits and seminary priests did satisfy the prince and the Church, the foresaid penalty should not strike upon the reseters." Which in effect was no restraint, neither was the trafficking against religion declared to be a crime of treason, unless the same was proved a trafficking likewise against the king. So in this point the Church received small satisfaction. As to the complaint of blood, the same was remitted to the ordinary course of justice.

But the first petition was longer debated, the king being unwilling either to abrogate the acts of the year 1584, or grant the ratification desired of the present discipline; for he foresaw the inconvenients that would grow by the liberty that ministers should assume to themselves. Yet Bothwell's business and the many discontentments within the realm moved him to give way, lest he should be troubled likewise with their outeries. So the act passed, but in the most wary terms that could be devised. As for the statute confirming his majesty's royal power, the abrogation whereof was chiefly sought, it was only declared, "That the said statute should be noways prejudicial nor derogatory to the privilege that God hath given to the spiritual office-bearer in the Church, concerning heads of religion, matters of heresy, excommunication, collation or deprivation of ministers, or any such essential censures grounded and having warrant of the word of God."

Upon the end of the parliament the king went to Falkland, where Bothwell made a new attempt, encouraged thereunto by the earls of Angus and Erroll, the master of Gray, Colonel Stewart, and the lairds of Johnston and Balwery, who did all promise their concurrence in bringing him unto the king's presence. The master of Gray and Balwery did meet him with a good number of horse, Angus kept the diet but with a small company, Erroll remained with the king within the palace, and had taken upon him with the assistance of Colonel Stewart to open the gates: but either out of fear, their hearts failing them, or not having a number sufficient to make good their undertaking, nothing was done; yet upon suspicions they were apprehended, and Erroll sent to the castle of Edinburgh, and the colonel to Blackness. The company that came with Bothwell was not great, and

did not exceed six score in all, broken men for the most part, whom he had taken up in the English and Scottish borders. With these he had journeyed two days and nights without either meat or sleep, and came to Falkland a little before midnight; where finding his expectation disappointed, and those in the palace provided to defend, he stayed on the side of the hill till a little after sunrising; some of his followers in the mean time breaking open the queen's stables, took away the horses and what else they could lay hands upon. The night was then at the shortest, for it was the twenty-sixth of June, and the country gathering from all parts to relieve the king, he was forced to flee. But what way to take he was uncertain; for to pass the ferry with his company he could not safely, and to return by the bridge of Stirling was a long way, which neither the horses nor their riders after so long watching could endure: yet seeing no better than to be gone with what haste he could well make, about nine of the clock he caused sound the trumpets, and retired.

The king, after the country people were come, followed by the Queensferry, thinking he had gone that way; but finding that he had taken his course by Stirling, and knowing that the company would separate how soon they had passed the bridge, he directed most of his followers to apprehend such as they could overtake. Divers were taken in the moors of Calder and Carnwath, but suffered to escape by their takers: many horses were found straying in the fields, the riders being overcome with sleep and fallen from them. Amongst others Archibald Wauchope of Niddry, and some seven or eight with him, whilst they lay sleeping in a meadow nigh to Cambusnethan, were taken by the Lord Hamilton, and sent to be kept in the castle of Draffan: but his lady the day after, out of a womanly commiseration, whilst her lord was absent suffered them to depart. Bothwell himself fled unto the west borders, and from thence into England.

The bad success of this attempt put the borders in a great fear, for many of them, especially of the Johnstons, had followed him in that journey: yet so great was the king's clemency, as being at Dumfries, whither he went in the beginning of July, a general pardon was proclaimed to all that would submit themselves; whereupon numbers did enter, and were received in favour. Bothwell, thus forsaken almost of

all, did notwithstanding in the court again find some that out of emulation and private rancour, more than for any affection they carried unto him, wrought the king new troubles.

Alexander Lindsay, lord of Spynie, a great favourite in that time, out of the malice he bare to the master of Glamis, thesaurer, whom he knew Bothwell also hated, did secretly practise to bring him into the king's presence, and make his reconciliation. This coming to the knowledge of Colonel Stewart, who was still detained in Blackness, to procure his own liberty and recover the king's favour, he signified the same to the king by Sir James Sandilands, who as then was keeper of the house; and being brought before the council at Dalkeith stood to the declaration, affirming that the Lord Spynie had reset Bothwell in his lady's house at Aberdour; which he offered to prove by witnesses, circumstances, and other clear demonstrations. These were his words. Spynie denying all, appealed the colonel to combat, which the king would not permit, assigning the twelfth of September for his trial before the justice. Spynie appearing at the day, the colonel excused himself by the shortness of the time, and had a new diet assigned him; at which his probation failing, Spynie was restored to his honour, dignity, and service; yet did he never recover his former credit with the king, but was held still suspected; and whether offending at this, or that the first declaration was true in itself, the year following he took open part with Bothwell, and was therefore denounced rebel.

At the same time John Weymss, younger of Logie, gentleman of his majesty's chamber, and in great favour both with the king and queen, was discovered to have the like dealing with Bothwell, and being committed to the keeping of the guard, escaped by the policy of one of the Dutch maids, with whom he entertained a secret love. The gentlewoman, named Mrs Margaret Twinstan, coming one night whilst the king and queen were in bed to his keepers, showed that the king called for the prisoner to ask of him some question. The keepers suspecting nothing, for they knew her to be the principal maid of the chamber, conveyed him to the door of the bed-chamber, and making a stay without as they were commanded, the gentlewoman did let him down at a window by a cord that she had prepared. The keepers waiting upon

his return stayed there till the morning, and then found themselves deceived. This with the manner of the escape ministered great occasion of laughter; and not many days after the king being pacified by the queen's means, he was pardoned, and took to wife the gentlewoman who had in this sort hazarded her credit for his safety. These dealings at court increased not a little the boldness of others in the country, so as some of all ranks, both barons, gentlemen, and burgesses, became followers of Bothwell, and feared not to entertain him openly. All Teviotdale in a manner ran after him; whereupon the king made an expedition to Jedburgh on the twelfth of October, and finding some of his resettlers, took bonds of them for their better behaviour.

At his return he found new vexations by a faction made at court against the chancellor, whereof the heads were the duke of Lennox, the earls of Argyle and Morton, the master of Glamis and Lord Home; with these the earls of Angus and Erroll, who were released from their wards by the queen's intercession, did afterwards join. That which gave the occasion was, a claim made by the queen of the lordship of Musselburgh, as being a part of Dunfermline, which she desired the chancellor to resign, for he had acquired an heritable right thereof at the making the act of annexation. The chancellor excusing himself, and in effect denying to satisfy her desire, she grew offended, and drew in these noblemen to oppose him: whereupon he withdrew himself from court, and remained in Nithsdale the rest of that year.

In the north there was likewise great unquietness; for the clan Chattan conducted by Angus Williamston, to revenge the earl of Murray's death, made great spoil upon the earl of Huntly's lands in Strathspey and Glenmuick, killing divers, and amongst others an honest aged man called Gordon of Brackley, against whom they could pretend no quarrel. Huntly, to be revenged of this wrong, made an incursion upon the lands of Pettie, which the clan Chattan did then possess, exercising great cruelty; and understanding that William Mackintosh was at the same time spoiling the lands of Colerick, encountered him at the head of Staplegate Hill, where after a short conflict some threescore of the clan Chattan were killed, a few only falling of his side. Shortly after in another expedition upon the same lands, having

drawn together a number of Highlanders from Lochaber, Badenoch, and Strathdown, he wasted, burnt, and spoiled all that country, killing a great many people.

The king, to pacify these troubles, directed the earl of Angus with a commission of lieutenandry unto the north, where he wrought so much as the public incursions of both sides did cease. And in this time was Mr George Kerr, brother to the Lord Newbottle, intercepted as he lay at the isle of Cumbrae, intending a journey towards Spain: with him were deprehended divers missive letters and blanks signed by the earls of Angus, Huntly, and Erroll, and by Sir Patriek Gordon of Auchindown. Mr Andrew Knox, then minister at Paisley, who was afterwards made bishop of the Isles, upon some discovery made to him, did enterprise his taking, and making him to be conveyed with a strong guard, delivered him to the provost of the city, the king being then in Alloa at the Christmas with the earl of Mar, who, but a few days before, had married the duke of Lennox his sister. Advertisement made of his apprehension and of the letters deprehended with him, the king made haste to return. The night before his coming was the earl of Angus returned from the north, and not having heard any thing of Mr George Kerr's taking, went as he was accustomed to his lodging in Edinburgh, but was presently arrested by the provost and bailies, and sent prisoner to the castle. The king esteeming this too great a presumption in them, to have used a nobleman and counsellor, lately returned from such a public employment, without warrant in that manner, was not a little offended; yet because of the heinous accusations laid against him, their forwardness was excused, and his imprisonment allowed for good service by act of council.

Mr George Kerr, at his examination, did ingenuously confess all that he knew of the business, the sum whereof was as followeth. "That upon a letter sent from Mr William Crichton the Jesuit, then residing in Spain, and assurance given of the king of Spain's aid for the alteration of religion, Mr James Gordon and Mr Robert Abercrombie, Jesuits, had devised to send one to Spain, to certify the king of the concurrence of the Scottish catholics in his service, and that for the greater secrecy, the three forenamed earls should undertake for the rest, and by their letters testify the same.

That this being proponed to the noblemen, they did willingly consent, and accordingly set their hands to eight blanks, six whereof were to be filled as missives from them to the king of Spain, and the two other with procurations, one for the messenger's credit, the other for the articles that should be drawn up in Spain. That the filling of the blanks was trusted to Mr William Crichton and Mr James Tyrie; and that Sir James Chisholme, one of the king's master households, was first chosen to be carrier of the blanks; but that he being impeded through some private business, they were delivered to him subscribed in the beginning of October, he being then in Edinburgh." He further declared, "that by conference at the same time with the earls of Angus and Erroll, he understood that the king of Spain was to send an army of thirty thousand men into Scotland, whereof fifteen thousand should remain in the country, and with the assistance of the catholics, either alter the present religion or procure liberty to their own profession: and that the rest of the army should invade England, being conveyed thither by the catholic lords who were to meet the army at their landing, which was appointed to be either at Kirkeudbright in Gallo-way, or in the mouth of Clyde. This was the sum of his confession.

The earl of Angus, charged with these points, denied, affirming the blanks and subscriptions to be counterfeited. But David Graham of Fintry, who was apprehended upon suspicion at the same time, declared that Mr Robert Abercrombie had revealed the purpose to him, and showed that the blanks were trusted to Mr George Kerr.

This so manifest a discovery of popish plots, tending not only to the overthrow of religion but also of the realm, which by this treasonable practice should have been reduced to a miserable slavery, did animate the king much against the Jesuits; whereupon he published his resolution, to spare none that should be guilty of the treason, but make them an example to all posterities, requiring in most serious manner all his good subjects to beware of these Jesuits, traitors to their native country, and in their prayers to implore the mercy of God for preservation of themselves, their wives and children from the conspiracy intended. The ministers of Edinburgh, esteeming it their duty to make the churches of

the country foreseen of the conspiracy that was detected, gave notice thereof by their letters to such as were most nigh at hand, desiring them to meet at Edinburgh the eighth of January, for giving their advice touching these dangers, and how the same might best be prevented.

The meeting was frequent, for the report of the discovery drew many thither. Mr Robert Bruce in a short speech having related the peril wherein the country and Church were brought by these practices, it was thought meet by some commissioners to entreat of his majesty the execution of the laws against Jesuits and their reseters, with the punishment of such as should be found guilty of the present conspiracy. The king, accepting graciously those that were sent unto him, and giving the whole Assembly thanks for the readiness they showed to assist him in the prosecution of that trial, wished them to consider of what importance the business was, and not only to give their advice for the course that should be taken, but also to let him know what help they would contribute for strengthening him in his proceeding against those unnatural subjects.

His majesty's desire being reported to the meeting, their advice was, that a parliament should be indicted, and the subscribers of the blanks cited thereto: and because it was not expected that they would appear, so as his majesty should be compelled to pursue them by force of arms, they did humbly offer their attendance upon his majesty's person, till they should be apprehended or expelled the country; as likewise to entertain a guard to his majesty of three hundred horsemen and an hundred foot, so long as any necessity was, and till the laws of the country had taken effect against the rebels, providing it should not be drawn into a custom, nor prejudice the liberty of the realm in time coming. The offer was thankfully accepted, and a proclamation made to meet the king at Aberdeen the twentieth of February, for settling the north parts; and for a beginning of justice, David Graham of Fintry was arraigned, and being found guilty, beheaded in the public street of Edinburgh the sixteenth of February.

Some two days before his execution, Mr John Graham, one of the senators of the college of justice, being charged (because of the business he made in behalf of Fintry) to

depart forth of the town, and keep ward in Stratherne, was killed as he was going to the tide at Leith. There had been a question long depending betwixt Sir James Sandilands and him for the lands of Halyards, and by reason thereof a professed enmity amongst them; and it falling out at the same time when he was going to Leith, that the duke of Lennox accompanied with Sir James and divers others was making towards their sport in the sands, Mr John Graham, apprehending that they did pursue him, made a turn upon that ascent which is a little without the gate of the town, as if he would stand there to his defence; which Sir James taking for a sort of provocation, he made towards him, and entering in conflict, Sir Alexander Stewart, a grave gentleman, servant to the duke of Lennox, was killed by the shot of a pistol: presently after, Mr John Graham by another shot was stricken in the breast, and fell to the ground. They who did give him the convoy, seeing him fall, did all flee, and the companies separating, he was led to a poor cottage near unto the place, and, as he lay in bed, killed by the said Sir Alexander his page, in revenge of his master's death.

A man he was but meanly born, and descended of that unhappy race which had an hand in the murder of king James the First. A long time he served as deputy to the earl of Argyle in the justice courts, and after his death waited on Captain James Stewart, by whose means he was preferred to be one of the senators of the college of justice in the place of Mr Robert Pont; of a quick wit and a good and ready utterance, but was excessively proud, covetous, and dishonest in his dealings, as appeared in suborning of the notary of whom we spake, and the fraud which he used to Mr Andrew Polwart, subdean of Glasgow, a man of great learning, who being forced to fly into England in the year 1584, with the other ministers that took their refuge thither, had intrusted him with his living and rent, upon assurance to be repossessed when the times should change; yet being returned and having obtained his peace, could he never bring him to fulfil his promise; whereupon after a long plea at law, not finding an outgate, the honest man conceived a displeasure and died.

The earl of Angus the same day that he (Graham) was killed, made an escape out of the castle of Edinburgh by the

connivance of the keepers, and flying to the north, joined with Huntly and Erroll. They, upon the report of the king's coming to Aberdeen, left their houses and betook themselves to the mountains, sending their ladies to intercede for them, and make offer of the keys of their houses, which they had been charged to render.

The king receiving the ladies courteously, told them that if their husbands would enter and abide trial, they should receive no wrong, otherwise the crime laid to their charge did so highly touch the estate, as he could not stay the course of justice. In the mean time, for preserving the country in peace, the earl of Athole was made lieutenant within the bounds of Elgin, Forres, Nairn, Inverness, and Cromarty; and the like commission given to the Earl Marshal within the sheriffdoms of Kincardine, Banff, and Aberdeen.

This done the king returned to Edinburgh, where the Lord Burgh did meet him. He was sent from the queen of England to congratulate the discovery of these treacherous practices, and make offer of her assistance in pursuing and punishing those that should be culpable: "wherein she wished him to do as a king ought in such a case; and if he could not apprehend their persons, to confiscate their lands and rents, whereby he should undo them, and better the estate of his crown. And seeing the cause was common, and touched all princes professing the same religion, she desired to be certified what his resolution was, that she might assure other princes, her confederates, of the course taken in both their dominions for resisting the attempts of Spain." The king, thanking the queen for her friendly offer and advice, said, "That he knew Sir Robert Bowes, her resident ambassador, had advertised her of the whole particulars, and of the blanks and letters intercepted: that he had made a beginning, and was fully resolved to prosecute the same with all rigour against those that should be culpable; but willed her to consider how dangerous it was for him to have so many great men his rebels, and what a business it would be to hunt them out of those holes and desert places where they lurked: that he would stand in need of her help and supply, which he doubted not to find, it being more dangerous for her estate to have the Spaniard set foot in his kingdom than

either in France or the Low Countries, both which she had liberally helped and supplied with men and moneys. But what particular supply he would crave, his own ambassador whom he minded to send speedily should declare." This was the effect of the conference kept with the Lord Burgh at his first hearing.

At the next audience the ambassador falling again upon the same purpose, said, "That her majesty did wish the king to fortify himself with a wise, sound, and well-affected council, that might help to discover such wicked practices, and repress them when they were detected:" and then casting in somewhat of the punishment that the queen had taken of those that had given Bothwell countenance in England, "he wished the king to consider what course was best to be held with him in so troublesome a time; and if it were not for his majesty's quiet (having so many rebels) to receive him upon his submission in favour."

The king passing that which he had told of the punishing of Bothwell's reseters, albeit he knew no such thing was done, answered, "That if the queen did either respect his contentment or her own honour, she would be so far from giving him refuge in her dominions, as he thought certainly she would deliver him, according to the tenor of the league standing among them. But for taking him in favour, his offences were unpardonable, and to be abhorred of all sovereign princes; therefore desired him to show the queen his mistress, that if he should understand any reset to be given Bothwell after that time, he could not but join with her greatest enemies for his own safety. As for his resolution in prosecuting the trial begun, he should have it with him in a letter of his own hand." This done he was dimitted, Sir Robert Bowes residing still as legier.

In the end of April there was an Assembly kept at Dundee, wherein his majesty directed Sir James Melvil of Halhill with certain articles, in the first whereof he declared, "That he would not suffer the privilege and honour of his crown to be diminished, and Assemblies to be made when and where they pleased. Therefore willed them, before the dissolution of the present Assembly, to send two or three of their number, by whom they should know his mind touching the time and place of their next meeting."

By the second it was desired, "That an act should be made inhibiting ministers to declaim in pulpit against the proceedings of his majesty and council under pain of deprivation; both in regard of his majesty's good intentions known to themselves for maintaining religion and justice, and for the easy access that divers of the ministry had unto him, by whom they might signify their complaints and grievances if any they had."

Thirdly, "In regard of Mr Craig's decrepit age, his majesty desired to have five or six nominated to him by the Assembly, that he might choose some two of them to serve in his house."

Fourthly, "Seeing the standing of religion and safety of his person were so straitly conjoined, as they that were enemies to the one could not be friends to the other, that some of every presbytery should be appointed to inform and advertise his majesty of the practices of the papists and the reseters of Bothwell, whose whole courses tended to the subversion of religion, no less than the endangering of his majesty's person."

And, Fifthly, "That they should appoint some of their number to cause the magistrates of burghs, where there are any seaports, try those that came into the country, or passed forth of the same, and delate their names, that the plots and practices against religion might be better discovered."

These articles, especially the first two, savouring of discontent, were answered generally by the Assembly. Concerning their meetings, they said, that they should follow the act of parliament made in the year preceding; and for the declaiming in pulpit, an act was made prohibiting any minister to utter in pulpit any rash or irreverent speeches against his majesty and council, or their proceedings; and to give their admonitions upon just and necessary causes, and in all fear, love, and reverence. Which the king esteeming to be no restraint, but rather to minister an excuse to the unruly sort when they transgressed than otherwise, rejected, as not satisfying his demand; whereupon the petitions of the Church proponed against papists at the same time, and against the erections of tithes into temporalities, were not much regarded.

In this Assembly it was enacted "That none professing

religion within the Church of Scotland should from thenceforth repair to any of the king of Spain's dominions, where the tyranny of the inquisition was used, for traffic of merchandise, or other the like negotiations, till the king did obtain liberty from the king of Spain to his subjects for traffic in these bounds, without any danger of their person or goods for the cause of religion, under the pain of excommunication."

The merchants offending hereat did petition his majesty and council for maintaining their liberty of traffic; which was granted. Notwithstanding whereof the ministers proceeded in their censures, till the merchants made offer to surcease their trade with Spain how soon their accounts were made, and they paid by their creditors in those parts.

But the abolishing of the Monday market in Edinburgh, though assented unto by the council of the town, and passed in an act, took not the like effect: for the shoemakers, who were most interested in that business, hearing that the same was to be put in execution, tumultuously gathering themselves together, came to the ministers' houses, menacing to chase them forth of the town if they did urge that matter any more. After which the motion ceased, the market continuing as before. This did minister great occasions of sport at that time in court, where it was said, "That rascals and souters could obtain at the ministers hands what the king could not in matters more reasonable."

In the beginning of June Sir Robert Melvill was sent in ambassage to England. His commission was to signify what had been done in the prosecution of the authors and contrivers of the late practices since the Lord Burgh his return, and to require some aid and assistance for enabling the king to follow that business to an end; and particularly he was desired to crave a supply in money for levying six hundred soldiers, and entertaining them some months, till the service was finished, and the rebels either apprehended, or forced to quit the realm. Withal he was appointed to renew the former complaints of Bothwell his reset and entertainment in the borders of England, and to crave his delivery according to the league. But while he was pressing that business in England, Bothwell surprised the king at home, and for a while made all these purposes to sleep, so as he returned without effecting any thing.

The occasion and manner of the surprise was this. The chancellor, who had all that year been absent from court, upon a discontent the queen conceived against him, had sent to the king a letter, "requesting his license to depart forth of the country, since he could not with safety attend his service; for that to remain at home, and live deprived of his majesty's presence, he said was to him a very hell, which he could hardly endure; promising to return at such time as his majesty should find convenient to recall him to his service."

The king did show the letter to the queen, because in the same he had protested much of his sincere affection towards her, and being loath to quit him whom he had tried to be so able a servant, moved her to forget all quarrels, so as he would resign the lordship of Musselburgh, which had bred the dissension. The resignation made, and the chancellor being on the point to return to court, the duke of Lennox, by the advice of Athole, Ochiltrie, and others of the name of Stewart, resolved to prevent his coming by the inbringing of Bothwell. The parliament had broke up some two days before, and the noblemen resorting to the palace to take their leave of the king, the gates were kept patent, and less heed taken of those who entered. Athole with his lady had lodged all that time in the house then pertaining to the earl of Gowrie, at the back of the palace, and kept Bothwell private, with Mr John Colvill, one of his followers. So, early in the morning, the lady pretending to bid the king farewell, and making her entry by the postern gate, taketh Bothwell and his companion along with her, and bringeth them unperceived of any into the king's bedchamber. The king was then private in a retiring-room, and when he came back, and saw them stand with their swords in their hands, cried aloud, "Treason, treason." They falling on their knees called for mercy. "Nay," said the king, "you have dishonoured me:" and placing himself in his chair, "Strike, traitor," saith he to Bothwell, "and make an end of thy work, for I desire not to live any longer." He protesting with many oaths that he came only to beg pardon, and to put himself in his majesty's will, the king replied, that mercy extorted by violence was not mercy, and that it was not the form of supplicants to come with weapons in their hands. Whilst the king was thus talking, the earl of Mar

and Sir William Keith entered into the chamber, and presently after them a number of Bothwell's faction, who by this time had possessed the utter court, and assumed the charge of the gates.

The report of this accident going to the city, the people went to arms, and conducted by Sir Alexander Home, their provost, made towards the palace to give the king relief; but he was then become somewhat pacified, and following the earl of Mar his advice, after he had showed himself from a window to the people, and given them thanks for their readiness, he willed them to return to their houses and attend his advertisement. All that day matters were carried fairly in a sort, Bothwell using humble speeches, and offering himself to trial for the consultation which began his trouble: for his other misdemeanours he desired mercy, excusing himself by the want and necessity whereunto he and his friends were driven. But when he perceived the king's countenance not to be towards him as he wished, he changed his forms, and letting some words fall that sounded not well, gave divers to suspect that he should attempt some violence. This did set the English ambassador on work, who, being assisted by the ministers of Edinburgh, did, after long travail and much persuasion, induce the king to set his hand to the articles following.

1. That remission should be granted to Bothwell, his friends and partakers, for all attempts against his majesty's person and authority in any time past, and promise made never to call or pursue him and his foresaids for any by-past fact; as likewise to repossess them in their houses and lands, notwithstanding whatsoever process led against them.

2. That a parliament should be called in November next, and such an act passed in his and their favours as was made at Linlithgow, *anno* 1585, for their greater security.

3. That during that time the king should not receive in his company the chancellor, the Lord Home, the master of Glamis, and Sir George Home, knight.

4. That from henceforth the Earl Bothwell, his friends and followers, should be esteemed as good and lawful subjects, and used with such favour as if they had never offended.

These articles the king did on the word of a princee promise to perform; and for Bothwell's greater satisfaction,

after he had signed the same with his own hand, caused so many of the council as were present, together with the magistrates and ministers of Edinburgh, subscribe as witnesses. The subscribers were, the duke of Lennox, the earl of Athole, the Lords Forbes, Ochiltrie, Spynie, and Urquhart, the master of Gray, Mr James Elphingston, Myrcarnie, the clerk of register, Nicoll Edward, John Morison, George Todrick and David Williamson, bailies of Edinburgh, Mr David Lindsay, Mr Robert Bruce, Mr Robert Rollock, Mr Walter Balcanquel, and Mr Patrick Galloway, ministers. For Bothwell it was promised that he should leave the court, and not come towards the king till he was called by his majesty.

These things were done at Halyrudhouse the fourteenth of August 1593, some twenty days after the surprise. The next day the king went to Falkland, attended by the duke of Lennox, the Lord Ochiltrie, and Crichton of Cluny, a follower of Athole, who did promise to wait upon the king unto November, and debar those others that by the articles were not to be admitted. The rest of the month the king stayed at Falkland, and in that time Bothwell did obtain himself purged by an assize of practising and consulting with witches, which had been the original of his mischief.

In the beginning of September the king went to Stirling, where he had appointed a convention to meet for taking order with the broken men of the Highlands and borders. Thither came the Lord Hamilton, the earls of Mar, Morton, Glencarne, and Montrose, with the Lords Lindsay and Livingstone; of the Church estate, the bishops of Dunkeld and Aberdeen, the prior of Blantyre, and abbot of Lindores; and divers commissioners of burghs. After some speeches concerning the borders and Highlands, and the means to quiet them, which was the errand pretended, the king declared "that he had called them to that meeting for business that touched him more nigh: and then relating the many indignities he had endured at Bothwell's hands, which they all knew, he desired to have their advice touching the conditions granted to him of late, and whether they did think him tied to the performance thereof, the same being extorted by the importunity of those that took on them to mediate betwixt him and Bothwell, and yielded unto by him upon

just fear." The answer of the convention was, "That they judged the fact of Bothwell treasonable, and the conditions granted in such a manner to carry no necessity of performance. That for the remission promised to him and his followers, the same depended upon his majesty's own pleasure, and that he should do therein what seemed to him good; but to be tied not to receive in his company his servants and officers, they held it not to stand with the honour and liberty of a king. For the remission, said the king, I could be content, for the quiet of the realm, to grant the same upon his humble suit and supplication, when I am now at liberty; but to be forced thereto, and by way of capitulation to grant the same, I do not think it agreeth with mine honour. That which I require of you, since ye judge the conditions unlawful, and that neither in law nor conscience I am bound to observe them, is, that by public act the same be declared; and that, as a free prince, I may presently, and in all time coming, admit and receive into my company such of the nobility, council, officers and other good subjects, as I shall think good to use in the administration of my affairs." All esteeming this to be most reasonable, an act was made declaring, "That his majesty, with the advice of the Estates, had recalled the grant made to Bothwell in August last; and that, being a free prince, he might use the service of any of his subjects, and call them to him at his pleasure."

This declaration made, the prior of Blantyre and Sir Robert Melvill were directed to Bothwell, to show him that albeit the king did not think himself bound in law or honour to perform the conditions made at Halyrudhouse, yet if he should now make humble suit for pardon to himself and his followers, the same should be granted, with a double proviso: first, that he should supplicate his pardon and pass the same formally before the twentieth of November; secondly, that the remission being expedite, he should depart forth of the realm, and abide in such parts beyond sea as the king should appoint, and not return into the country without his majesty's license.

Bothwell at first did take the offer well, and seemed therewith content; but when he was returned to Edinburgh, (for the intimation was made to him at Linlithgow,) and heard

that the Lord Home and those others against whom he took exception were received in court, he was greatly commoved, and, falling to his wonted forms, threatened to make the king observe the conditions, and keep what he had promised. To this purpose he advertised the earl of Athole, desiring he should meet him at Stirling the first of October with his forces. Athole kept the diet, accompanied with the earl of Montrose and a great number of men, but the king was parted from Stirling, and remained then at Linlithgow, attended by the Lord Hamilton and divers other noblemen, which made Bothwell change his purpose and disappoint the enterprise.

The king understanding that Athole with his forces was come to Stirling, sent a messenger to charge him to return home and dissolve his companies: which he obeyed, pretending that his business was only to hold a court at Doune Castle (a house pertaining to the earl of Murray, whereof he had the ward), and that the messenger might witness the truth thereof, he took him along with him the next morning to Doune. The stay of the messenger put the king in suspicion that the charge was not obeyed, and that Athole did wait upon Bothwell's coming. Whereupon he went back to Stirling, and understanding that Athole was gone to Doune, he followed thither. The Lord Home, who was appointed to ride before and view the fields, encountering the earl of Montrose, made him prisoner, and used him and his men somewhat roughly. But he professing to be sent by Athole to the king for making his excuse, and declaring the true cause of his coming into those parts, was dimitted the next day, upon his promise to appear before the council whensoever he should be charged. After this the king going to Edinburgh, Bothwell was cited before the council; and not appearing, was of new denounced rebel.

Leaving these affairs for a while, we will now return to the popish lords. They had been cited to the parliament which was kept in July preceding, but, upon some informalities and defects in the libel, the process was remitted by the Estates to the king and council. This being ill interpreted, and taken to be done in their favour, the ministers of the synod of Fife, meeting at St Andrews in the beginning of October, did summarily excommunicate the earls of Angus,

Huntly, and Erroll, the Lord Home, and Sir James Chisholme. They sent letters also to all the presbyteries, desiring their excommunication to be published in all the churches; and particularly required the ministers of Edinburgh to call a meeting of some principal ministers and well-affected barons, to advise what course was fittest to take for the defence of religion, and repressing the practices of enemies. The king, upon advertisement of these proceedings, called Mr Robert Bruce (who was then in great favour), and willed him to stay the publication of the sentence, as being unjust and altogether informal, for that neither were these persons subject to the synod of Fife, nor were they cited to answer. "And if this be your order," said he, "that the ministers of one synod may excommunicate, and at their desire all the rest shall make intimation, who can be sure or how shall it be eschewed but numbers shall this way be brought in trouble?" Mr Robert answering that it was not in his power to stay the publication, the brethren having already concluded the same, and that the ministers of Fife had their own reasons, and were answerable to the General Assembly; "Well," said the king, "I could have no rest till ye got that which ye call the discipline of the Church established; now seeing I find it abused, and that none amongst you hath power to stay such disorderly proceedings, I will think of a mean to help it."

The intimation in the mean time went on, and according to the motion made for convening some principal ministers and barons, there assembled a good number at Edinburgh the seventeenth of October. The king was gone then to Jedburgh for pacifying some tumults in the borders; and in his going thither, was met at Fala by the earls of Angus, Huntly, and Erroll, who humbly entreated a trial, and that they should not be condemned unheard, offering to enter themselves what time and in what place his majesty should appoint. There were divers of the council with the king at the time, by whose advice they were enjoined to enter their persons in the town of Perth the twenty-fourth of that month, and abide there till order was taken for their trial. And lest this casting of themselves in the king's way should be thought to have proceeded upon an intelligence that the king did keep with them, the master of Glamis and abbot of Lindores were directed to inform the English ambassador

and ministers of Edinburgh of that which had happened, and the answer that the lords received.

How soon this was known, commissioners were sent from the Assembly to the king with certain petitions conceived in this form.

The commissioners of the Church, barons, and burgesses, convened from divers parts of the realm, foreseeing the present danger wherein the Church of God, the person of the king, and whole country do stand, have thought it their duty to petition his majesty, and propone their advice as followeth.

1. Seeing the commissioners are informed that the excommunicate lords, namely the earls of Angus, Huntly, and Erroll, with their complices, are to be put to the trial of an assize, they humbly crave that the trial be not precipitated, and that the diet assigned may be prorogated, till such time as the professors of religion (who are minded to be their accusers, and to pursue them for the treasons they have contrived) may be thoroughly advised with the business, and resolve what is convenient to be done.

2. That, according to the laws and customs observed in such crimes, those excommunicate and treasonable apostates may be committed to sure custody in the towns of Edinburgh, Dundee, and Stirling, or other places that shall be thought expedient, till order be taken with papists, of which faction they are known to be the heads, and till the Estates advise upon the form of their trial.

3. That, when the Estates, after mature deliberation, shall put the foresaid traitors to trial, the jury be not nominated at the option of the parties accused, but by the party accuser, who are the whole professors of the gospel.

4. That seeing the aforesaid traitors are excommunicated, and by the just sentence of the Church cut off from the society of Christ's body, that they be not admitted to stand in judgment, or have any benefit of law, till they be reconciled to the Church, according to the laws of the country, and his majesty's own promise; as likewise in respect they have made themselves guilty, partly through their escape forth of ward, and partly by playing the fugitives, and not appearing neither at St Andrews, to which they were first cited, nor at the time of the last parliament.

5. Or if his majesty will not alter the day appointed at

Perth, as we do not doubt but after good consideration he will, then we desire that such as profess religion may be a guard to his majesty at the time, to defend his person from violence, and to accuse and pursue them to the uttermost ; which we are minded to do, although it should be with the loss of all our lives in one day, being fully resolved, if they continue enemies to God and his truth, that the country shall not brook them and us together.

The commissioners coming to Jedburgh, had presence given them, and having presented the petitions, the king at the reading of the inscription grew incensed, saying, " That he would not acknowledge any such convention, nor them for commissioners, seeing they had assembled themselves without his consent and knowledge." They answered, that the meeting was warranted by his majesty's proclamations. A long reasoning was kept upon that point : in end the king condescended to hear them as subjects, and satisfy them with reason in every particular, but to accept of their commission, or return any answer to that meeting, he would not. This passed, he said, " That he was not foreseen of the coming of those earls unto him at Fala, nor had he any intelligence with them ; but when they came, and did humbly offer themselves to trial, he could not of his princely duty refuse it, though they had been the meanest and simplest persons of the land. That he had dismissed them without any promise or the smallest assurance of favour, whereof he had many witnesses ; and for the time and place assigned to their trial, the same was done by advice of such of the council as were present ; but that he had since considered the time to be too short, and the town of Perth not so convenient, and therefore had appointed a meeting of the Estates at Linlithgow the last of that month, by whose advice he would proceed and do that which was fitting. It hath been," said he, " the suit of the ministers to have those earls brought to their trial, and now when they offer themselves unto it, it is strange there should be such business made for a delay. As for himself, he had resolved, what time and place soever were appointed for the trial, to have all things rightly done, and that neither the judges nor jurors, if the matter came to that point, should be other than men indifferent and well-affected to religion."

The commissioners putting his majesty in mind of that he had said at the first view of the blanks, and the hearing of Mr George Kerr his confession, that the crime was above the reach of his power to pardon, and beseeching him to regard his honour and surety, seeing it was dangerous to permit the earls to come accompanied with such numbers as they intended to bring, he said that he could provide for any dangers that way. And when they did offer, as in the articles, to come and attend his majesty as a guard at the time of trial, he answered, "That he would make choice of his own guard; that those whom he called to that diet should be welcome, and such as came undesired should not be so."

Then they show what offence was taken at the Lord Home his entertainment in court, who was both excommunicated, and known to be a professed enemy to religion. The king replied, "That a day was given him to satisfy the Church by the ministers themselves, which was not as yet expired; and if he did not satisfy, that he should remain no longer at court." "But," said they, "he doth not keep promise, and is thought to have been a chief instrument in bringing these excommunicates to your majesty's presence." "For that," said the king, "I know it not; and if you will accuse him, he can speak for himself." After these speeches, they humbly besought his majesty to vouchsafe the Assembly some answer in writing; but he absolutely refused, and so they took their leave.¹

These answers reported did no way content the meeting, whereupon it was resolved that, upon advertisement, they should all convene in arms at the place which should be assigned for the trial of the lords, and be their pursuers; to which purpose some were left at Edinburgh to make timely warning to the rest. The king being informed of this conclusion at his return to Edinburgh, called the special ministers that were in town, and showed that it was an un-dutiful part in them to convocate the subjects, and cause them take arms without his warrant; prohibiting any such advertisement to be given as was appointed. They excusing themselves, said, "That it was the cause of God, and in defence thereof they could not be deficient."

¹ [See note at the end of this Book.—E.]

Hereupon a proclamation was made, “ declaring the course that his majesty had taken to try the conspiracy of the popish lords, and how, after some pains taken in that business, he had indicted a parliament in July last for that cause, at which time nothing being done (albeit not in his default), and he impeshed¹ a long time after by the practises of Bothwell and other troubles in the country, was no sooner received forth of his hands than he fell again upon the same thoughts; and that now he had appointed a convention of the Estates at Linlithgow, for taking their advice touching the surety of his own person, the relief of the subjects’ oppression, and the ordering of all that business, especially since the said lords had by their letters and otherwise most humbly desired a trial, which he doubted not the Estates would consider, and so proceed therein as might best serve to the preserving of religion and the quietness of the country; his own intention being no other but to have them satisfy the Church, or, if they refused, to cause them to be expelled and banished the country. And for that end he had commanded them to remain at Perth, and attend the resolution of the Estates, dissolving their forces, if any they had assembled. Whercof his majesty did think meet to give all his subjects notice, that they might know his care for the maintenance of true religion against all the enemies thereof. And therefore inhibited the subjects to make any convocations; or if any were already made by the sinistrous informations of ill-disposed people, they were commanded to dissolve and turn to their houses, till they should be advertised either by missive letters or proclamations, and not otherwise, under the pains appointed for seditious persons and disturbers of the public peace.”

Notwithstanding of this discharge there came great companies to Edinburgh, and in all parts of the country were people stirring; so that the convention which was called to meet at the same time, being not very frequent, kept a short while together. The offers and petitions of the popish lords being only read, the consideration thereof was remitted to certain chosen by the Estates. These were the Lord Thirlstane, chancellor, the Earls Marshal, Mar, Montrose, and Rothies, the Lord Livingstone, Scot of Balwery, John

¹ Impeded.

Murray of Tullibardine, Alexander Bruce of Airth, Mr George Lauder of Bass, William Scot of Abbotshall, Mr David Carnegie of Colluthie, Sir Alexander Home of North Berwick, provost of Edinburgh, Clement Core, bailie, with the commissioners of the towns of Dundee, Cupar, Stirling, and Linlithgow. To these, or any four of every estate, together with his majesty's officers, power was given to consider the petitions and offers of the said lords, to try their accusations, purgations, and the truth thereof, and to conclude therein as they should think most expedient for the surety of religion, and redressing of disorders within the realm, ordaining their determination to be as valid and effectual as if the same had been concluded in parliament or convention. It was likewise ordained that Mr David Lindsay, Mr Robert Bruce, Mr Robert Rollock, Mr Patrick Galloway, and Mr James Carmichael, and John Duncanson should be admitted to the said conference, if they should desire; and that in the absence of any of the Estates nominated, such as were present should appoint others at their pleasure. The commissioners nominated having convened at Edinburgh the twelfth of November, after many days' reasoning grew to this conclusion.

“ That the king, for the public peace of the realm, and to remove all troubles and the occasion thereof, after mature deliberation and conference kept with the ministers, had, by the advice of the commissioners elected by the Estates, declared, and by irrevocable edict ordained, that the true religion established in the first year of his majesty's reign should be, only, professed and exercised in all time coming within the realm, and that none should supply or reset any Jesuits, priests, and other adversaries of religion, under the pains contained in the acts of parliament.

“ That such as have not embraced religion, or made defection from the same, should conform themselves before the first of February next, satisfy the Church, and obey such things as shall be prescribed to them by the king and the Church; or if any of them did think it difficile so to do for any scruple of conscience, that they should depart forth of the realm to such parts beyond sea as his majesty should appoint, betwixt this and the said day, and not return till they were resolved to embrace the truth and satisfy the

Church; they always and their heirs enjoying their lands and livings, and their procurators being licensed to appear before the ordinary judges for debating their actions, notwithstanding of any process laid against them.

“ That the earls of Angus, Huntly, and Erroll, the laird of Auchindown and Sir James Chisholme, should be unaccusable of the crimes contained in the summons executed against them by occasion of blanks and letters intercepted, and concerning their trafficking with strangers to the prejudice of religion, and the said process extinct for ever, discharging the justice, advocate, and other officers present and to come, of all calling and proceeding against them and their heirs therefor in time coming. But in case they have sent, or after this time shall send, any pledges forth of the realm for fulfilling of conditions tending to the overthrow of religion, in that case the said abolition should be null, neither should it be farther extended than to the crimes contained in the summons, and no way comprehend any murders, fire-raising, or other crimes committed by them.

“ That such of the said earls and others as should resolve to obey his highness’ laws in professing the true religion, before the first of February, should remain in the places and bounds to be appointed for them, and forbear all practising or intelligence with the Jesuits, priests, and other papists, debarring them from and forth of their company.

“ That they should neither dispute nor permit disputing at their tables against the truth, or in favour of popery, and entertain in their houses a minister, and be ready to hear conference, and resolve themselves of doubts, that they may be the better prepared to subscribe the Confession of Faith at the day appointed, unless it please the Church to prorogate their subscription for some longer space.

“ That the Earls of Huntly and Erroll should before the first of February remove out of their company Mr James Gordon and Mr William Ogilvie, Jesuits, and find surety, under the pain of forty thousand pounds, each of them to abide by their subscriptions, and not to make defection from the religion: Auchindown and Sir James Chisholme finding the like surety, under the pain of ten thousand pounds.

“ That such of them as make choice to leave the country, and will not embrace the true religion, should give assurance

to forbear all practising with Jesuits and others against religion and the state, when they are abroad, and, till their departing, keep no intelligence with any of that sect.

“ That they should declare their choice of the two conditions before the first of January to the king and Church; otherwise, in case they do not accept the same in manner and within the time above specified, they should enjoy no benefit by virtue thereof, but should be liable to trial and punishment of law, as if the same had never been proponed nor offered unto them.

“ That the Church should in the mean time call all suspected persons before them, requiring them to satisfy, and if they be obstinate, delate their names to his majesty and council, that they may be punished; and that masters and landlords be holden to answer for persons so suspected, as for other crimes.”

These were the conclusions taken in this meeting by the deputies of the Estates, and signed by the king and them, which likewise were to be subscribed by the three earls and their complices in token of their acceptation. What effect the same took, we shall afterwards hear.

In the end of this year there fell out great troubles in the west marches. Some of the surname of Johnston having in the July preceding made a great depredation upon the lands of Sanquhar and Drumlanrig, and killed eighteen persons that followed for rescue of their goods, a commission was given to the Lord Maxwell, then warden, for pursuing the doers with all hostility. Not long before a great friendship had been contracted betwixt him and the laird of Johnston, and bonds interchanged for assisting one another; which the Lord Sanquhar, Drumlanrig, and others interested by the Johnstons, feared should make him remiss in executing the commission: yet considering his disposition, and that he loved above all things to be followed, they took advice to offer their services, so as he would join with them for suppressing the power of the Johnstons. Maxwell, thinking this to be a good occasion for bringing all Nithsdale to depend upon him, embraced the offer; whereupon a bond was formed, and subscribed by them and these others, with divers of their friendship. This bond being negligently kept fell into the hands of one Johnston of Cummertrees, who served the Lord Max-

well, and was by him carried to the laird of Johnston; who resolving to dissemble his knowledge of the bond, sent a gentleman to learn of the Lord Maxwell himself if any such friendship was made up amongst them as was noised in the country. Maxwell at first denied that there was any such thing; but having missed the bond, and suspecting the same to have fallen into Johnston's hands, he excused the matter by the commission that was sent to him, saying, "He must obey the king, and do as he was directed."

Johnston, seeing whereto matters would turn, did associate to himself the Scots of Teviotdale, the Elliots, and Grahams of Esk, and hearing that Maxwell had levied some companies of horse and foot, and placed the foot-company with their captain called Oliphant in Lochmaben, to attend his coming to Annandale, resolved to prevent him and cut them off; and so falling upon them unexpected, killed the captain and divers of the soldiers. Some fled to the church, thinking to save themselves; but the same being set on fire, they came forth and rendered. Maxwell, to repair this dishonour, gathered in haste as good as two thousand men, and entered into Annandale with displayed banner, as the king's lieutenant, intending to raise the houses of Lockwood and Lockerby. Johnston, not equalling his forces, kept aloof, and, after the border fashion, sent forth some prickers to ride and make provocation. Against them a number went out of Maxwell's army, who encountering with a greater company were beaten and chased back to the stall or main host, which by their breaking in was wholly disordered. Johnston, that stood in a piece of high ground, beholding the issue of the skirmish, took the advantage of their confusion, and breaking upon them, without any resistance made, put them all to flight.

The Lord Maxwell, a tall man and heavy in armour, was in the chase overtaken and stricken from his horse. The report went that he called to Johnston, and desired to be taken, as he had sometime taken his father; but was unmercifully used, and the hand that he reached forth cut off. But of this I can affirm nothing. There always the Lord Maxwell fell, having received many wounds. He was a nobleman of great spirit, humane, courteous, and more learned than noblemen commonly are; but aspiring and ambitious of rule. His fall was pitied of many, for that he was not known

to have done much wrong in his time, and was rather hurtful to himself than others.

The king took these news very hardly, that his warden, a nobleman bearing his authority, should be cut off in such a manner, and he kept in such a business, what with Bothwell on the one hand, and the popish lords on the other, as he could not take journey to those parts, it grieved him exceedingly. Always for quieting the country, order was taken that the Lord Herries, Drumlanrig, Lagge, and some other barons should abide at Dumfries with their friends, and be ready upon all occasions to repress whatsoever stirs might arise.

The eighteenth of January, in a convention of the Estates called at Halyrudhouse, the earls of Angus, Huntly, and Erroll were declared to have amitted the benefit of the act of abolition, because of their misregard of his majesty's favour, and the not accepting of the benefit offered before the day prefixed. The king had used divers means to gain them, and would gladly upon assurance of their good behaviour have winked at crimes past; but all was in vain, the Jesuits prevailing with their counsels, and feeding them still with hopes of foreign aid: whereupon charges were directed for entering their persons in ward till trial was taken of the accusations laid against them. Angus was charged to enter in Blackness, Huntly in Dumbarton, and Erroll in the castle of Edinburgh, and Auchindown in Tantallan; but none of them gave obedience.

Now the time of the queen's lying-in drawing near, the king went to Stirling where she then abode, and remained with her until she was delivered upon the nineteenth of February of a son; about which time came the Lord Zouch, ambassador from the queen of England, to complain of the king his lenity in proceeding against the popish lords; for she had seen the conditions granted them in November, and was highly displeased therewith. But when the ambassador understood that they had lost the benefit of that grant in their own default, and that the king had proceeded so far as to make public declaration thereof, he was satisfied, and insisted to have the sentence of forfeiture pronounced against them. This not proceeding with such haste as he desired, he fell to treat secretly with Bothwell, who was making new

stirs, and had drawn numbers of all sorts to follow him ; yea with some specials of the ministry he found such credit, as both in their public sermons, and otherwise by their private dealings, they did encourage people to join with them ; and, which did most offend the king, sent one Mr Andrew Hunter, a minister, to be his preacher, and attend him as a chaplain. Nor did their folly, or madness rather, subsist here, but even the moneys which had been collected in the churches for the supply of Geneva, which was then in trouble, and deposed in the hands of Mr James Melvill, minister of Anstruther, were given to Robert Melvill and George Strong, two captains, for levying soldiers to assist him. Bothwell was then gathering new forces, and had appointed with the earls of Argyle and Athole to meet at Leith for the banishing of the popish lords, and revenge of the earl of Murray his slaughter (that was the pretext), and with them did the English ambassador keep intelligence.

This being discovered to the king, one of his servants, who had been spied in Bothwell's company, was committed in the castle of Edinburgh. Being examined, he confessed that by direction of his master he had spoken with Bothwell and Mr John Colvill, and that he believed they had some enterprise in hand, but what it was he knew not. The king, perceiving by his confession that the ambassador had a secret dealing with Bothwell, was greatly offended ; yet because he would not seem to infringe the privileges of ambassadors, after he had checked him with some sharp words, he dimitted his servant, and the ambassador departed, the king not vouchsafing him a farewell.

Bothwell in the mean time, with the forces that he had gathered in the borders, being about four hundred horsemen or thereby, advanced and came to Leith the second of April at three of the clock in the morning. The king remained at the time in Edinburgh not well accompanied ; yet hearing that Bothwell was come so nigh, he commanded the citizens and those that were with him to arm. He himself going to church, made a speech at the end of the sermon to the people, for the removing the suspicions conceived of his favouring the popish lords : and recounting Bothwell's treacherous attempts, desired them to remember that he was their king, to whom they owed all fidelity, and to consider in what case

they themselves should be, if Bothwell with his borderers, men given to theft and robbery, should get the upper hand. The hearers moved with his speeches showed great forwardness, and went incontinent to arms. The Lord Home was commanded to take the fields, and lead the horsemen that were in town. The king stayed with the foot, and before them marched the cannon, which was brought forth of the castle, making directly towards Leith.

How soon Bothwell understood that the king's forces were marching, considering he could not equal them in number, he removed from Leith, and dividing his men in three troops, took the way by Restalrig towards Dalkeith. The Lord Home with the horsemen followed to observe what course he held, and the king with the foot removing to the other side of the town made his stand in the field called the Boroughmuir. Home with his company being advanced so far as Niddry Edge, Bothwell turned upon him, and being far superior in horsemen, gave him the chase; which they that stood by the king perceiving, advised him to return into the town. But he refusing to stir, answered, "That he would never quit the fields to a traitor;" yet the danger was great, and, in the opinion of many, if Bothwell had taken his course directly to the king, and not pursued the chase so hotly, he might have carried the day; but in following, it happened his horse to stumble and fall to the ground, and he bruised with the fall was forced to retire. That night he went to Dalkeith, and on the morrow dissolved all his troops; which when Athole heard, he also went back into his country. The Fife captains with their soldiers arriving at Leith about midnight, when they understood how things had passed turned sail, and went sundry ways.

This purpose so defeated, the king sent the Lord Colvill and Mr Edward Bruce to the queen of England, to complain of the misdemeanour of her ambassador, and the reset that Bothwell found in her kingdom. In his letter to the queen, using a round plainness, he said, "That although it had pleased her to commend the ambassador she had employed for a wise, religious, and honest man, yet he had in his opinion been fitter to carry the message of an herald than a friendly commission betwixt two neighbour princes. That he had seen nothing in him but pride and wilfulness, and

that therefore denying to give him any answer, he choosed to send the same by his own messengers whom he desired her to credit as himself in all that they had in charge to deliver. For Bothwell," he said, "that he wondered how, notwithstanding of the many solemn promises made as well by her ambassadors as by letters of her own hand, that he should have no harbour within her country, yet was he not only reset by her people, but suffered to reside in some of her proper houses, and had received a good sum of English money, wherewith he waged both Scots and English in his late treacherous attempt. To think this was by her direction or privity he would not, so far it was against all princely honour; on the other part, that she being so wise and prudent a prince, and having so long and so happily governed her kingdoms, should be so slighted and contemned by a number of her subjects, as that such things should be done without her knowledge, it could hardly be believed. Wherefore leaving it to herself to solve these doubts, he would only remember her of the promise made at the delivery of Ororick, an Irish rebel, and desire her not to put him in balance with such a traitorous counterpoise, lest he should be constrained to say with the poet, *Flectere si nequeo superos, &c.*"

This was the substance of the letter. The credit committed to them was to assure the queen, "That seeing the popish lords had not embraced the conditions offered, he should prosecute the laws against them, proscribe their persons, and confiscate their lands; and to crave of her, as one whom that cause equally touched, a supply of moneys, till either they were expelled the realm, or their persons apprehended and presented to justice."

The queen excusing the oversight given to Bothwell by the slow pursuit of the popish lords, and the favour showed to them, promised that from thenceforth he should find no more reset in her country; and for pursuing the popish earls the king should lack no supply that was in her power to give. With this answer did Mr Edward Bruce return; for the Lord Colvill went from that into France, to congratulate the victorious and happy success of the French king against those of the league, and invite him to assist the baptism of the prince, which was appointed to be in July next.

The queen of England immediately upon the ambassador's

return, by a proclamation in all the borders, did inhibit the reset and harbouring of Bothwell, and the aiding of him in any sort; which the king did so kindly accept, as, rendering her many thanks for the same, he did therewith entreat her to assist at the baptism of the prince his son. The like employment Sir Peter Young his majesty's eleemosynar received for Denmark, the dukes of Brunswick and Mecklenburg; and to the general Estates Sir William Keith and Captain William Murray the provost of St Andrews, were directed.

The parliament being in the meantime indicted to the twenty-seventh of May, the Assembly of the Church convened at Edinburgh the seventh of the same month, where the excommunication of the popish lords was ratified, and ordained to be published in all the churches of the kingdom. The king did reside then at Stirling; and thither were Mr Patrick Galloway, Mr Robert Rollock, Mr Patrick Simpson, Mr James Melvill, and Mr James Nicholson directed by the Assembly, to represent the dangers wherein his majesty's person, crown, and liberty of the country stood, and to propose such remedies as in their judgment were fittest for preventing the same. Both the one and the other were conceived in this form.

The perils which oft before were threatened by the pernicious practices of Jesuits, and the malicious, unnatural, and treasonable conspiracies of the earls of Huntly, Erroll, and Angus, and their complices in betraying their native country to the cruel and merciless Spaniard, are no less urgent, and now more to be feared than when the danger seemed to be greatest, as may appear by the reasons following.

1. It is certain that the Spaniard, who with so great preparations, in the year 1588, enterprised the conquest of the whole isle, retaineth the same intention, wanting an occasion only to accomplish his promise; as is manifest by the intelligence he hath kept with the popish lords ever since the dissipation of that navy.

2. The open rebellion of the said lords at the bridge of Falkland, &c. with their continuance in the like treasonable attempts, notwithstanding his majesty's clemency in pardoning the same, doth evidence their obstinacy in prosecuting the same conspiracies.

3. Whereas the Church hath not ceased at all occasions

to lay open these dangers, and humbly entreated that some remedy should be provided, nothing hath been obtained; to the emboldening of the enemies in their practices and attempts.

4. Notwithstanding that it was enacted in council that none should presume to request for the said popish lords, under the pain of losing their places and offices; yet none are in such credit as their favourers, who, contrary to their promises, labour still to procure them oversight and immunity.

5. The masses openly celebrated in the house of Balgawy pertaining to Mr Walter Lindsay, the house of Birnes appertaining to the young laird of Bonnyton, the houses of Douglas, Strathbogie, Logiealmond, and Slaines, pertaining to the said earls, do show that either they think themselves assured of favour in the court, or of such assistance in the country as may maintain their cause, or then that they are persuaded to be supplied by strangers.

6. The act of oblivion offered to them, with the great discontent of all good subjects, would not have been rejected, except they had looked for greater favour and better conditions.

7. The disobedience they have showed in entering to their wards when they were charged, doth prove that they think themselves assured of the aid and concurrence of others.

8. The arriving of the Spanish bark lately at Montrose declareth that they have some practice to be put in execution presently, if the same shall not be timely prevented.

9. The open conventions they keep, since the arriving of the said bark, do show that they esteem their plots so substantially laid as they regard not what can be done for resisting the same.

10. The diligence they use in preparing and putting their friends and followers in arms, specially in the north parts, is an argument of some enterprise they go about.

11. And last, whereas his majesty and Estates did, upon the first discovery of their plots and practices, apprehend a great danger to religion, the king's estate, and liberty of the country, notwithstanding that the cause is not removed, there is no care taken to withstand their courses, which declareth that there is either a purpose to cover, extenuate,

and bear forth their wickedness, or that the Lord hath in his judgment blinded and hardened the hearts of all estates, that while the danger is greatest, they can neither see nor apprehend the same.

The remedies of the foresaid dangers were proponed as followeth.

1. That the parliament indicted to the twenty-seventh of the same month should not be prorogated, but the time thereof precisely kept, and the popish lords forfeited, and to that effect the Advocate sufficiently instructed for maintaining the relevancy of the summons, and probation in due time provided.

2. That none suspected in religion be chosen upon the articles.

3. That after the forfeiture, they be pursued with all extremity, their lands and rents annexed to the crown, and no part thereof disposed in favours of the persons forfeited.

4. That the guard be employed for apprehending Mr Walter Lindsay, the abbot of Newabbey, James Wood of Bonnyton, younger, Mr George Kerr (who had made an escape out of the castle the year before), Mr Alexander Leslie, Thomas Tyrie, and other traffickers and Jesuits.

5. That the houses of the rebels be possessed, and their livings intromitted with to his majesty's use.

6. That all persons be inhibited to reset, supply, or entertain any intelligence with the said lords, especially their vassals and dependers, and that none under whatsoever pretext contravene the same.

7. That the subjects be charged to put themselves in arms by all good means, and be in readiness to pursue and defend, as they shall be warned by his majesty, or otherwise upon urgent occasions.

8. That the bark arrived at Montrose be apprehended, and the persons that were within her, with such others as have had any dealing with them, and that they be examined diligently for the discovery of the practice they have presently in hand.

Somewhat was adjected concerning the Lord Home; but he compearing in the same Assembly, gave satisfaction to the Church, and was absolved from the sentence of excommuni-

cation. All the remedies the king allowed, promising how soon the forfeiture was passed to follow forth the same : only at the seventh he took exception, where it was desired that the subjects should put themselves in arms upon urgent occasions ; for he had not as yet forgotten the stirs of the year preceding, and would have none to arm but upon his own warrant.

Withal he sent Sir Robert Melvill and Alexander Home of North Berwick, with certain instructions to the Assembly ; whereof one was, “ That they should inhibit the ministers to utter any irreverent speeches in pulpit against his majesty’s person, council, or estate, under pain of deprivation :” and because one of their number, called John Ross, had in a sermon preached before the synod of Perth uttered divers treasonable and irreverent speeches of his majesty, it was craved that they should censure him as his fault had deserved. Another was, “ That they should excommunicate Mr Andrew Hunter, for the scandal he had brought upon their profession, he being the first open traitor of their function against a christian king of their own religion, and their natural sovereign.” A third instruction was, “ That by act of Assembly, ministers should be ordained to dissuade both by public and private exhortation their flocks from concurring with Bothwell in his treasonable attempts, or any others that should make insurrection against the authority established by God in his majesty’s person.” The last was assented unto, and an act made thereof ; but the censure of the minister Ross was carried more slightly, and he only admonished to speak in time coming so reverently and discreetly of his majesty, as there might be no just cause of complaint against him. Hunter was deposed from the ministry, as a deserter of his flock, and one suspected to have joined himself with the king’s rebels ; but the excommunication was not pronounced.

The parliament did hold at the time appointed ; yet because the noblemen convened slowly, three or four days were spent without doing any thing. In end, when by the excuses that divers made, a greater number was not expected, they that were present assembled in the parliament house, and keeping the form accustomed made choice of a number for the articles. Of noblemen there were three earls and six lords only present. Beginning was made at the summons of

forfeiture, the letters and blanks intercepted with Mr George Kerr presented, and the handwrits cognosced by witnesses. Some question there was about the blanks, and that which should have been insert in them; but the presumptions were so clear, as none could doubt what the subject should have been. Yet the noblemen urged a delay of the trial to a more full convention, which the king would not admit, knowing what misinterpretings that would make, and so by plurality of voices, the crimes of treason were found to be sufficiently proved, and the sentence of forfeiture pronounced against the three earls and Auchindown; their scutcheons of arms (as the manner is) torn by the herald, and they declared to have lost their honours, lands, and estates, for treasonable practices against the king and their native country.

In this parliament divers statutes were concluded, some in favours of the Church, and others very beneficial to the country: as the statute made for punishment of theft, robbery, and oppression; another against usury; and a third against the buying of pleas by judges and other members of the court of justice.

The next month passed in receiving the ambassadors that came to assist the baptism, which in the latter end of August next was performed with great solemnity. From England the earl of Sussex was sent; the king of Denmark, the dukes of Brunswick and Mecklenburg, with the estates of the United Provinces, had their ambassadors present. But from the French king there came not any, though they also were expected. At the day appointed for the solemnity, the prince was brought from his own chamber to the queen's chamber of presence, and laid in a bed dressed after a most stately form. How soon the ambassadors entered into the chamber, the countess of Mar accompanied with a number of ladies took up the prince, and delivered him to the duke of Lennox, who presented him to the ambassadors. Sussex, as having the first place, received and carried him in his arms to the chapel; the rest marching in their ranks, and followed by the ladies of honour, the mistress nurse, and others of inferior note. Before them went the Lord Home, carrying the ducal crown, the Lord Livingstone carried the towel or napkin, the Lord Seaton the basin, and the Lord Sempill the laver. Above the English ambassador there was a pale or canopy borne by the lairds of Cessford, Buccleuch, Dudhope, and Traquair.

The prince's train was sustained by the Lords Sinclair and Urquhart. In this manner they walked towards the chapel, a guard of the youths of Edinburgh well arrayed standing on each side of the way, and the trumpets sounding.

Being entered the chapel, the king arose from his seat, and received the ambassadors at the door of the quire; and then was the prince delivered to the duke of Lennox, who gave him to the nurse. After which the ambassadors were conveyed to their places, which were ordered in this manner: upon the king's right hand a chair was set for the French ambassador, but this was empty; next to him the ambassador of Denmark was placed; on the left hand the English ambassador and Lieger did sit; and next after them the ambassadors of Brunswick, Mecklenburg, and the States. Every chair had a tassel-board covered with fine velvet, and the ambassador of England besides the others had office-men standing by him to wait.

The service did then begin, and upon the end thereof the English ambassador arose and presented the prince to the bishop, who was appointed to administer the sacrament. This was Mr David Cunningham, bishop of Aberdeen. The action finished, Mr David Lindsay, minister at Leith, had a learned speech in French to the ambassadors. After which they returned to the chapel in the same order that they came. Then was the prince laid upon the bed of honour, and his titles in this sort proclaimed by the lion herald: Henry Frederick, knight and baron of Renfrew, lord of the isles, earl of Carrick, duke of Rothsay, prince and steward of Scotland. This done, certain pieces of silver and gold were cast forth at a window among the people, and a number of knights created. At night (for it was in the afternoon that the baptism was ministered) the ambassadors with their trains and the noblemen present were royally feasted, nothing lacking that was required to such a triumph. The rest of the month was spent in plays, running at tilt, and such other exercises as might give delight to the strangers.

Amidst these joys the king, not forgetting his more serious affairs, sent his secretary Sir Richard Cockburn of Clerkington to England, to desire the queen's assistance in pursuing the popish lords, according to the many promises made by the Lord Zouch and Mr Bowes, that how soon he should enter into action against them she would have an honourable

consideration of him and his burdens. And that now the sentence of forfeiture being pronounced, it concerned him both in honour and safety not to permit their longer stay in the realm. For the support desired and quantity thereof, he was commanded to follow the instructions given to Sir Robert Melvill in his last ambassage, and was enjoined to complain of one Mr Lock his entertainment in her court, who professed himself an agent for Bothwell; as likewise of Mr John Colvill his public residence in Tweedmouth. In these last points he received satisfaction; and shortly after Mr John Colvill, wearied of Bothwell's courses, by mediation of friends obtained his pardon. But for the matter of moneys, divers shifts and excuses were made; only some part of the annuity was advanced, which was due otherwise to the king.

In the beginning of September the ambassadors were dimitted with many thanks, nor were they sooner gone than a new conspiracy was detected. Bothwell having joined himself with the popish lords, and received a part of the foreign gold sent to them, did undertake to raise such perturbations in the south parts as the king should be compelled to relinquish the expedition he intended to the north; and if he could apprehend his person, to carry him to Blackness (the keeper whereof he had corrupted), and there detain him captive, till they might come and make their own conditions.

This enterprise was concluded in an hostelry at the church of Menmuir in August, where Huntly, Erroll, Angus, Bothwell, Auchindown, and divers others convened and subscribed a bond, which was given in custody to Sir James Scot of Balwery. By the apprehension of Mr Allan Orme, servant to Bothwell, and some papers that were found with him, the whole purpose was discovered; which the king caused to be published, that people might see what trust was to be given to Bothwell's religion.

This gentleman's case at his dying was greatly pitied, and much entreaty made as well for him as for James Cochran, keeper of Blackness: but the clemency showed in former times to the followers of Bothwell was judged so hurtful, as the king against his nature was compelled to use rigour. Thus the two gentlemen were condemned, and executed in the public street of Edinburgh in the beginning of October.

Immediately after the parliament, upon intelligence that certain Jesuits had arrived in the bark at Montrose, and brought with them some gold for supply of the popish lords, commission was given to the earls of Argyle and Athole, the Lord Forbes, and a number of barons, to go and expulse them forth of the country. But Argyle being young, and the rest declining the employment till his forces or he himself should take the fields, nothing was done. Whereupon Mr Robert Bruce, taking with him Mr James Balfour, made a journey to Argyle, and partly upon promises of recompense from the queen of England, partly upon hopes given that the lands of the rebels should be at his bestowing, persuaded the earl to undertake the commission. So gathering his forces, he set forward about the end of September, and travelling through the mountains came to Badenoch the twenty-seventh of that month, where he laid siege to the castle of Ruthven; but this was by the clan Pherson so strongly defended as he was forced to leave the siege, and turn unto the Lowlands for joining with the Lord Forbes, the lairds of Buchan, Drum, and Mackenzies, who were all preparing to meet him.

In his own company were the lairds of Tullibardine, Grant, M'Lean, Mackintosh, clan Gregory, M'Neill of Barra, with their friends and followers, reckoned in whole to ten thousand and above. Huntly, advertised of his coming, did resolve to fight him before his joining with Forbes and those of the inland, and was thereto encouraged by the earl of Erroll, who brought with him a small number of five or six score at most, but resolute gentlemen all. They of Huntly's part were thought not to exceed nine hundred. With this small number did he adventure, marching the first day from Strathbogie to Auchindown, where he encamped the second of October. Captain Ker, that had served him many years, a man of good experience, being sent the next morning to try what way Argyle took, did quickly return, and show that the enemy was at hand. The two earls hereupon dividing their forces, Erroll took the leading of the vanguard, wherein were three hundred; the rest abode with Huntly and made the battle.

How soon the forces came in sight one of another, Argyle was somewhat troubled, for he was made to believe that he

should see no enemy ; yet trusting to his numbers, he commanded M'Lean, who had the leading of his van, to advance ; he himself keeping the advantage of the ground, made the army stay on the side of a hill which was full of moss and bogs. Huntly had carried with him certain field-pieces, wherewith he played upon them in his approach, and therewith put them in great confusion ; for the Highlanders casting themselves on the ground, as their custom is, could hardly be raised so long as they heard the noise of the ordnance. Erroll perceiving this, made to give the charge ; but by reason of the steep ascent, he was driven to make a little compass, turning his side to the adversaries, who by that time were got on foot, and resuming a new courage, did rain upon Erroll and his men in their passing such a shower of darts and arrows, that, as they affirmed who were present, for the space of a quarter of an hour the light of day was palpably eclipsed. Auchindown was at this time killed, and Erroll dangerously wounded in his left arm and leg ; many had their horses killed, and were compelled to take them to their feet.

M'Lean, whose numbers were greater, environing Erroll and his company, held them so engaged betwixt himself and Argyle, as they had been all cut in pieces, if Huntly had not with speed come to their relief. But he, perceiving the danger, charged with such fury, as the van and main of both armies being joined, they entered into a cruel fight, which continued almost two hours. In end, the Argyle men were disordered and put to rout. The earl himself laboured all he could to rally them again together, but it would not be ; so amazed they were, as, without once looking back, down they went the other side of the hill with all the speed they could make. M'Lean, with a few isles-men, stood long unto it after the rest were gone, and retired in good order with the small company he had. Huntly pursued the chase to the foot of the hill, though the steepness of it be such as hardly can a man walk down it on foot ; but the eagerness of revenge made all dangers forgotten. There in a little burn or brook called Alwhannachy he had his horse killed, and before he could be again mounted the enemy was gone to another hill, where horsemen could not follow, and so the chase ceased. In this conflict Argyle lost two cousins, Archibald Campbell of Lochinzell, his brother James Campbell, M'Neill of Barra,

and about seven hundred common soldiers : on Huntly's part, besides his uncle Auchindown, twelve only were killed, but many were hurt and wounded.

This fight happened on Thursday the third of October 1594, and is called by the country people the battle of Glenlivet, albeit it was fought on a hill three quarters of a mile distant. The victory fell happily on Huntly's side for the country people, who should otherwise have been miserably spoiled if Argyle with his forces had prevailed.

The Lord Forbes, with the lairds of Buchan and Drum, that were advancing to assist Argyle, upon advertisement of his defeat, and that he was turned back, made after him, thinking to persuade his return. But by the way a gentleman of the name of Irwyn being killed by the shot of a pistol in the dark of the night, there entered such a distrust and jealousy amongst them, none knowing who was the doer, as presently they separated and went every man to his home.

The king had the news of Argyle's defeat brought him at Dundee, which made him hasten his journey unto the north. The sixteenth of October he came to Aberdeen, where counsel was taken for demolishing the houses of Strathbogie, Slaines, and Newton. In this service the Earl Marshal was employed, having some companies of horse and foot allowed him till the same was accomplished.

Huntly and Erroll during that time did lurk in Sutherland, thinking how soon the king returned south to come back into their countries; but the duke of Lennox being left lieutenant in those parts, by the counsel and assistance of those that were appointed to attend him, put them to such extremity as they made offer to depart forth of the realm, and laid surety neither to return without his majesty's license, nor to practise against religion and the state whilst they stayed abroad. It was debated a while, whether or not such a capitulation might stand with the king's honour; and his majesty being thereupon consulted, in regard of the many difficulties that pressed him in the time, and that it made for the quietness of the kingdom to have them put away, the surety offered was accepted; which done, the duke of Lennox, having stayed in those parts three months, returned about the midst of February to Edinburgh.

Bothwell now was in miserable plight, being hated of the

queen of England for his combining with the popish lords, excommunicated by the Church, and forsaken of his fellows, especially Mr John Colvill, who had followed him in all his troubles, and knew the places of his reset; for he had made his peace, and (as the rumour went) betrayed Hercules Stuart, Bothwell's brother, who about the same time was executed publicly in the street of Edinburgh. These things did so increase his fears as, not knowing whom to trust, he stole away privately to France. The king hearing that he was gone, and had taken land at Newhaven in Normandy, sent a gentleman to the French king, to demand him as one who was declared a traitor; and, if that was denied, to desire that he might be banished France. The answer of the French king was, "That he should give him no countenance; but since he had taken his refuge thither, he could not but suffer him enjoy the free air of his country." Some months he remained there, till either wearied of the bad entertainment he found, or, as it was said, for challenging a gentleman to combat, against the king's edict, he was forced to quit those parts and flee into Spain; from thence he went to Naples, where he lived in a poor estate unto his death, which happened some years after the king his going into England.

How soon Bothwell was gone, all his followers did sue for pardon. Sir James Scot of Balwery offering to exhibit the bond made at the church of Menmuir betwixt Bothwell and the popish lords, which he had in custody, was brought before the council, and having produced the same, laid open all their plots. By his deposition it appeared that Sir James Douglas of Spott was the principal worker of that agreement. Whereupon the ministers of Edinburgh were called, and the bonds showed unto them, bearing a mutual concurrence in all things, religion not excepted. Whereupon they were desired to pronounce Spott excommunicated, as one that had made defection from the truth, and was otherwise suspected of heinous crimes: but they excusing themselves, the commissioners of the General Assembly were called to meet at Stirling, where, after some debating, the sentence was pronounced against him. Balwery, after a few days' imprisonment, was set at liberty and remitted, but never prospered after that time, and ruined his house utterly, for

an ensample to all that will be meddling with factious and seditious rebels.

The year following, an Assembly of the Church was kept at Montrose in the month of June, where the commissioners for the king did urge these articles. First, Whosoever did meddle or practise in any treasonable enterprise against his majesty's person and estate, being found and declared culpable by law, they should likewise incur the sentence of excommunication, that so there might be an inseparable union betwixt the two swords. Secondly, That no excommunication should be pronounced at the appetite of particular men, but that a sufficient number of the Church should be first assembled, and the same determined by public consent. Thirdly, That none should be excommunicated for civil causes, crimes of light importance, or particular wrongs of ministers, lest the censure should fall into contempt, and become like the pope's cursing. Fourthly, That no summary excommunication should be thenceforth used, but that lawful citation of parties should go before, in all causes whatsoever.

To the first the Assembly agreed, with this clause, *Legitima cognitione ecclesiastica praveunte*. To the second they likewise condescended. But to the third and fourth they answered, that those being points of great weight, and craving a mature deliberation, could not on the sudden be determined; and so continued the resolution thereof to the next Assembly, discharging in the mean time any summary excommunication to be used, with this exception, *Nisi salus ecclesie periclitetur*. The exception displeased the king, for he thought it would serve the turbulent sort for a colour to all their proceedings.

But there fell out in the mean time a business which made all these things be forgotten. The queen, moved by some that envied the earl of Mar his credit, laboured to have the prince her son in her own custody, and had drawn the chancellor and divers of the council to promise their assistance. Advertisement given of this to the king, who was then at Falkland, he came to the queen at Halyrudhouse, and inhibiting any of the council to come towards him till he should call them, dealt so with the queen as he diverted her from that course, and made her go and remain at Stirling. How soon she was gone, calling the chancellor and such of the council

as were suspected to have fostered her in those conceits, he showed himself much displeas'd, and chiding them bitterly followed the queen to Stirling; where he remained not long, but, returning to Falkland, left to the earl of Mar a warrant written with his own hand, and conceived in this form. "My lord of Mar, because in the surety of my son consisteth my surety, I have concredited unto you the charge of his keeping upon the trust I have of your honesty; this I command you with my own mouth, being in the company of those I like; otherwise for any charge or message that can come from me you shall not deliver him. And in case God call me at any time, see that neither for the queen nor the Estates their pleasure you deliver him till he be eighteen years of age, and that he command you himself. Stirling, the twenty-fourth of July 1595." This warrant, as it showed the king's displeasure at those that had combined in the plots, so it declared the great trust he put in this nobleman.

Shortly after the chancellor, taking to heart the king's offence, contracted a hearty sickness at his house of Lauder, and sending his cousin the secretary to the king, who remained then at Hamilton, did by him excuse his dealing in that matter, and with a solemn protestation of his fidelity in all his majesty's services, seriously commend his lady, children, and friends, now that he was to end his life, to his majesty's protection. The king was much troubled with the news, and wrote unto him with his own hand the letter following. "Chancellor, how sorry I am of these news I leave it to yourself to judge, who knoweth I was never a dissembler of my affections. And yet I trust that God will not spoil me of you so untimely. Therefore will pray you, so far as you may, with a valiant heart resist the assaults of your sickness, hoping in the goodness of my fortune that God will reserve you yet to me, as Hezekiah was to his people; for the necessity betwixt prince and subject is reciproque: neither can any sickness, how heavy soever it be, take away the life, if God cut not the thread thereof. As to your suits, in case God calls you, I need no remembrance, for since I made you a pattern of my constant favour during your life (as yourself hath often said), I am much more bound of princely duty to make your wife, and posterity that bears your image, a vive representation of

my thankful memory. And to comfort you in this, remember what I have done to the duke, and my lady Huntly, for their father's sake. This may assure you, that in case of the worst (which God forbid), your thoughts shall be prevented herein by my thankful behaviour to them; and for your cousin the secretary, he shall be the better at my hand in losing you. But I grieve to hear better news; and if time and distance of place could have permitted me in any way, I should not have spared to have carried mine own message myself. God send you your health, and keep you to me and to your native country."

This letter showed in what account the king held him; and in truth he deserved nothing less, for he was a man of rare parts, of a deep wit, learned, full of courage, and most faithful to his king and master. In that last business which the queen went about, of taking the prince from the earl of Mar, he was consenting; for the two noblemen had their own private emulations, but it was ever with a reservation of his majesty's pleasure. No man did ever carry himself in his place more wisely, nor sustain it more courageously against his enemies, than he did. Being visited in his sickness by Mr Robert Bruce and the ministers of Edinburgh, he expressed a great contempt of the world and of the vanities of it, lamenting that he had not done the good which he would and might have done in his place, being impeded, as he said, by the malice of his adversaries, who were ever plotting his death and ruin. Two months he continued under that languishing sickness, and ended his days most happily the third of October 1595. The king did greatly lament his death, and honoured him with this epitaph.

"Thou passenger that spies with gazing eyes
This trophy sad of death's triumphing dart,
Consider when this outward tomb thou sees,
How rare a man leaves here his earthly part,
His wisdom and his uprightness of heart,
His piety, his practice of our state,
His quick engine so versed in every art,
As equals all were ever at debate.
Thus justly hath his death brought forth of late
An heavy grief in prince and subjects all
That virtue love, and vice do bear at hate,
Though vicious men rejoices at his fall.
So for himself most happy doth he die,
Though for his prince it most unhappy be."

Others for all this spared not to express their malice in libels and rhythms after his death, some whereof were cast in the king's chamber at Linlithgow and other places; but as the authors were not known, so were the rhythms despised and contemned by all good men. His body was some days after conveyed to Haddington, and solemnly interred in the sepulchre of his fathers.

This year was by the vulgar people reckoned among the ill years, because of the dearth and scarcity of corns, which the abundance of rain in the harvest-time had caused; yet for the bloodshed and slaughters committed in all quarters of the country was it more justly to be so accounted. For in the south parts the Johnstons and Maxwells had a bloody conflict, wherein divers were killed; the greatest loss falling upon the Maxwells that went from the west parts beside Glasgow, to assist their friends in the south.

In the isles and Highlands were likewise great troubles; nor was the incountry more quiet, bloods and slaughters daily falling out in every place. Among which none was more odious than the slaughter of David Forrester, citizen of Stirling, killed as he was returning home from Edinburgh by some that lay in wait for his life. The lairds of Airth and Dunipace were thought to have hounded out the committers, upon a spleen conceived against the gentleman for the credit he had with his master the earl of Mar; for no other quarrel could be pretended. The nobleman, taking this greatly to heart, caused bring the body of his servant to Linlithgow (for he was killed nigh to Kirkhston), and with his whole friendship conveyed the same to Stirling there to be interred, carrying along the portrait of the dead with the wounds he had received, drawn on a white sheet, to move the beholders to a great detestation of the fact. The corpse buried, and the earl following the course of law, the Lords Livingstone and Elphingston did party the committers. And though the king by his proclamations did prohibit the assisting either of the pursuer or defenders, commanding justice to be done, nothing could take effect in that troublesome time; so powerful was the combination of parties. But that, which by the ordinary way of justice could not as then be required, we have seen since visibly

punished in the fall and ruin of those families, for a lesson to all men to fly and abhor the shedding of innocent blood.

The year preceding the king had directed, as we showed, Sir Richard Cockburn of Clerkington, his secretary, to England, and amongst other instructions willed him to urge the payment of the moneys which the Lord Zouch and Mr Bowes the queen's ambassadors had often promised. Wherein finding nothing but delays, and his necessities daily growing, he resolved to look to his own estate at home, and order his revenues to the best profit. For this effect he made choice of eight persons to rule the affairs of the exchequer. These were Alexander Lord Urquhart, president of the college of justice, Walter, commendator of Blantyre, lord privy seal, Mr David Carnegy of Colluthie, Mr John Lindsay, parson of Menmuir, Mr James Elphingston of Innernachty, Mr Thomas Hamilton of Dummany, Mr John Skeen, clerk of register, all senators of the college of justice, and Mr Peter Young of Seaton, his eleemosynar.

To these eight or any five of them was intrusted "the full and free administration of the whole rents and duties pertaining to the offices of controulerie and collectory, resigned and dimitted by the former officers in his majesty's hands, with power to deprive and discharge all inferior chamberlains, under collectors, customers, searchers, intromitters whatsoever, with any of the said rents, all inferior clerks of the said offices; and to appoint new clerks, receivers and intromitters with the same (excepting only the office of the clerk of register, his fees, privileges, and other commodities belonging to him or any of his predecessors), to hear and exact an account of stewards, sheriffs, bailies, provosts of burghs, customers, clerks of cocquet, searchers, chamberlains, receivers, factors, and intromitters with the farms, males, profits, and duties, canes, customs, fishings, coal-heuchs, parks, steadings, orchards, and other rents of the property annexed of old and of new, or unannexed, and belonging any way to the patrimony of the crown; as also to hear the unmade compts of the treasurer and his deputies, the general and warden of the coin, and taskmen and labourers of the mines and metals, the collectors of the taxation, the master of the wardrobe, jewels, and moveables, the

master of work, the munition and plenishing of castles, the monks' portions, the payment of the guard and men of war, the rents of colleges, hospitals, schools, and students, the common good of burghs, the dowry and whole moneys appertaining to the king, as well within the realm as coming from other parts, and to allow or refuse allowance thereof as they should find meet : with power likewise to appoint and set fines and penalties for offences, to make and set down the prices of wines, victuals, and corns, yearly, to put an order to his majesty's house and esquiry and stable, and make provision therefor ; to repair the decayed customs, appoint the order of uplifting the same, and to roup and set them to the best profit ; to consider the state of the present coin, and therein direct what they should think requisite ; to assist the treasurer and his compositors in the expeding of signatures, and that without their advice nothing should pass ; to examine the diligence of sheriffs and other inferior judges, with their officers, and negligence ; to correct and punish the faults of officers of arms ; to compone, transact, or uplift the escheats of persons denounced to the horn ; and generally to do and perform all things proper to the exchequer : they enjoying such places in council and parliament as the officers thereof had in former times, with all the power, privileges, honours, and immunities that belonged thereto, either by acts of parliament or by consuetude of the realm."

The king did further promise, *in verbo principis*, " not to join any more to the present commission at any time thereafter ; and in case any place fell void by decease of any of the present commissioners, to receive and admit none but by advice and consent of those that remained alive ; as also not to sign any letter or signature concerning the disposition of any of the rents of property, collectory, or new augmentations, confirmations, or ratifications of any former gifts, dispositions, pensions, or infeftments, or licenses for transporting of forbidden goods, unless the same were first heard, allowed and subscribed by the said lords, or any five of them, sitting in council ; and in case any signature or letter should pass otherwise, the same should be null by way of action, exception, or reply, notwithstanding that the seals were appended thereto. The keepers whereof were discharged to append

any signet or seal, except the letters or signatures were subscribed in manner above rehearsed, under the pain of losing their offices. Moreover it was declared that the said lords should have power to direct letters of horning, poinding, and caption upon their own acts and decreets; and that no suspension of any charges for ingathering any part of the patrimony should pass, except in exchequer or session, three of the said lords subscribing the same."

The lords again made faith, "That next unto God and good conscience they should in all things respect his majesty's weal, honour, and the advancement of his revenue, and neither for tenderness of blood, commodity to themselves, awe or fear of any person, consent to the disposition of any part of the patrimony whereby his majesty's profits might be diminished; and that they should not give their consents severally, but being assembled, at least five of them, in exchequer; under protestation, that the accepting of the said commission should not be a reason of declining them in any action that concerned his majesty, seeing they did neither receive fee, nor were intromitters with any part of the rents, but only directed the receivers and collectors of the same."

This commission approved by the lords of council was published at the market-cross of Edinburgh the twelfth of January 1595; divers excepting at the amplexness of it, and saying, "That the king had left nothing to himself but the naked title of a king, and put all his power and means in the hands of others, so as subjects were to expect no benefit nor revenue from him." The courtiers, they especially of the beuchaiber, did grudge exceedingly, that all occasion to do good to themselves or their friends was this way cut off. Nor was it long before these commissioners became extremely disliked, partly for their strict dealing with the subjects, and partly for drawing all the offices into their own hands. Beginning was made at Mr David Macgill, advocate, whom they pressed to dimit and resign his office because of his age and imbecility, as they pretended; and when by no persuasion he could be moved unto it, they did associate with him in office Mr Thomas Hamilton, one of their own number; which bred him such a grief, as shortly after he ended his days. Next they fell upon the master of Glammis' treasurer, and his deputy Sir Robert Melvill, and by examining their

accounts found them liable in such sums to the king as, to obtain a *quietus est*, they were glad to resign the thesaurie, which was bestowed on the prior of Blantyre. Then did they labour the secretary Sir Richard Cockburn to resign his place, and exchange it with the office of privy seal, which Blantyre had dimitted in favour of Mr John Lindsay. This was easily effected, the gentleman not liking to contend or fall in question with them. The office of the collectory, resigned by the provost of Lincluden, was given to Mr James Elphingston. The president they intended to make chancellor; but to this the king would not condescend, knowing how he stood affected in religion, and that his preferment to that chief place would open the mouths of the ministers, and raise a clamour in the country. These proceedings did work them much hatred, and (as is the lot of those that rule in estates) whatsoever was amiss they carried the blame, albeit in many things they were innocent.





